
Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 21 August 2023 commencing at 6.01pm.

Councillors attendance

Cr Cheryl Fuller (Mayor)
Cr Garry Carpenter
Cr Casey Hiscutt
Cr Philip Viney

Cr John Beswick (Deputy Mayor)
Cr Amanda Diprose
Cr Sophie Lehmann
Cr Kate Wylie

Councillor apologies

Cr Michael Smith

Employees attendance

General Manager (Mr Barry Omundson)
Director Community Services (Mr Daryl Connelly)
Director Corporate Services (Mrs Samantha Searle)
Director Infrastructure Services (Mr Paul Breden)
Executive Services Officer (Mr Ian Brunt)

Media attendance

The media was not represented.

Public attendance

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

Digital recording of Council meetings

At the commencement of the meeting, the Mayor notified those present that the meeting will be digitally recorded and made publicly available through the Council's website.

Digital recordings will be conducted in accordance with Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015* and the Council's Digital Recording Policy (109/2022 – 20.04.2022).

Acknowledgement of Country

Cr Wylie stated as follows:

“The Central Coast Council acknowledges and pays respect to the traditional owners of lutrawita (Tasmania), the palawa/pakana people.

We acknowledge the Punnilerpanner tribe of this Northern Country, and in doing so, we celebrate one of the world’s oldest continuing cultures.”

Statement of Values

Cr Wylie stated as follows:

“Guided by the diverse beliefs, experiences and backgrounds of the people we represent, we strive to make inspired and respectful decisions today that will build a better tomorrow.”

CONFIRMATION OF MINUTES OF THE COUNCIL

231/2023 Confirmation of minutes

The Executive Services Officer reported as follows:

“The minutes of the ordinary meeting of the Council held on 17 July 2023 and the Planning Sub-Committee meeting held on 24 July 2023 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 Viney seconded, “That the minutes of the ordinary meeting of the Council held on 17 July 2023 and the Planning Sub-Committee meeting held on 24 July 2023 be confirmed.”

Carried unanimously

COUNCIL WORKSHOPS

232/2023 Council workshops

The Executive Services Officer reported as follows:

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

- 24 July 2023 – Mount Gnomon Farm Presentation and Civic Centre Review Scope;
- 31 July 2023 – Professional Development – Asset Management; Camping By-law; Animals in Rural Areas By-law and Local Government State of the Sector Finances;
- 7 August 2023 – Lobster Creek Resource Recovery Centre Masterplan; and
- 14 August 2023 – Homelessness Strategy.

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

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

Carried unanimously

MAYOR'S COMMUNICATIONS.

233/2023 Mayor's communications

Having attended the 2023 Dorothies Awards event in Hobart on 17 May 2023, Cr Diprose presented the Council with its award for the 'Most Inspiring' category. The theme of this year's awards was 'Excellence in LGBTIQ+ Inclusion in Local Government' and the 'Most Inspiring' award recognised the significant change that has been seen in the North West – from hosting anti-gay rallies in the 1990's to apologising to the community for these past events and the Central Coast Council undertaking a range of positive initiatives.

The Mayor accepted the award on behalf of the Council and thanked staff for their contributions to these initiatives.

234/2023 Mayor's diary

The Mayor reported as follows:

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

- . Breakfast with Burnie City Council General Manager Simon Overland and Deputy Prime Minister Richard Marles;
- . Central Coast Council all of staff meeting;
- . Tasmanian Football Hall of Fame Induction Dinner;
- . Meeting with Tasmanian Audit Office;
- . LGAT General Management Committee Meeting;
- . Sprent Primary School visit;
- . Salvation Army inaugural community action group meeting;
- . APEX Club of Ulverstone Changeover Dinner;
- . Meeting with Homes Tasmania;
- . Mayors Cup – NWFL Football game and presentation;
- . Fearless Festival Dinner;
- . Ulverstone Poultry Club Annual Show;
- . Sprent Community trivia night;
- . All Saints Riana plaque unveiling;
- . Penguin Hospital Aux Annual General Meeting;
- . Caves to Canyon Annual General Meeting;
- . Central Coast Service Clubs Community Roundtable;
- . Cradle Coast Authority Board Meeting;
- . Wings Wildlife Park visit;
- . McCarthy's Bakery pie eating competition;
- . Ulverstone Municipal Band Awards Dinner; and

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- . Marine Volunteer Rescue Lunch – celebrating Commanding Officer Anthony Flannery’s 30 years of service.”

Deputy Mayor Beswick reported as follows:

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

- . Vietnam Veterans Day 50th Anniversary; and
- . Penguin Mens Shed Annual General Meeting.”

Cr Viney reported as follows:

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

- . Surf Life Saving Awards of Excellence.”

Cr Lehmann reported as follows:

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

- . Ulverstone Guides Annual General Meeting and campfire.”

Cr Wylie reported as follows:

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

- . Caves to Canyon Annual General Meeting; and
- . Central Coast Council all of staff meeting.”

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

Carried unanimously

235/2023 Declarations of interest

The Mayor reported as follows:

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

The Executive Services Officer reported as follows:

“The *Local Government Act 1993* provides that a councillor must not participate at any meeting of a council in any discussion, nor vote on any matter, in respect of which

the councillor has an interest or is aware or ought to be aware that a close associate has an interest.

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

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

No interests were declared at this time.

COUNCILLOR REPORTS

236/2023 Councillor reports

The Executive Services Officer reported as follows:

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

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

Cr Wylie reported on the Central Coast Chamber of Commerce and Industry and noted their upcoming Annual General Meeting on 6 September 2023 and their Central Coast Business Awards night on 16 September 2023.

Cr Carpenter reported on Dulverton Waste Management and noted their recent adoption of a de-packaging machine that will help ensure zero waste targets can be met.

Cr Lehmann reported on Slipstream Circus and noted their continued work in the community and their proposed Annual General Meeting date of 24 March 2024.

APPLICATIONS FOR LEAVE OF ABSENCE

237/2023 Leave of absence

The Executive Services Officer reported as follows:

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

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

There are no applications for consideration at this meeting.”

DEPUTATIONS

238/2023 Deputations

The Executive Services Officer reported as follows:

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

PETITIONS

239/2023 Petitions

The Executive Services Officer reported as follows:

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

COUNCILLORS' QUESTIONS

240/2023 Councillors' questions without notice

The Executive Services Officer reports 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.

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

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

The allocation of topics ensued.

241/2023 Councillors’ questions on notice

The Executive Services Officer reported as follows:

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

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

(2) An answer to a question on notice must be in writing.’

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

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

No questions on notice have been received.”

PUBLIC QUESTION TIME

242/2023 Public question time

The Mayor reported as follows:

“At 6.40pm or as soon as practicable thereafter, a period of not more than 30 minutes is to be set aside for public question time during which any member of the public may ask questions relating to the activities of the Council.

Public question time will be conducted in accordance with the *Local Government (Meeting Procedures) Regulations 2015* and the supporting procedures adopted by the Council in its Meeting Procedures – Public question time (Minute No. 133/2014). Some of these procedures include:

- No more than two questions may be asked by a member of the public.
- The meeting procedures do not allow for statements or debate, only questions.
- A questioner is to identify themselves before asking a question and direct their question/s to the Chairperson, who may invite another Councillor or Council employee to respond.
- To assist with the accurate recording of the minutes, a form has been provided for the questioner to record their question/s, name and contact details.
- If an item on the agenda has not been dealt with prior to public question time, questions about that item will not be taken for the reason that a response could compromise the Council’s subsequent consideration of that item.
- If it is not possible for an answer to be provided to a question at the meeting, then a written answer will be provided subsequent to the meeting.
- The Chairperson may refuse to accept a question. If the Chairperson refuses to accept a question, the Chairperson is to give reason for doing so.
- Protection of parliamentary privilege does not apply to local government and any statements in the Council Chambers, or any document produced, are subject to the laws of defamation.
- Public questions and their responses at the meeting will be recorded in the minutes, and via digital recording, which will be publicly available.”

243/2023 Public questions taken on notice

The Executive Services Officer reported as follows:

“No public questions were taken on notice from the 17 July 2023 meeting”.

DEPARTMENTAL BUSINESS

GENERAL MANAGEMENT

244/2023 Minutes and notes of committees of the Council and other organisations

The General Manager reported as follows:

“The following (non-confidential) minutes and notes of committees of the Council and other organisations on which the Council has representation have been received:

- . Central Coast Community Shed Committee Minutes – meeting held 3 July 2023;
- . Central Coast Community Shed Annual General Meeting Minutes – meeting held 3 July 2023;
- . Ulverstone Community Swimming Centre Committee Minutes – meeting held 4 July 2023; and
- . Central Coast Youth Leaders Council Meeting Notes – meeting held 6 July 2023.

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

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

Carried unanimously

245/2023 Common seal

The General Manager reported as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 18 July 2023 to 21 August 2023 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.

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

The Executive Services Officer reports as follows:

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

- Cr Viney moved and Cr Lehmann 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

246/2023 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 18 July 2023 to 21 August 2023 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reports as follows:

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

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

Carried unanimously

247/2023 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 18 July 2023 to 21 August 2023 and which was addressed to the ‘Mayor and Councillors’ is appended. Reporting of this correspondence is required in accordance with Council policy.

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

The Executive Services Officer reported as follows:

“A copy of the Schedule has been circulated to all Councillors, a suggested resolution is submitted for consideration.”

