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**Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 21 March 2022 commencing at 6.00pm.**

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**Councillors attendance**

Cr Jan Bonde (Mayor)  
Cr Amanda Diprose  
Cr Casey Hiscutt  
Cr Tony van Rooyen

Cr John Beswick  
Cr Cheryl Fuller  
Cr Annette Overton  
Cr Philip Viney

**Councillors apologies**

Cr Garry Carpenter (Deputy Mayor)

**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)  
Executive Services Officer (Mrs Lou Brooke)

**Media attendance**

The media was not represented.

**Public attendance**

Five members of the public attended during the course of the meeting.

**Acknowledgement of Country**

The Central Coast Council acknowledges the palawa-pakana people as the Traditional Custodians of lutrawita (Tasmania), including the land, community, sea and waters where we live and work.

Our community respectfully acknowledges the Punnilerpanner tribe of the Northern Country of Tasmania, their continuing relationship to this land and their ongoing living culture.

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We recognise that we have much to learn from the First Nations Peoples who represent one of the world's oldest continuing cultures, and we pay our respects to Elders past and present and to all First Nations Peoples living in and around the Central Coast Community.

### **Prayer**

The meeting opened in prayer.

## **CONFIRMATION OF MINUTES OF THE COUNCIL**

### **63/2022 Confirmation of minutes**

The Executive Services Officer reported as follows:

“The minutes of the ordinary meeting of the Council held on 21 February 2022 have already been circulated. The minutes are required to be confirmed for their accuracy.

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

■ Cr Viney moved and Cr Hiscutt seconded, “That the minutes of the ordinary meeting of the Council held on 21 February 2022 be confirmed.”

Carried unanimously

## **COUNCIL WORKSHOPS**

### **64/2022 Council workshops**

The Executive Services Officer reported as follows:

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

- . 28.02.2022 – Local Cultural Heritage Study update; Strategic Actions 2022–2023; Wall of Fame business discussion
- . 07.03.2022 – Monthly update
- . 15.03.2022 – Social Planning Framework; Dog Management Policy

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

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

Carried unanimously

## **MAYOR’S COMMUNICATIONS**

### **65/2022 Mayor’s communications**

The Mayor to report:

“I have no communications at this time.”

### **66/2022 Mayor’s diary**

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

- . Switch Tasmania Board Meeting – video conference
- . Central Coast Community Safety Partnership Meeting – video conference
- . Pancake Day, Penguin Uniting Church – Penguin
- . Central Coast Chamber Commerce and Industry Quarterly Meeting – video conference
- . International Women’s Day – Penguin’s Quiet Achiever Award Presentation – Penguin
- . 2022 Junior State Surf Lifesaving Championships, official opening – Preservation Bay
- . Cradle Coast Authority Representatives Meeting – Burnie
- . Mersey–Leven Emergency Management Committee Meeting – video conference
- . Local Government Association of Tasmania (LGAT) General Meeting – Launceston
- . Ulverstone Repertory Theatre Society Inc. Annual General Meeting – Ulverstone
- . Mayor’s Workshop – LGAT – Launceston
- . Radio interview.”

The Executive Services Officer reported as follows:

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

Carried unanimously

### **67/2022 Declarations of interest**

The Mayor reported as follows:

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

The Executive Services Officer reported as follows:

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

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

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

No interests declared at this time.

## **COUNCILLOR REPORTS**

### **68/2022 Councillor reports**

The Executive Services Officer reported as follows:

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

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

Cr Hiscutt advised of the Slipstream Circus Board Inc.’s Annual General Meeting being held at Apex House, Ulverstone on 22 March 2022. Cr Hiscutt noted his interest in prospective nominations and wished the Board continued success.

## **APPLICATIONS FOR LEAVE OF ABSENCE**

### **69/2022 Leave of absence**

The Executive Services Officer reported as follows:

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

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

There are no applications for consideration at this meeting.”

### DEPUTATIONS

#### **70/2022      Deputations**

The Executive Services Officer reported as follows:

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

### PETITIONS

#### **71/2022      Petitions**

The Executive Services Officer reported as follows:

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

### COUNCILLORS' QUESTIONS

#### **72/2022      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 –

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- (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

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- (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 topics ensured.

### **73/2022 Councillors' questions on notice**

The Executive Services Officer reported as follows:

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

- '30 (1) A councillor, at least 7 days before an ordinary council meeting or a council committee meeting, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.
- (2) An answer to a question on notice must be in writing.'

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

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

No questions on notice have been received."

### **PUBLIC QUESTION TIME**

### **74/2022 Public question time**

The Mayor reported as follows:

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

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**75/2022      Public questions taken on notice**

The Executive Services Officer reported as follows:

“No public questions were taken on notice from the 21 February 2022 meeting.”

**DEPARTMENTAL BUSINESS**

GENERAL MANAGEMENT

**76/2022 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 Safety Partnership Committee - meeting held 23 February 2022
- . Turners Beach Community Representatives Committee - meeting held 24 February 2022

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

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

Carried unanimously

**77/2022 Central Coast Elected Members Professional Development Policy (15/2016 - 25.01.2016)**

The General Manager reported as follows:

*PURPOSE*

The purpose of this report is to recommend the adoption of the Central Coast Elected Members Professional Development Policy (the Policy). A copy of the Policy is appended to this report.

*BACKGROUND*

In the interest of good governance, the Council’s current Policy (adopted in 2016), is a guide to provide a reference point for Elected Members in regard to their attendance at seminars, conferences, meetings and professional development. The Policy in line with the Council’s cyclic review schedule is due for review in 2021–2022.

*DISCUSSION*

The Policy (copy attached) provides guidance for Elected Members attendance at seminars, conferences and meetings, and professional development opportunities.

Professional development encompasses personal development, attendance at a conference, seminar, forum, delegation or similar event that will assist Elected Members in their broad civic leadership role.

The Policy outlines the scope of professional development provided for Councillors along with how it is funded, as well as reporting mechanisms, back to the other Elected Members so that they can also receive some benefit from the information received.

The Policy gives accountability to the community and ensures the sharing of new and innovative approaches being undertaken in local government.

This review identified five notable changes:

Policy	Updated wording to reflect 'Elected Members' for consistency of title application.  Added wording last sentence: <i>'that will better enable them to undertake the functions of their role.'</i>
Purpose/Scope/Definitions/ Principles (various)	Updated wording to reflect 'Elected Members' for consistency of title application.
5.3 Conferences, Seminars, Forums or Events	Additional wording that participation at an event will be submitted to a Councillor Workshop.  Addition of: <i>Professional Development is not to be scheduled and/or expenses expended during the election caretaker period.</i>
5.4 Professional Development Funding	Addition of: In line with the Disability Discrimination Act 1992 and the Equal Opportunity Act 2010, a Carer may accompany an Elected Member to a professional development event. Registration and incidental costs for the Carer will be met by the Council.

6 Dispute Resolution	Addition of: Any disputes in regard to this policy will be referred to the General Manager in the first instance. In the event that the Elected Member and the General Manager cannot reach an agreement, the matter will be reported to Council for consideration.
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*CONSULTATION*

The Policy was presented at a Councillor Workshop in February 2022.

*RESOURCE, FINANCIAL AND RISK IMPACTS*

The Council’s annual Estimates provide for Councillor attendance at Conferences and Education, therefore no additional resources are required.

*CORPORATE COMPLIANCE*

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

- Council Sustainability and Governance
- Improve corporate governance
  - Effective communication and engagement.

*CONCLUSION*

It is recommended that the Council adopt the Elected Members Professional Development Policy – dated February 2022.”

The Executive Services Officer reported as follows:

“A copy of the Elected Members Professional Development Policy – dated February 2022 has been circulated to all Councillors.”

- Cr Hiscutt moved and Cr Overton seconded, “That the Council adopt the Elected Members Professional Development Policy – dated February 2022 (a copy being appended to and forming part of the minutes).”

Carried unanimously

**78/2022 Common seal**

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 22 February to 21 March 2022 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 Viney moved and Cr Diprose seconded, “That the common seal (a copy of the Schedule of Documents for Affixing of the Common Seal being appended to and forming part of the minutes) be affixed subject to compliance with all conditions of approval in respect of each document, and that the advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities be received.”

Carried unanimously

**79/2022 Contracts and agreements**

The General Manager reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into for the period 22 February to 21 March 2022 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 Fuller seconded, “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**80/2022 Correspondence addressed to the Mayor and Councillors**

The General Manager reported as follows:

“A Schedule of Correspondence addressed to the Mayor and Councillors for the period 22 February to 21 March 2022 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 Fuller moved and Cr Overton seconded, “That the Schedule of Correspondence addressed to the Mayor and Councillors (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

COMMUNITY SERVICES

**81/2022      Development application determinations**

The Director Community Services reported as follows:

“A Schedule of Development Application Determinations made during the month of February 2022 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

- Cr Diprose moved and Cr Fuller seconded, “That the Schedule of Development Application Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**82/2022      Council acting as a planning authority**

The Mayor reported as follows:

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

The General Manager has submitted the following report:

‘If any such actions arise out of Minute Ref No.s: 83/2022; 84/2022 and 85/2022 they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Officer reported as follows:

“Councillors are reminded that the *Local Government (Meeting Procedures) Regulations 2015* provide that the general manager is to ensure that the reasons for a decision by a council acting as a planning authority are recorded in the minutes.”

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

Carried unanimously

83/2022 Visitor Accommodation – retrospective application for camping ground and ablutions building – Visitor Accommodation and reliant on CCO–S5.0 Turners Beach Specific Area Plan for Beach Access at 23 Esplanade, Turners Beach – Application No. DA2021335 (21/2022 – 21.02.2022)

The Director Community Services reported as follows:

“The Town Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2021335
<i>PROPOSAL:</i>	Visitor Accommodation – retrospective application for camping ground and ablutions building – Visitor Accommodation and reliant on CCO–S5.0 Turners Beach Specific Area Plan for Beach Access
<i>APPLICANT:</i>	Clinton Van Neutegem
<i>LOCATION:</i>	23 Esplanade, Turners Beach
<i>ZONE:</i>	General Residential Zone
<i>OVERLAY:</i>	Turners Beach Specific Area Plan
<i>PLANNING INSTRUMENT:</i>	<i>Tasmanian Planning Scheme – Central Coast “the Planning Scheme”</i>
<i>ADVERTISED:</i>	5 January 2022
<i>REPRESENTATIONS EXPIRY DATE:</i>	19 January 2022
<i>REPRESENTATIONS RECEIVED:</i>	Seven
<i>42–DAY EXPIRY DATE:</i>	31 January 2022
<i>EXTENSION OF TIME GRANTED:</i>	21 March 2022
<i>DECISION DUE:</i>	21 March 2022

*BACKGROUND*

At its meeting held 21 February 2022, the Council resolved:

■ Cr Fuller moved and Cr Hiscutt seconded, “In light of new information just coming to hand the Council, with the consent of the applicant, has agreed to defer a decision. An extension of time has been granted by the applicant until the next Council meeting on Monday, 21 March 2022.”

Carried unanimously.

*DISCUSSION*

Since the February 2022 meeting, further legal and land use planning advice was sought, and the Council are advised that this report has been withdrawn from decision.

A Permitted Planning Permit (DA2021335) will be issued subject to conditions, prior to 21 March 2022.

The Executive Services Officer reported as follows:

- Cr Diprose moved and Cr Overton seconded, “That the Council agrees to the withdrawal of the report regarding 23 Esplanade, Turners Beach – Application No. DA2021335 (21/2022 – 21.02.2022).”

Carried unanimously

**84/2022      Business and professional services – equine and small animal veterinary clinic; Food services – café; Community meeting and entertainment – community meeting rooms; General retail and hire – sale of goods associated with veterinary clinic and primary produce products only; and Resource development – animal husbandry – Requirements for discretionary non-residential uses to be located on Rural Resource land at 901 Forth Road, Turners Beach – Application No. DA2021198**

The Director Community Services reported as follows:

“The Town Planner has prepared the following assessment report:

<i>‘DEVELOPMENT APPLICATION NO.: PROPOSAL:</i>	DA2021198 Business and professional services – equine and small animal veterinary clinic; Food services – café; Community meeting and entertainment – community meeting rooms; General retail and hire – sale of goods associated with veterinary clinic and primary produce products only; and Resource development – animal husbandry – Requirements for discretionary non-residential uses to be located on Rural Resource land
<i>APPLICANT:</i>	Starbox Architecture
<i>LOCATION:</i>	901 Forth Road, Turners Beach
<i>ZONE:</i>	Rural Resource
<i>PLANNING INSTRUMENT:</i>	<i>Central Coast Interim Planning Scheme 2013</i> (the Scheme)
<i>ADVERTISED:</i>	9 February 2022
<i>REPRESENTATIONS EXPIRY DATE:</i>	23 February 2022

<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	12 March 2022
<i>EXTENSION OF TIME:</i>	Granted until 21 March 2022
<i>DECISION DUE:</i>	21 March 2022

*PURPOSE*

The purpose of this report is to consider an application to establish a veterinary clinic with a café, bookroom and community meeting room on land identified as 901 Forth Road, Turners Beach.

Accompanying the report are the following documents:

- . Annexure 1 – Location Plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation;
- . Annexure 4 – TasWater Submission to Planning Authority Notice; and
- . Annexure 5 – photographs.

*BACKGROUND*

*Development description –*

Application is made to establish a veterinary clinic with a café, bookroom and community meeting room on land identified as 901 Forth Road, Turners Beach.

The development would comprise the following:

- . Animal clinic.
- . Equine clinic.
- . Café (73.35m<sup>2</sup>) with study bookroom (34.56m<sup>2</sup>).
- . Community meeting room (to be held in the café space).
- . Retail space for veterinary goods and primary produce products.
- . Resource development – animal husbandry activities.

The primary activities will be located in a large 1,823m<sup>2</sup> building.

Other buildings and structures on the site would include a barn, an equine rehabilitation swimming pool, round yard, arena and several small sheds with recovery and foaling yards attached.

A sealed car park would accommodate 45 car parking spaces.

The proposal includes application for a new vehicle crossover off Forth Road.

The application is accompanied by a wastewater management report by D1 Consulting Engineers Pty Ltd.

The report advises that an on-site Aeriated Wastewater Treatment System (AWTS) with sub-surface irrigation system on raised beds would be required to manage waste waters on the site.

*Site description and surrounding area -*

The site is part of a 30.65ha Rural Resource zoned parcel of land that has steep slopes and is characterised by extensive medium landslip areas. The land has an eastern elevation, overlooking Forth Road and the intensive vegetable growing operations of Harvest Moon Tasmania (Forth Farm Produce Pty Ltd).

Surrounding land is also zoned Rural Resource. The property accommodates a single dwelling and minor outbuildings. A small watercourse runs through the site. The site is able to connect to TasWater's reticulated water system. The site is not able to connect to a reticulated sewer system.

The site has frontage to Forth Road and adjoins two residential dwellings, on land zoned Rural Resource. One directly opposite and one adjoining the land to the north.

*History -*

The application has been made to alleviate conflict and lack of land for expansion at the current veterinary clinic site that is located at 25 Wilmot Road, Forth.

This application is subject to the *Central Coast Interim Planning Scheme 2013*, due to the validity date of the application being 15 July 2021.

*DISCUSSION*

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

26.0 Rural Resource Zone

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: 20px;">(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: 20px;">(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>(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>“Business and professional services” and “Food Services” and “Community meeting and entertainment” and “General retail and hire” (with qualifications) are all “Discretionary” uses of land in the Rural Resource zone.</p> <p>Resource development – animal husbandry activity is a No Permit Required use in the zone.</p> <p>The proposal was accompanied by an agricultural assessment and compliance report prepared by Opinion Advisory that addressed the Local Area Objectives. Refer to this report for a full outline of compliance with the Local Area Objectives.</p> <p>(a) Compliant. As per the agricultural report, the proposed development requires sufficient land area for operational efficiency and equine services.</p> <p>(b) Compliant. As per the agricultural report, air, land and water resources are important for the functioning of the veterinary clinic, particularly animal husbandry practices. The proposed development not only services the agricultural and rural</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 style="padding-left: 20px;">(i) required by a primary industry or a resource based activity; or</p> <p style="padding-left: 20px;">(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>community of the region, but also utilises the land in an agricultural context.</p> <p>(c)(i) Compliant. As per the agricultural report, the proposed veterinary clinic requires natural resources to carry out animal and other veterinary services. The proposal is to provide services needed in the area and the greater community and is located in proximity to agricultural businesses for callouts onto farms and for horses and working dogs to be brought to the clinic as well as domestic animals or pets from the Central Coast area.</p> <p>(c)(ii) Compliant. As per the agricultural report, the property would retain similar land use to the current practice. The development is on a low productive area of land, adhering to requirements of Rural Resource zone and therefore has no adverse impact on adjoining land uses.</p> <p>(d) Compliant. As per the agricultural report, the proposed development requires the land area provided by the property for operational efficiency and care of animals.</p> <p>(e) Compliant. As per the agricultural report, the proposed development would utilise the majority of the property under agricultural land use through sustainable pastoral use for horses. Areas outside the equine and veterinary facilities will be maintained and grazed with cattle or sheep.</p>
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	<p>(f) Not applicable. Not for economic, community and utility activity that cannot reasonably be accommodated on land within a settlement or nature conservation area.</p> <p>(g) Not applicable. Not for tourism and recreation use dependent upon a rural location or undertaken in association with primary industry.</p> <p>(h)(i) Not applicable. Not a Residential use.</p> <p>(h)(ii) Not applicable. Not a Residential use.</p>
<p><b>26.1.3 Desired Future Character Statements</b></p>	
<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> <p>(i) expansive areas for agriculture and forestry;</p> <p>(ii) mining and extraction sites;</p> <p>(iii) utility and transport sites and extended corridors; and</p>	<p>The proposal was accompanied by an agricultural assessment and compliance report prepared by Opinion Advisory that addressed the Desired Future Character Statements. Refer to this report for a full outline of compliance with the Desired Future Character Statements.</p> <p>(a) Compliant. As per the agricultural report, the proposed development will retain the majority of land area for agricultural land use (livestock). The location of the proposed building is on low productive, relatively flat, cleared land with property frontage, allowing optimal operation efficiency.</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>(b) Compliant. As per the agricultural report, the veterinary clinic would be located in a sparsely populated area. The location does not have any ecological, scientific or cultural value and pockets of remnant vegetation on the property would be left undisturbed.</p> <p>(c) Compliant. As per the agricultural report, the development would be on flat terrain to minimise disturbance to physical terrain, natural biodiversity and ecological systems. Appropriate setbacks are adhered to and therefore does not adversely impact on rural residential and visitor amenity.</p> <p>(d) Compliant. As per the agricultural report, the land area provided by the property allows for operational efficiency and care of animals. The buildings would be located on a low productive area of land.</p> <p>(e) Not applicable. The proposed development is not 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>
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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><b>26.3 Use Standards</b></p>	
<p><b>26.3.1 Requirement for discretionary non-residential use to locate on rural resource land</b></p>	
<p>There is no Acceptable Solution for this Clause.</p>	<p>Non-compliant.</p> <p>Business and professional services, Community meeting and entertainment and General retail and hire services are all discretionary uses in the Rural Resource zone.</p> <p>Refer to the “Issues” section of this report.</p>

<b>26.3.2 Required Residential Use</b>	
<p>26.3.2-(A1) Residential use required as part of a use must:</p> <ul style="list-style-type: none"> <li>(a) be an alteration or addition to an existing lawful and structurally sound residential building;</li> <li>(b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling;</li> <li>(c) not intensify an existing lawful residential use;</li> <li>(d) replace a lawful existing residential use;</li> <li>(e) not create a new residential use through conversion of an existing building; or</li> <li>(f) be home based business in association with occupation of an existing lawful and structurally sound residential building; and</li> <li>(g) there is no change in the title description of the site on which the residential use is located.</li> </ul>	<p>Not applicable. Not a required Residential use.</p>

<b>26.3.3 Residential use</b>	
<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"> <li>(a) be an alteration or addition to an existing lawful and structurally sound residential building;</li> <li>(b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling;</li> <li>(c) not intensify an existing lawful residential use;</li> <li>(d) not replace an existing residential use;</li> <li>(e) not create a new residential use through conversion of an existing building;</li> <li>(f) be an outbuilding with a floor area of not more than 100m<sup>2</sup> appurtenant to an existing lawful and structurally sound residential building; or</li> <li>(g) be home based business in association with occupation of an existing lawful and structurally sound residential building; and</li> <li>(h) there is no change in the title description of the site on which the residential use is located.</li> </ul>	<p>Not applicable. Not a Residential use.</p>

<b>26.4 Development Standards</b>	
<b>26.4.1 Suitability of a site or lot on a plan of subdivision for use or development</b>	
<p>26.4.1-(A1) A site or each lot on a plan of subdivision must:</p> <p>(a) unless for agricultural use, have an area of not less than 1.0 hectare not including any access strip; and</p> <p>(b) if intended for a building, contain a building area</p> <p>(i) of not more than 2,000m<sup>2</sup> or 20% of the area of the site, whichever is the greater unless a crop protection structure for an agricultural use;</p> <p>(ii) clear of any applicable setback from a frontage, side or rear boundary;</p> <p>(iii) clear of any applicable setback from a zone boundary;</p> <p>(iv) clear of any registered easement;</p> <p>(v) clear of any registered right of way benefiting other land;</p>	<p>(a) Compliant. Land area is 30.66ha.</p> <p>(b)(i) Compliant. Proposed total building area would be 1,823m<sup>2</sup>.</p> <p>(b)(ii) Compliant. Buildings would be clear of all boundary setbacks; 20m to front boundary; 55m to north-western side boundary; 137m to the rear boundary and greater than 500m to the south-eastern side boundary.</p> <p>(b)(iii) Not applicable. No applicable zone boundary to this Clause.</p> <p>(b)(iv) Not applicable. No registered easements.</p> <p>(b)(v) Not applicable. No right of way.</p> <p>(b)(vi) Not applicable. No restriction imposed by a utility.</p> <p>(b)(vii) Not applicable. No access strip.</p> <p>(b)(viii) Compliant. Land has a frontage and access off Forth Road.</p>

<ul style="list-style-type: none"> <li>(vi) clear of any restriction imposed by a utility;</li> <li>(vii) not including an access strip;</li> <li>(viii) accessible from a frontage or access strip.</li> </ul>	
<p>26.4.1–(A2) A site or each lot on a subdivision plan must have a separate access from a road:</p> <ul style="list-style-type: none"> <li>(a) across a frontage over which no other land has a right of access; and</li> <li>(b) if an internal lot, by an access strip connecting to a frontage over land not required as the means of access to any other land; or</li> <li>(c) by a right of way connecting to a road –             <ul style="list-style-type: none"> <li>(i) over land not required as the means of access to any other land; and</li> <li>(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</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. The land has dedicated frontage and access off Forth Road.</li> <li>(b) Not applicable. Satisfied by (a).</li> <li>(c) Not applicable. Satisfied by (a).</li> <li>(d) Compliant. Existing frontage is 660m long.</li> <li>(e) Compliant. Conditions will apply to the Permit regarding new access off Forth Road.</li> </ul>

