
Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 16 May 2022 commencing at 6.00pm.

Councillors attendance

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

Employees attendance

General Manager (Ms Sandra Ayton)
Director Community Services (Mr Daryl Connelly)
Director Infrastructure Services (Mr Paul Breaden)
Director Organisational Services (Mr Ian Stoneman)
Acting Executive Services Officer (Ms Tracey Clark)

Media attendance

The media was not represented.

Public attendance

Four 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.

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

130/2022 Confirmation of minutes

The Acting Executive Services Officer reported as follows:

“The minutes of the ordinary meeting of the Council held on 20 April 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 Hiscutt moved and Cr Overton seconded, “That the minutes of the ordinary meeting of the Council held on 20 April 2022 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

131/2022 Council workshops

The Acting Executive Services Officer reported as follows:

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

- 26.04.2022 – Settlement Strategy
- 02.05.2022 – North West Transmission Developments; Monthly update
- 09.05.2022 – Draft Annual Plan; Draft Fees & Charges as at 1 July 2022

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS

132/2022 Mayor's communications

The Mayor to report:

"I have no communications at this time."

133/2022 Mayor's diary

The Mayor reported as follows:

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

- ANZAC Day Services, Forth, North Motton and Ulverstone
- ANZAC Day Dawn Service – Penguin
- Central Coast Community Safety Partnership Meeting – via video conference
- Questacon Invention Convention at Hive – Ulverstone
- Slipstream After Hours Cabaret Event – Ulverstone
- Switch Board Meeting – Ulverstone
- Announcement of election funding for Dial Eco Toilet facility – Penguin
- Investitures at Government House – Hobart
- Central Connect Round table meeting – Ulverstone
- Devonport Library Guest Speaker – Devonport
- Ulverstone Bowls & Community Club Annual Dinner – Ulverstone
- Shop Top Living Forum – Ulverstone
- Citizenship Ceremony – Ulverstone
- WIN Television and radio interviews."

The Deputy Mayor reported as follows:

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

- ANZAC Day Service – Penguin."

The Acting Executive Services Officer reported as follows:

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

Carried unanimously

134/2022 Declarations of interest

The Mayor reported as follows:

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

The Acting 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.”

COUNCILLOR REPORTS

135/2022 Councillor reports

The Acting Executive Services Officer reported as follows:

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

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

Cr Fuller advised Councillors that Disability Access Inclusion sessions are to be held at Hive during May and encouraged Councillors and staff to attend.

Cr Carpenter attended the Caves to Canyon Tourist Association meeting and was pleased to hear that the 20+ businesses represented were thriving. Cr Carpenter reported that the

businesses were all impressed with the success of the Hot Rods event and asked Council to consider other events that could generate similar interest in the Central Coast area. Cr Carpenter reported the group is supportive of the review of the Visitor Strategy.

APPLICATIONS FOR LEAVE OF ABSENCE

136/2022 Leave of absence

The Acting Executive Services Officer reports as follows:

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

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

There are no applications for consideration at this meeting.”

DEPUTATIONS

137/2022 Deputations

The Acting 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

138/2022 Petitions

The Acting Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

139/2022 Councillors' questions without notice

The Acting Executive Services Officer reported as follows:

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

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

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

‘8 (5) Subject to subregulation (6), a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.

(6) A council by absolute majority at an ordinary council meeting, ..., may decide to deal with a matter that is not on the agenda if –

1.3 the general manager has reported the reason it was not possible to include the matter on the agenda; and

1.4 the general manager has reported that the matter is urgent; and

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

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

The allocation of topics ensured.

140/2022 Councillors’ questions on notice

The Acting 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

141/2022 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 practical thereafter.”

142/2022 Public questions taken on notice

The Acting Executive Services Officer reported as follows:

“No public questions were taken on notice from the 20 April 2022 meeting.”

DEPARTMENTAL BUSINESS

GENERAL MANAGEMENT

143/2022 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 Council Audit Panel minutes – 28 March 2022
- Development Support Special Committee (DSSC) minutes – 9 May 2022

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

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

Carried unanimously

144/2022 Common seal

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 21 April 2022 to 16 May 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 Acting Executive Services Officer reported as follows:

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

■ Cr van Rooyen 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

145/2022 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 21 April 2022 to 16 May 2022 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Acting Executive Services Officer reported as follows:

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

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

Carried unanimously

146/2022 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 21 April 2022 to 16 May 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 Acting Executive Services Officer reported as follows:

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

■ Cr van Rooyen moved and Cr Fuller 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

147/2022 Governance model – Penguin Mountain Bike Committee

■ Cr Fuller moved and Cr Beswick seconded, “That Council work with stakeholders to determine the best governance model to support and assist the development of Mountain Bike and other recreational activities in the Dial Range; and that this work be progressed as an action of the 2022/23 Annual Plan.”

Cr Fuller, in support of her motion, submits as follows:

“Early in March 2022 Council received a presentation from the Cradle Coast Mountain Bike Club including the sharing of their Penguin Mountain Bike Park Masterplan. Following 10 years of amazing work by highly qualified volunteers, and the seeking of external funds, the Masterplan aims to:

‘facilitate the continued upgrade of the ‘Park’ through to 2026 by identifying what our mountain biking community think is needed in the Park for it to remain the premier mountain bike hub on the north-west coast.’

From the Club’s information provided most other trails around the state are council initiatives, with the investment shown below:

- Derby 125 km \$5M
- St Helens 120 km \$4.5M
- George Town (Stage 1) 16 km, (Stage 2)\$4.4M
- Wild Mersey (completed) 15 km Latrobe + 10 km Latrobe to Railton + 16 km Railton + 15 km. Sheffield = 56 km \$4.5M
- Queenstown (Mt Owen) 35 km \$3.5M
- Zeehan (Oonah Hill) 5 km \$2.5M, (Heemskirk Reserve) 50 km \$2.5M

The Penguin Mountain Bike Park has just over 7 km of constructed tracks, with 15kms of track in the Dial Reserve.

Approximately 4.8 km of PMBP trail is located on Club-leased land from Council. Of the remaining 2.7 km, 2.5 km is on land jointly leased by Club and NW Organic Centre from Council.

The Park development commenced with the lease on the Old Penguin Speedway site 4.5 Ha in 2012 with Council. The development is currently valued at \$1M in trail and built mountain bike infrastructure with funding received for approx. \$750,000.

The Committee meets the estimated \$20,000 in annual maintenance costs to maintain infrastructure.

The constructed track networks attract 23,000 riders PA – 12,000 PMBP, 11,000 Dial. Approx. 1,500 are tourist riders, with tourist riders are steadily increasing

A copy of the Masterplan is available for public view here: [CRADLE COAST MOUNTAIN BIKE CLUB MASTER PLAN 2021 – Cradle Coast Mountain Bike Club Inc \(ccmbc.com.au\)](https://www.ccmmbc.com.au)

The CCMBC can only proceed with their plan within its financial and lease restrictions.

Recently there has been an election commitment from a major party for an Eco Friendly 'Rest Stop' at the entrance to the Montgomery State Reserve, recognition of the recreational activity in the area.

There are other activities including bushwalking tracks and the maintenance thereof that also occur in and around the Reserve.

It is time for Council to formally recognise the social, health, environmental and economic benefits that these activities and associated groups contribute to our community through the development of a governance structure which supports the long term progression and sustainability of activities.

It is proposed that a group included elected members, council staff and the Cradle Coast Mountain Bike Club meet to discuss the formation of a Committee of Council or other governance structure to have oversight of future developments in the Dial as well as the development of the Penguin Mountain Bike Park."

The General Manager reported as follows:

DISCUSSION

It is recommended that a review of different types of governance arrangements used especially around Tasmania take place to see what the most appropriate arrangements would be in this particular instance. The preference would be for a group of Councillors and staff to talk to the Mountain Bike Club executive committee to understand what they want from Council and the best and most constructive way of delivering it. There are concerns also with the Committee not having expertise within the Group especially when looking at Work Health and Safety and reviewing of the tracks where maintenance would be of first priority. Resourcing would also be an issue which needs to be discussed further.

CONSULTATION

No consultation is required in relation to this item.

RESOURCE, FINANCIAL AND RISK IMPACTS

No resources required at this stage. The Council currently contributions \$8,000 in cash to help the Committee with maintenance.

CONCLUSION

Cr Fuller's motion is supported.

The Acting Executive Services Officer reported as follows:

"The motion on notice from Cr Fuller is submitted for consideration."

Carried unanimously

148/2022 Development application determinations

The Director Community Services reported as follows:

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

The Acting Executive Services Officer reported as follows:

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

■ Cr Fuller moved and Cr Beswick seconded, "That the Schedule of Development Application Determinations (a copy being appended to and forming part of the minutes) be received."

Carried unanimously

149/2022 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 Agenda Item 10.8, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Acting Executive Services Officer reported as follows:

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

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

Carried unanimously

150/2022 Subdivision – consolidation and creation of two lots and Residential – dwelling – Setbacks and building envelope for all dwellings and reliance on C7.0 Natural Assets Code at 2A Locket Street and 23 Heathcote Street, Ulverstone – Application No. DA2021346

The Director Community Services reported as follows:

“The Town Planner has prepared the following report:

‘*DEVELOPMENT APPLICATION NO.:*
PROPOSAL:

APPLICANT:

DA2021346
Subdivision – consolidation and creation of two lots and Residential – dwelling – Setbacks and building envelope for all dwellings and reliance on C7.0 Natural Assets Code
Charlie and Louise Vella

<i>LOCATION:</i>	2A Locket Street and 23 Heathcote Street, Ulverstone
<i>ZONE:</i>	General Residential Zone
<i>PLANNING INSTRUMENT:</i>	<i>Tasmanian Planning Scheme – Central Coast</i> the “Planning Scheme”)
<i>ADVERTISED:</i>	13 April 2022
<i>REPRESENTATIONS EXPIRY DATE:</i>	3 May 2022
<i>REPRESENTATIONS RECEIVED:</i>	None
<i>42-DAY EXPIRY DATE:</i>	19 May 2022
<i>DECISION DUE:</i>	16 May 2022

PURPOSE

The purpose of this report is to consider an application for a Subdivision – consolidation and creation of two lots and Residential – dwelling at 2A Locket Street and 23 Heathcote Street, Ulverstone.

