

Notice of Ordinary Council Meeting and

Agenda

18 SEPTEMBER 2023

To all Councillors

NOTICE OF MEETING

In accordance with the *Local Government (Meeting Procedures) Regulations 2015*, notice is given of the next ordinary meeting of the Central Coast Council which will be held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on 18 September 2023. The meeting will commence at 6.00pm.

An agenda and associated reports and documents are appended hereto.

A notice of meeting was published in The Advocate newspaper, a daily newspaper circulating in the municipal area, on 7 January 2023.

A live stream of the meeting will be available on the Central Coast Council – TAS YouTube page via a link on Council's website and Facebook page.

Dated at Ulverstone this 13th day of September 2023.

This notice of meeting and the agenda is given pursuant to delegation for and on behalf of the General Manager.



Ian Brunt
EXECUTIVE SERVICES OFFICER

PO Box 220
19 King Edward Street
Ulverstone Tasmania 7315
Tel 03 6429 8900

admin@centralcoast.tas.gov.au
www.centralcoast.tas.gov.au

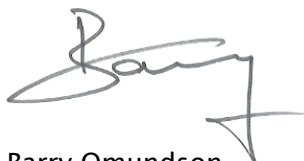
QUALIFIED PERSON'S ADVICE

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 this agenda 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

AGENDA

COUNCILLORS ATTENDANCE

COUNCILLORS APOLOGIES

EMPLOYEES ATTENDANCE

GUEST(S) OF THE COUNCIL

MEDIA ATTENDANCE

PUBLIC ATTENDANCE

DIGITAL RECORDING OF COUNCIL MEETINGS

At the commencement of the meeting, the Chairperson is to notify 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).

ACKNOWLEDGEMENT OF COUNTRY

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

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.

BUSINESS

See Contents – Page 2

Contents

| | | |
|-----------|--|-----------|
| 1 | CONFIRMATION OF MINUTES OF THE COUNCIL | 4 |
| 2 | COUNCIL WORKSHOPS | 4 |
| 3 | MAYOR'S COMMUNICATIONS | 5 |
| 3.1 | Mayor's communications | 5 |
| 3.2 | Mayor's diary | 5 |
| 3.3 | Declarations of interest | 6 |
| 4 | COUNCILLOR REPORTS | 7 |
| 5 | APPLICATIONS FOR LEAVE OF ABSENCE | 7 |
| 6 | DEPUTATIONS | 8 |
| 7 | PETITIONS | 8 |
| 8 | COUNCILLORS' QUESTIONS | 8 |
| 8.1 | Councillors' questions without notice | 8 |
| 8.2 | Councillors' questions on notice | 10 |
| 9 | PUBLIC QUESTION TIME | 11 |
| 9.1 | Public question time | 11 |
| 9.2 | Public questions taken on notice | 12 |
| 10 | DEPARTMENTAL BUSINESS | 14 |
| | GENERAL MANAGEMENT | 14 |
| 10.1 | Minutes and notes of committees of the Council and other organisations | 14 |

| | | |
|-----------|--|-----------|
| 10.2 | Penguin Miniature Railway Management Committee – Review (85/93 – 10.05.1993) | 15 |
| 10.3 | Amendments to the Dulverton Regional Waste Management Authority Rules | 18 |
| 10.4 | Common seal | 21 |
| 10.5 | Contracts and agreements | 22 |
| 10.6 | Correspondence addressed to the Mayor and Councillors | 22 |
| | COMMUNITY SERVICES | 24 |
| 10.7 | Development application determinations | 24 |
| 10.8 | Council acting as a planning authority | 24 |
| 10.9 | Land Use Planning and Approvals Act 1993 – s.40K & s.42 report on representations to LPS2022003 – combined Draft Amendment to the Central Coast Local Provisions Schedule to add a Site Specific Qualification to the LPS for 6 Johnsons Beach Road, Penguin, with Visitor Accommodation Use Class to be a Discretionary Use Class with no qualification; and Development Application DA2022107 – Demolition of buildings and Visitor Accommodation (40 short stay apartment units and 21 three-bedroom holiday cabins; Food Services (cafe/restaurant); and Community Meeting and Entertainment (function centre) with ancillary tennis court, car parking and manager’s residence at 6 Johnsons Beach Road, Penguin. | 25 |
| | CORPORATE SERVICES | 30 |
| 10.10 | Statutory determinations | 30 |
| 11 | CLOSURE OF MEETING TO THE PUBLIC | 31 |
| 11.1 | Meeting closed to the public | 31 |
| 11.2 | Confirmation of Closed session minutes | 33 |
| | CORPORATE SERVICES | 34 |
| 11.3 | Sale of Council land at Lot 1 Westella Drive, Turners Beach (364/2021 – 13.12.2021) | 34 |

1 CONFIRMATION OF MINUTES OF THE COUNCIL

1.1 Confirmation of minutes

The Executive Services Officer reports as follows:

“The minutes of the ordinary meeting of the Council held on 21 August 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.

A suggested resolution is submitted for consideration.”

■ “That the minutes of the ordinary meeting of the Council held on 21 August 2023 be confirmed.”

.....

.....

.....

2 COUNCIL WORKSHOPS

2.1 Council workshops

The Executive Services Officer reports as follows:

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

- . 2 September 2023 – Councillor’s Vision Setting Workshop;
- . 4 September 2023 – Nuisance pigs; sale of public land; former Penguin Recreation Ground; South Nietta flooding;
- . 11 September 2023 – Civic Centre review scope; Property Assessment Framework; Dulverton Waste Management amended rules; Dial Regional Sports Complex; Cradle Coast Authority meeting agenda; and
- . 15 September 2023 – Councillor’s Our Term Workshop.

This information is provided for the purpose of record only. A suggested resolution is submitted for consideration.”

- “That the Officer’s report be received.”
-
-
-

3 MAYOR’S COMMUNICATIONS

3.1 Mayor’s communications

The Mayor to report:

.....

.....

.....

3.2 Mayor’s diary

The Mayor reports as follows:

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

- . Local Government Review Board review presentation;
- . Central Coast Community Safety Partnership Committee Meeting;
- . Ulverstone Community Conversation;
- . Ulverstone Secondary College Assembly – National Wattle Day talk;
- . Kentish Council municipal tour;
- . Emergency Services Roundtable event;
- . Penguin in Pink Fashion Parade;
- . Ulverstone Men’s Shed morning tea;
- . Central Coast Council Citizenship Ceremony;
- . Ulverstone Repertory Theatre Society – Heathers Performance;
- . Ulverstone Ladies Probus lunch;
- . 2023 Kings Birthday Honours and Service Awards;

-
- . Cradle Coast Authority Representatives Meeting;
 - . Cradle Coast Mountain Bike Club Annual General Meeting;
 - . Mersey Leven Emergency Management Committee Meeting;
 - . Mental Health Service Providers Roundtable;
 - . Hellyer College Relay for Life;
 - . Central Coast Chamber of Commerce and Industry Awards Night; and
 - . South Riana Memorial Hall World War Two Honour Board unveiling."

The Executive Services Officer reports as follows:

"A suggested resolution is submitted for consideration."

- "That the Mayor's report be received."
-
-

3.3 Declarations of interest

The Mayor reports 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 reports 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."

.....

.....

4 COUNCILLOR REPORTS

4.1 Councillor reports

The Executive Services Officer reports 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.”

.....

.....

.....

5 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Leave of absence

The Executive Services Officer reports as follows:

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

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

There are no applications for consideration at this meeting.”

.....

.....

.....

6 DEPUTATIONS

6.1 Deputations

The Executive Services Officer reports as follows:

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

.....

.....

.....

7 PETITIONS

7.1 Petitions

The Executive Services Officer reports as follows:

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

.....

.....

.....

8 COUNCILLORS' QUESTIONS

8.1 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.
- (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."

| <i>Councillor</i> | <i>Question</i> | <i>Department</i> |
|-------------------|-----------------|-------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

8.2 Councillors' questions on notice

The Executive Services Officer reports 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."

.....

.....

.....

9 PUBLIC QUESTION TIME

9.1 Public question time

The Mayor reports 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."

9.2 Public questions taken on notice

The Executive Services Officer reports as follows:

"At the 21 August 2023 ordinary Council meeting, Ms Adriana Gibson asked the following question without notice, which was responded to by the General Manager who advised that matter would be investigated, and a response provided.

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 the number of cadetships and apprenticeships over the past 45 years, unfortunately there have been multiple record keeping systems over that time and it is not possible to provide an accurate answer to your question.

I can confirm that these recruitment and training practices have proven valuable to both the Council and those employed under them. I am informed that cadetships have been completed in environmental health, planning and engineering. A high number of traineeships have been completed at our childcare and recreation centres, and within works and information technology. Apprenticeships have been completed within our works department. We currently employ 14 staff through apprenticeships, cadetships or traineeships and intend to continue this practice into the future.

A suggested resolution is submitted for consideration.”

■ “That the response to the public question taken on notice at the 21 August 2023 ordinary Council meeting from Ms Adriana Gibson be received.”

.....

.....

.....

10 DEPARTMENTAL BUSINESS

GENERAL MANAGEMENT

10.1 Minutes and notes of committees of the Council and other organisations

The General Manager reports 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:

- . Riana Community Centre Advisory Committee – General Meeting and Annual General Meeting held 17 May 2023;
- . Central Coast Youth Leaders Council – meeting held 3 August 2023;
- . Central Coast Community Shed Management Committee – meeting held 7 August 2023;
- . Central Coast Council Audit Panel (including Annual Report 2022–2023) – meeting held 17 August 2023;
- . Central Coast Community Safety Partnership Committee – meeting held 23 August 2023; and
- . Central Coast Community Shed Management Committee – meeting held 4 September 2023.

Copies of the minutes and notes having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

- “That the (non-confidential) minutes and notes of committees of the Council be received.”

.....

.....

.....

10.2 Penguin Miniature Railway Management Committee – Review (85/93 – 10.05.1993)

The Executive Services Officer reports as follows:

“PURPOSE

This report is to provide for the review of the Penguin Miniature Railway Management Committee (the Committee) and to seek the Council’s endorsement to contact former members of the Committee to advise them of Council’s intention to dissolve the Committee.

Following consideration of any feedback from former members, a further report to Council will provide for the formal dissolution of the Committee.

BACKGROUND

The Penguin Miniature Railway (PMR) opened in 1990 and was able to carry twelve adults across two carriages. A driver and a ticket attendant were required for its operation.

The PMR most recently ceased to operate in 2016 due to the unavailability of volunteer drivers and the number of derailments of the train becoming a safety hazard. The track had experienced damage from a combination of cars driving over it, corrosion from the sea water and a change in the ground level, causing the track to drop in some areas.

In 2017 the Council engaged CSE Tasmania Pty Ltd to prepare a report to determine the scope of the repairs to the track to have it operational again.

The Council at its meeting in July 2018 supported allocating \$24,000 towards replacement of the track based on the CSE report.

Track replacement was put on hold to avoid any conflict with the planned Shared Pathway through the PMR area; and when track replacement was revisited following the completion of the Shared Pathway (which intersected the PMR area) in July 2022, the Council’s Infrastructure Department estimated costs of approximately \$60,000, which did not include upgrades to engines, carriages, or other infrastructure.

The Penguin Miniature Railway Management Committee was established in May 1993 (Minute No. 85/93) as a ‘special committee of both Councils’ (Penguin Council and Ulverstone Council undergoing the process of amalgamation at that time), along with seven other advisory committees.

The establishment of these advisory committees was part of an initiative to develop 'an effective and ongoing community consultation and participation process', with the advisory committees providing a structure to utilise the skills, knowledge, experience, and interest of community members within discrete functional areas.

The other seven advisory committees are either no longer in operation or continue in an altered capacity, not formally associated with Council. The two exceptions to this are the Ulverstone Swim Centre Committee (now known as the Ulverstone Community Swimming Centre Management Committee) and the Riana Community Centre Committee (now known as the Riana Community Centre Advisory Committee).

DISCUSSION

The last Committee appointments were made by the Council at its November 2018 meeting (Minute No. 316/2018), they being:

- . Mr Maurice Jones
- . Mr Cor Vander Vlist
- . Mr Matey Ray
- . Mr Brandon Richardson (as a junior member)
- . Mr Janzen Reynolds (as a junior member)
- . Mr Simon Hutchinson
- . Mr Chris Cripps
- . Cr Fuller is the Council's liaison person
- . Cr Hiscutt is the proxy appointment

It was noted in the Schedule of Appointments that 'The Committee is currently in abeyance.'

Despite this, one meeting of the Committee was held on 21 February 2019 with thirteen community representatives, one Councillor and one member of Council staff attending. No further Committee meetings were held.

The former General Manager confirmed the Committee was in abeyance in November 2022, when the most recent Schedule of Appointments was approved by the Council (Minute No. 330/2022). The Committee was not included in the schedule.

In November 2022, the former General Manager wrote to five contactable former Committee members to ascertain their views concerning the use of the Penguin Miniature Railway and their appetite for any future development. A meeting was held

on 13 December 2022, with one former Committee member attending. No further actions were determined at the meeting.

As the Committee has been recorded as in abeyance for approximately five years, and ostensibly inactive for a similar period, it is recommended that the Committee be formally dissolved as a special committee of the Council.

This does not preclude any community groups and initiatives forming around the PMR, or the Council's future support for such.

However, considering the PMR has not operated since 2016, the significant estimated cost of repairs, and the inactivity of the Committee, good governance practices suggest that formally dissolving the Committee is appropriate at this time.

CONSULTATION

Following the Council's determination on their intent to dissolve the Committee, former Committee members will be contacted to advise them of this intent and to seek any feedback they wish to provide.

Following receipt and consideration of this feedback, the Council may formally dissolve the Committee at a subsequent meeting.

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
- . Effective communication and engagement

CONCLUSION

It is recommended that the General Manager contact former members of the Penguin Miniature Railway Management Committee to advise them of the Council's intent to dissolve the special committee and seek their feedback for consideration by Council prior to formal dissolution of the Committee.

A suggested resolution is submitted for consideration.”

- “That the General Manager contact former members of the Penguin Miniature Railway Management Committee to advise them of the Council’s intent to dissolve the special committee and seek their feedback for consideration by Council prior to formal dissolution of the Committee.”
-
-
-

10.3 Amendments to the Dulverton Regional Waste Management Authority Rules

The Executive Services Officer reports as follows:

“PURPOSE

This report outlines proposed amendments to the Dulverton Regional Waste Management Authority (DRWMA) Rules and seeks the Council’s approval as a co-owner of the DRWMA to seek public input on the proposed changes. A copy of the amended DRWMA Rules is appended to this report.

BACKGROUND

The DRWMA, trading as Dulverton Waste Management (DWM), operates under sections 29–38 of the *Local Government Act 1993* as a Joint Authority of the Central Coast, Devonport, Kentish and Latrobe Councils for the management and disposal of waste.

The Chief Executive Officer of DWM has requested the following of the Council:

‘At the Dulverton Waste Management (DWM) Owner Representatives meeting held on 29th June 2023, the DRWMA Rules Amendment Report was tabled which detailed proposed changes to the DRWMA Rules. It was resolved that:

That the report be received and the Owner Representatives request DWM to:

- a) Commence an amendment to the DRWMA Rules as shown in the Attachment June 2023 Rules (marked up); and*

- b) *provide a draft report and copy of the proposed amended Rules to each Owner Council to include, for consideration in their next available Council agenda.*

To enable the Rules amendment process to proceed, each Participating Council must pass a motion to formally support the amended Rules as attached. Could you please arrange to do this at your next Council meeting and advise DWM once completed.'

A copy of the amended DRWMA Rules, outlining the proposed changes, are appended to this report.

DISCUSSION

At the DWM Board Meeting held on the 14 December 2022 it was resolved to seek approval from the Owner Representatives to establish a sub-committee to review and update the DRWMA Rules and prepare an amendment as required by the *Local Government Act 1993*. The decision to undertake a review arose following a growing awareness that as DRWMA matures as an entity, it will grow a substantial Aftercare reserve to manage and monitor the landfill site post closure.

Currently the Rules limit the use of DRWMA's own funds accumulated for Aftercare to landfill capital projects. Through the construction of the Dulverton Organics Transformation Project, it was realised this provision should be broadened to include other waste and resource recovery activities that support the improved treatment of waste and resource recovery. It should be noted that where DWM utilise its accumulated Aftercare funds for capital projects today, that these funds are repaid with interest equivalent to that applicable if the funds had been borrowed, ensuring that the arrangement is commercially comparable and that the value of money over time is not lost.

A Rules Review Committee was formed with the membership being the Chief Representative Cr Garry Carpenter of Central Coast Council, Councillor Don Thwaites Owner Representative from Kentish Council and Mr Matthew Atkins General Manager and Owner Representative from Devonport Council. The Committee considered a list of approximately 20 items and subsequently made recommendations to a lawyer who reviewed the amendments. The Committee then further reviewed the changes prior to them being endorsed at the Owner Representatives meeting.

Amending the Rules can only be undertaken in accordance with the *Local Government Act 1993* and is a protracted affair, with the amendment process not likely to be completed prior to 1 February 2024.

As well as expanding the capital projects beyond the landfill that the DRWMA can fund from its own resources, the proposed amendments address:

- . expanding the definition of waste;
- . broadening the DRWMA's principal function for service provision;
- . strengthening diversity considerations in the Director recruitment process;
- . clarifying the use of the Authority Seal; and
- . providing clarity for the Strategic Plan, Annual Plan and Budget development process.

CONSULTATION

Consultation has been undertaken with the DWM Board and Owner Representatives. If endorsed by each of the owner Councils, DWM will advertise the amended Rules, seeking submissions from the public.

Following receipt of any submissions from the public, the Owner Representatives will determine if the Rules can be finalised, and a legal practitioner will certify that the Rules are in accordance with the law.

The DWM Chief Executive Officer, following certification by a General Manager of one of the owner Councils, will then advise that the Rules have been finalised and request each of the owner Councils to pass a resolution to formally approve the amended Rules.

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposed Rule amendments will have no direct financial impacts on Council resources. Legal drafting and advertising costs are met from the DWM budget.

All owner Councils must agree to the proposed amendments to the Rules for them to be changed. There is always the risk that one or more Councils may not agree with all the proposed changes, which would then require further consideration. If further information is required, the DWM Chair and CEO would be happy to meet with Council to provide such detail.

CORPORATE COMPLIANCE

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

Council Sustainability and Governance

- Improve corporate governance
- Effective communication and engagement

A Connected Central Coast

- Connect the people with services

CONCLUSION

It is recommended that the Council approve the proposed amendments to the DRWMA Rules and authorise the DRWMA to advertise the amendments in accordance with the *Local Government Act 1993*.

A suggested resolution is submitted for consideration.”

■ “That the Council:

- 1 Approve the proposed amendments to the Dulverton Regional Waste Management Authority Rules (a copy being appended to and forming part of the minutes) as endorsed by the Owner Representatives on 29 June 2023; and
- 2 Authorise the Dulverton Regional Waste Management Authority to advertise the amendments in accordance with the *Local Government Act 1993*.”

10.4 Common seal

The General Manager reports as follows:

“A Schedule of Documents for Affixing of the Common Seal for the period 22 August 2023 to 18 September 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 having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

- “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.”
-
-
-

10.5 Contracts and agreements

The General Manager reports as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into for the period 22 August 2023 to 18 September 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 having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

- “That the Schedule of Contracts and Agreements (a copy being appended to and forming part of the minutes) be received.”
-
-

10.6 Correspondence addressed to the Mayor and Councillors

The General Manager reports as follows:

“A Schedule of Correspondence addressed to the Mayor and Councillors for the period 22 August 2023 to 18 September 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 reports as follows:

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

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

COMMUNITY SERVICES

10.7 Development application determinations

The Director Community Services reports as follows:

“A Schedule of Development Application Determinations made during the month of 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 having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

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

.....

.....

.....

10.8 Council acting as a planning authority

The Mayor reports 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 10.9, 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 reports 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.

A suggested resolution is submitted for consideration.”

- “That the Mayor’s report be received.”

10.9 *Land Use Planning and Approvals Act 1993* – s.40K & s.42 report on representations to LPS2022003 – combined Draft Amendment to the *Central Coast Local Provisions Schedule* to add a Site Specific Qualification to the LPS for 6 Johnsons Beach Road, Penguin, with Visitor Accommodation Use Class to be a Discretionary Use Class with no qualification; and Development Application DA2022107 – Demolition of buildings and Visitor Accommodation (40 short stay apartment units and 21 three-bedroom holiday cabins; Food Services (cafe/restaurant); and Community Meeting and Entertainment (function centre) with ancillary tennis court, car parking and manager’s residence at 6 Johnsons Beach Road, Penguin.

The Director Community Services reports as follows:

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

| | |
|----------------------------------|---|
| <i>‘PLANNING INSTRUMENT:</i> | <i>Land Use Planning and Approvals Act 1993</i> (the Act). |
| <i>REPRESENTATIONS RECEIVED:</i> | 42 – including 11 signatures to a single representation. |
| <i>PUBLIC EXHIBITION PERIOD:</i> | 24 June 2023 to 24 July 2023. |
| <i>ADVERTISED:</i> | 24 June 2023 and 8 July 2023. |
| <i>ANNEXURE 1</i> | Copies of representations received. |
| <i>ANNEXURE 2</i> | Summary of each representation received and Planning Authority’s statement on each. |
| <i>ANNEXURE 3</i> | Copy of draft permit DA2022107 approved by the Planning Authority 19 June 2023. |
| <i>ANNEXURE 4</i> | Copy of revised draft permit DA2022107 with recommended amendments and renumbering of the conditions. |

PURPOSE

The purpose of this report is to consider, under s.40K and s.42 of the Act, representations received from the community and agencies to a combined draft Amendment to the Central Coast Local Provisions Schedule (LPS) and development application for the demolition of buildings and Visitor Accommodation (40 short stay apartment units and 21 three-bedroom holiday cabins); Food Services (cafe/restaurant); and Community Meeting and Entertainment (function centre) with ancillary tennis court, car parking and manager's residence.

BACKGROUND

Following a request by the applicant, the Council, in its role as the Planning Authority, resolved to initiate and certify a combined draft Amendment and development application at its meeting held 19 June 2023.

A detailed assessment of the combined draft Amendment against the requirements of the Act and the Open Space Zone, was prepared for the 19 June 2023 Council Meeting and remains available on the Council website: <https://www.centralcoast.tas.gov.au/council-agenda-minutes/>

The draft LPS Amendment seeks to add a Site Specific Qualification to the LPS for 6 Johnsons Beach Road, Penguin. The amendment would make Visitor Accommodation Use Class in the Open Space Zone a "Discretionary" Use with no qualifications. Currently, Visitor Accommodation Use Class in the Zone is Discretionary but has a qualification that states "*if for camping and caravan park or overnight camping area*". Hence, a Site Specific Qualification is proposed to allow for a broader range of accommodation types.

The development application includes the following use classes:

- (a) demolition of buildings;
- (b) Visitor Accommodation (40 short stay apartment units and 21 three-bedroom holiday cabins);
- (c) Food Services comprising of a cafe/restaurant; and
- (d) Community Meeting and Entertainment use for development of a function centre with ancillary tennis court, car parking and manager's residence.