<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<sup>R31</sup> with a storage capacity of not less than 10,000 litres if:</p> <p>(i) there is not a reticulated water supply; and</p> <p>(ii) development is for:</p>	<p>(a) Compliant. Site is able to connect to a reticulated water supply.</p> <p>(b)(i) Not applicable. Satisfied by (a).</p>

<ul style="list-style-type: none"> <li>a. a single dwelling; or</li> <li>b. a use with an equivalent population of not more than 10 people per day.</li> </ul>	
<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"> <li>(a) to a sewerage system provided in accordance with the <i>Water and Sewerage Industry Act 2008</i>; or</li> <li>(b) by on-site disposal if: <ul style="list-style-type: none"> <li>(i) sewage or liquid trade waste cannot be drained to a reticulated sewer system; and</li> <li>(ii) the development: <ul style="list-style-type: none"> <li>a. is for a single dwelling; or</li> <li>b. provides for an equivalent population of not more than 10 people per day; or</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a) Not applicable. No sewerage system in this area.</li> <li>(b)(i) Not applicable. Satisfies ((b)(iii).</li> <li>(b)(ii)a. Not applicable. Satisfies ((b)(iii).</li> <li>(b)(ii)b. Not applicable. Satisfies ((b)(iii).</li> <li>(b)(iii) Compliant by condition to a permit. Development is accompanied by a “Preliminary Onsite Wastewater System Design Report” by D1 Consulting Engineers Pty Ltd.</li> </ul> <p>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>(iii) the site has capacity for on-site disposal of domestic waste water in accordance with AS/NZS 1547:2000 On-site domestic-wastewater management clear of any defined building area or access strip.</p>	
<p>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 5,000m<sup>2</sup>;</p> <p>b. the disposal area is not within any defined building area;</p>	<p>(a) Not applicable. Satisfied by (b)(i).</p> <p>(b)(i) Not applicable. Satisfied by (b)(ii).</p> <p>(b)(ii)a. Compliant. Site has an area of 30.66ha.</p> <p>(b)(ii)b. Compliant by condition to a permit. Disposal would be clear of any defined building area.</p> <p>(b)(ii)c. Compliant by condition to a permit. Disposal would be 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 the site would be of impervious surface.</p>

<ul style="list-style-type: none"> <li>c. the disposal area is not within any area required for the disposal of sewage;</li> <li>d. the disposal area is not within any access strip; and</li> <li>e. not more than 50% of the site is impervious surface.</li> </ul>	
<p><b>26.4.2 Location and configuration of development</b></p>	
<p>26.4.2-(A1) A building or a utility structure, other than a crop protection structure for an agriculture use, must be setback:</p> <ul style="list-style-type: none"> <li>(a) not less than 20.0m from the frontage; or</li> <li>(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;</li> <li>(c) not less than 10.0m from each side boundary; and</li> <li>(d) not less than 10.0m from the rear boundary; or</li> <li>(e) in accordance with any applicable building area shown on a sealed plan.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Compliant. Building would be setback 20m from Forth Road frontage.</li> <li>(b) Not applicable. Land does not adjoin the Bass Highway.</li> <li>(c) Compliant. The proposed building envelope would be approximately 55m from the north-western side boundary and greater than 500m to the south-eastern side boundary.</li> <li>(d) Compliant. Development would be setback 137m to the rear boundary.</li> <li>(e) Not applicable. No building area on a Sealed Plan.</li> </ul>

<p>26.4.2-(A2) Building height must be not more than 8.5m.</p>	<p>Compliant. Building height would be 6.61m.</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>A3.2</p> <p>Wind power turbines and wind power pumps must not exceed 20m in height.</p>	<p>A3.1</p> <p>(a) Compliant. Proposed building would be located 120m below nearest ridgeline in this area.</p> <p>(b) Compliant. Proposed building would be 90m from nearest watercourse, across the other side of Forth Road.</p> <p>(c) Compliant. Proposed building would be below the canopy of nearest woodland to the west.</p> <p>(d) Compliant by a condition to a permit. Building to be roofed and clad with materials with a light reflectance value of less than 40%.</p> <p>A3.2</p> <p>Not applicable. No wind turbine or wind power pumps.</p>

<b>26.4.3 Location of development for sensitive uses</b>	
<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"> <li>(i) 200m from any agricultural land;</li> <li>(ii) 200m from aquaculture, or controlled environment agriculture;</li> <li>(iii) 500m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does not occur; or</li> <li>(iv) 1000m from the operational area boundary established by a mining lease issued in accordance with the <i>Mineral Resources Development Act 1995</i> if blasting does occur; or</li> <li>(v) 500m from intensive animal husbandry;</li> <li>(vi) 100m from land under a reserve management plan;</li> </ul>	<p>Not applicable.</p> <p>Not a Sensitive Use.</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><b>26.4.4 Subdivision</b></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 shares of which are held by or on behalf of the State, a Council or by a statutory authority.</p>	<p>Not applicable.</p> <p>No subdivision proposed.</p>
<p><b>26.4.5 Buildings for Controlled Environment Agriculture</b></p>	
<p>26.4.5-(A1)</p>	<p>Not applicable.</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>No controlled environment agriculture proposed.</p>
<p><b>CODES</b></p>	
<p><b>E1 Bushfire-Prone Areas Code</b></p>	<p>Not applicable. Not a subdivision, hazardous or vulnerable use.</p>
<p><b>E2 Airport Impact Management Code</b></p>	<p>Not applicable. This Code is not in the Scheme.</p>
<p><b>E3 Clearing and Conversion of Vegetation Code</b></p>	<p>Not applicable. Application states there would be no clearing or conversion of native threatened vegetation. Development site is grassland.</p>
<p><b>E4 Change in Ground Level Code</b></p>	<p>Not applicable. No change in ground level proposed. Development is on a flat area of the land.</p>
<p><b>E5 Local Heritage Code</b></p>	<p>Not applicable. This Code is not in the Scheme.</p>

<b>E6 Hazard Management Code</b>	Land is medium landslip. However, development is outside the hazard area.
<b>E7 Sign Code</b>	Not applicable. No signs proposed. Note to a permit.
<b>E8 Telecommunication Code</b>	Not applicable. No telecommunications are proposed.
<b>E9 Traffic Generating Use and Parking Code</b>	
E9.2 Application of the Code	The Code applies to all use and development.
E9.4 Exemptions	The proposal is not exempt.
E9.5.1 A1 Provision for parking must be – (a) The minimum number of on-site vehicle parking spaces must be in accordance with the applicable standard for the use class as shown in the Table to this Code.	Compliant by condition.  The E9 Traffic and Parking Code of the Scheme requires a total of 36 car parking spaces be provided for the range of uses proposed. The development proposes 45 spaces be provided.
E9.5.2 A1 There must be provision within a site for – (a) On-site loading area in accordance with the requirement in the Table to this Code; and	(a) The proposal requires two small rigid truck spaces. Compliant by condition.  (b) Not applicable. Not required for the uses proposed.

<p>(b) Passenger vehicle pick-up and set-down facilities for business, commercial, educational and retail use at the rate of 1 space for every 50 parking spaces.</p>	
<p>E9.6.1</p> <p>A1.1 All development must provide for the collection, drainage and disposal of stormwater; and</p> <p>A1.2 Other than for development for a single dwelling in the General Residential, Low Density Residential, Urban Mixed Use and Village zones, the layout of vehicle parking area, loading area, circulation aisle and manoeuvring area must –</p> <p>(a) Be in accordance with AS/NZ 2890.1 (2004) – Parking Facilities – Off Street Car Parking;</p> <p>(b) Be in accordance with AS/NZS 2890.2 (2002) Parking Facilities – Off Street Commercial Vehicles;</p> <p>(c) Be in accordance with AS/NZS 2890.6 (1993) Parking Facilities – Bicycle Parking Facilities;</p> <p>(d) Be in accordance with AS/NZS 2890.6 Parking Facilities – Off Street Parking for People with Disabilities;</p>	<p>A1.1 Compliant by condition to a permit.</p> <p>A1.2(a) Compliant by condition to a permit.</p> <p>A1.2(b) Compliant by condition to a permit.</p> <p>A1.2(c) Not applicable for this proposal.</p> <p>A1.2(d) Compliant by condition to a permit.</p> <p>A1.2(e) Compliant by condition to a permit.</p> <p>A1.2(f) Compliant by condition to a permit.</p> <p>A1.2(g) Compliant by condition to a permit.</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><b>Specific Area Plans</b></p>	<p>Not applicable. Turners Beach Specific Area Plan does apply to this area.</p>

*Issues –*

*1 Requirement for discretionary non-residential use to locate on rural resource land –*

Business and professional services, Community meeting and entertainment and General retail and hire services are all discretionary uses in the Rural Resource zone.

There is no Acceptable Solution for Clause 26.3.1.

The Planning Scheme’s Performance Criteria for Clause 26.3.1–(P1) states that other than for residential use, discretionary permit use must –

(a)&(b) be consistent with Local Area Objectives and Desired Future Character Statements –

Compliant. Refer to Clauses 26.1.2 and 26.1.3 in the Scheme’s provision assessment table, above, for discussion regarding the Local Area Objectives and Desired Future Character Statements.

(c) be required to locate on rural resource land for operational efficiency –

- (i) to access a specific naturally occurring resources on the site or on adjacent land in the zone;
- (ii) to access infrastructure only available on the site or on adjacent land in the zone;
- (iii) to access a product of primary industry from a use on the site or on adjacent land in the zone;
- (iv) to service or support a primary industry or other permitted use on the site or on adjacent land in the zone;
- (v) if required –
  - 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
- (viii) if a cost-benefit analysis in economic, environmental, and social terms indicates significant benefits to the region; and

Compliant. As per the agricultural report, the proposed development needs to be located on Rural Resource land due to the site being ideally located in the Forth Valley to service the local and broader community. The size and topography of the land would aid in the operational efficiency of the business with regards to grazing area on higher elevation and the clinic building built on a narrow strip of existing cleared land with frontage to Forth Road. Furthermore, the development would service the agriculture and other relevant primary industry in the local community and greater region.

The café and community meeting room will provide an additional service to the local community and/or broader region. This service will at times, be associated with the operation and activities associated to the veterinary business but would not be limited to this. The general retail and hire service is to provide sales of goods directly associated with the veterinary clinic and primary produce products.

- (d) minimise likelihood for:
  - (i) permanent loss of land for existing and potential primary industry use;

Compliant. Proposal would not result in the permanent loss of land for primary industry. The building would

be constructed on a narrow strip of low productive existing cleared land.

- (ii) constraint or interference to existing and potential primary industry use on the site and on adjacent land; and

Compliant. The proposal would not constrain, fetter or otherwise interfere with existing and potential primary industry use on adjacent land. The development adheres to the required setbacks. As per the agricultural report, the topography of the land aids in the buffer to negate adverse impacts.

- (iii) 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.

Compliant. As per the agricultural report, there is no existing irrigation infrastructure on the property, other than a 5ML capacity dam. The amount of water available is not sufficient for a broad-scale irrigation development.

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Noted that only an aerated on-site wastewater system can be installed as per the recommendation in the report prepared by D1 Consulting Engineers Pty Ltd.
Infrastructure Services	Conditions and Notes to apply to the Permit.
Building	Standard Building Note to apply to the Permit.

TasWater	TasWater Submission to Planning Authority Notice TWDA 2022-00324-CC dated 9 March 2022.
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*:

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

*Representations –*

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

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

MATTER RAISED	RESPONSE
1 Concerned regarding impact on the area that is zoned Rural Resource.	The land is surrounded by Rural Resource zone properties. Some of the surrounding land is used for agricultural/primary industry use.  Other surrounding properties contain residential use, which are a

	<p>discretionary use in the Rural Resource zone. The building to contain the proposed discretionary uses would be located on the site to minimise any adverse impacts on surrounding agricultural/primary industry uses. Furthermore, the building would be located 55m from the closest residential use. It is not considered the proposal would have a negative impact on the Rural Resource zone area.</p>
<p>2 Primarily concerned about the proposed additional business enterprises, particularly the coffee shop, bookshop, retail area and meeting room.</p> <p>No hours of operation are provided only stated as being for out-of-hours use.</p>	<p>The Food Services – café and Community meeting and entertainment – community meeting rooms are both discretionary uses in the Rural Resource zone and have been addressed under Clause 26.3.1. Requirement for discretionary non-residential use to locate on Rural Resource land has been addressed in the "Issues" section above.</p> <p>The proposal includes a 73.35m<sup>2</sup> café as part of the overall 1,823m<sup>2</sup> building for the veterinary clinic.</p> <p>The café would, at times be used for an after-hours space for small scale community discussions and programs, mostly focused on activities associated with the site.</p> <p>The relatively small scale café (and at times community meeting area) in comparison to the overall development, would unlikely cause an unreasonable impact on adjoining land uses. The closest dwelling is 55m away. It is considered that the combination of sufficient separation distance and being only a relatively small portion of the overall development would result with an</p>

	<p>unlikely impact on adjoining properties.</p> <p>There are no specific hours of operations in the Rural Resource Zone. It is considered the hours of operation would be the standard business hours to operate a Veterinary business, with some out of hours (emergency) expected to ensure the business would run effectively.</p>
<p>3 Will the veterinary clinic provide emergency, out of hours service? Concerned regarding increased noise outside normal working hours. Additionally, no information on the level of night time lighting.</p>	<p>Most veterinary clinics provide an emergency, out of hours service. It would be reasonable to say this would occur with the veterinary clinic.</p> <p>The Rural Resource zone does not have specific hours of operation requirements. It is considered the hours proposed are reasonable. Furthermore, it is not considered unreasonable that some emergency, out of hours service hours would occur to ensure adequate operation of the business.</p> <p>A condition is to be placed on the permit regarding lighting for the development site.</p>
<p>4 Increased traffic will become a road safety issue.</p> <p>They question the Traffic Impact Assessment report as it is not based on actual data.</p> <p>The increase of 272 daily vehicle trips for the vet facility is highly likely to be problematic.</p>	<p>The application was accompanied by a Traffic Impact Assessment report prepared by RJK Consulting Engineers who are considered a suitably qualified person(s) who stated that from a road safety and traffic assessment, the development is not expected to create an adverse traffic and safety issue.</p> <p>Furthermore, the following comments are provided by the Council's Development Officer who states "<i>Forth Road is a classified</i></p>

	<p><i>arterial road providing high connectivity for rural population centres. As per the Tasmanian Local Government Road Hierarchy – Rural Roads, the average annual daily traffic (AADT) on an arterial road is greater than 2000 vehicles per day (vpd) and therefore Forth Road is able to service the development. The proposed access offers safe ingress and egress from the development site”.</i></p> <p>It is not considered that the proposed Development would create any road safety issues based on the above comments.</p>
<p>5 Size of the business enterprise with 80–100 clients per day, noise at night with barking dogs etc.</p>	<p>It Is acknowledged that the occupants of 931 Forth Road, Turners Beach will notice an increase in activity on the development site. It is not considered that the proposed development would create an unreasonable impact in terms of noise and traffic generation.</p> <p>There is a separation of 55m between the building proposed and the common boundary with 931 Forth Road.</p> <p>Furthermore, any dogs staying at the veterinary clinic would be accommodated in the building. It is not considered there would be any unreasonable impact in terms of dog barking noise at night time.</p> <p>It is not uncommon for dogs to be accommodated overnight at a veterinary clinic.</p>

<p>6 Do not believe the development meets the requirements for discretionary non-residential use to locate on rural resource land.</p>	<p>Please refer to the “Issues” section above where this matter has been addressed.</p>
<p>7 Believe the development is not consistent with local area objectives and desired character due to large size of the development and the inclusion of business services that are not compatible with Rural resource zoning.</p>	<p>Please refer to the “Issues” section above where this matter has been addressed.</p>

*RESOURCE, FINANCIAL AND RISK IMPACTS*

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

*CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

*CONCLUSION*

The development proposal relies on the assessment against the Performance Criteria in relation to discretionary non-residential uses to be located on Rural Resource land. The application has satisfactorily addressed the Performance Criteria for this provision.

The proposal is recommended for conditional approval.

*Recommendation –*

It is recommended that the application for Business and professional services – equine and small animal veterinary clinic; Food services – café; Community meeting and entertainment – community meeting rooms; General retail and hire – sale of goods associated with veterinary clinic and primary produce products only; and Resource development – animal husbandry – Requirements for discretionary non-residential uses to be located on Rural Resource land at 901 Forth Road, Turners Beach – Application No. DA2021198 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with plans prepared by Starbox Architecture, Project No. 210712, Drawing Nos. A00/DA3, A01/DA3, A02/DA3, A03/DA3 and A04/DA3 dated 2 February 2022.
- 2 The development must be in accordance with the conditions of TasWater’s Submission to Planning Authority Notice TWDA 2022–00324–CC dated 9 March 2022.
- 3 Development on the site must be roofed and clad with materials with a light reflectance value of less than 40%.
- 4 A minimum of 36 car parking spaces, plus two small rigid truck spaces must be provided on the site to accommodate the range of uses. All spaces must be in accordance with the *Australian Standard AS 2890*.
- 5 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 6 The on-site disposal of wastewater must be in accordance with the Preliminary Onsite Wastewater System Design Report as prepared by D1 Consulting Engineers Pty Ltd, Reference No. 23.022 dated 21 December 2021 and clear of any defined building area or access driveway.
- 7 The development must be in accordance with the conclusions contained in the agricultural assessment and compliance report as prepared by Opinion Advisory dated December 2021.
- 8 The development must be in accordance with the conclusions contained in the Traffic Impact Assessment Report as prepared by RJK Consulting Engineers, Project Reference No. 21/22 TAS 075, Version No. V2 dated 31 January 2022.

- 9 Lighting for the development must be limited to the hours of operation, with out-of-hours lighting kept to a minimum. Security lighting must be baffled to ensure direct light does not extend into adjoining properties.
- 10 The development must minimise erosion and release of sediments during site preparation and construction in accordance with *Soil and Water Management on Building and Construction Sites 2009*.

Infrastructure Services Conditions:

- 1 Access to the site must be provided off Forth Road, as indicated on the Site Plan prepared by Starbox Architecture, Drawing No. A01/DA3.
- 2 The access and driveway must be constructed in accordance with the Tasmanian Standard Drawings TSD-R05-v3 Truck Access to Rural Properties Type A and TSD-R04-v3 Rural Roads - Typical Driveway Profile, by the owner/developer.
- 3 Sight triangle areas adjacent to the driveway access must be kept clear of obstructions to visibility, in accordance with the Tasmanian Standard Drawing TSD-RF-01-v3 Guide to Intersection and Domestic Access Sight Distance Requirements.
- 4 Stormwater run-off from buildings and hard surfaces, including from vehicle parking and manoeuvring areas, must be collected and disposed of on-site in accordance with the *National Construction Code 2019* and must not cause a nuisance to neighbouring properties. Stormwater disposal must be clear of any defined building area.

Please note:

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

- 3 This permit does not include approval for signs. A separate application must be made for any on-site signage and must be in accordance with the *Tasmanian Planning Scheme – Central Coast*.
- 4 Prior to the commencement of work the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority, or a Building Surveyor be contacted should clarification be required.

Infrastructure Services Notes:

- 1 A “Works in Road Reservation (Permit)” must be in accordance with Council’s Work in Road Reservation Policy.
- 2 Any works associated with roads, nature strips, or street trees must be undertaken by the Council, unless alternative arrangements are approved by the Council’s Director Infrastructure Services. This would be at the developer’s cost.
- 3 Any damage or disturbance to roads, nature strips, or street trees resulting from activity associated with the use on the site, must be rectified to the satisfaction of the Council’s Director Infrastructures Services. This would be at the developer’s cost.’

The Town Planner’s report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr van Rooyen moved and Cr Fuller seconded, “That the application for Business and professional services – equine and small animal veterinary clinic; Food services – café; Community meeting and entertainment – community meeting rooms; General retail and hire – sale of goods associated with veterinary clinic and primary produce products only; and Resource development – animal husbandry – Requirements for discretionary non-residential uses to be located on Rural Resource land at 901 Forth Road, Turners Beach – Application No. DA2021198 be approved subject to the following conditions and notes:

- 1 The development must be substantially in accordance with plans prepared by Starbox Architecture, Project No. 210712, Drawing Nos. A00/DA3, A01/DA3, A02/DA3, A03/DA3 and A04/DA3 dated 2 February 2022.
- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice TWDA 2022-00324-CC dated 9 March 2022.
- 3 Development on the site must be roofed and clad with materials with a light reflectance value of less than 40%.
- 4 A minimum of 36 car parking spaces, plus two small rigid truck spaces must be provided on the site to accommodate the range of uses. All spaces must be in accordance with the *Australian Standard AS 2890*.
- 5 Driveways and vehicle parking and manoeuvring areas must be formed and constructed with a compacted sub-base and an all-weather surface.
- 6 The on-site disposal of wastewater must be in accordance with the Preliminary Onsite Wastewater System Design Report as prepared by D1 Consulting Engineers Pty Ltd, Reference No. 23.022 dated 21 December 2021 and clear of any defined building area or access driveway.
- 7 The development must be in accordance with the conclusions contained in the agricultural assessment and compliance report as prepared by Opinion Advisory dated December 2021.
- 8 The development must be in accordance with the conclusions contained in the Traffic Impact Assessment Report as prepared by RJK Consulting Engineers, Project Reference No. 21/22 TAS 075, Version No. V2 dated 31 January 2022.
- 9 Lighting for the development must be limited to the hours of operation, with out-of-hours lighting kept to a minimum. Security lighting must be baffled to ensure direct light does not extend into adjoining properties.
- 10 The development must minimise erosion and release of sediments during site preparation and construction in accordance with *Soil and Water Management on Building and Construction Sites 2009*.

Infrastructure Services Conditions:

- 1 Access to the site must be provided off Forth Road, as indicated on the Site Plan prepared by Starbox Architecture, Drawing No. A01/DA3.

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- 3 Sight triangle areas adjacent to the driveway access must be kept clear of obstructions to visibility, in accordance with the Tasmanian Standard Drawing TSD-RF-01-v3 Guide to Intersection and Domestic Access Sight Distance Requirements.
- 4 Stormwater run-off from buildings and hard surfaces, including from vehicle parking and manoeuvring areas, must be collected and disposed of on-site in accordance with the *National Construction Code 2019* and must not cause a nuisance to neighbouring properties. Stormwater disposal must be clear of any defined building area.

Please note:

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

Infrastructure Services Notes:

- 1 A “Works in Road Reservation (Permit)” must be in accordance with Council's Work in Road Reservation Policy.

- 2 Any works associated with roads, nature strips, or street trees must be undertaken by the Council, unless alternative arrangements are approved by the Council’s Director Infrastructure Services. This would be at the developer’s cost.
- 3 Any damage or disturbance to roads, nature strips, or street trees resulting from activity associated with the use on the site, must be rectified to the satisfaction of the Council’s Director Infrastructures Services. This would be at the developer’s cost.”