■ Cr Wylie moved and Cr Hiscutt 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

248/2023 Development application determinations

The Director Community Services reported as follows:

“A Schedule of Development Application Determinations made during the month of July 2023 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

249/2023 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 10.7, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

250/2023 Residential (retrospective) single dwelling and shed (shipping container) – Discretionary use in Agriculture Zone; Setbacks – Application No. DA2023140

The Director Community Services reported as follows:

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

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2023140
<i>PROPOSAL:</i>	Residential (retrospective) single dwelling and shed (shipping container) – Discretionary use in Agriculture Zone; Setbacks
<i>APPLICANT:</i>	Narelle Richardson
<i>LOCATION:</i>	Motts Road (CT6225/1), Gawler
<i>ZONE:</i>	Agriculture
<i>PLANNING INSTRUMENT:</i>	<i>Tasmanian Planning Scheme – Central Coast</i> (the Planning Scheme)
<i>ADVERTISED:</i>	14 June 2023
<i>REPRESENTATIONS EXPIRY DATE:</i>	28 June 2023
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	20 July 2023 (extension of time granted until 21 August 2023)
<i>DECISION DUE:</i>	21 August 2023
<i>PURPOSE</i>	

The purpose of this report is to consider a retrospective application for Residential – single dwelling and shed (shipping container) at Motts Road (CT76225/1), Gawler. The retrospective building has been placed on land that is Agriculture Zone, without the necessary permits being issued.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – representation; and
- . Annexure 4 – photographs, zone map, land capability map and aerial view.

BACKGROUND

Development description –

Application has been made, retrospectively, for Residential use and development in the form of a single dwelling and shed (shipping container) on a 2,347m² parcel of agricultural land.

The single dwelling, with a floor area of 36m², would comprise of one bedroom, a bathroom and an open plan living/kitchen area. The shed, in the form of a shipping container, is 7m x 2.4m in area.

Both the single dwelling and shed were placed on the development site between 19 October 2022 and 17 February 2023 (information obtained from NearMap – aerial imaging).

The Applicant states “the intent is to use the dwelling as an eco-friendly, subsistent home, creating minimal to nil impact on the land”.

Site description and surrounding area –

The development site is a small, 2,347m² parcel of land in the Agriculture Zone.

The site accommodates an old shed that appears to be partially destroyed, a water tank and septic tank. There is no Council record of approvals granted for this infrastructure.

The land is identified on the State's land class capability map as Class 2 land, that is, prime agricultural land.

All surrounding land is also zoned Agriculture and falls within the Kindred/North Motton Proclaimed Irrigation District. The image below shows all properties zoned Agriculture (brown) with the development site identified by the blue star.



There are two small Agriculture Zone properties within the vicinity of the development site, being 778 Top Gawler Road, Gawler (4,047m²) and 766 Top Gawler Road, Gawler (8,807m²).

All other surrounding properties are used for agricultural purposes.

Access to the development site is off Motts Road that presents as a narrow gravel road. Large, established trees occupy the eastern and western edges of the site (western trees are located on adjoining land).

History –

The land was zoned Rural Resource under the *Central Coast Interim Planning Scheme 2013* and was zoned Agriculture under the *Central Coast Local Provisions Schedule*. The land has not ever been Rural Residential Zone.

The parcel of land was created as a separate lot in 1951 when the 1920's dwelling on the corner of Motts Road and Preston Road was excised from the land. The lot has previously been used in conjunction with an adjoining agricultural property, identified as 768 Top Gawler Road, Gawler, until the sale of the lot to a separate owner in 2007. At some time after 2007, the then owner placed a shed with toilet, septic tank and water tank on the land. There is no Council record of approvals granted for this infrastructure.

An application for a dwelling was lodged with Council in 2003. The application was refused by the Planning Authority on the grounds it did not satisfy the *State Policy on Agricultural Land 2000* (PAL) or the setback provisions of the

Planning Scheme in force at that time. The setback standard requiring that a dwelling be a minimum of 100m from agricultural land. The current standard is a 200m setback.

An existing single dwelling and shipping container were placed on the land between 19 October 2022 and 17 February 2023, without any planning approvals being issued. This means the application is considered to be a retrospective application.

DISCUSSION

The following table is the Manager Land Use Planning's assessment against the Planning Scheme provisions:

21.0 Agriculture Zone

21.1 Zone Purpose

The purpose of the Agriculture Zone is:

- 21.1.1 To provide for the use or development of land for agricultural use.
- 21.1.2 To provide land for the use or development of agricultural use by minimising:
 - (a) conflict with or interference from non-agricultural uses;
 - (b) non-agricultural use or development that precludes the return of the land to agricultural use; and
 - (c) use of land for non-agricultural use in irrigation districts.
- 21.1.3 To provide for use or development that supports the use of the land for agricultural use.

Planners comment:

The proposed use and development of the land for Residential use does not satisfy Agriculture Zone Purpose Clauses 21.1.1 or 21.1.2 or 21.1.3.

CLAUSE	COMMENT	
21.3 Use Standards		
21.3.1 Discretionary uses	Not applicable	Assessment
21.3.1–(A1) No acceptable solution.	<input checked="" type="checkbox"/>	Use is Residential. This Clause does not apply.
21.3.1–(A2) No acceptable solution.	<input checked="" type="checkbox"/>	Use is Residential. This Clause does not apply.
21.3.1–(A3) No acceptable solution.	<input checked="" type="checkbox"/>	Use is Residential. This Clause does not apply.
21.3.1–(A4) No acceptable solution.	<input type="checkbox"/>	Non-compliant. Residential use applies to this Clause. Refer to the “Issues” section of this report.

21.4 Development Standards for Buildings and Works		
21.4.1 Building height	Not applicable	Assessment
21.4.1–(A1) Building height must be not more than 12m.	<input type="checkbox"/>	Compliant. Buildings have a maximum height of 4m.
21.4.2 Setbacks	Not applicable	Assessment
21.4.2–(A1) Buildings must have a setback from all boundaries of: (a) not less than 5m; or (b) if the setback of an existing building is within 5m, not less than the existing building.	<input type="checkbox"/>	(a) Non-compliant. Shed is setback 3m from the northern rear boundary. (b) Not applicable. Refer to (a). Refer to the “Issues” section of this report.
21.4.2–(A2) Buildings for a sensitive use must have a setback from all boundaries of: (a) not less than 200m; or (b) if the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.	<input type="checkbox"/>	(a) Non-compliant. Sensitive use, being the single dwelling, is located 25m from Agriculture Zone. (b) Not applicable. Refer to (a). Refer to the “Issues” section of this report.
21.4.3 Access for new dwellings	Not applicable	Assessment
21.4.3–(A1) New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.	<input type="checkbox"/>	Compliant. The site has frontage and access to Motts Road which is maintained by the Road Authority.

21.5 Development Standards for Subdivision		
21.5.1 Lot design	Not applicable	Assessment
<p>21.5.1–(A1)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) be required for public use by the Crown, a council or a State authority;</p> <p>(b) be required for the provision of Utilities or irrigation infrastructure; or</p> <p>(c) be for the consolidation of a lot with another lot provided both lots are within the same zone.</p>	<input checked="" type="checkbox"/>	Not a subdivision.
<p>21.5.1–(A2)</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 checked="" type="checkbox"/>	Not a subdivision.

CODES

CODES	NOT APPLICABLE	APPLICABLE
C1.0 Signs Code	<input checked="" type="checkbox"/>	
C2.0 Parking and Sustainable Transport Code		Refer to the 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 checked="" type="checkbox"/>	
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>C2.5.1–(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>	<div>❑</div>	<p>Compliant. Development site has ample area for the provision of 2 car parking spaces which is required for Residential use (single dwelling).</p>

<p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater 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>		
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C2.5.2 Bicycle parking numbers	Not applicable	Assessment
<p>C2.5.2–(A1)</p> <p>Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p> <p>(b) be no less than the number specified in Table C2.1.</p>	<input checked="" type="checkbox"/>	Not required for single dwelling.
C2.5.3 Motorcycle parking numbers	Not applicable	Assessment
<p>C2.5.3–(A1)</p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and;</p> <p>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification provided the existing number of motorcycle parking spaces is maintained.</p>	<input checked="" type="checkbox"/>	Not required for single dwelling.
C2.5.4 - Loading bays	Not applicable	Assessment
<p>C2.5.4–(A1)</p> <p>A loading bay must be provided for uses with a floor area of more than 1000m² in a single occupancy.</p>	<input checked="" type="checkbox"/>	Not required for single dwelling.
C2.5.5 - Number of car parking spaces within General Residential Zone and Inner Residential Zone	Not applicable	Assessment
<p>C2.5.5–(A1)</p> <p>Within existing non-residential buildings in the General Residential Zone and Inner</p>	<input checked="" type="checkbox"/>	Site is Agriculture Zone.

<p>Residential Zone, on-site car parking is not required for:</p> <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, 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>C2.6.1–(A1)</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to a 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) Able to be compliant by condition.</p> <p>(b) Able to be compliant by condition.</p> <p>(c) Not applicable. Site is Agriculture Zone.</p>
C2.6.2 Design and layout of parking areas	Not applicable	Assessment
<p>C2.6.2–(A1)</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <p>(i) have a gradient in accordance with <i>Australian</i></p>	<input type="checkbox"/>	<p>(a) Satisfied by (b).</p> <p>(b) Able to be compliant by condition.</p>

<p><i>Standard AS 2890 – Parking facilities, Parts 1-6;</i></p> <ul style="list-style-type: none"> (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have and access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3; (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; (vi) have a vertical clearance of not less than 1m above the parking surface level; and (vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6.</i></p> <p>C2.6.2–(A1.2)</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <ul style="list-style-type: none"> (a) be located as close as practicable to the main entry point to the building; (b) be incorporated into the overall car park design; and (c) be designed and constructed in accordance with <i>Australian/New</i> 		
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<p><i>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 <i>National Construction Code 2016</i></p>		
C2.6.3 Number of accesses for vehicles	Not applicable	Assessment
<p>C2.6.3–(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 whichever is the greater.</p>	<input type="checkbox"/>	<p>(a) Compliant. Development site has 1 access off Motts Road.</p> <p>(b) Satisfied by (a).</p>
<p>C2.6.3–(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"/>	Site is Agriculture Zone.
C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone	Not applicable	Assessment
<p>C2.6.4–(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 clause 3.1 “Basis of Design” and Clause 3.6 “Car parks” in 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.</p>	<input checked="" type="checkbox"/>	Site is Agriculture Zone.