Entry to and egress from the site would utilise an existing access over a parcel of Crown land, off Johnsons Beach Road, Penguin.

The site is able to be serviced with reticulated sewer, water and stormwater infrastructure.

DISCUSSION

Following the public exhibition of the draft LPS amendment and development application, s.40K and s.42 of the Act require the Planning Authority to prepare a report containing:

- . a copy of each representation made;
- . a statement of the Planning Authority's opinion as to the merit of each representation made and whether the draft Amendment and/or permit should be modified; and
- . any recommendations of the Planning Authority to the Commission in relation to the draft Amendment and/or permit.

Following submission of this report to the Commission, the Commission will hold a public hearing to examine the merits of the proposal. The Commission will make the final determination on the application.

CONSULTATION AND REPRESENTATIONS

The draft Amendment and development application were placed on public exhibition from 24 June 2023 to 24 July 2023. Site notices were erected (one on each public boundary) and an advertisement was placed in The Advocate newspaper twice, once on 24 June 2023 and again on 8 July 2023.

Application documents and reports were made available for viewing at the Central Coast Council offices in Ulverstone and Penguin and were available for viewing and downloading from the Council's website.

During the public exhibition period, 42 representations were received, including 11 signatories to a single submission and comments from agencies.

Under s.40K and s.42 of the Act, a report to the Commission is to contain a statement to each representation received of the Planning Authority's opinion as to the merit of each representation, in particular as to:

- (a) whether the Planning Authority is of the opinion that the draft Amendment and/or permit ought to be modified to take into account the representation;
- (b) the effect of the representation on the draft Amendment, and the LPS to which it relates, as a whole;
- (c) a statement as to whether the Planning Authority is satisfied the draft Amendment meets the LPS criteria; and
- (d) any recommendations in relation to the draft Amendment and Permit that the Planning Authority thinks fit.

Refer to Annexure 1 to view a copy of the representations received.

Refer to Annexure 2 for a summary of each of the representations received and statements by the Planning Authority.

RESOURCE, FINANCIAL AND RISK IMPACTS

The receipt and summarisation of representations received has no significant impact on Council resources, outside those associated with attendance at a public hearing by the Commission on the matters raised.

CORPORATE COMPLIANCE

The *Central Coast Strategic Plan 2014–2024* (reviewed 2019) includes the following strategies and key actions:

The Environment and Sustainable Infrastructure

- . Contribute to a safe and healthy environment
- . Develop and manage sustainable built infrastructure
- . Contribute to the preservation of the natural environment

Recommendation –

It is recommended that the Planning Authority:

- 1 Not make any changes to draft LPS Amendment LPS2022003.
- 2 Amend the conditions to draft Permit DA2022107, as reflected in the revised draft Permit attached at Annexure 4.

- 3 Endorse this report and send a copy to the Tasmanian Planning Commission, pursuant to s.40K and s.42 of the *Land Use Planning and Approvals Act 1993*.
- 4 Delegate to the Director Community Services its powers and functions to represent the Planning Authority at a hearing before the Commission, if required, pursuant to s.40L of the *Land Use Planning and Approvals Act 1993*.'

The report is supported."

The Executive Services Officer reports as follows:

"A copy of the Annexures referred to in the Manager Land Use Planning (Acting)'s report having been circulated to all Councillors, a resolution is submitted for consideration."

■ "That the Planning Authority:

- 1 Not make any changes to the draft LPS Amendment LPS2022003.
- 2 Amend the conditions to draft Permit DA2022107, as reflected in the revised draft Permit attached at Annexure 4.
- 3 Endorse this report and send a copy to the Tasmanian Planning Commission, pursuant to s.40K and s.42 of the *Land Use Planning and Approvals Act 1993*.
- 4 Delegate to the Director Community Services its powers and functions to represent the Planning Authority at a hearing before the Commission, if required, pursuant to s.40L of the *Land Use Planning and Approvals Act 1993*."

.....

.....

.....

CORPORATE SERVICES

10.10 Statutory determinations

The Director Corporate Services reports as follows:

“A Schedule of Statutory Determinations made during the month of 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 having been circulated to all Councillors, a suggested resolution is submitted for consideration.”

- “That the Schedule of Statutory Determinations (a copy being appended to and forming part of the minutes) be received.”

.....

.....

.....

11 CLOSURE OF MEETING TO THE PUBLIC

11.1 Meeting closed to the public

The Executive Services Officer reports 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 |
| Sale of Council land at Lot 1 Westella Drive, Turners Beach (364/2021 – 13.12.2021) | 15(2)(d) Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal. |

A suggested resolution is submitted for consideration.”

- “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 |

| | |
|---|---|
| Sale of Council land at Lot 1 Westella Drive, Turners Beach (364/2021 – 13.12.2021) | 15(2)(d) Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.” |
|---|---|

The Executive Services Officer further reports 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.”

Associated Reports And Documents

Riana Community Centre General Meeting
17th May 2023

Present :

Verlie Duff, Robert Langham, Annette Langham, Darren Fielding, Irene Aitken, Ruth Stewart, Barbara Woods & Deanne Dawkins

Apologies : Sophie Lehman, Rodney Duff & Delma Carpenter

Minutes of Previous Meeting :

Annette Langham presented the minutes of the previous meeting. Irene Aitken moved that they were true and correct. 2nd Robert Langham. Passed.

Business Arising:

- The grant for a memorial on the site of the former Anglican Church by Kevin Brown was unsuccessful on this occasion. The committee will continue to work with the community and possible grants until we come up with a way to recognise the site.
- The water leaks in the centre finally seem to be rectified 😊 Annette to check with Council re repairing the plaster.
- The toilet upgrade project has been completed and makes a huge difference to the centre, especially with the older users. Many opposition teams have commented on the vast improvement during the cricket and bowls season.
- Garbage collection was increased for Summer and will now be reduced to monthly again to save costs.
- Gas stove was serviced and a report given to council re some minor compliance issues.

Financial Report :

The financial report is the same as report presented in tonight's AGM.

General Business :

- The external walls need spraying with Wet and Forget again.
- We would also like to paint the front of the building to match the new extension to present a more cohesive appearance from the road. Kevin Brown has offered to help with this if the Centre purchases the paint.
- It was noted that the Western Heat Pump has still not been repaired – Annette to follow up with council where we are at with this.
- We need to Check with council if we need to update the Queen's picture with one of the King?
- The committee need to organise a working bee for late August to clean out the back room and sort the front lawn where it has been left from the renovations.

- We discussed meetings going forward and the committee unanimously agreed to have a meeting 4 monthly. However the next meeting will be held at the conclusion of the working bee on the 27th August at 12.15pm.

Meeting Closed 8.58pm

Riana Community Centre Annual General Meeting
17th May 2023

Present :

Verlie Duff, Robert Langham, Annette Langham, Darren Fielding, Irene Aitken,
Ruth Stewart, Barbara Woods & Deanne Dawkins

Apologies : Sophie Lehman, Rodney Duff & Delma Carpenter

Minutes of Previous Meeting :

Annette Langham presented the minutes of the previous meeting. Irene Aitken moved that they were true and correct. 2nd Verlie Duff. Passed.

Presidents Report :

Annette Langham presented her report thanked all the committee their patience during the renovation period of the centre for their efforts in continuing to raise funds through the kitchen.

Moved Annette Langham 2nd Deanne Dawkins

Financial Report :

The financial report was presented and moved by Robert Langham 2nd Irene Aitken

Election of Office Bearers :

In the absence of a council representative due to illness, Verlie Duff took the chair for the election of office bearers.

Election of office bearers:-

| | | | |
|----------------------------|-----------------|------------------|----------------------------|
| President/Chairperson | Annette Langham | Nom by I Aitken | 2 nd D Dawkins |
| Vice President/Chairperson | Irene Aitken | Nom by R Langham | 2 nd B Woods |
| Treasurer | Robert Langham | Nom by I Aitken | 2 nd R Stewart |
| Secretary | Annette Langham | Nom by I Aitken | 2 nd D Fielding |

General Committee to include:- Verlie Duff, Rodney Duff, Delma Carpenter, Deanne Dawkins, Darren Fielding, Ruth Stewart, and Barbara Woods .

Sophie Lehman is on committee as the council representative.

The committee will welcome new members at any time throughout the year.

AGM Meeting Closed 7.55pm

Presidents Report for Riana Community Centre AGM 17th May 2023

I would firstly like to take the opportunity to thank all committee members for their hard work and perseverance for the past two years. This dedication has seen our facilities finally have the upgraded Changerooms for Cricket and Auskick and 1000% improved toilets for general users of the Centre.

I sincerely thank members for making themselves available for the many short notice and adhoc meetings we have needed throughout this process.

I would also like to commend Cheryl Fuller, Simon Angilley and the Central Coast Council for their unwavering support for the project.

To the Riana Indoor Bowls Bias Association, thank you so much for your patience, we know you have had a dreadfully cold and uncomfortable season in 2022 while the most significant demolition and construction was undertaken.

To the Riana Cricket Club, thank you also for your patience, we know the project took longer than we all expected.

I apologise to Council for our lack of formal committee meetings during this phase but can assure you our very small committee members were stretched with the impromptu meetings when decisions were needed and trying to keep the use of the Centre ticking over as comfortably as we could for the regular users.

The committee continues to support the upkeep of the Centre with working bees to keep it clean and tidy and raising funds for replacement of tables and other equipment as required.

We look forward to a positive future of a very well utilised Centre.

Sincerely

Annette Langham

Meeting Notes

North West Christian School

Thursday, 3 August 2023 at 9.15am



Doc ID: 463482

1. **Meeting Open – Chair – Lachie Purton and Elana Tuaoi, Principal - Braydon Morton, welcome members to the NW Christian School.**

2. **Acknowledgement of Country**

I acknowledge and pay respect to the Tasmanian Aboriginal community as the traditional owners and custodians of this land on which we live, learn and work.

3. **Present:**

Penguin District School: Emma Bracken, Matthew Perry

North West Christian School: Elana Tuaoi and Lachlan Purton

Ulverstone Secondary College: Tahli Williams, Matthew Brooks, Maddie Filz, Hugh Mayberry, Simon Dent

Council: Melissa Budgeon

Guest: Bec Wells Community Engagement - Burnie and Devonport Headspace.

Apologies:

Ulverstone Secondary College: Hugh Mayberry

Penguin District School: Kade Franks.

Council: Daryl Connelly, Cr Amanda Diprose.

4. **Meeting notes from 6 July – confirmed.**

5. **Youth Voice, Youth Survey.**

The survey is live, link forwarded to all reps. 101 responses as at the meeting. Melissa shared a snapshot of the results so far. Limited in responses from young people living in Ulverstone.

Themes – transport and generally feeling safe in Central Coast.

Survey to stay active for another 2 – 3 weeks. Where possible agreed to share and circulate it into the wider community through social media platforms etc.

6. **Youth Event**

Discussion was held –

Date – 22nd September, Friday night.

Timeframe 5 – 8pm

Name – Smiles at the Shell.

PDS – bands and run sheet

NWCS – bean bags, games, setting the scene at the Shell.

LCS – promotion, flyers, other services

USC – food vendors

Bec – disclaimer for engaging speakers/services

Melissa – secure a sound tech

Next event planning meeting online Teams 21st August at 1pm.

Event Details/Plans to date -

Date – Friday 22 September Twilight/after school event. 5pm – 8pm – fewer hours to keep is action packed and engaging.

Event Name – Smiles at the Shell

Theme – Orange, the colour of Headspace

Venue – Outdoor Entertainment Centre (Booked)

Budget (suggested items) \$2,500.

- Audio/Sound – (guesstimate - \$1500 - 2000) Booked.
- Marketing (Printing \$200)
- Security – suggested that approaching a service club to assist with any issues, notifying the local Police that it is on is also another way to gain support from services.

Next meeting:

Thursday – 28 September, Council.

Meeting Closed 10.35am



**Central Coast Community Shed Management Committee
General Meeting
Minutes of Meeting held at the Community Shed**

Monday, 7 August 2023, commencing at 1.02pm

1 PRESENT/APOLOGIES

Members Present: Rob Mackenzie, Kerry Hays, Dave Dunn, Barry Purton, Norm Frampton, Ian Hardstaff, Vicki Wilmot and Cr John Beswick.

Apologies: Steve O'Grady, Jenni Doran, Anthony Kirkpatrick.

Minute Taker: Melissa Budgeon

Chairperson: Ian Hardstaff

2 CONFIRMATION OF MINUTES

■ Dave Dunn moved, and Kerry Hays seconded, "That the minutes of the general meeting held on Monday, 3rd July be confirmed as true and correct.

Carried

3 BUSINESS ARISING FROM MINUTES

Forth trough – no new update to report, still progressing.

Toilet Refurbishment – ongoing. Seeking Geoff Swinden to visit the site to confirm the scope of the works.

Forth Valley Lions Club – invite has been extended to Mens Shed members to attend a Lions Club meeting on 25th October, at the Forth Hall.

Mural (ongoing item) – A Launceston artist has indicated they are interested in depicting the area at the Showground on cement sheeting (making it movable, and easier to paint rather than corrugated iron), also suggested it could be part of a 'Mural Trail'.

Jack n Jill Day – now three weeks in with approximately 5–8 attending each Thursday.

School visits – Inductions for East, West and Ulverstone primary school students held last week and this week the building/construction starts.

4 FINANCIAL REPORT (as attached)

Attendance

| | | | |
|---------------|-----|-----|----|
| Mens | 463 | avg | 36 |
| Women | 86 | avg | 24 |
| Jack and Jill | 28 | avg | 7 |

Melissa moved, and Rob McKenzie seconded, "That the financial report tabled be confirmed as true and correct.

Carried

5 GENERAL BUSINESS

Nautical theme free book library – has been completed. Some difficulty contacting the community member who requested it. Cr John Beswick to follow up.

Safety – everyone is being safe, continuing with reminders. Inductions to be undertaken as a refresher for all supervisors. WHS induction is the basic incident forms, duty of care, MSDS etc.

Wood lathe dust extraction – ongoing.

Band saw upgrade – seek external funding, consider replacement options.

Dementia Australia guest speaker – visiting to talk about Mens Shed, offered to present talk to the Womens Shed.

Supervisor – induction process. WHS induction – is the basic incident forms, duty of care, MSDS etc. PPE appropriate for the area.

5 CLOSURE/NEXT MEETING

As there was no further business to discuss the meeting closed at 2.10pm.

Next meeting will be Monday 4 September at 1pm.



Central Coast Community Shed - Financial Statement 2023-24

| Revenue | Estimates | Actual |
|--------------------|-------------------|--------------------------|
| 11413.03 | | |
| Membership Fees | 3,000.00 | \$2,072.73 |
| Groups | 2,000.00 | |
| Material Donations | | |
| Project Donations | 2,000.00 | |
| GST allocation | | |
| Estimate | \$7,000.00 | <u>\$2,072.73</u> |

| Expenditure | Estimates | Actual |
|-------------------------|-------------------|-----------------------|
| 11481 | | |
| Aurora | 0.00 | |
| Telstra/Internet | 600.00 | \$31.81 |
| Office/cleaning | 200.00 | |
| Testing and tagging | 1,150.00 | |
| Petty Cash | 500.00 | |
| Training - 1st Aid | 1,000.00 | |
| Membership - AMSA, TMSA | 100.00 | |
| Insurance | 500.00 | |
| Repairs and Maintenance | 1,200.00 | |
| Safety Equipment | 1,000.00 | |
| Project Materials | 1,500.00 | |
| Water/Sewage | 50.00 | |
| Cleaning materials | 200.00 | |
| Estimate | \$8,000.00 | <u>\$31.81</u> |

**CENTRAL COAST COUNCIL
AUDIT PANEL
UNCONFIRMED MINUTES OF MEETING**

Minutes of meeting held on Thursday 17 August 2023 at the Administration Centre, Central Coast Council commencing at 1.00pm.

1 Present

Members – Steve Allen (Chairperson), Ken Clarke, Cr Garry Carpenter and Cr Philip Viney.

Officers – Barry Omundson (General Manager), Samantha Searle (Director Corporate Services) (from 1.20pm), Adrian Smith (Manager Organisational Services) and Rosanne Brown (admin support).

Stephen Morrison and Simone Lee, Tasmanian Audit Office (TAO) attended via Teams for item 6.1.

2 Apologies

Jessica O’Grady, Tasmanian Audit Office (TAO).

3 Confirmation of Minutes

Moved by Cr Carpenter and seconded by Cr Viney that the minutes of the meeting held on 5 June 2023 be confirmed as true and correct. Resolved unanimously.

4 Declarations of Interest

Nil.

5 Business Arising

5.1 Extreme Risk Rating Items (Minute Item 7.1 – 24.03.2023)

The previous Chairperson had requested that the Extreme Risk Register be listed on agenda for future meetings until the two items (No’s 18 & 19) are moved from the Extreme Risk Rating.

Listed at item 7.2 below.

6 Financial

6.1 Audit Issues

Stephen Morrison and Simone Lee, Tasmanian Audit Office (TAO) attended via Teams for this item.

The following document had been provided to the Panel:

- Tasmanian Audit Office – Interim Management Letter – Financial Report and Interim Memorandum of Audit Findings for year ended 30 June 2023 (dated 30 June 2023).

Simone outlined the new findings from the interim audit:

- 1.1 Fraud Risk Register – since resolved;
- 1.2 Delegation limits – since resolved;
- 2.1 Asset Capitalisation Policy – not yet marked as resolved but will be by next audit.

The three items are classified as low risk.

The following items were listed as unresolved from previous audit – it is anticipated they will be resolved by next audit:

- 3.1 Documentation of IT Policies and procedures;
- 3.2 Management oversight of valuation process and assessment of valuation result including assets' useful lives;
- 3.3 Assets excluded in revaluation of Recreation, Parks, and Environmental asset classes;
- 3.4 Assets classification;
- 3.5 Excessive leave balances;
- 3.6 Documentation of financial procedures.

Items 3.1 and 3.2 classified as moderate risk and 3.3 to 3.6 as low risk.

Chairperson queried TAO Officers re Item 3.6 noting that it is a consistent issue across most councils. TAO provided flow charts and narratives at client information sessions.

TAO Officers left the Teams meeting at 1.07pm.

Noted that excess leave is a work in progress but being dealt with and documentation of IT Policies and procedures and financial procedures is ongoing.

6.2 Financial Report for year ended 30 June 2023

A copy of the Annual Financial Statements for year ended 30 June 2023 had been provided to the Panel.

The Manager Organisational Services highlighted some key points with the Statements. Overall the income statement looks good however, underlying deficit is a recurring issue as now fifth consecutive year. Outlined impacts of flooding costs and de-recognised bridges.

Director Corporate Services arrived at this stage.

Noted that only \$10.5m of the capital budget of \$24m had been completed due to issues with staffing, material availability and over-promising.

General Manager advised that the Council will be reviewing the capital works program in the next couple of months and will provide a three-year rolling program to alleviate under-delivery and enable improved scoping of projects. Director Corporate Services advised that the budget process is to be reviewed to ensure improved budget control, forecasting and better internal reporting relevant to each area.

Questions from Panel members and discussions followed regarding capitalising of labour, ratio targets, review of indirect overheads, prepayments, treatment of Dulverton dividends, borrowing costs and discount factors.

Both independent members commended the Manager Organisational Services on the work in preparation of the Statements.

7 Risk Management & Insurance

7.1 Insurance

A copy of the Executive Summary & Insurance Market Overview components of the Renewal Report from JLT was provided with the agenda for information. Overall, insurance premiums increased by 17.19% for the 2023-24 financial year with the most notable being the JLT Discretionary Trust (Council's buildings and facilities) and workers compensation.

Noted overall premiums are higher than budgeted amounts. General discussion on workers compensation claims.

7.2 Extreme Risk Register (Minute item 7.2 – 05.06.2023)

Item listed as per the previous Chairperson's request that the Extreme Risk Register be included on agenda for future meetings until the two items (No's 18 & 19) are moved from the Extreme Risk Rating.

The Panel recommended SR-10 be reviewed to determine what the risk really is and OR-18 and OR-19 be reassessed. Agreed that the three items be revisited and a report provided for the next Audit Panel meeting following review of the Strategic Risk Register.

7.3 WHS Incident Reports

As per Annual Work Plan 2022–23, the Audit Panel is to review the WHS Incident Reports.

A report provided by the Council's WHS Officer was circulated with the agenda.

The Panel would like comparative data from previous years in future reports.

Report noted.

7.4 Operational Risk Register (Minute item 7.2 – 24.03.2023)

SLT (previous General Manager) had suggested two internal audits for the 2023–24 year:

- (i) cyber security independent audit against the Essential 8 model. This will form a good baseline to identify current status/risk;
- (ii) compliance against the Enterprise Agreement (EA) – to see what is working and what is not. The Council will be entering into EA negotiations later this year.

The General Manager proposed a procurement audit instead of the EA due to higher risk and suggested a 2–3 year program for internal audits be prepared with audits undertaken in-house.

The Panel agreed that the General Manager prepare a three-year internal audit program to be provided to the next Audit Panel meeting.

8 Legislative & Compliance

8.1 Management/Performance Report

A copy of the Council's Interplan Actions & Tasks Progress Report as at 30 June 2023 was provided with the agenda.

Panel discussed the report and noted it was overwhelming and suggested a summary report would be beneficial. General Manager advised that he is currently reviewing the report and will be workshopping with SLT to prioritise items before taking to Council for consideration.

The Panel endorsed a zero-based approach and recommends a report be provided after the Council has agreed on new priorities.

8.2 Compliance Review

The following Policies had been considered by the Council since the last Audit Panel meeting:

- (1) Planning Sub-Committee Charter (176/2023 – 19.06.2023)
- (2) Vegetation Management Policy (185/2023 – 19.06.2023)
- (3) School Bus Stop Shelter Policy (186/2023 – 19.06.2023)
- (4) Rates and Charges Policy (194.2023 – 19.06.2023)
- (5) Deputations Policy (212/2023 – 17.07.2023)
- (6) Gifts and Donations Policy (214/2023 – 17.07.2023)
- (7) Cultural Collections Policy (220/2023 – 17.07.2023)
- (8) Public Art Policy (220/2023 – 17.07.2023)

Copies of the documents were provided to the Panel for information.

The Panel noted the Policies tabled and following discussion on process, agreed they would continue receiving for noting.

Mr Clarke suggested that independent Audit Panel members should be referenced in the Gifts and Donations Policy.

Agreed that the General Manager provide a Register of Policies to the Panel's next meeting for the Panel to consider which Policies would be appropriate for their input prior to formal consideration by the Council, and that the Gifts and Donations Policy be amended to include reference to independent Audit Panel members.

9 Items to Note

9.1 General Manager's Certification

Copy provided with agenda for period ended 31 July 2023.

Document noted with specific reference to the risks involved with wandering pigs.

9.2 Risk Management Committee

No meeting since 17 March 2022.

9.3 Audit Panel Status Report

Report provided with agenda. Report noted with updates.