Accompanying the report are the following documents:

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

BACKGROUND

Development description –

Application is made for development in two parts. Part 1 is for subdivision in the form of consolidation and the subsequent creation of two lots and Part 2 would be Residential Use Class, for the construction of a dwelling on proposed Lot 2.

Subdivision

The land is General Residential Zone. The site consists of two parcels of land being, CT180773/1 known as 2A Locket Street and CT158915/1 known as 23 Heathcote Street which is separated by Buttons Creek. The subdivision will consolidate part of 23 Heathcote Street, that is on the eastern side of Buttons Creek, with 2A Locket Street, creating a land area of 1,955m² (shown as Lot 2). The resulting balance portion of 23 Heathcote Street, on the western

side of Buttons Creek, would be a stand-alone parcel of land with an area of 1,007m² (shown as Lot 1).

Dwelling

A two-storey dwelling is proposed on the southern side of proposed Lot 2. The dwelling would be setback 2.1m from the southern rear boundary and would comprise, on the ground floor, a double garage, boat shed, associated storage and the laundry. The first floor would comprise of three bedrooms (master with ensuite), shared bathroom, lounge room, dining room, kitchen, living room and a north facing covered deck that wraps the northern elevation for 12m from the western side.

Due to the slope of the site, falling from the north-east to south-west, the dwelling would be split level and would, from the northern and eastern elevations, predominately appear single-storey. The two-storey aspect of the dwelling would be clearly seen from the western and southern elevations.

Along the southern elevation, the dwelling would be 9m at the highest point. This would taper down to a 6m height along the ridgeline and to a 5m height on the eastern side. The dwelling would be 7m to 9m high for approximately 15m in length along the southern elevation, whilst setback 2.1m from the southern rear boundary.

Access to the dwelling would be off Locket Street.

Site description and surrounding area –

The site consists of two parcels of land, being CT180773/1 known as 2A Locket Street and CT158915/1 known as 23 Heathcote Street which is separated by Buttons Creek.

There is a sewer main that intersects the middle (angled) of proposed Lot 2. The dwelling would be setback 1.3m clear of this easement. Furthermore, there is a stormwater main that runs slightly inside the northern side boundary of proposed Lot 2.

Buttons Creek adjoins the site; east of proposed Lot 1 and west of proposed Lot 2.

Proposed Lot 1 would accommodate an existing dwelling and outbuildings and would maintain its existing access off Heathcote Street. Proposed Lot 2 would accommodate the proposed dwelling and would be accessed off Locket Street.

The site adjoins General Residential zoned land, that is developed to the east and along Heathcote Street. The land to the south and north are both vacant General Residential zoned land.

Proposed Lot 2 would have a burdening right of way that enables access to 2B Locket Street, which is a vacant parcel of land to the south.

History –

When the application was lodged with the Council, concern was raised with the applicant regarding the height of the dwelling along the southern elevation and its setback of 2.1m off this boundary. Concern was raised regarding bulk and scale relating to how the proposed dwelling would be viewed from the southern property.

It was suggested that the dwelling could be redesigned to reduce the visual impacts of the southern elevation when viewed from the adjoining southern property. Furthermore, it was suggested that if the position of the dwelling was altered, so it was twisted slightly and angled to be parallel with the sewer main, it would result with the scale and bulk of the southern elevation of the proposed dwelling to face Buttons Creek, rather than the adjoining southern property.

DISCUSSION

The following table is the Town Planner's assessment against the Tasmanian Planning Scheme provisions:

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 proposal is for residential development in the form of subdivision and a two-storey dwelling on General Residential zoned land where full infrastructure services are available.

CLAUSE	COMMENT	
8.3 Use Standards		
8.3.1 Discretionary uses	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 checked="" type="checkbox"/>	Not a discretionary use.
8.3.1-(A2) External lighting for a use listed as Discretionary: (a) must not operate within the hours of 7.00pm to 7.00am, excluding any security lighting; and (b) security lighting must be baffled to ensure direct light does not extend into the adjoining property.	<input checked="" type="checkbox"/>	Not a discretionary use.

<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 checked="" type="checkbox"/>	<p>Not a discretionary use.</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> <p>(c) the type and intensity of traffic generated by the use;</p> <p>(d) the impact on the character of the area; and</p> <p>(e) the need for the use in that location.</p>	<input checked="" type="checkbox"/>	<p>Not a discretionary use.</p>
<p>8.3.2 Visitor Accommodation</p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.3.2 -(A1)</p> <p>Visitor Accommodation:</p> <p>guests are accommodated in existing buildings; and</p> <p>has a gross floor area of not more than 300m².</p>	<input checked="" type="checkbox"/>	<p>Not Visitor Accommodation.</p>

8.4 Development Standards for Dwellings		
8.4.1 Residential density for multiple dwellings	Not applicable	Assessment
8.4.1 –(A1) Multiple dwellings must have a site area per dwelling of not less than 325m ² .	<input checked="" type="checkbox"/>	Not multiple dwellings.
8.4.2 Setbacks and building envelope for all dwellings	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: <ul style="list-style-type: none"> (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; (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; (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 	<input type="checkbox"/>	<p><i>Assessment for the dwelling on proposed Lot 2. No changes are proposed to the boundary arrangements and the existing dwelling on proposed Lot 1.</i></p> <ul style="list-style-type: none"> (a) Compliant. The dwelling would be setback 29m from the frontage boundary. (b) Not applicable. No secondary frontage. (c) Not applicable. Refer to (a). (d) Not applicable. Refer to (a).

<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 type="checkbox"/>	<p>(a) Compliant. Garage would be setback 29m from the frontage boundary.</p> <p>(b) Not applicable. Refer to (a).</p> <p>(c) Not applicable. Refer to (a).</p>
<p>8.4.2 –(A3)</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 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</p>	<input type="checkbox"/>	<p>(a)(i) Compliant. As discussed above.</p> <p>(a)(ii) Non-compliant. The proposed dwelling is outside the building envelope and is also 9m high at the highest point.</p> <p>Refer to the “Issues” section of this report.</p> <p>(b)(i) Not applicable. Dwelling is setback greater than 1.5m to both side boundaries.</p> <p>(b)(ii) Not applicable. Dwelling is setback greater than 1.5m to both side boundaries.</p>

<p>above existing ground level at the side and rear boundaries to a building</p> <p>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>		
8.4.3 Site coverage and private open space for all dwellings	Not applicable	Assessment
<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 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	<input checked="" type="checkbox"/>	<p>(a) Compliant. Site coverage would be 0.16%.</p> <p>(b) Not applicable. Not a multiple dwelling development.</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>	<input type="checkbox"/>	<p>(a)(i) Compliant. Dwelling would have a north facing covered deck which has an area greater than 24m².</p>

<p>(i) 24m²; or</p> <p>(ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is 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>(a)(ii) Not applicable. Not a multiple dwelling development.</p> <p>(b)(i) Compliant. Horizontal dimension would be 10.6m.</p> <p>(b)(ii) Not applicable. Not a multiple dwelling development.</p> <p>(c) Compliant. Deck is located between the dwelling and frontage but is orientated between 30 degrees west of true north and 30 degrees east of true north.</p> <p>(d) Compliant. Deck is flat.</p>
8.4.4 Sunlight to private open space of multiple dwellings	Not applicable	Assessment
<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>	☒	Not multiple dwellings.

<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</p> <p>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 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>		
8.4.5 Width of openings for garages and carports for all dwellings	Not applicable	Assessment
<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>	<input type="checkbox"/>	Compliant. Garage would be setback 29m from the frontage.
8.4.6 Privacy for all dwellings	Not applicable	Assessment
<p>8.4.6 –(A1)</p> <p>A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding</p>	<input type="checkbox"/>	(a) Compliant. Deck would be located 10m from the western

<p>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, 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>side boundary and 18m from the eastern side boundary.</p> <p>(b) Compliant. Deck would be located 9m from the rear boundary.</p> <p>(c)(i) Not applicable. Not a multiple dwelling development.</p> <p>(c)(ii) Not applicable. Not a multiple dwelling development.</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><input type="checkbox"/></p>	<p>(a)(i) Compliant. Dwelling would be setback 10m from the western side boundary and 18m from the eastern side boundary.</p> <p>(a)(ii) Satisfied by (b)(i).</p> <p>(a)(iii) Not applicable. Not a multiple dwelling.</p> <p>(a)(iv) Not applicable. Not a multiple dwelling.</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 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>		<p>(b)(i) Compliant. Land to the south is vacant so can satisfy this provision.</p> <p>(b)(ii) Satisfied by (b)(i).</p> <p>(b)(iii) Satisfied by (b)(i).</p>
<p>8.4.6 –(A3)</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling)</p>	<p><input checked="" type="checkbox"/></p>	<p>Not a multiple dwelling - no shared driveway.</p>

<p>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>		
8.4.7 Frontage fences for all dwellings	Not applicable	Assessment
<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> <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"/>	No fence proposed.

8.4.8 Waste storage for multiple dwellings	Not applicable	Assessment
<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 1.5m² per dwelling and is within one of the following locations:</p> <p>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) a common storage area with an impervious surface that:</p> <p>(i) has a setback of not less than 4.5m from a frontage;</p> <p>(ii) is not less than 5.5m from any dwelling; and</p> <p>(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.</p>	<input checked="" type="checkbox"/>	<p>Not multiple dwellings.</p>
8.5 Development Standards for Non-Dwellings		
8.5.1 Non-dwelling development	Not applicable	Assessment
<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 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</p>	<input checked="" type="checkbox"/>	<p>Residential dwelling.</p>

<p>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</p> <p>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>		
<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> <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 or rear boundaries to a building height of not more than 8.5m</p>	<p><input checked="" type="checkbox"/></p>	<p>Residential dwelling.</p>

<p>above existing ground level; and</p> <p>(b) only have a setback less than 1.5m from a side or rear boundary if the building:</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 of the length of the side or rear boundary (whichever is lesser).</p>		
<p>8.5.1 –(A3)</p> <p>A building that is not a dwelling, must have:</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>	<input checked="" type="checkbox"/>	Residential dwelling.
<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>	<input checked="" type="checkbox"/>	Residential dwelling.

<p>(i) the topography of the site; and</p> <p>(ii) traffic volumes on the adjoining road.</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>	☒	Residential dwelling.
<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>	☒	Residential dwelling.
<p>8.5.2 Non-residential garages and carports</p>	Not applicable	Assessment
<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</p>	☒	Residential dwelling.

