
Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 16 August 2021 commencing at 6.00pm.

Councillors attendance

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

Councillors apologies

Nil

Employees attendance

General Manager (Ms Sandra Ayton)
Director Infrastructure Services (Mr Paul Breaden)
Director Community Services (Mr Daryl Connelly)
Director Organisational Services (Mr Ian Stoneman)
Manager Land Use Planning (Ms 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.

CONFIRMATION OF MINUTES OF THE COUNCIL

217/2021 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the ordinary meeting of the Council held on 19 July 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 19 July 2021 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

218/2021 Council workshops

The Executive Services Officer reported as follows:

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

- . 02.08.2021 – Leith overpass with the Department of State Growth; Complete Streets – Penguin town centre review and Master Plan options; Penguin Foreshore Stage B – Tender review
- . 09.08.2021 – Penguin District School tour and project walkthrough; Annual Plan 2021–2022 timelines

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

219/2021 Mayor's communications

The Mayor to report:

"I have no communications at this time."

220/2021 Mayor's diary

The Mayor reported as follows:

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

- . Central Connect Leadership Roundtable Meeting – Ulverstone
- . Greening Central Coast Strategy Working Group – Ulverstone
- . Central Coast Chamber Commerce and Industry Annual General Meeting – Penguin
- . Switch Board Meeting – Ulverstone
- . Ulverstone Soccer Club Lighting Upgrade Project unveiling – Ulverstone
- . TasWater Owners Representatives Quarterly Briefing – Devonport
- . Local Government Association of Tasmania (LGAT) Conference – Hobart
- . Meeting with the Hon. Roger Jaensch MP – Ulverstone
- . The Road that Cuts the Rivers production – Ulverstone
- . National Reconciliation Week Breakfast – Devonport
- . Radio interview."

The Deputy Mayor reported as follows:

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

- . Beyond Blue Event – West Ulverstone Football Club – Ulverstone
- . Ulverstone Fire Brigade – Annual Dinner – Ulverstone."

The Executive Services Officer reported as follows:

■ Cr Viney moved and Cr Fuller seconded, "That the Mayor and Deputy Mayor's reports be received."

Carried unanimously

221/2021 **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 Fuller reported as follows:

“I will be declaring an interest in respect of the matter relating to minute 237/2021 – Residential – Subdivision – four lots – Suitability of a site or lot for use or development – 170 Main Road and 25 Bowman Drive, Penguin – Application No. DA2021137.”

COUNCILLOR REPORTS

222/2021 **Councillor reports**

The Executive Services Officer reported as follows:

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

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

Cr Fuller reported (in a non-official capacity) on the Penguin 7-Day Makeover Committee’s Annual General Meeting, congratulating Libby Burton who was re-elected as President, with

the remaining committee roles also appointed. The committee are looking to celebrate in their own way, now that the Tidy Towns Awards are to be held remotely. Additionally, Cr Fuller acknowledged the Penguin History Group's Annual General Meeting where Craig Dunham was re-elected as President, and noted that Central Coast boasts great volunteers, doing great work within the community.

Cr Diprose acknowledged the recent passing of Mr Steve Daley (Turners Beach) acknowledging some of his achievements which included:

- . Master of Ceremonies for Devonport and Burnie Sports Carnivals, North-West Basketball, Burnie Ten, Devonport Regatta and President of the Devonport Athletic Club and Football Club over 40 plus years;
- . Chief Executive Officer of Devonfield Enterprises for 30 plus years;
- . Awarded Life Membership of the Sports Carnivals Association of Tasmania in 2018, with the Hobart Carnival's Men's Wheel Race named in his honour;
- . Awarded the Medal of the Order of Australia for Services to the Community through organisations providing care support and rehabilitation for people with disabilities and their carers, in 2006; and
- . Was a Member of the Tasmanian State Committee of the National Disability Services.

Further to this Cr Diprose reported on the recent success of Central Coast at the Surf Life Saving Tasmania's – Awards of Excellence, which included:

- . Surf Lifesaver of the Year – Dean Dunham – Penguin;
- . Under 23 Boat Crew – Team of the Year – Penguin;
- . Community Education Program – Silver Salties, Penguin;
- . Nomination for Volunteer of the Year – Nicholas Canales;
- . Nomination for Official of the Year – Heather Morris;
- . Youth Life Saver of the Year – Murphy Knowles – Ulverstone;
- . Junior Life Save of the Year – Oceania Eustace – Ulverstone; and
- . Official of the Year – Elizabeth Eustace – Ulverstone.

Cr Hiscutt acknowledged that Ken Knight of the Penguin Surf Life Saving Club was presented his Surf Life Saving Australia Life Membership Cap at the Awards of Excellence.

APPLICATIONS FOR LEAVE OF ABSENCE

223/2021 Leave of absence

The Executive Services Officer reported as follows:

“The *Local Government Act 1993* provides that the office of a councillor becomes vacant if the councillor is absent without leave from three consecutive ordinary meetings of the council.

The Act also provides that applications by councillors for leave of absence may be discussed in a meeting or part of a meeting that is closed to the public.

There are no applications for consideration at this meeting.”

DEPUTATIONS

224/2021 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

225/2021 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

226/2021 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 ensured.

227/2021 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.

PUBLIC QUESTION TIME

228/2021 Public question time

The Mayor reported as follows:

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

229/2021 Public questions taken on notice

The Executive Services Officer reported as follows:

"No public questions were taken on notice from the 19 July 2021 meeting."

DEPARTMENTAL BUSINESS

GENERAL MANAGEMENT

230/2021 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 Community Shed Management Committee Annual General Meeting – meeting held 5 July 2021
- . Central Coast Community Shed Management Committee – meeting held 5 July 2021
- . Central Coast Community Safety Partnership Committee – meeting held 14 July 2021
- . Central Coast Community Shed Management Committee – meeting held 2 August 2021

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

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

Carried unanimously

231/2021 Correspondence addressed to the Mayor and Councillors

The General Manager reported as follows:

“A Schedule of Correspondence addressed to the Mayor and Councillors for the period 20 July to 16 August 2021 and which was addressed to the ‘Mayor and Councillors’ is appended. Reporting of this correspondence is required in accordance with Council policy.

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

The Executive Services Officer reported as follows:

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

■ Cr Viney moved and Cr Beswick 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

232/2021 Common seal

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 20 July to 16 August 2021 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.

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

The Executive Services Officer reported as follows:

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

■ Cr Carpenter moved and Cr Hiscutt 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

233/2021 Contracts and agreements

The General Manager reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into for the period 20 July to 16 August 2021 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

■ Cr Beswick moved and Cr Viney 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

234/2021 Council acting as a planning authority

The Mayor reported as follows:

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

The General Manager has submitted the following report:

‘If any such actions arise out of Minute Ref. 235/2021, 236/2021 and 237/2021, 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 Fuller moved and Cr Beswick seconded, “That the Mayor’s report be received.”

Carried unanimously

235/2021 Community meeting and entertainment – advertising/third-party billboard sign – E7 Sign Code at 41 Clayton Road, Ulverstone – Application No. DA2021067

The Director Community Services reported as follows:

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

<i>‘DEVELOPMENT APPLICATION NO.:’</i>	DA2021067
<i>PROPOSAL:</i>	Community meeting and entertainment – advertising/third-party billboard sign – E7 Sign Code
<i>APPLICANT:</i>	Melle Zwerver
<i>LOCATION:</i>	41 Clayton Road, Ulverstone
<i>ZONE:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)

<i>ADVERTISED:</i>	7 July 2021
<i>REPRESENTATIONS EXPIRY DATE:</i>	21 July 2021
<i>REPRESENTATIONS RECEIVED:</i>	Nil
<i>42-DAY EXPIRY DATE:</i>	12 August 2021 (extension of time granted until 16 August 2021)
<i>DECISION DUE:</i>	16 August 2021

PURPOSE

The purpose of this report is to consider an application for a third-party billboard advertising sign on land that accommodates the activities and services of “Camp Clayton”.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation; and
- . Annexure 3 – aerial view.

BACKGROUND

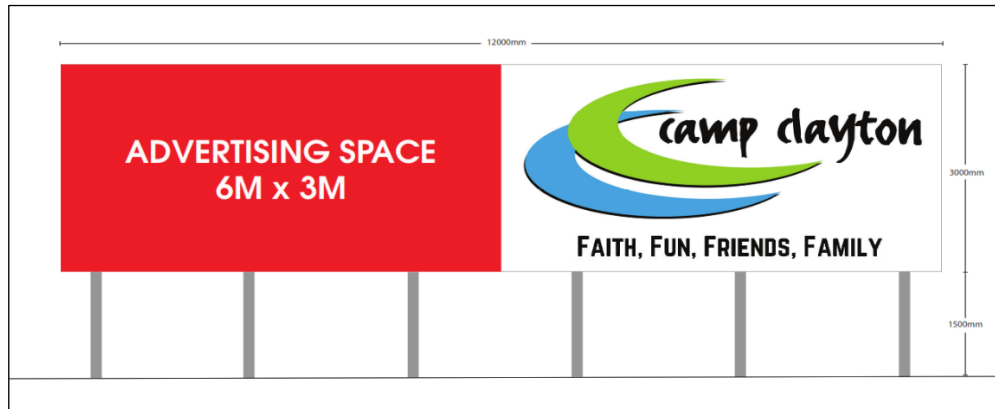
Development description –

Application is made for a billboard sign on land that accommodates the operations of a community meeting, counselling, camping and recreational organisation known as “Camp Clayton”, located at 41 Clayton Road, Ulverstone.

The proposed sign would be 4.5m high above natural ground level and would have a total display area of 36m².

Signage would comprise two panels, located side by side, each with a 6m long, 3m high display panel area. Fifty percent of the sign would be dedicated to the on-site activities and services offered by the Camp Clayton organisation.

The other fifty percent of the display area would be made available for hire as a third-party advertising billboard. Refer to elevation below.



The sign would be located 2m from the front boundary to Clayton Road, facing the Bass Highway, for maximum exposure. Refer to photomontage below, as provided by the applicant.



Site description and surrounding area –

The site is located approximately 1.5km east of Ulverstone and 1km west of the residential seaside settlement of Turners Beach. The site of the proposed sign is slightly elevated and visually obvious and falls within a scenic 'view shed' when travelling west to east along the Bass Highway.

The land is zoned Rural Resource and supports a multitude of buildings associated with the functions and activities that occur at Camp Clayton, such as workplace training courses, school camps, wellbeing and religious camps and associated workshops. Surrounding adjoining land to the east and west is also zoned Rural Resource.

The TasRail Western Line corridor runs along the northern boundary of the land. Camp Clayton land is also located on the other (northern) side of the TasRail corridor, adjoining the environs of Bass Strait.

Apart from the area of land that accommodates the assortment of buildings and recreational activities, the balance of the land is primarily cleared of native vegetation and is used for the grazing of cattle.

History –

The activities of Camp Clayton have occupied the site for many years.

In 2009, the Council issued a permit for an extension to the office facility and in 2020, a permit was issued for a recreation equipment storage and ablutions building.

Future under draft Central Coast Local Provisions Schedule –

The land is proposed to be rezoned from Rural Resource to Rural under the Central Coast Local Provisions Schedule (the LPS).

DISCUSSION

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

26.0 Rural Resource Zone

CLAUSE	COMMENT
26.3 Use Standards	
26.3.1 Requirement for discretionary non-residential use to locate on rural resource land	
<p>26.3.1–(P1) Other than for residential use, discretionary permit use must:</p> <ul style="list-style-type: none"> (a) be consistent with local area objectives; (b) be consistent with any applicable desired future character statement; (c) be required to locate on rural resource land for operational efficiency: <ul style="list-style-type: none"> (i) to access a specific naturally occurring resource on the site or on adjacent land in the zone; (ii) to access infrastructure only available on the site or on adjacent land in the zone; (iii) to access a product of primary industry from a use on the site or on adjacent land in the zone; 	<p>Compliant.</p> <p>Community meeting and entertainment use is “Discretionary” in the Use Table for the Rural Resource zone.</p> <p>However, under Special Provisions Clause 9.2 of the Planning Scheme, any application for use and development associated with a Use Class specified in the Use Table as “Discretionary”, must be considered to be of “Permitted” status in the Use Table, where the proposal for development does not establish a new use, or substantially intensify a lawful, existing, approved use.</p> <p>Fifty percent of the signage proposed is associated with the existing, approved use of the land.</p>

<ul style="list-style-type: none"> (iv) to service or support a primary industry or other permitted use on the site or on adjacent land in the zone; (v) if required – <ul style="list-style-type: none"> a. to acquire access to a mandatory site area not otherwise available in a zone intended for that purpose; b. for security; c. for public health or safety if all measures to minimise impact could create an unacceptable level of risk to human health, life or property if located on land in a zone intended for that purpose; (vi) to provide opportunity for diversification, innovation, and value-adding to secure existing or potential primary industry use of the site or of adjacent land; (vii) to provide an essential utility or community service infrastructure for the municipal or regional community or that is of significance for Tasmania; or 	
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<p>(viii) if a cost-benefit analysis in economic, environmental, and social terms indicates significant benefits to the region; and</p> <p>(d) minimise likelihood for:</p> <p>(i) permanent loss of land for existing and potential primary industry use;</p> <p>(ii) constraint or interference to existing and potential primary industry use on the site and on adjacent land; and</p> <p>(iii) loss of land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i> or land that may benefit from the application of broad-scale irrigation development.</p>	
<p>26.3.2 Required Residential Use</p>	
<p>26.3.2-(A1) Residential use required as part of a use must:</p> <p>(a) be an alteration or addition to an existing lawful and structurally sound residential building;</p> <p>(b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling;</p>	<p>Not applicable.</p> <p>Proposal is for an advertising sign.</p> <p>Refer to E7 Sign Code assessment.</p>

<ul style="list-style-type: none"> (c) not intensify an existing lawful residential use; (d) replace a lawful existing residential use; (e) not create a new residential use through conversion of an existing building; or (f) be home based business in association with occupation of an existing lawful and structurally sound residential building; and (g) there is no change in the title description of the site on which the residential use is located. 	
26.3.3 Residential use	
<p>26.3.3–(A1) Residential use that is not required as part of an other use must:</p> <ul style="list-style-type: none"> (a) be an alteration or addition to an existing lawful and structurally sound residential building; (b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling; (c) not intensify an existing lawful residential use; 	<p>Not applicable.</p> <p>Proposal is for an advertising sign.</p> <p>Refer to E7 Sign Code assessment.</p>

<ul style="list-style-type: none"> (d) not replace an existing residential use; (e) not create a new residential use through conversion of an existing building; (f) be an outbuilding with a floor area of not more than 100m² appurtenant to an existing lawful and structurally sound residential building; or (g) be home based business in association with occupation of an existing lawful and structurally sound residential building; and (h) there is no change in the title description of the site on which the residential use is located. 	
26.4 Development Standards	
26.4.1 Suitability of a site or lot on a plan of subdivision for use or development	
<p>26.4.1-(A1) A site or each lot on a plan of subdivision must:</p> <ul style="list-style-type: none"> (a) unless for agricultural use, have an area of not less than 1.0 hectare not including any access strip; and (b) if intended for a building, contain a building area 	<ul style="list-style-type: none"> (a) Compliant. Land area is 17.94ha. (b) Note – the Planning Scheme’s definition of a “building” means “as defined in the Act”. The <i>Land Use Planning and Approvals Act 1993</i> defines a “building” to include a “structure”.

<ul style="list-style-type: none"> (i) of not more than 2,000m² or 20% of the area of the site, whichever is the greater unless a crop protection structure for an agricultural use; (ii) clear of any applicable setback from a frontage, side or rear boundary; (iii) clear of any applicable setback from a zone boundary; (iv) clear of any registered easement; (v) clear of any registered right of way benefiting other land; (vi) clear of any restriction imposed by a utility; (vii) not including an access strip; (viii) accessible from a frontage or access strip. 	<ul style="list-style-type: none"> (b)(i) Compliant. Total building area at 41 Clayton Road would not exceed 20% of the site. (b)(ii) Non-compliant. Proposed sign would be setback 2m from the front boundary of the site. The Planning Scheme requires a 20m setback. Refer to the "Issues" section of this report. (b)(iii) Not applicable. No relevant zone boundary. (b)(iv) Not applicable. No registered easements. (b)(v) Not applicable. No right of way. (b)(vi) Not applicable. No restriction imposed by a utility. (b)(vii) Not applicable. No access strip. (b)(viii) Compliant. Site is accessible from Clayton Road.
<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"> (a) across a frontage over which no other land has a right of 	<ul style="list-style-type: none"> (a) Compliant. Site has frontage and access to Clayton Road. (b) Not applicable. Not an internal lot. (c)(i) Not applicable. No right of way.