9.4 Financial Policies – Investment reports

Report provided with agenda detailing Council's investments. Discussion on who and how decisions on terms and placement of investments made. Policy to be reviewed from a risk perspective.

Report noted.

9.5 Credit Cards – Schedule of Payments

Report provided with agenda. Report noted.

9.6 Excess Leave Report

Report provided with agenda. Report noted.

9.7 Audit Panel Evaluation

Copy of Chairperson's Report to Council – Evaluation of Audit Panel for year ended 31 December 2022 (received by the Council at its meeting held on 17 July 2023) and a draft report for consideration for inclusion in the Council's Annual Report were provided for information.

Agreed to provide the detailed report to Council and not to include it in the Annual Report as not necessary.

9.8 Private Works Undertaken by Councils

Copy of letter from Tasmanian Audit Office advising of amendments to the audit plan for the performance of Private Works Undertaken by Councils was provided for information.

Report noted.

10 General Business

10.1 Major Projects

The General Manager confirmed earlier discussions that the Council will be categorising and prioritising future major projects at a workshop in the next month.

10.2 Members questions

Questions from Mr Clarke on use of Council Cost Index (CCI) for budgeting purposes and use of AI tools and Policy re use of such.

11 Meeting Closed: 3.15pm.

Next Meeting: 27 November 2023 at Hive (50 Main Street, Ulverstone)

Central Coast Council Audit Panel

Annual Report 2022 – 2023

Background

Central Coast Council's Audit Panel was established in compliance with Division 4 of the Local Government Act 1993 (the Act). It operates in accordance with the Council's Audit Panel Charter.

Audit Panel Membership

The Audit Panel comprises two independent members and Councillor members. The membership for the calendar year ended 31 December 2022 consisted of Robert Atkinson (Chair), Stephen Allen (both independent members) and Councillors Gary Carpenter and Philip Viney (with Councillor John Beswick as proxy). With the retirement of Mr Atkinson at the end of 2022, a new Panel was constituted at the start of 2023 consisting of Stephen Allen (Chair), Ken Clarke (both independent members) and Councillors Gary Carpenter and Philip Viney (with Councillor John Beswick as proxy).

The Role of the Panel

The role of the Panel is to support the elected Council by providing independent advice on Council's financial reporting, internal control, risk management, legislative compliance, long term planning, and fraud control.

In reviewing the Council's performance, the Audit Panel considers:

- Whether the annual financial statements of the Council accurately represent the operations and state of affairs of the Council;
- Integration of the Council's strategic plan, annual plan, long-term financial management plan and long-term strategic asset management plan;
- Council's accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls to safeguard its long term financial position;
- Whether the Council is complying with the provisions of the Act and any other relevant legislation; and
- Whether the Council has taken any action in relation to previous recommendations provided by the Audit Panel.

In order to fulfil this role, the Panel develops an annual work plan that provides appropriate activities and information required for each four meetings (which are held quarterly across the calendar year).

Important items considered across the financial year ending 30 June 2023 were:

a. Annual Plan and Budget

The Panel reflected on the assumptions and estimates that had been made in the planning documents and budget for the year ending 30 June 2023. A comprehensive corporate folder is produced which contains detailed information about the estimates and assumptions used in the budget process. The Panel noted that an average rate increase of 4.05% was forecast for the budget period. In this process the Panel also reflected upon the long-term financial plan and long-term asset management plan of Council.

b. External Audit

The Panel discussed the 2021-2022 audit strategy with the external auditor and the Tasmanian Audit Office and monitored the progress of the audit at each of its subsequent meetings. The Panel also monitored management's consideration and action on unresolved audit findings from the 2020-2021 audit. At the end of the 2021-2022 audit, there were six unresolved findings of the external auditor: documentation of IT policies and procedures; management

oversight of valuation processes and assessment of the valuation result including assets' useful lives; assets' classification; excessive leave balances; and documentation of financial procedures. The Panel will monitor management's progress toward resolution of these unresolved audit findings during the 2022-2023 external audit.

c. Annual Report including Statutory Financial Statements

The Panel considered the appropriateness of the assumptions, policies and application of accounting standards in the financial statements contained in the 2021-2022 Annual Report and considered with the commentary provided in the Annual Report was consistent with the information contained in the financial statements. It made some suggestions (from a procedural point of view) to improve some of the data underlying the information contained in the annual report and financial statements, and some suggestions regarding format and presentation.

d. Internal Audit

The Panel has not yet agreed with management a formal internal audit plan but will engage with this matter in the forthcoming year. That said, the Council has commissioned external advice in the area of risk and insurance and the Panel reviewed the recommendations in this report.

e. Risk Management

The Panel regularly reviews the Council's attention to risk management framework and Council's main strategic risks. Significant attention to the risk management framework, risk management policy and strategic risk register is conducted at the Panel's meeting in March. At that meeting the Panel noted that there were two risks on the strategic risk register with a risk rating of extreme and recommended that the Council develop a plan with target dates and resourcing to reduce these two risks to a rating below extreme. The Panel also noted a report concerning the operational risks faced by Council and suggested a plan be developed to implement the seven recommendations from this report.

f. Long Term Planning

The Panel reviews and comments upon long term plans such as the Financial Management Strategy; Long Term Strategic Asset Management Plan and other long term planning documents. It is particularly concerned with how the financial management strategy aligns to strategic asset management and noted the review of such alignment conducted under the Tasmanian local government reform process.

g. Other Matters Considered (but not limited to)

- The financial management of Council as evidenced by regular financial reports (the Panel noted that these were regularly of a high standard);
- The progress towards meeting objectives in the annual plan as evidenced by regular management reports through the management information system (It was noted that progress to completion of some capital works projects was difficult given skills and materials shortages generally in the community);
- Information systems across the Council generally and in particular, cyber security (it was noted that some attention has been applied to the area of cyber security and this will be a focus in the coming year); and
- The Council's compliance with relevant legislation (and associated regulations), and its attention to policy review and renewal.

The Panel contributed to a review of the Audit Panel Charter and indicated that there were no modifications necessary. The annual work plan of the Panel is prepared on an annual basis and will be reviewed for the calendar year ending 31 December 2024 at its November 2023 meeting.

The performance review of the Panel for 2022 did not identify any issues in the operation of the Panel for that calendar year in terms of: composition, skills and experience of the Panel; understanding the 'business' of council; meeting administration and conduct; management commitment and support, and other aspects of the role and operation of the Panel).

The Panel did not make any formal recommendations to Council during the year but monitored progress on a series of actions aimed at improving procedures and processes and strengthening internal control.

Stephen Allen FCPA

August 2023

Central Coast Community Safety Partnership Committee

Minutes of a meeting held in the Council Chambers

Wednesday, 23 August 2023 – Commencing at 10.00am

1 PRESENT

Council Representatives: Cr Cheryl Fuller (Mayor)
 Barry Omundson (General Manager)
 Cr Kate Wylie (Councillor)
 Paul Breaden (Director Infrastructure Services)
 Chris Clark (Manager Community Development)
 Melissa Budgeon (Community Wellbeing Officer)
 Tracey Clark (Administrative Support)

Community Representatives: Garth Johnston (Community – Penguin)
 Lynn Norton-Smith (Community – Turners Beach)
 Alex Bonde (Tasmania Police)
 Simon Douglas (Ulverstone Neighbourhood House)
 Simon Dent (Ulverstone Secondary College)
 Robert Tucker (CCCCI)

2 WELCOME

The Mayor, Cr Cheryl Fuller, welcomed everyone to the meeting and read the Acknowledgement of Country.

The Council acknowledges and pays respect to the traditional owners of lutruwita (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 continuous cultures.

3 APOLOGIES

Sam van der Meulen (Housing Choices), and **Jenelle Wells** (Health Promotion Consultant).

4 MINUTES OF PREVIOUS MEETING

■ Garth Johnston moved, and Lyn Norton-Smith seconded, "That the minutes from the meeting held on Wednesday, 26 April 2023 be confirmed as a true and correct record".

Carried

5 BACKGROUND AND INTRODUCTION OF NEW GENERAL MANAGER

Barry Omundson introduced himself to the Committee as the new General Manager. Barry shared with the group his passion for effective leadership and his vision for creating a positive culture within the Central Coast Council.

Mayor Fuller reported that all staff attended a reset meeting when Barry started and the senior leadership team and councillors will hold meetings soon to reevaluate the goals for Central Coast.

6 RED BENCH PROJECT

Melissa reported that Council has been approached through the family violence unit of Tasmania Police to seek interest in participating in the Red Bench Project.

The program raises awareness of domestic violence and how the reoccurrence of non-fatal strangulation can become fatal. The benches, which are installed in public locations and have a plaque with information about the project, are a conversation starter for members of the community who may not be aware of the impacts of non-fatal strangulation and ongoing domestic violence.

It had been proposed to install a bench in the Sensory Garden which is planned for Tobruk Park. Mayor Fuller suggested that this might be too isolated to spark a conversation, and finding a location where there is already a bench in a prominent location that could be repurposed would be a quicker way of progressing the idea.

The following suggestions were put forward by the committee:

- The Wharf Precinct
- Apex Park
- Queens Garden
- Penguin Foreshore
- Park next to Ulverstone Neighbourhood House

Alex advised that from a Tasmania Police perspective, the focus is on changing the culture at a young age, so having the benches installed near parks or locations where families gather is a good option.

Paul asked if the intention was to have just one bench, or to install them in multiple locations. Melissa confirmed that only one would be required.

Barry suggested that as a regional council we should consider taking a regional approach rather than focusing on a single area. Cr Wylie suggested that we could have a different campaign in each location, such as a Red Bench in Ulverstone, a Blue Tree (mental health) in Penguin, and so on.

The Committee agreed that repurposing a bench that is already installed would be the best way to move forward.

ACTION: Paul Broaden to identify suitable locations in Ulverstone and Penguin and plan for the project to be undertaken – progress to be reported back at the next meeting.

7 REPORTS

7.1 Crime Report.....Tasmania Police

Alex Bonde reported that discussions have taken place between Tasmania Police and the Mayor about the perceived gang activity in Ulverstone. Police have intervened quite heavily with the youths involved, and the issues have since reduced. Whilst problems will always occur in some form, the current group seem to have settled down.

Alex also reported the following:

- Hooning activity previously reported in and around John Street and Main Street, Ulverstone has settled down after the offenders moved on.
- Vandalism continues to be an issue around public toilets. Council staff and the public are reminded to report any incidents that occur so Police are aware and can follow up.
- Break-ins have been occurring at the Family Learning Centre building site in West Ulverstone. Police have increased patrols in the area.

Paul advised that hooning activity had occurred at Anzac Park over the weekend resulting in damage to the grass. Infrastructure Services are looking at different fencing options to prevent this type of activity.

Cr Wylie asked if there was a point where youths loitering in the street became a crime. Alex advised that whilst this would not necessarily be considered criminal activity, the Police do have powers to move them on if they believe they may commit a crime, and shop owners are encouraged to contact the Police if they feel this is necessary.

Cr Wylie also asked if there is anything members of the public can do in these situations to avoid tying up police resources, to which Alex advised that calling the Police is still the preferred option as these situations have the potential to become violent, and it is important for Police to show a presence in the community.

Mayor Fuller noted that publicly role-modelling positive youth engagement can minimise the stereotype of young people being troublemakers and with that in mind, the Council will be working on promoting the positive youth role models who make up the majority of our youth community.

Mayor Fuller also reported that she has received a request from the PCYC for a meeting in the near future.

7.2 Education (all schools) Report.....**Simon Dent**

Simon Dent reported that thank you packs are being prepared by the school for Tasmania Police for the support offered to the school and the efforts to engage with the youth involved in the recent gang activities. He reported that there has been a real sense of optimism around the work done by police, which has really made some young people and their families take things seriously and educated them on the outcomes of this behaviour.

Simon noted that getting these kids engaged in the community and belonging in the community with a purpose is the goal, and it is hoped that the recent announcement of grant funding you existing or new infrastructure that creates recreational or social opportunities for young people will create more opportunities for engagement. Chris advised that Council's Community Development officer has forwarded details of this grant to local organisations.

Simon also reported that school is currently focusing a lot of attention on issues around vaping. He noted that there is a lot of misunderstanding among young people about the law around vaping, with some of them believing that if the vape did not contain nicotine they were not breaking the law. Simon suggested the possibility of working with sports clubs to help promote the message to young people that vaping is dangerous and illegal.

The Mayor asked if the department of health have a message around vaping? Melissa confirmed that there is a dedicated anti-vaping campaign, and youth workers are available to speak at schools across the state. Melissa also raised the importance of education for parents and providing parents with resources.

7.3 Ulverstone Neighbourhood House.....**Simon Douglas**

Simon Douglas reported that the Ulverstone Neighbourhood House Community Kids program is in development. This program will take place after school on Thursdays and will showcase different groups and activities that are on offer in the community. A representative from the Ticket to Play initiative will also be involved. The program is aimed at children in the mid-late primary age bracket.

7.4 Garth Johnston (Penguin).....**Garth Johnston**

Garth noted that the road markings on the coast road between Ulverstone and Penguin are still a problem, particularly with cyclists on the road. He asked if there are rules governing the colours cyclists should be wearing? Alex advised that there is nothing included in the road rules about cyclist clothing.

8 ROUNDTABLE DISCUSSION

Chris invited the Committee to share their feedback on the future of the Community Safety Partnership Committee.

The Committee has been around in various guises since prior to 2000, with the first “plan” developed in 2006. Over this time there has been good representation from Tasmania Police, schools, the Central Coast Chamber of Commerce and Industry, as well as other groups and individuals.

Past initiatives of the Committee have included a One Punch campaign, bike safety, cyber safety and a Chamber of Commerce partnership for a video about shoplifting and the impact it has on the community.

Melissa gave a recap of some of the programs – one punch program after the lighthouse event, bike safety, cyber safety, chamber of commerce partnership for a video about shoplifting and the impact it has on the community.

Accreditation:

Mayor Fuller noted that in the beginning, the discussion around accreditation grew from a desire to be seen as the safest community in Tasmania. There have been a number of roadblocks to this process, including difficulty engaging with the accreditation body, and external costs that outweigh the benefits of accreditation.

The committee was asked for their thoughts on moving away from the formal accreditation, in place of adopting a “safest community in Tasmania” message based on our performance in the space:

- Barry: the accreditation places the focus on the process rather than the outcomes. Part of the new vision for Central Coast could be that we are a safe place.
- Melissa: the current youth survey has so far received over 200 responses with all respondents indicating that they feel safe within our community.
- Robert: can you can find the criteria they use for the accreditation and exceed them?

The Committee agreed to abandon the accreditation process. The Mayor acknowledged the work of Council staff on the process to date.

Purpose of the Committee:

The Committee was asked to share what they believe is the purpose of the Central Coast Community Safety Partnership, and if this is still relevant. This feedback is summarised in the table on the following page.

| | |
|--|---|
| Simon Douglas <i>Ulverstone Neighbourhood House</i> | <ul style="list-style-type: none"> • Updates on what is happening within the community and how we can be involved • Crime reports • Engagement opportunities • Sharing ideas and partnering with the other groups around the table <p>Is this still relevant: Yes</p> |
| Lyn Norton Smith <i>Community Rep (Turners Beach)</i> | <ul style="list-style-type: none"> • Provides a level of awareness of issues that are more important than I previously realised • Opens my eyes to what's going on in the greater community • Provides talking points to take back to the community for discussion <p>Is this still relevant: Yes</p> |
| Garth Johnston <i>Community Rep (Penguin)</i> | <ul style="list-style-type: none"> • I learn a lot from the people around the table • Raises issues that I might not have been aware with • Provides a space for me to raise community concerns • Provides talking points to take back to the community for discussion <p>Is this still relevant: Yes</p> |
| Robert Tucker <i>Central Coast Chamber of Commerce and Industry</i> | <ul style="list-style-type: none"> • Raising awareness of issues • When things are known about they can be fixed <p>Is this still relevant: To a degree – the group has added value to some issues but not others.</p> |
| Simon Dent <i>Ulverstone Secondary College</i> | <ul style="list-style-type: none"> • Connection • We walk away feeling like we are supported • We work in silos in schools and can be unaware of what's going on in a wider sense <p>Is this still relevant: Yes, if we are promoting the same coordinated messages.</p> |
| Alex Bonde <i>Tasmania Police</i> | <ul style="list-style-type: none"> • Having awareness around issues we might not have seen reported to police • Formulating a plan as a collective to tackle the issues • Tackling issues together provides reassurance to the community <p>Is this still relevant: Yes</p> |

Where to from here?

The Mayor suggested moving the focus of the group to sharing, with staff presenting ideas and projects they have come up with since the previous meeting and seeking comments from the group, as well as having a calendar of events that the Committee will support/promote.

Barry noted that he can see benefit in continuing with a face-to-face meetings on a quarterly basis, with a reset of the focus and clarity around what the purpose is so that it better utilises the skills of the group. The Mayor added that attendance at Committee meetings had been an issue in the past, and having less frequent meetings would likely encourage better participation.

Barry added that meetings should have outcomes that can be actioned in between. Cheryl suggested that rather than a plan that staff work towards, the preference should be for the group to tell staff where the priorities are and then work on actioning those.

Cr Wylie commented that the intel gathered around the table is invaluable, but there needs to be a better plan for distributing this information to the community. Mayor Fuller noted that the Council will have a dedicated communications role in the coming months, and part of this will include addressing how information can be better shared with the community.

Overall, the Committee supported switching to a quarterly roundtable format.

Simon Douglas asked if there was anyone missing from the Committee who should be included? Garth also added that there could be an opportunity to include a youth representative.

ACTION: Chris to review the current Committee Charter based on these discussions, and present a vised draft to the next meeting for comment.

9 GENERAL BUSINESS

Simon Dent noted that we should be on the lookout for the next Community Safety Champion. The group should consider this and present any nominations at the next meeting.

Action: Melissa to develop criteria for the award and disseminate to the committee.

NEXT MEETING

The next meeting, to occur in November, will be scheduled at a later date.

As there was no further business the meeting closed at 11.37am.



**Central Coast Community Shed Management Committee
General Meeting
Minutes of Meeting held at the Community Shed**

Monday, 4 September 2023, commencing at 1.00pm

1 PRESENT/APOLOGIES

Members Present: Rob Mackenzie, Kerry Hays, Dave Dunn, Barry Purton, Ian Hardstaff, Colin Berry, and Cr John Beswick.

Guest: Chris Clark (Central Coast Council)

Apologies: Steve O'Grady, Jenni Doran, Vicki Wilmot, Anthony Kirkpatrick, Norm Frampton, Melissa Budgeon.

Minute Taker: Tracey Clark

Chairperson: Ian Hardstaff

2 CONFIRMATION OF MINUTES

- Dave Dunn moved, and Kerry Hays seconded, "That the minutes of the general meeting held on Monday, 7th August be confirmed as true and correct.

Carried

3 BUSINESS ARISING FROM MINUTES

Equipment update – application submitted for volunteer grant funding through Gavin Pearce for \$3,000 to replace band saw. Grants close on 9 September. Lathe extraction upgrade is ongoing – grant money is available up to \$100,000. Need to look at extraction options and work out what is required.

Forth trough – no new update to report, still progressing.

Toilet Refurbishment – ongoing.

Mural (ongoing item) – Have spoken with the Mayor who has contacts she will share. Artist hasn't been back in touch but will follow up.

Jack n Jill Day – good attendance, average of 6 per day.

School visits – visits are going well with good attendance.

Nautical-themed library – email received over the weekend from Justine to ask when the library can be picked up. Will make contact and arrange for delivery and installation.

4 FINANCIAL REPORT (as attached)

Attendance

| | | | |
|---------------|-----|-----|----|
| Mens | 497 | avg | 38 |
| Women | 101 | avg | 20 |
| Jack and Jill | 30 | avg | 6 |

Line item should be added to the report for the WWVP fees, and petty cash removed.

Noted that TMSA fees have gone up to \$75 per year, effective August 2024.

Rob McKenzie moved, and Barry Purton seconded, "That the financial report tabled be confirmed as true and correct.

Carried

5 GENERAL BUSINESS

Safety – undertaking a lot of off-site work across the community – raised with the Council's General Manager that the Community Shed is not insured for these jobs. Supervisors are insured as council volunteers when on site. If there is a supervisor on site for these jobs they might be covered. Chris Clark to investigate insurance for offsite work and public liability and discuss appropriate processes with Council's WHS Officer.

Dementia Australia guest speaker – Richard Evans from Dementia Australia visited on 4 September and spoke to participants as part of Mens Shed Week.

Supervisor – induction process. WHS induction – is the basic incident forms, duty of care, MSDS etc. PPE appropriate for the area.

Phone replacement – item can be removed. Phone is now diverted to the President. Expenditure for phone replacement can be removed from the estimates.

5 CLOSURE/NEXT MEETING

As there was no further business to discuss the meeting closed at 1.36pm.

Next meeting will be Monday 2 October at 1 pm.