C2.6.5 Pedestrian access	Not applicable	Assessment
<p>C2.6.5-(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> <p>C2.6.5-(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>	<input checked="" type="checkbox"/>	<p>Not required for a single dwelling.</p>
C2.6.6 Loading bays	Not applicable	Assessment
<p>C2.6.6-(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</i></p>	<input checked="" type="checkbox"/>	<p>Not required for a single dwelling.</p>

vehicle facilities, for the type of vehicles likely to use the site.		
<p>C2.6.6-(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>	☒	Not required for a single dwelling.
C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone	Not applicable	Assessment
<p>C2.6.7-(A1)</p> <p>Bicycle parking for uses that require 5 or more bicycle spaces in Table C2.1 must:</p> <p>(a) be accessible from a road, cycle path, bicycle lane, shared path or access way;</p> <p>(b) be located within 50m from an entrance;</p> <p>(c) be visible from the main entrance or otherwise signed; and</p> <p>(d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of <i>Australian/New Zealand Standard AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.</i></p>	☒	Site is Agriculture Zone.

<p>C2.6.7-(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>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>Site is Agriculture Zone.</p>
<p>C2.6.8 Siting of parking and turning areas</p>	<p>Not applicable</p>	<p>Assessment</p>
<p>C2.6.8-(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>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>Site is Agriculture Zone.</p>
<p>C2.6.8-(A2)</p> <p>Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:</p> <p>(a) have no new vehicle accesses, unless an existing access is removed;</p> <p>(b) retain an active street frontage; and</p> <p>(c) not result in parked cars being visible from public places in the adjacent roads.</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>Site is Agriculture Zone.</p>

C2.7 Parking Precinct Plan		
C2.7.1 Parking precinct plan	Not applicable	Assessment
C2.7.1-(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. 	☒	Parking precinct plan does not apply to the site.

SPECIFIC AREA PLANS	NOT APPLICABLE	APPLICABLE
CCO-S1.0 Forth Specific Area Plan	☒	
CCO-S2.0 Leith Specific Area Plan	☒	
CCO-S3.0 Penguin Specific Area Plan	☒	
CCO-S4.0 Revell Lane Specific Area Plan	☒	
CCO-S5.0 Turners Beach Specific Area Plan	☒	

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 Discretionary use in Agriculture Zone –

As stated in the Planning Scheme's Clause 5.6.4, the Planning Authority may consider the relevant Objective of an applicable standard to determine whether a use or development satisfies the Performance Criterion for that standard.

The Planning Scheme's Objective for Clause 21.3.2 "Discretionary Use in Agriculture Zone" is:

"That uses listed as Discretionary:

- (a) support agricultural use; and*
- (b) protect land for agricultural use by minimising the conversion of land to non-agricultural use".*

Planner's comment: The Planning Scheme's definition of 'agricultural use' means *'use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding domestic animals and pets. It includes the handling and packing or storing of plant and animal produce for dispatch to processors'*.

The definition includes activities such as controlled environment agriculture and plantation forestry.

The proposed residential use (dwelling and shed) would not support agricultural use of the land and does not protect agricultural land by minimising the conversion of land to a non-agricultural use. As such, the proposal does not satisfy the zone's discretionary use Objective.

Residential Use Class is defined in the Planning Scheme as *"use of land for self-contained or shared accommodation. Examples include a boarding house, communal residence, home based business, home based childcare, respite centre, assisted housing, retirement village, a single dwelling and multiple dwellings"*.

The Planning Scheme does not have Acceptable Solution criteria for the establishment of a Residential Use in the Agricultural Zone (Clause 21.3.1–(A4). This is then a Discretionary matter. This means the Planning Authority has the discretion to refuse or permit the use and development, based on satisfying the relevant, mandatory Performance Criteria.

The proposal must be assessed against the Planning Scheme's relevant Performance Criteria Clause 21.3.1 –(P4) that has two options, (a) or (b), that are to be considered.

The Planning Scheme's Performance Criteria for Clause 21.3.1 –(P4) states that *a residential use listed as Discretionary must:*

- (a) *be required as part of an agricultural use having regard to:*
 - (i) *the scale of agriculture use;*
 - (ii) *the complexity of the agricultural use;*
 - (iii) *the operational requirements of the agricultural use;*
 - (iv) *the requirement for the occupier of the dwelling to attend to the agricultural use; and*
 - (v) *proximity of the dwelling to the agricultural use; or*

Planner's comments: The word "must" is a mandatory directive under a Planning Scheme.

The application is not for a residential use required as part of an agricultural use. This means 21.3.1 –(P4)(a) cannot be satisfied.

The application must therefore satisfy (b) below.

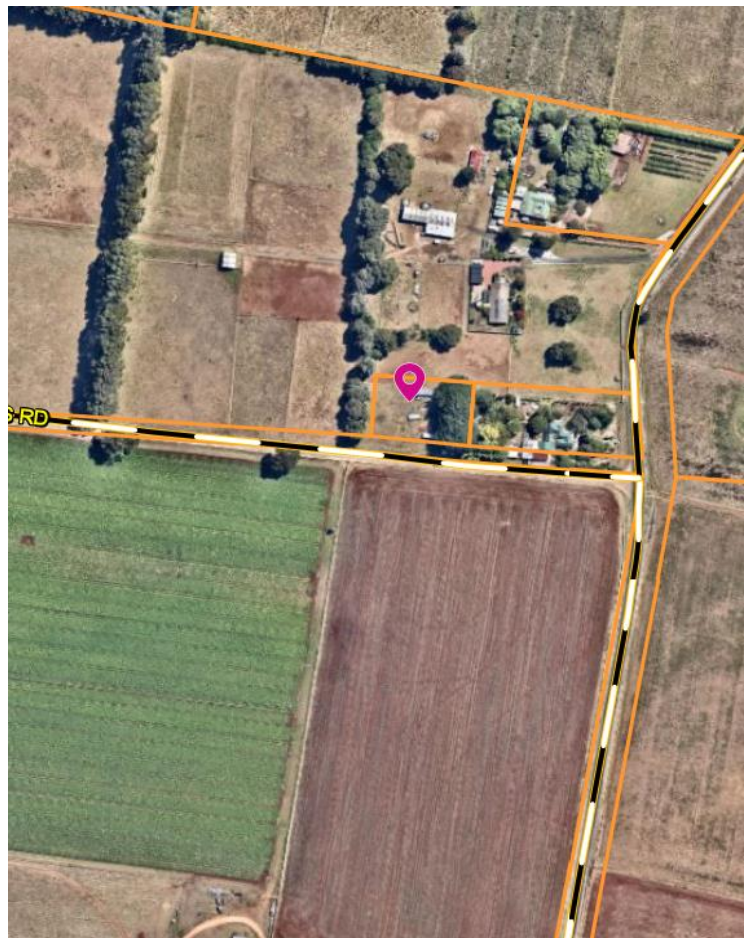
- (b) *be located on a site that:*
 - (i) *is not capable of supporting an agricultural use;*

Planner's comments: The site has an area of 2,347m². This area of land would most likely only be able to accommodate an intensive, glasshouse form of primary production or be used for grazing in association with other land. The application is accompanied by a report by agricultural consultants, Walker Ag Consultancy. The report states that, whilst the land may be identified as Class 2 land capability, an on-site visual inspection has revealed the land is "of shallow soils with rocky outcrops that is more characteristic of Class 6 land". Class 6 land is not prime agricultural land but is marginally suited to grazing. The land is shown to be Class 2 on the State's land capability mapping system. A separate land class assessment was undertaken in 2003 by agricultural

consultants Davey & Maynard, who at the time deemed the land to be similar to surrounding land and of Class 2.

- (ii) *is not capable of being included with other agricultural land (regardless of ownership) for agricultural use; and*

Planner's comments: The parcel of land was created as a separate lot in 1951 and has been used in conjunction with an adjoining agricultural property, identified as 768 Top Gawler Road, Gawler, until the sale of the lot to a separate owner in 2007. The subject parcel of land is able to be included with other land for the purpose of agricultural use. This matter is also raised in a representation. Refer to the "Representation" section of this report.



- (iii) *does not confine or restrain agricultural use on adjoining properties.*

Planner's comments: The proposed residential use would be within 25m of agricultural land to the south (15m from the Motts Road boundary) and 53m from agricultural land to the west. Representation has been received in relation to the proximity of the proposed dwelling to the western boundary of the property. Refer to the "Representation" section of this report.

Conclusion: The land has a history of use with adjoining land and the proposed Residential use of the land would be in close proximity to cropping land to the south, and grazing/cropping land to the west. Such close proximity to active resource production activities means the residential use would be impacted upon by fertiliser and insecticide spraying, pivot irrigation noise and spray drift, pest control measures (including the discharge of firearms), cropping activity, harvest dust and general animal noise and odour.

2 *Setback of outbuilding (shipping container) –*

The Planning Scheme's Acceptable Solution for Clause 21.4.2–(A1) states that *buildings must have a setback from all boundaries of not less than 5m.*

The shed (shipping container) would be setback 3m from the northern rear boundary. Therefore, the application is discretionary and relies on an assessment against the applicable, mandatory Performance Criteria.