<p>access; and</p> <p>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</p> <p>(c) by a right of way connecting to a road –</p> <p style="padding-left: 40px;">(i) over land not required as the means of access to any other land; and</p> <p style="padding-left: 40px;">(ii) not required to give the lot of which it is a part the minimum properties of a lot in accordance with the acceptable solution in any applicable standard; and</p> <p>(d) with a width of frontage and any access strip or right of way of not less than 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)(ii) Not applicable. No right of way.</p> <p>(d) Compliant. Frontage is approximately 463m long.</p> <p>(e) Compliant. Site has access from Clayton Road in accordance with the <i>Local Government (Highways) Act 1982</i>.</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> <ul style="list-style-type: none"> (a) provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or (b) from a rechargeable drinking water system ^{R31} with a storage capacity of not less than 10,000 litres if: <ul style="list-style-type: none"> (i) there is not a reticulated water supply; and (ii) development is for: <ul style="list-style-type: none"> a. a single dwelling; or b. a use with an equivalent population of not more than 10 people per day. 	<p>Not applicable.</p> <p>Proposal is for an advertising sign.</p> <p>Refer to E7 Sign Code assessment.</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>Not applicable.</p> <p>Proposal is for an advertising sign.</p> <p>Refer to E7 Sign Code assessment.</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> <ul style="list-style-type: none"> (i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and (ii) the development: <ul style="list-style-type: none"> a. is for a single dwelling; or b. provides for an equivalent population of not more than 10 people per day; or (iii) the site has capacity for on-site disposal of domestic wastewater in accordance with AS/NZS 1547:2000 On-site domestic-wastewater management clear of any defined building area or access strip. 	
<p>26.4.1 – (A5) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p>	<p>Not applicable.</p> <p>Proposal is for an advertising sign.</p> <p>Refer to E7 Sign Code assessment.</p>

<p>(a) to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system:</p> <p>(i) for discharge to a natural drainage line, water body or watercourse; or</p> <p>(ii) for disposal within the site if:</p> <p>a. the site has an area of not less than 5,000m²;</p> <p>b. the disposal area is not within any defined building area;</p> <p>c. the disposal area is not within any area 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>	
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26.4.2 Location and configuration of development	
<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. Proposed sign would be setback 2m from the Clayton Road frontage. Refer to the "Issues" section of this report.</p> <p>(b) Not applicable. Development is not a sensitive use and land does not adjoin the Bass Highway.</p> <p>(c) Compliant. Sign would be setback greater than 10m from side boundaries.</p> <p>(d) Compliant. Sign would be setback greater than 10m from rear boundary.</p> <p>(e) Not applicable. No building area on a Sealed Plan.</p>
<p>26.4.2-(A2) Building height must be not more than 8.5m.</p>	<p>Compliant.</p> <p>Sign would be 4.5m in height.</p>
<p>26.4.2 A3.1</p> <p>A building or utility structure, other than a crop protection structure for an agricultural use or wind power turbines or wind power pumps, must –</p> <p>(a) not project above an elevation 15m below the closest</p>	<p>A3.1</p> <p>Not applicable.</p> <p>Proposal is for an advertising sign.</p>

<p>ridgeline;</p> <p>(b) be not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland;</p> <p>(c) be below the canopy level of any adjacent forest or woodland vegetation; and</p> <p>(d) clad and roofed with materials with a light reflectance value of less than 40%.</p> <p>A3.2</p> <p>Wind power turbines and wind power pumps must not exceed 20m in height.</p>	<p>Refer to E7 Sign Code assessment.</p> <p>A3.2</p> <p>Not applicable.</p> <p>Proposal is for an advertising sign.</p> <p>Refer to E7 Sign Code assessment.</p>
<p>26.4.3 Location of development for sensitive uses</p>	
<p>26.4.3–(A1) New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must –</p> <p>(a) be located not less than:</p> <p>(i) 200m from any agricultural land;</p> <p>(ii) 200m from aquaculture, or controlled environment agriculture;</p>	<p>Not applicable.</p> <p>Proposal is for an advertising sign.</p> <p>Refer to E7 Sign Code assessment.</p>

<ul style="list-style-type: none"> (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 (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 (v) 500m from intensive animal husbandry; (vi) 100m from land under a reserve management plan; (vii) 100m from land designated for production forestry; (viii) 50.0m from a boundary of the land to the Bass Highway, or to a railway line; and (ix) clear of any restriction imposed by a utility; and (b) not be on land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i>, or land that 	
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may benefit from the application of broad-scale irrigation development.	
26.4.4 Subdivision	
26.4.4-(A1) Each new lot on a plan of subdivision must be – (a) a lot required for public use either State government, a Council, a Statutory authority or a corporation all the shares of which are held by or on behalf of the State, a Council or by a statutory authority.	Not applicable. Subdivision is not proposed.
26.4.5 Buildings for Controlled Environment Agriculture	
26.4.5-(A1) A building for controlled environment agriculture use must be a crop protection structure and the agricultural use inside the building must satisfy one of the following: (a) rely on the soil as a growth medium into which plants are directly sown; (b) not alter, disturb or damage the existing soil profile if conducted in a manner which does not rely on the soil as a growth medium.	Not applicable. No controlled environment agriculture proposed.

CODES	
E1 Bushfire-Prone Areas Code	Not applicable. Development not a subdivision, vulnerable or hazardous use.
E2 Airport Impact Management Code	Not applicable. No Code in this Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of native threatened vegetation proposed.
E4 Change in Ground Level Code	Not applicable. No change in ground level proposed.
E5 Local Heritage Code	Not applicable. No places of local significance listed in this Scheme.
E6 Hazard Management Code	Not applicable. No landslip hazard identified.
E7 Sign Code	
E7.2 Application of the Code	Applies. Development is signage.
E7.4 Use or development exempt from this Code	<p>Not Exempt.</p> <p>In summary, a sign in the Rural Resource zone may be exempt if the sign indicates only –</p> <p>a. the name of the business occupying the site;</p>

	<ul style="list-style-type: none"> b. the nature of the business carried out on the site; c. the address of the site; d. any logo or other symbol that identifies the business conducted from the site; e. has a display area not greater than 10m² (single or a combination of multiple signs on the site); f. is freestanding and fully contained within the boundaries of the site and not more than 5m in height; and g. is not illuminated.
E7.6 Development Standards	
<p>E7.6-(A1) Signs must:</p> <ul style="list-style-type: none"> (a) identify an activity, product, or service provided on the site; (b) if on a site in a General Residential, Low Density Residential, Rural Living, or Environmental Living zone, must: 	<ul style="list-style-type: none"> (a) Non-compliant. The billboard portion of the sign, which would comprise 50% of the display area, would be for third party advertising and would not identify a product, activity or service provided on the land. Refer to the "Issues" section of this report. (b) Not applicable. Land is zoned Rural Resource.

<p>(i) comprise not more than two display panels;</p> <p>(ii) be fixed flat to the surface of a building below the eave line; and</p> <p>(iii) have a total combined area of not more than 5.0m² ;</p> <p>(c) if on a site in any other zone, must:</p> <p>(i) comprise not more than five display panels;</p> <p>(ii) have a total combined area of not more than 50.0m²;</p> <p>(iii) be separated from any other freestanding or projecting sign by not less than 10.0m;</p> <p>(iv) be fully contained within the applicable building envelope and:</p> <p>a. not extend above the parapet or the ridge of a roof; or</p> <p>b. if a free-standing sign, have a height above natural ground level of not more</p>	<p>(c)(i) Compliant. Total signs on the site would comprise three display panels.</p> <p>(c)(ii) Compliant. The combined area of signs on site would not be more than 50m².</p> <p>(c)(iii) Compliant. The proposed sign would be more than 10m from another sign on the site.</p> <p>(c)(iv)a. Not applicable. Sign would not be on a roof.</p> <p>(c)(iv)b. Compliant. Sign would be 4.5m above natural ground level.</p> <p>(c)(v) Not applicable. Sign would not be on the elevation of a building.</p> <p>(c)(vi) Compliant. Sign would not be located in an access strip, loading area, or car park.</p> <p>(c)(vii) Compliant. Sign would not be animated, scrolling or otherwise continuously or intermittently changing, flashing or rotating.</p> <p>(c)(viii) Compliant. Sign would not resemble any air or marine navigation device, or a railway or road traffic control or</p>
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<p>than 5.0m;</p> <p>(v) not involve a corporate livery, colour scheme, insignia, or logo applied to more than 25% of the external wall surface of each elevation of a building;</p> <p>(vi) not be located in an access strip, loading area, or car park;</p> <p>(vii) not be animated, scrolling or otherwise continuously or intermittently changing, flashing or rotating as part of the operation of the sign unless providing advisory or safety information;</p> <p>(viii) not resemble any air or marine navigation device, or a railway or road traffic control or directional device or sign;</p> <p>(ix) not visually obscure any sign or device required for the convenience and safety of air or marine navigation or for use of a railway or a road; and</p> <p>(x) not cause illumination that overspills the boundaries of the site; and</p>	<p>directional device or sign.</p> <p>(c)(ix) Compliant. Sign would not visually obscure any sign or device required for the convenience and safety of air or marine navigation or for use of a railway or a road.</p> <p>(c)(x) Compliant. Sign would not be illuminated.</p> <p>(d) Not applicable. A Local Heritage Code does not form part of this Planning Scheme.</p>
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(d) not be on land for which a Local Heritage Code forming part of this planning scheme applies.	
E8 Telecommunication Code	Not applicable. No telecommunications proposed.
E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Applicable. Applies to all use and development.
E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Scheme.
E9.5 Use Standards	
E9.5.1 Provision for parking	
E9.5.1–(A1) Provision for parking must be:	Not applicable. Standard does not apply to sign development.
(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;	Existing provision for the use of the land is adequate and will not change as a result of proposed signage development.
E9.5.2 Provision for loading and unloading of vehicles	
E9.5.2–(A1) There must be provision within a site for:	(a) Not applicable. Table E9A does not require on-site loading provision for sign development.
(a) on-site loading area in accordance with the requirement	

<p>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>(b) Not applicable. Standard does not apply to sign development.</p>
E9.6 Development Standards	
E9.6.2 Design of vehicle parking and loading areas	
<p>E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and</p>	<p>Not applicable.</p> <p>No new car parking areas proposed.</p>
<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <p>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</p> <p>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</p>	<p>Not applicable.</p> <p>Standard does not apply to sign development.</p>

<p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off-Street Parking for People with Disabilities;</p> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	
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>Not applicable.</p> <p>Standard does not apply to sign development.</p>
E10 Water and Waterways Code	Not applicable. No waterway within 30m of the development site.
Specific Area Plans	Not applicable. No Specific Area Plan applies to the site.

Issues –

1 Location and configuration of development –

The Planning Scheme's Acceptable Solutions for the Rural Resource zone, Clauses 26.4.1–A1(b)(ii) and 26.4.2(a), require that a building, which is defined to include a structure, must be setback not less than 20m from a frontage.

The proposed sign would be setback 2m from the frontage to Clayton Road. The reduced setback of the sign is a “discretionary” matter and relies on the Performance Criteria for this Clause.

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;

Streetscape, as defined in the Planning Scheme, as 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”.

Non-compliant. The proposed sign is not consistent with the streetscape in this area.

This section of land, fronting Clayton Road and clearly viewed from the Bass Highway, presents as a rural landscape of open grassland with scattered large trees. Some components of public infrastructure, such as the truck weighing station building and the shared coastal pathway are on this location. The numerous buildings and associated infrastructure that make up the operations of Camp Clayton are not able to be viewed from Clayton Road or the Bass Highway and advertising signage does not form part of the Clayton Road streetscape.

(b) required by a constraint impose by –

(i) size and shape of the site;

Not applicable. The sign location is not required by a constraint imposed by the size and shape of the land.

- (ii) orientation and topography of land;

Not applicable. The sign location is not required by a constraint imposed by the orientation and topography of the land.

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

Not applicable. A water supply and the disposal of sewerage is not required.

- (iv) arrangements for vehicular or pedestrian access;

Not applicable. The sign location is not constrained by arrangements for vehicular or pedestrian access.

- (v) a utility; or

Not applicable. The sign location is not constrained by a utility.

- (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.

2 *E7 Sign Code –*

The proposed third-party billboard sign is assessed against the relevant Performance Criteria of the Planning Scheme's E7 Sign Code,

Clause E7.6–(P1), that states a sign must be reasonable taking into account –

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

The proposed sign would comprise 50% signage that relates to the activities of Camp Clayton. This portion of the sign is supported.

However, 50% of the proposed display area would be for hire by a third party for advertising purposes. This type of sign is described as a “billboard” sign.

A billboard sign would be for advising or display of activities, products or services that are not provided on the site.

- (b) nature of development on the site;

As stated above, the proposed sign would comprise 50% signage that relates to the activities of Camp Clayton. This portion of the sign is supported. However, the application details that 50% of the proposed display area would be for hire by a third party for advertising purposes. This type of sign is described as a “billboard” sign and the actual advertising is not known.

The proposed billboard sign would not relate to the development on site.

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

The purpose of the billboard sign, and the style and configuration of the signage content, is not known.

This is because the proposed sign would be an advertising sign, with various and changing advertisements on display. There is no pattern of such approved signage on the site or on adjoining land.

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

Whilst the land does not adjoin the Bass Highway (the land adjoins Clayton Road and Maskells Road), the proposed sign would be highly visible from the Bass Highway, for vehicles travelling west to east.

It is considered the sign would be visually dominant and intrude on the appearance of the site and on the surrounding landscape in this location.

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

There are no other billboard signs in the locality.

- (f) whether visible beyond the immediate locality;

The proposed sign would be highly visible beyond the immediate locality, as is the overriding intent of an advertising billboard.

Whilst the land does not adjoin the Bass Highway, the proposed sign would be highly visible from the Bass Highway, for vehicles travelling west to east.

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

The sign would not impact on the operational efficiency and safety of a railway, road, navigable water or controlled air space.

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

The sign would not impact on the amenity of a habitable room or private open space in a residential development.

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

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

The style, content and configuration of the billboard sign is not known, with the intent of the sign being that various and changing advertisements for businesses and services are on display. The billboard component of the sign would most likely not promote a service or business that is on the sign location.



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

The style, content and configuration of the billboard sign is not known, with the intent of the sign being that various and changing advertisements for businesses and services are on display over time. Given the changing nature of a billboard sign, the proximity of other signage for the same business or service on display is not to be known.

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

Opportunity to promote goods or services that are not offered on the site would be possible within the curtilage of existing buildings on the site, where signage would not be visible beyond the property boundary.

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

The sign would be highly visible from the Bass Highway, particularly for vehicles travelling west to east. See photomontage below.

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Not applicable.
Infrastructure Services	No issues.
TasWater	Not applicable.
Environment Protection Authority	Not applicable.
TasRail	No issues.
Heritage Tasmania	Not applicable.
Crown Land Services	Not applicable.
State Growth	No issues. Land does not adjoin the Bass Highway.

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.

No representations were received within the prescribed time.

RESOURCE, FINANCIAL AND RISK IMPACTS

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

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

CONCLUSION

The purpose of the Sign Code is to recognise that signs are a legitimate development for identifying the name, nature, purpose or occupation of a building or place and the reasonable promotion of an activity, brand, event, idea, produce or service on a site.

The Sign Code seeks to manage the likely impact of a sign on the character of rural and urban settings. Signage is meant to be related to the site on which it is located. This is to prevent numerous third-party billboard advertising signs propagating on key sites within the municipal area.

The proposed billboard sign would be sited within a rural landscape, with full exposure to the Bass Highway. The sign would not be for services and/or products and/or activities offered on the site and would be visually dominant and intrusive beyond the immediate locality.

Approval of a billboard advertising sign in this location would set a precedent that others would seek to follow, limiting and confusing any influence the Planning Authority would have over scenic landscapes and visual amenity within the municipal area.

Recommendation –

It is recommended that Community meeting and entertainment – advertising/third-party billboard sign – E7 Sign Code at 41 Clayton Road, Ulverstone – Application No. DA2021067 be refused on the following grounds:

- 1 The development does not satisfy Performance Criteria E7.6–(P1)(a) in that fifty percent of the proposed display area would be for hire by a third party for advertising purposes and the display of activities, products or services that are not provided on the site.
- 2 The development does not satisfy Performance Criteria E7.6–(P1)(d) in that the sign would be visually dominant and intrude on the appearance of the site and on the surrounding landscape in this location.
- 3 The development does not satisfy Performance Criteria E7.6–(P1)(f) in that the proposed sign would be highly visible beyond the immediate locality.’

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

The Executive Services Officer reported as follows:

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

■ Cr Fuller moved and Cr Carpenter seconded, “That the application for Community meeting and entertainment – advertising/third-party billboard sign – E7 Sign Code at 41 Clayton Road, Ulverstone – Application No. DA2021067 be refused on the following grounds:

- 1 The development does not satisfy Performance Criteria E7.6–(P1)(a) in that fifty percent of the proposed display area would be for hire by a third party for advertising purposes and the display of activities, products or services that are not provided on the site.
- 2 The development does not satisfy Performance Criteria E7.6–(P1)(d) in that the sign would be visually dominant and intrude on the appearance of the site and on the surrounding landscape in this location.
- 3 The development does not satisfy Performance Criteria E7.6–(P1)(f) in that the proposed sign would be highly visible beyond the immediate locality.”

Carried unanimously

236/2021 Resource development – Subdivision – excision of a dwelling and consolidation of titles – Subdivision; Suitability of a site or lot on a plan of subdivision and Location of development for sensitive use at 862 South Riana Road and South Riana Road (CT250528/1), South Riana – Application No. DA2020239

The Director Community Services reported as follows:

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

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2020239
<i>PROPOSAL:</i>	Resource development – Subdivision – excision of a dwelling and consolidation of titles – Subdivision; Suitability of a site or lot on a plan of subdivision and Location of development for sensitive use
<i>APPLICANT:</i>	EnviroPlan
<i>LOCATION:</i>	862 South Riana Road and South Riana Road (CT250528/1), South Riana
<i>ZONE:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	26 June 2021
<i>REPRESENTATIONS EXPIRY DATE:</i>	12 July 2021
<i>REPRESENTATIONS RECEIVED:</i>	Nil
<i>42-DAY EXPIRY DATE:</i>	5 August 2021 (extension of time granted until 16 August 2021).
<i>DECISION DUE:</i>	16 August 2021
<i>PURPOSE</i>	

The purpose of this report is to consider an application for the excision of a “required” dwelling and the consolidation of the balance land with an adjoining vacant parcel of agricultural land.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation; and
- . Annexure 3 – aerial view.

BACKGROUND

Development description –

Application is made for the excision of an existing dwelling and associated sheds on land at 862 South Riana Road, South Riana to create a “residential lifestyle” parcel of land on 1.303ha. The excised dwelling would be accessed via an existing access off South Riana Road.

The balance land would be consolidated with an adjoining parcel of vacant land identified in CT250528/1, to form a 76.66ha rural property. The consolidated parcel of land would not accommodate an existing dwelling and would be able to be accessed via South Riana Road and Barrens Road, South Riana.

The application is accompanied by a Bushfire Risk Assessment report.

An agricultural report by a suitably qualified person does not accompany the application.

The proposed “residential” allotment (Lot 1), accommodating a sensitive use, comprising a dwelling, two sheds and on-site wastewater management system would be setback 50m from the proposed new agricultural land boundary.

Site description and surrounding area –

The subject parcels of land are zoned Rural Resource.

Land at 862 South Riana Road has an area of 55.16ha and accommodate a lawful, structurally sound, “required” dwelling with two associated sheds and a wastewater system.

Adjoining land, that is also owned by the developer, identified in CT250528/1, has a land area of 22.80ha.

The land comprises Class 3, 4 and 5 land and is used for agriculture.

The land falls within the Dial Blythe Proclaimed Irrigation District.

The land is relatively flat and surrounding land is also zoned Rural Resource.

History –

Future under draft Central Coast Local Provisions Schedule –

The land and other titles in this area that are currently zoned “Rural Resource” and will be rezoned to “Agriculture” under the Central Coast Local Provisions Schedule (LPS).

Over time, three adjoining “residential” style parcels of land have been excised from agricultural land in this locality, resulting in allotments that are not used for agriculture, but rather for “residential” use.