Central Coast Community Shed - Financial Statement 2023-24
as at 30 August

| Revenue | Estimates | Actual |
|--|-------------------|--------------------------|
| 11413.03 | | |
| Membership Fees | 3,000.00 | \$3,280.58 |
| School Groups (East, West, Ulv Primary) | 2,000.00 | \$800.00 |
| Material Donations | | |
| Project Donations | 2,000.00 | |
| GST allocation | | |
| Estimate | \$7,000.00 | <u>\$4,080.58</u> |

| Expenditure | Estimates | Actual |
|----------------------------|-------------------|------------------------|
| 11481 | | |
| Aurora | 0.00 | |
| Telestra | 600.00 | \$63.62 |
| Internet | 200.00 | \$109.09 |
| Office Consumerables | 200.00 | |
| Testing and tagging | 1,000.00 | |
| Petty Cash | 250.00 | |
| Training - 1st Aid | 850.00 | |
| Membership - AMSA, TMSA | 100.00 | |
| Insurance | 650.00 | |
| Repairs and Maintenance | 1,200.00 | |
| Safety Equipment | 800.00 | |
| Project Materials | 1,000.00 | |
| Water/Sewage | 50.00 | |
| Cleaning materials | 250.00 | |
| _Phone replacement | 850.00 | |
| Estimate | \$8,000.00 | <u>\$172.71</u> |

DULVERTON REGIONAL WASTE

MANAGEMENT AUTHORITY

*(A Joint Authority under s30-39 Local Government Act of the Central Coast, Devonport City,
Kentish and Latrobe Councils for the management and disposal of waste)*

RULES

As adopted on ***29 June 2023

Table of Contents

| | |
|--|----|
| PART 1 - PRELIMINARY | 3 |
| 1. Title | 3 |
| 2. Name..... | 3 |
| 3. Interpretation..... | 3 |
| PART 2 - FUNCTIONS AND POWERS..... | 6 |
| 5. Powers of the Authority | 7 |
| 6. Core Activities..... | 7 |
| PART 3 – MEMBERSHIP AND FINANCIAL CONTRIBUTIONS | 9 |
| 7. Members and Contributions | 9 |
| 8. Withdrawal..... | 9 |
| 9. Representatives..... | 10 |
| PART 4 - MEETINGS AND POWERS OF REPRESENTATIVES | 11 |
| 10. Convening of Representatives' Meetings..... | 11 |
| 11. Notice of Representatives' Meeting..... | 11 |
| 12. AGM..... | 11 |
| 13. Representatives' Powers and Duties | 12 |
| 14. Policies and Guidelines | 12 |
| PART 5 - PROCEEDINGS OF REPRESENTATIVES' MEETINGS | 14 |
| 15. Attendance at Representatives' Meetings | 14 |
| 16. Quorum of Representatives..... | 14 |
| 17. Quorum Not Present | 15 |
| 18. Chair of Representatives' Meeting | 15 |
| 19. Voting at Representatives' Meetings | 16 |
| 20. Declaration of Vote at Representatives' Meetings..... | 16 |
| 21. Resolution in Writing..... | 16 |
| 22. Special Resolution of Representatives | 16 |
| 23. Validity of Proceedings of Representatives' Meetings | 17 |
| PART 6 - THE BOARD..... | 18 |
| 24. Appointment of Directors..... | 18 |
| 25. Eligibility for Appointment as Director | 18 |
| 26. Suspension of Directors | 19 |
| 27. Dismissal of Directors..... | 19 |
| 27A.Process for Discipline of Director..... | 20 |
| 28. Vacation of Office of Director..... | 21 |
| 29. Remuneration of Directors | 22 |
| 30. Travel and Other Expenses of Directors | 22 |
| 31. Functions and Powers of the Board | 22 |
| 32. The Duties of the Board and Directors..... | 22 |
| 33. Notifying Representatives of Adverse Developments | 23 |
| 34. Board Proceedings..... | 23 |
| 35. Board Committees | 23 |
| PART 7 - CEO AND EMPLOYEES | 24 |
| 36. CEO..... | 24 |
| 37. Delegations of Power by the CEO | 24 |
| PART 8 – FINANCE, ACCOUNTS AND AUDIT | 25 |
| 38. Financing of Authority's Activities | 25 |
| 39. Investments | 27 |
| 40. Borrowing | 27 |
| 41. Accounting Records..... | 27 |
| 42. Financial Statements | 27 |
| 43. Audit | 28 |
| 44. Annual Report | 28 |
| PART 9 - DIVIDENDS AND OTHER PAYMENTS..... | 30 |
| 45. Comptroller | 30 |
| 46. Dividends | 30 |
| 47. Distribution of Other Payments..... | 30 |

| | |
|---|----|
| PART 10 - MISCELLANEOUS..... | 31 |
| 48 Participating Councils' Domestic Waste Collection | 31 |
| 49. Indemnity for Representatives, Directors and Employees..... | 31 |
| 50. Minutes and Confidentiality | 31 |
| 51. Notices..... | 33 |
| 52. Common Seal and Execution of Documents | 33 |
| 53. Amendment of Rules | 34 |
| 54. Insolvency | 34 |
| 55. Winding Up..... | 34 |
| 56. Dispute Resolution..... | 35 |
| SCHEDULE 2 | 37 |
| 2.1 The Strategic Plan..... | 37 |
| 2.2 The Annual Plan and Budget..... | 38 |
| 2.3 Adoption of Strategic Plan, Annual Plan and Budget | 39 |
| 2.4 Exclusion of Processes of the Act..... | 41 |
| 2.5 Legal Effect of Strategic Plan, Annual Plan and Budget..... | 41 |
| SCHEDULE 3 | 42 |
| 3.1 Convening of Board Meetings..... | 42 |
| 3.2 Notice of Board Meetings | 42 |
| 3.3 Chairing of Board Meetings | 42 |
| 3.4 Quorum at Board Meetings..... | 42 |
| 3.5 Voting at Board Meetings | 42 |
| 3.6 Conduct of Meetings..... | 43 |
| 3.7 Resolutions Without Meetings | 43 |
| 3.8 Validity of Proceedings..... | 43 |
| 3.9 Confidentiality..... | 43 |
| SCHEDULE 4 | 44 |
| 4.1 Outline of Resolution Process | 44 |
| 4.2 Other Parties May Join..... | 44 |
| 4.3 Notice of Dispute..... | 44 |
| 4.4 Notice of Mediation | 44 |
| 4.5 Mediation Rules | 44 |
| 4.6 Arbitration..... | 45 |
| 4.7 Other Processes | 45 |

AUTHORITY RULES

PART 1 - PRELIMINARY

1. Title

These Rules may be cited as the Dulverton Regional Waste Management Authority Rules.

2. Name

The name of the *Authority* is the Dulverton Regional Waste Management Authority.

3. Interpretation

(1) In these Rules, unless the contrary intention appears:

- ‘**Act**’ means the *Local Government Act 1993 (Tas)*;
- ‘**aftercare fund**’ means a fund for long term aftercare management of a landfill site;
- ‘**aftercare funding plan**’ means a financial plan accounting for all known assets and liabilities relating to the landfill at the current date and at the estimated landfill closure date articulating the proposed financial path and addressing any gap between assets and liabilities;
- ‘**aftercare management**’ is the management of a *Site* that has been used for landfill to avoid environmental harm after that *Site* has been closed as an active landfill and until such time as that *Site* is deemed to pose no further potential environmental harm;
- ‘**AGM**’ means an annual general meeting of the *Representatives* held in accordance with Rule 12;
- ‘**Authority**’ means the Dulverton Regional Waste Management Authority;
- ‘**Board**’ means the *Board of directors* appointed by the *representatives*;
- ‘**chair**’ means the chair of the *Board*;
- ‘**chief representative**’ means the chair of the *representatives* and where the context permits, refers to the person chairing the relevant *Representatives’ meeting*;
- ‘**CEO**’ means the chief executive officer of the *Authority*;

Commented [MP1]: Question for Rae & Partners:
Do we need to allow for rehab and aftercare in the rules for the DOT composting facility?

If so the reference to landfill under the following definitions requires amending:

- aftercare fund
- aftercare funding plan
- aftercare management
- rehabilitation
- Clause 38(3)c

Commented [CB2R1]: Removing the word landfill should correct this issue.

- **‘closure date’** is the date when ~~the any landfill Site~~ is closed such that waste is no longer deposited at ~~the that~~ Site;
- **‘Corporations Law’** means the Corporations Law of Tasmania and the Commonwealth;
- **‘Council’** means a council established under section 18 of the *Local Government Act, 1993*;
- **‘councillor’** means an elected member of a *participating council*;
- **‘deputy chief representative’** means the deputy chair of the *representatives*;
- **‘director’** means a member of the *Board* and includes the *chair*;
- **‘DWM Policies and Procedures’** means the Dulverton Waste Management policies and procedures that are adopted from time to time;
- **‘environmental harm’** has the same meaning it does in section 5 of the *EMPCA*
- **‘EMPCA’** means the *Environmental Management and Pollution Control Act 1994 (Tas)* as amended from time to time;
- **‘financial ratio’** means the following equity ratio:

| Owner Council | Equity Share |
|------------------------|--------------|
| Devonport City Council | 43.45% |
| Central Coast Council | 36.82% |
| Latrobe Council | 11.25% |
| Kentish Council | 8.48% |

- **‘general manager’** means a general manager of the *participating council*;
- **‘Mersey-Leven Region’** means the municipal areas of the *participating councils*;
- **‘participating council’** means a council which is a member of the *Authority*;
- **‘rehabilitation’** is the capping and vegetation of landfill *waste* cells as they are filled;
- **‘rehabilitation fund’** means a fund for *rehabilitation*;

Commented [CB3]: These changes relates to the definition of Site (see further below). This will separate the definition so that it may refer to parcels of land rather than all land as a whole

- **‘representative’** means a person appointed by a *participating council* to represent it on the *Authority* and includes a substitute appointed under Rule 9(4);
- **‘representatives’** means the *representatives* acting together at a *Representatives’ meeting*;
- **‘Representatives’ meeting’** means a meeting of *representatives*;
- **‘Rules’** means these rules as amended from time to time;
- **‘Treasurer’** means the Treasurer for the State of Tasmania;
- **‘special resolution’** means a resolution of the *representatives* complying with Rule 22;
- **‘Site’** is ~~an~~ any land owned by the *Authority* for the purpose of landfilling, composting, leasing to other entities or any other like use;
- **‘Statute’** means an Act, Regulation or By-law whether made by the State of Tasmania or the Commonwealth of Australia or by any *participating council*;
- **‘waste’** ~~means~~ includes any –
 - a) discarded, rejected, unwanted, surplus or abandoned matter, whether of any value or not; or
 - b) discarded, rejected, unwanted, surplus or abandoned matter, whether of any value or not, intended –
 - i. for recycling, reprocessing, recovery, reuse or purification by a separate operation from that which produced the matter; or
 - ii. for sale.
- ~~includes any product or material allowed by the current landfill and compost Environmental Protection Notice as amended from time to time.~~

Commented [CB4]: This allows greater flexibility to include further or remove any of the existing waste definitions

Formatted: Font: Not Bold

Formatted: Indent: Left: 5.42 cm, No bullets or numbering

- (2) These Rules are to be interpreted in accordance with the Acts Interpretation Act unless the contrary intention appears.

PART 2 - FUNCTIONS AND POWERS

4. Function

- (1) The principal function of the *Authority* is to manage *waste*.
- (2) The principal function includes:
 - (a) collecting, purchasing and otherwise acquiring *waste* (whether or not the *waste* is generated within the *Mersey-Leven Region*; and
 - (b) storing (whether temporarily or permanently), treating and disposing of *waste*; and
 - (c) reconstituting, refurbishing, recycling, cleansing, composting and otherwise treating *waste* and any product or by-product of *waste* or of any of those processes; and
 - (d) trading or dealing in any product or by-product of any of the activities referred to in any of the preceding subclauses; and
 - (e) anything which any *participating council* may do under any *Statute* with respect to any function expressly set out in these Rules; and
 - (f) anything which the *Authority* may in its own right do under any *Statute* with respect to any function expressly set out in these Rules; and
 - (g) formulating, implementing, researching and monitoring policies and programs for reducing, managing or recycling *waste*, whether for itself, its *participating councils* or any other council;
 - (h) undertaking any function, power, duty or requirement (however expressed) of any *waste* management policy or guideline (however named) issued in any way by any State or Federal body with respect to *waste* reduction, management or recycling; and
 - (i) managing and/or owning ~~a council~~ waste transfer station(s) or undertaking other waste services ~~on behalf of a council.~~
- (3) The *Authority* may formulate, implement and monitor policies and programs for the development and use of land owned by it for purposes compatible with a licensed waste disposal land-fill, including for industrial uses of a heavy industrial or regional nature (whether or not the region so considered is limited to the *Mersey-Leven Region*).

- (4) The *Authority* may do anything reasonably incidental to the performance of its functions including, as incidental activities, undertaking projects or activities for the purpose of raising revenue even if they are not directly authorised by its other functions but remains limited by Rule 38(1).
- (5) Whether or not the *Authority* exercises a function a *participating council* may exercise that function itself or obtain the benefit of that from any other source.
- (6) If, for any reason, the functions described in any part of this Rule 4 exceed the functions that the *Authority* can legally perform, those functions are to be read down so as to be those that the *Authority* can legally perform, but no further.

5. Powers of the Authority

- (1) In performing its functions, the *Authority* may do anything:
 - (a) which the *Act* authorises a joint authority to do; and
 - (b) which the *Act* authorises a council to do with respect to the functions of a council, (including the making of by-laws in accordance with Part 11 of the *Act*) excepting those things which the *Act* stipulates are not provided for in the rules of a joint authority; and
 - (c) which a *participating council* is empowered to do under any *Statute* with respect to the functions in Rule 4 which a *participating council* could otherwise perform; and
 - (d) which the *Authority* is otherwise empowered to do either specifically or generally under any *Statute*.
- (2) Without the prior approval of a majority of the *participating councils* the *Authority* must not acquire any land which it did not own as at the 1st January 2005.

6. Core Activities

- (1) The provisions of Rules 4 and 5 are enabling provisions. Nothing in those Rules requires the *Authority* to undertake or perform any of those functions or powers.
- (2) The core activities of the *Authority* are the management of *waste*.
- (3) Until determined to the contrary under Rule 6(4) the *Board* may only perform the functions and exercise the powers of the *Authority* with respect to the core activities of the *Authority*.

- (4) The *Board* may perform such functions and exercise such powers of the *Authority* that are not core activities if:
- (a) the *representatives* authorise that specifically or generally by special resolution; or
 - (b) the strategic plan or annual plan clearly includes it.
- (5) Any act, transaction, agreement or resolution of the *Board* or any other thing which is within the *Authority's* functions or powers under Rules 4 and 5 is not rendered invalid because it is outside the functions or powers of the *Board* specified by or in accordance with Rule 6(2) to 6(4).

PART 3 – MEMBERSHIP AND FINANCIAL CONTRIBUTIONS

7. Members and Contributions

- (1) The members of the *Authority* are the *participating councils*.
- (2) *Participating councils* are:
 - (a) those councils listed in Schedule 1; and
 - (b) any council which becomes a member under subrule (3);which have not withdrawn from membership.
- (3) Another council may become a member and a *participating council* if:
 - (a) it resolves to do so and to be bound by these Rules; and
 - (b) a majority of the *participating councils* approve its membership; and
 - (c) that council and a majority of *participating councils* agree the terms and conditions on which it will become a member, including:
 - (i) the number of *representatives* it may appoint under Rule 9; and
 - (ii) the *financial ratio* for that council and each of the *participating councils*.
- (4) The *participating councils* are only required to make financial contributions to the *Authority*:
 - (a) when agreed by the majority of *participating councils* and in the proportions so agreed; or
 - (b) as required under Rules 38, 54 or 55.

8. Withdrawal

- (1) Subject to any requirements of the *Act*, a *participating council* may only withdraw from membership of the *Authority* if it gives notice to the *CEO* of its intention to withdraw at least 3 months prior to the commencement of the financial year at the end of which it wishes to withdraw.
- (2) If a *participating council* has given notice under subrule (1), it may cancel that notice by further notice to the *CEO* at any time before its withdrawal becomes effective.

- (3) A withdrawal from membership becomes effective on the expiration of a notice given under subrule (1).
- (4) A council which has withdrawn from the *Authority*:
 - (a) remains liable to pay all amounts due by it to the *Authority*; and
 - (b) remains bound by Rules 54(5) and (6) and 55(5).
 - (c) is not entitled to any payment with respect to any interest it may have in the *Authority's* assets.
- (5) All property and assets owned or controlled by the *Authority* including those located within the municipal area of a council which has withdrawn from the *Authority* remain the property of or under control of the *Authority* unless they are purchased from or otherwise transferred by the *Authority* to that council.

9. Representatives

- (1) Each *participating council* is to appoint 2 persons to represent and vote on its behalf as a *participating council*.
- (2) A *representative* may resign from that office by notice given to the *general manager* of the relevant *participating council*.
- (3) A *participating council* may terminate an appointment and appoint a replacement *representative*.
- (4) The *general manager* may appoint a substitute *representative* to act in place of the *representative* whenever that *representative* is unable to act as a *representative*.
- (5) An appointment, resignation, substitution or replacement of a *representative* is not effective until the *CEO* is notified in writing.
- (6) Only a *representative* appointed under this Rule is authorised to represent a *participating council* and vote at a *Representatives' meeting*.
- (7) The commissioner under section 230 or 231 of the *Act* of a *participating council* may:
 - (a) personally fulfil the role and exercise the powers and functions of the *representatives* of that council and for that purpose is to be counted as 2 *representatives* in the quorum and voting; or
 - (b) appoint 2 persons as *representatives*, one of whom may be the administrator.

PART 4 - MEETINGS AND POWERS OF REPRESENTATIVES

10. Convening of Representatives' Meetings

- (1) The *Authority* may hold such *Representatives' meetings* as are desirable to carry out its functions.
- (2) The *CEO* is to convene a *Representatives' meeting* at the request of the *chief representative*, the *Board* or 2 or more *representatives*.

11. Notice of Representatives' Meeting

- (1) The *CEO* is to give to the:
 - (a) *representatives*;
 - (b) *general managers*; and
 - (c) *directors*;at least:
 - (d) 14 days' notice in writing of the *AGM* or of a *Representatives' meeting* which includes a matter which requires a *special resolution*; and
 - (e) at least 4 days' notice in writing of any other *Representatives' meeting*.
- (2) The notice is to specify the place, the day, and the hour of the meeting and the general nature of the business to be transacted at the meeting.
- (3) Even if no notice is given under subrule (1)(b) and (c) the *representatives* may by resolution passed or signed by all of them waive the requirement for notice of a *Representatives' meeting* other than an *AGM*.

12. AGM

- (1) An *AGM* must be held in every year before the end of November.
- (2) The *AGM* is to:
 - (a) receive and consider the accounts and reports of the *Board*; and
 - (b) Bi-annually elect the *chief representative* and deputy *chief representative* which representatives shall hold such position as determined in accordance with Rules 18(4) and 18(5).
- (3) The *AGM* may transact any other business specified in the notice of the meeting.

- (4) *Councillors* and the employees of a *participating council* and *directors* and employees of the *Authority* may attend any *AGM* but are not entitled to vote.
- (5) The *chief representative* is to provide a “question time” during which persons entitled to be present may ask questions of the *representatives*, the *Board* or the *CEO*.

13. Representatives’ Powers and Duties

The *representatives* have powers and duties:

- (a) with respect to the matters which require a *special resolution*; and
- (b) to review the performance of the *Board* and the individual *directors* at least once in each 2 years and not less than 3 months prior to commencing any *director* recruitment process; and
- (c) in accordance with Part 6 of these Rules with respect to:
 - (i) the appointment of *directors*; and
 - (ii) the setting of terms of office of *directors*; and
 - (iii) the setting of remuneration of *directors*; and
 - (iv) the suspension and dismissal of *directors*; and
- (d) to approve the *Authority*’s strategic plan, annual plan and budget under Schedule 2; and
- (e) to appoint the auditor in accordance with Rule 43 and with respect to all matters reasonably incidental to that appointment; and
- (f) to set their requirements for reporting to them by the *Board*; and
- (g) The *representatives* may consider the admission of other Councils as members of the *Authority* and hold discussions with such other Councils concerning such membership and make a recommendation to the *participating councils* as to another Council or Councils becoming a member of the *Authority*.

14. Policies and Guidelines

- (1) The *representatives* may by special resolution establish any policy for any process or other matter with respect to their exercise of any of their powers and duties listed in Rule 13.

- (2) In establishing any policy the *representatives* must obtain the advice of the *CEO* and, where the *CEO* certifies that it is required, the advice of an appropriately qualified person who is not an employee of the *Authority*.
- (3) The *representatives* may revoke or amend any policy in the same manner and required by subrules (1) and (2).
- (4) The *representatives* may establish, revoke or amend any guidelines for any process or other matter to be considered by them.
- (5) In establishing any guideline the *representatives* may obtain the advice of the *CEO* or any other appropriately qualified person.
- (6) The *representatives* are to comply with any policy or guideline but their failure to do so will not invalidate any decision.

PART 5 - PROCEEDINGS OF REPRESENTATIVES' MEETINGS**15. Attendance at Representatives' Meetings**

- (1) The *representatives* may require any of the *directors* and the *chief executive officer* to attend any *Representatives' meeting* and provide information.
- (2) A *Representatives' meeting* is not open to the public.
- (3) The *chief representative* may invite any other person to attend a *Representatives' meeting*.
- (4) Any person who attends a *Representatives' meeting* who is not:
 - (a) a *representative*; or
 - (b) a *director* or the *CEO* required to attend under subrule (1);may not speak unless authorised by the *chief representative* to do so.
- (5) The *chief representative* may direct any person attending a *Representatives' meeting* who is not a *representative* to leave the meeting or any part of the meeting.
- (6) A *representative* may participate in a *Representatives' meeting* by telephone, television or video conference or any other means of communication approved by the *representatives*.
- (7) A *representative* who participates in a way referred to in subrule (6) is taken to be present at the meeting for all purposes, including the quorum.

16. Quorum of Representatives

- (1) The quorum at a *Representatives' meeting* is:
 - (a) a majority of the *representatives* who may be appointed under Rule 9(1); and
 - (b) a majority of *participating councils* represented by at least one *representative* on their behalf.
- (2) A *Representatives' meeting* may only transact business if a quorum is present while that business is being considered.

17. Quorum Not Present

- (1) If a *Representatives' meeting* lacks a quorum, either at the beginning or during a meeting, the *chief representative* must adjourn the meeting.
- (2) The *chief representative* may:
 - (a) resume the meeting that day when a quorum is present; or
 - (b) adjourn the meeting until a date, time and place acceptable to a majority of the *representatives* present.
- (3) Only business left unfinished at the adjourned meeting may be transacted at the rescheduled meeting.
- (4) If at the rescheduled meeting, a quorum is not present within 30 minutes after the time specified for holding the meeting, the meeting is to be abandoned.

18. Chair of Representatives' Meeting

- (1) The *chief representative* is entitled to chair every *Representatives' meeting*.
- (2) The deputy *chief representative* may chair any *Representatives' meeting* or part of it if:
 - (a) the *chief representative* is not present at the specified time for holding the meeting; or
 - (b) the *chief representative* is present but is unwilling to chair the meeting or part of the meeting.
- (3) If both the *chief representative* and deputy *chief representative* are absent or unwilling to chair a *Representatives' meeting* or part of a meeting, the *representatives* are to choose a *representative* to chair the *Representatives' meeting* or that part of it.
- (4) The *chief representative* and deputy *chief representative* hold office until the end of the second annual *AGM* after their appointment unless the *representatives* by *special resolution* terminate either or both appointments.
- (5) Despite Rule 18(4), the *representatives* may by *special resolution* dismiss a *chief representative* or deputy *chief representative* from office if the *representatives* consider it in the best interests of the *Authority* or the *participating councils* to do so.

19. Voting at Representatives' Meetings

- (1) Each *representative* is entitled to one vote at a *Representatives' meeting*.
- (2) The *chief representative* has a deliberative vote only.
- (3) Unless otherwise specified in these Rules, a question arising at a *Representatives' meeting* is determined by a majority of the *representatives* present whether or not they vote.
- (4) If a vote is tied, the resolution is lost.
- (5) A vote is to be taken in the manner the *chief representative* directs.

20. Declaration of Vote at Representatives' Meetings

Unless a division is demanded the *chief representative* may declare that a resolution of *representatives* has been passed or lost.

21. Resolution in Writing

- (1) A resolution in writing signed by all *representatives* is as valid as if it had been passed at a *Representatives' meeting* duly called and constituted.
- (2) The resolution may consist of several documents in the same form, each signed by one or more *representatives* or bearing a copy of those signatures transmitted in accordance with Rule 51(2).