Carried unanimously

**85/2022 Educational and Occasional Care – school car park and bicycle parking and pedestrian pathway and Subdivision – consolidation of titles; Lot design and Discretionary Use in General Residential Zone at 45A & 47 Leighlands Avenue, Ulverstone – Application No. DA2021279**

The Director Community Services reported as follows:

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

<i>‘DEVELOPMENT APPLICATION NO.: PROPOSAL</i>	DA2021279 Educational and Occasional Care – school car park and bicycle parking and pedestrian pathway and Subdivision – consolidation of titles; Lot design and Discretionary Use in General Residential Zone
<i>APPLICANT:</i>	S. Group
<i>LOCATION:</i>	45A & 47 Leighlands Avenue, Ulverstone
<i>ZONE:</i>	General Residential and Community Purpose
<i>PLANNING INSTRUMENT:</i>	<i>Tasmanian Planning Scheme – Central Coast</i> “the Planning Scheme”
<i>ADVERTISED:</i>	19 January 2022 and re-advertised on 9 February 2022
<i>REPRESENTATIONS EXPIRY DATE:</i>	3 February and re-advertised date 24 February 2022
<i>REPRESENTATIONS RECEIVED:</i>	Two
<i>42-DAY EXPIRY DATE:</i>	8 March 2022
<i>DECISION DUE:</i>	21 March 2022

*PURPOSE*

The purpose of this report is to consider an application for the development of a car park over land at 47 Leighlands Avenue, Ulverstone, incorporating car and bicycle parking and a pedestrian pathway with lighting. The development would also be partially over a roadway that is managed by the Council, known as School Lane. The works are associated with Leighland Christian School that is located at 45A Leighlands Avenue.

The application also seeks to consolidate the land at 47 Leighlands Avenue with the school parcel of land at 45A Leighlands Avenue, Ulverstone.

The application involves the use and development of land over two zones, being General Residential Zone and Community Purpose Zone.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation; and
- . Annexure 4 – photographs and aerial view.

*BACKGROUND*

*Development description –*

Application has been made to redevelop the entry to Leighland Christian School by widening the existing vehicular access, via School Lane, instituting a one-way traffic circulation system and making provision for additional parking, incorporating an adjoining parcel of land that is zoned General Residential. The development, at 47 Leighlands Avenue and over School Lane, would be for a car park associated with the school. Some landscaping and pedestrian links would also be constructed on the school site, 45A Leighlands Avenue.

The proposed car park would provide an additional 36 car parking spaces, a 10-space bicycle parking area and a pedestrian pathway.

Some landscaping is also proposed.

There are three lights proposed to the islands separating the entry driveway and the proposed exit driveway. The lights are only to operate between the hours of 7.00am to 7.00pm and are to be positioned to ensure that direct lighting does not extend into the adjoining properties.

Application is also made for the consolidation of 2 Certificates of Title that comprise two different zones – General Residential Zone and Community Purpose Zone.

*Site description and surrounding area –*

The property at 45A Leighlands Avenue is zoned Community Purpose and accommodates the grounds, buildings and car park of Leighlands Christian School.

The property at 47 Leighlands Avenue is zoned General Residential. Whilst the site currently accommodates a single dwelling, an application for demolition of the existing dwelling and outbuildings was approved under s.7.9 of the Planning Scheme in October 2021 – DA2021274 (Permitted Permit).

The access roadway, “School Lane”, is Council owned land.

The two sites are flat, able to connect to reticulated services and are located in an Ulverstone residential area.

Surrounding land to the east, south and west is zoned General Residential.

TasRail’s Western Rail Line, zoned Utilities, adjoins the school grounds to the north.

*History –*

An application for demolition of the existing dwelling and outbuildings at 47 Leighlands Avenue was approved under s.7.9 of the Planning Scheme in October 2021 – DA2021274 (Permitted Permit).

The proposal was advertised from 19 January 2022 until 3 February 2022. It became evident that not all discretionary matters were listed in the public notices. Following the submission of additional information, the proposal was re-advertised from 9 February 2022 until 23 February 2022.

*DISCUSSION*

The following table is an assessment of the development against the *Tasmanian Planning Scheme – Central Coast* standards:

## 8.0 General Residential Zone

### 8.1 Zone Purpose

The purpose of the General Residential Zone is:

- 8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.
- 8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.
- 8.1.3 To provide for non-residential use that:
  - (a) primarily serves the local community; and
  - (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.
- 8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

**Planner’s comment**

The use is a discretionary, non-residential use of the land within an established residential area.

The use satisfies General Residential Zone Purpose 8.1.3 in that use of land will serve the local community and not cause an unreasonable loss of amenity through the scale, intensity, noise and activity outside of business hours or through traffic generation and movements.

CLAUSE	COMMENT	
<b>8.3 Use Standards</b>		
<b>8.3.1 Discretionary uses</b>	Not applicable	Assessment
8.3.1-(A1) Hours of operation of a use listed as Discretionary, excluding Emergency Services, must be within the hours of 8.00am to 6.00pm.	<input type="checkbox"/>	Non-compliant. Generally, hours of operation would be between 8.00am to 6.00pm. However, on occasion, the school would have meetings and social events that would extend beyond these hours.  Refer to the “Issues” section of this report.

<p>8.3.1-(A2)</p> <p>External lighting for a use listed as Discretionary:</p> <p>(a) must not operate within the hours of 7.00pm to 7.00am, excluding any security lighting; and</p> <p>(b) security lighting must be baffled to ensure direct light does not extend into the adjoining property.</p>	<input type="checkbox"/>	<p>(a) Compliant. External lighting to be between the hours of 7.00am and 7.00pm.</p> <p>(b) Not applicable. No security lighting proposed.</p>
<p>8.3.1-(A3)</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use listed as Discretionary, excluding Emergency Services, must be within the hours of:</p> <p>(a) 7:00am to 7:00pm Monday to Friday;</p> <p>(b) 9:00am to 12 noon Saturday; and</p> <p>(c) nil on Sunday and public holidays.</p>	<input type="checkbox"/>	<p>(a) Compliant. Commercial vehicle movements would be between the hours of 7:00am to 7:00pm Monday to Friday.</p> <p>(b) Compliant. Commercial vehicle movements would be between the hours of 9:00am to 12 noon Saturday.</p> <p>(c) Compliant. Commercial vehicle movements would be nil on Sunday and public holidays.</p>
<p>8.3.1-(A4)</p> <p>No acceptable solution.</p> <p>8.3.1 –(P4)</p> <p>A use listed as Discretionary must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to:</p> <p>(a) the intensity and scale of the use;</p> <p>(b) the emissions generated by the use;</p>	<input type="checkbox"/>	<p>Non-compliant.</p> <p>Refer to the “Issues” section of this report.</p>

(c) the type and intensity of traffic generated by the use;		
(d) the impact on the character of the area; and		
(e) the need for the use in that location.		
<b>8.3.2 Visitor Accommodation</b>	Not applicable	Assessment
8.3.2 –(A1) Visitor Accommodation:	<input checked="" type="checkbox"/>	Not Visitor Accommodation.
(a) guests are accommodated in existing buildings; and		
(b) has a gross floor area of not more than 300m <sup>2</sup> .		
<b>8.4 Development Standards for Dwellings</b>		
<b>8.4.1 Residential density for multiple dwellings</b>		
8.4.1 –(A1) Multiple dwellings must have a site area per dwelling of not less than 325m <sup>2</sup> .	<input checked="" type="checkbox"/>	Not multiple dwelling development.
<b>8.4.2 Setbacks and building envelope for all dwellings</b>	Not applicable	Assessment
8.4.2 –(A1) Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:	<input checked="" type="checkbox"/>	No dwelling proposed.
(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the		

<p>primary frontage, of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>		
<p>8.4.2 –(A2)</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<input checked="" type="checkbox"/>	<p>No garage or carport proposed.</p>
<p>8.4.2 –(A3)</p>	<input checked="" type="checkbox"/>	<p>No dwelling proposed.</p>

<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>		
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<p><b>8.4.3 Site coverage and private open space for all dwellings</b></p>	<p>Not applicable</p>	
<p>8.4.3 –(A1)</p> <p>Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>No dwelling proposed.</p>
<p>8.4.3 –(A2)</p> <p>A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <p style="padding-left: 20px;">(i) 24m<sup>2</sup>; or</p> <p style="padding-left: 20px;">(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p style="padding-left: 20px;">(i) 4m; or</p> <p style="padding-left: 20px;">(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>No dwelling proposed.</p>

<p>entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>		
<p><b>8.4.4 Sunlight to private open space of multiple dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.4 –(A1)</p> <p>A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Figure 8.4):</p> <p>(i) at a distance of 3m from the northern edge of the private open space; and</p> <p>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</p> <p>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between</p>	<p><input checked="" type="checkbox"/></p>	<p>No multiple dwelling proposed.</p>

<p>9.00am and 3.00pm on 21st June; and</p> <p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <p>(i) an outbuilding with a building height not more than 2.4m; or</p> <p>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</p>		
<p><b>8.4.5 Width of openings for garages and carports for all dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.5 –(A1)</p> <p>A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).</p>	<p><input checked="" type="checkbox"/></p>	<p>No garage or carport proposed.</p>
<p><b>8.4.6 Privacy for all dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.6 –(A1)</p> <p>A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace,</p>	<p><input checked="" type="checkbox"/></p>	<p>No dwelling proposed.</p>

<p>parking space, or carport has a setback of not less than 3m from the side boundary;</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</p>		
<p>8.4.6 –(A2)</p> <p>A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <p>(i) is to have a setback of not less than 3m from a side boundary;</p> <p>(ii) is to have a setback of not less than 4m from a rear boundary;</p> <p>(iii) if the dwelling is a multiple dwelling, is to</p>	<input checked="" type="checkbox"/>	<p>No dwelling proposed.</p>

<p>be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</p> <p>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</p> <p>(b) the window or glazed door:</p> <p>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</p> <p>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>		
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<p>8.4.6 –(A3)</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	<input checked="" type="checkbox"/>	<p>No shared driveway to a multiple dwelling proposed.</p>
<p><b>8.4.7 Frontage fences for all dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.7 –(A1)</p> <p>No Acceptable Solution.</p> <p><i>An exemption applies for fences in this zone – see Table 4.6.</i></p> <p>8.4.7 –(P1)</p> <p>A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <p>(a) provide for security and privacy while allowing for passive surveillance of the road; and</p>	<input checked="" type="checkbox"/>	<p>No frontage fence proposed.</p>

<p>(b) be compatible with the height and transparency of fences in the street, having regard to:</p> <ul style="list-style-type: none"> <li>(i) the topography of the site; and</li> <li>(ii) traffic volumes on the adjoining road.</li> </ul>		
<p><b>8.4.8 Waste storage for multiple dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.8 –(A1)</p> <p>A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <ul style="list-style-type: none"> <li>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</li> <li>(b) a common storage area with an impervious surface that: <ul style="list-style-type: none"> <li>(i) has a setback of not less than 4.5m from a frontage;</li> <li>(ii) is not less than 5.5m from any dwelling; and</li> <li>(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</li> </ul> </li> </ul>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>No multiple dwellings proposed.</p>
<p><b>8.5 Development Standards for Non-Dwellings</b></p>		
<p><b>8.5.1 Non-dwelling development</b></p>	<p>Not applicable</p>	<p>Assessment</p>

<p>8.5.1 –(A1)</p> <p>A building that is not a dwelling, excluding for Food Services, local shop, garage or carport, and protrusions that extend not more than</p> <p>0.9m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, not less than 4.5m, or if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 3.0m, or if the setback from the primary frontage is less than 3.0m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining properties on the same street.</p>	<input checked="" type="checkbox"/>	<p>No building proposed.</p>
<p>8.5.1 –(A2)</p> <p>A building that is not a dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p>	<input checked="" type="checkbox"/>	<p>No building proposed.</p>

<p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <ul style="list-style-type: none"> <li>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</li> <li>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side or rear boundaries to a building height of not more than 8.5m above existing ground level; and</li> </ul> <p>(b) only have a setback less than 1.5m from a side or rear boundary if the building:</p> <ul style="list-style-type: none"> <li>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</li> <li>(ii) does not exceed a total length of 9m or one-third of the length of the side or rear boundary (whichever is lesser).</li> </ul>		
<p>8.5.1 –(A3) A building that is not a dwelling, must have:</p>	<input checked="" type="checkbox"/>	<p>No building proposed.</p>

<p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p> <p>(b) a site area of which not less than 35% is free from impervious surfaces.</p>		
<p>8.5.1 –(A4)</p> <p>No Acceptable Solution.</p> <p><i>An exemption applies for fences in this zone – see Table 4.6.</i></p> <p>8.5.1 –(P4)</p> <p>A fence (including a free-standing wall) for a building that is not a dwelling within 4.5m of a frontage must:</p> <p>(a) provide for security and privacy while allowing for passive surveillance of the road; and</p> <p>(b) be compatible with the height and transparency of fences in the street, having regard to:</p> <p>(i) the topography of the site; and</p> <p>(ii) traffic volumes on the adjoining road.</p>	<input checked="" type="checkbox"/>	<p>No frontage fence proposed.</p>
<p>8.5.1 –(A5)</p> <p>Outdoor storage areas, for a building that is not a dwelling, including waste storage, must not:</p> <p>(a) be visible from any road or public open space adjoining the site; or</p> <p>(b) encroach upon parking areas, driveways or landscaped areas.</p>	<input checked="" type="checkbox"/>	<p>None proposed.</p>

<p>8.5.1 –(A6)</p> <p>Air extraction, pumping, refrigeration systems or compressors, for a building that is not a dwelling, must have a setback from the boundary of a property containing a sensitive use not less than 10m.</p> <p><i>An exemption applies for heat pumps and air conditioners in this zone – see Table 4.6.</i></p>	<input checked="" type="checkbox"/>	<p>None proposed.</p>
<p><b>8.5.2 Non-residential garages and carports</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.5.2 –(A1)</p> <p>A garage or carport not forming part of a dwelling, must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the building gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<input checked="" type="checkbox"/>	<p>No garage or carport proposed.</p>
<p>8.5.2 –(A2)</p> <p>A garage or carport not forming part of a dwelling, within 12m of a primary frontage (whether the garage or carport is free-standing) must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).</p>	<input checked="" type="checkbox"/>	<p>No garage or carport proposed.</p>

<b>8.6 Development Standards for Subdivision</b>		
<b>8.6.1 Lot design</b>	Not applicable	Assessment
<p>8.6.1 –(A1)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 450m<sup>2</sup> and:</p> <p>(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <p>a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p>	<input type="checkbox"/>	<p>(a) Compliant. Consolidated lot would have a land area exceeding 30,071m<sup>2</sup>.</p> <p>(a)(i)a. Compliant. Consolidated lot would be able to accommodate a 10m x 15m building envelope.</p> <p>(a)(i)b. Compliant. Building envelope would be able to be clear of easements.</p> <p>(a)(ii) Compliant. Existing buildings are consistent with required setbacks.</p> <p>(b) Not applicable. Not required for public use by the Crown, a council or a State authority.</p> <p>(c) Not applicable. Not required for the provision of Utilities.</p> <p>(d) Non-compliant. The consolidation of 2 lots would involve two different zones - General Residential Zone and Community Purpose Zone.</p> <p>Refer to the “Issues” section of this report.</p>

<p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>		
<p>8.6.1 –(A2) Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m.</p>	<input type="checkbox"/>	<p>Compliant. Consolidated land would have a frontage of 17.3m.</p>
<p>8.6.1 –(A3) Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<input type="checkbox"/>	<p>Compliant. Consolidated land would have access via School Lane and egress to Leighlands Avenue.</p>
<p>8.6.1 –(A4) Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.</p>	<input checked="" type="checkbox"/>	<p>The consolidation of land does not include the development of a new public road.</p>
<p><b>8.6.2 Roads</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.6.2 –(A1) The subdivision includes no new roads.</p> <p>8.6.2 –(P1) The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to:</p> <p>(a) any road network plan adopted by the council;</p> <p>(b) the existing and proposed road hierarchy;</p>	<input checked="" type="checkbox"/>	<p>The consolidation of land does not include the development of a new public road.</p>

<p>(c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential;</p> <p>(d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks;</p> <p>(e) minimising the travel distance between key destinations such as shops and services and public transport routes;</p> <p>(f) access to public transport;</p> <p>(g) the efficient and safe movement of pedestrians, cyclists and public transport;</p> <p>(h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the <i>Guide to Road Design Part 6A: Paths for Walking and Cycling 2016</i>;</p> <p>(i) the topography of the site; and</p> <p>(j) the future subdivision potential of any balance lots on adjoining or adjacent land.</p>		
<p><b>8.6.3 Services</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.6.3 –(A1)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a full water supply service.</p>	<p><input type="checkbox"/></p>	<p>Compliant.</p> <p>Refer to TasWater’s Notice to a Planning Authority TWDA.</p>

<p>8.6.3 –(A2)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>	<input type="checkbox"/>	<p>Compliant.</p> <p>Refer to TasWater’s Notice to a Planning Authority TWDA.</p>
<p>8.6.3 –(A3)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	<input type="checkbox"/>	<p>Compliant. Lots are capable of connecting to a public stormwater system.</p> <p>Refer to conditions of permit.</p>

## 27.0 Community Purpose Zone

### 27.1 Zone Purpose

The purpose of the Community Purpose Zone is:

27.1.1 To provide for key community facilities and services including health, educational, government, cultural and social facilities.

27.1.2 To encourage multi-purpose, flexible and adaptable social infrastructure.

CLAUSE	COMMENT	
<b>27.3 Use Standards</b>		
<b>27.3.1 Non-residential use</b>	Not Applicable	Assessment
<p>27.3.1–(A1)</p> <p>Hours of operation of a use, excluding Emergency Services, Hospital Services, Natural and Cultural Values Management, Passive Recreation or Utilities, within 50m of a General Residential Zone, Inner Residential Zone or Low Density</p>	<input type="checkbox"/>	<p>Non-compliant. Generally, the hours of operation would be between 8.00am to 6.00pm. However, on occasion, the school would have meetings and social events that would extend beyond these hours.</p> <p>Refer to the “Issues” section of this report.</p>

<p>Residential Zone, must be within the hours of:</p> <p>(a) 8.00am to 8.00pm Monday to Friday;</p> <p>(b) 9.00am to 6.00pm Saturday; and</p> <p>(c) 10.00am to 5.00pm Sunday and public holidays.</p>		
<p>27.3.1–(A2)</p> <p>External lighting for a use, excluding Natural and Cultural Values Management, Passive Recreation and Utilities and flood lighting of Sports and Recreation facilities, on a site within 50m of a General Residential Zone, Inner Residential Zone, or Low Density Residential Zone, must:</p> <p>(a) not operate between 9:00pm and 6:00am, excluding any security lighting; and</p> <p>(b) If for security lighting, must be baffled so that direct light does not extend into the adjoining property.</p>	<input type="checkbox"/>	<p>(a) Compliant. External lighting to be between the hours of 7.00am and 7.00pm</p> <p>(b) Not applicable. No security lighting proposed.</p>
<p>27.3.1–(A3)</p> <p>Flood lighting of Sports and Recreation facilities on a site within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must not operate between 9.00pm and 6.00am.</p>	<input checked="" type="checkbox"/>	
<p>27.3.4–(A4)</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services or Hospital Services, within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must be within the hours of:</p>	<input type="checkbox"/>	<p>(a) Compliant. Commercial vehicle movements would be within the hours of 7.00am to 6.00pm Monday to Friday.</p> <p>(b) Compliant. Commercial vehicle movements would be within the hours of 9.00am to</p>

<p>(a) 7.00am to 6.00pm Monday to Friday; and</p> <p>(b) 9.00am to 5.00pm Saturday, Sunday and public holidays.</p>		<p>5.00pm Saturday, Sunday and public holidays.</p>
<p><b>27.4 Development Standards for Buildings and Works</b></p>		
<p><b>27.4.1 Building Height</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>27.4.1–(A1)</p> <p>Building height must be not more than 10m.</p>	<p><input checked="" type="checkbox"/></p>	<p>No building proposed.</p>
<p><b>27.4.2 Setback</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>27.4.2–(A1)</p> <p>Buildings must have a setback from a frontage of:</p> <p>(a) not less than 5m; or</p> <p>(b) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties, whichever is the lesser.</p>	<p><input checked="" type="checkbox"/></p>	<p>No building proposed.</p>
<p>27.4.2–(A2)</p> <p>Buildings must have a setback from side and rear boundaries adjoining a General Residential Zone, Inner Residential Zone or Low Density Residential Zone not less than:</p> <p>(a) 3m; or</p> <p>(b) half the wall height of the building, whichever is the greater.</p>	<p><input checked="" type="checkbox"/></p>	<p>No building proposed.</p>

<p>27.4.2–(A3)</p> <p>Air extraction, pumping, refrigeration systems, compressors or generators must be separated a distance of not less than 10m from a General Residential Zone, Inner Residential Zone, or Low Density Residential Zone<sup>1</sup>.</p>	<p><input checked="" type="checkbox"/></p>	<p>No air extraction, pumping, refrigeration systems, compressors or generators proposed.</p>
<p><b>27.4.3 Fencing</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>27.4.3–(A1)</p> <p>No Acceptable Solution. <sup>2</sup></p>	<p><input checked="" type="checkbox"/></p>	<p>No fencing proposed.</p>
<p><b>27.4.4 Outdoor storage areas</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>27.4.4–(A1)</p> <p>Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.</p>	<p><input type="checkbox"/></p>	<p>No outdoor storage proposed.</p>

<b>27.5 Development Standards for Subdivision</b>		
<b>27.5.1 Lot design</b>	<b>Not Applicable</b>	<b>Assessment</b>
<p>11.5.1–(A1)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area not less than 600m<sup>2</sup> and:</p> <p>(i) be able to contain a minimum area of 10m x 15m, with a gradient not steeper than 1 in 5, clear of::</p> <p>a. all setbacks required by clause 27.4.2 A1 and A2; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 27.4.2 A1 and A2;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<input type="checkbox"/>	<p>(a) Compliant. Consolidated lot would have a land area exceeding 30,071m<sup>2</sup>.</p> <p>(a)(i)a. Compliant. Consolidated lot would be able to accommodate a 10m x 15m building envelope.</p> <p>(a)(i)b. Compliant. Building envelope would be able to be clear of easements.</p> <p>(a)(ii) Compliant. Existing buildings are consistent with required setbacks.</p> <p>(b) Not applicable. Not required for public use by the Crown, a council or a State authority.</p> <p>(c) Not applicable. Not required for the provision of Utilities.</p> <p>(d) Non-compliant. The consolidation of 2 lots would involve two different zones - General Residential Zone and Community Purpose Zone.</p>
<p>27.5.1–(A2)</p> <p>Each lot, or lot proposed in a plan of subdivision, must have a frontage or legal</p>	<input type="checkbox"/>	<p>Compliant.</p>

<p>connection to a road by a right of carriageway of not less than 10m.</p>		<p>Consolidated land would have a frontage of 17.3m.</p>
<p>27.5.1–(A3)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p><input type="checkbox"/></p>	<p>Compliant.</p> <p>Consolidated land would have access via School Lane and egress to Leighlands Avenue.</p>
<p><b>27.5.2 Services</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>27.5.2–(A1)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must:</p> <p>(a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or</p> <p>(b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service,</p> <p>unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</p>	<p><input type="checkbox"/></p>	<p>Compliant.</p> <p>Lots able to connect to a water supply system.</p>
<p>27.5.2–(A2)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>	<p><input type="checkbox"/></p>	<p>Compliant.</p> <p>Lots able to connect to a reticulated sewerage system.</p>

<p>27.5.2–(A3)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	<input type="checkbox"/>	<p>Compliant.</p> <p>Lots able to connect to a public stormwater system.</p>
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## CODES