DISCUSSION

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

26.0 Rural Resource Zone

CLAUSE	COMMENT
26.1.2 Local Area Objectives	
<p>(a) The priority purpose for rural land is primary industry dependent upon access to a naturally occurring resource;</p> <p>(b) Air, land and water resources are of importance for current and potential primary industry and other permitted use;</p> <p>(c) Air, land and water resources are protected against –</p> <p style="padding-left: 40px;">(i) permanent loss to a use or development that has no need or reason to locate on land containing such a resource; and</p> <p style="padding-left: 40px;">(ii) use or development that has potential to exclude or unduly conflict, constraint, or interfere with the practice of primary industry or any other use dependent on access to a naturally occurring resource;</p>	<p>Subdivision is “Discretionary” development in the Rural Resource zone.</p> <p>(a) Proposal does not satisfy the Objective. The primary objective of the subdivision is to excise a lawful, “required” dwelling from the land. The balance land would be used for primary industry, as would the adjoining consolidated parcel. However, land uses are existing on these rural parcels and subdivision is not required for primary industry use to occur.</p> <p>(b) Proposal does not satisfy the Objective. As above, the primary objective of the subdivision is to excise a lawful, “required” dwelling from the land. The balance land would be used for primary industry, as would the consolidated adjoining parcel. However, land uses are existing on these rural parcels and subdivision is not required for primary industry use to occur.</p> <p>(c)(i) Proposal does not satisfy the Objective. The proposal is subdivision to excise a lawful, “required” dwelling from the</p>

<p>(d) Primary industry is diverse, dynamic, and innovative; and may occur on a range of lot sizes and at different levels of intensity;</p> <p>(e) All agricultural land is a valuable resource to be protected for sustainable agricultural production;</p> <p>(f) Rural land may be used and developed for economic, community, and utility activity that cannot reasonably be accommodated on land within a settlement or nature conservation area;</p> <p>(g) Rural land may be used and developed for tourism and recreation use dependent upon a rural location or undertaken in association with primary industry;</p> <p>(h) Residential use and development on rural land is appropriate only if –</p> <p>(i) required by a primary industry or a resource based activity; or</p> <p>(ii) without permanent loss of land significant for primary industry use and without constraint or interference to existing and potential use of land for primary industry purposes.</p>	<p>land. The balance land will be used for primary industry, as will the consolidated adjoining parcel. The development would result in the creation of a rural living, “residential” style allotment that has no reason to be in the location.</p> <p>(c)(ii) Proposal does not satisfy the Objective. The proposal is for the use of land that has the potential to unduly conflict, constrain or interfere with the practice of primary industry.</p> <p>Note: an agricultural report by a suitably qualified person does not accompany the application.</p> <p>(d) Proposal does not satisfy the Objective. Proposed Lot 1 will not be used for primary industry.</p> <p>(e) Proposal does not satisfy the Objective. The primary objective of the subdivision is to excise a lawful, “required” dwelling from the land. The balance land would be used for primary industry, as would the adjoining consolidated parcel. However, land uses are existing on these rural parcels and subdivision is not required for primary industry use to occur.</p> <p>(f) Proposal does not satisfy the Objective. Subdivision is not for economic, community or utility use.</p> <p>(g) Proposal does not satisfy the Objective. Land would not be used for tourism or recreation dependent on a rural location.</p>
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	<p>(h)(i) Proposal does not satisfy the Objective. The primary objective of the subdivision is to excise a lawful, “required” dwelling from the land. Proposed Residential use and would not be required by a primary industry or resource-based activity.</p> <p>(h)(ii) Proposal does not satisfy the Objective. The primary objective of the subdivision is to excise a lawful, “required” dwelling from the land. The resulting proposed Residential use would not be required to support a primary industry-based activity.</p>
26.1.3 Desired Future Character Statements	
<p>Use or development on rural land –</p> <p>(a) may create a dynamic, extensively cultivated, highly modified, and relatively sparsely settled working landscape featuring –</p> <ul style="list-style-type: none"> (i) expansive areas for agriculture and forestry; (ii) mining and extraction sites; (iii) utility and transport sites and extended corridors; and 	<p>(a)(i) Proposal is not consistent with Desired Future Character Statement. The primary objective of the subdivision is to excise a lawful, “required” dwelling from the land. The balance land would be used for primary industry, as would the adjoining consolidated parcel. However, the subdivision is not required for primary industry use to occur.</p> <p>(a)(ii) Proposal is not consistent with Desired Future Character Statement. The proposed use is not associated with mining and extraction.</p>

<p>(iv) service and support buildings and work areas of substantial size, utilitarian character, and visual prominence that are sited and managed with priority for operational efficiency</p> <p>(b) may be interspersed with –</p> <p>(i) small-scale residential settlement nodes;</p> <p>(ii) places of ecological, scientific, cultural, or aesthetic value; and</p> <p>(iii) pockets of remnant native vegetation</p> <p>(c) will seek to minimise disturbance to –</p> <p>(i) physical terrain;</p> <p>(ii) natural biodiversity and ecological systems;</p> <p>(iii) scenic attributes; and</p> <p>(iv) rural residential and visitor amenity;</p> <p>(d) may involve sites of varying size –</p>	<p>(a)(iii) Proposal is not consistent with Desired Future Character Statement. The proposed use is not associated with utility and transportation sites or corridors.</p> <p>(a)(iv) Proposal is not consistent with Desired Future Character Statement. The proposal would not result in infrastructure and support buildings for agriculture. The proposal is to excise agricultural support buildings (dwelling and sheds).</p> <p>(b)(i) Proposal is not consistent with Desired Future Character Statement. Use and development would not be adjoining a small-scale residential settlement node.</p> <p>(b)(ii) Proposal is not consistent with Desired Future Character Statement. The subject and surrounding land is not identified as places of cultural and aesthetic value.</p> <p>(b)(iii) Proposal is not consistent with Desired Future Character Statement. The subject and surrounding land is not identified as supporting areas of remnant native vegetation.</p> <p>(c)(i) Proposal is consistent with Desired Future Character Statement. The proposal would not unduly disturb the underlying physical terrain of the land.</p>
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<p>(i) in accordance with the type, scale and intensity of primary industry; and</p> <p>(ii) to reduce loss and constraint on use of land important for sustainable commercial production based on naturally occurring resources;</p> <p>(e) is significantly influenced in temporal nature, character, scale, frequency, and intensity by external factors, including changes in technology, production techniques, and in economic, management, and marketing systems.</p>	<p>(c)(ii) Proposal is consistent with Desired Future Character Statement. The proposal would not unduly disturb biodiversity or ecological systems on the site, over and above that already disturbed through primary industry activity.</p> <p>(c)(iii) Proposal is consistent with Desired Future Character Statements. The proposal would not unduly disturb existing scenic attributes of the site and surrounding land.</p> <p>(c)(iv) Proposal is consistent with Desired Future Character Statement. The proposed use would not disturb rural residential or visitor amenity in this area.</p> <p>(d)(i) Proposal is not consistent with Desired Future Character Statement. The proposed Lot 1 would not be for a use associated with primary industry.</p> <p>(d)(ii) Proposal is not consistent with Desired Future Character Statement. The primary objective of the subdivision is to excise a lawful, structurally sound, "required" dwelling from the land. The resulting proposed residential use may constrain or fetter ongoing agricultural activity on adjoining land.</p> <p>(e) Proposal is not consistent with Desired Future Character Statement. The proposed use is not significantly influenced</p>
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	by changes in technology, production techniques or economic management and marketing systems.
26.3 Use Standards	
26.3.1 Requirement for discretionary non-residential use to locate on rural resource land	
<p>26.3.1-(P1) Other than for residential use, discretionary permit use must:</p> <p>(a) be consistent with local area objectives;</p> <p>(b) be consistent with any applicable desired future character statement;</p> <p>(c) be required to locate on rural resource land for operational efficiency:</p> <p>(i) to access a specific naturally occurring resource on the site or on adjacent land in the zone;</p> <p>(ii) to access infrastructure only available on the site or on adjacent land in the zone;</p> <p>(iii) to access a product of primary industry from a use on the site or on adjacent land in the zone;</p> <p>(iv) to service or support a primary industry or other</p>	<p>(a) The proposed subdivision does not satisfy Local Area Objectives.</p> <p>(b) The proposed subdivision does not satisfy Future Desired Character Statements.</p> <p>(c)(i) Non-compliant. A naturally occurring resource in the Rural Resource zone refers to air, water and land resources.</p> <p>Development is subdivision, the primary objective of which is to excise a “required” dwelling from the land.</p> <p>(c)(ii) Non-compliant. Development is subdivision, the primary objective of which is to excise a “required” dwelling from the land.</p> <p>(c)(iii) Non-compliant. It is not a requirement of the proposed use and development to access a product from primary industry activity on the site or on adjacent land.</p>

<p>permitted use on the site or on adjacent land in the zone;</p> <p>(v) if required –</p> <p>a. to acquire access to a mandatory site area not otherwise available in a zone intended for that purpose;</p> <p>b. for security;</p> <p>c. for public health or safety if all measures to minimise impact could create an unacceptable level of risk to human health, life or property if located on land in a zone intended for that purpose;</p> <p>(vi) to provide opportunity for diversification, innovation, and value-adding to secure existing or potential primary industry use of the site or of adjacent land;</p> <p>(vii) to provide an essential utility or community service infrastructure for the municipal or regional community or that is of significance for Tasmania; or</p>	<p>(c)(iv) Non-compliant. Development is subdivision, the primary objective of which is to excise a “required” dwelling from the land (Lot1). It is not a requirement of the proposed Lot 1 to service primary industry.</p> <p>Note: an agricultural report by a suitably qualified person does not accompany the application.</p> <p>(c)(v)a. Non-compliant. Land is not required to access a mandatory site area that is not otherwise available in the zone.</p> <p>(c)(v)b. Non-compliant. Proposal is not required to locate on rural resource land for security reasons.</p> <p>(c)(v)c. Non-compliant. Proposal is not required for public health or safety.</p> <p>(c)(vi) Non-compliant. Proposal would not diversify and value-add to existing primary industry use of the site.</p> <p>(c)(vii) Non-compliant. Proposal would not provide community service infrastructure for the municipal area.</p> <p>(c)(viii) Non-compliant. No economic, social or environmental cost-benefit analysis has been submitted to demonstrate significant regional benefit.</p>
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<p>(viii) if a cost–benefit analysis in economic, environmental, and social terms indicates significant benefits to the region; and</p> <p>(d) minimise likelihood for:</p> <p>(i) permanent loss of land for existing and potential primary industry use;</p> <p>(ii) constraint or interference to existing and potential primary industry use on the site and on adjacent land; and</p> <p>(iii) loss of land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i> or land that may benefit from the application of broad–scale irrigation development.</p>	<p>(d)(i) Compliant. Proposal would not result in the permanent loss of agricultural land that is located in a Proclaimed Irrigation District.</p> <p>(d)(ii) Non–compliant. The development is subdivision, the primary objective of which is to excise a “required” dwelling from the land. The proposal would likely constrain, fetter or otherwise interfere with existing and potential primary industry use on subject and adjacent land.</p> <p>(d)(iii) Compliant. The development is subdivision, the primary objective of which is to excise a “required” dwelling from the land. The proposal would not result in the loss of Proclaimed Irrigation District land that may benefit from the application of broad–scale irrigation development.</p> <p>Refer to the “Issues” section of this report.</p>
<p>26.3.2 Required Residential Use</p>	
<p>26.3.2–(A1) Residential use required as part of a use must:</p> <p>(a) be an alteration or addition to an existing lawful and structurally sound residential building;</p> <p>(b) be an ancillary dwelling to an existing lawful and</p>	<p>Not applicable.</p> <p>Not application for a required residential use.</p>

<p>structurally sound single dwelling;</p> <p>(c) not intensify an existing lawful residential use;</p> <p>(d) replace a lawful existing residential use;</p> <p>(e) not create a new residential use through conversion of an existing building; or</p> <p>(f) be home based business in association with occupation of an existing lawful and structurally sound residential building; and</p> <p>(g) there is no change in the title description of the site on which the residential use is located.</p>	
26.3.3 Residential use	
<p>26.3.3–(A1) Residential use that is not required as part of another 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>Clause 26.3.3 applies. The primary objective of the subdivision is to excise a lawful, “required” dwelling from the land. This would result in a “non–required” dwelling adjoining agricultural land that is not required as part of another use. The balance land would be used for primary industry, as would the adjoining consolidated parcel. However, land uses are existing on these rural parcels and subdivision is not required for primary industry use to occur. Subdivision would create a Residential use class allotment that is not required as part of another use.</p>

<ul style="list-style-type: none"> (c) not intensify an existing lawful residential use; (d) not replace an existing residential use; (e) not create a new residential use through conversion of an existing building; (f) be an outbuilding with a floor area of not more than 100m² appurtenant to an existing lawful and structurally sound residential building; or (g) be home based business in association with occupation of an existing lawful and structurally sound residential building; and (h) there is no change in the title description of the site on which the residential use is located. 	<ul style="list-style-type: none"> (a) Not applicable. Not an alteration or addition to an existing lawful and structurally sound residential building. (b) Not applicable. Not an ancillary dwelling to an existing lawful and structurally sound single dwelling. (c) Not applicable. Not the intensification of an existing lawful residential use. (d) Not applicable. Not to replace an existing residential use. (e) Not applicable. Not a new residential use through conversion of an existing building; (f) Not applicable. Not an outbuilding with a floor area of not more than 100m² appurtenant to an existing lawful and structurally sound residential building; or (g) Not applicable. Not a home-based business in association with occupation of an existing lawful and structurally sound residential building; and (h) Non-compliant. There would be a change in the title description of the site on which the residential use would be located. <p>Refer to the "Issues" section of this report.</p>
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26.4 Development Standards

26.4.1 Suitability of a site or lot on a plan of subdivision for use or development

26.4.1–(A1) A site or each lot on a plan of subdivision must:

- (a) unless for agricultural use, have an area of not less than 1.0 hectare not including any access strip; and
- (b) if intended for a building, contain a building area
 - (i) of not more than 2,000m² or 20% of the area of the site, whichever is the greater unless a crop protection structure for an agricultural use;
 - (ii) clear of any applicable setback from a frontage, side or rear boundary;
 - (iii) clear of any applicable setback from a zone boundary;
 - (iv) clear of any registered easement;
 - (v) clear of any registered right of way benefiting other land;

- (a) Compliant. The excised parcel would have a land area of 1.30ha. The balance land, following consolidation, would have a land area of 76.66ha.
- (b)(i) Not applicable. No building proposed.
- (b)(ii) Compliant. Existing dwelling would be setback greater than 10m from the proposed new rear and side boundaries and 10m from South Riana Road (20m required). However, the dwelling is existing, lawful development in its location.
- (b)(iii) Not applicable. No zone boundary.
- (b)(iv) Not applicable. No registered easements.
- (b)(v) Not applicable. No right of way.
- (b)(vi) Not applicable. No restriction imposed by a utility.
- (b)(vii) Not applicable. No access strip.
- (b)(viii) Compliant. New lots would have access and frontage to South Riana Road.

<ul style="list-style-type: none"> (vi) clear of any restriction imposed by a utility; (vii) not including an access strip; (viii) accessible from a frontage or access strip. 	
<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"> (a) across a frontage over which no other land has a right of access; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or (c) by a right of way connecting to a road – <ul style="list-style-type: none"> (i) over land not required as the means of access to any other land; and (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 	<ul style="list-style-type: none"> (a) Compliant. Lots would have access and frontage to South Riana Road. Lot 2, resulting in a 76.66ha property, would also have access to Barrens Road. (b) Not applicable. No access strip proposed. (c)(i) Not applicable. No right of way proposed. (c)(ii) Not applicable. No right of way proposed. (d) Compliant. Lot 1 at 862 South Riana Road would have 180m long frontage to South Riana Road. Lot 2 would have a frontage greater than 300m in width. (e) Compliant. Both lots have an existing lawful access to South Riana Road in accordance with the <i>Local Government (Highways) Act 1982</i>.

<p>(d) with a width of frontage and any access strip or right of way of not less than 6.0m; and</p> <p>(e) the relevant road authority in accordance with the <i>Local Government (Highways) Act 1982</i> or the <i>Roads and Jetties Act 1935</i> must have advised it is satisfied adequate arrangements can be made to provide vehicular access between the carriageway of a road and the frontage, access strip or right of way to the site or each lot on a proposed subdivision plan.</p>	
<p>26.4.1–(A3) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of connecting to a water supply:</p> <p>(a) provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</p> <p>(b) from a rechargeable drinking water system ^{R31} with a storage capacity of not less than 10,000 litres if:</p> <p>(i) there is not a reticulated water supply; and</p> <p>(ii) development is for:</p>	<p>(a) Not applicable. Not able to connect to a reticulated water supply.</p> <p>(b)(i) Compliant. Not able to connect to a reticulated water supply.</p> <p>(b)(ii)a. Compliant. Lot 1 at 862 South Riana Road has an existing on-site drinking water collection and storage tanks. Lot 2 is vacant.</p> <p>(b)(ii)b. Not applicable. Satisfied by (b)(ii)a.</p>

<ul style="list-style-type: none"> a. a single dwelling; or b. a use with an equivalent population of not more than 10 people per day. 	
<p>26.4.1–(A4) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and liquid trade waste:</p> <ul style="list-style-type: none"> (a) to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or (b) by on-site disposal if: <ul style="list-style-type: none"> (i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and (ii) the development: <ul style="list-style-type: none"> c. is for a single dwelling; or d. provides for an equivalent population of not more than 10 people per day; or 	<ul style="list-style-type: none"> (a) Not applicable. Not able to connect to a sewerage system in accordance with the <i>Water and Sewerage Industry Act 2008</i>. (b)(i) Compliant. Satisfied by (b)(ii)a. (b)(ii)a. Compliant. Lot 1 at 862 South Riana Road has an existing on-site wastewater system. Lot 2 is vacant. (b)(ii)b. Compliant. Satisfied by (b)(ii)a. (b)(iii) Compliant. Lot 1 at 862 South Riana Road has an existing on-site wastewater system. Lot 2 is vacant.

<p>(iii) the site has capacity for on-site disposal of domestic wastewater in accordance with AS/NZS 1547:2000 On-site domestic-wastewater management clear of any defined building area or access strip.</p>	
<p>26.4.1 –(A5) Unless for agricultural use other than controlled environment agriculture which permanently precludes the land for an agricultural use dependent on the soil as a growth medium, a site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater:</p> <p>(a) to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i>; or</p> <p>(b) if stormwater cannot be drained to a stormwater system:</p> <p>(i) for discharge to a natural drainage line, water body or watercourse; or</p> <p>(ii) for disposal within the site if:</p> <p>a. the site has an area of not less than 5,000m²;</p> <p>b. the disposal area is not within any defined building area;</p>	<p>(a) Not applicable. Not able to connect to a stormwater system in accordance with the <i>Urban Drainage Act 2013</i>.</p> <p>(b)(i) Not applicable. Satisfied by (b)(ii)a.</p> <p>(b)(ii)a. Compliant. Lot 1 would have an area of 1.30ha.</p> <p>(b)(ii)b. Compliant. Disposal is clear of any defined building area.</p> <p>(b)(ii)c. Compliant. Disposal is clear of any wastewater disposal area.</p> <p>(b)(ii)d. Not applicable. No access strip.</p> <p>(b)(ii)e. Compliant. Not more than 50% of Lot 1 would be of an impervious surface.</p>

<ul style="list-style-type: none"> c. the disposal area is not within any area required for the disposal of sewage; d. the disposal area is not within any access strip; and e. not more than 50% of the site is impervious surface. 	
26.4.2 Location and configuration of development	
<p>26.4.2-(A1) A building or a utility structure, other than a crop protection structure for an agriculture use, must be setback:</p> <ul style="list-style-type: none"> (a) not less than 20.0m from the frontage; or (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; (c) not less than 10.0m from each side boundary; and (d) not less than 10.0m from the rear boundary; or (e) in accordance with any applicable building area shown on a sealed plan. 	<ul style="list-style-type: none"> (a) Compliant. Existing dwelling on Lot 1 would be setback 10m from South Riana Road, not 20m as the Planning Scheme requires. However, development is existing and is a lawful, approved building in its location. (b) Not applicable. Land does not adjoin the Bass Highway. (c) Compliant. Existing dwelling on Lot 1 would be setback 50m from the proposed new eastern side boundary and approximately 75m from proposed western side boundary. (d) Compliant. Existing dwelling on Lot 1 would be setback approximately 50m from the proposed new northern rear boundary.