22. Special Resolution of Representatives

- (1) A *special resolution* is passed if:
 - (a) notice of the matter has been given in accordance with Rule 11; and
 - (b) it is passed by a majority of the *representatives* (whether or not they are all present and vote) which majority of *representatives* between them represent a majority of the *participating councils* and at least one representative from each Council represented at the *Representatives' meeting* (whether or not all the *participating councils* are represented at that *Representatives' meeting* by a *representative* who is present).
- (2) A *special resolution* is required for the:
 - (a) appointment of the *chair* and other *directors* (Rule 24(2)); or
 - (b) termination, suspension or other changes to the terms of appointment of a *director* prior to the end of their term of appointment (Rules 26 & 27); or

- (c) approval of the *Authority's* strategic plan, annual plan or budget when there is a dispute with the *Board* (Schedule 2 Clause 2.4); or
- (d) appointment of a person to wind up the *Authority* (Rule 54); or
- (e) termination of office of *chief representative* or deputy *chief representative* (Rule 18(4)); or
- (f) deletion or variation of the requirements of the annual report (Rule 44(3)); or
- (g) any other Rule which requires a *special resolution*.

23. **Validity of Proceedings of Representatives' Meetings**

An act or proceeding of the *representatives* or of any person acting under their direction is:

- (a) not invalid only by reason that at the time when the act or proceeding was done, taken or commenced, there was a vacancy in a position as a *representative*; and
- (b) valid, even if the appointment of a *representative* was defective.

PART 6 - THE BOARD

24. Appointment of Directors

- (1) The *Board* consists of at least 3 and no more than 7 *directors*, one of whom is the *chair*.
- (2) The *representatives* are by *special resolution* to appoint the *chair* and other *directors* of the *Board*.
- (3) When appointing the *chair* and other *directors*, the *representatives* are to:
 - (a) take into account the functions and powers of the *Board* and appoint persons who collectively have the skills and experience to carry out those functions and powers; and
 - (b) specify in the terms of each appointment a term of office no longer than five years, which term may be different for any *director*; and
 - (c) consider the desirability of establishing arrangements for the retirement of no more than half the *Board* at a time so as to preserve continuity of corporate knowledge and skills at *Board* level; and
 - (d) specify the continuing eligibility (if any) on which the *directors*' term of office is a condition so that the *directors*' term of office will automatically cease if the director ceases to comply with that continuing eligibility; and
 - (e) determine the size of the *Board* within the limits required by subrule (1); and
 - (f) take into account the likely conflict or perceived conflict of interests arising from employment or association with other organisations; and
 - (g) consult with the *Board chair* and *CEO* regarding skills/diversity required in the recruitment process and refer to relevant Authority policies, including the ~~(i.e. Equal Opportunity and Discrimination Policy and the Harassment and Bullying Policy).~~
- (4) A *director* whose term has just expired is eligible for appointment for another term.

Commented [MP5]: Question for Rae & Partners: Assistance with adding some words in here around considering diversity within the recruitment process (without locking in the requirement for picking a 'diverse' person over someone suitable for the role'.

I did add reference to our policies under G but I am not sure whether that's strong enough?

Commented [CB6R5]: See amendments at (g) below. I think this is sufficient for the Authority's purposes

Formatted: Font: Not Italic

25. Eligibility for Appointment as Director

- (1) A person must not be both a *representative* and a *director*. If a *representative* is appointed as a *director* that *representative* must resign their appointment as a *representative* before accepting appointment as a *director*.

- (2) The *representatives* are not to appoint to the *Board* a person who:
- (a) is a *councillor* or employee of a *participating council*; or
 - (b) under the *Corporations Law* of any State is not entitled to manage a corporation or has been disqualified by Court order from managing a corporation; or
 - (c) is suspending payment generally to creditors or compounding with or assigning his or her estate for the benefit of the creditors; or
 - (d) is of unsound mind or is a patient under a law relating to mental health or whose estate is administered under laws relating to mental health; or
 - (e) has been dismissed from office under Rule 27.

26. Suspension of Directors

- (1) Subject to Rule 27A, the *representatives* may by *special resolution* suspend a *director* from office for a period of no more than 3 months.
- (2) If the *representatives* suspend the *chair*, they may suspend him or her from that office only, or as a *director* as well.

27. Dismissal of Directors

- (1)
 - (a) Subject to Rule 27A, the *representatives* may by *special resolution* dismiss a *director* from office if the *representatives* consider it in the best interests of the *Authority* or the *participating councils* to do so.
 - (b) If the *representatives* dismiss the *chair*, they may dismiss him or her from that office only, or as a *director* as well.
 - (c) The *representatives* may dismiss a *director* from office at any time without prior notice if the *director* is guilty of grave misconduct or wilful neglect in the discharge of his or her duties, becomes bankrupt, loses legal capacity or makes any arrangement or composition with his or her creditors.
 - (d) In circumstances other than those set out in clause 27(1)(c) any *director* that is dismissed shall be given 6 months' notice but the *representatives* may decide to pay the *director* the equivalent of the notice period and not require that he or she serve the notice period.

27A. Process for Discipline of Director

- (1) The *representatives* may not make a resolution under Rule 26(1) or 27(1) unless they have first complied with Rules 27A(2) and 27A(3).
- (2) Where the *representatives* consider that there is prima facie evidence of conduct by a director that requires the action considered in Rule 26(1) or Rule 27(1), the *representatives* shall, as soon as practicable, cause a notice to be given to the *director*:
 - (a) setting out the substance of that evidence and breach constituted by it;
 - (b) stating that the *director* may address the representatives with reference to the notice and its contents at a meeting;
 - (c) stating the date, place and time of that meeting being not earlier than two (2) days and not later than seven (7) days after the giving of the notice; and
 - (d) informing the *director* that the director may do either of the following:
 - (i) attend and speak at that meeting;
 - (ii) submit to the representatives at or prior to the date of the meeting written representations relating to the resolution.
- (5) Where the *representatives* make a resolution under Rule 26(1) or Rule 27(1) the *representatives* shall, within seven (7) days thereof, by written notice, inform that *director* of that resolution and of the *director's* right of appeal under Rule 27A(7).
- (6) A resolution by the *representatives* under Rule 26(1) or Rule 27(1) does not take effect:
 - (i) until the expiration of the period in which the *director* is entitled to appeal against the resolution where the *director* does not exercise the right of appeal within that period; or
 - (ii) where within that period the *director* exercises the right of appeal, unless and until the *representatives* confirms the resolution in accordance with Rule 27A(11).
- (7) A director may appeal to the representatives against a resolution under Rule 26(1) or Rule 27(1) within seven (7) days after the notice of the resolution is given to the director by lodging with the chief representative a notice to that effect.

- (8) The available grounds of appeal are:
- (i) where a decision is wrong having regard to the application of the relevant rule, regulation, policy or laws or where new evidence becomes available; or
 - (ii) where natural justice has been denied.
- (9) On receipt of the notice under rule 27A(7) the chief representative shall convene a representatives' meeting to be held within 21 days after the date on which the chief representative received the notice or as soon as possible after that date.
- (10) At the representatives meeting held in accordance with rule 27A(9):
- (i) no business other than the question of the appeal shall be transacted;
 - (ii) the representatives and the director shall have the opportunity to make representations in relation to the appeal orally or in writing, or both; and
 - (iii) after receiving the representations made under Rule 27A(10)(ii), the representatives shall vote on the question that the resolution made under Rule 26(1) or Rule 27(1) be confirmed.
- (11) The resolution made under Rule 26(1) or Rule 27(1) is revoked unless confirmed by Rule 27A(10)(iii).
- (12) Where there is any inconsistency or conflict between this Rule 27A and the *Act*, the *Act* prevails to the extent of the inconsistency or conflict.

28. Vacation of Office of Director

The office of a *director* becomes vacant:

- (a) if the *director* has been absent from 3 consecutive *Board* meetings without leave of absence granted by the *Board* and the *representatives* by ordinary resolution declare that *director's* office vacant; or
- (b) if the *director* is no longer eligible under Rule 25 to be appointed to the *Board* or ceases to be eligible under Rule 24(3)(d); or
- (c) on the written resignation of the *director* being received by the *CEO*; or
- (d) if the *director* is dismissed under Rule 27; or
- (e) on the *director's* death.

29. Remuneration of Directors

- (1) The *directors* are to be paid the remuneration the *representatives* determine in accordance with the voting procedure at Rule 19.
- (2) That remuneration may be different for different *directors* and may include incentives based on performance.

30. Travel and Other Expenses of Directors

A *director* is to be paid all reasonable travel, accommodation and other expenses incurred by the *director* while engaged on the business of the *Authority* in accordance with its normal procedures and policies.

31. Functions and Powers of the Board

Subject to Rule 6(1) the *Board* may perform all the functions and exercise all of the powers of the *Authority* except those functions and powers which these Rules expressly require to be performed by the *representatives* or the *participating councils* only.

32. The Duties of the Board and Directors

- (1) The *Board* is to direct the affairs of the *Authority* in a manner consistent with:
 - (a) the *Authority's* strategic plan, annual plan and budget; and
 - (b) the requirements of the corporatisation model for government business enterprises referred to in the Competition Principles Agreement made between the Commonwealth, the States and the Territories as amended from time to time.
- (2) Except as otherwise provided in these Rules or the *Act*, in the exercise of their functions and powers:
 - (a) each *director* has the same duties and is to exercise the same degree of care, diligence and good faith as a director of a corporation subject to the *Corporations Law*; and
 - (b) the *director* must not do anything which the *Corporations Law* provides that a director of a corporation subject to that law must not do.
- (3) *Directors* may rely on information and advice in the same manner as a director of a corporation subject to the *Corporations Law*.

33. Notifying Representatives of Adverse Developments

The *Board* is to promptly notify the *representatives* of anything which may:

- (a) prevent or significantly adversely affect the achievement of any objective (however called) set out in the strategic plan or annual plan; or
- (b) significantly adversely affect the financial viability or operating ability of the *Authority* and which is not referred to or allowed for in the strategic plan , annual plan or budget.

34. Board Proceedings

Schedule 3 applies to meetings of the *Board*.

35. Board Committees

- (1) The *Board* may establish committees as it considers appropriate and delegate to those committees the functions and powers the *Board* considers appropriate.
- (2) A committee may be comprised entirely of persons who are not *directors*.
- (3) If the *Board* does not direct the manner in which a committee conducts its business, the committee may determine that method.
- (4) The *Board* may discontinue any established committee as it considers appropriate.

PART 7 - CEO AND EMPLOYEES

36. CEO

- (1) The *Board* is to appoint a *CEO* to be responsible for the administration and operation of the *Authority*.
- (2) The *Board* may delegate any of the *Board's* functions and powers to the *CEO*.
- (3) The *Board* may require the *CEO* to:
 - (a) attend meetings of the *Board*; or
 - (b) leave any part of a *Board* meeting.

37. Delegations of Power by the CEO

Subject to any direction to the contrary by the *Board*, the *CEO* may delegate any of the *CEO's* functions and powers to any person appointed by the *CEO* to assist the *Board* in performing its functions and exercising its powers in accordance with its normal procedures and policies.

PART 8 – FINANCE, ACCOUNTS AND AUDIT**38. Financing of Authority's Activities**

- (1) The expenses incurred by the *Authority* are to be met or defrayed out of the *Authority's* funds raised as follows:
 - (a) fees charged by the *Authority* for any service or facility provided by the *Authority*, including those fees charged to the *participating councils*; and
 - (b) revenue of any other nature received by the *Authority*; and
 - (c) loans made by the *participating councils* to the *Authority* with the prior written consent of all the *participating councils* which loans must be contributed by the *participating councils* in proportion to the *financial ratios*; and
 - (d) the financial contributions as the *participating councils* from time to time unanimously agree to contribute in proportion to the *financial ratios*;
 - (e) loans taken by the *Authority* from any financial institution with the authorisation of the *representatives*; and
 - (f) any other method of raising funds that is permitted to councils under section 73(b) to (i) of the *Act*.
- (2) The *Authority* shall not require any *participating council* to return to the *Authority*:
 - (a) any dividend paid by the *Authority* to the *participating council*; and
 - (b) the net amount of any income tax equivalent or guarantee fee paid to the *participating council* by the *Treasurer* or comptroller in accordance with section 39C of the *Act*.
- (3) The Board is to make full provision for *aftercare management*. To do so:
 - (a) Each year the *Board* must determine an amount that it reasonably believes is necessary in accordance with the *aftercare funding plan*;
 - (b) The amount determined in Rule 38(3)(a) is to be paid into the *aftercare fund*;
 - (c) The *Board* is to determine the closure date at least ten (10) years prior to the landfill *Site* ceasing to be an active landfill and upon doing so, develop a

- closure plan to the satisfaction of the *representatives* for the discharge of funds from the *aftercare fund*;
- (d) The *Authority* may borrow against the *aftercare fund* at the then Tascorp borrowing rate for ~~landfill~~ capital projects provided that:
- (i) The *Authority* is solvent;
 - (ii) The total funds being loaned from the accumulated *aftercare fund* are approved by the *representatives*; and
 - (iii) All borrowings, including all accumulated interest, are repaid not later than two (2) years before the planned *closure date*.
- (e) The *Authority* may lend to any *participating council* funds from the *aftercare fund* provided that:
- A. The *participating council* is solvent;
 - B. The total funds being loaned from the accumulated *aftercare fund* are approved by the *representatives*; and
 - C. All loaned funds, including interest, are to be repaid not later than two (2) years before the planned closure date.
- (4) If the *Board* determines that the *Authority's* budget will not otherwise be sufficient to ensure proper and sufficient reserves as required by subclause (3), it is to give written notice to all *participating councils* requiring them to pay to the *Authority* the amount so required in proportion to their *financial ratio*.
- (5) The *participating councils* must promptly pay to the *Authority* any amount required under subclause (4).
- (6) The *Authority* is to place all amounts it receives for the *aftercare fund* into the *aftercare fund* in accordance with the *aftercare management plan*.
- (7) The *Board* is to make full provision for *rehabilitation*. To do so:
- (a) Each year the *Board* must determine an amount that it reasonably believes is necessary for *rehabilitation*;
 - (b) The amount determined in Rule 38(7)(a) is to be paid into the *rehabilitation fund*.

39. Investments

The *Authority* may only invest money in a manner in which a trustee is authorised by law to invest trust funds.

40. Borrowing

- (1) The *Board*, for the purpose of raising a loan or obtaining any form of financial accommodation, may decide to provide any of the following forms of security:
 - (a) debentures;
 - (b) bills of sale, mortgages or other charges;
 - (c) inscribed stock;
 - (d) guarantees;
 - (e) any other document evidencing indebtedness other than bearer instruments.
- (2) The *Authority* may not raise a loan in any financial year exceeding any amount the *Treasurer* determines for that financial year.
- (3) In this Rule, 'loan' includes any financing arrangement as determined by the *Treasurer*.

Commented [MP7]: Question for Rae & Partners:
Is there any point to listing the different forms of securities (a to e)?
Are they even relevant anymore?

Commented [CB8R7]: The Rules of Conduct of Business must be included in the Rules per s38(i)(e) of the LGA. As giving security may fall into usual business affairs, they should be kept.

41. Accounting Records

The *Authority* is to keep accounting records that correctly record and explain its transactions and financial position and keep those records in a manner that:

- (a) allows true and fair accounts of the *Authority* to be prepared from time to time; and
- (b) allows the accounts of the *Authority* to be conveniently and properly audited or reviewed; and
- (c) complies with generally accepted Australian accounting practices.

42. Financial Statements

Within the time prescribed by the Tasmanian Audit Office, the *Board* is to prepare the financial statements of the *Authority* relating to that financial year including:

- (a) a statement of financial performance for the financial year; and
- (b) a statement of financial position as at the end of the financial year; and

- (c) a statement of cash flows for the financial year; and
- (d) statements, reports and notes attached to or intended to be read with the financial statements.

43. Audit

- (1) The accounts and financial reports of the *Authority* are subject to the Financial Management and Audit Act 1990.
- (2) The accounts and financial reports of the *Authority* may be audited by private auditors with the approval of, and subject to any terms and conditions determined by, the Auditor-General.
- (3) The *representatives* are to appoint and review the appointment of the *auditor*.
- (4) The auditor is to report to the *representatives* and the *Board*.

44. Annual Report

- (1) Before the end of November in each year the *Board* is to prepare an annual report for the last financial year.
- (2) The annual report is to include the following information and documents:
 - (a) the current statement of the contents of the strategic plan referred to in Schedule 2 clause 2.1(4) and the achieved outcomes; and
 - (b) the financial statements of the *Authority* for the financial year to which the annual report relates; and
 - (c) a copy of the opinion of the auditor in respect of the financial statements; and
 - (d) reports of the *chief representative* and the *chair*; and
 - (e) performance targets achieved; and
 - (f) any other matter required by the *Act*; and
 - (g) any other matter as directed by the *representatives*.
- (3) The *representatives* may by *special resolution* delete all or any part of the requirements of subrule (2)(a) and (e), unless that is contrary to the *Act*.
- (4) The Annual Report must be submitted to the participating councils in accordance with Section 36A of the Local Government Act. The Participating Councils may

Commented [MP9]: Question for Rae & Partners:
Is there a benefit to having this rule? Why might it have come about?

Commented [CB10R9]: Section 36A(2) of the LGA lists all of those matters that MUST be included in the Report. Other than (b) and (c) above, the points from (a)-(e) are not required. Therefore, this Rule allows them to be excluded if they are not wanted or needed in a particular report.

determine that the Annual Report be considered in a closed section of a council meeting in accordance with Regulation 15(2) of the Local Government (Meeting Procedures) Regulations 2015 (Tas) as amended from time to time.

45. Quarterly Report

- (1) The *Authority* must submit to the *participating councils* a report as soon as practicable after the end of March, June, September and December in each year.
- (2) The quarterly report of the *Authority* is to include:
 - (a) a statement of its general performance; and
 - (b) a statement of its financial performance.

PART 9 - DIVIDENDS AND OTHER PAYMENTS**456. Comptroller**

If the *Authority* is required to pay guarantee fees under section 39D of the *Act*, then under section 39E of the *Act* the *participating councils* must appoint a comptroller for the purposes of that section.

Commented [MP11]: Question for Rae & Partners:
Can/should this rule be added to Section 13?

Commented [CB12R11]: I would prefer that this Rule remain where it is. It appears to be more in line with the payment requirements that is addressed by this section.

476. Dividends

- (1) The *Board* may declare a dividend in each financial year with respect to the results of the financial transactions of the *Authority* during the prior financial year.
- (2) **Dividends** may only be paid out of the profits after providing for the reserves required by Rule 38(3), depreciation and after payment of financial guarantees and tax equivalents.
- (3) The *participating councils* are to share in the distribution of declared dividends in proportion to their *financial ratios*.

Commented [MP13]: Question for Rae & Partners:
There is confusion over the interpretation of this clause.... Some understand it as meaning that dividends can only be paid after the Authority meets its debts and obligations first. The other interpretation has confusion over the reference of financial guarantees and why they're needed in this sentence.

Can you please reword to provide clarity to the reader?

Commented [CB14R13]: This simply means that dividends can only be paid following determination of actual profits. The actual profits mean the amount excluding any guarantee or tax obligation.

487. Distribution of Other Payments

To the extent that these Rules can so provide, the *Treasurer* and a comptroller are to distribute payments made to the Treasury and comptroller under Part 3A of the *Act* in proportion to the *financial ratio* of each *participating council*.

PART 10 - MISCELLANEOUS

49. Participating Councils' Domestic Waste Collection

Formatted: Indent: Left: -0.02 cm, No bullets or numbering

Each of the *participating councils* is to use its reasonable endeavours to conduct, or cause to be conducted, the collection of domestic waste from its municipal area in a manner that renders the operation of the *Authority's* licensed *waste* disposal landfill as cost effective as practicable.

5049. Indemnity for Representatives, Directors and Employees

- (1) The *Authority* must indemnify a person who is, or has been, a *representative, director* or an employee against any liability incurred to a person other than the *Authority* by that person in his or her capacity as a *representative, director* or an employee.
- (2) Subrule (1) does not apply if the liability arises out of conduct on the part of the *representative, director* or employee which involves a lack of good faith or wilful breach of duty in relation to the *Authority*.
- (3) The *Authority* must pay a premium on a contract insuring a person to whom subrule (1) applies against any liability to which subrule (1) applies.

501. Minutes and Confidentiality

- (1) The *Board* and the *representatives* are to ensure that minutes of their respective meetings and of any committees are duly recorded in any manner they respectively think fit.
- (2) The minutes are to include the names of the:
 - (a) *representatives* present at *Representatives' meetings*; and
 - (b) *directors* present at each *Board* meeting; and
 - (c) persons present at any committee meeting.
- (3) The minutes are to include a record of the resolutions and proceedings of:
 - (a) *Representatives' meetings*; and
 - (b) meetings of the *Board*; and
 - (c) meetings of any committee.
- (4) The minutes of any meeting, if purported to be signed (in writing or by email or otherwise allows by law) by the *chair* of the meeting or by the *chair* of the next

succeeding meeting of the *representatives*, the *Board* or the committee (as the case may be), are evidence of the matters stated in the minutes.

- (5) The *CEO* is to ensure that within 14 days of each meeting copies of the minutes of the meeting (even if they are not yet confirmed) are forwarded as follows:
 - (a) of *Board* meetings to each:
 - (i) *director*; and
 - (ii) *representative*.
 - (b) of *Representatives' meetings* to each:
 - (i) *representative*; and
 - (ii) *director*; and
 - (iii) *general manager*.
 - (c) of committee meetings, to each:
 - (i) *director*; and
 - (ii) member of that committee.
- (6) *Representatives, directors, CEO, general managers and councillors* are to ensure that the minutes (whether confirmed or unconfirmed) of all *Board* and committee meetings are kept confidential unless the *chair* gives written approval to the contrary.
- (7)
 - (a) Minutes of *Representatives' meetings* are confidential unless the *representatives* determine to the contrary, either generally or specifically with respect to all or any part of those minutes.
 - (b) If any part of the minutes of a *Representatives' meeting* are specified to be confidential, the *general managers* may only publish those confidential sections of the minutes in the confidential papers of the council.
 - (c) Except as provided in subrule (b), all persons who receive confidential minutes of any part of a *Representatives' meeting* are to keep those minutes confidential.
 - (d) *Representatives* are to keep confidential all information given, and discussions made during, that part of a *Representatives' meeting* for which the minutes are specified to be confidential.

521. Notices

- (1) A notice required to be given to a *participating council* is to be given to both its *general manager* and its *representatives*.
- (2) A document is effectively given to an individual under these Rules if it is:
 - (a) given to the person; or
 - (b) left at, or sent by post to, the person's postal or residential address or place of business or employment last known to the giver of the document; or
 - (c) sent by way of electronic mail or facsimile transmission to the person's electronic mail address or facsimile number last known to the giver of the document.
- (3) A document is effectively given to a *participating council* under these Rules if it is marked to the attention of its *general manager* and:
 - (a) left at, or sent by post to, its principal office; or
 - (b) sent by way of electronic mail or facsimile transmission to its electronic mail address or facsimile number of its principal office.

532. Common Seal and Execution of Documents

- (1) The common seal of the *Authority* is to be kept and used as authorised by the *Board*.
- (2) The common seal must be affixed to documents requiring execution under seal.
- ~~(1)~~(3) The seal must not be affixed to a document except to give effect to a resolution of the *Board*.
- (2) The common seal to any document is to be attested by:
 - (a) the *chair* and the *CEO*; or
 - (b) any two *directors*.
- (3) The *Board* may determine the method of the signing or execution of any document on behalf of the *Authority* which does not require the affixing of the common seal.