1 in 5 for a distance of 10m from the frontage.		
<p>8.5.2 –(A2)</p> <p>A garage or carport not forming part of a dwelling, within 12m of a primary frontage</p> <p>(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"/>	Residential dwelling.
8.6 Development Standards for Subdivision		
8.6.1 Lot design	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 450m² 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>	<input type="checkbox"/>	<p>(a)(i)a. Compliant. Lot 1 would be 1,007m² and Lot 2 would be 1,955m². Both lots are able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of all required setbacks.</p> <p>(a)(i)b. Compliant. Both lots would be able to accommodate building areas clear of easements.</p> <p>(a)(ii) Compliant for Lot 1.</p> <p>(b) Not applicable. Satisfied by (a).</p> <p>(c) Not applicable. Satisfied by (a).</p> <p>(d) Not applicable. Satisfied by (a).</p>

<p>(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>		
<p>8.6.1 –(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 frontage not less than 12m.</p>	<input type="checkbox"/>	Compliant. Lot 1 would have a frontage of 40.23m and Lot 2 would have a frontage of 36.56m.
<p>8.6.1 –(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>	<input type="checkbox"/>	Compliant. Lot 1 would be accessed off Heathcote Street and Lot 2 would be accessed off Locket Street.
<p>8.6.1 –(A4)</p> <p>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"/>	No new road proposed.
8.6.2 Roads	Not applicable	Assessment
<p>8.6.2 –(A1)</p> <p>The subdivision includes no new roads.</p> <p>8.6.2 –(P1)</p> <p>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>	<input checked="" type="checkbox"/>	No new road proposed.

<p>(a) any road network plan adopted by the council;</p> <p>(b) the existing and proposed road hierarchy;</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>		
8.6.3 Services	Not applicable	Assessment
<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</p>	<input type="checkbox"/>	<p>Referred to TasWater. Submission to Planning Authority Notice has been received.</p>

have a connection to a full water supply service.		
<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"/>	Referred to TasWater. Submission to Planning Authority Notice has been received.
<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"/>	Referred to Stormwater Authority. Conditions to apply to a Permit.

CODES

CODES	NOT APPLICABLE	APPLICABLE
C1.0 Signs Code	<input checked="" type="checkbox"/>	
C2.0 Parking and Sustainable Transport Code	<input type="checkbox"/>	<input checked="" type="checkbox"/> Refer to Table below.
C3.0 Road and Railway Assets Code	<input checked="" type="checkbox"/>	
C4.0 Electricity Transmission Infrastructure Protection Code	<input checked="" type="checkbox"/>	
C5.0 Telecommunications Code	<input checked="" type="checkbox"/>	
C6.0 Local Historic Heritage Code	<input checked="" type="checkbox"/>	
C7.0 Natural Assets Code	<input type="checkbox"/>	<input checked="" type="checkbox"/> Refer to Table below.
C8.0 Scenic Protection Code	<input checked="" type="checkbox"/>	
C9.0 Attenuation Code	<input checked="" type="checkbox"/>	

C10.0 Coastal Erosion Hazard Code	<input checked="" type="checkbox"/>	
C11.0 Coastal Inundation Hazard Code	<input checked="" type="checkbox"/>	
C12.0 Flood-Prone Areas Hazard Code	<input checked="" type="checkbox"/>	
C13.0 Bushfire-Prone Areas Code	<input checked="" type="checkbox"/>	
C14.0 Potentially Contaminated Land Code	<input checked="" type="checkbox"/>	
C15.0 Landslip Hazard Code	<input checked="" type="checkbox"/>	
C16.0 Safeguarding of Airports Code	<input checked="" type="checkbox"/>	

C2.0 Parking and Sustainable Transport Code

CLAUSE	COMMENT	
C2.5 Use Standards		
C2.5.1 Car parking numbers	Not Applicable	Assessment
<p>A1</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>	<div><input type="checkbox"/></div>	<p>Compliant. Lot 1 has an existing provision for 2 car parking spaces. Lot 2 would have the area for 2 car parking spaces with a double garage proposed.</p> <p>(a) – (d) not applicable.</p>

<p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater 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>$N = A + (C - B)$</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>		
C2.5.2 Bicycle parking numbers	Not Applicable	Assessment

A1 Bicycle parking spaces must: (a) be provided on the site or within 50m of the site; and (b) be no less than the number specified in Table C2.1.	<input checked="" type="checkbox"/>	Not required for residential use.
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C2.5.3 Motorcycle parking numbers	Not Applicable	Assessment
A1 The number of on-site motorcycle parking spaces for all uses must: (a) be no less than the number specified in Table C2.4; and; (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.	<input checked="" type="checkbox"/>	Not required for residential use.
C2.5.4 Loading bays	Not Applicable	Assessment
A1 A loading bay must be provided for uses with a floor area of more than 1000m ² in a single occupancy.	<input checked="" type="checkbox"/>	Not required for residential use.
C2.5.5 Number of car parking spaces within General Residential Zone and Inner Residential Zone	Not Applicable	Assessment
A1 Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for:	<input checked="" type="checkbox"/>	Not required for residential use.

<p>(a) Food Services uses up to 100m² floor area or 30 seats, whichever is the greater; and</p> <p>(b) General Retail and Hire uses up to 100m² floor area,</p> <p>provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.</p>		
C2.6 Development Standards for Buildings and Works		
C2.6.1 Construction of parking areas	Not Applicable	Assessment
<p>A1</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 traffic and minimise entry of water to the pavement.</p>	<input type="checkbox"/>	<p>(a) Compliant by condition.</p> <p>(b) Compliant by condition.</p> <p>(c) Compliant by condition.</p>
C2.6.2 Design and layout of parking areas	Not Applicable	Assessment
<p>A1.1</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p>	<input type="checkbox"/>	<p>A1</p> <p>(a)(i) Not applicable. Refer to (b).</p> <p>(a)(ii) Not applicable. Refer to (b).</p> <p>(a)(iii) Not applicable. Refer to (b).</p> <p>(a)(iv) Not applicable. Refer to (b).</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>(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>(a)(v) Not applicable. Refer to (b).</p> <p>(a)(vi) Not applicable. Refer to (b).</p> <p>(a)(vii) Not applicable. Refer to (b).</p> <p>(b) Compliant by condition.</p> <p>A1.2</p> <p>(a) Not required for residential use.</p> <p>(b) Not required for residential use.</p> <p>(c) Not required for residential use.</p>
<p>A1.2</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>.¹</p> <p>¹ Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016.</p>		
C2.6.3 Number of accesses for vehicles	Not Applicable	Assessment
<p>A1</p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses,</p> <p>whichever is the greater.</p>	<input type="checkbox"/>	<p>(a) Compliant. Each site has one access.</p> <p>(b) Not applicable. Refer to (a).</p>
<p>A2</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"/>	Not required for residential use.
C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone	Not Applicable	Assessment
<p>A1</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</p>	<input checked="" type="checkbox"/>	Not required for residential use.

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>		
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C2.6.5 Pedestrian access	Not Applicable	Assessment
<p>A1.1</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 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>	☒	Not required for residential use.
<p>A1.2</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>	☒	Not required for residential use.
C2.6.6 Loading bays	Not Applicable	Assessment

<p>A1</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 residential use.</p>
<p>A2</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 for residential use.</p>
<p>C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>A1</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"> (a) be accessible from a road, cycle path, bicycle lane, shared path or access way; (b) be located within 50m from an entrance; (c) be visible from the main entrance or otherwise signed; and (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 -</i> 	<input checked="" type="checkbox"/>	<p>Not required for residential use.</p>

<i>Performance and design requirements.</i>		
<p>A2</p> <p>Bicycle parking spaces must:</p> <p>(a) have dimensions not less than:</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>	☒	Not required for residential use.
C2.6.8 Siting of parking and turning areas	Not Applicable	Assessment
<p>A1</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>	☒	Not required for residential use.
<p>A2</p> <p>Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:</p>	☒	Not required for residential use.

(a) have no new vehicle accesses, unless an existing access is removed;		
(b) retain an active street frontage; and		
(c) not result in parked cars being visible from public places in the adjacent roads.		
C2.7 Parking Precinct Plan		
C2.7.1 Parking precinct plan	Not Applicable	Assessment
A1 Within a parking precinct plan, on-site parking must: <ul style="list-style-type: none"> (a) not be provided; or (b) not be increased above existing parking numbers. 	<input checked="" type="checkbox"/>	Not in the parking precinct plan area.

C7.0 Natural Assets Code

CLAUSE	COMMENT	
C7.5 Use Standards There are no use Standards in this code.		
C7.6 Development Standards for Buildings and Works		
C7.6.1. Buildings and works within a waterway and coastal protection area or a future coastal refugia area	Not Applicable	Assessment
A1 Buildings and works within a waterway and coastal protection area must: (a) be within a building area on a sealed plan approved under this planning scheme;	<div><input type="checkbox"/></div>	<p>Non-compliant. Dwelling is proposed within the watercourse protection area. No building area is shown on a sealed plan.</p> <p>Refer to the “Issues” section of this report.</p>

<p>(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or</p> <p>(c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date.</p>		
<p>A2</p> <p>Buildings and works within a future coastal refugia area must be located within a building area on a sealed plan approved under this planning scheme.</p>	<input checked="" type="checkbox"/>	No future coastal refugia area.
<p>A3</p> <p>Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.</p>	<input type="checkbox"/>	<p>Non-compliant. There would be a new stormwater discharge point into Buttons Creek.</p> <p>If a permit is issued, a condition would need to be applied to a permit addressing erosion and sediment control so as to minimise water quality impacts.</p>
<p>A4</p> <p>Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<input checked="" type="checkbox"/>	No dredging or reclamation proposed.
<p>A5</p> <p>Coastal protection works or watercourse erosion or inundation protection works must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<input checked="" type="checkbox"/>	No coastal protection works or watercourse erosion or inundation protection works proposed.

C7.6.2- Clearance within a priority vegetation area	Not Applicable	Assessment
A1 Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.	<input checked="" type="checkbox"/>	Not a priority vegetation area.
C7.7 Development Standards for Subdivision		
C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area	Not Applicable	Assessment
A1 Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must: <ul style="list-style-type: none"> (a) be for the creation of separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area. 	<input type="checkbox"/>	(a) Non-compliant. Proposed Lot 2 does not contain an existing building. Refer to the "Issues" section of this report. (b) Not applicable. Refer to (a). (c) Not applicable. Refer to (a). (d) Not applicable. Refer to (a). (e) Not applicable. Refer to (a).