	(e) Not applicable. No building area on a Sealed Plan.
26.4.2–(A2) Building height must be not more than 8.5m.	<p>Not applicable.</p> <p>No new building proposed. Dwelling and sheds on proposed Lot 1 are existing lawful buildings.</p>
<p>26.4.2 A3.1</p> <p>A building or utility structure, other than a crop protection structure for an agricultural use or wind power turbines or wind power pumps, must –</p> <p>(a) not project above an elevation 15m below the closest ridgeline;</p> <p>(b) be not less than 30m from any shoreline to a marine or aquatic water body, water course, or wetland;</p> <p>(c) be below the canopy level of any adjacent forest or woodland vegetation; and</p> <p>(d) clad and roofed with materials with a light reflectance value of less than 40%.</p>	<p>A3.1</p> <p>Not applicable.</p> <p>No new building proposed. Dwelling and sheds on proposed Lot 1 are existing lawful buildings.</p> <p>A3.2</p> <p>Not applicable. No wind turbine or wind power pumps.</p>

<p>A3.2</p> <p>Wind power turbines and wind power pumps must not exceed 20m in height.</p>	
<p>26.4.3 Location of development for sensitive uses</p>	
<p>26.4.3–(A1) New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must –</p> <p>(a) be located not less than:</p> <ul style="list-style-type: none"> (i) 200m from any agricultural land; (ii) 200m from aquaculture, or controlled environment agriculture; (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 (iv) 1000m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> 	<ul style="list-style-type: none"> (a)(i) Non-compliant. Lot 1, that is to accommodate a “sensitive” use, would be setback 50m from adjoining agricultural land. Refer to the “Issues” section of this report. (a)(ii) Compliant. No aquaculture, or controlled environment agriculture within 200m. (a)(iii) Compliant. No non-blasting extractive industry within 500m. (a)(iv) Compliant. No blasting extractive industry within 1000m. (a)(v) Compliant. No intensive animal husbandry within 500m. (a)(vi) Compliant. Land is not within 100m of land under a reserve management plan. (a)(vii) Compliant. Land is not within 100m of a production forest.

<p>if blasting does occur; or</p> <p>(v) 500m from intensive animal husbandry;</p> <p>(vi) 100m from land under a reserve management plan;</p> <p>(vii) 100m from land designated for production forestry;</p> <p>(viii) 50.0m from a boundary of the land to the Bass Highway, or to a railway line; and</p> <p>(ix) clear of any restriction imposed by a utility; and</p> <p>(b) not be on land within a proclaimed irrigation district under Part 9 <i>Water Management Act 1999</i>, or land that may benefit from the application of broad-scale irrigation development.</p>	<p>(a)(viii) Compliant. Land is greater than 15km to the Bass Highway and the Western Rail Line.</p> <p>(a)(ix) Compliant. Development is clear of any restriction imposed by a utility.</p> <p>(b) Non-compliant. Land is located within the Dial Blythe Proclaimed Irrigation District.</p> <p>Refer to the "Issues" section of this report.</p>
<p>26.4.4 Subdivision</p>	
<p>26.4.4-(A1) Each new lot on a plan of subdivision must be –</p> <p>(a) a lot required for public use either State government, a Council, a Statutory authority or a corporation all the</p>	<p>(a) Non-compliant. Subdivision would not create 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>

shares of which are held by or on behalf of the State, a Council or by a statutory authority.	Refer to the “Issues” section of this report.
26.4.5 Buildings for Controlled Environment Agriculture	
<p>26.4.5–(A1)</p> <p>A building for controlled environment agriculture use must be a crop protection structure and the agricultural use inside the building must satisfy one of the following:</p> <p>(a) rely on the soil as a growth medium into which plants are directly sown;</p> <p>(b) not alter, disturb or damage the existing soil profile if conducted in a manner which does not rely on the soil as a growth medium.</p>	<p>Not applicable.</p> <p>No controlled environment agriculture proposed.</p>
CODES	
E1 Bushfire-Prone Areas Code	
E1.2 Application of this Code	Applicable. Code applies to subdivision in bushfire-prone area.
E1.4 Use or development exempt from this Code	Not exempt.
E1.5 Use Standards	

E1.5.1 Vulnerable Uses	<p>Not applicable.</p> <p>Residential use of land is not classified as a vulnerable use.</p>
E1.5.2 Hazardous uses	<p>Not applicable.</p> <p>Residential use of land is not classified as a hazardous use.</p>
E1.6 Development Standards	
E1.6.1 Development standards for subdivision	
E1.6.1.1 Subdivision: Provision of hazard management areas	
<p>E1.6.1.1-(A1)</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p> <p>(b) The proposed plan of subdivision:</p> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p>	<p>(a) Not applicable. Satisfied by (b).</p> <p>(b)(i) Compliant. TFS accredited person Micheal Wells, Accreditation Number BFP-128, has certified that the Bushfire Hazard Management Plan accompanying the application is in accordance with the Chief Fire Officer's requirements and compliant with the relevant Acceptable Solutions of the Bushfire-Prone Areas Code.</p> <p>(b)(ii) Compliant. TFS accredited person Micheal Wells, Accreditation Number BFP-128, has certified that the Bushfire Hazard Management Plan accompanying the</p>

<p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of <i>Australian Standard AS 3959 - 2009 Construction of buildings in bushfire prone areas</i>; and</p> <p>(iv) is accompanied by a bushfire hazard management plan for all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of <i>Australian Standard AS 3959 - 2009 Construction of buildings in bushfire prone areas</i>; and</p> <p>(c) if hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected land to be managed in accordance with the bushfire hazard management plan.</p>	<p>application is in accordance with the Chief Fire Officer's requirements and compliant with the relevant Acceptable Solutions of the Bushfire-Prone Areas Code.</p> <p>(b)(iii) Compliant. TFS accredited person Micheal Wells, Accreditation Number BFP-128, has certified that the Bushfire Hazard Management Plan accompanying the application is in accordance with the Chief Fire Officer's requirements and compliant with the relevant Acceptable Solutions of the Bushfire-Prone Areas Code.</p> <p>(b)(iv) Compliant. TFS accredited person Micheal Wells, Accreditation Number BFP-128, has certified that the Bushfire Hazard Management Plan accompanying the application is in accordance with the Chief Fire Officer's requirements and compliant with the relevant Acceptable Solutions of the Bushfire-Prone Areas Code.</p> <p>(c) Not applicable. No land external to the subdivision required.</p>
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E1.6.1.2 Subdivision: Public and fire fighting access	
<p>E1.6.1.2-(A1)</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<p>(a) Not applicable. Satisfied by (b).</p> <p>(b)(i) Compliant. TFS accredited person Micheal Wells Accreditation Number BFP-128, has certified that the accompanying Bushfire Hazard Management Plan demonstrates that proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3.</p> <p>(b)(ii) Compliant. TFS accredited person Micheal Wells Accreditation Number BFP-128, has certified that the accompanying Bushfire Hazard Management Plan demonstrates that proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3.</p>
E1.6.1.3 Subdivision: Provision of water supply for fire fighting purposes	
<p>E1.6.1.3-(A1)</p> <p>In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an</p>	<p>Not applicable.</p> <p>Land is not in an area serviced by the water corporation.</p>

<p>insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes; or</p> <p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>	
<p>E1.6.1.3–(A2)</p> <p>In areas that are not serviced by reticulated water by the water corporation:</p> <p>(a) The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes; or</p> <p>(b) The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water</p>	<p>(a) Not applicable. Satisfied by (b).</p> <p>(b) Compliant. TFS accredited person Micheal Wells Accreditation Number BFP-128, has certified that the proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5.</p> <p>(c) Not applicable. Satisfied by (b).</p>

<p>supply, dedicated to fire fighting, will be provided and located compliant with Table E5;</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>	
E2 Airport Impact Management Code	Not applicable. No Code in this Scheme.
E3 Clearing and Conversion of Vegetation Code	Not applicable. No clearing or conversion of native threatened vegetation proposed.
E4 Change in Ground Level Code	Not applicable. No change in ground level proposed.
E5 Local Heritage Code	Not applicable. No places of local significance listed in this Scheme.
E6 Hazard Management Code	Not applicable. No landslip hazard identified.
E7 Sign Code	Not applicable. No signs proposed.
E8 Telecommunication Code	Not applicable. No telecommunications proposed.

E9 Traffic Generating Use and Parking Code	
E9.2 Application of this Code	Applicable. Applies to all use and development.
E9.4 Use or development exempt from this Code	Not exempt. No Local Area Parking Scheme.
E9.5 Use Standards	
E9.5.1 Provision for parking	
<p>E9.5.1–(A1) Provision for parking must be:</p> <p>(a) the minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code;</p>	<p>Compliant by condition.</p> <p>The E9 Traffic and Parking Code of the Scheme requires two car parking spaces be provided for a residential dwelling and that the number of spaces for Resource development use be as is required for the use on the site.</p> <p>Lot 1 has existing car parking provision and Lot 2 would have ample area to accommodate the Scheme's provision.</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 the Table to this Code; and</p>	<p>(a) Compliant. Table E9A does not require on-site loading provision for residential use. The balance land has ample area to accommodate the loading and unloading of vehicles.</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.	(b) Not applicable. Provision does not apply to residential or resource development.
E9.6 Development Standards	
E9.6.2 Design of vehicle parking and loading areas	
E9.6.2 A1.1 All development must provide for the collection, drainage and disposal of stormwater; and	Not applicable. No new car parking areas proposed.
<p>E9.6.2 A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <p>(a) Be in accordance with AS/NZS 2890.1 (2004) – Parking Facilities – Off-Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off-Street Commercial Vehicles;</p> <p>(c) Be in accordance with AS/NZS 2890.3 (1993) Parking Facilities – Bicycle Parking Facilities;</p> <p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities –</p>	<p>(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).</p> <p>(b) Not applicable. Applies where 20 spaces are proposed or required.</p> <p>(c) Not applicable. Applies where 20 spaces are proposed or required.</p> <p>(d) Not applicable. Applies where 20 spaces are proposed or required.</p>

<p>Off-Street Parking for People with Disabilities;</p> <p>(e) Each parking space must be separately accessed from the internal circulation aisle within the site;</p> <p>(f) Provide for the forward movement and passing of all vehicles within the site other than if entering or leaving a loading or parking space; and</p> <p>(g) Be formed and constructed with compacted sub-base and an all-weather surface.</p>	<p>(e) Compliant by condition. The site has sufficient area to accommodate this requirement.</p> <p>(f) Compliant by condition. The site has sufficient area to accommodate this requirement.</p> <p>(g) Compliant. Parking areas are existing.</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>No new roads required for the subdivision.</p>
<p>E10 Water and Waterways Code</p>	<p>Not applicable. No waterway within 30m of the development site.</p>
<p>Specific Area Plans</p>	<p>Not applicable. No Specific Area Plan applies to the site.</p>

Issues –

1 The objective of subdivision in the Rural Resource zone –

The primary objective of the subdivision is to excise a lawful, “required” dwelling from the land. This would result in a “non-required residential” use on the land (Lot 1). The balance land would be used for primary industry, as would the adjoining consolidated parcel. However, land uses are existing on these rural parcels and subdivision is not required for primary industry use to occur.

The Planning Scheme’s Performance Criteria for Clause 26.3.3-(P1) states that “Residential use must –

(a)&(b) be consistent with Local Area Objectives and any applicable Desired Future Character Statement –”

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

The Rural Resource zone’s Local Area Objectives and Desired Future Character Statements together seek to promote use and development that is for primary industry purpose and which allow for use and development on rural land where associated with an agricultural activity and result in agricultural infrastructure and support buildings. The subject proposal does not satisfy this Objective.

The Local Area Objectives seek to protect all agricultural land for sustainable agricultural production and collectively demonstrate that the primary intent of use and development in the Rural Resource zone is to minimise the loss of land for primary industry. Most particularly, minimise the loss of prime agricultural land, protect land that is located within a proclaimed irrigation district and to provide for uses that do not constrain, fetter or conflict with current or future primary industry activity.

The subject proposal would result in a “non-required” residential use on Lot 1. Whilst the land area would slightly exceed 1ha, there is no supporting documentation from a suitably qualified person describing or giving evidence of how

the land on Lot 1 would be use for a primary industry purpose, only that a single dwelling with sheds would be excised. This would result in a 'rural living' style allotment. Note: documentation by a suitably qualified person, addressing Planning Scheme standards, was requested of the applicant, but was not provided.

The residential use on Lot 1 would have the potential to result in the constraint, fettering or interference of resource development activity on the proposed adjoining land to the north, east, south and west. The applicant has not sought to engage an agricultural consultant to address Planning Scheme discretionary matters, or to advise on the proximity of the "non required" use to agricultural land, or on measures to attenuate any future conflict or fettering of the agricultural land by the "non required" residential use.

2 *The development of a sensitive use on Rural Resource land –*

Subdivision is included in the definition of "development" under the *Land Use Planning and Approvals Act 1993* (the Act) and the Planning Scheme.

The creation of Lot 1, which would accommodate an excised lawful, structurally sound "required" dwelling, two sheds and a wastewater system, is considered to be the creation of a "rural living" lifestyle allotment.

The Planning Scheme's Acceptable Solution 26.4.3–(A1) requires that a sensitive use (dwelling) be setback 200m from agriculture land. The proposed subdivision would result in a dwelling within 50m of adjoining agricultural land. Again, no documentation by a suitably qualified person was lodged with the application to address the relevant Performance Criteria or to make recommendations on mitigation measures to reduce likely conflict and/or fettering of adjoining land use.

It is worth noting that a search of the history of other small lots that are apparent and adjoining the subject land in this area has revealed that several, small dwellings have been the excised over the years from agricultural land.

The image below highlights the location of dwellings that have been excised in the past and are now used for "rural living" lifestyle purpose.



Proposed Lot 1

Dwellings that have been excised in this agricultural area.

3 *Subdivision –*

The subdivision of land in the Rural Resource zone is a “Discretionary” matter, unless a lot is required by a State government, a Council or a Statutory Authority.

The Planning Scheme’s Performance Criteria 26.4.4–(P1) in relation to subdivision in the Rural Resource zone is examined below –

- (a) A plan of subdivision to reconfigure land must –
 - (i) be required to restructure, re-size, or reconfigure land for primary industry use; and

Non-compliant. There is no documentation or demonstration that the excised dwelling on Lot 1 would accommodate a primary industry use. The land area would be reduced to accommodate a single dwelling,

two sheds and a wastewater system associated with the dwelling.

- (ii) not create an additional lot;

Compliant. The proposal would not create an additional lot as the balance land would be consolidated with an adjoining parcel.

- (b) A plan of subdivision to create a new lot must –

Clause (b) relates to the division of land for a use permissible in the zone. The Clause does not refer to the division of land that accommodates a lawful dwelling that is to be excised from the land. Nevertheless, comment is made against each provision –

- (i) be required for a use permissible in the zone.

“Permissible” is defined as “may be allowed or permitted”, which requires a discretion to be exercised. A dwelling and primary industry uses are permissible in the zone, albeit that a dwelling is a discretionary matter.

- (ii) be of a size and configuration that is not more than is required to accommodate the nominated use in accordance with the applicable standards of this planning scheme for such use;

Proposal does not accommodate a sensitive use in accordance with the applicable standards of this Planning Scheme.

- (iii) retain the balance area for primary industry use;

Balance land is retained for primary industry use.

- (iv) minimise unnecessary and permanent loss of rural resource land for existing and potential primary industry use;

Not applicable. The division of land would not involve the loss of primary industry land, as the application is

for the excision of a lawful dwelling Refer to Clause 26.4.4(c) below.

- (v) minimise constraint or interference to existing and potential primary industry use on the site and of adjacent land in the zone; and

The proposal does not address how the development would minimise constraint or interference to existing and potential primary industry use on the site and on adjacent land.

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

- (c) A plan of subdivision to reduce the area of an existing lot on a sealed plan containing a lawful use must –

This Clause is applicable as the development would reduce the area of an existing lot on a sealed plan containing a lawful use.

- (i) not be land containing a residential use approved by a permit granted under the *Land Use Planning and Approvals Act 1993* as a required part of a permitted use;

Non-compliant. The zoning of the land in 2008 was Rural Resource. The existing dwelling was approved for construction in 2008 as a dwelling associated with the primary industry use of the land, that was at that time as a dairy and for the growing of potatoes.


- (ii) incorporate the excised area into an existing primary industry lot by amalgamation in a manner acceptable to the Recorder of Titles;

Compliant. The balance land would be incorporated into an existing adjoining primary industry lot identified as CT250528/1.

CT250528/1 does not accommodate a dwelling. However, history shows that two dwellings have

previously been excised from CT250528/1 land. Refer to image below.



 CT250528/1 that is currently vacant, with adjoining lots that have, in the past, been excised from the primary parcel of agricultural land.

- (iii) minimise likelihood for the existing use on the reduced area lot to further constrain or interfere with use of the balance area or adjacent land for an existing or potential primary industry use; and

Non-compliant. The creation of Lot 1 does not satisfy Planning Scheme setback requirements for a sensitive use adjoining agricultural land. The application is not accompanied by a report by a suitably qualified person. There is no examination by a suitably qualified person of the future use of Lot 1 and/or the balance lot and no recommendations have been made on how future conflict and fettering of adjoining agricultural land is to be mitigated.

- (iv)a. retain a lot with a size and shape that – can accommodate the lawful existing use or development in accordance with the applicable standards for that use; or

Non-compliant. Lot 1 would contain an existing lawful use and development, a dwelling, that would be setback

50m from adjoining agricultural land. The Planning Scheme requires a 200m setback. The proposed subdivision would not result in use or development that would be in accordance with the applicable standards for a sensitive use.

- (iv)b. does not further increase any non-compliance for use or development on the existing lot.

Non-compliant. As stated above, the proposed subdivision would not result in use or development that would be in accordance with the applicable standards for a sensitive use.

No supporting documentation accompanies the application describing or giving evidence as to how the land on Lot 1 would be used for a primary industry purpose, only that a single dwelling with sheds would be excised.

Referral advice –

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Existing on-site wastewater system to be setback from boundaries.
Infrastructure Services	There are no engineering issues for the application. Stormwater is currently being disposed of on-site and is considered satisfactory as there is no increase in impervious surfaces. There is an existing access to the land which is assessed as satisfactory.
TasWater	Not applicable.
Department of State Growth	Not applicable.

Environment Protection Authority	Not applicable.
TasRail	Not applicable.
Heritage Tasmania	Not applicable.
Crown Land Services	Not applicable.
Other	Not applicable.

CONSULTATION

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

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

No representations were received within the prescribed time.

RESOURCE, FINANCIAL AND RISK IMPACTS

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

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

CONCLUSION

The primary objective of the subdivision is to excise a lawful, structurally sound “required” dwelling from the land. The dwelling and sheds are currently service and support buildings to the agricultural use of the land.

The balance land would be consolidated with an adjoining parcel and used for primary industry. Primary industry land use is existing on these rural parcels and subdivision is not required for the use to occur or be ongoing.