Commented [MP15]: Question for Rae & Partners:
Please add into this section guidance on if and when the use of the Common Seal is required.

Commented [CB16R15]: Please see amended. Is this sufficient?

534. Amendment of Rules

These Rules may only be amended in accordance with the *Act*.

545. Insolvency

- (1) If the *Board* considers it is likely that the *Authority* will be unable to meet its financial obligations as and when they fall due, it may levy the *participating councils* for contributions to meet those obligations.

- (2) The contributions payable are to be calculated according to the *financial ratios*.

- (3) The *participating councils* must pay the amount so levied within 60 days of receiving written notice from the *Board* of that levy, whether or not they have given notice of withdrawal under Rule 8(1) before or after the *Board* makes the levy.

- (4) Any such levies are to be repaid to the *participating councils* from subsequent surpluses prior to any dividends being declared.

- (5) If:

- (a) the *Board* resolves to make a levy under subrule (1); and
- (b) a council has withdrawn from the *Authority* under Rule 8(1) within 2 years prior to the *Board* making that resolution; and
- (c) in the *representatives'* opinion at least a major cause of the *Authority's* inability to meet its financial obligations occurred while that council was a member of the *Authority*;

then the *Board* may levy that council as if it were a *participating council* and subrule (3) binds that council.

- (6) If the *Board* makes a levy under subrule (5), the proportions under subrule (2) are to be calculated as if the council that has withdrawn is a *participating council* and in accordance with the *financial ratios* that applied immediately before it withdrew from the *Authority*.

Commented [MP17]: Question for Rae & Partners:
Is aftercare requirements in the case of Insolvency adequately addressed in the rules. Does there need to be a consideration for rehab?

Commented [CB18R17]: Yes, it is my opinion that it does adequately address the aftercare requirements. The Rule relates to all financial obligations of the Authority - this includes those related to Aftercare.

565. Winding Up

- (1) The *Authority* may only be wound up under section 37 of the *Act*.
- (2) On the winding up of the *Authority* its net assets are to be distributed between the *participating councils* in proportion to their *financial ratio*.

- (3) The *participating councils* may unanimously approve a different formula for distribution for the purposes of subrule (2).
- (4) If on its winding up the *Authority* is insolvent then the *participating councils* are responsible for the net liabilities of the *Authority* in proportion to their *financial ratios*.
- (5) If subrule (4) applies and any former *participating council* withdrew within 2 years before the decision was made to wind up or at any time after the decision to wind up, then the *participating councils* including that former *participating council* are responsible for the net liabilities of the *Authority* in proportion to the *financial ratios* that applied immediately before the withdrawal of that former *participating council*.

576. Dispute Resolution

- (1) The provisions of Schedule 4 apply to any dispute as to any issue the subject of these Rules or arising from their interpretation between:
 - (a) any or all of the *participating councils*; and
 - (b) any or all of the *participating councils* and the *representatives* or the *Board*; and
 - (c) the *representatives* and the *Board* (other than one to which Schedule 2 clause 2.4 applies; and
 - (d) any council that has withdrawn and the *Authority*, the *Board* or the *representatives*.
- (2) Schedule 4 does not apply to any dispute with a *participating council* where that dispute relates to that council as a customer of the *Authority*.

SCHEDULE 1

PARTICIPATING COUNCILS

Central Coast Council
Devonport City Council
Kentish Council
Latrobe Council

Draft

SCHEDULE 2

STRATEGIC & ANNUAL PLANS & BUDGETS

2.1 The Strategic Plan

- (1) The *Board* is to ensure that the *Authority* has a strategic plan for ~~the next~~ 3 to 5 years the contents of which and the approval of which complies with the provisions of this Schedule.
- (2) The strategic plan is to contain such information as the *Act* requires for the strategic plans of councils as is relevant to the *Authority's* functions.
- (3) Subject to subrule (2) the content of the strategic plan is to be consistent with the requirements of the corporatisation model for government business enterprises referred to in the Competition Principles Agreement made between the Commonwealth, the States and the Territories as amended from time to time.
- (4) The strategic plan is to specify the broad policy expectations of the *participating councils* for the *Authority* and the means by which the performance of the business activities of the *Authority* are to be measured.
- (5) The strategic plan is to cover such matters as the representatives determine.
- (6) Until the *representatives* determine by *special resolution* to the contrary the strategic plan is to cover the following:
 - a) the objectives of the *Authority's* activities; and
 - b) the identification of and objectives of any community service activities of the *Authority*; and
 - c) broad policy statements such as:
 - (i) compliance with environmentally sound and sustainable principles; and
 - (i) regard to the obligations of the *Authority* and the *participating councils* in relation to the Competition Principles Agreement as amended from time to time and their impact on future policies, procedures and practices concerning the *waste* management industry; and
 - d) include reference to key strategic business documents including the 20 Year Financial Plan and the Aftercare/Rehabilitation Plans, key financial parameters and performance indicators; and

Commented [CB19]: Amended to flow with the preceding subclauses.

~~e) — financial and service performance targets; and~~

~~f) — the participating councils dividend expectations; and~~

- (7) Either the *representatives* or the *Board* may propose to the other an amendment or replacement of the strategic plan for adoption in accordance with clause 2.3 of this Schedule.
- (8) At least once in each year the *representatives* and the *Board* are to review the strategic plan.

2.2 The Annual Plan and Budget

- (1) In each financial year the *Board* is to prepare and submit to the *representatives* a draft annual plan for the *Authority* for the next financial year and the following four years.
- (2) The annual plan is to:
 - (a) be consistent with the strategic plan; and
 - (b) cover such matters as s72(2) of the *Act* requires for the operational plans of councils as are relevant to the Authority's functions; and
 - (c) include such other matters as the Board or the representatives determine;
 - ~~g)e)~~ cover key financial parameters and performance indicators; and
 - ~~h)f)~~ cover financial and service performance targets
 - ~~i)g)~~ cover the *participating councils* dividend expectations.
- (3) The *Board* and the *representatives* are to use their best endeavours to approve the annual plan for a financial year in sufficient time to enable the *CEO* to prepare the annual budget with respect to that annual plan by the time required by clause 2.3(6).
- (4) In each financial year the the *CEO* is to prepare a budget for the *Authority's* revenue and expenditure for each financial year.
- (5) The *annual* budget is to include:
 - (a) matters similar to those required of councils by section 82(2) of the *Act*; and
 - (b) any other matters required by the *Board* or the *representatives*.
- (6) The budget is to be consistent with the annual plan for that financial year.

- (7) The *Authority* is not bound by any of the other provisions of section 82 of the *Act*.
- (8) Once the *Board* has approved the annual budget for a financial year it must submit that budget to the *representatives* for adoption.
- (9) Unless the *representatives* determine by *special resolution* to the contrary, the timetable for adoption of the annual budget is:
 - (a) approval by the *Board* of the draft budget prepared by the *CEO* by the end of April preceding the financial year of the budget; and
 - (b) adoption by the *representatives* of the budget approved by the *Board* by the end of June preceding the financial year of the budget.

2.3 Adoption of Strategic Plan, Annual Plan and Budget

- (1) The *Authority's* strategic plan or any amendment to it or replacement of it is adopted:
 - (a) when the *representatives* resolve to adopt a draft submitted to them by the *Board*; or
 - (b) when the *Board* resolves to adopt a draft submitted to it by the *representatives*; or
 - (c) in accordance with subclauses (8) or (10).
- (2) The *Authority's* annual plan and budget for a particular period is adopted:
 - (a) when the *representatives* resolve to adopt the draft of the relevant document submitted to them by the *Board*; or
 - (b) in accordance with subclauses (8) or (10).
- (3) If the *representatives* and the *Board* have not been able to agree on the Annual Plan and Budget within 60 days of:
 - (a) either of the *representatives* or the *Board* submitting the draft strategic plan to the other of them for approval; or
 - (b) the *Board* submitting a draft annual plan or budget to the *representatives* for approval;

then the *chief representative* is to call a joint meeting of the *representatives* and the *Board* to resolve the issue.

- (4) The *chief representative* may call a joint meeting earlier than the time period referred to in subclause (3) if the *chief representative* and the *chair* agree to do so.
- (5) The *chief representative* is to:
- (a) call the joint meeting in the same manner as a *representatives' meeting*; and
 - (b) chair the joint meeting as if it were a *representatives' meeting*; and
 - (c) during that meeting give the *directors* the same rights to speak and vote as the *representatives* have.
- (6) If it appears to the *chief representative* that the *representatives* and the *Board* have reached agreement during the joint meeting, the *chief representative* may adjourn the joint meeting to enable separate meetings of the *representatives* and the *Board*.
- (7) The separate meetings of the *representatives* and the *Board* require no notice if they are held at the same place as the joint meeting and promptly after its adjournment.
- (8) When considering the provisions of the document in which they are not in agreement:
- (a) the *Board* is to take into account that the *representatives* represent the owners of the *Authority*; and
 - (b) the *representatives* are to take into account that the *Board* is charged with the conduct of the affairs of the *Authority*.
- (9) If within 30 days after the joint meeting the *Board* and the *representatives* are still unable to agree on the document, the *representatives* may by *special resolution* adopt the document.
- (10) A *special resolution* under subclause (9) may only be moved at a *representatives' meeting* the notice for which was issued after the period of 30 days.
- (11) The *representatives* and the *Board* may agree any other process for resolving a dispute between them as to the approval of a strategic plan, annual plan or budget.
- (12) The provisions of this clause 2.4 apply to any amendment of the strategic plan, annual plan or budget proposed by either the *representatives* or the *Board*.

2.4 Exclusion of Processes of the Act

The *Authority* is not required to follow any process provided in the *Act* that may otherwise be relevant to the preparation or adoption of any document referred to in this Schedule unless the *Act* specifically requires that process for that document for joint authorities generally or specifically for the *Authority*.

2.5 Legal Effect of Strategic Plan, Annual Plan and Budget

The validity of any act, transaction, agreement, resolution or other thing is not affected by:

- (a) the failure of the *representatives* or the *Board* to adopt any document that is required by this Schedule or to do anything in the process of that adoption; or
- (b) any inconsistency between any of those documents; or
- (c) any non compliance of any of those documents with any provision of this Schedule; or
- (d) any non compliance of that act, transaction, agreement, resolution or other thing with any of those documents; or
- (e) any other non compliance in those documents or the process of their adoption.

2.6 Availability of Copies

- (1) *Councillors* and *general managers* are entitled to copies of current strategic plans, annual plans and budgets of the *Authority*.
- (2) If the *Board* considers that public disclosure of any part of any of those documents is likely to disadvantage the *Authority*, it may determine that such part is to be kept confidential.
- (3) *Representatives, directors, councillors and general managers* are to keep confidential those parts of any document that the Board has determined are to be kept confidential.

SCHEDULE 3**PROCEEDINGS OF THE BOARD****3.1 Convening of Board Meetings**

- (1) The *Board* may hold such meetings as are desirable to carry out its functions.
- (2) The *CEO* is to convene a *Board* meeting at the request of the *chairman* or any two *directors*.

3.2 Notice of Board Meetings

The *Board* may determine generally or specifically the requirements for notice of its meetings.

3.3 Chairing of Board Meetings

- (1) The *chair* is entitled to chair every *Board* meeting.
- (2) If the *chair* is absent, unwilling or unable to chair a meeting or part of a meeting, the *directors* are to choose a *director* to chair the meeting or that part of the meeting.

3.4 Quorum at Board Meetings

- (1) A quorum of the *Board* is a majority of the total number of *directors*.
- (2) The quorum is to be counted at the commencement of the meeting.
- (3) If a *director* is excluded from being present at a *Board* meeting in relation to a matter, a quorum for the purposes of considering and making a decision in relation to that matter is constituted by the number of *directors* specified as constituting a quorum less the number of *directors* so excluded.
- (4) A quorum under subclause (3) is to be at least 2 of the *directors*.

3.5 Voting at Board Meetings

- (1) The *chair* has a deliberative vote only.
- (2) A question is decided:
 - (a) by a majority of votes of the *directors* present and voting; and
 - (b) in the negative if there is an equality of votes of the *directors* present and voting.

3.6 Conduct of Meetings

- (1) The *Board* may regulate the calling of, and the conduct of business at, its meetings as it considers appropriate.
- (2) A *director* may participate in a meeting by telephone, television or video conference or any other means of communication approved by the *Board*.
- (3) A *director* who participates in a way referred to in sub-clause (2) is taken to be present at the meeting for all purposes, including the quorum.
- (4) The *Board* may allow or invite a person to attend a meeting for the purpose of advising or informing it on any matter.

3.7 Resolutions Without Meetings

The *Board* may make resolutions in a similar manner to that set out in Rule 21.

3.8 Validity of Proceedings

An act or proceeding of the *Board* or of any person acting under any direction of the *Board* is:

- (a) not invalid by reason only that at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the membership of the *Board*;
- (b) is valid, even if:
 - (i) the appointment of a *director* was defective; or
 - (ii) any person appointed as a *director* was disqualified from acting as, or incapable of being, a *director*.

3.9 Confidentiality

All persons who attend a *Board* meeting are to keep confidential all information given and discussion made during that meeting except to the extent that the *chair* gives approval to the contrary or these Rules provide to the contrary.

SCHEDULE 4**DISPUTE RESOLUTION****4.1 Outline of Resolution Process**

The parties to which any dispute to which Rule 56 applies must use the following dispute resolution process:

- (a) negotiation in good faith;
- (b) if negotiation do not resolve the dispute, then mediation;
- (c) if mediation does not resolve the dispute, then arbitration if clause 4.6(2) applies.

4.2 Other Parties May Join

Even though a dispute may be primarily between two of the parties referred to in Rule 57, any other party may require that it be included in the dispute resolution process as a party to the dispute.

4.3 Notice of Dispute

If a dispute as defined in Rule 57 arises, then any party to that dispute may give written notice to the other or others of that dispute. That notice is to specify the general nature of the dispute in such a way as to facilitate resolution of all issues relevant to the dispute.

4.4 Notice of Mediation

If with 30 days of the giving of a notice of dispute under clause 4.3, any party to the dispute considers that it is unlikely that the dispute or any part of it will be resolved by negotiation, it may give written notice to the other or others requiring mediation.

4.5 Mediation Rules

If within 14 days of the receipt of the notice requiring mediation, the parties to the dispute do not agree on:

- (a) the selection and compensation of an appropriate mediator; or
- (b) another dispute resolution technique and procedures; or
- (c) an actual resolution of the dispute;

then the parties to the dispute must mediate it in accordance with the mediation rules of the Law Society of Tasmania. The mediator is to be a person nominated by the President

of the Local Government Association of Tasmania who may also determine the mediator's remuneration.

4.6 Arbitration

- (1) If the mediator appointed under clause 4.5 certifies that the mediation has been unable, and is unlikely, to resolve the dispute, or any part of it, then the dispute, or that part which is unresolved, is to be referred to arbitration under the Commercial Arbitration Act 1986. If the parties cannot agree on an arbitrator, the arbitrator is to be a person nominated by the President of the Local Government Association of Tasmania.
- (2) Subclause (1) only applies if the unresolved dispute is one in respect of which a party has a right enforceable in a Court of law and that party wishes to enforce that right.

4.7 Other Processes

The parties to a dispute may agree on any other process for resolving a dispute or any part of it.

Certification of Rules

I certify in accordance with Section 32(2) Local Government Act that these Rules are in accordance with the law.

Dated / /2016

.....
Cassandra Amie Blair
Qualified legal practitioner, Launceston

I certify in accordance with Section 32(2) Local Government Act that these Rules have been made in accordance with the Local Government Act.

Dated / /2016

.....
General Manager Council



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

Period: 22 August to 18 September 2023

- . Final Plan of Survey and Schedule of Easements
13 Revell Lane, Penguin
DA2022139 – Subdivision – 2 Residential lots
- . Final Plan of Survey and Schedule of Easements
1 Locket Street, Ulverstone
DA2023175 – Subdivision – consolidation of 2 lots
- . Final Plan of Survey and Schedule of Easements
14 Henslowes Road, Ulverstone
DA216073 – Subdivision – 2 Residential lots

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: 22 August to 18 September 2023

Agreements

- . Tenancy Agreement – Unit 3, Banyandah, 19 Helen Street, Ulverstone
The Central Coast Council and the Resident
Commencing date: 25 August 2023
- . Lease Agreement – Hive Café, 50 Main Street, Ulverstone
The Central Coast Council and Food and Wine Tasmania Pty Ltd
Starting date: 29 September 2023

Contracts

- . Contract No. 2/2023–2024 – dated 28 August 2023
Bridgepro Engineering Pty Ltd
Rectification of Forth River Bridge, Forth Road
Contract amount: \$155,980.00 (inc. GST)

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

Barry Omundson
GENERAL MANAGER



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

Period: 22 August to 18 September 2023

- . An email from a ratepayer regarding new housing estates and conservation – received 22 August 2023.
- . An email from a ratepayer congratulating the Council for their recycling initiatives – received 29 August 2023.
- . A letter from a ratepayer concerning the caravan park in Turners Beach – received 29 August 2023.
- . An invitation to Councillors to attend an upcoming art exhibition – received 30 August 2023.

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 August 2023 to 31 August 2023

| Application Number Display | Address | DA Type | Proposed use | Application Date | Decision Date | Day determined | Cost Of Works |
|----------------------------|--|------------------------------|---|------------------|---------------|----------------|---------------|
| DA2022031 - 1 | 444 Allison Road NORTH MOTTON,TAS,7315 | Minor amendment of a Permit. | Residential - single dwelling and outbuilding | 11/08/2023 | 17/08/2023 | 3 | \$0.00 |
| DA2023008 - 1 | 24 Kywong Crescent WEST ULVERSTONE,TAS,7315 | Minor amendment of a Permit. | Residential - single dwelling and retrospective retaining walls | 25/07/2023 | 4/08/2023 | 2 | \$1,000.00 |
| DA2023101 | 14 Hearps Road WEST ULVERSTONE,TAS,7315 | Discretionary | Residential - multiple dwellings x 2 | 21/04/2023 | 7/08/2023 | 25 | \$550,000.00 |
| DA2023107 | 224 Preservation Drive SULPHUR CREEK,TAS,7316 | Discretionary | Residential - dwelling and outbuilding extensions | 27/04/2023 | 11/08/2023 | 24 | \$90,000.00 |
| DA2023140 | Motts Road (CT76225/1) GAWLER,TAS,7315 | Discretionary | Residential (retrospective) single dwelling and shed (shipping container) | 29/05/2023 | 21/08/2023 | 74 | \$45,000.00 |
| DA2023166 | 2 View Street ULVERSTONE,TAS,7315 | Discretionary | Retrospective retaining walls | 21/06/2023 | 23/08/2023 | 30 | \$4,000.00 |
| DA2023183 | 117 Castra Road ULVERSTONE,TAS,7315 | Discretionary | Residential - single dwelling and shed | 5/07/2023 | 18/08/2023 | 23 | \$300,000.00 |
| DA2023184 | 70 Linton Avenue HEYBRIDGE,TAS,7316 | Discretionary | Residential - single dwelling extension | 5/07/2023 | 4/08/2023 | 22 | \$60,000.00 |
| DA2023202 | 26 Maud Street WEST ULVERSTONE,TAS,7315 | Discretionary | Residential - carport | 25/07/2023 | 17/08/2023 | 22 | \$5,000.00 |

From: Kylie Howe <epony_ray@yahoo.com.au>
Sent: Sunday, 25 June 2023 7:09 PM
To: Admin
Subject: Atten General Manager

Good Evening

I write in relation to Application No. DA2022107.

I am in favour of this application. I feel the design of the buildings fit in with a coastal look and will for the most part not be visible enough to interfere with residential views or the main street of Penguin.

I believe this build will likely create more visitors to Penguin which will support local businesses and create employment. Visitors to Penguin have little accommodation options other than home style houses that offer no recreational activities or eating facilities.

I am concerned should this opportunity not gain approval, the park will remain as it is which is not meeting the needs of our tourists, it's actually quite an embarrassing eye sore and does nothing to promote Penguin.

Having looked at the planning proposal I feel it meets the needs of Penguin and will benefit our community. I hope it is seriously considered or at least negotiated so that Penguin does not lose this opportunity.

Thank you,

Kylie Howe
32 West Pine Road, Penguin 7316
0417165723.

[Sent from Yahoo Mail on Android](#)

From: Fiona Budd <fionabudd14@gmail.com>
Sent: Sunday, 25 June 2023 5:42 PM
To: Admin
Subject: Johnsons Beach Development application LPS2022003 and DA2022107

Dear General Manager,

I'm writing to raise concerns and objections to the proposed Johnsons Beach development application.

My concern relates to the building height of the proposed structure and the precedent this sets for future development applications along Penguin foreshore.

All small towns on the North West Coast have their own uniqueness which is their appeal. Penguin is a small, quiet, village-like town with unobstructed sights and sounds of the sea and this is the appeal for most residents and visitors.

The precedent set by approving this proposed 4 story development opens the possibility of this same height structure being built all along the foreshore and inevitably changing the entire nature of the town.

It is my understanding that the council voted to increase the acceptable building height from 2 to 4 stories prior to the assessment of this particular application. If this is in fact correct, perhaps it was a little hasty considering the long term possible effect to the integrity of this town. Surely, the council has a duty of care to revisit this decision and the subsequent approval of this proposal as it stands.

Regards,

Fiona Budd

From: Terry Burton <waterfrontpenguin@gmail.com>
Sent: Tuesday, 27 June 2023 3:37 PM
To: Admin
Subject: Penguin Caravan Park proposal

Libby and myself , long term residents of Penguin have operated 2 very successful businesses in Penguin and have been actively involved with the Main Street , Esplanade and CBD .

We certainly understand and are aware of the changes in Penguin , what works, what is not appropriate, and what enhances our community.

Following the difficult and divisive debate the split the town , with The Roche developments, and is still playing out today, the consensus legislated and adhered to of maximum 8m was adopted and our own proposal originally envisaged higher than, this had to comply.

in hindsight this has been an outstanding success, whilst progress isn't stifled?, it allows our community to have their say on what is and isn't appropriate in a congenial and Inclusive manner.

This proposal as outlined does clearly not meet community expectations.

Building height is far too high on Waterfront, blocking many views, as well as creating access problems to a much used recreational area and beach.

Previous owners undertook major works with local tradespeople who were never paid, despite winning court cases. The whole concept would be a disaster , and I urge extreme caution with proposal and proponents.

Terry and Libby Burton
Penguin Waterfront Escape.

Kelvin Street,
Penguin Tas. 7316
30/06/2023

The General Manager,
Central Coast Council.
P.O. Box 220,
Ulverstone. 7315

CENTRAL COAST COUNCIL

Division

Rec'd 05 JUL 2023

File No

Doc. Id

Re: Johnson's Beach
Resort Development Application DA 2022107.

Dear Manager,

This letter is submitted to council with strong objection to the above proposal going ahead on the following grounds.