The Planning Scheme's Performance Criteria for Clause 21.4.2–(P1) states that *buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to:*

- (a) *the bulk and form of the building;*

Planner's comments: The outbuilding (shipping container) would not cause an unreasonable impact due to the bulk and form of the building.

- (b) *the nature of existing use on the adjoining properties;*

Planner's comments: Adjoining land to the east is used for residential purpose and accommodates a dwelling that was constructed in 1920. The 1920 dwelling was excised from the subject parcel of land in 1951. Land to the north, south and west is used for agricultural production.

- (c) *separation from existing use on the adjoining properties; and*

Planner's comments: The outbuilding (shipping container) would be located greater than 50m to the nearest adjoining building.

- (d) *any buffers created by natural or other features.*

Planner's comments: The subject land has established tree buffers on the eastern and western boundaries.

Conclusion: The reduced setback of the proposed outbuilding would not impede access to the site and would not cause an unreasonable impact on existing uses on adjoining properties.

3 *Setback of Sensitive Use from agricultural land –*

The Planning Scheme's Acceptable Solution 21.4.2-(A2) states that "*buildings for a sensitive use must have a setback from all boundaries of:*

- (a) *not less than 200m; or*
- (b) *if the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building."*

The proposed dwelling would be setback approximately 25m from agricultural land to the south (15m from the Motts Road boundary) and 53m from agricultural land to the north and west.

Acceptable Solutions (a) or (b) are not satisfied. Assessment against the relevant Performance Criteria and an exercise of discretion is required for the proposal to be approved.

The Planning Scheme's Performance Criteria 21.4.2-(P2) states – *"Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use, having regard to:*

- (a) *the size, shape and topography of the site:*

Planner's comment: The subject land and surrounding land is relative flat. Land to the south and west comprises of Class 2 prime agricultural land and is used for cropping.

Representation has been received in relation to the proximity of the dwelling to the northern boundary of the property. Refer to the "Representation" section of this report.

- (b) *the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties:*

Planner's comment: Adjoining parcels to the north-east accommodate dwellings. One dwelling is required for management of resource development activity on a 73 ha property at 768 Top Gawler Road. The second dwelling was constructed in 1920 and is on a 4,047m² parcel of land.

- (c) *the location of existing buildings on the site;*

Planner's comment: The land accommodates an existing shed.

- (d) *the existing and potential use of adjoining properties;*

Planner's comment: Adjoining land to the north, west and south is prime agricultural land, used for agricultural purpose.

- (e) *any proposed attenuation measures; and*

Planner's comment: No attenuation measures are proposed.

- (f) *any buffers created by natural or other features".*

Planner's comment: Stands of trees are located along the western and eastern boundaries of the site. The trees to the west are located on adjoining land.

Conclusion: The proposed dwelling would be within close proximity of resource development activities to the west and south of the property.

The development would not, and cannot be, sited so as to mitigate future conflict or interference with adjoining agricultural uses.

Referral advice –

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	<p>Comments made by Environmental Health Officer.</p> <ul style="list-style-type: none"> <i>“There is no formal Council record in regard to a wastewater system on-site.</i> <i>Upon a site visit and speaking with the current owner, it is believed that there is a home-made system installed, that was connected to a caravan in the past and is now connected to a shed, however, it is unknown what the capacity is, if the materials comply or where the trenches are.</i> <i>Environmental Health and Plumbing advised the current owner that she will have to engage a wastewater consultant to either design a new system based on the proposed dwelling or have a wastewater designer confirm that the current system complies and is adequate.”</i>
Building	Standard Note to apply to any Permit issued.

Infrastructure Services	Conditions and Notes to apply to any Permit issued.
TasWater	Referral not required.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Other	Referral not required.

CONSULTATION

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

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

Representations –

One representation was received during the public notification period. A copy of which is provided at Annexure 3.

The representation is summarised and responded to as follows:

REPRESENTATION	
MATTER RAISED	RESPONSE
1 As adjoining property owners we request the application be refused as the application does not propose to use or develop	Refer to the “Issues” section of this report where the “Discretionary” use of land for Residential purpose and

	the land for agricultural use and cannot support the use of land for agricultural use.	the location of the proposed sensitive use is discussed.
2	The application fails to meet the Agricultural Zone Purpose tests.	The proposed use and development of the land for Residential use does not satisfy Agriculture Zone Purpose Clauses 21.1.1 or 21.1.2 or 21.1.3.
3	The development will (has already occurred) interfere with our use of the land for grazing and occasional cropping. The development will result in impacts on our ability to farm due to peri-urban conflicts between residential and agricultural uses.	Refer to the "Issues" section of this report where the location of the proposed sensitive use is discussed.
4	The land is located in the Kindred/North Motton Irrigation District. This has not been identified by the consultant. A property (dwelling) constructed on the site would make it difficult to irrigate without overspray onto the dwelling and run-off.	Correct. The land is located in the Kindred/North Motton Proclaimed Irrigation District.
5	The site is capable of being included with other agricultural land (regardless of ownership) and has, in the past, been used with adjoining land.	Refer to the "Issues" section of this report where the location of the proposed sensitive use is discussed.
6	We are able to say the existing, unapproved residential use is already fettering agricultural operations on our property. The existing dwelling is an environmental and biosecurity risk and jeopardises our	Refer to the "Issues" section of this report where the location of the proposed sensitive use is discussed.

Livestock Production Assurance (LPA) accreditation.	
<p>7 The agricultural report has several errors and omissions:</p> <p>(a) repeated reference to Rural Residential without agriculture is irrelevant.</p> <p>(b) To state the land resembles Class 6 without any soil testing is ingenious at best. Aerial photos within the report show the land contains Ferrosols that are plentiful throughout the region and evident on neighbouring lots.</p> <p>Why have not soil tests been carried out?</p> <p>(c) The report states the land was subdivided off for use as a dwelling. This is inaccurate.</p> <p>(d) The report fails to address P4 – that land could be included with other land, regardless of ownership. The land could be included with adjoining land and used for agriculture.</p> <p>(e) The report states that “quality infrastructure” has been established on site. How can this be the case when it is doubtful accredited professional have undertaken work</p>	<p>(a) Reference to Rural Residential is incorrect from a Planning perspective. Land used to be zoned Rural Resource and is now Agriculture.</p> <p>(b) The land is shown to be Class 2 on the State’s land capability mapping system. A separate land class assessment was undertaken in 2003 by agricultural consultants Davey & Maynard, who deemed the land to be similar to surrounding land and Class 2.</p> <p>(c) The subject title was created in 1951 when a 1920’s dwelling on adjoining land was excised from the land. The actual reason for the subdivision is not known, although it may have been for future residential development. However, since the introduction of LUPAA in 1993 and the State Policy on Agricultural Land in 2000, agricultural land has been protected from unnecessary, stand-alone residential use and development. Provisions have been introduced to require that a residential use be associated with an agricultural use, or be joined in with other land, regardless</p>

without the required permits?	<p>of ownership, for agricultural purpose.</p> <p>(d) Comments as in (c) above.</p> <p>(e) The buildings that have been transported to the site do not have the necessary planning, building or plumbing permits issued.</p>
8 Does the site need bushfire management on adjoining land? Management areas, by neighbouring properties, will not be granted outside the title boundary.	The Planning Scheme's <i>C13.0 Bushfire-Prone Areas Code</i> does not apply to Agriculture Zone.
9 Wastewater – the application fails to demonstrate how wastewater is to be managed. It is doubtful there is sufficient area for wastewater management on the land. If the current system has seeped onto our land, then we would require remediation to be carried out.	If a habitable building was to be approved for the site, then a wastewater management report and design by a suitably qualified person would be required.
10 Stormwater – similar to our waste comment. How will stormwater be managed? How can Council accept an application that does not demonstrate this?	If a habitable building was to be approved for the site, then a stormwater disposal design by a suitably qualified person would be required.

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, and possible 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 proposal to establish a single dwelling with outbuilding on a small parcel of agricultural land does not demonstrate compliance with the Planning Scheme's Agriculture Zone Purpose, or the relevant Objective and Performance Criteria for a Discretionary use in the zone.

Recommendation –

It is recommended that Application No. DA2023140 for Residential (retrospective) single dwelling and shed (shipping container) – Discretionary use in Agriculture Zone; Setbacks at Motts Road (CT6225/1), Gawler be refused as the proposal does not satisfy the following:

- 1 Agriculture Zone Purpose Clauses 21.1, 21.1.2 and 21.2.3 and Objective for Clause 21.3.1 in that a Residential use:
 - (i) does not provide for use and development that supports the agricultural use of land;
 - (ii) does not protect land from a use that may conflict or interfere with agricultural use; and
 - (iii) is a form of development that would preclude the return of the land to an agricultural use.
- 2 Clause 21.3.1 –(P4) in that the proposed dwelling would:
 - (i) not be required to support an agricultural use;
 - (ii) would be on land that is capable of supporting an agricultural use and is capable of being included with other agricultural land (regardless of ownership); and
 - (iii) would confine or restrain agricultural use on adjoining properties.

- 3 Clause 21.4.2–(P2) in that the proposed dwelling would be developed in close proximity to adjoining agricultural land that is prime agriculture land and would not be sited so as to mitigate conflict or the fettering or interference with adjoining agricultural uses.

AND under s.65B of the *Land Use Planning and Approvals Act 1993*, the owner of the land be advised the following:

- (a) Within 60 days of the Planning Authority’s decision, all use and development associated with Residential use of the land must immediately cease and all unlawful buildings be removed from the site.’

The report is supported.”