Recommendation –

It is recommended that Resource development – Subdivision – excision of a dwelling and consolidation of titles – Subdivision; Suitability of a site or lot on a plan of subdivision and Location of development for sensitive use at 862 South Riana Road and South Riana Road (CT250528/1), South Riana – Application No. DA2020239 be refused on the following grounds:

- 1 The development does not satisfy the Objectives of the Rural Resource zone;
- 2 The development does not satisfy Performance Criteria 26.4.4–((P1)(c)(i)and (c)(iii) and (c)(ix)a. in that:
 - (i) the subdivision would reduce the area of an existing lot on a Sealed Plan that contains a lawful, structurally sound “required” residential use associated with agriculture;
 - (ii) the subdivision would result in a lot (Lot 1) that that would be likely to constrain and/or fetter adjoining land; and
 - (iii) the subdivision would result in a lot size that is not in accordance with the applicable standards for a sensitive use in the zone.’

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

The Executive Services Officer reported as follows:

“A copy of the Annexures referred to in the Manager Land Use Planning’s report having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

■ Cr Carpenter moved and Cr van Rooyen seconded, “That the application for Resource development – Subdivision – excision of a dwelling and consolidation of titles – Subdivision; Suitability of a site or lot on a plan of subdivision and Location of development for sensitive use at 862 South Riana Road and South Riana Road (CT250528/1), South Riana – Application No. DA2020239 be approved subject to the following conditions:

- 1 The development must be substantially in accordance with the Plan of Subdivision by E A Dodds, Reference No. 20507 dated 29 February 2020.
- 2 The eastern and northern boundaries of Lot 1 must be planted with screen plants at 4m spacings. Plants must have a minimum mature height of 4m.
- 3 Prior to the issue of a Final Plan of Survey the developer is to provide evidence the vegetation buffer has been planted.
- 4 The development must be in accordance with the Bushfire Hazard Assessment Report & Bushfire Hazard Management Plan by Michael Wells, Accreditation No. BFP-128, Certificate No. 220044-5 dated 14 June 2021.
- 5 Prior to the issue of a Final Plan of Survey the developer must provide evidence that the requirements of the Bushfire Management Plan have been satisfied.
- 6 The Balance of CT176331/2 and CT250528/1 are to be consolidated by issue of a new Sealed Plan.
- 7 A Part 5 Agreement under section 71 of the *Land Use Planning and Approvals Act 1993* is to be registered on the new Sealed Plan preventing future residential use on the new consolidated Sealed Plan.
- 8 The execution of the Part 5 Agreement, including the drafting and registration of the Agreement against the new Title, must be at the developer's expense."

Carried unanimously

237/2021 Residential – Subdivision – four lots – Suitability of a site or lot for use or development – 170 Main Road and 25 Bowman Drive, Penguin – Application No. DA2021137 (re-advertised)

Cr Fuller, having declared an interest, left the meeting at 6.28pm for consideration and voting on the matter of '170 Main Road and 25 Bowman Drive, Penguin – Application No. DA2021137'.

The Director Community Services reported as follows:

"The Town Planner has prepared the following report:

*'DEVELOPMENT APPLICATION NO.:
PROPOSAL:*

DA2021137 (re-advertised)
Residential – subdivision – four lots –
Suitability of a site or lot for use or
development

<i>APPLICANT:</i>	PDA Surveyors
<i>LOCATION:</i>	170 Main Road and 25 Bowman Drive, Penguin
<i>ZONES:</i>	General Residential and Environmental Living
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Planning Scheme)
<i>ADVERTISED:</i>	16 June 2021 and re-advertised 14 July 2021
<i>REPRESENTATIONS EXPIRY DATE:</i>	30 June 2021 and re-advertised 28 July 2021
<i>REPRESENTATIONS RECEIVED:</i>	Four
<i>42-DAY EXPIRY DATE:</i>	22 July 2021 – extension of time granted until 16 August 2021
<i>DECISION DUE:</i>	16 August 2021

PURPOSE

The purpose of this report is to consider a four lot subdivision application across two parcels of land known as 170 Main Road and 25 Bowman Drive, Penguin.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representations;
- . Annexure 4 – TasWater Submission to Planning Authority Notice;
- . Annexure 5 – Statement of Compliance for Access and Stormwater;
and
- . Annexure 6 – photographs.

BACKGROUND

Development description –

The application is to create four residential lots across two parcels of land known as 170 Main Road and 25 Bowman Drive. The subdivision would be across two different zones, being General Residential and Environmental Living. Lots 1 and 4 would fall within the General Residential zone and Lots 2 and 3 would fall within the Environmental Living zone.

The subdivision would result with the following:

- . Lot 1 (25 Bowman Drive, Penguin) would have a land area of 640m² which would be reduced from 880m² to allow an access strip to Lot 3, off Bowman Drive. The site has an existing access off Bowman Drive which would be utilised to form the access strip to Lot 3. A new access point is proposed for 25 Bowman Drive and a potential building envelope has been shown on the subdivision plan.
- . Lot 2 would have a land area of 3.7ha, would be accessed via a proposed benefiting right of way through Lot 3 and would have a building envelope located centrally on the site.
- . Lot 3 would have a land area of 2.8ha, would be accessed via an access strip off Bowman Drive and would have a building envelope located centrally on the site.
- . Lot 4 would have a land area of 2.80ha, would be accessed off the existing crossover from Main Road and would contain an existing lawful dwelling and associated outbuildings.

Site description and surrounding area –

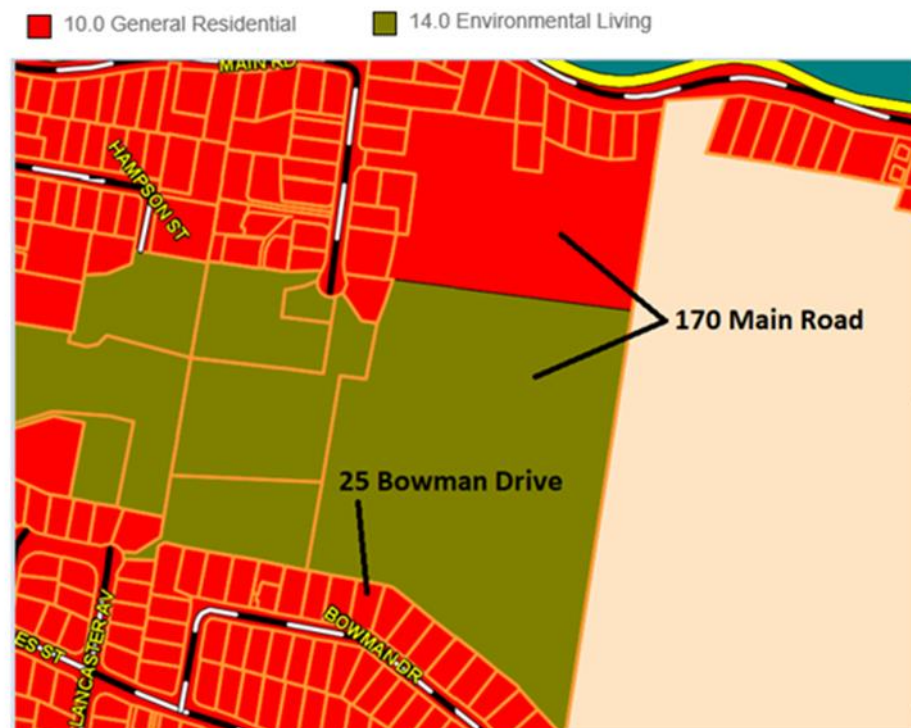
The land known as 170 Main Road contains two zones, being Environmental Living and General Residential (refer to image below showing the split zoning across 170 Main Road, Penguin).

The land known as 25 Bowman Drive is connected to all reticulated services and is surrounded to the east, west and south (across Bowman Drive) by General Residential zoned land, all developed with single or multiple dwellings and associated outbuildings. The site is reasonably flat, with a slight fall away from Bowman Drive towards the rear of the site.

The land known as 170 Main Road has an existing access off Main Road which is used for access to the single dwelling and associated outbuildings. The site also has an access point off Seaside Crescent.

The site has connection to all reticulated services and adjoins developed General Residential to the north, west and south and a Rural Resource zone to the east. Nearly the entirety of the site is covered in Medium Landslip. The site is considerably steep, particularly that portion up from Main Road and down from Bowman Drive.

There is an approximate 40m fall up and away from the Main Road to the centre of the site, and an approximate 20m down from Bowman Drive, for approximately 84m. The centre of the site is not as steep and is within the area proposed for a building envelope for both Lots 2 and 3.



History –

The application was placed on public notification commencing 16 June 2021 until 30 June 2021. During this period, the author of the Bushfire Report provided a revised report as an error had occurred with the Bushfire Attack Level (BAL) rating of the proposed lots. Subsequently, the application required to be re-advertised, as representations received outlined concerns regarding BAL assessments of the lots.

DISCUSSION –

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

General Residential – Lots 1 and 4

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

10.3.2–(A3) Other than for emergency services, residential, and visitor accommodation, hours of operation must be between 6.00am and 9.00pm.	Not applicable. Use is residential.
10.4.1 Residential density for multiple dwellings	
10.4.1–(A1) Multiple dwellings must have a site area per dwelling of not less than: (a) 325m ² ; or (b) if within a density area specified in Table 10.4.1 below and shown on the planning scheme maps, that specified for the density area.	Not applicable. Not an application for multiple dwellings.
10.4.2 Setbacks and building envelope for all dwellings	
10.4.2–(A1) Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or	<i>Lot 4 only – contains an existing dwelling and associated outbuildings.</i> (a) Compliant. No changes to existing buildings in relation to the front boundary. (b) Not applicable. The site does not have a secondary frontage. (c) Not applicable. Satisfied by (a) and (b).

<p>(b) if the frontage is not a primary frontage, at least 3.0m, or, if the setback from the frontage is less than 3.0m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	<p>(d) Compliant. The development is not on land that abuts the Bass Highway.</p>
<p>10.4.2–(A2) A garage or carport must have a setback from a primary frontage of at least:</p> <p>(a) 5.5m, or alternatively 1.0m behind the façade of the dwelling; or</p> <p>(b) the same as the dwelling façade, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1.0m, if the natural ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10.0m from the frontage.</p>	<p><i>Lot 4 only.</i></p> <p>(a) Compliant. No changes to existing buildings in relation to the front boundary.</p> <p>(b) Not applicable. Refer to (a) above.</p> <p>(c) Not applicable. Refer to (a) above.</p>

<p>10.4.2–(A3) A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above natural ground level; and <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary or the adjoining lot; or 	<p><i>Lot 4 only.</i></p> <p>(a)(i) Compliant. No changes to existing buildings in relation to the front boundary.</p> <p>(a)(ii) Compliant. No changes to existing buildings in relation to side boundaries. The dwelling would be setback 24m to the new rear boundary and the closest outbuilding would be setback 5m to the new rear boundary.</p> <p>(b) Not applicable. No changes to existing buildings in relation to side boundaries.</p>
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<p>(ii) does not exceed a total length of 9.0m or one-third the length of the side boundary (whichever is the lesser).</p>	
<p>10.4.3 Site coverage and private open space for all dwellings</p>	
<p>10.4.3-(A1) Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60.0m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	<p><i>Lot 4 only.</i></p> <p>(a) Compliant. Lot 1 would have an area of 2.8ha. The site coverage would be well under 50%.</p> <p>(b) Not applicable. The proposed development is not for multiple dwellings.</p>
<p>10.4.3-(A2) A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <p>(i) 24.0m²; or</p> <p>(ii) 12.0m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m</p>	<p><i>Lot 4 only.</i></p> <p>(a)(i) Compliant. The existing private open space has an area greater than 24m².</p> <p>(a)(ii) Not applicable. Development satisfied by (a)(i).</p> <p>(b)(i) Compliant. The dwelling has existing private open space with a minimum 190m horizontal dimension.</p>

<p>above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4.0m; or</p> <p>(ii) 2.0m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	<p>(b)(ii) Not applicable. Not a multiple dwelling application.</p> <p>(c) Compliant. The existing private open space is not primarily located between the dwelling and the frontage. The site has numerous locations of private open space on-site.</p> <p>(d) Compliant. Some of the existing private open space is reasonably flat.</p>
<p>10.4.4 Sunlight to private open space of multiple dwellings</p>	
<p>10.4.4-(A1) A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):</p>	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

<p>(a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):</p> <ul style="list-style-type: none"> (i) at a distance of 3.0m from the window; and (ii) vertically to a height of 3.0m above natural ground level and then at an angle of 45 degrees from the horizontal. <p>(b) The multiple dwelling does not cause the habitable room to receive less than three hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>(c) That part, of a multiple dwelling, consisting of:</p> <ul style="list-style-type: none"> (i) an outbuilding with a building height no more than 2.4m; or (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6m horizontally from the multiple dwelling. 	
<p>10.4.5 Width of openings for garages and carports for all dwellings</p>	
<p>10.4.5-(A1) A garage or carport within 12.0m of a primary frontage (whether the garage or carport is free-standing or part of the dwelling) must have a total width of openings facing the</p>	<p><i>Lot 4 only.</i></p> <p>No changes, existing situation is compliant.</p>

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

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

<p>(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.</p>	
<p>10.4.7 Frontage fences for all dwellings</p>	
<p>10.4.7-(A1) A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than:</p> <p>(a) 1.2m if the fence is solid; or</p> <p>(b) 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30% (excluding any posts or uprights).</p>	<p>Not applicable.</p> <p>No front fence proposed.</p>
<p>10.4.8 Waste storage for multiple dwellings</p>	
<p>10.4.8-(A1) A multiple dwelling must have a storage area, for waste and recycling bins, that is an area of at least 1.5m² per dwelling and is within one of the following locations:</p> <p>(a) in an area for the exclusive use of each dwelling,</p>	<p>Not applicable.</p> <p>Not multiple dwelling development.</p>

<p>excluding the area in front of the dwelling; or</p> <p>(b) in a communal storage area with an impervious surface that:</p> <ul style="list-style-type: none"> (i) has a setback of at least 4.5m from a frontage; and (ii) is at least 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height of at least 1.2m above the finished surface level of the storage area. 	
<p>10.4.9 Suitability of a site or lot for use or development</p>	
<p>10.4.9–(A1) A site or each lot on a plan of subdivision must:</p> <ul style="list-style-type: none"> (a) have an area of not less than 330m² excluding any access strip; and (b) if intended for a building, contain a building area of not less than 10.0m x 15.0m: <ul style="list-style-type: none"> (i) clear of any applicable setback from a frontage, side or rear boundary; (ii) clear of any applicable setback from a zone boundary; 	<ul style="list-style-type: none"> (a) Compliant. Lot 1 would have an area of 640m² and Lot 4 would have an area of 2.80ha. (b)(i) Compliant. All existing buildings on Lot 4 satisfy the setback requirements. Lot 1 has a building area shown that would satisfy the setback requirements. (b)(ii) Compliant. Both Lots 1 and 4 would be clear of the applicable setback to a Rural Resource zone. (b)(iii) Not applicable. No registered easements. (b)(iv) Not applicable. No registered right of way.

<ul style="list-style-type: none"> (iii) clear of any registered easement; (iv) clear of any registered right of way benefiting (v) clear of any restriction imposed by a Utility; (vi) not including an access strip; (vii) accessible from a frontage or access strip; and (viii) if a new residential lot, with a long axis within the range 30 degrees east of north and 20 degrees west of north. 	<ul style="list-style-type: none"> (b)(v) Not applicable. No utility. (b)(vi) Not applicable. No access strip for Lots 1 and 4. (b)(vii) Compliant. A Statement of Compliance has been issued by the Road Authority. (b)(viii) Compliant. Lots 1 and 4 have a long axis within the range 30 degrees east of north and 20 degrees west of north.
<p>10.4.9–(A2) A site or each lot on a subdivision plan must have a separate access from a road –</p> <ul style="list-style-type: none"> (a) across a frontage over which no other land has a right of access; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or (c) by a right of way connecting to a road – <ul style="list-style-type: none"> (i) over land not required as the means of access to any other land; and 	<ul style="list-style-type: none"> (a) Compliant. Lot 1 would have access from Bowman Drive and Lot 4 would have access from Main Road. (b) Not applicable. Lots 1 and 4 are not internal lots. (c)(i) Not applicable. Satisfied by (a) and (b). (c)(ii) Not applicable. Satisfied by (a) and (b). (d)(i) Compliant. Lot 1 has a width of frontage of 14m, and Lot 4 has a width of frontage of 22m.

<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)(ii) Not applicable. Not multiple dwelling or non-residential development.</p> <p>(e) Compliant. A Statement of Compliance has been issued by the Road Authority.</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>Both lots are connected to the reticulated water system.</p>
<p>10.4.9-(A4) A site or each lot on a plan of subdivision must be capable of draining and disposing of sewage and wastewater to</p>	<p>Compliant.</p>

a sewage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i> .	Both lots are connected to the reticulated sewerage system.
10.4.9–(A5) A site or each lot on a plan of subdivision must be capable of draining and disposing of stormwater to a stormwater system provided in accordance with the <i>Urban Drainage Act 2013</i> .	Compliant. Both lots are connected to the reticulated stormwater system.
10.4.10 Dwelling density for single dwelling development	
10.4.10–(A1) (a) The site area per dwelling for a single dwelling must – (i) be not less than 325m ² .	(a)(i) Compliant. Lot 1 would have a site area of 640m ² , and Lot 4 would have a site area of 2.80ha.
10.4.11 Development other than a single or multiple dwelling.	
10.4.11.1 Location and configuration of development	
10.4.11.1–(A1) The wall of a building must be set back from a frontage – (a) not less than 4.5m from a primary frontage; and (b) not less than 3.0m from any secondary frontage; or	Not applicable. Proposed development is residential.