- 1} Exceeds building height limits of eight and half metres imposed by council on the township of Penguin.
- 2} Penguin township does not need development of this kind right on it's foreshore of this magnitude. Penguin needs to retain it's ambience and uniqueness.
It's a well known fact that many towns on mainland Australia are and have been swallowed up by foreshore over development.
- 3} Infrastructure around a project of this size is totally inappropriate for a town the size of Penguin.
- 4} Access to the area is very restrictive. Narrow road along Johnson's Beach including blind curve/crest in road and passes very close to children's skate park and public toilets will create a very dangerous situation with large increase in vehicular traffic.
- 5} Also a dangerous situation is going to come into existence with there already being a railway crossing, traffic lights and a very short distance existing between the entry off Preservation Bay Drive to the railway junction.
The large increase in traffic is only going to make the current situation worse.
- 6] The site of this proposed huge development will be constructed on a former tip site and land fill area.
Proposals/Developments of similar height and design have been submitted to council in fairly recent years and have not been proceeded with due to community disapproval and out of character design with the township of Penguin. Put simply, the town's citizens don't want high rise development ruining it's foreshores.
- 7} Due to the very limited access to this site. What provisions are to be put in place for emergency heavy vehicles e.g. Fire Brigade or Ambulance with only one access in and out of the site ?
- 8{ The small township of Penguin will lose it's appeal of its ambience and uniqueness and will become over crowded with traffic that this type of development will create.

There already exists limited car parking space in Penguin.

9} Close to foreshore developments of this nature should not be approved because of future environmental impacts.

Together with the proposed development planned for the old football ground, I plead with council to give their fullest consideration to the future of this lovely town as it is now.

10 } The Penguin township will be left without a caravan park should this development go ahead.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Tim J. Conroy', with a large, stylized flourish at the end.

Tim J. Conroy.

Central Coast Council
PO Box 220,
Ulverstone, 7315

2 July, 2023

Dear Councillors and General Manager,

I would like to make a representation in relation to the Development Application DA22107 for 6 Johnsons Beach Road, Penguin – the caravan park.

Apart from the fact that permanent (and long-term) residents will have to move, which I consider, at this time to be a heartless thing to even consider, and the aesthetically-uninspiring design, I have great concerns re the planned construction of the apartment block.

LPS 2022003 refers to the amendment of use from caravan park to a facility featuring short-term holiday apartments with a café/restaurant and function centre - I have no real concerns re this. apart from, as I have said, the design being uninspiring and just like any other apartment block along the east coast of Australia.

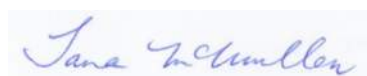
DA22107 refers to the specifics of the demolishing of existing structures and construction of new facilities. Under Item 29.4 of the Planning Scheme, Development Standards for Buildings and Work, section 29.4.1 A1 states clearly that “Building height must not be more than 10 metres”.

The plans submitted clearly show that the proposed four-storey, 40-unit apartment block has a maximum height of 16.55 metres. This is obviously not allowed in the town of Penguin.

Even though there is assurance that the new building will not impede the view of the properties behind them, this is not a valid reason to approve this development in its current form, as it is a clear breach of the guidelines. And, importantly, if allowed, this will set a precedent for future developments. Council may find itself embroiled in legal battles in the future.

I hope some middle ground can be found, to accommodate those permanent residents and make the present, poorly-maintained caravan park a more attractive place to visit.

Sincerely Yours,



Tana McMullen

170 Main Road, Penguin, 7316

ptmcmullen60@bigpond.com



Tasmania Fire Service

Bushfire Risk Unit

File No: LPS2022003 &
DA2022107

General Manager
Central Coast Council
admin@centralcoast.tas.gov.au

Attn: Manager Land Use Planning

Dear Mary-Ann

**PLANNING SCHEME AMENDMENT LPS2022003 & APPLICATION DA2022107 – 6
JOHNSONS BEACH ROAD, PENGUIN**

I write in relation to the combined planning scheme amendment and development application that is currently on public exhibition.

Tasmania Fire Service's Bushfire Risk Unit has reviewed the application. As the site lies outside the Bushfire-Prone Areas Code map, the Code does not apply. Therefore, no comment needs to be made, either in support or against the proposal, regarding compliance for bushfire safety.

Please note, during the building application stage comment may be made, if it is referred to Tasmania Fire Service's Building Safety Unit by the building surveyor.

If you would like to discuss this matter further, please contact me on 0439 857 201 or at bfp@fire.tas.gov.au.

Yours sincerely

Leon Murray
PLANNING & ASSESSMENT OFFICER

4 July 2023



Kellie Malone

From: Murray, Leon <Leon.Murray@fire.tas.gov.au>
Sent: Tuesday, 4 July 2023 7:42 AM
To: Admin
Subject: Tasmania Fire Service has no issues with combined application LPS2022003 & DA2022107
Attachments: Tasmania Fire Service (TFS) has no comment re compliance 6 Johnsons Beach Road, Penguin.pdf

Good morning

Please find attached correspondence regarding the combined application at 6 Johnsons Beach Road, Penguin.

This should not be treated as a representation, it is to advise there are no bushfire safety compliance issues at the planning stage, but that TFS's Building Safety Unit may make comment on the proposal during the building application stage.

If you have any queries, please contact me.

Regards

Leon Murray
Planning & Assessment Officer
Bushfire Risk Unit

Tasmania Fire Service
Service | Professionalism | Integrity | Consideration

339 Hobart Road, Youngtown Tas 7249
Mobile [0439 857 201](tel:0439857201)
leon.murray@fire.tas.gov.au | www.fire.tas.gov.au

I acknowledge the Traditional Owners of the land on which I live and work as the first people of this country. I recognise the deep history and culture of this land.

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

From: Maggiedowning <maggiedowning@westnet.com.au>
Sent: Wednesday, 5 July 2023 3:24 PM
To: Admin
Subject: DA 2022107

Dear Councillors and staff,

I wish to oppose approval of the four story unit accommodation proposed in DA 2022107.

I do not believe the height of the four storey proposed building fits at all well with Penguin and Johnson's beach current 'village' vibe and the beach may become overly crowded during summer.

I understand views from homes and properties along Main road and other streets in Penguin will also be impacted. Please consider my opposition.

Kind regards

Audrey Downing
35 West Ridge Road
Penguin
Ph 0428160954

Sent from my iPhone

Annette Loudon

82 White Hills Road

Penguin 7316

7.7.23

Dear Ms Ayton

Re: LPS2022003 and DA2022107

While it is hopeful that the current caravan park can be improved with good, well thought out development I wish to express the following concerns re the proposed development at the existing caravan park site in Penguin. I implore the Council to take leadership in conserving our beautiful town and finding an alternative scale of development.

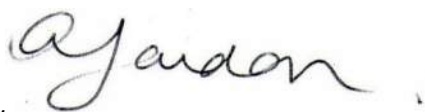
1. Four storeys is over the height planning limit for Penguin.
2. Location of storm water drain and necessary distance away from drain makes density of number of buildings and size of carpark in proposed application on small site impossible.
3. Location of dense building on coastal site at times of Climate Change with rising sea levels. Council has already spent a fortune to upgrade sea wall.
4. Scale of increased vehicle numbers in narrow thoroughfare leading to the site. Already dangerous.
5. Pressure on existing amenity infrastructure at Johnson's Beach.
6. Pressure on sewage, garbage etc. in a fairly pristine area of Australia and the world.

Environmental:

1. Spoil the quaintness of Penguin by going the way of other coastal locations in Australia with multi-storey accommodation for some people on the Penguin foreshore. The company's other buildings are **not** picturesque and are utilitarian rather than environmental.
2. There is still a small Little Penguin community at this location which is sure to disappear should this development go ahead.
3. Shore birds have been wiped out from our three beaches in Penguin in the last five years, from increased volume of dogs now allowed on all three beaches and building of sea-wall. The remaining larger birds will also be wiped out with increased garbage and people that this development will bring at times.
4. Johnson's Beach is a great beach for local families; why take that privilege away from our community members?

The north-west coast of Tasmania is beautiful and has ample local accommodation that is not full to capacity run by local people; why bring in such an unattractive development to our beautiful area?

I implore our Council to take measures to prevent the spoiling of the small amount of coast line we still have in Australia with an improved development plan.



Yours sincerely

ANNETTE LOUDON

Kasha Dubinska

24 Hales Street

Penguin 7316

The 6th of July 2023

Dear Ms Ayton

Re: LPS2022003 and DA2022107

I am writing to you to express many of our concerns re the proposed development at the existing caravan park site in Penguin. I ask the Council to take please leadership in conserving our beautiful town. Please look for an alternative development on a smaller scale to preserve the small village feel of our town which has been herald so widely on many TV programs and by visitors to Penguin.

1. 4 storeys is over the height limit for Penguin.

2. Location of storm water drain and the distance away from drain makes density of number of buildings and size of carpark in proposed application on small site impossible. There is no enough infrastructure such as pipes for water and sewerage for the number of people visitors and workers on such a small site.

3. Location of dense building on coastal site at times of Climate Change with rising sea levels.

Council has already spent a large amount of money to upgrade the sea wall and beach area.

4. It is dangerous to have increased vehicle numbers in narrow thoroughfare leading to the proposed development area.

5. Pressure on existing amenity infrastructure at Johnson's Beach, bins are overflowing already in the area.

Environmental impacts will wipe the reputation of Penguin as a special place in Tasmania.

1. Spoil the quaintness of Penguin by going the way of other coastal locations in Australia with multi-storey accommodation for some people on the Penguin foreshore. The company's other buildings are not picturesque and are utilitarian rather than environmental.

2. There is still a small Little Penguin community at this location which is sure to disappear should this development go ahead.

3. Shore birds have been wiped out from our three beaches in Penguin in the last five years, from increased volume of dogs now allowed on all three beaches and building of sea-wall.

The remaining larger birds will also be wiped out with increased garbage and people that this development will bring at times.

4. Johnson's Beach is a lovely beach for locals, this will be spoiled by such a big development.

The north-west coast of Tasmania, has ample local accommodation that is not full to capacity and is run by local people. An unattractive development will spoil the uniqueness of our beautiful area.

Would the Council please take measures to prevent the spoiling of the small amount of coast line we still have in Australia with an improved development plan. Please keep Penguin unique and visited for its unique standing.

Dear General Manager,

Regarding the:

"Draft Amendment PLS2022003 to the Central Coast Local Provisions Schedule (LPS) and Permit DA2022107"

Advertised in The Advocate 24 June 2023 and 8 July 2023.

This is a written representation voicing a strong objection to the proposed permit for development application DA2022107, and a current objection to the draft amendment LPS2022003.

LPS2022003

The proposed amendment LPS2022003 at present should not be supported as it completely disregards a neglected part of the community (which continues to increase in proportion): those individuals that do not have the socioeconomic status to attend and enjoy non-low cost holiday accommodation, or whom have no ongoing other permanent housing options at present. This amendment completely opposes the expectation to "avoid alienation and *displacement* [emphasis added] of local communities and significant change in local character, function and identity". It additionally removes and does not "designate sites for camping, caravan and mobile home use". I note that the proposal references camping and caravan facilities within 2.5km of the site, which again highlights the disregard for individuals whom currently enjoy the site for its proximity to amenities such as Johnson's beach and its facilities, as well as being within easy walking distance to Penguin town centre.

If the above displacement issues cannot be appropriately addressed then the site-specific amendment does not align with the strategies of development and should be refused. If the above issues are addressed in a future amendment request, then only at that point should an amendment be considered.

It is not the time to approve an amendment that has the effect of active displacement of individuals during a statewide crisis in housing and cost of living.

DA2022107

The more straightforward objection is to that of development application DA2022107. This application has clearly been produced with a focus on profits at the expense of Penguin's character. If this was to go ahead it would be selling out what makes Penguin special: the coastal village character. Arguments around compromising the coastal village character of Penguin can be provided at the General Manager's request as even a 10m structure on the coastline would warrant reservations, as it would likely drastically alter the coastal village character aesthetic of Penguin irreversibly. However further representations around the 'coastal village character' of Penguin are not required as the proposal is clearly not

consistent with development standards in the State Planning Provisions.

Development Standards for Buildings and Works

According to 29.4.1 of the state planning provisions the building must not cause unreasonable loss of amenity to adjacent properties which can be objectively and acceptably achieved with a building height not more than 10m. The function centre has an approximate height of 10m and the apartment has an approximate height of 16.55m: exceeding the objective criteria by more than 50%. This development proposal therefore does not need to be entertained any further as there is clear and admitted excessive breach of this requirement, without satisfaction of the performance criteria, as on a simple assessment of the local region there are clearly adjacent places and properties that will have unreasonable loss of amenities due to the bulk and form of the proposed building. Additionally, there are multiple current and potential future residences that lie below the 4m height elevation referenced in the proposal document.

If you need in-person evidence of this the local residents are happy to accommodate. The soft wording to the contrary contained within the proposal: that the development is 'unlikely' to impact the amenity, cannot be considered satisfactory. Any proposed development this close to the coast, with this proximity to other residential property needs to strictly stick within the objective requirements of building height not more than 10m to ensure that unreasonable loss of amenity does not occur, as a basic starting point, prior to any further consideration around the impact on the central coast character of Penguin.

Kind regards,

Aden Willoughby and Kellie Inglis.

DR S A HUTCHINSON

PO Box 365
Penguin
Tasmania
7316

Phone (03) 6437-1539
ssas92@bigpond.com

1/7/2023

To: The General Manager
Central Coast Council, Ulverstone.

Dear Ms Ayton

I wish to make a representation regarding the proposed development at 6 Johnsons Beach Road, Penguin.

The plans submitted appear very comprehensive and well thought out.

As I understand it, LPS 2022003 refers to the amendment of use from caravan park to a facility featuring short to term holiday apartments with a café/restaurant and function centre.

I also understand that DA22107 refers to the specifics of the demolishing of existing structures and construction of new facilities.

I take no issue with the change of use, namely that outlined in LPS2022003 but have reservations regarding aspects of the development outlined in DA22107, namely:

Under item 29.4, Development Standards for Buildings and Work, section 29.4.1 A1 states clearly that “Building height must not be more than 10 metres”.

The plans submitted clearly show that the proposed four story, 40-unit apartment block has a maximum height of 16.55 metres.

The developers appear to be claiming an exemption to this regulation using the argument that as the proposed building is near sea level, its height will appear no more than a two-storey house across Preservation Drive and 4 metres higher in elevation.

They also claim that the siting of said apartment block next to a tall rocky outcrop will lessen the impact of this structure than if it were in a more exposed location such as the commercial centre of Penguin on Main Street.

To claim that a tall building is no higher than a shorter building in an elevated location seems rather facile. As if a ten-storey structure is no higher (above sea level) than a one storey structure at a 20 metre higher location.

My main concern however is that if an exemption to planning regulations is made for this development, then assurances that it will only apply to this development on land zoned Open Space and that it will not apply to land zoned Residential or Commercial fail to impress.

I feel that once a 16-metre-high structure is permitted anywhere in Penguin then it will serve as a precedent to pressure the local council to permit structures of this height or even higher in other areas of the town, zoning other than Open Space notwithstanding.

My personal view is that this development seems commercially dubious. Having 80 short stay bedrooms in the four-storey apartment block and 63 short stay bedrooms in the 21 single-storey family units and expecting them to be occupied to a commercially viable degree given Penguin's many months of cold, dark, wet weather during the Winter months seems very optimistic. This, however, is an issue for those who hope to make it commercially viable.

My main objection is the apartment block exceeding permissible building heights and the consequent setting of a precedent for other rule breaking developments if approved.

Yours Faithfully

Simon Hutchinson

CENTRAL COAST COUNCIL

Division

Rec'd 11 JUL 2023

File No

Doc. Id

DR S A HUTCHINSON

PO Box 365
Penguin
Tasmania
7316

Phone (03) 6437-1539
ssas92@bigpond.com

1/7/2023

To: The General Manager
Central Coast Council, Ulverstone.

Dear Ms Ayton

I wish to make a representation regarding the proposed development at 6 Johnsons Beach Road, Penguin.

The plans submitted appear very comprehensive and well thought out.

As I understand it, LPS 2022003 refers to the amendment of use from caravan park to a facility featuring short to term holiday apartments with a café/restaurant and function centre.

I also understand that DA22107 refers to the specifics of the demolishing of existing structures and construction of new facilities.

I take no issue with the change of use, namely that outlined in LPS2022003 but have reservations regarding aspects of the development outlined in DA22107, namely:

Under item 29.4, Development Standards for Buildings and Work, section 29.4.1 A1 states clearly that "Building height must not be more than 10 metres".

The plans submitted clearly show that the proposed four story, 40-unit apartment block has a maximum height of 16.55 metres.

The developers appear to be claiming an exemption to this regulation using the argument that as the proposed building is near sea level, its height will appear no more than a two-storey house across Preservation Drive and 4 metres higher in elevation.

They also claim that the siting of said apartment block next to a tall rocky outcrop will lessen the impact of this structure than if it were in a more exposed location such as the commercial centre of Penguin on Main Street.

To claim that a tall building is no higher than a shorter building in an elevated location seems rather facile. As if a ten-storey structure is no higher (above sea level) than a one storey structure at a 20 metre higher location.

My main concern however is that if an exemption to planning regulations is made for this development, then assurances that it will only apply to this development on land zoned Open Space and that it will not apply to land zoned Residential or Commercial fail to impress.

I feel that once a 16-metre-high structure is permitted anywhere in Penguin then it will serve as a precedent to pressure the local council to permit structures of this height or even higher in other areas of the town, zoning other than Open Space notwithstanding.

My personal view is that this development seems commercially dubious. Having 80 short stay bedrooms in the four-storey apartment block and 63 short stay bedrooms in the 21 single-storey family units and expecting them to be occupied to a commercially viable degree given Penguin's many months of cold, dark, wet weather during the Winter months seems very optimistic. This, however, is an issue for those who hope to make it commercially viable.

My main objection is the apartment block exceeding permissible building heights and the consequent setting of a precedent for other rule breaking developments if approved.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Simon Hutchinson', with a large, loopy initial 'S'.

Simon Hutchinson

From: Jennifer Jarvis <Jennifer.Jarvis@tasrail.com.au>
Sent: Monday, 10 July 2023 2:56 PM
To: Admin
Subject: Attention Planning Department - Carolyn Harris
Attachments: V052022 - OPERATIONAL Lines.docx; LISTmap images of encroachments.docx

Your Reference – KPS2022003 & DA2022107 – Combined Draft Amendment to Central Coast Local Provisions Scheme (LPS) and Permit for Demolition of Buildings and Visitor Accommodation (40 Short Stay Apartment Units and 21 3-BDR Holiday Cabins); Food Services (Café/Restaurant) and Community Meeting and Entertainment Function Centre with ancillary tennis court, car parking and managers residence.

Thank you for notifying TasRail of the above combined application which we note was subject to a Crown Landowner Consent dated 24 February 2023 (and previously 20 June 2022). TasRail has reviewed the available documentation and makes the following comments:

- The demolition plan will need to be amended to include all buildings and structures that are encroaching State Rail Network land boundaries. Using LIST Map as a guide, TasRail has endeavoured to highlight each of the obvious encroachments on the image attached to this email, noting that some of the boundary fencing is also encroaching the rail corridor. For the purpose of clarity the rail corridor comprises all the land within State Rail Network title boundaries. TasRail recommends a boundary survey be undertaken to accurately confirm the boundary line shared with the railway.
- As can also be seen from the attached image, there is existing vegetation/trees within the rail corridor land boundaries presumably planted by the previous owner/operator of the caravan park as a screen and noise buffer. Some of this legacy vegetation is encroaching the rail 'structure gauge' and is a safety concern. Whilst TasRail will not enforce removal of the vegetation by the applicant, TasRail advises the applicant that it will likely itself take action to remove this growth in the future.
- TasRail notes page 43 the application suggests further vegetation may be planted along the railway to reduce visual impacts where required. TasRail will not permit the planting of any vegetation on State Rail Network land. Should the applicant require a vegetation screen for visual amenity, this should be incorporated into the site plan to ensure such plantings are confined to the development. Consideration should be given to the type of plantings to ensure they do not have potential to obscure railway sight line and future encroachment.
- TasRail notes the Café/Restaurant and the Managers Office are to remain in the same/existing location which is in close proximity to the boundary shared with State Rail Network land, but there is no setback distance to the rail boundary shown on the plans. TasRail is seeking this detail please.

In short, TasRail will not oppose the application but requests the following modifications be sought to the LPS Amendment and the Development Application:

- The demolition plan be modified to include removal of all buildings and structures that are encroaching State Rail Network land boundaries.
- A landscaping plan is to be included, detailing species selection and maximum growth dimensions (height and width) to ensure no potential for encroachment or obstruction of railway sight lines
- The plans be updated to show the setback distance between the State Rail Network land boundary and the Café/Restaurant and the Managers Office; and also the proposed new sealed access road.

- TasRail recommends a 1.8m high fence be installed on the boundary shared with State Rail Network land to separate the activity from what is an operational rail corridor (i.e. to mitigate the risks associated with incompatible adjoining land use).

TasRail also requests the following Permit Conditions:

- No demolition works to commence until the applicant can demonstrate to Council it has secured TasRail authorisation from property@tasrail.com.au and the separate TasRail Permit for Works has been issued (Conditions Apply).
- A separate TasRail Excavation Permit from proeprty@tasrail.com.au will be required for any excavation required to support construction works within 3 metres of the State Rail Network land boundary (Conditions Apply).
- A Part Five Agreement be registered on the title to acknowledge to the effect that acknowledges the development is located within a railway attenuation area and may be subject to exposure from train horn noise and vibration associated with the operational rail line. The agreement to acknowledge that freight rail services operate 24/7 including late at night/early hours of the morning with the train horn recognised as a safety device to be sounded twice per level crossing and at any time the train driver perceives risk.
- Stormwater or other run-off is not permitted to discharge into the rail drainage system or State Rail Network land.
- TasRail Standard Notes to be included.