The Executive Services Officer reports as follows:

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

■ Cr Carpenter moved and Cr Beswick seconded, “That subject to the following conditions, Application No. DA2023140 for Residential (retrospective) single dwelling and shed (shipping container) – Discretionary use in Agriculture; Setbacks at Motts Road (CT6225/1), Gawler be approved on the basis that the report provided by Walker Ag Consultancy considers that the proposed residential use would be located on a site that is not capable of supporting an agricultural use, is not capable of being included with other agricultural land (regardless of ownership) for agricultural use, does not confine or restrain agricultural use on adjoining properties, and will not have any other negative impact on surrounding agricultural activities:

- 1 The development must be substantially in accordance with the plans provided by the applicant (2 pages) date stamped 29 May 2023.
- 2 The development must be in accordance with the conclusions made in the Agricultural Assessment Report by Walker Ag Consultancy dated March 2023 and the Agricultural Assessment Addendum by Walker Ag Consultancy dated 2 June 2023.
- 3 Prior to the issue of any approvals under the *Building Act 2016*, the owner of the land must submit and enter into a Part 5 Agreement with the Central Coast Council under section 71 of the *Land Use Planning and Approvals Act 1993*. The Part 5

Agreement is to set out the following matters to the satisfaction of the Director Community Services:

- (a) A vegetation buffer and screen must be established and maintained along the extent of the northern boundary. It must be planted prior to the issue of any other permits relative to this application.
 - (b) In the event that the existing vegetation buffer along the western boundary is removed or diminished, a replacement buffer and screen must be established and maintained along the extent of that boundary.
 - (c) Vegetation buffers and screens must be of vegetation with a final growth height not less than 4 metres.
 - (d) All vegetation must be located wholly inside the property boundary CT 76225/1 and must make allowance for the final width of the vegetation so as not to impede onto adjoining land.
 - (e) The Part 5 Agreement must list and acknowledge the resource development activities and operations that occur 24 hours a day, 365 days a year on surrounding Agriculture Zone land (CT159852/1 and CT113231/1) and make reference to matters contained in the *Primary Industry Activities Protection Act 1995*.
- 4 Execution of the Part 5 Agreements, including drafting and registration of the Agreements against the respective Titles, must be at the developer's expense.

Infrastructure Services

- 5 Only the existing crossover and driveway apron from Motts Road may be used as a road access to the development.
- 6 The property access and the driveway apron must be upgraded in accordance with Tasmanian Standard Drawing *TSD-R03-v3 Rural Roads – Typical Property Access* and Tasmanian Standard Drawing *TSD-R04-v3 Rural Roads – Typical Driveway Profile* at the developer's cost.
- 7 Stormwater run-off from buildings and hard surfaces, including vehicle parking and manoeuvring areas, must be collected and managed on-site in accordance with the *National Construction Code 2019* to ensure it does not cause nuisance to the neighbouring properties.

- 8 During works 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 Environment Protection Authority.
- 9 Damage or disturbance to roads, stormwater infrastructures, footpaths, kerb and channel, nature strips or street trees resulting from activity associated with the development must be rectified to the satisfaction of the Council's Director Infrastructure Services and at the developer's cost.
- 10 All works or activity listed above must be at the developer's cost.

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 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 The shed (shipping container) is approved as a Class 10 non-habitable structure and must be used in conjunction with the dwelling. If the shed is intended to be used for a purpose other than this, then a further Permit for a change of use would be required.

Infrastructure Services

- 5 Prior to commencement of works in the road reservation, the developer must obtain a "Works in Road Reservation (Permit)".
- 6 Prior to commencement of works, the developer must submit an application for 'Roadworks Authority' (or a 'Private Works Authority'). Roadworks Authority rates as listed in the Council's Fees and Charges register apply.
- 7 Works associated with roads, stormwater infrastructures, footpaths, kerb and channel, nature strips or street trees must be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services, at the developer's cost."

Voting for the motion

(7)

Cr Fuller

Cr Beswick

Cr Carpenter

Cr Diprose

Cr Lehmann

Cr Viney

Cr Wylie

Voting against the motion

(1)

Cr Hiscutt

Motion

Carried

INFRASTRUCTURE SERVICES

251/2023 Tender for repair of the Forth River overflow bridge, Forth Road, Forth

The Director Infrastructure Services reported as follows:

“The Design Engineer (Stormwater & Bridges) has prepared the following report:

‘PURPOSE

The purpose of this report is to provide information and a recommendation on tenders received for the rectification of the bridge (Bridge No. 253) over the flood plain of the Forth River on Forth Road, Forth.

BACKGROUND

The existing bridge is located on the flood plain (western side) of the Forth River on Forth Road. Forth Road is an Arterial Road with medium traffic volumes.

The Forth River bridge (Bridge No: 253) is a dual lane concrete bridge, 35m long and 11m wide. It was constructed in 1958. The bridge comprises four simply supported spans with three piers and two abutments. The existing bridge structure has defects at the bearing interface of the bridge deck and the piers/abutments, including defective deck expansion joints. The defects include spalling along the sides of the pier and abutment crossheads, significant cracks on crosshead ends and inadequate compound rubber expansion joints provided on the bridge deck.

The tender was called with the aim of rectifying the defects on the existing bridge structures. The scope of this project involves the proposal for a suitable rectification design method, to develop technical specifications and undertake the construction of the approved rectification method to mitigate the defects on the bridge.

DISCUSSION

A public tender was called for the rectification of the bridge on Thursday, 15 June 2023 and closed at 2.00pm (AEST) on Monday, 3 July 2023.

A conforming standard was outlined in the design brief for the structure.

A submission from one tenderer was received as follows (excluding GST and contingency):

TENDERER	PRICE \$
BridgePro Engineering P/L	141,800.00
<i>ESTIMATE (EXCLUDING GST AND CONTINGENCY)</i>	140,000.00

The submitted tender is a conforming tender.

The tenderer offered a construction program with the completion targeted by the end of November 2023.

BridgePro Engineering P/L have previously carried out work for the Council and are recognised as being competent to perform the works with their structures conforming to relevant standards.

The rectification concept by using a chemical grouting and cementitious patch repair method has been provided. The detailed design shall be approved by the Director Infrastructure Services prior to construction.

The Council has used a weighted tender assessment method based on:

Compliance with tender documents	10%
Previous experience	20%
Project Team	5%
Compliance with Schedule	10%
WHS Policy, Procedures and Records	10%
Concept/Design Options	10%
Tender price	30%
Locality Business	5%

A copy of the confidential tender assessment is attached.

CONSULTATION

This item has followed a public tendering process.

Local consultation and public notice will be provided at the time of construction.

RESOURCE, FINANCIAL AND RISK IMPACTS

This project is included in the 2023–2024 capital budget. The estimated budget is \$140,000.00 (excluding GST.)

The submitted tender amount is \$141,800.00 excluding GST and contingency.

As this is close to the budget amount it will be able to be accommodated within the budget estimates allocated to bridge asset projects, with only a minor budget adjustment.

Assuming a 10% contingency and an engineering overhead allocation of 12% the cost could be in the order of \$175,000. This amount is \$35,000 more than the estimated 2023–2024 capital budget. This amount will need to be accommodated within the overall road and bridge capital budget. This will be reflected and reported in a proposed budget review in October/November 2023.

CORPORATE COMPLIANCE

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

A Connected Central Coast

- Provide for a diverse range of movement patterns
- Connect the people with services
- Improve community well-being.

The Environment and Sustainable Infrastructure

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

Council Sustainability and Governance

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

CONCLUSION

It is recommended that the conforming tender from BridgePro Engineering P/L for the sum of \$141,800.00 (exc. GST) [\$155,980.00 (incl. GST)] for the rectification of Forth River overflow bridge, Forth Road, Forth be accepted and approved by the Council.'

The Design Engineer's (Stormwater & Bridges) report is supported."

The Executive Services Officer reported as follows:

“A copy of the confidential tender assessment has been circulated to all Councillors.”

■ Cr Hiscutt moved and Cr Beswick seconded, “That the conforming tender from BridgePro Engineering P/L in the amount of \$141,800.00 (exc. GST) [\$155,980.00 (incl. GST)] for the rectification of Forth River overflow bridge, Forth Road, Forth be accepted and approved.”

Carried unanimously

CORPORATE SERVICES

252/2023 Statutory determinations

The Director Corporate Services reported as follows:

“A Schedule of Statutory Determinations made during the month of July 2023 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

253/2023 Auditor-General’s report on the financial statements of State entities – Local government sector

The Director Corporate Services reported as follows:

“PURPOSE

This report is to inform the Council of the performance of the sector for the 2021–22 financial year as reported to Parliament by the Auditor-General.

BACKGROUND

The Auditor-General has the mandate to carry out the audit of the financial statements of the Treasurer and all Tasmanian State entities, including councils.

Following the audits each year, the Auditor-General prepares a report to Parliament on the financial state of the sector. The Auditor-General tabled his report on the 2021–22 year to Parliament on 17 April 2023. A copy of the Auditor-General’s report is provided as an annexure to this report.

It is important for the Council to understand its own performance in context of the sector. It is also important to understand actual performance against the commitment to the community when setting the Annual Plan and Budget Estimates each year.

The Council reports its own performance through its Annual Report each year and on receiving the audited financial statements each year which has occurred for 2021–22. The Council will shortly report its performance again to the community for the 2022–23 financial year.

DISCUSSION

The report contains a financial analysis of the 29 councils (from page 37 to 68). The report covers key issues impacting on local government sustainability as a sector.

Some extracts of key elements in the report and additional commentary are provided for the information of Councillors.