<ul style="list-style-type: none"> (c) not less than and not more than the setbacks for any existing building on adjoining sites; (d) not less than for any building retained on the site; (e) in accordance with any building area shown on a sealed plan; or (f) not less than 50.0m if the site abuts the Bass Highway. 	
<p>10.4.11.1 –(A2) All buildings must be contained within a building envelope determined by –</p> <ul style="list-style-type: none"> (a) the applicable frontage setback; (b) a distance of not less than 4.0m from the rear boundary or if an internal lot, a distance of 4.5m from the boundary abutting the rear boundary of the adjoining frontage site; (c) projecting a line at an angle of 45 degrees from the horizontal at a height of 3.0m above natural ground level at each side boundary and at a distance of 4.0m from the rear boundary to a building height of not more than 8.5m above natural ground level if walls are setback – <ul style="list-style-type: none"> (i) not less than 1.5m from each side boundary; or 	<p>Not applicable.</p> <p>Proposed development is residential.</p>

<p>(ii) less than 1.5m from a side boundary if –</p> <ul style="list-style-type: none"> a. built against an existing wall of an adjoining building; or b. the wall or walls – <ul style="list-style-type: none"> i. have the lesser of a total length of 9.0m or one-third of the boundary with the adjoining land; ii. there is no door or window in the wall of the building; and iii. overshadowing does not result in 50% of the private open space of an adjoining dwelling receiving less than 3 hours of sunlight between 9.00am and 3.00pm on 21 June. <p>(d) in accordance with any building envelope shown on a sealed plan of subdivision.</p>	
<p>10.4.11.1 –(A3) Site coverage must:</p> <p>(a) not be more than 50%; or</p>	<p>Not applicable.</p> <p>Proposed development is residential.</p>

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

<ul style="list-style-type: none"> (i) be not less than 6.0m from any door, window, balcony, deck, or roof garden in a dwelling on the same site; (ii) be not less than 3.0m from a side boundary; (iii) be not less than 4.0m from a rear boundary; and (iv) if an internal lot, be not less than 4.5m from the boundary abutting a rear boundary of an adjacent frontage site; or <p>(b) if less than the setbacks in clause A1(a):</p> <ul style="list-style-type: none"> (i) be off-set by not less than 1.5m from the edge of any door or window of another dwelling; (ii) have a window sill height of not less than 1.8m above floor level; (iii) have fixed glazing or screening with a uniform transparency of not more than 25% in that part of a door or window less than 1.7m above floor level; or (iv) have a fixed and durable external screen other than vegetation of not less than 1.8m height above the floor level with a uniform transparency of not 	
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more than 25% for the full width of the door, window, balcony, deck, roof garden, parking space, or carport.	
10.4.11.2–(A2) An access strip or shared driveway, including any pedestrian pathway and parking area, must be separated by a distance of not less than 1.5m horizontally and 1.5m vertically from the door or window to a dwelling or any balcony, deck, or roof garden in a dwelling.	Not applicable. Proposed development is residential.
10.4.11.3 Frontage fences	
10.4.11.3–(A1) The height of a fence, including any supporting retaining wall, on or within a frontage setback must be: (a) not more than 1.2m if the fence is solid; or (b) not more than 1.8m provided that part of the fence above 1.2m has openings that provide a uniform transparency of not less than 30%.	Not applicable. Proposed development is residential.
10.4.12 Setback of development for sensitive use	
10.4.12–(A1) A building containing a sensitive use must be contained within a building envelope determined by:	(a) Compliant. Lot 1 does not adjoin a zone boundary. Lot 4 adjoins a Rural Resource zone. No changes are proposed to

<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>the existing buildings and their setbacks to the Rural Resource zone.</p> <p>(b) Compliant. Lot 1 does not adjoin a zone boundary. Lot 4 adjoins a Rural Resource zone. No changes are proposed to the existing buildings and their setbacks to the Rural Resource zone.</p>
<p>10.4.12–(A2) Development for a sensitive use must be not less than 50.0m from:</p> <p>(a) Bass Highway;</p> <p>(b) a railway;</p> <p>(c) land designated in the planning scheme for future road or rail purposes; or</p> <p>(d) a proclaimed wharf area.</p>	<p>(a) Compliant. Proposed subdivision is approximately 430m from the Bass Highway.</p> <p>(b) Compliant. Proposed subdivision is approximately 30m from the railway line, however this is an existing boundary, and no change is proposed.</p> <p>(c) Not applicable. No land designated for future road or rail.</p> <p>(d) Not applicable. The nearest proclaimed wharf area is in Burnie approximately 15km to the west.</p>
<p>10.4.13 Subdivision</p>	
<p>10.4.13–(A1) Each new lot on a plan of subdivision must be –</p> <p>(a) intended for residential use;</p>	<p>(a) Compliant. Subdivision is for residential purpose.</p> <p>(b) Not applicable. Satisfied by (a).</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.	
10.4.13-(A2) A lot, other than a lot to which A1(b) applies, must not be an internal lot	Compliant. Lots 1 and 4 are not internal lots.
10.4.14 Reticulation of an electricity supply to new lots on a plan of subdivision	
10.4.14-(A1) Electricity reticulation and site connections must be installed underground.	Compliant. Proposal is for underground provisions for electricity. Condition of Permit to reflect this.

Issues –

1 Clause 9.7 – Access and provision of infrastructure across land in another zone –

The Planning Scheme's Clause 9.7.1 states that where an application is for use or development that includes access or provision of infrastructure across land that is in a different zone to that in which the main part of the use or development is located, and the access or infrastructure is prohibited by the provisions of the different zone, the Planning Authority may, at its discretion, approve an application for access or the provision of infrastructure over the land in the other zone, having regard to:

- (a) whether there is no practical and reasonable alternative for providing the access or infrastructure to the site;

Compliant. The proposal is to allow an access strip and subsequent right of way over land zoned General Residential to provide access to land zoned Environmental Living.

The site does have an access point off Main Road which would serve as the sole access to the existing dwelling that would be accommodated in Lot 4. Furthermore, the site does have an access point off Seaside Crescent.

This access point is not considered practical due to the site containing Medium landslip. As per the geotechnical report, as prepared by GeoTon, the existing 'farm track' located on the site is considered the most suitable access point to Lots 2 and 3 as it would reduce the amount of cut and disturbance to the site and therefore would result with minimal disturbance within the Medium landslip areas.

- (b) the purpose and provisions of the zone and any applicable code for the land over which the access or provision of infrastructure is to occur; and

Compliant. The proposal is for subdivision for residential use on both the General Residential and Environmental Living zones. Residential use is considered No Permit Required in the General Residential zone and is considered Permitted in the Environmental Living zone.

- (c) the potential for land use conflict with the use or development permissible under the planning scheme for any adjoining properties and for the land over which the access or provision of infrastructure is to occur.

Compliant. As discussed above, the proposal is for subdivision for residential use on both the General Residential and Environmental Living zones. Residential use is considered No Permit Required in the General Residential zone and is considered Permitted in the Environmental Living zone. There would be no conflict of use or development between the two zones.

2 *Clause 14.4.1 – Suitability of a site or lot for use or development – relative only to Lots 2 and 3.*

The Planning Scheme's Acceptable Solution for Clause 14.4.1 –(A1)(b)(i) states that each site or each lot on a plan of subdivision must, if intended for a building, contain a building area of not more than 500m².

Lots 2 and 3 would both have a building area greater than 500m² due to landslip constraints on the site. Therefore, a variation to this standard is required and an exercise of discretion is needed for the proposal.

The Planning Scheme's Performance Criteria for Clause 14.4.1 –(P1) states that a site or a lot on a plan of subdivision must be of sufficient area for the intended development without likely constraint or interference for –

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

Compliant. The proposal is for a residential subdivision which would include building envelopes on Lot 2 and 3 for future residential development.

- (b) access to the site;

Compliant. Lots 2 and 3 can be accessed via an access strip (6m wide) and subsequent right of way from Bowman Drive.

- (c) use or development of adjacent land;

Compliant. Proposal is for residential subdivision with the potential for future residential development. A majority of the surrounding areas are residential zoned properties, all developed for residential purpose. The site adjoins a Rural Resource zone to the east, but incorporates building areas that would be setback 50m from this zone. The proposal would not constrain or interfere with use and development on adjacent land.

- (d) a utility; and

Not applicable. No utility.

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

Not applicable. No easement or lawful entitlement for access to other land in relation to 170 Main Road.

The Planning Scheme's Acceptable Solution for Clause 14.4.2–(A2)(a)(b)(c) states that a site or each lot on a subdivision plan must have a separate access from a road for (a) across a frontage over which no other land has a right of access; and (b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; and (c) by a right of way connecting to a road over land not required as the means of access to any other land.

The proposal results with an access strip and subsequent right of way to serve both Lots 2 and 3. Therefore, a variation to this standard is required and an exercise of discretion is needed for the proposal.

The Scheme's Performance Criteria for Clause 14.4.1–(P2) states that

- (a) A site must have a reasonable and secure access from a road provided –

- (i) across a frontage; or

Compliant. Lots 2 and 3 would have access off Bowman Drive via an access strip and subsequent right of way.

- (ii) by an access strip connecting to a frontage, if for an internal lot; or

Compliant for Lot 3. Lot 3 would have a 6m wide access strip off Bowman Drive.

- (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 for Lot 2. Lot 2 would be accessed from a right of way via Lot 3. The right of way is not required to give Lot 2 the minimum properties of a lot in accordance with the Acceptable Solution in any applicable standard.

- (iv) the dimensions of the frontage and any access strip or 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 proposal is for residential use. The Road Authority has no issues with the proposed access arrangements.

- (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 proposal is for residential use. The Road Authority has no issues with the proposed access arrangements.

- (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 of a road and the frontage, access strip or right of way to the site or each lot on a subdivision plan; or

Compliant. A Statement of Compliance has been issued by the Road Authority.

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

Not applicable. Satisfied by (iii) and (iv) and (v).

Referral advice –

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Based on the report supplied by GeoTon, a secondary treatment system is required due to the landslip hazard (Lots 2 and 3). The GeoTon report and recommendations will form part of this Permit.
Infrastructure Services	Statement of Compliance for Vehicular Access and Drainage Access has been issued, dated 16 June 2021, and will form part of this Permit.
Building	No requirements.
TasWater	Submission to Planning Authority Notice has been issued, dated 9 June 2021, and will form part of this Permit.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.

Crown Land Services	Referral not required.
Tas Networks	Application was referred. No comments were received. However, a letter from TasNetworks did form part of the application.

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, copies of which are provided at Annexure 3.

The representations are summarised and responded to as follows:

REPRESENTATION ONE	
MATTER RAISED	RESPONSE
1 Concern regarding the location of the proposed right of way/access strip, including the 90° angle design of the right of way.	<p>The access strip for Lot 3 is proposed between 23 and 25 Bowman Drive. This would be a 6m wide access strip.</p> <p>Access strips to provide access to internal allotments are not uncommon and exists throughout the municipality. Access strips can vary in width from 3.6m and up to 6m or greater.</p> <p>An example of access strips are internal lots that have been created along Hales Street (next street south</p>

	<p>of Bowman Drive). Hales Street has eight internal allotments.</p> <p>The creation of an access strip comes down to the lot configuration and access to road frontage availability, as well as other factors such as the topography of a site.</p> <p>As with access strips, it is also not uncommon to have a right of way provide access to a site. Factors, again, depend on lot configuration and access to road frontage availability, as well as other factors such as the topography of a site.</p> <p>In this case, 170 Main Road is characterised by medium landslip. The findings within the Geotechnical Investigation and Landslide Risk Assessment states that the existing 'farm track' (roughly the line of the proposed right of way) is best to serve as the access point to the lots, to avoid the area of soil creep and shallow slumping further to the north. Some earthworks would be required to formalise this access track (this has been assessed in the Geotech report) and will be outlined within the Part 5 Agreement, as per condition No. 9 of this Permit.</p>
<p>2 Preservation of a single lot not as important as amenity of the existing lots along Bowman Drive, including privacy to adjoining lots.</p>	<p>It is not considered that 25 Bowman Drive should be removed completely to provide an access only to Lots 2 and 3. The proposed subdivision can allow for a 6m wide access to Lots 2 and 3 whilst still allowing Lot 1 sufficient land area to contain a dwelling into the future.</p> <p>The access strip to Lots 2 and 3 would provide access to residential</p>

	<p>land with the potential for residential development. The amenity of the area would remain residential and would not change with the creation of an access strip and subsequent right of way.</p> <p>It is acknowledged that the occupants of 23 Bowman Drive would see some vehicular traffic from the occupants of Lots 2 and 3. However, this would be for residential purposes which is the same purpose of vehicular traffic along, and through, Bowman Drive and its surrounding areas.</p>
3 Disagree that only two lots would reduce impact on amenity in terms of traffic.	<p>As stated above, it is acknowledged that the occupants of 23 Bowman Drive would see some vehicular traffic from the occupants of Lots 2 and 3. However, this would be for residential purposes which is the same purpose of vehicular traffic along and through Bowman Drive and its surrounding areas.</p> <p>The access strip would provide an access to two additional residential lots. Each lot would accommodate one dwelling and would not be capable of being subdivided any further (refer to comments in the next matter). The Council, acting in its capacity as the Road Authority, have no issues with the proposed access arrangements for Lots 2 and 3.</p>
4 Potential future subdivision with the larger lots.	<p>Lots 2 and 3 are zoned Environmental Living under the current Planning Scheme. Under the <i>Tasmanian State Planning Scheme</i></p>

	<p>2017 both Lots 2 and 3 would be zoned Landscape Conservation.</p> <p>Under a Landscape Conservation zone, the lot size would be 50ha (Acceptable Solution) with a mandatory minimum lot size of 20ha possible (Performance Criteria).</p> <p>Therefore, under future Landscape Conservation zone provisions and also the provision of a registered Part 5 Agreement regarding building envelopes for both Lots 2 and 3, no further subdivision would be able to occur under the Landscape Conservation zone.</p>
5 Driveway construction details not provided.	<p>The driveway construction is a condition of the draft Permit. Condition No. 7 of the draft Planning Permit states that driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.</p>
REPRESENTATION TWO	
1 Who will be completing the access arrangements?	<p>The requirements regarding access upgrades are set out in the Statement of Compliance, as per condition No. 6 of the draft Permit conditions. All conditions within this Statement are the responsibility of the owner and must be satisfied, prior to the sealing of the Final Plan of Survey.</p>
2 Covenant regarding no right of way or other form of access.	<p>It is acknowledged that on the Certificate of Title for 25 Bowman Drive there is a covenant within the Schedule of Easements that states <i>not to construct, create, grant, give, exercise or permit any right of way of any other form of</i></p>

	<p><i>access from those lots to any adjoining property.</i></p> <p>It is agreed that this proposal would be in contravention of this covenant. However, this is not a Planning matter and is not a matter that can be considered under the Planning Scheme.</p> <p>This is a legal matter. The representor is able to seek their own legal advice on this matter, if they wish to do so.</p> <p>The matter can also be considered under section 103 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> regarding the amendment of a sealed plan. This is a separate process to a land use planning application.</p>
3 Concern regarding clearing would occur other than what is specified in the application.	<p>Part of the recommendations set out in the Geotechnical Investigation and Landslide Risk Assessment report, involves vegetation and erosion control.</p> <p>Condition No. 9 of the draft Permit conditions includes the requirement for a registered Part 5 Agreement and would include the recommendations regarding vegetation clearing. This states that only minor clearing of vegetation for the access road is permitted.</p> <p>Furthermore, if the owner/future owners, wish to remove any vegetation, a Planning application/Permit would be required and would need to be supported with reports prepared by a suitably qualified person.</p>

<p>4 Concern regarding non-habitable structures and location of these for both proposed Lots 2 and 3.</p>	<p>Condition No. 9 of the draft Permit conditions requires a registered Part 5 agreement regarding building envelopes for Lots 2 and 3. These building envelopes would be for all buildings as per recommendations made in the Geotechnical Investigation and Landslide Risk Assessment.</p>
<p>5 Concern regarding on-going stability of land and potential impacts of properties along Bowman Drive.</p>	<p>Condition No. 3 of the draft Permit conditions requires that all works must be completed in accordance with the Geotechnical Investigation and Landslide Risk Assessment report. Furthermore, the condition states that <i>at completion of the works a statement must be provided by the Author of the Geotechnical Investigation and Landslide Risk Assessment indicating whether the works have been completed in accordance with the Discussion and Recommendations contained in the Report as prepared by GeoTon Pty Ltd, Reference No. GL21101Ab dated 11 May 2021.</i></p> <p>Additionally, as per condition No. 9 of the draft Permit conditions, a registered Part 5 Agreement would be required, which includes all discussions and recommendations made within this report.</p>
<p>REPRESENTATION THREE (ASKED TO INCLUDE ALL MATTERS RAISED IN REPRESENTATION THREE)</p>	
<p>1 Will new access road on Lot 1 be required to be fenced on its eastern boundary?</p>	<p>This is not a planning matter. The matter regarding fencing is between landowners, with matters set out under the <i>Boundary Fences Act 1908</i>.</p>

<p>2 What is the minimum setback requirement from any dwelling to the western boundary access road?</p>	<p>The access strip would create a new side boundary setback for Lot 1. All dwellings would need to be designed to satisfy either the Acceptable Solution or Performance Criteria building envelope provision for General Residential zoned properties.</p> <p>The design of any future dwelling would be assessed by the land use planning office when presented to the Council. The appropriate planning assessment process would occur, whether this would be for a No Permit Required, Permitted or Discretionary application would depend on the submitted design.</p>
<p>3 What is the number of dwellings permitted with reduced Lot 1 with land area of 630m².</p>	<p>In the General Residential zone, the minimum land area under the current Planning Scheme is 325m², which would increase to 450m² under the Tasmanian Planning Scheme.</p> <p>For multiple dwellings, each dwelling would require a land area of 325m². Therefore, it would be possible that an application could be lodged for two multiple dwellings on Lot 1 in the future. This is no different to all General Residential zoned land.</p> <p>As mentioned above, if an application is lodged with the Council in the future for development on Lot 1, the application would be assessed by the land use planning office.</p> <p>The appropriate planning assessment process would occur, whether this would be for a No</p>

	<p>Permit Required, Permitted or Discretionary application would depend on the design.</p>
<p>4 Covenants currently on Certificate of Title for 25 Bowman Drive – do they remain?</p>	<p>Yes. The Schedule of Easements, including any covenants do not change due to this subdivision. The only way a covenant could be altered/changed would be under section 103 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> regarding the amendment of a sealed plan. This is a separate process to a land use planning application.</p>
<p>5 What is the minimum setback for dwellings to the eastern boundary for Lot 1?</p>	<p>The General Residential zone stipulates required building envelopes for all dwellings under the Planning Scheme. This includes setback requirements for side boundaries. Depending on the design, a dwelling can be built along a side boundary, providing the wall length is no longer than 9m and the wall height is no higher than 3m and angles away at 45 degrees otherwise, a two-storey dwelling would need to be setback 3m from a side boundary. However, this depends on the design of the dwelling.</p> <p>The setback to a side boundary is variable and depends on the design of a dwelling and wall height. There are also some exemptions allowed for outbuildings associated with a dwelling.</p> <p>Again, this would depend on the design of the outbuilding.</p>

<p>6 Concern regarding future development on Lot 1 and if planning exemptions are granted for future development.</p>	<p>If an application is lodged with the Council in the future for development on Lot 1, the application would be assessed by the land use planning office. The appropriate planning assessment process would occur, whether this would be for a No Permit Required, Permitted or Discretionary application would depend on the submitted design.</p>
<p>REPRESENTATION FOUR</p>	
<p>1 Land covenant on Lot 1 in relation to access.</p>	<p>It is acknowledged that on the Certificate of Title for 25 Bowman Drive there is a covenant within the Schedule of Easements that states <i>not to construct, create, grant, give, exercise or permit any right of way of any other form of access from those lots to any adjoining property.</i></p> <p>This is not a planning matter and is not a matter that can be considered under the Planning Scheme.</p> <p>This is a legal matter. The representor would be able to seek their own legal advice if they wished to do so. The matter can be considered under section 103 of the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> regarding the amendment of a sealed plan. This is a separate process to a land use planning application.</p>
<p>2 Want Councillors to do a drive by of the site before making a decision.</p>	<p>This is not a planning matter. This is up to the individual Councillor.</p>

3	Received the Mayor's Report and note no Councillors live in Penguin. Also thought Spreyton was in Devonport City area.	This is not a planning matter.
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RESOURCE, FINANCIAL AND RISK IMPACTS

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

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

CONCLUSION

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

Residential use for subdivision is Permitted in both the General Residential and Environmental Living zone. The application was discretionary due to the creation of the right of way, internal allotments, and access to Lots 2 and 3 over a different zone. The creation of internal allotments and the subsequent access strips (including right of ways) is not uncommon in the General Residential zone, as evident throughout the municipality and also within close proximity to this proposal.