C7.7.2 Subdivision within a priority vegetation area	Not Applicable	Assessment
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:</p> <ul style="list-style-type: none"> (a) be for the purposes of creating separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area. 	<input checked="" type="checkbox"/>	<p>Not a priority vegetation area.</p>

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

CCO-Table C3.1 Other Major Roads	This table is not used in this Local Provisions Schedule.
CCO-Table C6.1 Local Heritage Places	This table is not used in this Local Provisions Schedule.
CCO-Table C6.2 Local Heritage Precincts	This table is not used in this Local Provisions Schedule.
CCO-Table C6.3 Local Historic Landscape Precincts	This table is not used in this Local Provisions Schedule.
CCO-Table C6.4 Places or Precincts of Archaeological Potential	This table is not used in this Local Provisions Schedule.
CCO-Table C6.5 Significant Trees	This table is not used in this Local Provisions Schedule.
CCO-Table C8.1 Scenic Protection Areas	Not applicable to this application.
CCO-Table 8.2 Scenic Road Corridors	This table is not used in this Local Provisions Schedule.
CCO-Table C11.1 Coastal Inundation Hazard Bands AHD levels	Not applicable to this application.
CCO-Applied, Adopted or Incorporated Documents	This table is not used in this Local Provisions Schedule.
CCO-Site-Specific Qualifications	This table is used in this Local Provisions Schedule.

Issues –

1 *Clause 8.4.2–(P3) Setbacks and building envelope for all dwellings –*

The Planning Scheme's Acceptable Solution for Clause 8.4.2–(A3)(ii) states that 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 fit within the required building envelope, as per Figure 8.1.

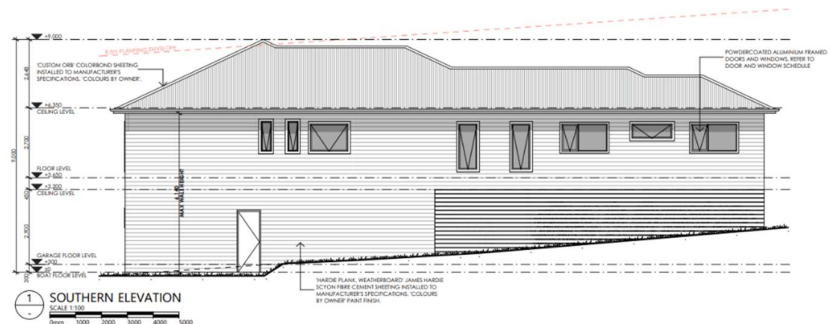
As shown on the elevation plans (refer to Annexure 2) the dwelling would be outside the required building envelope. The dwelling would also be 9m high at the highest point. Therefore, the proposed development seeks a variation to this Clause and an exercise of discretion is required.

The Planning Scheme's Performance Criteria for Clause 8.4.2–(P3) states that the siting and scale of a dwelling must:

- (a) Not cause unreasonable loss of amenity to adjoining properties, having regard to:
 - (i) Reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;
Compliant. The site to the south of the development site is vacant. As per the shadow plans, no shadow would be cast onto a habitable room of a dwelling on an adjoining property.
 - (ii) Overshadowing the private open space of a dwelling on an adjoining property;
Compliant. The site to the south of the development site is vacant. As per the shadow plans, no shadow would be cast onto an adjoining private open space area.
 - (iii) Overshadowing of an adjoining vacant property; or
Compliant. There would be some shadow cast from the proposed dwelling onto the southern vacant adjoining property. The shadow that may be cast is not considered unreasonable as there is ample area for the adjoining vacant land to develop private open space, clear of the potential shadow area. It is noted in the shadow plans that the orientation of the north point is

incorrect. However, the actual shadow depicted is correct.

- (iv) Visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;



Non-compliant. The proposed dwelling would be setback 2.1m from the southern boundary with a total wall length of 24m.

The applicant has stated that “bulk and scale has been reduced by the implementation of a hip style roof; the sloped roof allows sun to penetrate further into the southern adjoining property”. The shadow cast onto the adjoining vacant southern property is not a concern and is not a matter that is considered unreasonable, as outlined above. The applicant further states that the position of the dwelling is due to the high number of easements on the site.

As outlined to the applicant, it is acknowledged that the site has a burdening sewer easement. However, if the dwelling was redesigned to provide some visual relief (some recessions and variations to the length of wall) and/or the dwelling “twisted” so it was angled parallel to the sewer main, the bulk and scale of the southern elevation would be positioned more towards Buttons Creek rather than the vacant southern property. All properties to the west of Buttons Creek are significantly higher due to the topography of the land. The bulk and scale of the proposed dwelling’s southern elevation would not be as apparent to the properties along the western side of Buttons Creek as it would from the adjoining vacant southern property which, due to the

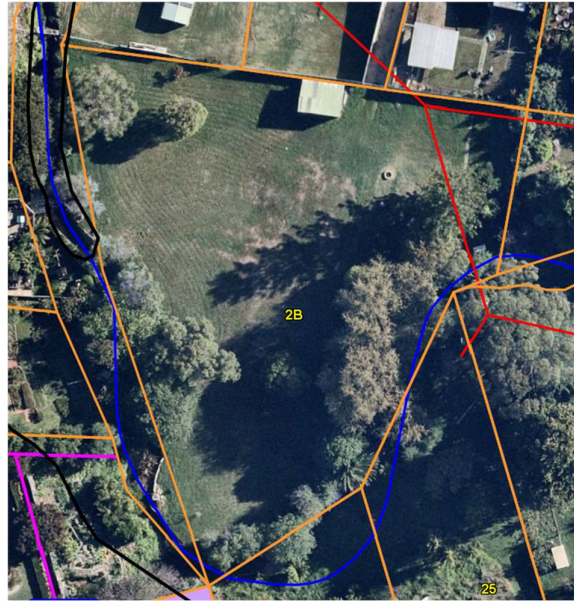
downwards, sloping topography of land, is slightly lower than the development site. This topographic variation serves to further emphasise the apparent bulk, scale and “over looming” height of the proposed dwelling.

Performance Criteria 10.4.2–(P3)(a)(iv) of the Planning Scheme requires the siting and scale of the proposed dwelling to not cause an unreasonable loss of amenity by visual impacts caused by the apparent scale, bulk or proportions of the development when viewed from an adjoining property. In this case, the adjoining property most impacted by the proposed development would be 2B Locket Street (southern adjoining property).

With regards to the Performance Criteria above, apparent is defined in the Macquarie Dictionary as “capable of being clearly perceived or understood; plain or clear.”

Amenity is defined by the Planning Scheme as “in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.”

The proposed dwelling would be clearly visible from the adjoining southern property (2B Locket Street). It is acknowledged that this property is currently vacant. However, the land is zoned General Residential with the potential for future development. The future development of this site would be slightly limited due to the presence of Buttons Creek, sewer line easements and the topography of the land, which also slopes downwards, to the south. Furthermore, the adjoining property at 2B Lockett Street is irregular in shape. Therefore, the area for future development would most likely be on the northern side of the 2B Locket Street site, towards the rear boundary of proposed Lot 2. See aerial image of 2B Lockett Street below.



The proposed dwelling on Lot 2 would be positioned 2.1m from the development site's southern boundary, which is 2B Locket Street's northern boundary. This boundary is 45m in length. The proposed dwelling would occupy more than half (50%) the length of the common boundary.

This southern elevation of the proposed dwelling shows the dwelling would be, at the highest point, 9m high. This would taper down to 6m at the western side and to 5m along the eastern side. The dwelling would be 7m or higher for approximately 15m in length, within 2.1m from the southern boundary (that is: more than 50% of the length of the southern elevation).

The design of the two-storey dwelling along the southern elevation presents as a solid wall (straight up with some windows and a door), with no variation to the floor plan and no indentations or visual relief to the profile of the wall, for a 24m length.

Therefore, due to the proposed scale, bulk and proportions of the proposed development when viewed from 2B Locket Street, the development is considered to have not satisfied the mandatory Performance Criteria 8.4.2-(P3)(a)(iv).

- (b) Provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and

Non-compliant. The pattern of separation between residential buildings in the vicinity is based on both single and two-storey buildings.

Most dwellings within the vicinity are setback greater than 2.1 m from the rear boundary and are within the required building envelope. There are some outbuildings associated with dwellings that are constructed closer to their respective boundaries. However, the length and height of these buildings are not comparative to the proposed dwelling.

As stated above, it is acknowledged that the site has a burdening sewer easement. However, if the dwelling was “turned” so it was angled parallel to the sewer main, it would create greater separation to the southern boundary. Furthermore, the proposed dwelling is relatively large. It is considered the size of the proposed dwelling has not taken into account the area allowable for development on the site and the existing separation distances of the surrounding established development.

It is considered that the proposed dwelling would dominate the rear of the development site and would have an unreasonable impact to the adjoining southern property, being 2B Locket Street.

Therefore, due to the proposed dwelling not being consistent with the established pattern of separation of existing development within the area, the development is considered to have not satisfied the mandatory Performance Criteria 8.4.2–(P3)(b).

- (c) Not cause an unreasonable reduction in sunlight on an existing solar energy installation on:
- (i) An adjoining property; or
Not applicable. No adjoining property has dwellings with solar energy installations.
 - (ii) Another dwelling on the same site.

Not applicable. No other dwelling is proposed on the same site.

2 *Reliance on C7.0 Natural Assets Code –*

The Planning Scheme's Acceptable Solution for Clause C7.6.1(a) states that buildings and works within a waterway area must be within a building area on a sealed plan approved under this planning scheme.

There is no building area on the sealed plan. The proposed dwelling would be within the waterway protection area. The application is discretionary in this regard and relies on assessment against the relative Performance Criteria.