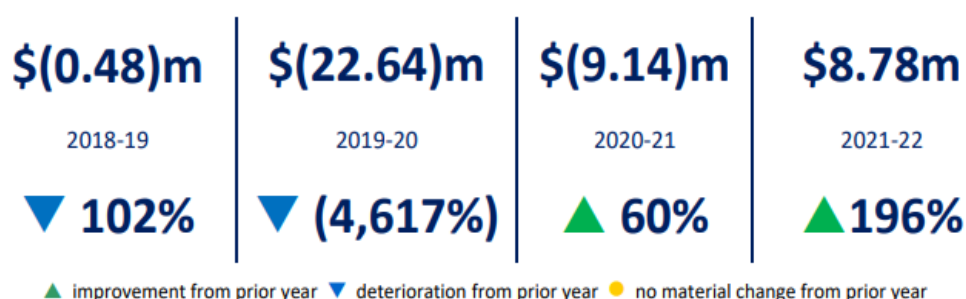
Central Coast Council is classified as an Urban Council with a population of greater than 20,000.

Underlying Operating Results –

An underlying surplus is an important measure of financial sustainability.

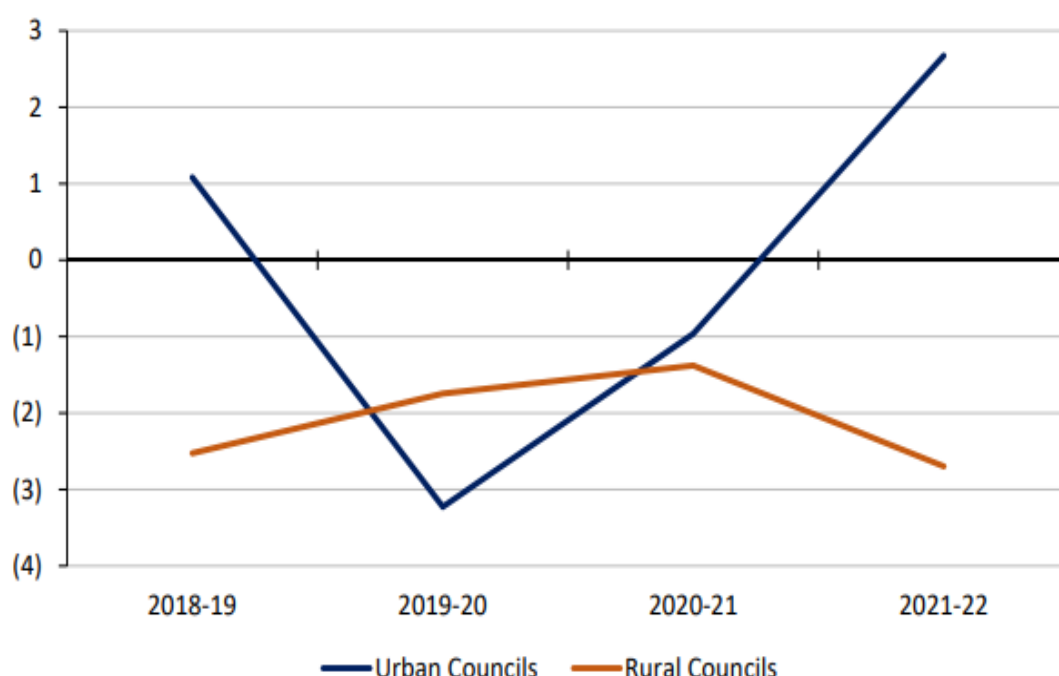
The intent of the underlying result is to show the outcome of a council's normal or usual day-to-day operations. It is intended to remove extraneous factors that could create volatility and therefore make it difficult for users to understand the outcome of a council's normal operations (capital grants, for example which are one-off in nature).

The underlying result for the sector for 2021–22 was \$8.78 million compared with a \$9.14 million deficit in the 2020–21 year.



The sector's operating results were significantly impacted by COVID-19 in 2019-20 and continued to be impacted in 2020-21. In an environment of increasing expenses and reduced TasWater dividends, councils did not increase rates and charges to the community in 2019-20.

Whilst the sector results improved in 2021-22, the results for Urban and Rural Councils are vastly different, with Urban Councils having a collective surplus of \$16.446 million compared to Rural Councils which had a collective \$7.662 million deficit for the year.



Sixteen out of 29 councils recorded an operating deficit for the year, including three Urban Councils. Thirteen out of 29 Tasmanian councils recorded an underlying surplus. Central Coast Council recorded an underlying deficit of \$61,000.

Only six of all Tasmanian councils recorded a surplus across all the past four years. The Central Coast Council recorded deficits across all years from 2018-19 to 2021-22. The following table is an extract from page 45 of the report showing Urban Council results over the past four years:

Council	Trend	2018-19 \$'000s	2019-20 \$'000s	2020-21 \$'000s	2021-22 \$'000s
Urban Councils					
Brighton Council	▲	(44)	(728)	(426)	331
Burnie City Council	▲	(1,296)	(851)	(1,921)	131
Central Coast Council	▲	(358)	(1,506)	(192)	(61)
Clarence City Council	▲	4,409	5,217	4,796	6,689
Devonport City Council	▲	(1,561)	(1,797)	1,245	1,552
Glenorchy City Council	●	(157)	(2,821)	(6,329)	2,033
Hobart City Council	▲	1,246	(9,317)	(25)	5,636
Kingborough Council	●	(563)	(649)	240	(568)
Launceston City Council	●	2,055	(7,215)	(3,109)	(993)
West Tamar Council	▼	2,314	1,600	212	1,696
Total Urban Councils	▲	6,045	(18,067)	(5,509)	16,446

The Council's results, except for COVID-19 impacts across 2019-20 and 2020-21, require management consideration to ensure the Council delivers its services within the overall budget set, including the level of flexibility within the operating budgets, the sensitivity of budgeting assumptions, and better forward planning and estimating new costs arising from new capital investment, and increased budgetary control.

Capital Works Spending –

Each year councils set capital budgets outlining the projects they will undertake and the expected cost. The report highlights a gap between planned capital expenditure and capital expenditure delivered by Tasmanian councils.

The report acknowledges the civil construction resource challenges faced by councils. Still, it encourages councils to endeavour to achieve budgeted capital expenditure to ensure asset renewal occurs at the optimal time, thereby reducing the risks of increased maintenance costs, reduced asset condition, safety and functionality and reduced council services to communities.

Capital spend compared to budget

\$1.16bn	\$1.45bn	\$73.11m
Total capital spend last 4 years	Total budgeted capital spend last 4 years	Average spending gap last 4 years

On average, the sector spent 80% of its budgeted capital expenditure in 2021–22, compared to 56.9% spent by the Central Coast Council.

Changed priorities and circumstances mean councils may amend capital budgets during the year. In some cases, this may result in material differences between projects planned in initial budgets and final spending.

The Central Coast Council has experienced resourcing pressures and has also experienced delays in some projects, which are proving to take more than 12 months from planning through to completion. Floods also impacted the Council in September 2022, which diverted resources.

It is recommended that the Council consider a staged approach to budgeting strategic projects recognising that large capital projects may take several years from design and planning, and funding, through to construction. It is hoped that this approach will be able to deliver a higher percentage of the capital works which are budgeted for in future years and will mean that fewer capital works budgets are required to be carried forward.

Asset Sustainability Ratio –

This ratio shows the extent to which councils maintain operating capacity through the renewal of their existing asset base. The generally accepted benchmark for this ratio, subject to appropriate levels of maintenance expenditure and the existence of approved long-term asset management plans, is 100.0%.

The report identifies a concerning trend for both Urban and Rural Councils as the declining trend in the aggregate Asset Sustainability Ratio over the four years.

In most cases, councils failed to meet the benchmark. Urban Councils, on average, expended 71.3%. Only seven councils achieved an Asset Sustainability Ratio equal to or above 100.0% in 2021–22, and only one Urban and six Rural Councils consistently met this target over the four-year period. Central Coast Council's Asset Sustainability Ratio for 2021–22 was 60%, with a four-year average of 70%.

CONSULTATION

There are no consultation requirements as a result of this report.

RESOURCE, FINANCIAL AND RISK IMPACTS

There are no financial implications as a result of this report.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

- Improve corporate governance
- Improve service provision
- Improve the Council's financial capacity to sustainably meet community expectations
- Effective communication and engagement
- Strengthen local–regional connections.

CONCLUSION

Overall, the financial performance of local government councils for 2021–22 was improved, with Urban Councils showing greater improvement than Rural Councils. Rural Councils continue to have an underlying deficit collectively.

The report also shows that there is a widening of the gap between budgeted capital expenditure and actual expenditure. The Council will need to consider steps to try and address this issue by reviewing the way it budgets for large multi-year projects.

It is recommended that the Council note the Auditor–General's report on the financial statements of State entities."

The Executive Services Officer reported as follows:

"A copy of the Auditor–General's report on the financial statements of State entities 2021–22 has been circulated to all Councillors."

■ Cr Viney moved and Cr Carpenter seconded, "That the Council note the Auditor–General's report on the financial statements of State entities tabled in Parliament on 17 April 2023."

Carried unanimously

254/2023 Public question time

The Mayor introduced public question time at 6.38pm.

Via email – Anthony Adams – Penguin

Question –

“Could the Mayor please update us on any developments for the old Penguin AFL ground. I'm especially interested to know if there will be some residential prospects. I'm aware that the Mayor was in discussions with the federal government regarding funding?”

Response –

On 6 April 2023, the Mayor and then General Manager met with (State) Minister Roger Jaensch regarding the ownership and transfer opportunities for the Ironcliffe Road Recreation Ground site. This was the earliest opportunity the Minister had to meet with Mayor Fuller. The Minister recommended that we discuss the opportunities with Homes Tasmania.