The proposed development is considered to be reasonable development in the General Residential and Environmental Living zone and is considered to have satisfied the Planning Scheme's applicable Performance Criteria. It is considered appropriate that the proposed development be approved, subject to conditions.

Recommendation –

It is recommended that the application for Residential – subdivision – four lots – Suitability of a site or lot for use or development at 170 Main Road and 25 Bowman Drive, Penguin Application No. DA2021137 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the Plan of Subdivision as prepared by PDA Surveyors, Job No. 46906, Sheet No. 1A dated 4 May 2021.
- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2021/00869-CC dated 9 June 2021.
- 3 The development must make provision for Lots 2 and 3 of a suitable rechargeable drinking water system with a storage capacity of not less than 10,000 litres.
- 4 The development must be in accordance with the recommendations contained in the Geotechnical Investigation and Landslide Risk Assessment as prepared by GeoTon Pty Ltd, Reference No. GL21101Ab dated 11 May 2021.

At the completion of the works, a statement must be provided by the author of the Geotechnical Investigation and Landslide Risk Assessment indicating whether the works have been completed in accordance with the Discussion and Recommendations contained in the report as prepared by GeoTon Pty Ltd, Reference No. GL21101Ab dated 11 May 2021.

- 5 The development must be in accordance with the Bushfire Hazard Management Report as prepared by Environmental Service and Design Pty Ltd, Version No. 2 dated 29 June 2021 and the Bushfire Hazard Management Plan as prepared by Environmental Service and Design Pty Ltd, Version No. 2 dated 29 June 2021.
- 6 Prior to the sealing of the Final Plan of Survey, a statement must be provided by the author of the Bushfire Hazard Management Plan as prepared by Environmental Service and Design Pty Ltd, Version No. 2 dated 29 June 2021, or by a suitably qualified person, stating that all works have been completed in accordance with this plan.

- 7 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 16 June 2021, issued by the Council, acting in its capacity as the Road Authority and the Stormwater Authority.
- 8 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 9 Prior to the sealing of a Final Plan of Survey, confirmation from TasNetworks is required that electricity reticulation and site connections have been installed underground to Lots 2 and 3.
- 10 The Final Plan of Survey for Lots 2 and 3 must show building envelopes as outlined in the Geotechnical Investigation and Landslide Risk Assessment, as prepared by GeoTon Pty Ltd, Reference No. GL21101Ab dated 11 May 2021 and the Plan of Subdivision as prepared by PDA Surveyors, Job No. 46906, Sheet No. 1A dated 4 May 2021.
- 11 Prior to the sealing of a Final Plan of Survey, 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 outline the following, subject to the satisfaction of the General Manager:
 - (a) Lots 2 and 3 to have building envelopes identified as shown on the Plan of Subdivision, prepared by PDA Surveyors, Job No. 46909-1A dated 4 May 2021; and
 - (b) Lots 2 and 3 are subject to all the discussions and recommendations made in the Geotechnical Investigation and Landslide Risk Assessment, as prepared by GeoTon Pty Ltd, Reference No. GL21101Ab dated 11 May 2021 including buildings; cuts and fills; drainage; vegetation and erosion control; access road and infrastructure and development review.
- 12 Execution of the Part 5 Agreement, including drafting and registration of the Agreement against CT115441/1, must be at the developer's 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.’

The Town Planner’s report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr Carpenter moved and Cr Beswick seconded, “That the application for Residential – subdivision – four lots – Suitability of a site or lot for use or development at 170 Main Road and 25 Bowman Drive, Penguin Application No. DA2021137 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with the Plan of Subdivision as prepared by PDA Surveyors, Job No. 46906, Sheet No. 1A dated 4 May 2021.
- 2 The development must be in accordance with the conditions of TasWater’s Submission to Planning Authority Notice, Reference No. TWDA 2021/00869–CC dated 9 June 2021.
- 3 The development must make provision for Lots 2 and 3 of a suitable rechargeable drinking water system with a storage capacity of not less than 10,000 litres.
- 4 The development must be in accordance with the recommendations contained in the Geotechnical Investigation and Landslide Risk Assessment as prepared by GeoTon Pty Ltd, Reference No. GL21101Ab dated 11 May 2021.

At the completion of the works, a statement must be provided by the author of the Geotechnical Investigation and Landslide Risk Assessment indicating whether the works have been completed in accordance with the Discussion and Recommendations contained in the report as prepared by GeoTon Pty Ltd, Reference No. GL21101Ab dated 11 May 2021.

- 5 The development must be in accordance with the Bushfire Hazard Management Report as prepared by Environmental Service and Design Pty Ltd, Version No. 2 dated 29 June 2021 and the Bushfire Hazard Management Plan as prepared by Environmental Service and Design Pty Ltd, Version No. 2 dated 29 June 2021.
- 6 Prior to the sealing of the Final Plan of Survey, a statement must be provided by the author of the Bushfire Hazard Management Plan as prepared by Environmental Service and Design Pty Ltd, Version No. 2 dated 29 June 2021, or by a suitably qualified person, stating that all works have been completed in accordance with this plan.
- 7 The development must be in accordance with the conditions of the Statement of Compliance for Vehicular Access and Drainage Access dated 16 June 2021, issued by the Council, acting in its capacity as the Road Authority and the Stormwater Authority.
- 8 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 9 Prior to the sealing of a Final Plan of Survey, confirmation from TasNetworks is required that electricity reticulation and site connections have been installed underground to Lots 2 and 3.
- 10 The Final Plan of Survey for Lots 2 and 3 must show building envelopes as outlined in the Geotechnical Investigation and Landslide Risk Assessment, as prepared by GeoTon Pty Ltd, Reference No. GL21101Ab dated 11 May 2021 and the Plan of Subdivision as prepared by PDA Surveyors, Job No. 46906, Sheet No. 1A dated 4 May 2021.
- 11 Prior to the sealing of a Final Plan of Survey, 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 outline the following, subject to the satisfaction of the General Manager:
 - (a) Lots 2 and 3 to have building envelopes identified as shown on the Plan of Subdivision, prepared by PDA Surveyors, Job No. 46909-1A dated 4 May 2021; and
 - (b) Lots 2 and 3 are subject to all the discussions and recommendations made in the Geotechnical Investigation and Landslide Risk Assessment, as prepared by GeoTon Pty Ltd, Reference No. GL21101Ab dated 11 May 2021 including buildings; cuts and fills; drainage; vegetation and erosion control; access road and infrastructure and development review.
- 12 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.”

Carried unanimously

Cr Fuller returned to the meeting at this time (6.31pm).

INFRASTRUCTURE SERVICES

238/2021 Expression of Interests and Standing Tenders 2021–2022 to 2023–2024

The Director Infrastructure Services reported as follows:

The Manager Engineering reported as follows:

“PURPOSE

The purpose of this report is to consider the expressions of interest for the supply and delivery of bitumen emulsion, supply of hotmix asphalt, supply and delivery of ready-mixed concrete, asphalt surfacing, sprayed bituminous surfacing, plant hire and quarry and landscaping materials, and the standing tender for supply of personal protective equipment and clothing for the 2021 – 2022 to 2023–2024 financial years.

BACKGROUND

The annual tender process comprised the following:

Multiple Use Register – three years (Other suppliers may apply for inclusion at any time)

- . supply of bitumen emulsion;
- . supply of hotmix asphalt;
- . supply and delivery of ready-mixed concrete;
- . supply of quarry and landscaping materials;
- . plant hire;
- . hotmix asphalt surfacing;
- . sprayed bituminous surfacing.

Standing Tender – three years

- . supply of personal protective equipment and clothing.

Expressions of interest and standing tenders were called for the supply of bitumen emulsion, supply of hotmix asphalt, supply and delivery of ready-mixed concrete, plant hire, quarry and landscaping materials, hotmix asphalt surfacing, sprayed bituminous surfacing and supply of personal protective equipment and clothing on 30 June 2021 and closed on 21 July 2021. The expressions of interest and tender were advertised in The Advocate newspaper and also on the Council’s internet portal, Tenderlink.

Expressions of interest were received from the following companies:

- 1 *Supply of bitumen emulsion –*
 - . Hardings Hotmix P/L
 - . Fulton Hogan Pty Ltd
 - . Downer EDI Limited

- 2 *Supply of hotmix asphalt –*
 - . Hardings Hotmix P/L.
 - . Roadways;

- 3 *Ready-mixed concrete –*
 - . Hazell Bros Group P/L;

- 4 *Plant hire –*
 - . Civilscape Contracting Tasmania
 - . D & G Marshall P/L;
 - . Greg Rawlings Bulldozing Contractor;
 - . Hardings Hotmix P/L;
 - . Porter Excavations Pty Ltd
 - . LK Bourke Sons Excavations P/L;
 - . Sherrin Rentals P/L;
 - . Tutt Bryant Hire Pty Ltd

- 5 *Quarry and landscaping materials –*
 - . D & G Marshall P/L
 - . Fulton Hogan Pty Ltd
 - . Gradco Pty Ltd t/a Gradall Constructions
 - . Hazell Bros Group P/L
 - . LK Bourke Sons Excavations P/L
 - . Ulverstone Quarries
 - . The Trustee for C & K Walters Family Trust t/a Walters Contracting P/L

- 6 *Hotmix asphalt surfacing –*
 - . Hardings Hotmix P/L
 - . Fulton Hogan Pty Ltd
 - . Downer EDI Limited
 - . Roadways P/L;

- 7 *Sprayed bituminous surfacing –*
 - . Hardings Hotmix P/L
 - . Fulton Hogan Pty Ltd

- . Downer EDI Limited
- . Roadways P/L;

Standing Tenders were received from the following companies:

- 8 Supply of Personal Protective Equipment and Clothing –*
- . Custom Workwear
 - . M & V Booth P/L (Maveric Clothing);
 - . Tasweld

DISCUSSION

Expressions of Interest –

- 1 Supply of bitumen emulsion*
- 2 Supply of hotmix asphalt*
- 3 Supply and delivery of ready-mixed concrete*
- 4 Plant hire*
- 5 Quarry and landscaping materials*
- 6 Hotmix asphalt surfacing; and*
- 7 Sprayed bituminous surfacing*

Expressions of interest were received from the listed contractors. Suppliers are assessed in accordance with the Council's Code for Tenders and Contracts. Following assessment, confirmation of their suitability and Council approval suppliers will be placed on a Multiple-use register (the register) for each category. Companies and individuals failing to meet the criteria during the contract period may be removed from the register.

When a project or requirement has been defined the register will be used to select a supplier for the project. Materials/plant will be selected to suit the requirements of the individual project. This process has been adopted to give flexibility to select the material best suited to the purpose and/or who has the best quality, price or availability.

A supplier for a project will be selected on the following criteria:

- . availability;
- . pricing;
- . location;
- . performance.

For hotmix asphalt surfacing and sprayed bituminous surfacing, quotations are requested from the registered suppliers, as and when projects are ready, this includes the urban and rural reseal programs. As the Council already has all the relevant information from the suppliers, the assessment can be limited to price and availability at the time of quotation.

Standing Tenders –

8 Supply of personal protective equipment and clothing.

Three submissions were received for the Supply of Personal Protective Equipment and Clothing tender from Custom Workwear, M & V Booth P/L (Maveric Clothing) and Tasweld.

Due to a technical difficulty Tasweld were not able to upload the tender submission to the TenderLink tender box. They emailed their tender document in pdf version to council's general email address at 2.59pm on 21/07/2021. The properties of the pdf version of the tender submission document sent by Tasweld were checked and they showed that the document was last modified at 2:30:19pm on 20/07/2021.

Therefore, it was determined that the tender submission by Tasweld would be accepted as legitimate and to be included for the assessment with the other two tender submissions received from Custom Workwear and M & V Booth P/L (Maveric Clothing).

All submissions for supply of personal protective equipment and clothing meet the tender requirements and would be considered acceptable. Tenders were evaluated using a weighted scoring system which considers availability, location/store, quality, supply/delivery timeframes, sales support and customer service, availability for supply of logos and tender price.

Based on the evaluation, M & V Booth P/L (Maveric Clothing) was assessed as the preferred tender (a copy of the confidential tender assessment is appended to this report).

CONSULTATION

This item has no effect in relation to consultation.

IMPACT ON RESOURCES

Use of tendered materials is included within capital works and maintenance budget items for Tenders 1 – 7.

The budget amount for supply of personal protective equipment and clothing is \$25,000.00.

CORPORATE COMPLIANCE

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

Community Capacity and Creativity

- . Facilitate entrepreneurship in the business community

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure

Council Sustainability and Governance

- . Improve corporate governance
- . Improve the Council's financial capacity to sustainably meet community expectations

CONCLUSION

It is recommended that the following suppliers be placed on the Multiple-use register for the 2021–2022 to 2023–2024 financial years:

- 1 Expressions of interest received for supply of bitumen emulsion will be placed on the Multiple-use register.
- 2 Expressions of interest received for supply of hotmix asphalt will be placed on the Multiple-use register.
- 3 Expressions of interest received for supply and delivery of ready-mixed concrete will be placed on the Multiple-use register.
- 4 Expressions of interest received for plant hire will be placed on the Multiple-use register.
- 5 Expressions of interest received for quarry and landscaping materials will be placed on the Multiple-use register.
- 6 Expressions of interest received for hotmix asphalt surfacing will be placed on the Multiple-Use register.
- 7 Expressions of interest received for sprayed bituminous surfacing will be placed on the Multiple-Use register; and further that

- 8 The Standing Tender for Personal Protective Equipment and Clothing submitted by M & V Booth P/L (Maveric Clothing) be accepted by the Council.

The Manager Engineering's report is supported."

The Executive Services Officer reported as follows:

■ Cr Carpenter moved and Cr Beswick seconded, "That the following suppliers be placed on the Multiple-use register for the 2021–2022 to 2023–2024 financial years:

- 1 *Supply of bitumen emulsion –*
 - . Hardings Hotmix P/L
 - . Fulton Hogan Pty Ltd
 - . Downer EDI Limited
- 2 *Supply of hotmix asphalt –*
 - . Hardings Hotmix P/L.
 - . Roadways;
- 3 *Ready-mixed concrete –*
 - . Hazell Bros;
- 4 *Plant hire –*
 - . Civilscape Contracting Tasmania
 - . D & G Marshall P/L;
 - . Greg Rawlings Bulldozing Contractor;
 - . Hardings Hotmix P/L;
 - . Porter Excavations Pty Ltd
 - . LK Bourke Sons Excavations P/L;
 - . Sherrin Rentals P/L;
 - . Tutt Bryant Hire Pty Ltd
- 5 *Quarry and landscaping materials –*
 - . D & G Marshall P/L
 - . Fulton Hogan Pty Ltd
 - . Gradco Pty Ltd t/a Gradall Constructions
 - . Hazell Bros Group P/L
 - . LK Bourke Sons Excavations P/L
 - . Ulverstone Quarries
 - . The Trustee for C & K Walters Family Trust t/a Walters Contracting P/L;
- 6 *Hotmix asphalt surfacing –*
 - . Hardings Hotmix P/L

- . Fulton Hogan Pty Ltd
 - . Downer EDI Limited
 - . Roadways P/L;
- 7 *Sprayed bituminous surfacing –*
- . Hardings Hotmix P/L
 - . Fulton Hogan Pty Ltd
 - . Downer EDI Limited
 - . Roadways P/L; and further that
- 8 The Standing Tender for Personal Protective Equipment and Clothing submitted by M & V Booth P/L (Maveric Clothing) be accepted by the Council.”

Carried unanimously

CORPORATE SERVICES

239/2021 Statutory determinations

The Director Corporate Services reported as follows:

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

■ Cr Viney 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

240/2021 Public Question Time

The Mayor introduced public question time at 6:34pm.

Via email – Leo and Faye Beuermann – Leith

Question 1 –

“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.”* on 19 July 2021 during Public Questions, the Council stated, *“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’”*.

During a meeting with the Department of State Growth on 6 August 2021, it was advised the Department of State Growth was unable to identify which 45 crashes within the vicinity of the junctions the Council referred to in its letter dated 21 September 2016 and enclosure, accordingly as the Council is in possession of and has access to Department of State Growth Crash Statistics for the Bass Highway between Maskells Road and Lillico Road for the period January 2001 to 21 September 2016, what are the Crash ID Numbers, Crash Dates and Locations of all 45 Crashes the Council refers to in its letter dated 21 September 2016 and enclosure as well as it’s answer during Public Questions on 19 July 2021 as this information is not onerous

to provide and is required to continue matters with the Department of State Growth as well as Minister Ferguson?”

Response –

The General Manager responded that the letter to the Hon MT (Rene) Hidding MP dated 21 September 2016 did not refer to the wording “some 45 crashes”. This was initially provided to the Secretary of the Department of Infrastructure, Energy and Resources in correspondence dated 11 December 2013 (which was an enclosure to the letter dated 21 September 2016).

The ID, date and location are listed, however to the number of items, the information will be included in the response as well as the Council minutes (as below):

CRASH ID	CRASH DATE	LOCATION DESCRIPTION
20010754	21/02/2001	Bass Highway, Leith, Central Coast
20013298	12/07/2001	Intersection of Bass Highway and Short Street, Leith, Central Coast
20014451	7/09/2001	Bass Highway, Leith, Central Coast
20015353	26/11/2001	Bass Highway, Leith, Central Coast
20015761	3/12/2001	Bass Highway, Leith, Central Coast
20021713	10/04/2002	Bass Highway, Leith, Central Coast
20021610	13/04/2002	Bass Highway, Leith, Central Coast
20023937	7/08/2002	Bass Highway, Leith, Central Coast
20026482	28/12/2002	Bass Highway, Leith, Central Coast
20030940	21/02/2003	Bass Highway, Leith, Central Coast
20034205	26/07/2003	Intersection of Bass Highway, Leith, Central Coast
20040038	1/01/2004	Intersection of Bass Highway and Leith Road, Leith, Central Coast
20043016	13/06/2004	Bass Highway, Leith, Central Coast
20045047	26/09/2004	Bass Highway, Leith, Central Coast
20052854	20/05/2005	Bass Highway, Leith, Central Coast
30009724	30/01/2006	Intersection of Bass Highway and Short Street, Leith, Central Coast
30012357	10/02/2006	Bass Highway, Leith, Central Coast
30009749	5/04/2006	Bass Highway, Leith, Central Coast

30012364	16/05/2006	Intersection of Bass Highway and Short Street, Leith, Central Coast
30020881	13/11/2006	Intersection of Bass Highway and Leith Road, Leith, Central Coast
30069305	8/12/2006	Bass Highway, Leith, Central Coast
30036428	5/03/2007	Bass Highway, Leith, Central Coast
30007821	6/03/2007	Intersection of Bass Highway and Short Street, Leith, Central Coast
30020636	19/06/2007	Intersection of Bass Highway and Leith Road, Leith, Central Coast
30028821	4/01/2008	Bass Highway, Leith, Central Coast
30065888	31/01/2009	Bass Highway, Leith, Central Coast
30051441	3/02/2009	Intersection of Bass Highway and Leith Road, Leith, Central Coast
30051725	5/06/2009	Intersection of Bass Highway and Leith Road, Leith, Central Coast
30086317	14/06/2009	Intersection of Bass Highway, Leith, Central Coast
30103812	18/12/2009	Bass Highway, Leith, Central Coast
30051635	17/04/2010	Bass Highway, Leith, Central Coast
30086610	18/05/2010	Intersection of Bass Highway and Short Street, Leith, Central Coast
30086614	16/06/2010	Bass Highway, Leith, Central Coast
30070482	9/09/2010	Intersection of Bass Highway and Short Street, Leith, Central Coast
30070181	19/10/2010	Bass Highway, Leith, Central Coast
30085773	5/07/2011	Intersection of Bass Highway and Short Street, Leith, Central Coast
30061584	20/06/2012	Bass Highway, Leith, Central Coast
30106228	16/08/2012	Intersection of Bass Highway, Leith, Central Coast
25843	21/03/2013	Bass Highway, Leith, Central Coast
97844	18/07/2013	Bass Highway, Leith, Central Coast
99116	20/07/2013	Intersection of Bass Highway and Short Street, Leith, Central Coast
101234	26/07/2013	Intersection of Bass Highway, Leith, Central Coast

107542	8/08/2013	Intersection of Bass Highway and Leith Road, Leith, Central Coast
122619	16/09/2013	Bass Highway, Leith, Central Coast
134719	28/09/2013	Intersection of Bass Highway and Leith Road, Leith, Central Coast."