CODES	NOT APPLICABLE	APPLICABLE
<b>C1.0 Signs Code</b>	<input type="checkbox"/>	Refer to table below
<b>C2.0 Parking and Sustainable Transport Code</b>	<input type="checkbox"/>	Applies. Refer to Table below.
<b>C3.0 Road and Railway Assets Code</b>	<input checked="" type="checkbox"/>	No change to the number of traffic movements to and from the school site.
<b>C4.0 Electricity Transmission Infrastructure Protection Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C5.0 Telecommunications Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C6.0 Local Historic Heritage Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C7.0 Natural Assets Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C8.0 Scenic Protection Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C9.0 Attenuation Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C10.0 Coastal Erosion Hazard Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C11.0 Coastal Inundation Hazard Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C12.0 Flood-Prone Areas Hazard Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C13.0 Bushfire-Prone Areas Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>C14.0 Potentially Contaminated Land Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C15.0 Landslip Hazard Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>C16.0 Safeguarding of Airports Code</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**C2.0 Parking and Sustainable Transport Code**

CLAUSE	COMMENT	
<b>C2.5 Use Standards</b>		
<b>C2.5.1 Car parking numbers</b>	<b>Not Applicable</b>	<b>Assessment</b>
<p><b>A1</b></p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater</p>	<input type="checkbox"/>	<p>(a) Not applicable. Site is not subject to a parking plan for the area.</p> <p>(b) Not applicable. Site is not contained within a parking precinct plan.</p> <p>(c) Not applicable. Not subject to Clause C2.5.5.</p> <p>(d) Compliant. The development is a car park associated with the school use of the land. The site accommodates the appropriate number - the development is for additional spaces.</p>

<p>than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p><math>N = A + (C - B)</math></p> <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.</p>		
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<b>C2.5.2 Bicycle parking numbers</b>	<b>Not Applicable</b>	<b>Assessment</b>
<p><b>A1</b></p> <p>Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p> <p>(b) be no less than the number specified in Table C2.1.</p>	<input type="checkbox"/>	<p>(a) Compliant. Ten bicycle spaces are to be provided.</p> <p>(b) Compliant. Ten bicycle spaces are to be provided.</p>
<b>C2.5.3 Motorcycle parking numbers</b>	<b>Not Applicable</b>	<b>Assessment</b>
<p><b>A1</b></p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and;</p> <p>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification provided the existing number of motorcycle parking spaces is maintained.</p>	<input checked="" type="checkbox"/>	<p>Motorcycle parking spaces are not required.</p>
<b>C2.5.4 Loading bays</b>	<b>Not Applicable</b>	<b>Assessment</b>
<p><b>A1</b></p> <p>A loading bay must be provided for uses with a floor area of more than 1000m<sup>2</sup> in a single occupancy.</p>	<input checked="" type="checkbox"/>	<p>Not required for associated development. School has existing loading bays for the use at 45A Leighlands Avenue.</p>
<b>C2.5.5 Number of car parking spaces within General Residential Zone and Inner Residential Zone</b>	<b>Not Applicable</b>	<b>Assessment</b>

<p><b>A1</b></p> <p>Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for:</p> <p>(a) Food Services uses up to 100m<sup>2</sup> floor area or 30 seats, whichever is the greater; and</p> <p>(b) General Retail and Hire uses up to 100m<sup>2</sup> floor area,</p> <p>provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.</p>	<input checked="" type="checkbox"/>	<p>No existing non-residential building in the General Residential Zone.</p>
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<b>C2.6 Development Standards for Buildings and Works</b>		
<b>C2.6.1 Construction of parking areas</b>	<b>Not Applicable</b>	<b>Assessment</b>
<p><b>A1</b></p> <p>All parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to the public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from</p>	<input type="checkbox"/>	<p>(a) Compliant. Area will be sealed with asphalt.</p> <p>(b) Compliant. Development would drain to Council's stormwater system.</p> <p>(c) Compliant. Car park will be an asphalt surface.</p>

<p>traffic and minimise entry of water to the pavement.</p>		
<p><b>C2.6.2 Design and layout of parking areas</b></p>	<p><b>Not Applicable</b></p>	<p><b>Assessment</b></p>
<p><b>A1.1</b>            Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <p>(i) have a gradient in accordance with <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i>;</p> <p>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</p> <p>(iii) have an access width not less than the requirements in Table C2.2;</p> <p>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p> <p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p>	<p style="text-align: center;">☒</p>	<p>A1</p> <p>(a)(i) Compliant to <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i> standard. Condition to be applied to a permit.</p> <p>(a)(ii) Compliant to <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i> standard. Condition to be applied to a permit.</p> <p>(a)(iii) Compliant to <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i> standard. Condition to be applied to a permit.</p> <p>(a)(iv) Not applicable.</p> <p>(a)(v) Compliant to <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i> standard. Condition to be applied to a permit.</p> <p>(a)(vi) Compliant to <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i> standard. Condition to be applied to a permit.</p> <p>(a)(vii) Compliant to <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i> standard. Condition to be applied to a permit.</p>

<p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6.</i></p> <p><b>A1.2</b></p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.</i><sup>1</sup></p> <p><sup>1</sup> Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.</p>		<p>(b) Compliant to <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i> standard. Condition to be applied to a permit.</p> <p>A1.2</p> <p>(a) Compliant. The school has existing parking spaces provided for use by persons with a disability. The proposal does include an additional space.</p> <p>(b) Compliant. The school has existing parking spaces provided for use by persons with a disability. The proposal does include an additional space.</p> <p>(c) Compliant. Condition to be applied to a permit.</p>
<p><b>C2.6.3 Number of accesses for vehicles</b></p>	<p><b>Not Applicable</b></p>	<p><b>Assessment</b></p>
<p><b>A1</b></p> <p>The number of accesses provided for each frontage must:</p>	<p><input type="checkbox"/></p>	<p>(a) Compliant. One access and one egress for each lot.</p> <p>(b) Compliant. Satisfied by (a).</p>

<p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses, whichever is the greater.</p>		
<p><b>A2</b></p> <p>Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<input checked="" type="checkbox"/>	<p>Land is Community Propose Zone and General Residential Zone.</p>
<p><b>C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone</b></p>	<p><b>Not Applicable</b></p>	<p><b>Assessment</b></p>
<p><b>A1</b></p> <p>In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and Clause 3.6 “Car parks” in <i>Australian Standards/ New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements</i>.</p>	<input checked="" type="checkbox"/>	<p>Not General Business Zone or Central Business Zone.</p>
<p><b>C2.6.5 Pedestrian access</b></p>	<p><b>Not Applicable</b></p>	<p><b>Assessment</b></p>
<p><b>A1.1</b></p> <p>Uses that require 10 or more car parking spaces must:</p> <p>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding</p>	<input checked="" type="checkbox"/>	<p><b>A1.1</b></p> <p>(a)(i) Compliant. Condition to be applied to a permit.</p> <p>(a)(ii) Compliant. Condition to be applied to a permit.</p> <p>(b) Compliant. Condition to be applied to a permit.</p>

<p>where crossing access ways or parking aisles by:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p>		
<p><b>A1.2</b></p> <p>In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>	<input checked="" type="checkbox"/>	<p>Not required for associated development. School has existing car parking spaces for use by persons with a disability for the use at 45A Leighlands Avenue.</p>
<p><b>C2.6.6 Loading bays</b></p>	<p><b>Not Applicable</b></p>	<p><b>Assessment</b></p>
<p><b>A1</b></p> <p>The area and dimensions of loading bays and access way areas must be designed in accordance with <i>Australian Standard AS 2890.2-2002 Parking Facilities Part 2: Parking facilities- Off-street commercial vehicle facilities</i>, for the type of vehicles likely to use the site.</p>	<input checked="" type="checkbox"/>	<p>Not required for associated development. School has existing loading bays for the use at 45A Leighlands Avenue.</p>

<p><b>A2</b></p> <p>The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with <i>Australian Standard AS2890. 2- 2002 Parking Facilities Part 2: Parking facilities- Off-street commercial vehicle facilities.</i></p>	<input checked="" type="checkbox"/>	<p>Not required.</p>
<p><b>C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</b></p>	<p><b>Not Applicable</b></p>	<p><b>Assessment</b></p>
<p><b>A1</b></p> <p>Bicycle parking for uses that require 5 or more bicycle spaces in Table C2.1 must:</p> <ul style="list-style-type: none"> <li>(a) be accessible from a road, cycle path, bicycle lane, shared path or access way;</li> <li>(b) be located within 50m from an entrance;</li> <li>(c) be visible from the main entrance or otherwise signed; and</li> <li>(d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of <i>Australian/New Zealand Standard AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.</i></li> </ul>	<input checked="" type="checkbox"/>	<p>Not within the General Business Zone or Central Business Zone.</p>
<p><b>A2</b></p> <p>Bicycle parking spaces must:</p> <ul style="list-style-type: none"> <li>(a) have dimensions not less than:</li> </ul>	<input checked="" type="checkbox"/>	<p>Not within the General Business Zone or Central Business Zone.</p>

<p>(i) 1.7m in length;</p> <p>(ii) 1.2m in height; and</p> <p>(iii) 0.7m in width at the handlebars;</p> <p>(b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and</p> <p>(c) include a rail or hoop to lock a bicycle that satisfies <i>Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking</i>.</p>		
<p><b>C2.6.8 Siting of parking and turning areas</b></p>	<p><b>Not Applicable</b></p>	<p><b>Assessment</b></p>
<p><b>A1</b></p> <p>Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.</p>	<p><input checked="" type="checkbox"/></p>	<p>Not within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone.</p>
<p><b>A2</b></p> <p>Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:</p> <p>(a) have no new vehicle accesses, unless an existing access is removed;</p>	<p><input checked="" type="checkbox"/></p>	<p>Not within a Central Business Zone.</p>

(b) retain an active street frontage; and		
(c) not result in parked cars being visible from public places in the adjacent roads.		

<b>C2.7 Parking Precinct Plan</b>		
<b>C2.7.1 Parking precinct plan</b>	<b>Not Applicable</b>	<b>Assessment</b>
<b>A1</b> Within a parking precinct plan, on-site parking must: (a) not be provided; or (b) not be increased above existing parking numbers.	<input checked="" type="checkbox"/>	Not within a parking precinct plan.

SPECIFIC AREA PLANS	NOT APPLICABLE	APPLICABLE
<b>CCO-S1.0 Forth Specific Area Plan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>CCO-S2.0 Leith Specific Area Plan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>CCO-S3.0 Penguin Specific Area Plan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>CCO-S4.0 Revell Lane Specific Area Plan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>CCO-S5.0 Turners Beach Specific Area Plan</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CCO CODE LISTS	
<b>CCO-Table C3.1 Other Major Roads</b>	This table is not used in this Local Provisions Schedule.

<b>CCO-Table C6.1 Local Heritage Places</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C6.2 Local Heritage Precincts</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C6.3 Local Historic Landscape Precincts</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C6.4 Places or Precincts of Archaeological Potential</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C6.5 Significant Trees</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C8.1 Scenic Protection Areas</b>	Not applicable to this application.
<b>CCO-Table 8.2 Scenic Road Corridors</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Table C11.1 Coastal Inundation Hazard Bands AHD levels</b>	Not applicable to this application.
<b>CCO-Applied, Adopted or Incorporated Documents</b>	This table is not used in this Local Provisions Schedule.
<b>CCO-Site-Specific Qualifications</b>	This table is used in this Local Provisions Schedule.

*Issues –*

*1 Discretionary uses – (P1) and (P4) –*

The Planning Scheme's Acceptable Solution for Clause 8.3.1-(A1) states that hours of operation of a use listed as Discretionary, excluding Emergency Services, must be within the hours of 8.00am to 6.00pm.

Generally, hours of operation would be between 8.00am to 6.00pm. However, on occasion, the school would have meetings and social events that would extend beyond these hours. The proposal seeks a variation to this Clause and an exercise of discretion is required.

The Planning Scheme's Performance Criteria for Clause 8.3.1-(P1) states that hours of operation of a use listed as Discretionary, must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to:

- (a) the timing, duration or extent of vehicle movements; and

Compliant. It would not be a regular occurrence to have the hours of operation outside 8.00am to 6.00pm. On these occasions, it is not considered it would cause an unreasonable loss of amenity to adjacent sensitive uses. Adjacent sensitive uses will notice more movement than usual during these times, however due to the infrequency of these times it is not considered unreasonable.

- (b) noise, lighting or other emissions.

Compliant. As mentioned above, it would not be a regular occurrence to have the hours of operation outside 8.00am to 6.00pm. It is not uncommon to have some noise and traffic associated with living near a school. Furthermore, there usually is some differences with activities between differing zones – in this case Community Purpose and General Residential. However, due to the infrequency of times when the school may exceed the hours of 8.00am to 6.00pm, it is not considered unreasonable.

There is no Acceptable Solution for Clause 8.3.1-(A4). Therefore, an exercise of discretion is required.

The Planning Scheme's Performance Criteria for Clause 8.3.1-(P4) states that a use listed as Discretionary, must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to:

- (a) the intensity and scale of the use;

Compliant. The differing zones and uses (Community Purpose – School and General Residential – dwellings) is existing. The actual intensity and scale of the school use would not increase, rather the encroachment to 49 Leighlands Avenue will occur to the western side boundary in the form of parking and access associated to the school. It will be conditioned that vegetation be established and maintained to the eastern side of the new footpath to lessen this encroachment. The dwelling at 49 Leighlands Avenue is setback approximately 3m from the boundary it will share with the school. It is considered the combination of the vegetation and driveway (separation to the dwelling) will ensure the encroachment is not unreasonable.

- (b) the emissions generated by the use;

Compliant. As mentioned above, it will be conditioned that vegetation be established and maintained to the eastern side of the new footpath to lessen the encroachment of the school use to 49 Leighlands Avenue. It is considered the combination of vegetation and the separation distance to the dwelling would minimise any unreasonable emissions generated by the school.

- (c) the type and intensity of traffic generated by the use;

Compliant. The type and intensity of traffic generated by the school would not increase or change. Rather the encroachment to 49 Leighlands Avenue will occur to the western side boundary in the form of parking and access associated with the school. The use would be conditioned that vegetation be established and maintained to the eastern side of the new footpath to lessen this encroachment.

- (d) the impact on the character of the area; and

Compliant. The existing character of the area consists of Leighland Christian School and General Residential dwellings and associated outbuildings. It is acknowledged, that car

parking will be more evident along Leighlands Avenue, however this will not alter the existing character of the area. School Lane is currently used for access to the school. In part, the proposal includes the access to the school but will also incorporate car parking area.

- (e) the need for the use in that location.

Compliant. The use is existing for Leighland Christian School. The proposal will allow for the slight expansion of the school to allow a two-way access to the school and to incorporate additional car parking spaces.

2 *Lot design -*

The Planning Scheme's Acceptable Solution for Clause 8.6.1-(A1)(d) states that each lot, or a lot proposed in a plan of subdivision, must be for the consolidation of a lot with another lot provided each lot is within the same zone.

The consolidation of lots would occur over two zones, being Community Purpose and General Residential. The proposal seeks a variation to this Clause and an exercise of discretion is required.

The Planning Scheme's Performance Criteria for Clause 8.6.1-(P1) states that each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:

- (a) the relevant requirements for development of buildings on the lots;

Not applicable. No buildings are proposed.

- (b) the intended location of buildings on the lots;

Not applicable. No buildings are proposed.

- (c) the topography of the site;

Compliant. Both sites are flat. No changes to the topography of the land is necessary.

- (d) the presence of any natural hazards;

Not applicable. No natural hazards identified.

- (e) adequate provision of private open space; and

Compliant. The Community Purpose Zone (Leighland Christian School) has ample areas for private open space. The consolidation would allow a portion of General Residential Zone land to be utilised for access and car parking spaces associated with the school.

- (f) the pattern of development existing on established properties in the area.

Compliant. The area is dominated by General Residential development and Leighland Christian School. School Lane is currently used for access to the school. In part, the proposal includes the access to the school but will also incorporate car parking area. The pattern of development is not considered to alter unreasonably.

The Planning Scheme's Acceptable Solution for Clause 27.5.1-(A1)(d) states that each lot, or a lot proposed in a plan of subdivision, must be for the consolidation of a lot with another lot provided each lot is within the same zone.

The consolidation of lots would occur over two zones, being Community Purpose and General Residential. The proposal seeks a variation to this Clause and an exercise of discretion is required.

The Planning Scheme's Performance Criteria for Clause 27.5.1-(P1) states that each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:

- (a) the relevant requirements for development of buildings on the lots;

Not applicable. No buildings are proposed.

- (b) existing buildings and the location of intended buildings on the lots;

Compliant. The Community Purpose Zone contains the school. The General Residential Zone, although currently contains a single dwelling, an application for demolition of the existing dwelling and outbuildings were approved under s.7.9 of the Planning Scheme in October 2021 – DA2021274 (Permitted Permit). No buildings are proposed with this application.

- (c) the topography of the site;

Compliant. Both sites are flat. No changes to the topography of the land is necessary.

- (d) the presence of any natural hazards;

Not applicable. No natural hazards identified.

- (e) adequate provision of private open space; and

Compliant. The Community Purpose Zone (Leighland Christian School) has ample areas for private open space. The consolidation will allow a portion of General Residential Zone land to be utilised for access and car parking spaces associated with the school.

- (f) the pattern of development existing on established properties in the area.

Compliant. The area is dominated by General Residential development and Leighland Christian School. School Lane is currently used for access to the school. In part, the proposal includes the access to the school but will also incorporate car parking area. The pattern of development is not considered to alter unreasonably.

*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.
Building	Not applicable.
Infrastructure Services	Conditions and Notes to be applied to a Permit.
TasWater	TasWater's Submission to Planning Authority Notice TWDA 2021/01705-CC dated 15 October 2021.
Department of State Growth	Not applicable.
Environment Protection Authority	Not applicable.
TasRail	Notified as an adjoining property owner. No comments received.
Heritage Tasmania	Not applicable.
Crown Land Services	Not applicable.
Other	Not applicable.

*CONSULTATION*

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

- . a site notice was posted;
- . letters were sent to adjoining property owners and occupiers; and
- . an advertisement was placed in the Public Notices section of The Advocate from 19 January 2022 until 3 February 2022 and re-advertised, with revised information and description, from 9 February 2022 until 23 February 2022.

*Representations -*

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

The representations are summarised and responded to as follows:

REPRESENTATION NO. 1	
MATTER RAISED	RESPONSE
<p>1 Western fence abutting new car park area needs to be of legal height for a corner block.</p> <p>Street end of the fence would need to be tapered to allow visibility.</p>	<p>This is not a discretionary matter.</p> <p>There are exemptions regarding fencing under Clauses 4.6.3 and 4.6.4 of the Planning Scheme. The matter regarding fencing would be between the owner at 49 Leighlands Avenue and Leighland Christian School.</p>
<p>2 Would like garden area (or similar) between fence at 49 Leighlands Avenue and proposed footpath.</p>	<p>A condition of the Permit would be for landscaping to occur along the eastern side of the new footpath.</p>
<p>3 Would like yellow “no parking” lines either side of driveway at 49 Leighlands Avenue.</p>	<p>This is not a discretionary matter.</p> <p>Tasmanian Road Rules no longer allow yellow lines restricting parking on either side of a driveway. Rules restrict parking ‘on or across a driveway (even your own) unless you are picking up or dropping off passengers or goods, but for no longer than two minutes.</p>
<p>4 Should consider diagonal parking to minimise the delay to traffic and back up of traffic into Leighlands Avenue.</p>	<p>This is not a discretionary matter.</p> <p>Car parking layout includes one disabled carpark. Straight car parking spaces provide the best outcome for this development.</p>
<p>5 Concerned that two of the parking rows have no immediate footpath access.</p>	<p>This is not a discretionary matter.</p> <p>Car parking layout includes one disabled carpark. Straight car</p>

	parking spaces provide the best outcome for this development.
6	<p>Concerned about night time activity (hooning) in the larger car park area.</p> <p>This is not a discretionary matter, or a matter considered under the Planning Scheme.</p> <p>This would be a matter for the Police if this was to occur.</p>
7	<p>Application mentions secondary access from the rear of the property at 49 Leighlands Avenue. Would like clarification regarding this.</p> <p>This is not a discretionary matter.</p> <p>This was an error in the application. The application is actually referring to 45 Leighlands Avenue.</p>
8	<p>Application states the car parking area will be value adding as a public car park for beach goers out of school hours.</p> <p>This is not a discretionary matter.</p> <p>The car parking will not be considered as a 'public car park'. It is noted that the application indicates this. However, the Council do not agree to take entire responsibility of the car parking area.</p> <p>The Council are allowing the developers to use the road reserve as part of their development. A condition will be placed on the Permit regarding a Part 5 Agreement. The Part 5 Agreement outlines requirements for the management of the car park and School Lane road reserve area.</p>
9	<p>Amazed that the Council would entertain the demolition of a perfectly good house in a time where housing is a premium.</p> <p>This is not a discretionary matter.</p> <p>The demolition of the buildings located at 47 Leighlands Avenue does not form part of this application.</p> <p>An application for demolition of the existing dwelling and outbuildings</p>

	was approved under s.7.9 of the Planning Scheme in October 2021 – DA2021274 (Permitted Permit).
REPRESENTATION NO. 2	
MATTER RAISED	RESPONSE
<p>1 Concerned that the use of the car park is the same as the school (Educational and Occasional Care) under Clause 6.2.2 of the Planning Scheme, whereas the application states it is a public car park.</p> <p>There is a good reason the Planning Scheme does not allow public car parks in the General Residential zone as they do not akin to good residential amenity.</p>	<p>The Use Class is categorised under Clause 6.2.2 of the Planning Scheme which states, “<i>a use or development that is directly associated with and subservient part of another ruse on the same site must be categorised into the same Use Class as the other use</i>”.</p> <p>The proposal is an expansion of the Educational and Occasional Care use established for Leighland Christian School.</p> <p>The car parking will not be considered as ‘public car park’. It is noted that the application indicates this. However, the Council do not agree to take entire responsibility of the car parking area.</p> <p>The Council are allowing the developers to use the road reserve as part of their development. A condition will be placed on the Permit regarding a Part 5 Agreement. The Part 5 Agreement outlines requirements for the management of the car park and School Lane road reserve area.</p>
<p>2 Doesn’t agree that the Discretionary uses provision can be satisfied for the following reasons:</p> <p>(a) Hours would be outside 8.00am to 6.00pm and</p>	<p>This is a discretionary matter in relation to part (a) and (e).</p> <p>(a) Hours exceeding 8.00am to 6.00pm occasionally has been addressed in the “Issues” section, Item No. 1</p>

<p>the car park would be available for use 24 hours as a public car park.</p> <p>(b) Question the need for lighting (as lighting is already excessive) as it is unreasonable for the neighbourhood.</p> <p>(c) Council should consider conditioning commercial vehicle movements.</p> <p>(d) There was no publicly available information to state how the application has addressed Clause 8.3.1-(P4) of the Planning Scheme. Suggest this may be an omission of non-compliance.</p> <p>(e) The use would cause an unreasonable loss of amenity due to the acoustic emissions generated by the use, the intensification of traffic generated by the use.</p>	<p>above. The car park will not be a public car park as previously mentioned.</p> <p>(b) As stated in the application, 3 light posts are proposed and would operate between the hours of 7.00am to 7.00pm. This is as per the requirements under the Acceptable Solution for Clause 8.3.1-(A2).</p> <p>(c) As stated in the application, no changes are proposed to the existing hours used for commercial movements. This is as per the requirements under the Acceptable Solution for Clause 8.3.1-(A3).</p> <p>(d) It is noted that this Clause was not addressed specifically with the application. However, the requirements for the Performance Criteria is embedded within the application. Furthermore, please refer to the "Issues" section, Item No. 1 above.</p> <p>(e) It is not considered that the proposal will cause an unreasonable loss of amenity. Please refer to the "Issues" section, Item No. 1 above which addresses this matter.</p>
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*RESOURCE, FINANCIAL AND RISK IMPACTS*

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, and 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 proposed use and development is a discretionary, non-residential use of the land within an established residential area.