On 4 August 2023 the Mayor, Deputy Mayor and General Manager met in Hobart with Homes Tasmania. This was a priority action for the new General Manager, seeking to explore a partnership that would achieve multiple outcomes for Central Coast, being:

1. A lesser price to be paid by Central Coast residents to the State Government for the ownership of the land; (Council has budgeted \$1M in the 2023–24 year as an estimate of purchase price).
2. A mix of housing options that would assist more people to access home ownership on this site.
3. A timeline for the commencement of a residential development that is palatable for our community given that the site has remained empty for so long.

Our visit was proactive and well received by Homes Tasmania who indicated their interest in exploring such a partnership. The General Manager has formalised our discussions in writing for their consideration.

Council will progress this discussion as quickly as possible, whilst focusing on the best overall outcomes for Central Coast.

Via email – Stuart Bryer – Penguin

Question 1 –

“Will council provide better direct public access on the council website to community representations by allocating a specific separate Representations category perhaps under Community Conversations?”

Response –

The Council recently completed a major review of its Land Use Planning processes, and a number of improvements have been recommended with a view to increasing community and developer engagement. Implementation of those recommendations, is part of Council’s 2023–24 Annual Plan, and will include the following actions which relate to Mr Bryer’s question:

1. Making it easier for people to find Planning related information on our website.
2. Encouraging developers to engage with the community and respond to community ideas and concerns.
3. Sharing more information about development applications through traditional and social media.

Because there is the potential for conflict between Council’s role as a Planning Authority and its role in representing the community, this work needs to be undertaken methodically and carefully. Nonetheless, these are changes that Council is committed to, and we appreciate Mr Bryer’s suggestion around the detail of such changes.

Question 2 –

“Will council given the desire for community engagement improve that engagement and conversations that seek information regarding the ideas and opinions offered in community representations by adjusting a Representations category directly?”

Response –

The Council is committed to improving our communication with our community. Over the last eight months Council has undertaken a number of community engagement sessions throughout the area, including Community Conversations, the latest of which will be held this Thursday 24 August 2023 in Ulverstone. As a part of setting our new 10-year Strategic Plan, due in June 2024, Council will review our community

engagement policies, however does not have plans at this stage for a representations section on our website.

In person – Michael Haney – Ulverstone

Question 1 –

“When will public conveniences, which are stated to be suitable for the disabled, be made accessible for all types of mobility scooters, particularly in relation to the width of doors and the central placement of toilets to allow access by wheelchairs from either the left or right?”

Question 2 –

“Will the Council in future be fitting disabled people’s toilet facilities with height adjusted seating?”

Response –

In response to both of your questions, the Council will commence the review of its Public Toilet Plan 2013–2023 over the next 12 months. This review will assess the Council’s current public toilet facilities and the need for any upgrades or construction of new facilities.

The points you have raised in both questions relating to disability access and suitability will be considered as part of this review.

In person – Adriana Gibson – Ulverstone

Question 1 –

“I respectfully invite a senior male voice, either Councillor Beswick or Councillor Hiscutt to answer my question this evening, as the Mayor Councillor, Cheryl Fuller, is under severe executive stress. I can feel it in her handshake.

Apart from raising revenue, and income streams, what is the role of the Central Coast Council? And how many apprenticeships and cadetships has the Council sponsored in the past 45 years, during which time I have been a ratepayer? How many young people will be able to say, they have come up through the ranks and have been employed by the Council for 45 years, like the recently retired General Manager Ms Sandra Ayton; is it a case of feathering one’s own nest?”

Response –

The General Manager responded that modern councils are much more than roads, rates, and rubbish – we deliver over 270 services throughout our operations. The role of Council is several-fold, including the provision of essential services such as road maintenance, rubbish collection, public facilities, parks, and gardens – all from a rate revenue that covers only 55% of our budget.

Going forward, the Central Coast Council want to be better listeners to our community. We are developing our next 10-year Strategic Plan for adoption in June 2024 and are also working on a Term Plan, which will guide the Council over its next three and a half years in office – providing greater clarity and direction.

In regard to cadetships and apprenticeships, I will provide you with the details requested in due course; and as a general comment, I regret the broad movement away from apprenticeships in Australia.

Question 2 –

“What are the Central Coast Council’s performance indicators?”

Response –

The General Manager responded that the Council has a variety of performance indicators, some of these are evidenced in the Auditor-General’s report in tonight’s meeting agenda. Revenue and expenditure, Council plans, and ratios to measure progress and are some of the indicators Council use to gauge performance.

The Mayor responded that the performance indicators that we are most interested in are the ones that Council will set over the coming months, as part of the development of our 10-year Strategic Plan. There will be an emphasis on achievable outcomes and presenting a clear and accessible document to the public.

Questions and responses concluded at 6.52pm.

CLOSURE OF MEETING TO THE PUBLIC

255/2023 Meeting closed to the public

The Executive Services Officer reported as follows:

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

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

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

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council <ul style="list-style-type: none">Mersey–Leven Emergency Management Municipal Management Meeting Committee Minutes – 14 December 2022;Mersey–Leven Emergency Management Municipal Management Meeting Committee Minutes – 8 March 2023;Mersey–Leven Emergency Management Municipal Management Meeting Committee Minutes (unconfirmed) – 14 June 2023; andCradle Coast Waste Management Group General Managers Meeting Minutes (unconfirmed) – 19 July 2023.	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”

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

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of Closed Session Minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential”
Minutes and notes of other organisations and committees of the Council <ul style="list-style-type: none"> · Mersey–Leven Emergency Management Municipal Management Meeting Committee Minutes – 14 December 2022; · Mersey–Leven Emergency Management Municipal Management Meeting Committee Minutes – 8 March 2023; · Mersey–Leven Emergency Management Municipal Management Meeting Committee Minutes (unconfirmed) – 14 June 2023; and · Cradle Coast Waste Management Group General Managers Meeting Minutes (unconfirmed) – 19 July 2023; 	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”

Carried unanimously

The Executive Services Officer further reported as follows:

- “1 The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, the fact that the matter was discussed and a brief description of the matter so discussed, and is not to record in the minutes of the open meeting the details of the outcome unless the council determines otherwise.
- 2 While in a closed meeting, the council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept

confidential or released to the public, taking into account privacy and confidentiality issues.

- 3 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

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

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

The meeting moved into closed session at 6.54pm.

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
256A/2023 Confirmation of Closed Session Minutes	The Closed session minutes of the ordinary meeting of the Council held on 17 July 2023 had been circulated. The minutes are required to be confirmed for their accuracy.
257A/2023 Minutes and notes of other organisations and committees of the Council <ul style="list-style-type: none">Mersey–Leven Emergency Management Municipal Management Meeting Committee Minutes – 14 December 2022;Mersey–Leven Emergency Management Municipal Management Meeting Committee Minutes – 8 March 2023;Mersey–Leven Emergency Management Municipal Management Meeting Committee Minutes (unconfirmed) – 14 June 2023; andCradle Coast Waste Management Group General Managers Meeting Minutes (unconfirmed) – 19 July 2023	The minutes and notes have been provided to the Council on the condition they are kept confidential.

CLOSURE

There being no further business, the Mayor declared the meeting closed at 6.58pm.

CONFIRMED THIS 18TH DAY OF SEPTEMBER 2023.

Chairperson

(ib:dgk)

Appendices

- Minute No. 245/2023 – Schedule of Documents for affixing of the Common Seal
- Minute No. 246/2023 – Schedule of Contracts and Agreements
- Minute No. 247/2023 – Schedule of Correspondence Addressed to Mayor and Councillors
- Minute No. 248/2023 – Schedule of Development Application Determinations
- Minute No. 252/2023 – Schedule of Statutory Determinations

QUALIFIED PERSON'S ADVICE

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

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

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

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



Barry Omundson
GENERAL MANAGER

Associated Reports And Documents



SCHEDULE OF DOCUMENTS FOR AFFIXING OF THE COMMON SEAL

Period: 18 July to 21 August 2023

- . TasNetworks Easement Deed
T630550 Upgrade / Relocation, Cluan Crescent Ulverstone
Vol. 5433 Fol.135
- . Part 5 Agreement
Land off Trevor Street, Ulverstone (formerly CT240610/1)
(Now named Udiminia Drive and Jernej Way)
SUB2009.3-1 – Condition No. 4 on Planning Permit
- . Final Plan of Survey and Schedule of Easements
1369 Loongana Road, Loongana
DA2023320 – Subdivision – 3 Resource Development lots
- . Petition to Amend Seal Plan
68 Westella Drive, Ulverstone
OA202316 – removal of right of way
- . Final Plan of Survey and Schedule of Easement
902 and 910 Forth Road, Forth
DA2023117 – Subdivision – boundary adjustment

A handwritten signature in black ink, appearing to read 'Barry Omundson'.

Barry Omundson
GENERAL MANAGER



SCHEDULE OF CONTRACTS AND AGREEMENTS

(Other than those approved under the common seal)

Period: 18 July to 21 August 2023

Agreements

- . Lease Agreement – Unit 6 Ganesway, 51–55 Queen Street, West Ulverstone
Resident (lessee) and Central Coast Council (lessor)
Signed on: 17 July 2023
- . Aged Persons Home Unit Agreement – Unit 2 Alexandra Apartments, 9
Alexandra Road, Ulverstone
Resident (lessee) and Central Coast Council (lessor)
Commencing date: 11 August 2023
- . Lease Agreement – Penguin Sports and Services Club
Penguin Sports and Services Club and Penguin Bowls Club (lessee) and
Central Coast Council (lessor)
Signed on: 14 August 2023
- . End User Licence Agreement – Dial Before You Dig Australia
Boustead Geo-Spatial Technologies and Central Coast Council
Commencement date: 1 September 2023
Term: 3 years

Contracts

- . Contract No. 1/2023–2024 – dated 24 July 2023
Gary Cole with Urban Discovery
Design of sensory sculptures for Penguin Foreshore Playground Development
Contract amount: \$52, 500 (Exc. GST)
- . Contract No. 10/2022–2023 – dated 7 August 2023
Pellows Saws & Mowers
One Toro Groundmaster 4010 smart power 4WD mower: \$145,999 (inc. GST)
Less trade in of Groundmaster 4010 2016 4WD mower: \$15,000 (inc. GST)
Contract amount: \$130,999 (inc. GST)
Design of sensory sculptures for Penguin Foreshore Playground Development

A handwritten signature in black ink, appearing to read 'Barry Omundson'.