Question 2 -

"Following the Council letter dated 21 September 2016 and enclosure to Rene Hidding MP, Minister for Infrastructure, advising/stating *"There are some 45 recorded accidents at these junctions since 2001, with nine of them serious, including two fatalities."* did the Council subsequently receive any advice from then Minister Rene Hidding, then Minister Jeremy Rockliff, Minister Michael Ferguson and/or the Department of State Growth querying or correcting the Council advice/statement *"There are some 45 recorded accidents at these junctions since 2001, with nine of them serious, including two fatalities."* and if so what date/dates are applicable and what is the nature of the document?"

Response -

The General Manager responded no; the Council never received any further advice.

Via email – Tony Downey – Leith

Question 1 -

"On 21 September 2016, the Council provided a letter and enclosure to The Hon MT (Rene) Hidding MP Minister for Infrastructure, wherein the Council urged an overpass at Leith on the basis *"There are some 45 recorded accidents at these junctions since 2001, with nine of them serious, including two fatalities."*

How does the Council explain why it urged the Government to construct an overpass at Leith on the basis of two fatalities at these junctions at Leith which had absolutely nothing to do with either intersection, given The Advocate newspaper reported both as not occurring at either intersection and community knowledge neither occurred at either intersection as surely the Council could not fail to be well aware of or was ignorant of these particular accidents?"

Response -

The General Manager responded that the Council did not urge the Government to construct an overpass on the basis of the two fatalities. In its letter dated 11 December 2013 to the then Secretary Department of Infrastructure Energy and

Resources, the Council was urging the State Government to consider improvements to the Bass Highway intersections at Leith and used the statistics to support the improvements for the safety of both the community and of Bass Highway users at these locations. The Council also advised of the potential issues for school buses and other vehicles entering and exiting at the intersections, particularly those turning right crossing the highway. Safety improvements are not only implemented as a result of past crashes, they are also implemented to be pro-active to avoid crashes and in the worst of crashes, to prevent serious injury and death.

Question 2 –

What systems/safeguards does the Council have in situ to analyse and verify Crash Statistics obtained from, or provided by the Department of State Growth and If the Council fails to have systems or safeguards in situ to analyse and verify Crash Statistics obtained from, or provided by the Department of State Growth, what systems/safeguards will the Council now implement to analyse and verify Crash Statistics obtained from, or provided by the Department of State Growth?

Response –

The General Manager responded that the Council does not analyse and/or verify the integrity of the Crash Statistics database as this is the responsibility of the Department of State Growth.

Via email – Jamie Smith – Leith

Question 1 –

“During public questions on 19 July 2021 the council was asked a question which asked “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?” and the Council response stated

“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’.” and “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'."

Is it correct that of the 23 crashes occurring at the Leith intersections and the Bass Highway for the period 1 January 2001 to 21 September 2016 the Crash Statistics/data provided to/possessed by Council does not list any fatalities at any of the junctions/intersections at Leith and the Bass Highway?"

Response -

The General Manager responded that there are no recorded fatalities in the 23 crashes 'at' the intersections of Bass Highway with Short Street or Leith Road/Braddons Lookout Road in the period 2001 to 2016.

Safety improvements are not only implemented as a result of past crashes, they are also implemented to be pro-active to avoid crashes and in the worst of crashes, to prevent serious injury and death.

Question 2 -

"What does the Council consider/define as being within the vicinity of the junctions/intersections at Leith and the Bass Highway?"

Response -

The General Manager responded that 'in the vicinity' has been taken to include the section between Forth River Bridge to the west and the Beach Road on-ramp to the east.

Via email – Tony Miller – Ulverstone

Question 1 -

"As a senior resident who uses his push bike for practical reasons I regularly shop with my main visits to Coles, Woolworths, Nut House and Kings Feast. Occasionally I would like to lock my bike at the bicycle rack near the public conveniences in the North Reibey (AKA Woolies) Car Park. Other times (especially in the cooler months) I would walk the bike around with me.

I have noticed shopping trolleys encroaching onto space intended for push bike parking encouraging me to ONLY do the latter (especially in the cooler winter months). I have complained previously, often dismissed with approaches to the supermarkets made but only non-commitment statements (such as "we go and collect trolleys on a 'regular' basis") made.

Councillor Fuller indicated to me that the North Reibey Car Park was due for an upgrade but with no commitment. I understand that Covid does make it difficult. Will, and if so when do you expect the upgrade and how can I make an input to these (please use language that a member of the general public will understand)?"

Response –

The General Manager advised that the Council will be developing plans for the North Reibey Street parking area during this financial year. Once the scope of work is determined, a budget will need to be approved by Council for works to progress. Please contact the Council's Infrastructure Services Department to provide any ideas you would like to see included.

Via email – Matthew Turner – Ulverstone

Question 1 –

1. Are there plans to rebuild a clubrooms at the Cuprona Football Club/Heybridge Recreation?
2. Do the Councillors support rebuilding the Clubrooms at the Cuprona Football Club/Heybridge Rec?

Response –

The General Manager advised that the Council has not met to discuss and consider the implications of the fire at the clubrooms last Tuesday night. As such a response from Councillors to the two questions cannot be provided at tonight's meeting.

Questions and replies concluded at 6:48pm.

CLOSURE OF MEETING TO THE PUBLIC

241/2021 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 TasWater Owner Representatives Group – meeting held 24 June 2021	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
TasWater Quarterly Report to the Owners’ Representatives	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential

■ Cr Hiscutt 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 TasWater Owner Representatives Group – meeting held 24 June 2021	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
TasWater Quarterly Report to the Owners’ Representatives	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”

The Executive Services Officer further reported as follows:

- “1 The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, the fact that the matter was discussed and a brief description of the matter so discussed, and is not to record in the minutes of the open meeting the details of the outcome unless the council determines otherwise.
- 2 While in a closed meeting, the council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.
- 3 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

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

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

Carried unanimously and by absolute majority

The Council moved into closed session at 6:48pm.

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
242A/2021 Confirmation of Closed Session Minutes	The Closed session minutes of the previous ordinary meeting of the Council held on 19 July 2021 had been circulated. The minutes are required to be confirmed for their accuracy.
243A/2021 Minutes and notes of other organisations and committees of the Council TasWater Owner Representatives Group – meeting held 24 June 2021	The minutes and notes have been provided to the Council on the condition they are kept confidential.
244A/2021 TasWater Quarterly Report to the Owners’ Representatives	The TasWater Quarterly Report to Owners’ Representatives – 30 June 2021 is in accordance with the Shareholders’ Letter of Expectations and is provided to all owner councils on an ‘In Confidence’ basis.

CLOSURE

There being no further business, the Mayor declared the meeting closed at 6:52pm.

CONFIRMED THIS 20th DAY OF SEPTEMBER, 2021.

Chairperson

(lb:lc)

Appendices

- Minute No. 231/2021 – Schedule of Correspondence addressed to the Mayor and Councillors
- Minute No. 232/2021 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 233/2021 – Schedule of Contracts & Agreements
- Minute No. 239/2021 – Schedule of Statutory Determinations

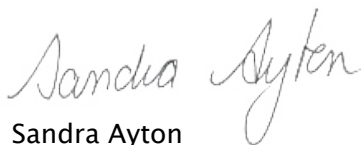
QUALIFIED PERSON'S ADVICE

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

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

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

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



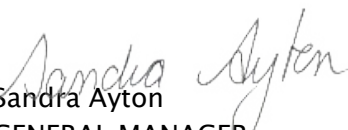
Sandra Ayton
GENERAL MANAGER

Associated Reports And Documents

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

Period: 20 July to 16 August 2021

- . An email which outlines the promotional pack for the 'Ticket to Play' sports voucher program
- . An email encouraging Councillors to hold the line and continue with the current waste collection services
- . An email expressing support for FOGO and initiatives to reduce waste – discusses further opportunities to promote and educate on reducing waste within Central Coast
- . A letter seeking the Councils support for the 'Penguin in Pink 2021' fundraiser
- . A Letter from the Local Government Division seeking support for matters of confidentiality and safe workplaces
- . An email requesting the Council to do everything within their control to expedite construction of the shared pathway


Sandra Ayton
GENERAL MANAGER

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

Period: 20 July to 16 August 2021

Documents for affixing of the common seal under delegation

- . Strata Plan
6 Hill View Way, West Ulverstone
Application No. 2019027
Folio Ref: FR176245/6 – Lot 6 on Plan No. SP176245
- . Strata Plan
17 Henslowes Road, Ulverstone
Application No. 216241
Folio Ref: 43670-6 – Lot 6 of SP43670
- . Final Plan of Survey
340 Preservation Drive, Sulphur Creek
Two lot subdivision
Application No. DA2018068


Sandra Ayton
GENERAL MANAGER

SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the Common Seal)

Period: 20 July to 16 August 2021

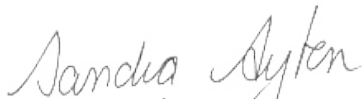
Contracts

- . Contract 1 /2021–2022
DLM Machinery
Supply and delivery of one 2021 Kobelco SK55SRX-7
Excavator with attachments, as per Tender F907 – 2020–2021
Purchase price: \$120,164.00 (inc. GST)
Less trade in Kobelco SK135SR-2 | Excavator with attachments
Trade in amount: \$71,500.00 (inc. GST)
Total contract amount: \$48,664.00 (inc. GST)

Agreements

- . Residential Tenancy Agreement
Unit 14 – Cooina
35–37 Main Street Ulverstone
Commencement date: 20 July 2021
- . Part 5 Agreement
19 Chamberlain Street Ulverstone
Application No. DA2019001
Register Vol: 162512 Folio 1
- . Deed of Renewal of Lease
Telstra Corporation Limited and Central Coast Council
Telecommunication Facility – Telecommunication Tower
12 The Quadrant Ulverstone – Ulverstone Central CMTS –
Expires: 14 March 2022
- . Lease Agreement
North West Environment Centre and Central Coast Council
207 Ironcliffe Road and 45 Montgomery Road, Penguin (Jaro Park)
Expires: 01 March 2026

-
- . Lodgement Form – Memorandum of Lease
Optus Mobile Pty Ltd and Central Coast Council
12 The Quadrant, Ulverstone
Volume 66284 – Folio 6
Expires: 06 May 2031
 - . Lease agreement
Central Coast Council and Kim Phillips-Haines
Grazing land at 83 Henslowes Road, Ulverstone
Lease commencement: 1 January 2021
Expiry 31 December 2022


Sandra Ayton
GENERAL MANAGER

Central Coast Council
List of Development Applications Determined
Period from: 1 July 2021 to 31 July 2021

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2020237	1A Main Road PENGUIN,TAS,7316	Discretionary	Residential – subdivision – three lots	21/08/2020	28/07/2021	58	\$100,000.00
DA2020276	Hogarth Road SULPHUR CREEK (CT143356/1) ,TAS,7316	Discretionary	Residential – subdivision – seven lots and road	16/09/2020	19/07/2021	34	\$250,000.00
DA2020331	10 Revell Lane PENGUIN,TAS,7316	Discretionary	Residential – new dwelling; Visitor accommodation; Resource development and Resource processing – vineyard, winery and cellar door	19/10/2020	14/07/2021	37	\$800,000.00
DA2020374	5 Jowett Street WEST ULVERSTONE,TAS,7315	Discretionary	Residential – shed	17/11/2020	27/07/2021	3	\$40,000.00
DA2020423	4 Turners Avenue TURNERS BEACH,TAS,7315	Discretionary	Residential – multiple dwelling development – one additional dwelling	16/12/2020	19/07/2021	42	\$300,000.00
DA2021065 – 1	160 Isandula Road GAWLER,TAS,7315	Minor amendment of a Permit.	Dwelling	1/03/2021	19/07/2021	13	\$0.00
DA2021128	Bass Highway, Nine Mile Road and Kennaglen Lane HOWTH,TAS,7316	Discretionary	Utilities – upgrade to transport network – heavy vehicle rest area, bus stop and ablutions building	12/05/2021	13/07/2021	28	\$2,300,000.00
DA2021134	2 Patrick Street and 1 Crescent Street ULVERSTONE,TAS,7315	Discretionary	Hotel industry – bottle shop and boundary adjustment	17/05/2021	12/07/2021	6	\$300,000.00
DA2021139	From Beecraft Point, Penguin along Preservation Drive to Hogarth Road, Sulphur Creek PENGUIN and SULPHUR CREEK,TAS,7316	Discretionary	Utilities (minor) – shared pathway	26/05/2021	23/07/2021	23	\$3,800,000.00
DA2021141	7 Kilowatt Court ULVERSTONE,TAS,7315	Discretionary	Storage – Commercial vehicle storage	26/05/2021	2/07/2021	32	\$150,000.00

Central Coast Council
List of Development Applications Determined
Period from: 1 July 2021 to 31 July 2021

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2021142	5 Tower Place WEST ULVERSTONE, TAS, 7315	Discretionary	Residential – dwelling	26/05/2021	6/07/2021	27	\$350,000.00
DA2021144	Westella Drive (CT115441/1) TURNERS BEACH, TAS, 7315	Discretionary	Resource development – shed and Storage – contractors yard	27/05/2021	19/07/2021	35	\$150,000.00
DA2021146	Loongana Road (CT201470/1) LOONGANA, TAS, 7315	Discretionary	Natural and cultural values management – subdivision – two lots	31/05/2021	6/07/2021	29	\$15,000.00
DA2021150	3 Arcadia Avenue TURNERS BEACH, TAS, 7315	Discretionary	Residential – dwelling	2/06/2021	12/07/2021	33	\$570,000.00
DA2021153	56 Risby Street ULVERSTONE, TAS, 7315	Discretionary	Residential – dwelling extension	4/06/2021	19/07/2021	32	\$100,000.00
DA2021155	1484 Gunns Plains Road GUNNS PLAINS, TAS, 7315	Discretionary	Residential – shed	4/06/2021	14/07/2021	29	\$50,000.00
DA2021158	10A Cluan Crescent ULVERSTONE, TAS, 7315	Discretionary	Residential – shed	8/06/2021	20/07/2021	26	\$27,000.00
DA2021160	22 Jermyn Street ULVERSTONE, TAS, 7315	Discretionary	Residential – shed	10/06/2021	14/07/2021	29	\$10,000.00
DA2021161	110 Ironcliffe Road PENGUIN, TAS, 7316	Permitted	Residential – garage and retaining walls	10/06/2021	19/07/2021	10	\$25,000.00
DA2021174	78 White Hills Road PENGUIN, TAS, 7316	Discretionary	Residential – pergola, shipping container, storage shed and outbuilding to include a carport, storage and workshop	22/06/2021	30/07/2021	32	\$20,000.00
DA2021178	U 2/84 Alexandra Road ULVERSTONE, TAS, 7315	Permitted	Residential – retrospective pergola	25/06/2021	5/07/2021	5	\$13,500.00
DA2021179	26–28 South Road PENGUIN, TAS, 7316	Discretionary	Residential – dwelling and shed	28/06/2021	28/07/2021	23	\$480,000.00

Central Coast Council
List of Development Applications Determined
Period from: 1 July 2021 to 31 July 2021

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2021181	13 Tasma Parade WEST ULVERSTONE,TAS,7315	Permitted	Residential – retrospective approval to convert garage into a habitable room	29/06/2021	6/07/2021	4	\$1,000.00
DA2021186	62 Susan Street TURNERS BEACH,TAS,7315	Permitted	Residential – dwelling additions and alterations	2/07/2021	19/07/2021	0	\$115,000.00
DA2021191	89 Castra Road ULVERSTONE,TAS,7315	Permitted	Residential – three shipping containers	5/07/2021	19/07/2021	3	\$6,000.00

SCHEDULE OF STATUTORY DETERMINATIONS MADE UNDER DELEGATION

Period: 1 July 2021 to 31 July 2021

Building Permits – 5

·	New dwellings	2	\$829,000
·	Outbuildings	1	\$22,000
·	Additions/Alterations	0	\$0
·	Other	2	\$370,000
·	Units	0	\$0

Demolition Permit – 0

Permit of Substantial Compliance – Building – 2

Notifiable Work – Building – 14

·	New dwellings	6	\$1,772,000
·	Outbuildings	5	\$346,900
·	Additions/Alterations	2	\$70,000
·	Other	1	\$49,000

Building Low Risk Work – 4

Certificate of Likely Compliance – Plumbing – 19

No Permit Required – Plumbing – 4

Food Business registrations (renewals) – 104

SCHEDULE OF COMMUNITY SERVICES DETERMINATIONS MADE UNDER DELEGATION

Period: 1 July 2021 to 30 July 2021

Abatement notices issued

ADDRESS	PROPERTY ID
9 Pindari Court, West Ulverstone	101350.0120

Kennel Licence issued

ADDRESS	OWNER
110 Main Road, Penguin	Toni Ann Douglas
103 South Road, Penguin	Natalie Murdoch
39 Ferny Bridge Road, Sprent	Erika Behrens

Permits issued under Animal By-Law 1 – 2018

ADDRESS	PERMIT ISSUED FOR
Nil	

SCHEDULE OF OTHER STATUTORY RESPONSIBILITIES OF COMMUNITY SERVICES

Period: 1 July to 30 July 2021

Infringement notices issued for Dog Offenses

	1-31 July 2021
Claimed	6
Burnie Dogs Home	0
Destroyed	0
Heldover	0
Devonport Dogs Home	0
RSPCA Spreyton	0

Infringements for dogs and impoundments etc.

1 - 31 July 2021	3
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Infringements under Animal By-Law

1 - 31 July 2021	0
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Traffic Infringement Notices for Parking Offences

1 - 31 July 2021	27	
Bannons Car Park	2	7%
King Edward Street	6	22%
Coles/Furners Carpark	0	0%
North Reibey Street Carpark	7	26%
Reibey Street	8	30%
Victoria Street	2	7%
Alexandra Road	2	7%
Main Road, Penguin	0	0%



Ian Stoneman
DIRECTOR CORPORATE SERVICES