The Planning Scheme's Performance Criteria for Clause C7.6.1–(P1.1) states that building and works within a waterway protection area must avoid or minimise adverse impacts on natural assets, having regard to:

- (a) impacts caused by erosion, siltation, sedimentation and runoff;
Compliant. A Natural Values Assessment was conducted by Environmental Consulting Options Tasmania. This report states that impacts caused by erosion, siltation, sedimentation and runoff will be mitigated by best practice guidelines as outlined in the *Wetlands and Waterways Works Manual* specifically, Module 2. *Environmental Best Practice Guidelines 2. Construction Practices in Waterways and Wetlands* will be implemented.
- (b) impacts on riparian or littoral vegetation;
Compliant. No clearance of riparian vegetation would occur as part of the proposal.
- (c) maintaining natural streambank and streambed condition, where it exists;
Compliant. No changes to the natural streambank and streambed would occur as part of the proposal.
- (d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rock and trailing vegetation;
Compliant. As stated in the Natural Values Assessment, the proposal would not impact on the in-stream habitat of the watercourse.

- (e) the need to avoid significantly impeding natural flow and drainage;

Compliant. As stated in the Natural Values Assessment the natural flow and drainage of Buttons Creek would not be altered either within or adjacent to the waterway by the proposal.

- (f) the need to maintain fish passage, where known to exist;

Compliant. As stated in the Natural Values Assessment, fish passage will not be altered as no works are proposed within Buttons Creek.

- (g) the need to avoid land filling of wetlands;

Compliant. As stated in the Natural Values Assessment, cut and fill will be minimal as the proposed dwelling has been designed for the existing slope of the land.

- (h) the need to group new facilities with existing facilities, where reasonably practical;

Not applicable. No grouping of facilities required.

- (i) minimising cut and fill;

Compliant. As stated in the Natural Values Assessment, cut and fill will be minimal as the proposed dwelling is designed for the existing slope of the land.

- (j) building design that responds to the particular size, shape, contours or slope of land;

Compliant. As stated in the Natural Values Assessment, cut and fill will be minimal as the proposed dwelling is designed for the existing slope of the land.

- (k) minimising impacts on coastal processes, including sand movement and wave action;

Not applicable to this site.

- (l) minimising the need for future works for the protection of natural assets, infrastructure and property;

Compliant. As stated in the Natural Values Assessment it is assumed that at the completion of works that there would not be the need for any significant works and that only maintenance upkeep will be required for the boundary to the watercourse, dwelling and associated access.

- (m) the environmental best practice guidelines in the *Wetlands and Waterways Works* Manual; and

Compliant. As stated in the Natural Values Assessment refer to (a) in response to this provision.

- (n) the guidelines in the *Tasmanian Coastal Works Manual*.

Not applicable to this site.

The Planning Scheme's Acceptable Solution for Clause C7.7.1(a) states that each lot, or a lot proposed in a plan of subdivision, within a waterway protection area must be for the creation of separate lots for existing buildings.

There are no buildings on proposed Lot 2. The application is discretionary and relies on the assessment against the Performance Criteria.

The Planning Scheme's Performance Criteria for Clause C7.7.1-(P1) states that each lot, or a lot proposed in a plan of subdivision, within a waterway protection area must minimise adverse impacts on natural assets, having regard to:

- (a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and

Compliant. As stated in the Natural Values Assessment, it is not possible to locate building areas and any associated bushfire hazard management areas to be outside a waterway protection area as the entire site is within the spatial extent of the waterway area. Furthermore, the Natural Values Assessment reports states that the subdivision and dwelling would not have an adverse impact on the natural asset, in this case, Buttons Creek, over and above that existing in this urban area of Ulverstone.

- (b) future development likely to be facilitated by the subdivision.

Compliant. As stated in the Natural Values Assessment, the proposal shows the development of a dwelling on an existing lawned area accessed by an existing driveway. The dwelling would not have an adverse impact on the natural asset, in this case Buttons Creek, over and above that existing in this urban area of Ulverstone.

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 provided.
TasWater	Submission to Planning Authority Notice received 21 April 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*:

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

Representations –

No representations were received during the public notification period.

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 two-storey dwelling does not satisfy the Planning Scheme's applicable Performance Criteria, in that the dwelling would cause an unreasonable loss of amenity regarding visual impacts caused by the apparent scale, bulk and proportions of the dwelling when viewed from the adjoining southern vacant property and would not provide adequate separation between the dwelling and adjoining lots that is compatible with that prevailing in the surrounding area.

The development relies upon a Planning Scheme's mandatory Performance Criteria. If compliance cannot be achieved or justified, then the development must be refused.

It is considered the proposal has not satisfied the Performance Criteria and it is appropriate the proposed development be refused.

It is noted that there are no concerns regarding the Subdivision aspect of the application. However, the Council cannot approve one aspect of an application if the other aspect, in this case the dwelling, cannot be approved. The application must be refused as a whole.

Recommendation –

It is recommended that the application for Subdivision – consolidation and creation of two lots and Residential – dwelling – Setbacks and building envelope for all dwellings and reliance on C7.0 Natural Assets Code at 2A Locket Street and 23 Heathcote Street, Ulverstone be refused for the following reasons:

- 1 The proposal does not satisfy Clauses 8.4.2–(P3)(a)(iv) and 8.4.2–(P3)(b) in that the development would cause an unreasonable loss of amenity in regard to –
 - (a) the apparent scale, bulk or proportions of the dwelling when viewed from the adjoining vacant southern property at 2B Lockett Street; and
 - (b) would not provide adequate separation between the dwelling and adjoining lots that is compatible with that prevailing in the surrounding area.’

The report is supported.”

The Director Community Services reported as follows:

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

■ Cr Carpenter moved and Cr van Rooyen seconded, “That the application for Subdivision – consolidation and creation of two lots and Residential – dwelling – Setbacks and building envelope for all dwellings and reliance on C7.0 Natural Assets Code at 2A Locket Street and 23 Heathcote Street, Ulverstone be approved as the Planning Authority believes the development would not cause an unreasonable loss of amenity, subject to the following conditions:

- 1 The development must be substantially in accordance with the plans by Plans to Build, Drawing Nos. A00 to A13 dated 4 March 2022 and Plan of Subdivision prepared by Alan Dodds dated 18 October 2021.
- 2 The development must be in accordance with the conditions of TasWater’s Submission to Planning Authority Notice, Reference No. TWDA 2022/00507–CC dated 21 April 2022.
- 3 The development must be in accordance with the recommendations contained in the Natural Values Assessment prepared by Environmental Consulting Options Tasmania dated 28 February 2022.

Infrastructure Services

- 4 Works undertaken must not result in a dust or noise nuisance to the adjoining properties.

- 5 Whilst site/building works are occurring and until all exposed soil areas are permanently stabilised against erosion, the developer must minimise on-site erosion and the release of sediment or sediment laden stormwater from the site and work areas in accordance with the '*Soil and Water Management on Standard Building and Construction Sites – Fact Sheet 2*' published by the Department of Natural Resources and Environment Tasmania.
- 6 The two existing kerb crossovers and driveways on Heathcote Street must be used to provide access to the existing dwelling on proposed Lot 1.
- 7 Access to the proposed Lot 2 must be provided on Locket Street, using a minimum 3.6m wide to maximum 6m wide access kerb crossover and driveway in accordance with the approved plans.
- 8 The kerb crossover must be constructed by the Council in accordance with the Tasmanian Standard Drawing TSD-R14-v3 Urban Roads – Approved Concrete Kerbs and Channels Profile Dimensions at the owner's/developer's cost.
- 9 The driveway must be constructed in accordance with the Tasmanian Standard Drawing TSD-R09-v3 Urban Roads – Driveways, in a plain concrete finish, by the owner/developer.
- 10 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.
- 11 Stormwater and associated infrastructure must be provided in accordance with the Tasmanian Standard Drawings, unless otherwise required or approved by Council's Director Infrastructure Services.
- 12 A new underground stormwater connection, to the Council stormwater infrastructure, must be provided to service both lots unless it can be demonstrated to the satisfaction of Council's Director Infrastructure Services that the existing dwelling on proposed Lot 1 is already suitably connected to the Council's stormwater system.
- 13 Stormwater run-off from buildings and hard surfaces, including from vehicle parking and manoeuvring areas on proposed Lot 2, must be collected and discharged to Council's stormwater infrastructure in accordance with the *National Construction Code 2019* and must not cause a nuisance to neighbouring properties.

Please Note

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

is made before this period expires. If the Permit lapses, a new application must be made.

- 2 "Substantial commencement" is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.
- 4 Solid fencing within 4.5m of a road frontage to a height of 1.2m above existing ground level, or fencing that has openings above the height of 1.2m which provides a uniform transparency of at least 30%, to a maximum height of 1.8m, is "Exempt" and does not require planning approval. Fencing outside these requirements within 4.5m of a road frontage would be 'Discretionary' and require the lodgement of a planning application.
- 5 Side boundary fencing is to angle down to the public road reserve boundary in accordance with AS/NZS 2890.1:2004 Parking Facilities – Part 1: Off-street car parking, Figure 3.3 "Minimum Sight Lines for Pedestrian Safety".
- 6 The applicant is encouraged to consider planting trees on the site, as a voluntary way of contributing to the objectives of Council's Greening Central Coast Strategy.

Infrastructure Services

- 7 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*.
- 8 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.
- 9 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.

- 10 Prior to commencement of works, if required, 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, at developer's cost. Drainage costings as listed in the Council's Fees and Charges register apply.
- 11 Works 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.
- 12 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

151/2022 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

152/2022 Statutory determinations

The Director Corporate Services reported as follows:

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

The Acting Executive Services Officer reported as follows:

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

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

Carried unanimously

153/2022 Public question time

The Mayor introduced public question time at 6:40pm.

Via email – Janeen Lillas – Penguin

Question 1 –

What will be done about watercraft access to the Watcombe Beach? At the moment now on the plans and construction there is only one access suitable and that is from Lions Park. The provisions for watercraft at Preservation Bay has been factored more generously. Watcombe beach is a popular fishing spot for kayaks due to its reefs and weed and somewhat protected geographical nature. I feel that the users of this beach have been forgotten in the greater picture and haven’t been catered for. For example the only ramp to the beach is at the Lions Park end so if you were walking from Seaside Crescent, you would have to walk to the other end of the beach before accessing the beach and visa versa on return.

Response –

“The issue of access to the beach at the eastern end has recently been raised and is currently being investigated.”

Question 2 –

Are the rocks between Watcombe beach and Main Beach going to be returned to their rightful spots? The children's nature playground in that middle area had been interfered with and the caves that they play in have been blocked by debris – another example of not understanding the previous use of the beach in the current project.

Response –

“Much of the foreshore embankment is being reconstructed as part of this project. The rocks have been temporarily relocated and will be reused in the final rock wall construction.”