The use adequately satisfies General Residential Zone Purpose Clause 8.1.3 in that use of land will serve the local community and not cause an unreasonable loss of amenity through scale, intensity, noise and activity outside of business hours or through traffic generation and movements.

The representations received do not warrant the refusal of the proposed Educational and Occasional Care use and development of land at 47 Leighlands Avenue, as an adjunct to the school operations at 45A Leighlands Avenue.

The proposal has demonstrated satisfactory compliance with the Planning Scheme's relevant Performance Criteria.

The grant of a Permit, subject to conditions, is considered to be justified.

*Recommendation -*

It is recommended that the application for Educational and Occasional Care – school car park and bicycle parking and pedestrian pathway and Subdivision – consolidation of titles; Lot design and Discretionary Use in General Residential Zone at 45A and 47 Leighlands Avenue, Ulverstone – Application No. DA2021279 be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the plans by S. Group, Drawing Nos. A000, A001, A101 and A102, Revision No. D dated 3 February 2022.
- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2021/01705-CC dated 15 October 2021.
- 3 All parking, access ways, manoeuvring and circulation spaces must be constructed with a durable all weather pavement.
- 4 Driveways and vehicle parking and manoeuvring areas must be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
- 5 Prior to the commencement of use, install protective devices such as bollards, guardrails or planters between the footpath and parking aisle for a safe pedestrian access and be signed and marked at points where pedestrians cross access ways or parking aisles.
- 6 Vegetation must be planted along the eastern side of the new pathway to provide a buffer from the car park area to 49 Leighlands Avenue.
- 7 Provide a legal means of access, in a manner acceptable to the Recorder of Titles, to allow owner/occupants of 45 Leighlands Avenue (CT6920/45) access onto the roadway (known as School Lane) from the north-eastern corner.
- 8 Prior to the commencement of use, Leighland Christian School 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 matters, subject to the satisfaction of the General Manager:
  - a. maintenance of all road and stormwater infrastructure, including, but not limited to roads, footpath, kerb, stormwater mains, remains with the respective owner of land;
  - b. maintenance of stormwater detention remains with Leighland Christian School;

- c. installation, maintenance and operation of electricity infrastructure across the development is to be the Leighland Christian School's responsibility;
- d. vegetation maintenance across the development is to be the Leighland Christian School's responsibility;
- e. if the car park/access arrangements cease to operate, the Leighland Christian School must reinstate the road reservation within six months. This must be approved by the Council's Director Infrastructure Services and be at the developer's cost; and
- f. liability over designated areas of responsibility.

Infrastructure Services Conditions:

- 1 Prior to the commencement of works, the developer must provide certification from a suitably qualified person, that the car parking spaces, access ways, manoeuvring and circulation spaces comply with the Australian Standard AS2890 - Parking facilities, Parts 1-6.
- 2 Prior to the commencement of works, the developer must submit engineering drawings, to include a threshold treatment (similar to a wombat crossing), distinguishing the access way and car park from the road, for approval by Council's Director Infrastructure Services.
- 3 Prior to the commencement of works, the developer must submit drainage plans for the development, including the threshold treatment. This must be approved by the Council's Director Infrastructure Services.
- 4 Prior to the commencement of works, the developer must submit calculations and design for an on-site detention storage system located on developer's land. The system must be designed by a suitably qualified person to ensure that the flow rates for stormwater run-off (both piped and overland) from the fully developed site does exceed the rate of run-off from the pre-developed site for the relevant storm events for the 5-year ARI, a medium recurrence interval (10 or 20 or 50-year ARI), and the 100-year ARI storm. This must be approved by the Council's Director Infrastructure Services.

- 5 Prior to commencement of use, the developer must submit as-constructed plans for roadworks and stormwater to Council, including a certification from a suitably qualified person that the works have been completed in accordance with the approved plans.

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.

Infrastructure Services Notes:

- 1 Prior to commencement of works in the road reservation, obtain a 'Works in Road Reservation (Permit)' in accordance with the Council's Work in Road Reservation Policy.
- 2 Any works associated with roads, nature strips, or street trees must be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services. This would be at the developer's cost.
- 3 Any damage or disturbance to roads, nature strips, or street trees resulting from activity associated with the use on the site, must be rectified to the satisfaction of the Council's Director Infrastructures Services. This would be at the developer's cost.
- 4 Prior to commencement of works, if required, the developer must submit an application 'Install Stormwater Connection Point' for any work associated with existing stormwater infrastructure. Such work must be undertaken by the Council, unless alternative arrangements are approved by Council's Director Infrastructure Services. This would be at the developer's cost. Drainage costings, as listed in the Council's Fees and Charges register would apply.
- 5 Any work associated with existing stormwater infrastructure must be undertaken by the Council, unless alternative arrangements are

approved by the Council’s Director Infrastructure Services. This would be at the developer’s cost.

- 6 Any damage or disturbance to existing stormwater infrastructure resulting from activity associated with the development must be rectified to the satisfaction of Council’s Director Infrastructure Services. This would be at the developer’s cost.’

The Town Planner’s report is supported.”

The Executive Services Officer reported as follows:

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

■ Cr Hiscutt moved and Cr Fuller seconded, “That the application for Educational and Occasional Care – school car park and bicycle parking and pedestrian pathway and Subdivision – consolidation of titles; Lot design and Discretionary Use in General Residential Zone at 45A and 47 Leighlands Avenue, Ulverstone – Application No. DA2021279 be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the plans by S. Group, Drawing Nos. A000, A001, A101 and A102, Revision No. D dated 3 February 2022.
- 2 The development must be in accordance with the conditions of TasWater’s Submission to Planning Authority Notice, Reference No. TWDA 2021/01705–CC dated 15 October 2021.
- 3 All parking, access ways, manoeuvring and circulation spaces must be constructed with a durable all weather pavement.
- 4 Driveways and vehicle parking and manoeuvring areas must be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
- 5 Prior to the commencement of use, install protective devices such as bollards, guardrails or planters between the footpath and parking aisle for a safe pedestrian access and be signed and marked at points where pedestrians cross access ways or parking aisles.
- 6 Vegetation Plan must be submitted to and approved by the General Manager, detailing the height, type and spacing of vegetation that must be planted along the eastern side of the new pathway to provide a buffer from the car park area to

49 Leighlands Avenue. The Vegetation Plan must be implemented prior to the commencement of use.

- 7 Provide a legal means of access, in a manner acceptable to the Recorder of Titles, to allow owner/occupants of 45 Leighlands Avenue (CT6920/45) access onto the roadway (known as School Lane) from the north-eastern corner.
- 8 Prior to the commencement of use, Leighland Christian School 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 matters, subject to the satisfaction of the General Manager:
  - a. maintenance of all road and stormwater infrastructure, including, but not limited to roads, footpath, kerb, stormwater mains, remains with the respective owner of land;
  - b. maintenance of stormwater detention remains with Leighland Christian School;
  - c. installation, maintenance and operation of electricity infrastructure across the development is to be the Leighland Christian School's responsibility;
  - d. vegetation maintenance across the development is to be the Leighland Christian School's responsibility;
  - e. if the car park/access arrangements cease to operate, the Leighland Christian School must reinstate the road reservation within six months. This must be approved by the Council's Director Infrastructure Services and be at the developer's cost; and
  - f. liability over designated areas of responsibility.

Infrastructure Services Conditions:

- 1 Prior to the commencement of works, the developer must provide certification from a suitably qualified person, that the car parking spaces, access ways, manoeuvring and circulation spaces comply with the Australian Standard AS2890 - Parking facilities, Parts 1-6.
- 2 Prior to the commencement of works, the developer must submit engineering drawings, to include a threshold treatment (similar to a wombat crossing), distinguishing the access way and car park from the road, for approval by Council's Director Infrastructure Services.

- 3 Prior to the commencement of works, the developer must submit drainage plans for the development, including the threshold treatment. This must be approved by the Council's Director Infrastructure Services.
- 4 Prior to the commencement of works, the developer must submit calculations and design for an on-site detention storage system located on developer's land. The system must be designed by a suitably qualified person to ensure that the flow rates for stormwater run-off (both piped and overland) from the fully developed site does not exceed the rate of run-off from the pre-developed site for the relevant storm events for the 5-year ARI, a medium recurrence interval (10 or 20 or 50-year ARI), and the 100-year ARI storm. This must be approved by the Council's Director Infrastructure Services.
- 5 Prior to commencement of use, the developer must submit as-constructed plans for roadworks and stormwater to Council, including a certification from a suitably qualified person that the works have been completed in accordance with the approved plans.

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.

Infrastructure Services Notes:

- 1 Prior to commencement of works in the road reservation, obtain a 'Works in Road Reservation (Permit)' in accordance with the Council's Work in Road Reservation Policy.
- 2 Any works associated with roads, nature strips, or street trees must be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services. This would be at the developer's cost.
- 3 Any damage or disturbance to roads, nature strips, or street trees resulting from activity associated with the use on the site, must be rectified to the satisfaction of the Council's Director Infrastructures Services. This would be at the developer's cost.

- 4 Prior to commencement of works, if required, the developer must submit an application 'Install Stormwater Connection Point' for any work associated with existing stormwater infrastructure. Such work must be undertaken by the Council, unless alternative arrangements are approved by Council's Director Infrastructure Services. This would be at the developer's cost. Drainage costings, as listed in the Council's Fees and Charges register would apply.
- 5 Any work associated with existing stormwater infrastructure must be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services. This would be at the developer's cost.
- 6 Any damage or disturbance to existing stormwater infrastructure resulting from activity associated with the development must be rectified to the satisfaction of Council's Director Infrastructure Services. This would be at the developer's cost."

Carried unanimously

INFRASTRUCTURE SERVICES

**86/2022      Infrastructure Services determinations**

The Director Infrastructure Services reported as follows:

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

## CORPORATE SERVICES

**87/2022 Statutory determinations**

The Director Corporate Services reported as follows:

“A Schedule of Statutory Determinations made during the month of February 2022 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

**88/2022 Public Interest Disclosure Procedures (351/2004 – 13.09.2004)**

The Director Corporate Services reported as follows:

*PURPOSE*

The purpose of this report is to recommend the adoption of the Public Interest Disclosure Procedures in compliance with the *Public Interest Disclosures Act 2002* (the Act).

*BACKGROUND*

The objective of the Act is to encourage and facilitate the making of disclosures of improper conduct (or detrimental action) by public officers and public bodies. The Act specifically includes local government in its definitions of ‘public body’ and ‘public officer’, and therefore applies to all councils in Tasmania.

Under Section 38(1)(f) of the Act, the Ombudsman is required to publish Guidelines and Standards to assist users of the Act in determining whether improper conduct (as defined) is serious or significant.

These Guidelines are considered critical to the operation of the Act as they determine whether a disclosure is covered by the protections of the Act and/or whether a disclosure must be investigated.

*DISCUSSION*

The Council, as a 'public body' as referred to in the Act, is required to comply with its statutory obligations under the Act, and to utilise the Model Procedures in order to adhere to the Act's provisions and requirements.

The Ombudsman's office notified the Council in November 2020 that the Public Interest Disclosure Guidelines had been amended and directed the Council (as a large public body) to update its Public Interest Disclosure Procedures and provide them to the Ombudsman's Office for approval by 30 July 2021. The updated document (appended to this report) was provided to the Ombudsman on 21 July 2021. The Ombudsman, by letter dated 18 February 2022, approved the procedures.

The Ombudsman has also encouraged councils to consider establishing a Whistleblowing Policy. A Whistleblowing Policy will be considered by the Council in due course.

*CONSULTATION*

There has been no community consultation undertaken in respect to this report.

Once the Public Interest Disclosure Procedures are endorsed by the Council, a commitment has been provided to the Ombudsman that an education program will be undertaken with the Council's Operational Leadership Team to promote the awareness and understanding of the disclosure procedures, and the procedures will be uploaded to the Council's website.

*RESOURCE, FINANCIAL AND RISK IMPACTS*

There are no financial implications associated with this report.

The Council is legislatively bound to comply with the Act. Failure to comply with certain sections of the Act constitute an offence, and penalties and/or term of imprisonment may apply for certain activities. Disclosures may relate to criminal activity which may be referred to Tasmania Police for criminal investigation.

The General Manager is the designated 'Principal Officer' under s. 62 of the Act.

- '(1) The principal officer is responsible for –
  - (a) preparing procedures for approval by the Ombudsman; and
  - (b) receiving public interest disclosures and ensuring they are dealt with in accordance with this Act; and

- (c) ensuring the protection of witnesses; and
  - (d) ensuring the application of the principles of natural justice in the public body's procedures; and
  - (e) ensuring the promotion of the importance of public interest disclosures, including general education of all staff about the legislation, and ensuring easy access to information about both the legislation and the public body's procedures; and
  - (f) providing access, for persons making a disclosure and others involved in the process of investigation, to confidential employee assistance programs; and
  - (g) providing access, for persons making a disclosure and others involved in the process of investigation, to appropriately trained internal staff.
- (2) The principal officer of a public body is to appoint one or more persons as public interest disclosure officers.
  - (3) A public interest disclosure officer may be appointed for a period not exceeding 3 years, and may be reappointed for further periods not exceeding 3 years.
  - (4) Prior to the appointment or reappointment of a public interest disclosure officer, the principal officer must ensure that the officer to be appointed or reappointed has the skills and knowledge to fulfill the role of a public interest disclosure officer.'

In respect of the appointment of Public Interest Disclosure Officer(s) under (2) above, the General Manager has appointed the Director Corporate Services as such an Officer.

*CORPORATE COMPLIANCE*

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

Council Sustainability and Governance

- Improve corporate governance
- Effective communication and engagement.

*CONCLUSION*

It is recommended that the Central Coast Council Public Interest Disclosure Procedures dated February 2022 (a copy being appended to and forming part of the minutes) be endorsed.”

The Executive Services Officer reported as follows:

“A copy of the Public Interest Disclosure Procedures dated February 2022 has been circulated to all Councillors.”

- Cr Fuller moved and Cr Hiscutt seconded, “That the Central Coast Council Public Interest Disclosure Procedures dated February 2022 (a copy being appended to and forming part of the minutes) be endorsed.”

Carried unanimously

**89/2022      Public question time**

The Mayor introduced public question time at 6:30pm.

Via email – Jamie Smith – Leith

*Question 1 –*

My question on 21 February 2022, included, “*Given the facts of this crash, the statement by the Council appears incorrect/false.*” The Department of State Growth Crash Statistics which the Council has ready access to record the crash severity for the crash on 29/11/2015 as minor.

Thus, my question was simply, “*Will the Mayor and Council now immediately write to the current Minister for Infrastructure advising the Council letter dated 14 December 2015 to the Minister for Infrastructure incorrectly or falsely stated “Since the meeting we have experienced another serious accident at one of the intersections.” and Department of State Growth Crash Statistics record this crash severity as Minor?*” and the Council’s response was, “*The General Manager advise that in regard to the correspondence dated 14 December 2015, the Council did not access the Crash Survey data you referred to. An argument that we made statements that were incorrect/false is disputed. What is ‘serious’ is a matter of context at the time. Through the Leith Intersection process over the past 8 or so years the Department of State Growth have made their decisions based on a number of information sources and not purely on correspondence from the Central Coast Council.*”

My question was not about Department of State Growth decisions, but about the accuracy of the Council letter dated 14 December 2015 to the Minister for Infrastructure with regard to the severity of the crash being stated as serious, whilst Department of State Growth Crash Statistics clearly record the crash severity as minor. Will the Mayor and Council now immediately write to the current Minister for Infrastructure advising the Council letter dated 14 December 2015 to the Minister for Infrastructure stated *“Since the meeting we have experienced another serious accident at one of the intersections.”* and Department of State Growth Crash Statistics record this crash severity as minor? , also Subsequent to the Council letter dated 14 December 2015 to the Minister for Infrastructure, did the Minister for Infrastructure or any other person/organization contact the Council to advise the Crash Statistics record the crash as minor or query the Council’s statement the crash was serious and if so, on what date or dates?

*Response –*

“As previously stated at Public Question Time on 21 February 2022, the General Manager advised that in regard to the correspondence dated 14 December 2015, the Council did not access the Crash Survey data you referred to.

An argument that we made statements that were incorrect/false is disputed. What is ‘serious’ is a matter of context at the time. Therefore, no further correspondence relating to the letter dated 14 December 2015 will be made.”

*Question 2 –*

On 21 February 2022, I asked, *“...was it the Council, Mayor, a Councillor, Council employee or a member of the State Government or their staff who first mentioned or suggested an overpass as a possible solution.....”* and the Council’s response was *“The General Manager advised that after some seven to eight years, it is unknown who first mentioned or suggested an overpass.”*, as the construction of an overpass is an expensive cost and ongoing project, what records did the Mayor and General Manager maintain as to who first mentioned or suggested an overpass? and if there are no records, why not?

*Response –*

“As previously stated at Public Question Time on 21 February 2022, the General Manager advise that after some seven to eight years, it is unknown who first mentioned or suggested an overpass.”

*The General Manager advised that the following two questions from Mr Tony Downey and the next two from Mr & Mrs Beuremann will be read out (first), prior to a response being provided.*

Via email – Mr Tony Downey – Leith

*Question 1 –*

Emails from the Council on 21 September 2021 to me, unequivocally state, *"What is occurring is repeated denigration and blaming, ..."* it does not state in the council's opinion what is occurring is repeated denigration and blaming. I reject I have engaged in repeated denigration and blaming.

I have required the Council to provide copies of all evidence, information, documents, notes and anything else that evidences attacks on the Council and Council staff and repeated denigration and blaming of the Council by Tony Downey. By letter dated 19 November 2021, the Council stated, *"To paraphrase your letter you have asked us, the Council, to determine whether contentions raised in the earlier letters are supported by facts. My response is that these contentions were intended to be and are expressions of opinion."* I do not consider opinions are fact, or evidence.

My question on 21 February 2022 asked, *"what are the dates and type of all correspondence the Council received from Tony Downey and what are the precise words used in each correspondence which accuse the Council of doing things which it has not done and what are the dates and type of all correspondence the Council received from Tony Downey and what are the precise words used in each correspondence which are repeated denigration and blaming?"*

The Council letter dated 25 February 2022, states the following documents are identified in response to my question on 21 February 2022, 14/9/21, Email 15 September and 10 July 2021, three–page letter. It appears possible, the document 14/9/21, may have been authored by a ratepayer other than me and have nothing to do with me or have any place in the Council's letter dated 25 February 2022.

If such is the situation, why has the Council done this to me?, The Council authored an email dated 7 October 2021 to me, where this email is addressed to Dear Mr and Mrs Beuermann, if so, why and does the Council have problems identifying communications authored by me?, my Right to Information Internal Review Request was dated 29 October 2021 and delivery was signed for by the Council on 2 November 2021, are Right to Information Internal Review Requests required to completed within a certain number of working days?, on what date did the Council respond to my Right to Information Internal Review request dated 29 October 2021? and was the Council response within any number of working days required for Right to Information Internal Review Requests??

*Question 2 –*

I require the Council to provide copies of all evidence, information, documents, notes and anything else that evidences I ".... accuse the Council of doing things which it has not done ....," and "... have made repeated complaints and attacks on the Council and Council staff which have been factually rebutted ". I reject I "accuse the Council of doing things which it has not done ..." and ". have made repeated complaints and attacks on the Council and Council staff which have been factually rebutted ..."

By letter dated 3 December 2021, the Council stated, *"To paraphrase your letter you have asked us, the Council, to determine whether contentions raised in the earlier letters are supported by facts. My response is that these contentions were intended to be and are expressions of opinion. "*

I do not consider opinions are fact, or evidence. What are the precise dates of any communications authored by Tony Downey, which evidence I "accuse the Council of doing things which it has not done ... "?, what is the precise/exact language/words in each document that evidences I "...accuse the Council of doing things which it has not done "?, what are the precise dates of any communications authored by Tony Downey, which evidence I "... have made repeated complaints and attacks on the Council and Council staff which have been factually rebutted ... "?, what is the precise/exact language/words in each document that evidences Tony Downey "..... have made repeated complaints and attacks on the Council and Council staff which have been factually rebutted ... "?, exactly what has been "factually rebutted" and what were the dates and documents containing factual rebuttal??

Via email – Leo Beuermann and Faye Beuermann – Leith

*Question 1 –*

Emails from the Council on 21 September 2021 to us, unequivocally state, *"What is occurring is repeated denigration and blaming,..."* it does not state In the council's opinion what is occurring is repeated denigration and blaming. We reject we have engaged in repeated denigration and blaming.

We have required the Council to provide copies of all evidence, information, documents, notes and anything else that evidences attacks on the Council and Council staff and repeated denigration and blaming of the Council by Leo Beuermann and Faye Beuermann. By letter dated 3 December 2021, the Council stated, *"To paraphrase your letter you have asked us, the Council, to determine whether contentions raised in the earlier letters are supported by facts. My response is that these contentions were intended to be and are expressions of opinion."* We do not consider opinions are fact, or evidence. Our question on 21 February 2022 asked, *"..what are the dates and type of all correspondence the Council received from Mr and Mrs Beuermann and what*

are the precise words used in each correspondence which accuse the Council of doing things which it has not done and what are the dates and type of all correspondence the Council received from Mr and Mrs Beuermann and what are the precise words used in each correspondence which are repeated denigration and blaming?"

The Council letter dated 25 February 2022, states the following documents are identified in response to our question on 21 February 2022, 14/9/21, Email 15 September and 10 July 2021, three-page letter. It appears possible, the documents dated 15 September and 10 July 2021, may have been authored by a ratepayer other than us and have nothing to do with us or have any place in the Council's letter dated 25 February 2022. If such is the situation, why has the Council done this to us?, it appears the Council may have authored an email dated 7 October 2021 to another ratepayer, where this email is addressed to Dear Mr and Mrs Beuermann, if so, why and does the Council have problems identifying communications authored by us?, our Right to Information Internal Review Request was dated 3 February 2022 and delivery was signed for by the Council on 4 February 2022, are Right to Information Internal Review Requests required to be completed within a certain number of working days?, on what date did the Council respond to our Right to Information Internal Review request dated 3 February 2022? and was the Council response within any number of working days required for Right to Information Internal Review Requests?