Barry Omundson
GENERAL MANAGER

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

Period: 18 July to 21 August 2023

- . An email from a ratepayer regarding the incorrect use of bicycle racks at local supermarket.
- . A letter from Lions Club of Ulverstone gesturing support for an All Abilities Playground to be established in the Ulverstone area.
- . An email from a ratepayer regarding the future of the Penguin Bins.
- . An email from a ratepayer thanking Council for the recycling unit that is located at the Council Administration Centre.
- . The 2022 Local Government Elections Statewide Statistical Report was provided to Councillors by the Tasmanian Electoral Commission.
- . An email from a ratepayer regarding a Development Application in Gawler.

A handwritten signature in black ink, appearing to read 'Barry Omundson'.

Barry Omundson
GENERAL MANAGER

Central Coast Council
List of Development Applications Determined
Period from: 1 July 2023 to 31 July 2023

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2020368 - 1	48 Jermyn Street ULVERSTONE,TAS,7315	Minor amendment of a Permit.	Minor Amendment (deck for Unit 3) - Residential - demolition of all buildings and construction of three multiple dwellings	14/06/2023	12/07/2023	15	\$5,000.00
DA2021247 - 1	393 Leith Road FORTH,TAS,7310	Minor amendment of a Permit.	Minor Amendment - Hotel Industry - alterations, additions and demolitions - Use Standards	29/06/2023	18/07/2023	13	\$300,000.00
DA2022159	2 Waverley Road ULVERSTONE,TAS,7315	Discretionary	Subdivision incorporating land fill to create 17 residential lots	31/05/2022	17/07/2023	229	\$0.00
DA2022175	220 Kimberleys Road ULVERSTONE,TAS,7315	Discretionary	Extractive Industry - decommission and rehabilitation of 3 sediment ponds and open drains and upgrade of existing stormwater sediment pond	21/06/2022	17/07/2023	27	\$5,000.00
DA2022350	86 Main Road PENGUIN,TAS,7316	Permitted	Community Meeting and Entertainment and General Retail and Hire (social enterprise)	21/12/2022	12/07/2023	2	\$1,000.00
DA2023008	24 Kywong Crescent WEST ULVERSTONE,TAS,7315	Discretionary	Residential - single dwelling and retrospective retaining walls	17/01/2023	5/07/2023	30	\$400,000.00
DA2023083	Ozanne Drive GAWLER,TAS,7315	Discretionary	Subdivision - 2 residential lots	6/04/2023	19/07/2023	36	\$20,000.00
DA2023120	48 Queen Street WEST ULVERSTONE,TAS,7315	Discretionary	General Retail and Hire - demolition of existing Bottle Shop and dwelling and construction of new drive-through Bottle Shop and Subdivision - consolidation	12/05/2023	5/07/2023	27	\$500,000.00
DA2023122	9 Dry Street LEITH,TAS,7315	Discretionary	Subdivision - 4 residential lots	12/05/2023	24/07/2023	46	\$20,000.00
DA2023126	61 Eastland Drive ULVERSTONE,TAS,7315	Permitted	Visitor Accommodation - short term accommodation	16/05/2023	17/07/2023	0	\$10,000.00
DA2023129	82 Main Road PENGUIN,TAS,7316	Discretionary	Service Industry - laundrette	17/05/2023	13/07/2023	27	\$80,000.00
DA2023136	30 Preservation Drive (formerly part of 9 Main Road) PENGUIN,TAS,7316	Discretionary	Residential - single dwelling and shed – Setbacks and building envelope for all dwellings; and reliance on C7.0 Natural Assets Code	23/05/2023	31/07/2023	28	\$650,000.00
DA2023145	4 Amherst Street WEST ULVERSTONE,TAS,7315	Discretionary	Residential - verandah, garage and studio	1/06/2023	3/07/2023	27	\$50,000.00
DA2023149	Hays Road (CT165210/2, CT165210/1 & CT165210/6) SPALFORD,TAS,7315	Discretionary	Utilities - minor utilities - construction of solar panels to generate power equivalent to on-site consumption, access and associated works	7/06/2023	14/07/2023	25	\$100,000.00
DA2023151	80 Deviation Road PENGUIN,TAS,7316	Discretionary	Subdivision - 6 residential lots	8/06/2023	17/07/2023	24	\$80,000.00
DA2023152	41 Berkshire Parade PENGUIN,TAS,7316	Discretionary	Residential - combined shed and carport	8/06/2023	13/07/2023	22	\$35,000.00
DA2023160	115 Purtons Road NORTH MOTTON,TAS,7315	Permitted	Residential - shed	20/06/2023	3/07/2023	11	\$35,000.00

DA2023161	35 Walker Street ULVERSTONE,TAS,7315	Discretionary	Residential – carport	19/06/2023	17/07/2023	26	\$8,000.00
DA2023170	298 Stubbs Road FORTH,TAS,7310	Discretionary	Residential - demolition of existing outbuildings and alterations and additions to single dwelling - Site coverage	23/06/2023	21/07/2023	22	\$600,000.00
DA2023173	6 & 8-10 Trevor Street ULVERSTONE,TAS,7315	Permitted	Subdivision - consolidation of land	26/06/2023	7/07/2023	9	\$10,000.00
DA2023175	1 Locket Street ULVERSTONE,TAS,7315	Permitted	Subdivision - consolidation of two residential lots	28/06/2023	20/07/2023	1	\$5,000.00
DA2023177	120 Bienefelts Road TURNERS BEACH,TAS,7315	Permitted	Residential - shed	30/06/2023	13/07/2023	7	\$17,785.00
DA2023178	41 Boyes Street TURNERS BEACH,TAS,7315	Permitted	Residential - single dwelling	3/07/2023	12/07/2023	6	\$300,000.00
DA2023181	57 Water Street (Site 55) ULVERSTONE,TAS,7315	Permitted	Visitor Accommodation - extension to existing caravan annex (providing bathroom facilities)	5/07/2023	13/07/2023	3	\$10,000.00



**BUILDING & PLUMBING – SCHEDULE OF STATUTORY DETERMINATIONS
MADE UNDER DELEGATION**

Period: 1 July 2023 to 31 July 2023

Building Permits and Certificates

Building Permits – Category 4	Number Issued	Cost of Works
Additions / Alterations	0	0
Demolition Permits	0	0
New Dwellings	0	0
Outbuildings	1	50,000
Units	0	0
Other	0	0
Permit of Substantial Compliance	1	150,000
Notifiable Works – Category 3	Number Issued	Combined \$ Amount
Additions / Alterations	6	819,376
Demolition Permits	0	0
New Dwellings	5	3,378,000
Outbuildings	6	311,200
Units	0	0
Other	1	18,000

Plumbing Permits and Certificates

Plumbing Permits – Category 4	Number Issued	–
Plumbing Permit	4	
Notifiable Works – Category 3		
Certificate of Likely Compliance	6	

**COMPLIANCE– SCHEDULE OF STATUTORY DETERMINATIONS
MADE UNDER DELEGATION**

Period: 1 July 2023 to 31 July 2023

Fire Abatement Notices

Fire Abatement Notices Issued	Property Cleared by Contractor
0	0

COMPLIANCE – SCHEDULE OF REGULATORY SERVICES STATUTORY RESPONSIBILITIES

Period: 1 July 2023 to 31 July 2023

Dogs Impounded by Central Coast Council

Number of Dogs Impounded	Dogs Claimed	Dogs Surrendered
3	3	0

Animal Licences, Offences, Permits

Licence, Offence, Permits	Number Issued
Barking dog complaints	2
Declaration of dangerous dogs	0
Dog attacks on other dogs / cats	2
Dog attacks on persons	0
Dog attacks on livestock / wildlife	0
Kennel licences issued	2
Kennel licences renewed	49
Permits under <i>Animal Control By-law No.1 of 2018</i>	0
Unregistered dogs located by Compliance	8
Wandering livestock	1

Dog Infringement Notices Issued

Off-lead in On-Lead Locations	Cautions Issued	Infringements Issued
Buttons Beach	0	0
Midway Beach	0	0
Penguin Beach	0	0
Turners Beach	0	0
Other Public locations:		
Penguin Beach foreshore	0	0
Nature Strip / Park Area	2	1
Other Dog Offences:		
Dog barking Nuisance	2	1
Dog at large	1	1

Patrols of Free Camping Areas

Camping Area	Patrols Conducted	Cautions Issued
Bannons Park	4	0
Battons Park	2	0
Forth Recreation Ground	20	4
Halls Point [Closed Area]	15	0
Nicholson Point	16	0
Penguin Surf Life Saving Precinct	15	0
Midway Point	10	0

Traffic Infringement Notices for Parking Offences

Traffic Infringement Location	Number Issued	Percentage
Alexandra Road	1	1.12%
Bannons Car Park	8	9.00%
Coles/Furner's Car Park	14	15.73%
Crescent Street, Ulverstone	0	–
King Edward Street, Ulverstone	20	22.47%
Main Road, Penguin	0	–
North Reibey Street Car Park	26	29.21%
Reibey Street	18	20.22%
Victoria Street	2	2.25%
Wongi Lane	0	–
Others:		
	0	–



Samantha Searle
DIRECTOR CORPORATE SERVICES