Debra Hancock – Penguin

Question 1 –

Could Council put in place some signage at the Penguin Football Ground for No Parking along Sports Complex Road, adjacent to club change rooms and walkway, or a yellow strip line on the road?

Response –

“Council officers are currently investigating the parking and traffic management requirements of the Dial Sports Complex to develop a suitable solution.”

Question 2 –

Could Council please have local police monitor this to stop offenders/fine them as this is a major accident waiting to happen for motorists using this throughfare and for walkers using the crossing?

Response –

“Council Officers can enforce parking and will be able to monitor the area in addition to police.”

Questions and responses concluded at 6:46pm.

154/2022 Amendment to Animal Control By-law No. 1 of 2018 (288/2018 – 15.10.2018)

The Director Corporate Services reported as follows:

“The Manager Regulatory Services has prepared the following report:

PURPOSE

The purpose of this report is to consider amendments to the Animal Control By-law No. 1 of 2018 (the By-law) and to commence the community consultation process.

BACKGROUND

The By-law was adopted by Council in 2018, in response to complaints about excessive numbers of poultry and farm animals in residential areas.

The By-law was found to be necessary due to inadequate legislation that specifically deals with such nuisances. It has proved useful when complaints are received about animal keeping and has helped resolve several long-term complaints.

DISCUSSION

While the By-law has proven useful in resolving complaints, some anomalies have been identified by those who implement it. The By-law includes licencing provisions for poultry and farm animals. An exemption is provided for small numbers of hens, six large or 10 bantam hens. However, the definition of poultry includes all birds meaning that permits are required for even a single small aviary bird such as a budgie or canary. This is not desirable as it is an avenue for vexatious complaints.

The amendments address that by changing the definition of “poultry”, introducing a new definition “caged bird” and providing a licencing exemption for up to 20 caged birds.

The By-law currently applies to land zoned “Residential”, although the Planning Scheme does not contain that specific zone. The amended By-law would apply to the General Residential and Low Density Residential zones.

A community organisation made a submission to the Joint Standing Committee Subordinate Legislation (the Committee) regarding the Council’s By-law. The setback requirements from boundaries were thought unworkable on small lots and the option of night boxes for roosters was requested.

As a result of that, the Committee requested the following changes to the By-law:

- removal of setback distances from boundaries to provide greater flexibility;
- simplified terminology;
- exemption for small numbers of aviary birds;
- simplified clause relating to bee-keeping;

- permit conditions may include a condition that roosters are kept in night boxes during night hours to reduce noise issues

The amended By-law address all these requirements. A copy of the draft amended By-law is appended to this report. Council's solicitor has reviewed the amended By-Law and made some edits. He has advised that an additional Regulatory Impact Statement is not required.

CONSULTATION

The *Local Government Act 1993* requires a council intending to make or amend a By-law to pass a resolution by absolute majority to that effect, prior to undertaking consultation. The council must then consider any submissions and decide whether to amend the draft based on community input.

RESOURCE, FINANCIAL AND RISK IMPACTS

No impacts.

CORPORATE COMPLIANCE

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

The Shape of the Place

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

A Connected Central Coast

- Improve community well-being.

The Environment and Sustainable Infrastructure

- Contribute to a safe and healthy environment
- Contribute to the preservation of the natural environment.

Council Sustainability and Governance

- Improve service provision

CONCLUSION

It is recommended that the Council place the draft amended Animal Control By-law on public exhibition for 21 days, advising of the Council's intent to make amendments to the By-law.'

The Manager Regulatory Services report is supported."

The Acting Executive Services Officer reported as follows:

“A copy of the draft amended Animal Control By-law has been circulated to all Councillors.”

■ Cr van Rooyen moved and Cr Hiscutt seconded, “That the Council place the draft amended Animal Control By-law on public exhibition for 21 days, advising of the Council’s intent to make amendments to the By-law.”

Carried unanimously

CLOSURE OF MEETING TO THE PUBLIC

155/2022 Meeting closed to the public

The Acting Executive Services Officer reported as follows:

“The *Local Government (Meeting Procedures) Regulations 2015* provide that a meeting of a council is to be open to the public unless the council, by absolute majority, decides to close part of the meeting because one or more of the following matters are being, or are to be, discussed at the meeting.

Moving into a closed meeting is to be by procedural motion. Once a meeting is closed, meeting procedures are not relaxed unless the council so decides.

It is considered desirable that the following matters be discussed in a closed meeting:

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”
1. Dulverton Waste Management Board – meeting held 27 April 2022	

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

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to

	the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”
1. Dulverton Waste Management Board – meeting held 27 April 2022	

The Acting 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 6.50pm.

CLOSED SESSION SUMMARY

The Executive Services Officer reported as follows:

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

Matter	Description of matter discussed
156A/2022 – Confirmation of Closed Session Minutes	The Closed session minutes of the previous ordinary meeting of the Council held on 20 April 2022 had been circulated. The minutes are required to be confirmed for their accuracy.
157A/2022 – Minutes and notes of other organisations and committees of the Council	The minutes and notes have been provided to the Council on the condition they are kept confidential.
Dulverton Waste Management Board – meeting held 27 April 2022	

CLOSURE

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

CONFIRMED THIS 20th DAY OF JUNE, 2022.

Chairperson

(tc:kh)

Appendices

- Minute No. 144/2022 – Schedule of Documents for Affixing of the Common Seal
- Minute No. 145/2022 – Schedule of Contracts and Agreements
- Minute No. 146/2022 – Schedule of Correspondence Addressed to Mayor and Councillors
- Minute No. 148/2022 – Schedule of Development Application Determinations
- Minute No. 152/2022 – Schedule of Statutory Determinations
- Minute No. 154/2022 – Amendment to Animal Control By-law No. 1 of 2018 (288/2018 – 15.10.2018)

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

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

Period: 21 April to 16 May 2022

Documents for affixing of the common seal under delegation

- . Roving Curator assistance deed
The Crown in Right of Tasmania (represented by Arts Tasmania – Department of State Growth) and Central Coast Council
Deed purpose: Roving Curator 2021 Program which entitles Council to 18 days of Roving Curator time for the Ulverstone History Collection Policy Review and Forward Plan
- . Final Plan of Survey and Schedule of Easements
Subdivision, 340 Preservation Drive, Sulphur Creek
Application no. DA2018226
Folio ref: C.T.138715/1
- . Use of personal information agreement
The Crown in Right of Tasmania (represented by the Registrar for Motor Vehicles) and Central Coast Council
Deed purpose: Agreement between the Registrar of Motor Vehicles and Central Coast Council regarding the use of personal information accessed from the Motor Registry System


Sandra Ayton
GENERAL MANAGER

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Ulverstone Tasmania 7315
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SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the Common Seal)

Period: 21 April to 16 May 2022

Contracts

- . Contract 13/2021–2022
FRM Materials Handling Pty Ltd
Supply and delivery of one Hine FG1628 truck with tipper body as per Tender F403 – 2021
Total contract amount: \$110,219.58 Inc GST
- . Contract for Sale of Real Estate in Tasmania
Jake Aaron Deacon, Karen Gaye Deacon, Dayle Gregory Deacon and Central Coast Council
Lot 1, Recreation Drive, Penguin (adjoining 2A Dial Road, Penguin)
Property Identifier Number: 9139071
Title Reference: 180631/1
Sale price: \$49,235.00 plus GST
Date of contract: 29 April 2022
- . Contract 14/2021–2022
Webster Trucks Isuzu
Supply and delivery of one Isuzu FSR 140–260 14T GVM truck with Tipper body, as per Tender F405 – 2021
Total contract amount: \$101,300.60 Inc GST

Agreements

- . Lease Agreement
Central Coast Council and The Crown Right of Tasmania
The premises located at 13–15 Alexandra Road, Ulverstone
Term of lease: Two years and eleven months
Start date: 1 February 2022
Expiry date: 31 December 2024
- . Lease Agreement
Central Coast Council and Robert George and Wendy Marjorie Wilton
Rear 15 Top Gawler Road, Gawler
Term of lease: 1 year
Start date: 1 April 2022
Expiry date: 31 March 2023

- . Lease Agreement
Central Coast Council and Penguin Men's Shed
Part 145 Ironcliffe Road, Penguin Chopping Complex, Dial Regional Sports Complex, Penguin
Term of lease: 5 years
Start date: 1 December 2021
Expiry date: 30 November 2026
- . Lease Agreement
Central Coast Council and Cradle Coast Mountain Bike Club
Clubhouse and shed, Ironcliffe Road, Penguin
Term of lease: 5 years
Start date: 1 May 2022
Expiry date: 30 April 2027
- . Strata Plan
146A Main Street, Ulverstone
Application No. DA2020094
Folio Ref: 178256/2
- . Strata Plan
40 Mission Hill Road, Penguin
Application No. DA2018154
Folio Ref: 176411/2


Sandra Ayton
GENERAL MANAGER

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

Period: 21 April to 16 May 2022

- . An email requesting a 15 minute parking allocation for customers out the front of an Ulverstone business.
- . An email raising issues around access to Watcombe Beach from Main Road, Penguin and a request for Council to organise a water truck to wash off the weed killer.
- . An email from Penguin History Group raising concerns with consultants reports regarding the future development of Penguin and a request to Protect the Penguin History Group's presence at the Old Penguin Railway Station in the future.
- . A letter from Cradle Coast Authority responding to the Advocate article from 14 May 2022.