*Question 2 –*

We required the Council to provide copies of all evidence, information, documents, notes and anything else that evidences we *"....accuse the Council of doing things which it has not done....,"* and *"...have made repeated complaints and attacks on the Council and Council staff which have been factually rebutted..."*. We reject we *".....accuse the Council of doing things which it has not done.....,"* and *"...have made repeated complaints and attacks on the Council and Council staff which have been factually rebutted..."*. By letter dated 3 December 2021, the Council stated, *"To paraphrase your letter you have asked us, the Council, to determine whether contentions raised in the earlier letters are supported by facts. My response is that these contentions were intended to be and are expressions of opinion."*

We do not consider opinions are fact, or evidence. What are the precise dates of any communications authored by Leo Beuermann and Faye Beuermann, which evidence we *".....accuse the Council of doing things which it has not done...."?*, what is the precise/exact language/words in each document that evidences Leo Beuermann and Faye Beuermann *".....accuse the Council of doing things which it has not done...."?*, what are the precise dates of any communications authored by Leo Beuermann and Faye Beuermann, which evidence we *"...have made repeated complaints and attacks on the Council and Council staff which have been factually rebutted..."?*, what is the

precise/exact language/words in each document that evidences Leo Beuermann and Faye Beuermann “.....*have made repeated complaints and attacks on the Council and Council staff which have been factually rebutted...*”, exactly what has been “factually rebutted” and what were the dates and documents containing factual rebuttal?

*Response –*

*The General Manager on behalf of the Mayor responded as follows:*

“I turn to the questions from Mr and Mrs Beurmann and Mr Tony Downey. Questions like this have been directed at the Council and the General Manager at previous meetings and answered, as recently as the February meeting.

The questions for today’s March meeting contain the same material, going over the same topics. The questions are ongoing reaction or sensitivity to comments that were expressed in correspondence last year.

Any attempt to answer them further would be unproductive. To attempt to answer further would amount to another entry into what has become a prolonged debate about the rights and wrongs of words used in correspondence.

The Mayor said, I do not consider that any further advice on these issues is required.

In relation to RTI (Right to Information) requests, I advise that these have been addressed and material, such as there is, has been shared.

There has been over some 12 months now repeated questioning on the Leith overpass topics. For some time now, since the State Government proposal was abandoned, it is likely that there is no community interest or benefit in receiving questions on these topics. The issues are well known and the differences about what has happened in the past are not going to be solved by any further questions being received. Accordingly, the Leith overpass related issues are now regarded as closed.”

Via email – Janeen Lillas – Penguin

*Question 1 –*

Are the rules for fencing and access to the beaches of Watcombe, Preservation Bay and Midway Beach going to be the same? At the moment the plans look like there are variations and there doesn’t seem to be an explanation why.

*Response –*

“The General Manager advised there are currently variations on fence heights shown on plans based on previous negotiations with TasRail. From the Public Meeting held last Wednesday, the Council undertook to review the fence heights with TasRail and further communication will be provided on the final heights approved by TasRail.”

*Question 2 –*

Can CCC get a tree specialist to look at the few remaining trees on Watcombe beach (boobyalla and Pohutukawas) to see if they will survive with the metres of beach sand that go up their trunk. As the only remnant of living feature remaining on the beach– it is important that we do something to rectify them, as it’s home to many parrots and bird life.

*Response –*

“The General Manager advised that these trees are currently being checked to ensure that the material used on the surrounds are conducive to the trees survival.”

Questions and responses concluded at 6:53pm.

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## CLOSURE OF MEETING TO THE PUBLIC

### 90/2022 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:

<b>Matter</b>	<b><i>Local Government (Meeting Procedures) Regulations 2015</i> reference</b>
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 Quarterly Report to Owners’ Representatives – Progress Update to 31 December 2021 · TasWater Quarterly Briefings – 2 and 3 February 2022 · Dulverton Waste Management Audit and Risk Committee-meeting held 23 February 2022 · Dulverton Waste Management Board – meeting held 23 February 2022.	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

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

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council <ul style="list-style-type: none"> <li>. TasWater Quarterly Report to Owners’ Representatives – Progress Update to 31 December 2021</li> <li>. TasWater Quarterly Briefings – 2 and 3 February 2022</li> <li>. Dulverton Waste Management Audit and Risk Committee- meeting held 23 February 2022</li> <li>. Dulverton Waste Management Board – meeting held 23 February 2022.</li> </ul>	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”

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 6.53pm.

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## CLOSED SESSION SUMMARY

The Executive Services Officer reported as follows:

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

<b>Matter</b>	<b>Description of matter discussed</b>
91A/2022 – Confirmation of Closed Session Minutes	The Closed session minutes of the previous ordinary meeting of the Council held on 21 February 2022 had been circulated. The minutes are required to be confirmed for their accuracy.
92A/2022 – Minutes and notes of other organisations and committees of the Council  . TasWater Quarterly Report to Owners’ Representatives – Progress Update to 31 December 2021  . TasWater Quarterly Briefings – 2 and 3 February 2022  . Dulverton Waste Management Audit and Risk Committee–meeting held 23 February 2022  . Dulverton Waste Management Board – meeting held 23 February 2022.	The minutes and notes have been provided to the Council on the condition they are kept confidential.

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## **CLOSURE**

There being no further business, the Mayor declared the meeting closed at 6.55pm.

CONFIRMED THIS 20th DAY OF APRIL, 2022.

## **Chairperson**

(lb:lc)

## **Appendices**

- Minute No. 77/2022 – Central Coast Elected Members Professional Development Policy
- Minute No. 78/2022 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 79/2022 – Schedule of Contracts and Agreements
- Minute No. 80/2022 – Schedule of Correspondence Addressed to Mayor and Councillors
- Minute No. 81/2022 – Schedule of Development Application Determinations
- Minute No. 87/2022 – Schedule of Statutory Determinations
- Minute No. 88/2022 – Council Public Interest Disclosure Procedures dated February 2022

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*QUALIFIED PERSON'S ADVICE*

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

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

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

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



Sandra Ayton  
GENERAL MANAGER

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# Associated Reports And Documents

# Elected Members Professional Development Policy

February 2022

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## 1 Policy

Professional development of Elected Members is strongly encouraged together with training or attendance at conferences or seminars based on demonstrable benefit to the enhancement and development of the Elected Member's skills and abilities that will better enable them to undertake the functions of their role.

## 2 Purpose

The purpose of this Policy is to provide a framework for Elected Members of professional development opportunities for attendance at seminars, conferences forums and meetings.

The broad framework within which Elected Member professional development will be delivered encompasses:

- . Identification of the knowledge, skills and competencies needed by an Elected Member/Council as a whole having regard to the strategic directions and performance of the Council, as well as developments within the local government industry.
- . Analysis of the professional development needs of Elected Members and the Council as a whole against the identified needs.
- . Attendance at professional development activities by individual Elected Members and the Council as a whole.

## 3 Scope

This Policy applies to the Mayor and all Elected Members.

## 4 Definitions

Professional Development – includes personal development, attendance at a conference, seminar, forum, or events that will assist an Elected Member in their broad civic leadership role.

## 5 Principles

### 5.1 *Commitment to Professional Development*

As community representatives and the public face of the Council, Elected Members play an integral leadership role in the processes for the development, communication and representation of the Council's Strategic Plan, Council policies, strategies and programs.

Professional development for Elected Members contributes towards a positive presentation of the Council.

The Council will allocate funds via its budget process to meet approved professional development needs of Elected Members.

## *5.2 Personal Development*

Elected Members are encouraged to identify individual and group personal development needs to enhance their effectiveness.

Assessment of needs should focus on the skills and knowledge required to enhance and improve the skills necessary to perform the role of Mayor and/or an Elected Member.

The General Manager is able to provide guidance and assistance to an Elected Member by locating and sourcing professional development opportunities.

## *5.3 Conferences, Seminars, Forums or Events*

An Elected Member who is funded by the Council to attend a conference, seminar, forum or event, shall participate as a representative of the Council, not as an individual.

The Mayor and Elected Members are encouraged to regularly attend, along with the General Manager the following Local Government events:

- . Australian Local Government Association National General Assembly;
- . LGAT annual general meeting and conference;
- . LGAT general meetings;
- . LGAT professional development, training and elected member courses.

Participation in other conferences, seminars, forums, or events by Elected Members is encouraged where it can be demonstrated that attendance will:

- . provide information on a contemporary issue, so that the Council can contribute to discussion or debate;
- . put forward the Council's viewpoint during formation of a collaborative policy, or stance on an issue;
- . meet community expectations that Council representation is necessary for the benefit of the community;
- . deliver economic development opportunities; or
- . provide improvements to the wellbeing of our community.

Following participation in an event covered by this section the Mayor or the Elected Member should submit a report to a Councillor Workshop within 28 days of attendance.

Professional Development is not to be scheduled and/or expenses expended during the election caretaker period.

#### 5.4 Professional Development Funding

To maximise the effectiveness of allocated resources, the Council will only meet the cost of professional development outlined in this Policy, subject to approval by the General Manager, in consultation with the Mayor.

If a request for professional development cannot be accommodated within the budget allocation, the General Manager, in consultation with the Mayor, will determine if additional funding may be available from another area of the budget.

In line with the Disability Discrimination Act 1992 and the Equal Opportunity Act 2010, a Carer may accompany an Elected Member to a professional development event. Registration and incidental costs for the Carer will be met by the Council.

#### 5.5 Expenses

All booking arrangements, including air fares, registration fees and accommodation (including meals in the hotel where registered) will be coordinated through the General Manager's Office. These will be paid direct by the Council.

Where an Elected Member is accompanied at a conference or training, all costs for or incurred by an accompanying person are to be borne by the Elected Member or accompanying person, not by the Council. The exception to the above being the cost of attending any official event dinner where partners would normally attend.

### 6 Dispute Resolution

Any disputes in regard to this policy will be referred to the General Manager in the first instance. In the event that the Elected Member and the General Manager cannot reach an agreement, the matter will be reported to Council for consideration.

### 7 Review

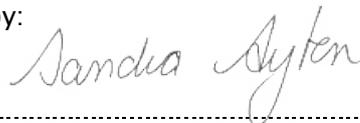
This Policy will be reviewed every two years.

SANDRA AYTON  
GENERAL MANAGER

Date of approval: 21/ 03 / 2022

Minute Ref No. 77/2022

Approved by:



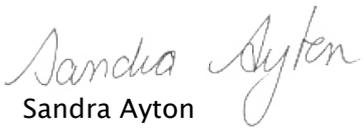
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**SCHEDULE OF DOCUMENTS FOR AFFIXING OF  
THE COMMON SEAL**

Period: 22 February to 21 March 2022

*Documents for affixing of the common seal under delegation*

- . Amended Schedule of Easements  
3 Pioneer Road (CT63035/1) 49 Fabers Road (CT130923/1) and  
68 Cookes Road (CT207997/1) Riana  
Application No. 2020222
- . LUA Form & Certified Copy of Part 5 Agreement  
3 Pioneer Road (CT63035/1) 49 Fabers Road (CT130923/1) and  
68 Cookes Road (CT207997/1) Riana  
Application No. 2020222  
Folio Ref: Vol 207997/1
- . Final Plan of Survey and Schedule of Easements  
Subdivision at 11 Robertsons Road, West Ulverstone  
Application No. DA2020036
- . Amendment of Sealed Plan  
Plan No. 109177  
Lot 22 Markm Court, West Ulverstone  
Folio Ref: 107177/22
- . Final Plan of Survey and Schedule of Easement  
62 & 64-68 Turners Beach Road, Turners Beach  
Application No. DA2020209 - 1  
Folio Ref: CT 128374-4
- . Final Plan of Survey  
102 & 102A Eastlands Drive, Ulverstone  
Application No. DA2021327  
Folio Ref: 165053/2 & 165053/3

  
Sandra Ayton  
GENERAL MANAGER

## SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the Common Seal)

Period: 22 February to 21 March 2022

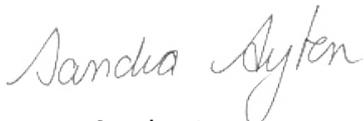
### *Contracts*

- . Contract 9/2021–2022  
Webster Trucks Isuzu  
Supply and delivery of one Isuzu NMR 45–150 truck with Tipper body,  
as per Tender F301 – 2021.  
Purchase price: \$70,420.90 (inc. GST)  
Less Trade in Fuso Tipper (Reg E35ME) \$38,000.00 (inc. GST) + on road  
costs, registration, and Stamp Duty, in line with common expiry  
Total contract amount: \$32,420.90 (Inc. GST)
  
- . Contract 10/2021–2022  
Mead Con Pty Ltd  
1201–1221 Pine Road, Riana – Riana Community Centre Changeroom  
Redevelopment – Construction works in accordance  
with Tender submission and scope of works dated 3 February 2022  
Total contract amount: \$594,671.90 (inc. GST)
  
- . Contract 11/2021–2022  
Stubbs Construction Pty Ltd  
2 Flora Street, Ulverstone Sports and Leisure Centre – Social Ulverstone  
Space Fitout in accordance with Tender submission and scope of works  
dated 3 February 2022  
Total contract amount: \$527,537.00 (inc. GST)

### *Agreements*

- . Lease Agreement  
Central Coast Council and Ulverstone Repertory Theatre Society Inc  
Ulverstone Court House, including Court Room, toilets, three storerooms,  
and Magistrate's Office located at 19 King Edward Street, Ulverstone  
Term of lease: Two years  
Start date: 1 August 2020  
Expiry date: 31 July 2022

- . Part 5 Agreement  
Central Coast Council and Elizabeth Jean Haygarth  
11 Robertsons Road, West Ulverstone  
Property ID 6977170 – Certificate of Title Volume 109343 Folio 8  
Agreement executed: 23 February 2022
- . Residency Agreement  
Ganesway  
Unit 4 – 51–55 Queen Street, West Ulverstone  
Commencement date: 15 March 2022



Sandra Ayton  
GENERAL MANAGER

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

Period: 22 February to 21 March 2022

- . An email advising of a public meeting held regarding community grievances with the current Dog Management Policy and requests that the questions contained within are responded to.



Sandra Ayton  
GENERAL MANAGER

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 February 2022 to 28 February 2022**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2021324	12 & 27 Breheny Place WEST ULVERSTONE,TAS,7315	Discretionary	Residential – 48 multiple dwellings and consolidation of lots	12/11/2021	21/02/2022	63	\$13,700,000.00
DA2021325	12 Bowman Drive PENGUIN,TAS,7316	Discretionary	Residential – carport and shed	15/11/2021	14/02/2022	33	\$45,000.00
DA2021343	1 Southwood Avenue PENGUIN,TAS,7316	Discretionary	Residential – retaining walls	26/11/2021	10/02/2022	35	\$45,000.00
DA2021347	36 Turners Avenue TURNERS BEACH,TAS,7315	Discretionary	Residential – shed	29/11/2021	4/02/2022	29	\$70,000.00
DA2021348	21 Risby Street ULVERSTONE,TAS,7315	Discretionary	Residential – 8 multiple dwellings and demolition of existing buildings	30/11/2021	21/02/2022	36	\$1,700,000.00
DA2021360	43 & 45 Kimberleys Road ULVERSTONE,TAS,7315	Discretionary	Subdivision – 5 lots including consolidation of lots	9/12/2021	11/02/2022	31	\$0.00
DA2021370	10 Beach Street LEITH,TAS,7315	Discretionary	Residential – dwelling extensions and garage	17/12/2021	4/02/2022	31	\$150,000.00
DA2021371	3 Leighlands Avenue ULVERSTONE,TAS,7315	Discretionary	Residential – ablutions, wood shed and covered barbeque area	17/12/2021	18/02/2022	22	\$15,000.00
DA2021373	10 Dial Street ULVERSTONE,TAS,7315	Discretionary	Residential – carport	21/12/2021	4/02/2022	31	\$15,000.00
DA2021374	22 Grove Street ULVERSTONE,TAS,7315	Discretionary	Residential – studio	23/12/2021	4/02/2022	29	\$5,000.00
DA2022002	855 Pine Road RIANA,TAS,7316	Discretionary	Resource Development – shed	12/01/2022	14/02/2022	28	\$90,000.00
DA2022004	3 Wharf Road ULVERSTONE,TAS,7315	Discretionary	Resource Processing and Tourist Operation – boutique brewery	13/01/2022	14/02/2022	26	\$20,000.00
DA2022005	137 Winduss Road GUNNS PLAINS,TAS,7315	Permitted	General Retail and Hire – sale of goods associated with Resource Development and Resource Processing	14/01/2022	4/02/2022	11	\$0.00

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 February 2022 to 28 February 2022**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2022012	34 Kings Parade ULVERSTONE,TAS,7315	Discretionary	Residential – dwelling additions and carport	20/01/2022	16/02/2022	23	\$100,000.00
DA2022018	10 Banks Place TURNERS BEACH,TAS,7315	Discretionary	Residential – shed with awning	28/01/2022	28/02/2022	26	\$23,486.00

**SCHEDULE OF STATUTORY DETERMINATIONS MADE UNDER DELEGATION**

Period: 01 February 2022 to 28 February 2022

Building Permits – 03

. New dwellings	00	\$0
. Outbuildings	02	\$43,000
. Additions/Alterations	01	\$43,000
. Other	00	\$0
. Units	00	\$0

Demolition Permit – 0

Permit of Substantial Compliance – Building – 01

Notifiable Work – Building – 14

. New dwellings	06	\$2,371,305
. Outbuildings	04	\$138,000
. Additions/Alterations	02	\$349,000
. Other	01	\$5,000
. Units	01	\$580,000

Building Low Risk Work – 04

Certificate of Likely Compliance – Plumbing – 10

No Permit Required – Plumbing – 00

Food Business registrations (renewals) – 01

Food Business registrations – 01

Temporary Food Business registrations – 00

**SCHEDULE OF REGULATORY SERVICES DETERMINATIONS MADE UNDER DELEGATION**

Period: 01 February 2022 to 28 February 2022

**FIRE ABATEMENTS INSPECTIONS COMPLETED** 88**FIRE ABATEMENT CHECKS ON NOTICES ISSUED** 44**FIRE ABATEMENT NOTICES ISSUED**

ADDRESS	PROPERTY ID
27 Old Kindred Road, Forth	2220111
5 Hearps Road, West Ulverstone	6960790
1422 Pine Road, Riana	7133770

**KENNEL LICENCE/S ISSUED**

ADDRESS	OWNER
Nil	

**PERMITS ISSUED UNDER ANIMAL CONTROL BY-LAW NO. 1 OF 2018**

ADDRESS	PERMIT ISSUED FOR
Nil	

**WANDERING LIVESTOCK COMPLAINTS** 1

**SCHEDULE OF OTHER REGULATORY SERVICES STATUTORY RESPONSIBILITIES**

Period: 01 February 2022 to 28 February 2022

**DOGS IMPOUNDED**

Claimed	01
Burnie Dogs Home	00
Devonport Dogs Home	00
RSPCA Spreyton	00
Destroyed	00
Held over	00

**INFRINGEMENTS ISSUED FOR DOG OFFENCES** 12

**INFRINGEMENTS ISSUED FOR DOGS OFF LEAD IN ON LEAD AREA**

Penguin Beaches	06
Turners Beach	01
Buttons Beach	01
Midway Beach	03

**INFRINGEMENTS ISSUED UNDER ANIMAL CONTROL BY-LAW NO. 1 OF 2018** NIL

**PATROLS OF FREE CAMPING AREAS** 15

**CAUTIONS ISSUED TO CAMPERS IN FREE CAMPING AREAS** 06

**DOG ATTACKS ON OTHER DOGS** 01

**DOG ATTACKS ON PERSONS** 01

**BARKING DOG COMPLAINTS** 11

**LITTERING COMPLAINTS** 05

**DOG REGISTRATIONS PICKED UP BY COMPLIANCE** 12

**TRAFFIC INFRINGEMENT NOTICES FOR PARKING**

Alexandra Road	00	0%
Bannons Car Park	00	0%
Coles/Furner's Car Park	00	0%
Crescent Street, Ulverstone	00	0%
Eastland Drive	00	0%
King Edward Street, Ulverstone	00	0%
Main Road, Penguin	00	0%

North Reibey Street Car Park	00	0%
Reibey Street	03	60%
Surf Club Road, Penguin	00	0%
Victoria Street	01	20%
Wharf Car Park	00	0%
Wongi Lane	00	0%
Bayvista Blvd, Sulphur Creek	01	20%

**ABANDONED CARS** 4

**PARKING PERMITS ISSUED** 1



Ian Stoneman  
DIRECTOR CORPORATE SERVICES

# Central Coast Council

## Public Interest Disclosure Procedures

FEBRUARY 2022

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## 1 Statement of Support

Central Coast Council is committed to the purposes of the *Public Interest Disclosures Act 2002* (the Act), which are primarily:

- to encourage and facilitate disclosures of improper conduct by public officers;
- to protect persons making those disclosures and others from reprisals;
- to provide for the matters disclosed to be properly investigated and dealt with; and
- to provide all parties involved with those disclosures with procedural fairness (referred to as natural justice in the Act).

The Central Coast Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal the type of conduct to which the Act is directed. The Central Coast Council will take all reasonable steps to protect people who make such a disclosure from any detrimental action in reprisal for making the disclosure, and to protect their welfare. It will also afford natural justice to all parties involved in the investigation of a disclosure.

## 2 Purpose of these procedures

These procedures set out how:

- public officers and contractors can make disclosures about improper conduct or reprisal action;
- disclosures are assessed;
- public interest disclosures are investigated; and
- Central Coast Council protects disclosers and affords procedural fairness (referred to as natural justice in the Act) to those being investigated.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors, and to use existing grievance procedures within the organisation where appropriate including but not limited to, the Employee Code of Conduct, Customer Service Charter, and Fraud Control Policy.

The procedures have been prepared in accordance with the Ombudsman's Guideline Two: Procedures for Public Bodies. This Guideline can be accessed on the Ombudsman's website at [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au).

## 3 How the Act works

Briefly, the Act works in this way:

- it gives certain people – *public officers and contractors* – the right to make disclosures about *improper conduct* or *detrimental action* to certain integrity agencies, other persons and bodies (Part 2 of the Act, particularly s6);
- it provides certain statutory protections for *protected disclosures*, even if the discloser does not reference the Act (Part 3);
- it dictates how the recipient of the disclosure is to deal with it (Parts 4 to 8);
- it treats the Ombudsman as the oversight agency in relation to the operation of the Act, including the default investigator, monitor of investigations by public bodies, and setter of standards under the Act;
- where the disclosure is handled by the Ombudsman or a public body, it requires a determination as to whether the protected disclosure is a *public interest disclosure* (ss30 and 33);
- subject to exceptions, it requires investigation by the Ombudsman or public body of any public interest disclosure (ss39 and 63);
- it requires such investigation to be conducted as soon as practicable, but if it is being conducted by a public body, not more than six months from the date of the determination that the disclosure is a public interest disclosure (ss39A and 77A);
- it controls the manner in which a disclosure is investigated, and provides investigative powers; and
- in the case of an investigation by a public body which results in a finding that the alleged conduct occurred, it requires the public body to take action to prevent that conduct from continuing or recurring, and to take action to remedy any harm or loss which may have arisen (s75).

A flow chart, which depicts the way in which a public body should deal with a disclosure, is Attachment 4 to this document.

## 4 Roles and responsibilities

This part explains the roles and responsibilities under the Act of individuals within Central Coast Council.

### 4.1 Members, officers and employees

Members, officers and employees (public officers) of Central Coast Council are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures.