Sandra Ayton
GENERAL MANAGER

Central Coast Council
List of Development Applications Determined
Period from: 1 April 2022 to 30 April 2022

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2021296	780 South Road PENGUIN,TAS,7316	Discretionary	Service Industry – vehicle repair workshop and Storage – three storage sheds to comprise a total of 40 self-storage units and an associated toilet facility	19/10/2021	1/04/2022	30	\$477,000.00
DA2021303	144 South Road PENGUIN,TAS,7316	Discretionary	Residential – demolition of existing buildings and construction of 29 multiple dwellings	27/10/2021	20/04/2022	42	\$500,000.00
DA2021324 – 1	12 & 27 Breheny Place WEST ULVERSTONE,TAS,7315	Minor amendment of a Permit.	Residential – 48 multiple dwellings and consolidation of lots	8/04/2022	14/04/2022	3	\$1,000.00
DA2021331	26–28 South Road PENGUIN,TAS,7316	Discretionary	Subdivision – 3 residential lots	18/11/2021	14/04/2022	21	\$0.00
DA2022007	15 Shorehaven Drive TURNERS BEACH,TAS,7315	Discretionary	Residential – dwelling, secondary residence and garage	17/01/2022	20/04/2022	43	\$730,000.00
DA2022021	110 Ironcliffe Road & Lester Road – CT102762/2 PENGUIN,TAS,7316	Discretionary	Subdivision – 9 lots	2/02/2022	6/04/2022	26	\$50,000.00
DA2022026	15 Loongana Road NIETTA,TAS,7315	Discretionary	Resource Development – Storage sheds	7/02/2022	6/04/2022	28	\$65,000.00
DA2022034	14A Beach Road ULVERSTONE,TAS,7315	Discretionary	Residential – dwelling and outbuilding	10/02/2022	5/04/2022	33	\$800,000.00
DA2022045	314 Ironcliffe Road PENGUIN,TAS,7316	Discretionary	Residential – dwelling and shed, including demolition of existing dwelling and shed	18/02/2022	27/04/2022	28	\$460,000.00
DA2022048	18 Tower Place WEST ULVERSTONE,TAS,7315	Discretionary	Residential – dwelling	22/02/2022	1/04/2022	28	\$450,000.00

Central Coast Council
List of Development Applications Determined
Period from: 1 April 2022 to 30 April 2022

DA2022053	36 Main Street ULVERSTONE,TAS,7315	Discretionary	Business and Professional Services – change of use – Speech Pathology Practice	2/03/2022	20/04/2022	44	\$15,000.00
DA2022061	3 Braddons Lookout Road LEITH,TAS,7315	Discretionary	Residential – dwelling and shed	9/03/2022	29/04/2022	36	\$652,970.00
DA2022068	15 Tower Place WEST ULVERSTONE,TAS,7315	Discretionary	Residential – two multiple dwellings	16/03/2022	14/04/2022	21	\$550,000.00
DA2022070	57 Water Street ULVERSTONE,TAS,7315	Permitted	Visitor accommodation – demolition of existing caravan and annex and replacement cabin with amenities	17/03/2022	27/04/2022	5	\$80,000.00
DA2022076	32 Trevor Street ULVERSTONE,TAS,7315	Discretionary	Storage – catering and functions equipment and materials	28/03/2022	27/04/2022	28	\$0.00
DA2022080	385 South Road WEST ULVERSTONE,TAS,7315	Permitted	Resource development – farm shed	29/03/2022	12/04/2022	6	\$100,000.00
DA2022082	72 Forth Road & 8 Grants Court TURNERS BEACH,TAS,7315	Permitted	Subdivision – Adjustment of a Boundary	29/03/2022	26/04/2022	19	\$0.00
DA2022083	86 Main Road PENGUIN,TAS,7316	Permitted	Food Services and General Retail and Hire (fruit and vegetable shop) and Hanging Sign	30/03/2022	8/04/2022	4	\$5,500.00
DA2022097	18 South Road PENGUIN,TAS,7316	Permitted	Demolition – removal of secondary dwelling	11/04/2022	20/04/2022	8	\$0.00
DA2022109	58 Queen Street WEST ULVERSTONE,TAS,7315	Permitted	Demolition of outbuilding	20/04/2022	27/04/2022	1	\$10,000.00
DA2022111	450 Stotts Road RIANA,TAS,7316	Permitted	Resource Development & Residential – retrospective application – extension to existing dwelling and farm shed	21/04/2022	27/04/2022	1	\$150,000.00

SCHEDULE OF STATUTORY DETERMINATIONS MADE UNDER DELEGATION

Period: 1 April 2022 to 30 April 2022

Building Permits – 1

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

Demolition Permit – 0

Permit of Substantial Compliance – Building – 0

Notifiable Work – Building – 15

. New dwellings	3	\$1,847,000
. Outbuildings	7	\$558,666
. Additions/Alterations	1	\$110,000
. Other	4	\$8,693
. Units	0	\$0

Building Low Risk Work – 1

Certificate of Likely Compliance – Plumbing – 11

No Permit Required – Plumbing – 0

Food Business registrations (renewals) – 15

Food Business registrations – 3

Temporary Food Business registrations – 1

SCHEDULE OF REGULATORY SERVICES DETERMINATIONS MADE UNDER DELEGATION

Period: 1 April 2022 to 30 April 2022

FIRE ABATEMENT INSPECTIONS COMPLETED – 2**FIRE ABATEMENT CHECKS ON NOTICES ISSUED – 1****ABATEMENT NOTICE/S ISSUED**

ADDRESS PROPERTY ID

Nil

KENNEL LICENCE/S ISSUED

ADDRESS OWNER

Nil

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

ADDRESS PERMIT ISSUED FOR

102 William Street, Forth 2 Goats

WANDERING LIVESTOCK COMPLAINTS – 1**DOG ATTACKS ON LIVESTOCK – 1**

SCHEDULE OF OTHER REGULATORY SERVICES STATUTORY RESPONSIBILITIES

Period: 1 April 2022 to 30 April 2022

DOGS IMPOUNDED

Claimed	10
Burnie Dogs Home	0
Devonport Dogs Home	0
RSPCA Spreyton	0
Destroyed	0
Held over	0

DOG OFFENCES

Dog Attacks on Other Dogs	4
Dog Attacks on Persons	1
Barking Dog Complaints	6
Unregistered Dogs Found by Compliance	12

INFRINGEMENT NOTICES ISSUED FOR DOG OFFENCES 5**INFRINGEMENT NOTICES ISSUED FOR DOGS OFF-LEAD IN ON-LEAD AREA**

Penguin Beaches	0
Turners Beach	0
Buttons Beach	0
Midway Beach	0

PATROLS UNDER CAMPING BY-LAW NO. 1 OF 2020**PATROLS OF FREE CAMPING AREAS – 22**

Halls Point	15
Penguin Surf Life Saving Club	15
Forth Oval	10
Nicholson Point	12

Cautions Issued to Campers in Free Camping Areas 6**TRAFFIC INFRINGEMENT NOTICES FOR PARKING OFFENCES – 21**

Alexandra Road	0	0%
Bannons Car Park	2	10%
Coles/Furner's Car Park	0	0%
Crescent Street, Ulverstone	13	62%
Eastland Drive	0	0%

King Edward Street, Ulverstone	2	10%
Main Road, Penguin	0	0%
North Reibey Street Car Park	0	0%
Reibey Street	4	19%
Surf Club Road, Penguin	0	0%
Victoria Street	0	0%
Wharf Car Park	0	0%
Wongi Lane	0	0%
Other	0	0%
ABANDONED CARS	2	
PARKING PERMITS ISSUED	1	



Ian Stoneman
DIRECTOR CORPORATE SERVICES

CENTRAL COAST COUNCIL
ANIMAL CONTROL BY-LAW
BY-LAW 1 of 2018
BY-LAW MADE UNDER SECTION 145
OF THE *LOCAL GOVERNMENT ACT 1993*
FOR THE PURPOSE OF
REGULATING AND CONTROLLING ANIMALS WITHIN RESIDENTIAL AREAS

PART 1 - PRELIMINARY

Short Title

- 1 This by-law may be cited as the Animal Control By-law.

Interpretation

- 2 In this by-law:

"the Act" means the *Local Government Act 1993*;

"animal" means an animal referred to in section 3 of the *Animal Welfare Act 1993*;

"approved" means things which are the subject of conditions (if any) under a permit granted by the Council;

"authorised officer" means a Compliance Officer, an Environmental Health Officer or an employee of the Council as authorised for all purposes by the General Manager under this by-law;

"caged bird" means a domesticated bird adapted to being housed or kept in a cage or aviary, not including poultry;

"Council" means the Central Coast Council;

"General Manager" means the General Manager of the Council appointed pursuant to section 61 of the Act;

"owner" includes the occupier or other person having the control and management of any land or premises;

"penalty unit" means a penalty unit under the *Penalty Units and other Penalties Act 1987*;

"person" means an individual, corporation, business or any other legal entity;

"poultry" includes birds including ducks, geese, guinea fowl, peacocks, pheasants, hens and roosters;

"prescribed district" means the area defined in clause 3;

"rooster box" means a darkened enclosure used to house a rooster during night hours.

Application – Prescribed District

- 3 This by-law applies to the areas in the municipal area of Central Coast Council which are zoned General Residential and Low Density Residential under the Tasmanian Planning Scheme - Central Coast.
- 4 This by-law will apply from [insert date].

PART 2 - CONTROL OF ANIMALS

Division 1 - Keeping Animals

Prohibition on keeping certain animals in the prescribed areas

- 5 A person must not have or keep, on a temporary or permanent basis, any of the following in the prescribed district without a permit:
 - (a) farm animals including horses, cattle, other farm animals or livestock, such as but not limited to:
 - (i) sheep,
 - (ii) goats,
 - (iii) pigs,
 - (iv) donkeys,
 - (iv) roosters;
 - (b) bees, subject to clause 16;
 - (c) poultry, subject to clauses 11 and 12;
 - (d) caged birds, subject to clause 13.

Penalty: 1 penalty unit

- 6 The General Manager may issue a permit to keep animals including pigs, horses or other livestock, roosters, bees, caged birds and poultry upon such terms and conditions as the General Manager may determine and which licence will be personal to the licence holder for as long as that person remains the owner or occupier of the land for which the permit applies to.
- 7 An application for a permit is to be accompanied by the appropriate fee as determined by the Council.
- 8 The permit fee will be paid once at the application time.

- 9 A permit fee is personal to the licence holder, will be as set as part of Council's annual Fees and Charges.
- 10 A person must comply with the terms and conditions of any permit issued and failure to do so and may be a basis for revocation of the permit at the absolute discretion of the General Manager.

Penalty: 1 penalty unit

Keeping of caged birds and poultry

- 11 Up to 6 adult standard hens, 10 adult bantam hens, or 8 adult mixed size hens can be kept by any person without the requirement of holding a permit.
- 12 The keeping of chickens under the age of 6 months is exempt from the need to apply for a permit.
- 13 Up to 20 caged birds can be kept without the requirement of a permit.
- 14 A permit is required for the keeping of additional hens and caged birds above the number in clauses 11 and 13.
- 15 A permit is required for the keeping of any rooster above the age of 6 months within the prescribed district at any time. A permit may include a condition that roosters be kept in rooster boxes.

Keeping of beehives

- 16 A person may keep a maximum of 2 beehives without a permit.

Penalty: 1 penalty unit

- 17 The keeping of bees whether under a permit or not must be in accordance with the Code of Practice for Urban Beekeeping in Tasmania.
- 18 A person must not keep bees within 25 metres of a street or road and 25 metres of any dwelling.

Penalty: 1 penalty unit

- 19 A person must not keep bees within 4 metres of a property boundary.

Penalty: 1 penalty unit

Maintenance of premises used by animals

- 20 The occupier of any premises where an animal as described in clause 5, is kept must:
- (a) keep any structures, buildings, enclosures or areas which the animal has access to clean and sanitary; and
 - (b) dispose of bedding or floor covering, or waste food or store until disposed in a

waterproof and tightly covered container; and

- (c) keep manure in a waterproof and/or tightly covered container when requested to do so by an authorised officer; and
- (d) not permit any build-up of manure such that there is any nuisance or run-off into rivers, drains or stormwater; and
- (e) empty any container used for keeping used bedding or floor covering, waste food, or manure regularly and keep the container hygienic; and
- (f) not allow the animal to cause any nuisance through smell, noise, rodents, flies or drainage; and
- (g) take all necessary steps to abate any nuisance that may arise as a result of keeping of the animal; and
- (h) maintain fencing or other structures, buildings or enclosures housing the animal to an adequate standard, as may be determined by an authorised officer, so as to prevent the escape of the animal onto a highway or another person's property.

Penalty: 1 penalty unit

Proper location of animals

21 The owner or person in charge of an animal must ensure that it does not:

- (a) enter or remain on any property, without the consent of the owner or occupier of the property; or
- (b) enter any public land unless there is a sign displayed on that land authorising the entry of that kind of animal.

Penalty: 1 penalty unit

22 The owner or person in charge of a farm animal must ensure that the farm animal is confined to:

- (a) the owner's property; or
- (b) a property on which the owner or occupier has consented that the farm animal maybe kept.

Penalty: 1 penalty unit

23 Clause 22 does not apply when the farm animal is on a road and is under the effective control of the owner or another competent person.

24 Any animal found straying or at large on any highway or on any land under the control of the Council shall be dealt with in accordance with Part 12, Division 5 of the *Local Government Act 1993*.

Animal nuisance

- 25 The owner or person in charge of an animal must ensure it does not foul another person's property without that other person's consent.

Penalty: 1 penalty unit

- 26 The owner or person in charge of an animal that fouls any public land or road must immediately clean up and dispose of the deposit in a lawful manner.

Penalty: 1 penalty unit

- 27 The owner or person in charge of an animal must ensure it does not attack any person, or any other animal.

Penalty: 2 penalty units

- 28 An owner or occupier of premises must ensure that a nuisance is not created by an animal on those premises, or by the manner in which it is kept.

Penalty: 1 penalty unit

- 29 The General Manager, if satisfied that a nuisance is caused, or contributed to, by the number or type of animals kept on any premises, may serve a notice under this by-law, instructing the reduction in specified animal numbers and/or type of animals being kept.

- 30 The owner or occupier of premises must ensure that the carcass of any animal on those premises is suitably disposed of within a reasonable time after which the carcass has been discovered.

Penalty: 1 penalty unit

- 31 For clause 30 suitable disposal means:

- (a) disposal at an authorised local government waste management site; or
- (b) subject to any other relevant legislation complete cremation of the entire carcass;
or
- (c) burial of the entire carcass in accordance with the following conditions:
 - (i) the top of the carcass must not be within 600mm of the surface of the ground; and
 - (ii) the carcass must be covered with lime to a depth no less than 50mm; and
 - (iii) burial must not be within 100 metres of any watercourse or building, or subject to any overflow from any watercourse; and
 - (iv) the grave must be protected from scavenging animals.

Penalty: 1 penalty unit

Refusal of application to keep animals

- 32 The General Manager may refuse an application for a permit to keep an animal where the General Manager is of the opinion that:
- (a) the premises to which the application relates are not fit for the purpose proposed in the application; or
 - (b) it is in the public interest to refuse the application.

Division 2 - Seizure, Detention and Impounding of Animals

Seizure, detention and impounding animals

- 33 An authorised officer may:
- (a) in accordance with section 194 of the *Local Government Act 1993*, seize, detain and impound any animal found straying or at large; and
 - (b) seize, detain and impound an animal where the authorised officer believes an offence has been committed under Part 2 of this by-law.

Notice of impounding

- 34 If an animal has not been claimed by its owner or a person on behalf of the owner within 48 hours of it being impounded, the General Manager is to give notice to the owner of the animal in accordance with section 195 of the *Local Government Act 1993*.
- 35 If the owner of an impounded animal cannot be ascertained or found, the General Manager is to publish notice of the impounding of the animal in accordance with section 195 of the *Local Government Act 1993*.

Fees, costs and charges

- 36 The owner of an impounded animal must pay any fees, costs and charges in respect of the impounding, maintenance and treatment of the animal, as notified by the General Manager.
- 37 The General Manager may detain an impounded animal until any fees, costs and charges specified in a notice are paid.

Sale or destruction of animals

- 38 The General Manager may:
- (a) sell, give away free of charge or destroy any impounded animal, in accordance with section 197 of the *Local Government Act 1993*, if:
 - (i) no one has claimed the animal within 14 days of impounding; or
 - (ii) any fees, costs and charges specified by notice have not been paid within the time specified in that notice; and

- (b) arrange for an impounded animal to be destroyed, in accordance with section 198 of the *Local Government Act 1993*, if, in the opinion of a qualified veterinary surgeon, the animal is:
 - (i) seriously diseased; or
 - (ii) so injured or disabled as to be apparently in continual pain.

Interference with animals in pounds

39 A person must not:

- (a) remove or interfere with any animal seized under this Division; or
- (b) destroy or damage any structure, enclosure or pound in which animals seized under this Division are detained.

Penalty: 5 penalty units

40 An authorised officer may:

- (a) seize an animal that is illegally removed from a pound or other place; and
- (b) further hold and detain the animal until the fees and costs arising from its detention and retrieval are paid.

Division 3 - Powers of Entry

Entering private premises

41 An authorised officer may enter and remain in or on any private premises to determine:

- (a) the number of animals on those premises; and
- (b) whether or not any animal on those premises is authorised under a permit, licence or other authority; and
- (c) any other matter relating to any permit, licence or authority, or any application for a permit, licence or written authority.

42 An authorised officer may require the occupier of the premises to produce for inspection by the authorised officer on the premises:

- (a) all animals of which the occupier is the owner; and
- (b) any other animals kept on those premises; and
- (c) evidence of authorisation to keep those animals on those premises.

Entering land

- 43 An authorised officer who has reason to believe that the owner or person in charge of an animal has committed an offence under this by-law may:
- (a) enter onto land owned or occupied by that person; or
 - (b) search for and seize any animal on that land.

PART 3 - PERMITS AND LICENCES

- 44 Any application for a licence or permit pursuant to this by-law is to be in accordance with the relevant form in the Schedule 1.
- 45 Permits issued under this by-law are in the form as appearing in the Schedule 2 to this by-law.
- 46 The holder of a licence issued pursuant to this Division must comply with the terms and conditions thereof.
- 47 The licence will be issued pursuant to this by-law subject to such conditions as the General Manager may consider necessary.

PART 4 - INFRINGEMENT NOTICES AND EXPENSES

Infringement notices

- 48 In this clause - "specified offence" means an offence against the clause specified in Column 1 of Schedule 3.
- 49 An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 3 is the penalty payable under the infringement notice for that offence.
- 50 An authorised officer may:
- (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - (b) issue one infringement notice in respect of more than one specified offence.
- 51 The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.

Recovery of costs

- 52 Any expense incurred by the Council as a result of a person's contravention or failure to comply with a provision of this by-law is recoverable by the Council as a debt due to it from the person failing to comply or contravening the by-law.

SCHEDULE

1. APPLICATIONS

APPLICATION FOR PERMIT TO KEEP HORSE, PIG, LIVESTOCK, BEES OR POULTRY

Full name of Applicant

Full residential address of Applicant:

.....

.....

Animal/animals to be kept

.....

Full details and address of where animal/animals is to be kept (e.g. sty, stable, open paddock)

.....

.....

.....

Dated this day of 20

I have read the Council By-law relevant to this application and agree to abide by the conditions therein.

.....

Applicant Signature

Note: The application fee is a one-off fee and not an annual payment.

2. PERMITS

PERMIT TO KEEP A HORSE, PIG, LIVESTOCK, BEES OR POULTRY

Full name of permit holder

.....

Full residential address of permit holder

.....

.....

This is to certify that the permit holder is permitted to keep the following animal/animals

.....

.....

At

.....

.....

Dated this day of 20

.....

GENERAL MANAGER

This permit is valid only for the number of animals named above.

Should a nuisance be reported in relation to the keeping of the said animals then this permit may be revoked at the discretion of the General Manager or permit conditions may be varied.

3 INFRINGEMENT NOTICE OFFENCES

Column 1 CLAUSE	Column 2 GENERAL DESCRIPTION OF OFFENCE	Column 3 PENALTY (Penalty units)
5	Prohibition on keeping certain animals in the prescribed areas	1
10	Non-compliance with permit	1
16	Keeping of more than 2 hives	1
18	Keeping bees too close to roads or buildings	1
19	Keeping bees too close to property boundary	1
20	Lack of maintenance of premises used by animals	1
21	Animals wandering from premises	1
22	Farm animals wandering from premises	1
25	Animal fouling another person's property	1
26	Failure to clean up after animal fouls on public land or road	1
27	Animal attacking person or other animal	2
28	Animal creating a nuisance	1
30	Removal of carcass of deceased animal	1
39	Interference with impounded animals	5

Certified that the provisions of the By-law are in accordance with the law by

.....

Glynn Williams

Barrister and Solicitor

Dated this day of 2022

At

Certified that the By-law is made in accordance with the *Local Government Act 1993* by

.....

Sandra Ayton

General Manager

Dated this day of 2022

At Ulverstone

The Common Seal of the CENTRAL COAST
COUNCIL, Tasmania has been hereunto affixed
pursuant to delegated power for and on behalf of the
CENTRAL COAST COUNCIL in the presence of:

Signature

Sandra Ayton

General Manager

Witness Signature

Witness Full Name

Witness Full Address

.....