All public officers of Central Coast Council have an important role to play in supporting those who have made disclosures. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who

makes a disclosure. They should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

## **4.2 Principal Officer**

The Principal Officer has primary responsibility for ensuring that the provisions of the Act are implemented by Central Coast Council. Section 62A of the Act provides that the Principal Officer has responsibility for:

- preparing procedures for approval by the Ombudsman;
- receiving public interest disclosures and ensuring they are dealt with in accordance with the Act;
- ensuring the protection of witnesses;
- ensuring the application of procedural fairness in Central Coast Council's procedures;
- ensuring the promotion of the importance of public interest disclosures and general education about the Act to all staff, and ensuring easy access to information about the Act and the procedures, and
- providing access to confidential employee assistance programs and appropriately trained internal support staff for those involved in the process.

The Principal Officer may delegate all of these functions and powers to a Public Interest Disclosure Officer.

## **4.3 Public Interest Disclosure Officer**

A Public Interest Disclosure Officer is appointed by the Principal Officer under s62A(2) of the Act. They hold a delegation from the Principal Officer which enables them to:

- act as a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action;
- make arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace;
- receive any disclosure from a public officer made orally or in writing;
- record in writing the details of any disclosure which is made orally;
- impartially assess the allegation and determining whether it is a disclosure made in accordance with Part 2 of the Act (that is, "a protected disclosure");
- impartially assess under s 33 of the Act whether a disclosure is a "public interest disclosure";

- take all necessary steps to ensure that the identity of the discloser and the identity of the person who is the subject of the disclosure are kept confidential; and
- administrative functions to support the role under the Act, as required.

#### **4.4 Investigator**

Where it is determined that a disclosure is a public interest disclosure, or where the Ombudsman has referred a public interest disclosure to Central Coast Council for investigation, the Principal Officer will appoint an investigator to investigate the matter in accordance with the Act. An investigator may be a person from within Central Coast Council or a consultant engaged for that purpose.

#### **4.5 Welfare Manager**

The Welfare Manager will be appointed by the Principal Officer or by a Public Interest Disclosure Officer, and is responsible for looking after the general welfare of the discloser. The Welfare Manager will:

- examine the immediate welfare and protection needs of a person who has made a disclosure, and develop a support plan for them;
- advise the discloser of the legislative and administrative protections available to them;
- listen and respond to any concerns of harassment, intimidation, victimisation or other detrimental action which may be occurring in reprisal for making the disclosure; and
- so far as is practicable, protect the identity of the discloser in the course of carrying out these responsibilities.

A welfare manager may be a person employed by Central Coast Council or a consultant engaged for that purpose. They must not be responsible for assessing or investigating the disclosure.

## **5 Who can make a disclosure?**

### **5.1 Public officers**

Any current public officer (this can include a public officer from another public body) can make a disclosure to Central Coast Council under the Act. This includes all employees and councillors of Central Coast Council. Council volunteers are not considered public officers, but could make a disclosure to the Ombudsman or Integrity Commission about a public body as a member of the public.

### **5.2 Contractors**

Current or past contractors and sub-contractors can make disclosures about public bodies, not public officers, but they can only make a disclosure to the Ombudsman

or the Integrity Commission not to Central Coast Council. Public Interest Disclosure Officers should refer any contractors wanting to make a disclosure to either of these bodies.

### **5.3 Members of the public**

Members of the public can make a disclosure about a public body, and may be treated in the same way as a contractor if it is in the public interest to do so, but they can only make the disclosure to the Ombudsman or Integrity Commission. The Ombudsman or Integrity Commission determines whether it is in the public interest to treat the discloser as a contractor, not the discloser. Public Interest Disclosure Officers should refer any members of the public wanting to make a disclosure to either of these bodies.

### **5.4 Anonymous persons**

An anonymous disclosure may be accepted if the person receiving it is satisfied that the disclosure is being made by a public officer or contractor (see s8 of the Act). If the person is satisfied that an anonymous disclosure is from a contractor it should be referred to the Ombudsman.

## **6 What can a disclosure be made about?**

A disclosure can be made about one or more public officers or a public body itself. If a disclosure relates to Central Coast Council as a whole or the Principal Officer of Central Coast Council, it should be referred to the Ombudsman or Integrity Commission as internal investigation would not be appropriate.

### **6.1 Improper conduct**

Disclosures about public officers need to relate to improper conduct by that officer, in the past, present or future (proposed action). Section 3 of the Act defines improper conduct as:

- a. conduct that constitutes an illegal or unlawful activity; or
- b. corrupt conduct; or
- c. conduct that constitutes maladministration; or
- d. conduct that constitutes professional misconduct; or
- e. conduct that constitutes a waste of public resources; or
- f. conduct that constitutes a danger to public health or safety or to both public health and safety; or
- g. conduct that constitutes a danger to the environment; or
- h. misconduct, including breaches of applicable codes of conduct; or

- i. conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act that is serious or significant as determined in accordance with guidelines issued by the Ombudsman (see Public Interest Disclosure Guideline One: Serious or Significant Improper Conduct, available at [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au)).

Examples of improper conduct include:

- to avoid closure of a town's only industry, an environmental health officer ignores or conceals evidence of illegal dumping of waste;
- an agricultural officer delays or declines imposing quarantine to allow a financially distressed farmer to sell diseased stock; and
- a principal officer spends \$15,000 of public money on a staff Christmas party.

## 6.2 Corrupt conduct

Corrupt conduct is further defined in s3 of the Act as:

- a. conduct of a person (whether or not a public officer) that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of a public officer's or public body's functions; or
- b. conduct of a public officer that amounts to the performance of any of their functions as a public officer dishonestly or with inappropriate partiality; or
- c. conduct of a public officer, a former public officer or a public body that amounts to a breach of public trust; or
- d. conduct of a public officer, a former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise); or
- e. a conspiracy or attempt to engage in conduct referred to in paragraph (a), (b), (c) or (d).

Examples of corrupt conduct include:

- a public officer takes a bribe in exchange for the discharge of a public duty;
- a public officer favours unmeritorious applications for jobs or permits by friends and relatives; and
- a public officer accesses and discloses confidential or sensitive information held by the public body at the request of a friend, without any legitimate reason.

### 6.3 Detrimental action

Detrimental action, or reprisal action, against a discloser can be a form of improper conduct. It is defined in s3 of the Act, as including:

- a. action causing injury, loss or damage; and
- b. intimidation or harassment; and
- c. discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; and
- d. threats of detrimental action.

Examples of detrimental action include:

- refusal of a deserved promotion;
- demotion, transfer, isolation in the workplace or changing a person's duties to their disadvantage;
- threats, abuse or other forms of harassment directly or indirectly against the discloser, their family or friends; and
- discrimination against the discloser or their family and associates in applications for jobs, permits or tenders.

## 7 Where to make a disclosure

For the protections in the Act to apply, a disclosure needs to be made to the right person or body. The following table sets this out, in accordance with s7 of the Act:

Officer or public body to which the disclosure relates	Where the disclosure may be made
A member, officer or employee of a Central Coast Council	Central Coast Council; or the Integrity Commission; or the Ombudsman
The principal officer of Central Coast Council or Central Coast Council as a whole	the Ombudsman; or the Integrity Commission
A councillor, within the meaning of the <i>Local Government Act 1993</i>	the Ombudsman
If the disclosure is about Central Coast Council as opposed to an individual public officer	the Ombudsman; or the Integrity Commission

## 8 How to make a disclosure

Public officers can make a disclosure about other public officers of Central Coast Council orally or in writing to the following officers:

- the General Manager – who is the Principal Officer of the public body, for the purposes of the Act; and
- a Public Interest Disclosure Officer.

### 8.1 Public Interest Disclosure Officers

The following staff are Public Interest Disclosure Officers and can receive disclosures:

- Director Corporate Services
- Manager Organisational Development.

If someone wants to make a disclosure about the Principal Officer or Central Coast Council, they should be referred to the Ombudsman or the Integrity Commission.

### 8.2 Written or oral disclosure

It is preferable that a disclosure be made in writing. It should be addressed to the public body, marked for the attention of the Principal Officer or Public Interest Disclosure Officer.

A disclosure can be delivered to Central Coast Council, PO Box 220, Ulverstone 7315, left at the Administration Centre, 19 King Edward Street, Ulverstone, or sent to [ian.stoneman@centralcoast.tas.gov.au](mailto:ian.stoneman@centralcoast.tas.gov.au)

A public officer can also make an oral disclosure over the phone or in person to a Public Interest Disclosure Officer. An oral disclosure should be made in private. If a public officer is concerned about making a disclosure in person in the workplace, they can call or email the Public Interest Disclosure Officer to request a meeting in a location away from the workplace.

It is not a requirement that the person contemplating making a disclosure refers to the Act, or is aware of the Act.

### 8.3 Disclosure to the Ombudsman

A disclosure may also be made directly to the Ombudsman. The contact details for the Ombudsman are:

**Ombudsman Tasmania**  
**GPO Box 960**  
**HOBART TAS 7001**

or at

Level 6, 86 Collins Street  
HOBART TAS 7000

Website: [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au)

Email: [ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au)

Phone: 1 800 001 170

#### **8.4 Disclosure to the Integrity Commission**

A disclosure may also be made directly to the Integrity Commission. The Commission can deal with a protected disclosure about individuals under the *Integrity Commission Act 2009* or refer it to a public body or the Ombudsman. A protected disclosure about a public body would be referred to the Ombudsman. The contact details for the Integrity Commission are:

**Integrity Commission**  
**GPO Box 822**  
**HOBART TAS 7001**

or at

Level 2  
Surrey House  
199 Macquarie Street  
HOBART TAS 7000

Website: [www.integrity.tas.gov.au](http://www.integrity.tas.gov.au)

Email: [contact@integrity.tas.gov.au](mailto:contact@integrity.tas.gov.au)

Phone: 1 300 720 289

## **9 Confidentiality**

Central Coast Council will take all reasonable steps to protect the identity of a discloser. Maintaining confidentiality is crucial to ensure that detrimental action is not taken against the discloser in reprisal for making the disclosure.

All reasonable care should also be taken to protect the privacy of witnesses and of the person against whom the disclosure has been made.

Section 23 of the Act requires any person who receives information in the course of or as a result of a protected disclosure or its investigation, not to disclose that information except in certain limited circumstances. Disclosure of information in breach of this section constitutes an offence that is punishable by a maximum fine of 60 penalty units or six months imprisonment, or both.

The circumstances in which a person may disclose information obtained about a protected disclosure include:

- where exercising their functions or the functions of the public body under the Act;
- when making a report or recommendation under the Act;
- when publishing statistics in the annual report of a public body; and
- in proceedings for certain offences under the Act.

The Act, however, prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the discloser. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report made in accordance with Part 9 of the Act.

It may be necessary to consider disclosing information where:

- it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to the person who is the subject of the disclosure;
- the investigating body believes that the disclosure of the identifying information is necessary for the matter to be effectively investigated; or
- the identity of the discloser is likely to be guessed from the circumstances of the disclosure and the risks for the discloser are better managed if their identity is known and specific warnings or risk management actions can be taken.

In these circumstances, the person who made the disclosure should first be consulted before any action is taken. Consider obtaining permission in writing from the discloser prior to identifying them.

The Central Coast Council will ensure that all relevant files, whether paper or electronic, are kept securely and can only be accessed by the Principal Officer, Public Interest Disclosure Officer/s, the investigator, and (in relation to welfare matters only) the Welfare Manager.

All printed and electronic material will be kept in files that are clearly marked as confidential, and all materials relevant to an investigation, such as interview recordings, will also be stored securely with the files. Electronic files should have access restricted to the relevant officers.

Care should also be taken to ensure that all relevant phone calls and meetings are conducted in private.

Section 90 exempts documents from release under the *Right to Information Act 2009* to the extent that:

- they contain information regarding a disclosure; or
- information that is likely to lead to the identification of the person who:
  - a) made the disclosure; or
  - b) the person who is the subject of the disclosure.

## 10 Assessing the disclosure

The Act requires the taking of two distinct steps when assessing a disclosure. It first needs to be determined whether or not it qualifies as a protected disclosure, and thus attracts the protections contained in the Act. In order to do so it must satisfy the following prerequisites:

- has it been made to the correct person or body; and
- if it has been correctly made to Central Coast Council,
  - a) has it been made by a public officer (or, if the disclosure is anonymous, is the person receiving it satisfied that it is being made by a public officer);
  - b) is it about the conduct of a public officer;
  - c) does the discloser believe the public officer has, is or is proposing to engage in improper conduct;
  - d) is it about conduct that could objectively fall within the definition of improper conduct; and
  - e) does it concern conduct that occurred on or after 1 January 2001?

The next step is to determine if it is a public interest disclosure. This requires an assessment of the evidence provided by the discloser to determine if it shows or tends to show a public officer has, is or is proposing to engage in improper conduct.

### 10.1 What should the recipient of the disclosure do upon receipt of the disclosure?

If the disclosure is oral, the recipient should make a file note as soon as possible. The note should record the time the disclosure was made, the circumstances under which it was made and, so far as is possible, the exact words used by the discloser. The recipient should ask the discloser to consider putting the disclosure in writing as soon as possible.

Unless the recipient is the Principal Officer (or the disclosure is about the Principal Officer), the recipient should immediately inform the Principal Officer of the disclosure, and should provide the Principal Officer with a copy of the disclosure, or record of the disclosure, and any accompanying documents (Contractors or members of the public who wish to make a disclosure should be advised to contact the

Ombudsman or Integrity Commission). If the disclosure is about the Principal Officer, contact the Ombudsman for advice.

## **10.2 Is it a protected disclosure?**

The protections for disclosers, provided in Part 3 of the Act, only apply where the disclosure is a protected disclosure made in accordance with Part 2 of the Act.

The Principal Officer or a Public Interest Disclosure Officer should assess whether a disclosure has been made in accordance with Part 2 as soon as possible after it has been received. The assessment of disclosure form at Attachment 1 should be completed as part of this process. It contains a series of questions going to the essential elements of a protected disclosure, raised at Assessing the disclosure, and what is needed to be established before a disclosure can be a protected disclosure. A separate assessment of disclosure form will usually need to be completed for each disclosure. This means, for example, that if a discloser is complaining about three different public officers, this constitutes three disclosures, and three assessments should be completed.

If it is determined that it is a protected disclosure, the discloser should be given information about the protections in the Act (such as a copy of Part 3 of the Act). These protections should be explained to the discloser if necessary. The discloser should also be informed of the process which will be followed with respect to the disclosure.

The Principal Officer or a Public Interest Disclosure Officer should also immediately appoint a Welfare Manager to protect the interests of the discloser and ensure that the discloser is advised of the name and contact details of that person. A risk assessment should also be completed.

## **10.3 Mixed content disclosures**

Many disclosures will also contain personal grievances. When conducting assessments of complaints or grievances the assessor needs to be alert to identifying those aspects that could constitute a protected disclosure.

It is not a requirement that a discloser specify they are making a disclosure, the onus rests on Central Coast Council to identify whether or not the Act applies. Consider discussing with the person whether they wish to make a public interest disclosure if it appears their concerns would meet the threshold.

Those matters that can be dealt with under a grievance process and those that are more appropriately dealt with under these procedures should be dealt with separately where possible.

## **10.4 Risk assessment**

A risk assessment should occur as soon as possible after the disclosure has been assessed as being a protected disclosure under the Act. The risk assessment template at Attachment 2 should be completed by the Principal Officer or Public Interest Disclosure Officer and any appropriate risk mitigation action required be

implemented. A single assessment can be made of all relevant risks, or you may prefer to undertake separate assessments of the different risks relating to a particular disclosure, such as the risks to the discloser, the subject of the disclosure, any witnesses, or Central Coast Council. The discloser is usually the most able to identify potential reprisal risks, so input should be sought from the discloser and the Welfare Manager in completing the risk assessment. All reasonable steps to reduce risks of reprisal to the discloser should be taken.

### **10.5 Referral of a protected disclosure to the Integrity Commission**

Central Coast Council may refer a protected disclosure, as distinct from a public interest disclosure, to the Integrity Commission where it considers that the disclosure relates to misconduct as defined in s4(1) of the *Integrity Commission Act 2009*. Consideration should also be given to:

- whether independent investigation of the subject matter of the disclosure by the Integrity Commission is preferable; and
- the views of the discloser and the Integrity Commission about whether the matter should be referred.

Central Coast Council must notify the discloser of the referral under s29D of the Act within a reasonable time (unless the disclosure was made anonymously).

The Integrity Commission may deal with the disclosure under its legislation, or it may refer the disclosure to the Ombudsman or a public body, as the case may require, for action in accordance with the Act.

### **10.6 Is the disclosure a public interest disclosure?**

Once a disclosure has been assessed as being a protected disclosure, a further determination must be made as to whether or not it is a public interest disclosure. The Principal Officer or Public Interest Disclosure Officer must make this determination under s33 of the Act within 45 days of the receipt of the disclosure. Use the Assessment of disclosure form at Attachment 1 to ensure you consider all the necessary requirements.

For a disclosure to be a public interest disclosure, the Principal Officer, or their delegated Public Interest Disclosure Officer, must be satisfied that the disclosure shows or tends to show that the public officer to whom the disclosure relates has:

- engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer, or
- taken, is taking or proposes to take detrimental action in reprisal for the making of the protected disclosure.

A disclosure must be more than a mere allegation without substantiation to meet this threshold. A disclosure must include an indication of the existence of evidence that, if substantiated, would show or tend to show that the alleged improper conduct occurred.

Where the Principal Officer or Public Interest Disclosure Officer determines that the disclosure amounts to a public interest disclosure, they must:

- advise the Principal Officer (if not the person assessing the disclosure);
- notify the Ombudsman within 14 days of the decision using the notification template at Attachment 3;
- notify the person making the disclosure within 14 days of the decision (unless they are anonymous and uncontactable); and
- proceed to investigate the disclosed matter under s34 of the Act.

If the Principal Officer or Public Interest Disclosure Officer determines that the disclosure is not a public interest disclosure, they must:

- advise the Principal Officer (if not the person assessing the disclosure);
- notify the Ombudsman within 14 days of the decision using the notification template at Attachment 3; and
- notify the person making the disclosure within 14 days of the decision (unless they are anonymous and uncontactable) – see s35.

The Ombudsman must then review this decision under s35(2).

If, on review of the matter, the Ombudsman agrees that the disclosure is not a public interest disclosure, it does not need to be dealt with under the Act. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will then decide how the disclosure should be dealt with.

If the Ombudsman determines on review that the disclosure is a public interest disclosure, it may be referred back to the public body under s42 for investigation under the Act or the Ombudsman will deal with the disclosed matter.

### **10.7 Referral of criminal conduct to the Commissioner of Police**

It is possible that, before or during the investigation of a public interest disclosure, facts are uncovered that indicate the possibility that a criminal offence might have been committed. If this happens, Central Coast Council will not commence, or will suspend, the investigation and will consult with the Ombudsman as to the future conduct of the matter. Under s41 of the Act, the Ombudsman has the power to refer a public interest disclosure to the Commissioner of Police for investigation.

If the Ombudsman is satisfied that the disclosed matter should be referred to the Commissioner, Central Coast Council should consider whether the disclosure should be referred to the Ombudsman under s68 of the Act.

Early referral of the matter may avoid interference with the evidentiary trail and so should be done at the first possible opportunity. Referral to the Commissioner through the Ombudsman will also avoid any question of a breach of confidentiality

under s23 of the Act. Once a disclosure is referred to the Commissioner through the Ombudsman, the investigation under the Act ceases. There may still be administrative or operational issues which have been identified during the disclosure process or investigation, however, these should be dealt with under other internal processes of Central Coast Council. The Principal Officer, or the Public Interest Disclosure Officer acting in consultation with the Principal Officer, will decide how the matter should be dealt with.

## **11 Protection**

### **11.1 When does protection commence?**

Where Central Coast Council receives a disclosure which complies with the requirements of Part 2 of the Act, the disclosure immediately attracts the protections set out in Part 3 of the Act. This is so whether or not the disclosure is factually correct (although one of the requirements of Part 2 is that the discloser genuinely believes that the alleged improper conduct or detrimental action in fact occurred).

The protection can also extend to a person who intends to make a disclosure – see s19 of the Act.

### **11.2 What protection does the Act provide?**

Part 3 of the Act gives various types of protection to a person who makes a protected disclosure. Below is a summary of some elements of Part 3.

A person who makes a protected disclosure:

- is not subject to any civil or criminal liability, or to any liability arising by way of administrative process, for making the protected disclosure (s16);
- does not by doing so commit an offence under a provision of any other Act that imposes a duty to maintain confidentiality, or which imposes any other restriction on the disclosure of information [s17(1)(a)]; and
- does not by doing so breach an obligation by way of oath, or rule of law or practice, or under an agreement, which requires the discloser to maintain confidentiality or otherwise restricts the disclosure of information [s17(1)(b)].

If a disclosure is not made to the correct entity, the protections may not apply. For example, a discloser will not be protected if otherwise confidential information is disclosed to the media.

Part 3 also contains various provisions which are intended to protect a discloser from detrimental action by way of reprisal for a protected disclosure. These are:

- section 19, which makes it an offence to take such detrimental action;
- section 20, which creates a liability to pay damages for such detrimental action; and

- section 21, which gives a person who believes that detrimental action has been taken against them the right to apply to the Supreme Court for an order requiring the person who has taken the detrimental action to remedy that action, or for an injunction.

## 12 Investigation

### 12.1 Introduction

Any disclosure Central coast Council determines to be a public interest disclosure under s33 must be investigated under the Act, unless there is a good reason not to do so pursuant to s64.

Central Coast Council must investigate every disclosure referred to it for investigation by the Ombudsman under s63(b).

The Principal Officer will appoint an investigator to carry out the investigation. The investigator may be a person from within an organisation or a consultant engaged for the purpose.

The objectives of an investigation are to:

- collate information relating to the allegation as quickly as possible, which may involve taking steps to protect or preserve documents, materials and equipment;
- consider the information collected and to draw conclusions objectively and impartially; and
- maintain procedural fairness in the treatment of witnesses and generally to all parties involved in the disclosure.

### 12.2 Matters that do not have to be investigated

Before starting an investigation, the Principal Officer or Public Interest Disclosure Officer must first consider whether the disclosed matter needs to be investigated. Section 64 specifies certain circumstances under which a public body may legitimately decide not to investigate. Use the disclosure assessment template at Attachment 1 to assist in assessing whether any of the grounds in s64 apply.

Any decision not to proceed with an investigation on a ground specified in s64 must be made by the Principal Officer.

If it is decided that the disclosed matter is not to be investigated, written notice must be given within 14 days of this decision to both the Ombudsman and (except in the case of an uncontactable anonymous discloser) the person who made the disclosure. Reasons for the decision must accompany the notice. Use the notification template at Attachment 3 to provide notice to the Ombudsman.

The Ombudsman will review the decision. If the Ombudsman agrees that the disclosure should not be investigated, the matter does not need to be dealt with

under the Act. Importantly, the discloser still retains the protections. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will decide how the matter should be dealt with.

If the Ombudsman determines that the disclosure should be investigated, they will advise the Principal Officer.

Section 64 may be reconsidered at a later time during the investigation.

### **12.3 Appointment of investigator and framing of terms of reference**

The Principal Officer – not a Public Interest Disclosure Officer – will determine who is to carry out the investigation.

The investigator will be given formal terms of reference, signed by the Principal Officer.

The terms of reference will specify:

- the matters to be investigated;
- the date by which the investigation is to be concluded;
- the requirement for regular reports to be made to the Principal Officer, including details of compliance with any measures identified in the risk assessment; and
- the resources available to the investigator for the purposes of the investigation.

The completion date should be as soon as practicable but, in any event, not more than six months from the date of the determination that the disclosure is a public interest disclosure under s77A(1). If at any stage before or during the investigation it appears that the investigation cannot be completed within six months, Central Coast Council may apply to the Ombudsman for an extension of up to a further six months.

### **12.4 Investigation plan**

The investigator should prepare an investigation plan for approval by the Principal Officer. The plan should list the issues which are to be investigated and describe the steps which the investigator intends to take when investigating each of those issues. The risk assessment should be considered as part of the investigation planning and appropriate steps taken to reduce identified risks during the investigation.

The plan should be updated as necessary during the course of the investigation.

## 12.5 Procedural fairness

The principles of procedural fairness must be carefully observed in the course of the investigation, with respect to all parties involved. These principles are referred to as natural justice in the Act.

The principles are a set of procedural standards which need to be met in order to satisfy a person's right to a fair hearing. If natural justice is not provided, the investigation findings may be questionable and could be challenged.

Central Coast Council will comply with the following requirements in ensuring that procedural fairness is accorded to all parties involved.

No one is to be involved in the investigation:

- who is known to be biased against any person who is potentially subject to an adverse finding;
- who is known to hold any biases which are relevant to the subject matter of the investigation; or
- against whom there are reasonable grounds for apprehending or suspecting bias (the test for establishing the existence of apprehended bias is whether a fair minded lay observer, taking into account all relevant circumstances, might reasonably apprehend that the decision-maker might not bring an impartial mind to the resolution of the questions that they are required to decide).

If the investigator is aware of any reason why they may be susceptible to an allegation of bias on the basis of these principles, they should immediately inform the Principal Officer. It is best to err on the side of caution and to consider an external investigator if there might be a perception of bias over the investigation.

Any person who is potentially subject to an adverse finding or comment must be told of:

- the allegations made against them, or which have arisen against them as a result of the investigation;
- all of the information which is adverse to their interests and which is, on an objective basis, credible, relevant and significant to the investigation; and
- the proposed adverse findings, and their possible consequences.

This must be done before any final conclusions are formed by the investigator. The person subject to the potential adverse finding must be given a reasonable time to respond.

Despite the above, there is no requirement to inform the person who is subject to the disclosure as soon as it is received, or as soon as the investigation has commenced.

The final investigation report should be drafted in a way that demonstrates that procedural fairness has been afforded. For instance, it should record and deal with all submissions and evidence which a person has put in their defence.

## **12.6 Conduct of the investigation**

The Integrity Commission's Guide to Managing Misconduct in the Tasmanian Public Sector (accessible at <https://www.integrity.tas.gov.au/publications/prevention-resources/guides>) is a useful guide on the conduct of a public interest disclosure investigation.

The investigator should make contemporaneous notes of all discussions and phone calls, and audio recordings of significant interviews with witnesses should be made where possible.

All information gathered in the course of the investigation must be securely stored.

Interviews should be conducted in private, and the investigator should take all reasonable steps to protect the identity of the discloser. The name of the discloser or any particulars which might identify that person must not be revealed unless necessary, and then only with the discloser's knowledge.

## **12.7 Referral of an investigation to the Ombudsman**

Under s68 of the Act, a public body may refer the investigation of a public interest disclosure to the Ombudsman where the public body considers that its own investigation is being obstructed or that it is otherwise not within the capacity of the public body to complete the investigation. An investigation can also be referred to the Ombudsman if evidence of possible criminal conduct is found, to enable the Ombudsman to refer the matter to Tasmania Police for investigation.

Any decision as to whether the investigation should be referred to the Ombudsman will be made by the Principal Officer.

## **12.8 Provision of information about the investigation**

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept regularly informed concerning the handling of their protected disclosure and any investigation.

Section 74 of the Act requires a public body, at the request of the Ombudsman or the person who made the disclosure, to give the Ombudsman or that person reasonable information about the investigation. The information must be given within 28 days of the request.

As provided by s74(3), however, such information does not have to be given to the discloser if:

- it has already been given to the person; or

- the giving of the information would endanger the safety of another or may prejudice the conduct of the investigation.

## 13 Action taken after an investigation

### 13.1 Investigator's final report

At the conclusion of the investigation, the investigator must submit a written report of their findings to the Principal Officer. The report should contain:

- the allegation/s;
- a description of the manner in which the investigation was conducted, with sufficient detail to demonstrate that natural justice was observed;
- an account of all relevant information received;
- details of the evidence and submissions supplied by any person against whom an adverse finding is made, and the evaluation of that material by the investigator; and
- the findings made and conclusions reached, and the basis for them.

Note in particular that the report should not include any comment adverse to any person unless that person has been given an opportunity to be heard on the matter and their defence is fairly set out in the report. A public body must take action, under s75 of the Act, to redress any improper conduct found and try to prevent its recurrence. Accordingly, if the investigator has found that the alleged improper conduct has occurred, the investigator may wish to include recommendations as to:

- any steps that need to be taken by the Central Coast Council to prevent the conduct from continuing or occurring in the future; and
- any action that should be taken by the Central Coast Council to remedy any harm or loss arising from that conduct.

The steps to be taken may include bringing disciplinary proceedings against the person responsible for the conduct or referring the matter to an appropriate authority for further consideration. For example, if the investigation has revealed conduct that may constitute an unreported criminal offence, consideration should be given to whether the matter should be referred to Tasmania Police.

The internal investigation report must be accompanied by:

- the transcript or other record of any oral evidence taken, including audio or video recordings; and
- all documents, statements or other exhibits received by the investigator and accepted as evidence during the course of the investigation.

## **13.2 Action to be taken**

If the investigation makes a finding that a public officer has engaged, is engaging or proposes to engage in improper conduct, Central Coast Council must, in accordance with s75, take all reasonable steps to prevent the conduct from continuing or occurring in the future and may take action to remedy any loss or harm arising from the conduct. The Principal Officer should take into consideration any recommendations in the investigator's report, but can take different or broader action if appropriate.

The Principal Officer will provide a written report to The Minister for Local Government or Central Coast Council where disclosure relates to an employee of Council and the Ombudsman, setting out the findings of the investigation and any remedial steps taken. The report must not disclose particulars likely to lead to the identification of the discloser. The Ombudsman will also be provided with the full internal investigation report and accompanying evidence. See the notification template at Attachment 3.

As required by s77 of the Act, the Principal Officer will also inform the discloser of the findings of the investigation, and of any steps taken under s75 as a result of those findings having been made.

Where the investigation concludes that the disclosed conduct did not occur, the Principal Officer will report that finding to the Ombudsman, in accordance with the notification template at Attachment 3, and to the discloser.

## **14 Managing the welfare of the discloser**

### **14.1 Support for the discloser**

The Principal Officer or the Public Interest Disclosure Officer must appoint a Welfare Manager to support all persons who have made a protected disclosure. This must occur within five working days of the protected disclosure being received.

The Welfare Manager must contact the discloser as soon as possible and not more than five working days after being appointed.

A discloser who believes that they are being subjected to detrimental action in reprisal for having made the disclosure should report it to the Principal Officer or a Public Interest Disclosure Officer, as this can be a potential further protected disclosure. If they believe that the reprisal is not being effectively dealt with by Central Coast Council, they may report the matter to the Ombudsman.

### **14.2 Keeping the discloser informed**

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept informed of action taken in relation to their disclosure, and the time frames that apply. The discloser must be informed of the objectives of any investigation that takes place, the findings of the investigation, and the steps taken by Central Coast Council to address any improper conduct that has been found to

have occurred. The discloser must be given reasons for all decisions made by Central Coast Council in relation to a disclosure. All communication with the discloser must be in plain English.

### **14.3 Occurrence of detrimental action**

If a discloser reports an incident of detrimental action allegedly taken in reprisal for the making of a disclosure, the Welfare Manager should:

- record details of the incident;
- advise the discloser of their rights under the Act; and
- assist the discloser to advise a Public Interest Disclosure Officer or the Principal Officer of the detrimental action.

The taking of detrimental action in reprisal for the making of a disclosure can be an offence under the Act as well as grounds for making a further disclosure. Where such detrimental action is reported, the Public Interest Disclosure Officer or the Principal Officer will assess the report as a new disclosure under the Act, and it will be dealt with accordingly.

### **14.4 Discloser implicated in improper conduct**

Where a person who makes a disclosure is implicated in improper conduct, Central Coast Council will handle the disclosure and protect the discloser from reprisals in accordance with the Act, the Ombudsman's guidelines and these procedures. At the same time Central Coast Council acknowledges that the act of disclosing should not shield disclosers from the reasonable consequences flowing from any involvement in improper conduct. Section 18 of the Act specifically provides that a person's liability for their own conduct is not affected by the person's disclosure of that conduct under the Act. In some circumstances, however, an admission may be a mitigating factor when considering disciplinary or other action.

The Principal Officer will make the final decision as to whether disciplinary or other action will be taken against a discloser. Where disciplinary or other action relates to conduct that is the subject of the person's disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with.

In all cases where disciplinary or other action is being contemplated, the Principal Officer must be satisfied that it has been clearly demonstrated that:

- the intention to proceed with disciplinary action is not because of the making of the disclosure (as opposed to the content of the disclosure or other available information);
- there are good and sufficient grounds that would fully justify action against any non-discloser in the same circumstances; and
- there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The Public Interest Disclosure Officer or Principal Officer will thoroughly document the process, including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for the making of the disclosure. The Public Interest Disclosure Officer or Principal Officer will clearly advise the discloser of the proposed action to be taken, and of any mitigating factors that have been taken into account. They should advise the discloser that they can raise any concerns about the action taken being a potential reprisal with the Ombudsman.

## **15 Management of the person against whom a disclosure has been made**

Central Coast Council recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures. When a person who is the subject of the disclosure is made aware of the allegations or of an investigation, they should be provided with an appropriate contact person to whom to direct queries. Information about employee assistance programs or other supports should also be provided, if appropriate.

Central Coast Council will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process. Where an investigation does not substantiate a disclosure, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential.

The Public Interest Disclosure Officer or Principal Officer will ensure that the person who is the subject of any disclosure investigated by or on behalf of Central Coast Council is afforded procedural fairness in accordance with these procedures.

Where the allegations in a disclosure have been investigated, and the person who is the subject of the disclosure is aware of the allegations or of the investigation, the Public Interest Disclosure Officer or Principal Officer will formally advise the person who is the subject of the disclosure of the outcome of the investigation.

Central Coast Council will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Principal Officer of Central Coast Council will consider any request by that person to issue a statement of support setting out that the allegations were wrong or unsubstantiated.

## **16 Approval and review of these procedures**

These procedures were approved by the Ombudsman under s60(3) of the Act on 18 February 2022.

The procedures will be submitted to the Ombudsman for review at least once every three years to ensure they meet the objectives of the Act and accord with the Guidelines and Standards published by the Ombudsman under s38(1)(c).

The date by which the procedures must be submitted to the Ombudsman for review is February 2025.

## Assessment of disclosure form (Attachment 1)

*Public Interest Disclosures Act 2002*

File Number: \_\_\_\_\_ Date of assessment: \_\_\_\_\_

Name of assessing officer: \_\_\_\_\_

### Summary of disclosure:

*Include details of how the disclosure was received, the subject of the disclosure and details of the allegations. An assessment of disclosure form will usually need to be completed for each disclosure. This means, for example, that if a discloser is complaining about three different public officers, this constitutes three disclosures and three assessments may be required.*

## PART 1: IS THE DISCLOSURE A PROTECTED DISCLOSURE?

### *Question 1: Is the discloser a public officer?*

The discloser needs to be a current public officer. See s4(2) and s4(4) of the Act for the definition of a public officer. If the discloser is anonymous, it is enough to be satisfied that the discloser is a public officer.

If the discloser is a contractor, member of the public or no longer a public officer at the time the disclosure is made, refer them to the Ombudsman or Integrity Commission.

Yes       No

Please provide details if relevant:

***Question 2: Is the disclosure about a public officer?***

A disclosure can be made even if the discloser cannot identify the public officer – see s9 of the Act. If a disclosure is about the principal officer or the public body itself, refer the discloser to the Ombudsman or Integrity Commission.

Yes       No

***Question 3: Has the disclosure been made to the right person or body?***

See s7 of the Act and reg 8 of the Public Interest Disclosures Regulations 2013.

Yes       No

Please provide details:

***Question 4: Does the discloser believe that a public officer has, is or proposes to engage in improper conduct?***

Yes       No

If no, provide details:

**Question 5: Does the disclosure relate to improper conduct?**

Is the disclosure about conduct that could objectively fall within one of the categories of improper conduct, i.e:

- conduct that constitutes an illegal or unlawful activity; or
- corrupt conduct; or
- conduct that constitutes maladministration; or
- conduct that constitutes professional misconduct; or
- conduct that constitutes a waste of public resources; or
- conduct that constitutes a danger to public health or safety or to both public health and safety;

or

- conduct that constitutes a danger to the environment; or
- misconduct, including breaches of applicable codes of conduct; or
- conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman?

For example, a discloser may believe that taking a non-confidential work file home is serious or significant improper conduct but it may not objectively fall within that definition.

Yes       No

Please provide details:

**Question 6: Does the disclosure concern conduct that occurred on or after 1 January 2001?**

This is the only time limitation that is relevant when assessing if a disclosure is a protected disclosure. Delays in making a disclosure any time on or after 1 January 2001 can be relevant when deciding whether to investigate a public interest disclosure under s64 of the Act.

Yes       No

**Assessment of Answers to Part 1 Questions**

If **ALL** the answers to the above are yes, **the disclosure is a protected disclosure.**

The discloser should be notified as soon as possible, if the disclosure is a protected disclosure and the assessment of whether it is a public interest disclosure has not been undertaken simultaneously.

If **ANY** of the answers to the above are no, **the disclosure is not protected** and the Act does not apply. Refer the discloser to the appropriate body and/or handle the matter under complaint or grievance policies.

In either case, the discloser should be given reasons in writing. A copy of the assessment should be given to the Principal Officer without delay, where the person who carried out the assessment is not the Principal Officer.

**PART 2: SHOULD THE PROTECTED DISCLOSURE BE REFERRED TO THE INTEGRITY COMMISSION?**

*Does the disclosure relate to misconduct, as defined in the Integrity Commission Act 2009?*

Yes       No

If yes, should the disclosure be referred to the Integrity Commission under section 29B of the Act?

Yes       No

If yes, please provide details

*If the disclosure is referred, the assessment process is complete after the discloser is notified of the referral.*

### PART 3: IS THE PROTECTED DISCLOSURE A PUBLIC INTEREST DISCLOSURE?

*Are you satisfied that the protected disclosure shows, or tends to show, that the public officer to whom the disclosure relates –*

- a) has engaged, is engaged or proposes to engage in improper conduct in his or her capacity as a public officer; or*
- b) has taken, is taking or proposes to take detrimental action in contravention of s 19 of the Act?*

A mere allegation without substantiation is not sufficient – the disclosure must contain evidence or point to its existence (name documents, refer to potential witnesses etc) that shows or tends to show that the public officer is, has, or is proposing to engage in improper conduct.

This determination under s33 of the Act must be made within 45 days of the disclosure being received.

Yes       No

Provide reasons for your decision and attach evidence if available

#### **Next steps**

Notify the discloser and the Ombudsman of the assessment determination. Use the notification template attached to the public interest disclosure procedures when notifying the Ombudsman.

**If the answer is no, the assessment is complete and Part 4 does not need to be completed. The Ombudsman will review the determination.**

**If the answer is yes, the public interest disclosure must be investigated unless a ground exists not to under s64 of the Act.**

**PART 4 – IS THERE A GROUND UNDER S64 NOT TO INVESTIGATE THE PUBLIC INTEREST DISCLOSURE?**

*Question 1: Is the public interest disclosure trivial, vexatious, misconceived or lacking in substance?*

Yes       No

If yes, provide details. Compelling reasons will be required to justify not investigating on this ground:

*Question 2: Has the subject matter of the public interest disclosure already been adequately dealt with by the Ombudsman or a public body, statutory authority, Commonwealth statutory authority, commission, court or tribunal?*

Yes       No

If yes, please provide details

*Question 3: Has the discloser commenced proceedings in a commission, court or tribunal in relation to the same matter, and does that commission, court or tribunal have power to order remedies similar to those available under this Act?*

Yes       No

If yes, please provide details

*Question 4: Did the discloser:*

- *have knowledge for more than 12 months of the public interest disclosure matter before making the disclosure; and*
- *fail to give a satisfactory explanation for the delay in making the disclosure?*

Yes       No

If yes, provide details of this issue being put to the discloser and analysis concerning why any explanation provided was not satisfactory:

**Question 5: Does the public interest disclosure relate solely to the personal interests of the discloser?**

Yes       No

Most disclosures will contain some element of personal interest. This should only be used as a basis to not investigate in clear circumstances.

If yes, please provide details:

**Question 6: Is the public interest disclosure based on false or misleading information?**

Yes       No

If yes, please provide details and consider whether an offence may have been committed under s87 of the Act.

**Question 7: Has the matter the subject of the public interest disclosure already been determined AND this additional disclosure fails to provide significant or substantial new information?**

Yes       No

If yes, please provide details

### **Assessment of Answers to Part 4 Questions**

If the answers to **ALL** the questions in Part 4 are no, the disclosure must be investigated in accordance with the public interest disclosure procedures. Referral to the Ombudsman can occur if internal investigation is not possible or appropriate.

If the answer is **yes to one or more** of the above questions, will the public interest disclosure be investigated?

Yes       No

Although the public interest disclosure may not need to be investigated if an answer to any of the Part 4 questions is yes, it may still be appropriate to investigate in some circumstances.

Provide reasons for your decision:

Notify the discloser and the Ombudsman if it is decided not to investigate. The Ombudsman will review the decision. Use the notification template attached to the public interest disclosure procedures when notifying the Ombudsman.

### **SUMMARY**

<b>PART</b>	<b>QUESTION</b>	<b>ANSWER</b>
Part 1	Is the disclosure a protected disclosure?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Part 2	Should the protected disclosure be referred to the Integrity Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Part 3	Is the protected disclosure a public interest disclosure?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Part 4	Should the public interest disclosure be investigated?	<input type="checkbox"/> Yes <input type="checkbox"/> No

### **APPROVAL**

Approved by:

Name of Public Interest Disclosure Officer or Principal Officer:

\_\_\_\_\_

Date of approval: \_\_\_\_\_

## Risk Assessment Template (Attachment 2)

*Public Interest Disclosures Act 2002*

File Number: \_\_\_\_\_ Date of assessment: \_\_\_\_\_

Name of assessing officer: \_\_\_\_\_

### RISK ASSESSED TO:

*Please select all relevant options*

- |  |  |
|--|--|
| <input type="checkbox"/> Discloser                     | <input type="checkbox"/> Other employees including potential witnesses         |
| <input type="checkbox"/> Your public body              | <input type="checkbox"/> Other (e.g. Tasmanian government, the general public) |
| <input type="checkbox"/> The subject of the disclosure |  |

### TYPE OF RISK / POSSIBLE HARM

Such as:

- Adverse employment action
- Workplace injury
- Physical violence
- Verbal abuse
- Stress
- Untenable work environment
- Withdrawal of cooperation due to fear of reprisal/lack of support
- Reputational damage
- Risk to public safety
- Misuse of public funds
- Disruption to functioning of public body

*Please provide details:*

## LIKELIHOOD RISK/S WILL OCCUR

- Unlikely
- Possible
- Likely

Considerations:

- Can confidentiality be maintained?
- Is the discloser (or others) concerned about reprisals?
- How many public officers are involved in the alleged improper conduct?
- What is their level of seniority?
- What is the seriousness of the alleged conduct?
- Is there a history of conflict in the workplace?

***Please provide your reasons:***

## SERIOUSNESS OF CONSEQUENCES IF RISK/S OCCURS

- Minor
- Moderate
- Major

Considerations:

- What is the potential impact if the risk occurs?
- Will the impact be limited, with the person able to readily deal with it?
- Will the impact have consequences which will affect the person's work or their personal and home life?
- Will the consequences be short-term, medium-term or long-term?

***Please provide your reasons:***

## EVALUATION OF LEVEL OF RISK

Risk occurrence	Minor consequence	Moderate consequence	Major consequence
Unlikely	Low	Low	Medium
Possible	Low	Medium	High
Likely	Medium	High	High

*Determine your level of risk:*

## STEPS NEEDED TO MITIGATE RISK

Consult with discloser and other parties as required. Possible strategies include:

- maintaining confidentiality as much as possible
- ensuring all parties are aware of their obligations
- when the identity of the discloser will be known or guessed by the subject of the disclosure and/or associates, proactively identifying the discloser (with their written permission) and advising relevant parties of the consequences of taking reprisal action and that their actions are being monitored
- altering reporting structures
- increasing monitoring of the work environment
- standing down the subject of the disclosure
- temporarily relocating the subject of the disclosure or the discloser to a different location/ role
- independently verifying the work performance of the discloser
- providing access to specialist support services if required
- making a statement to all staff or the media to address concerns

*Please provide details:*

## ACTION TO BE TAKEN

Considerations:

- risk rating
- ease or difficulty of mitigating risk
- financial cost of taking action
- consequences of not taking action should risk occur

*Please provide details of your risk action plan:*

## APPROVAL

Approved by:

Name of Public Interest Disclosure Officer or Principal Officer:

\_\_\_\_\_

Date of approval: \_\_\_\_\_

## RISK ASSESSMENT REVIEW

*Notes on changes to risk since last assessment*

*Review outcome*

- No change to action plan
- Further action required

*Please provide details:*

## Ombudsman Notification Template (Attachment 3)

*Public Interest Disclosures Act 2002*

Public body name:

Date of Disclosure:

---

\_\_\_\_\_

Contact person (include telephone and email contact details):

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\_\_\_\_\_

Date of s33 determination (to be made within 45 days of date of disclosure):

Date of Disclosure:

---

\_\_\_\_\_

### NOTIFICATION TYPE

- Section 34 - Determination that disclosure is a public interest disclosure  
*Notification to be made within 14 days of decision*
- Section 35 - Determination that disclosure is not a public interest disclosure  
*Notification to be made within 14 days of decision*
- Section 65 - Decision not to investigate public interest disclosure under s 64  
*Notification to be made within 14 days of decision*
- Section 76 - Findings of investigation and steps taken under s 75  
*Investigation to be completed within 6 months unless Ombudsman extension granted*

### EVIDENCE ATTACHED

- Copy of original disclosure or record of oral disclosure
- Disclosure assessment
- Risk assessment/s
- Investigation report including:
  - the transcript or other record of any oral evidence taken, including audio or video recordings; and
  - all documents, statements or other exhibits received by the investigator and accepted as evidence during the course of the investigation.
- Any other material used to make determination (list):

# Disclosure to a Public Body (Attachment 4)

Public Interest Disclosures Act 2002