Kind regards

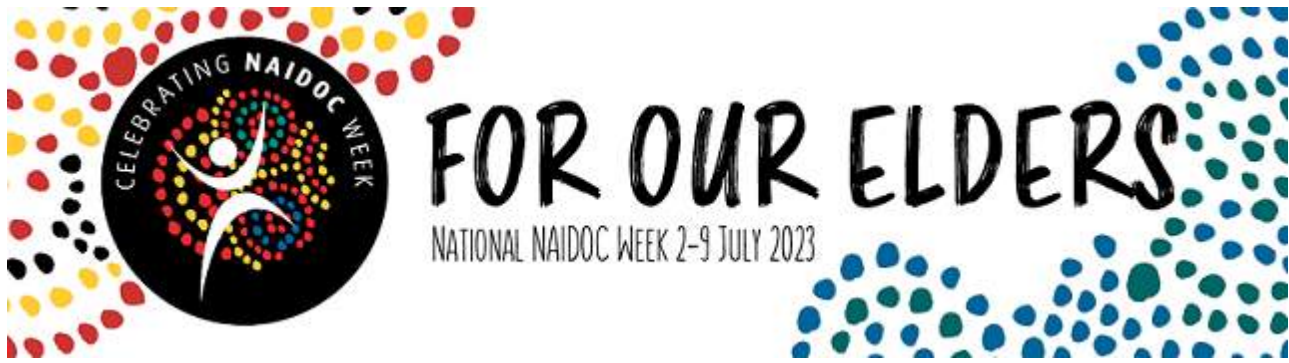
Jennifer Jarvis



Group Manager Property and Compliance | Property
 Phone: 03 6335 2603 | Mobile: 0428 139 238
 11 Techno Park Drive, Kings Meadows, Tasmania, 7249
Jennifer.Jarvis@tasrail.com.au

'Tasmania's trusted provider of safe and dependable rail logistics solutions'





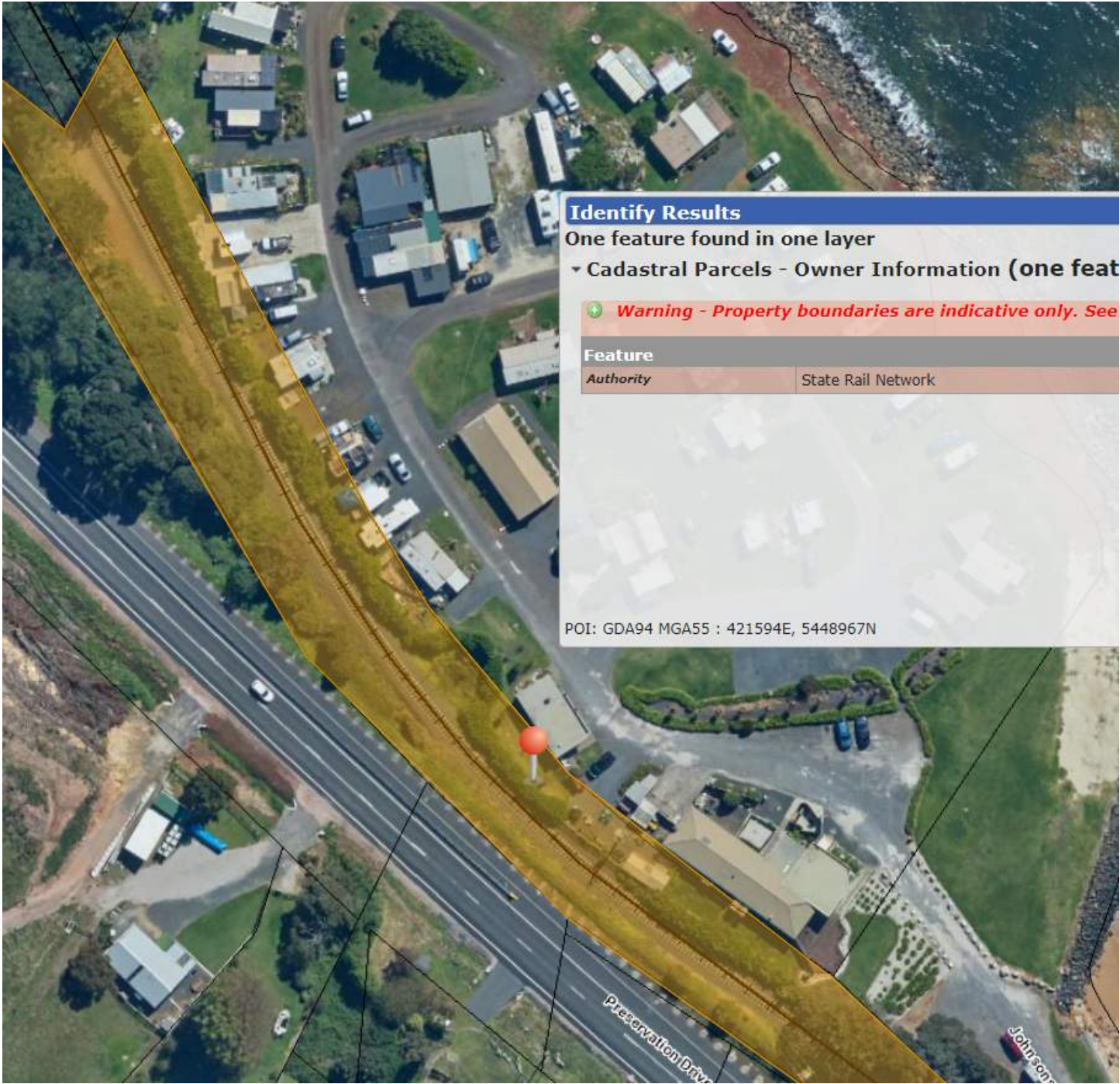
This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorised and may be illegal. Opinions, conclusions, views and other information in this message that do not relate to the official business of the Tasmanian Railway Pty Ltd are the views of the individual sender and shall be understood as neither given nor endorsed by Tasmanian Railway Pty Ltd.

TasRail Standard Notes

1. Where a building or other development is proposed to be located at a setback distance less than 50 metres from the boundary of the rail corridor, the occupants are likely to be exposed to train horn noise and vibration, noting that TasRail Freight Rail Services operate 24/7 and the configuration, frequency and time of these services is subject to change at any time.
2. Landowners, builders/developers and prospective residents should undertake appropriate due diligence to ensure they are aware of potential exposure to train horn noise and vibration, particularly in relation to building design, material specifications and lifestyle. The train horn is a safety device that is required to be sounded twice per level crossing being on approach and on entry. The minimum duration of each train horn blow is one second. The train driver also has the discretion to sound the horn at any time he/she perceives a risk.
3. Using or creating an unlicensed railway crossing or stock crossing is unsafe and strictly prohibited. Rail Safety National Law requires all private crossings to be subject to an interface agreement (licence). Where a privately owned property interfaces with a rail crossing and/or State Rail Network land please contact property@tasrail.com.au to discuss the necessary authorisations and licencing process.
4. Stormwater or effluent is not permitted to be discharged onto rail land or into the rail drainage system. Should there be a requirement for a service or asset to be installed on rail land in order to connect into an authorised stormwater or other outlet, a separate TasRail Permit is required and will only be approved subject to terms and conditions (costs apply). A Permit Application Form is available by contacting property@tasrail.com.au
5. Any excavation within 3 metres of the rail boundary line requires a separate TasRail Permit from property@tasrail.com.au in accordance with s44 of the *Rail Infrastructure Act 2009*. A minimum of seven (7) business days notice is required, but earlier engagement is recommended
6. Rail land is not for private use and should not be encroached for any purpose including for gardens, storage, keeping of animals etc. Dumping of rubbish including green waste into the rail corridor is not permitted.
7. No obstruction, installation or works of any kind are permitted inside railway land for any purpose including for structures, unauthorised vehicles, drainage, water pipes, stormwater discharge, electrical or service infrastructure, storage of materials, vegetation clearing, inspections etc. Consideration should also be given to the orientation and siting of above ground structures on adjoining land as well as landscaping to ensure there is no potential to obscure or obstruct the line of sight with respect to a railway crossing.
8. As per the *Rail Infrastructure Act 2007*, the Rail Infrastructure Manager (TasRail) may remove and dispose of unauthorised or unlawful service infrastructure and take such other action as it sees fit. Where this occurs, TasRail may recover its costs of doing so as a debt due to TasRail from that person and retain if applicable any proceeds of disposal. No action lies against TasRail for removing or disposing of the unauthorised or unlawful service infrastructure.
9. No persons should enter rail land without formal authorisation from TasRail in the form of a TasRail Permit issued by property@tasrail.com.au
10. Rail Corridors are exempt from the Boundary Fences Act meaning that TasRail is not required to contribute to the cost of boundary fencing.

6 Johnsons Beach Road – Caravan Park

Encroachments





Identify Results
One feature found in one layer
▼ Cadastral Parcels - Owner Information (one feat

⬆

Warning - Property boundaries are indicative only. See

| Feature | |
|-----------|--------------------|
| Authority | State Rail Network |

POI: GDA94 MGA55 : 421594E, 5448967N

Representation

Cath Thomas
113 Main Street,
Penguin
0400098655
tommo3046@gmail.com

11/7/23

General Manager, Central Coast Council

PO Box 220,
Ulverstone, 7315
Attn: General Manager

LPS2022003 & DA2022107

I would like to make a representation in relation to the proposed development at 6 Johnsons Beach Road, Penguin.

Under item 29.4, Development Standards for Buildings and Work, section 29.4.1 A1 states clearly that “Building height must not be more than 10 metres”.

The proposed development shows that there will be an apartment block that will be up to a height of 16.55metres. This is not within the limits of the Development Standard.

There is also some type of reassurance that it doesn't block other properties views. Whilst this may be true it is still in breach of the guidelines.

There also seems to be another flimsy consolation that this rule won't be bent again in other zones of the town of Penguin.

You are already exceeding the restrictions of the Development Standards with this proposal so how can you expect me to trust you when you say this won't be the case for another development further down the track.

The flouting of the height regulations is, as far as I am concerned, the thin edge of the wedge.

Sincerely Yours,

Cath Thomas

CENTRAL COAST COUNCIL

Division

Rec'd 10 JUL 2023

File No

Doc. Id

thursday July 06, 2023

to the Central Coast Council

Please reject the application for the Redevelopment of the Caravan Park into High-End, High Rise tourism development for the following reasons:

- (a) Increase of traffic flow through a popular - local - summer - young family beach area.
- (b) the height of the proposed buildings is at odds with the local town-scape.
- (c) Increased risk to children using the toilet block, crossing the access road.
- (d) through difficult individual circumstance some people have chosen to live in a caravan in Penguin and are part of our local community.
this proposed development will cause major trauma for some when they have to move out.
- (e) the area beside the sea will no longer be a camping area so changing its use.
- (f) If the idea is given the go ahead it sets a precedence for similar redevelopment on the Ulverstone foreshore.

A Better Alternative

It would be better for Town Planners to look at the area across the road from the Penguin Surf club. With proper drainage and planning it may be made suitable for more intensive housing and High End Tourism Development.

Lowie van der Woude Lowie van der Woude

198 Main Rd Penguin Tas 7316

CENTRAL COAST COUNCIL

Division

Received 11 JUL 2023

File No

Doc ID

126 Main Street

Penguin

Tasmania

7316

Phone 0408556592

janeenlillas@gmail.com

9/7/2023

I wish to make a representation regarding the proposed development at 6 Johnsons Beach Road, Penguin. As I understand it, LPS 2022003 refers to the amendment of use from caravan park to a facility featuring short to term holiday apartments with a café/restaurant and function centre.

I also understand that DA22107 refers to the specifics of the demolishing of existing structures and construction of new facilities.

On LPS 2022003, am very concerned that the caravan facility is being removed entirely as Penguin has signage encouraging van use. It's the perfect spot for caravans, small cottages and tent campers. It has become a location that low-income people have been able to afford to live and any change in that seems heartless. What responsibility does the council have for these people? I think there is a responsibility that a community can support a reasonable amount of itinerant or low-income families. The Penguin community Op shop is an amazing example of the support given by the community. Where do you think the people living in cars/vans should reside? Are you offering your driveways? The caravan park definitely needs an upgrade, and that would draw people to using it. At the moment, the owners have let it become very run down; probably intentionally and national reviews are bad. The viability of this type of holiday accommodation is very questionable in Wintertime. Tourists aren't seeking the beach in 3 out of 4 seasons in Tasmania.

I also think that with the construction of the coastal bike path we need to consider that biking holidays of the North West could be a tourist drawcard. Where will these people be able to camp if the caravan park is gone? The Penguin/Cradle Trail starts in Penguin and many hikers come with expectations to camp their way. A coastal town like Penguin definitely needs a campground of its own. The current owners bought it as a campground, and it should stay as a campground.

I have major reservations regarding aspects of the development outlined in DA22107, namely: Under item 29.4, Development Standards for Buildings and Work, section 29.4.1 A1 states clearly that "Building height must not be more than 10 metres".

The plans submitted clearly show that the proposed four story, 40-unit apartment block has a maximum height of 16.55 metres. The developers appear to be claiming an exemption to this regulation using the argument that as the proposed building is near sea level, its height will appear no more than a two-storey house across Preservation Drive and 4 metres higher in elevation. They also claim that the siting of said apartment block next to a tall rocky outcrop will lessen the impact of this structure than if it were in a more exposed location such as the commercial centre of Penguin on Main Street.

To claim that a tall building is no higher than a shorter building in an elevated location seems rather facile. As if a ten-storey structure is no higher (above sea level) than a one storey structure at a 20-metre higher location.

Additionally, my other concern is that if an exemption to planning regulations is made for this development, then assurances that it will only apply to this development on land zoned Open Space and that it will not apply to land zoned Residential or Commercial fail to impress.

I feel that once a 16-metre-high structure is permitted anywhere in Penguin then it will serve as a precedent to pressure the local council to permit structures of this height or even higher in other areas of the town.

Another concern is that the access road is not designed for this type of traffic. It's a public road and used by beach goers, dog walkers, picnickers, skate park enthusiasts, boaters etc. The amount of traffic on this minor road will be beyond its design. I think the project should access their Development off the main road like the new Vineyard in Penguin does. I would be very angry increased traffic meant that the community who access the beach, are disadvantaged with extra fencing and less parking, which has already been reduced due the bike path.

I expect the same rules with apply with the distance to the fence that Tasrail demand for new projects. I expect the same standards as the rest of the community must endure otherwise it is discriminatory. The plan does not show the fencing between the park and the railway line. Watcombe Beach has approx. a 10 m buffer between railway line and fence, and this proposal should have the same standard applied.

Another concern is that the access road is not designed for this type of traffic. It's a public road and used by beach goers, dog walkers, picnickers, skate park enthusiasts, boaters etc. The amount of traffic on this minor road will be beyond its design. I think the project should access their Development off the main road like the new Vineyard in Penguin does. I would be very angry increased traffic meant that the community who access the beach, are disadvantaged with extra fencing and less parking, which has already been reduced due the bike path.

I expect the same rules with apply with the distance to the fence that Tasrails demand for new projects. I expect the same standards as the rest of the community have to endure otherwise it is discriminatory. The plan does not show the fencing between the park and the railway line. Watcombe Beach has approx. a 10 m buffer between railway line and fence, and this proposal should have the same standard applied.

I am very aware that the Caravan Park in the previous years have illegally reclaimed extra land and in doing so have destroyed natural coastline and Penguin habitats. That a council that allowed this to go ahead without penalty doesn't fill me with great hopes that the right thing will be done to our precious coastline and lifestyle. People taking photos of the illegal landfill were verbally threatened not to make a fuss. I can only hope that the council of today are not being intimidated into accepting this proposal in its entirety and will consider the greater good for the community and its beautiful natural assets. Already the advertising that is in tourists brochures and on buildings shows outdated pictures of the Penguin coastlines. Let this be a chance to demand better of the people wanting to change the relaxed Penguin atmosphere into a mini Gold Coast.

J.M. Lillas

In Reference to:

- LPS 2022 03

- DA 20 22107

6 Johnsons Beach Rd, Penguin



Promoting Regional Growth

PO Box 139

BURNIE, Tas. 7320

July 7th, 2023

Re: Tourist Park Plan for Johnsons Beach Rd

To whom it may concern.

Our organisation is the operational arm of the Burnie Chamber of Commerce and Industry; the peak business body for the Burnie/Wynyard region.

We focus on growing and supporting businesses and communities in our area and have a strong focus on projects that deliver visitor revenue.

The tourist park plan for the Johnsons Beach Rd is a fantastic initiative and will add great value to the accommodation sector for the north west coast. Accommodation is at a premium and will be for several years due to the large amount of infrastructure builds (specifically in the renewable energy sector) that are scheduled.

Additionally, as tourism continues to grow, we have a need for quality new tourism assets to be created and this development is ideally suited for visitors to establish a short-term base to visit attractions in the region.

Business Northwest undertakes to support this endeavour and commend it to you. We will work with the local business community to ensure their full support of the project.

Yours sincerely

Ian Jones

President

CENTRAL COAST COUNCIL

Division

Rec'd 13 JUL 2023

File No

Doc. Id

From: Contact @ MadsenRetreat <cwhitelaw458@gmail.com>
Sent: Wednesday, 12 July 2023 3:32 PM
To: Admin
Subject: LPS2022003 and DA2022107

Dear Council

Representation re LPS2022003 and DA2022107.

I am a Director of TTCW Pty Ltd trading as Madsen Retreat Guest house at 6A King Edward St Penguin.

I wish to strongly note my objection to this DA at 6 Johnsons Beach Road Penguin.

My principal grounds of objection are as follows -

1. There is no present need for such an increase in short term accommodation in the area.
2. The proposal to approve 63 new short term accommodation units in Penguin has the clear potential to cause severe economic hardship to current short term accommodation business owners in Penguin.

Madsen Retreat has been operating in this market since 2017.

Over the last 5 years, we can clearly see from our booking records that a shortage of supply of short term accommodation in Penguin only manifests for about 2-3 weeks of the year during peak season.

For the rest of the year, the occupancy rate is around 50- 75% for most operators.

The short term room prices being offered in Penguin are consistent with booking prices across the NW.

If Council approves the creation of another 63 short term accommodation units under the control of a single corporate owner, it will more than double current availability and flood the market.

This will expose current owners to a single corporate owner aggressively seeking market share in a small sector by heavily discounted prices.

This may be to the benefit of those looking for a cheap booking, but it will seriously damage existing owners who have worked very hard to create a viable small business in this region. To be economically viable, a short term accommodation provider needs to have an average occupancy rate of 60% or more.

Please confirm receipt of this representation.

Yours sincerely,

Christopher Whitelaw

Director
TTCW Pty Ltd trading as Madsen Retreat
6A King Edward Street Penguin 7316
0414 975 370

O.Fielding
PO Box 49
Penguin TAS 7316

15 July 2023

General Manager
Central Coast Council
PO Box 220
Ulverstone TAS 7315

Dear General Manager,

The following representation for LPS2022003 & DA2022107 will address inconsistencies with information provided for the function centre and non-compliance with the planning scheme zoning and codes, including responses to the report's consideration of the proposal against strategic documents and policies, where relevant.

FUNCTION CENTRE

The drawings provided for the function centre appear to depict two different versions which differ in size. The proposal description states that the Function Centre is 280m², plus kitchen and back of house, over two storeys, with this floor area being used as the basis for calculations in the Traffic Impact Assessment.

On page 269, the function centre is stated as having a floor area of 392.98m². This appears to align with the supplied floor plans (DA-0-211 & DA-0-121) and the definition of floor area, as defined in the Planning Scheme. This implies that calculations in the TIA are incorrect.

The floor plans also do not appear to align with Drawings SK01-01 Rear View Impression (DA-0-001) and SK01 Artists Impressions of the Function Centre (Rear, Front, Left and Right Side Elevations). These drawings appear to represent a larger building and whilst these drawings are not dimensioned, if the elevation drawings are scaled using the stated height (10.395m as per DA-0-401), the resultant building is approximately twice the size as the one depicted in the floor plans, which would require TIA calculations to be amended further.

Consideration against strategic documents & policies

The report states, in reference to 4.5 Land use Policies for facilitating access to business and community services of the *CCRLUS*, that the proposal would “*enhance business services for the community*”.

In the *CCRLUS*, Penguin is identified as being a local service centre, which is closely aligned and dependent on regional and district centres Burnie, Devonport and Ulverstone. It recommends that commercial and community services be limited in local service centres in order to reinforce the role of established centres in meeting district and regional needs.

The *CCRLUS* also requires proposals for commercial development outside of designated town centres be supported by need. Penguin has a number of community facilities that support business needs in regard to the provision of community meeting and function spaces, including: Penguin Railway Station, Penguin Surf club, and the Dial Park Sports Complex, completed in 2018, which includes a 302m² function centre. Further venues are also available throughout the central coast region.

The Penguin Town Master Plan and Strategies identified, as part of its review of the previous master plans for the Penguin Recreation Ground, that due to a significant oversupply of community buildings, that this existing plan should be updated to better reflect the needs of the town.

ZONING

29.0 Open Space Zone

29.4.1 Building height, setback and siting

The objectives of the Development Standards for Buildings and Works within the Open Space Zone, states that building *bulk, height, form* and *siting* must be compatible with:

- (a) the *streetscape*,
- (b) not cause unreasonable loss of *amenity* to adjacent properties
- (c) respects the *natural and landscape values* of the site.

The proposal is not compatible with the streetscape, in particular, the apartment buildings scale and bulk would significantly alter the streetscape of Preservation Drive, and along with the Function Centre, Johnsons Beach Road, which abuts the proposal. It will also causes unreasonable loss of amenity to adjacent properties, which includes the adjoining public reserve.

As set out in the planing scheme, the purpose of the Open Space Zone is to provide land for open space purposes including for passive recreation and natural or landscape *amenity*. The definition of amenity is described in the planning scheme as being “*in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable*”.

The Central Coast Open Space and Recreation Plan 2012-2022 describes visual amenity as “*usually small areas of open space designed to provide visual relief from urban surroundings, and enhance amenity of streetscapes*”. The Proposed development would reduce any existing landscape or visual amenity, through the significant increase in density, bulk, height and form of buildings on the site.

A1 Non-compliant.

The proposed development is non-compliant with the development standards of the zone, with building heights exceeding 10m.

The performance criteria (P1) states building height must not cause unreasonable loss of amenity to adjacent properties. The report focuses almost solely on the surrounding residential dwellings and limits the definition of amenity, as follows:

P1 (a) Non-compliant.

The report states, in regard to topography, that it is unlikely to impact on amenity (sunlight and privacy) of surrounding residences. As noted above, the term amenity has a much broader meaning. The report does not address the impact on views/ visual amenity from surrounding residences, the streetscape, or public reserve/ foreshore.

The report incorrectly states that the subject site sits at the lowest point on the contour map, when Johnsons Beach Reserve and the foreshore actually sit lower. The attached demolition plan (DA-0-151) shows the majority of the proposal sits between the 5.5m and 7.5m contours, with an area to the north sitting above the 5m line. This demonstrates that the proposed height, not only exceeds the allowable limit, but also, as a result of the topography, will be exacerbated and further impact on the amenity of the foreshore reserve.

Accompanying drawings (Fig. 17-19 Topography drawings & DA-0-001 Cover Sheet, front and rear views) are of a location, scale, angle, and/or are cropped in a way that does not provide any clear evidence that the height, bulk and form of the proposed buildings will *not* cause an unreasonable loss of amenity to adjacent properties.

(b) Non-compliant.

Existing buildings on the site are all of a single storey, as are existing buildings in the Johnsons Beach

Reserve. Existing buildings on adjacent residential properties are a mix of one and two storeys. The four storey apartment building is approximately 16.55m high and 83m long. The apartment building exceeds allowable height limits and its bulk and form is not in keeping with adjacent properties and significantly differs from the existing buildings on the site.

(c) Non-compliant.

The development will not be ‘*shielded*’ by Hill A and B as stated. Shielded implies that the hills will conceal the development, thus reducing the impact of its bulk and form. Given their actual location is to the north/west of the proposal, any screening would be most notable when travelling east along Preservation Drive. The report actually notes that this screening is “*particularly from the northern end of the site*”, in both its strategic analysis and in response to **C3.6.1 P1 (c)**.

The location of the hills in relation to the development and its height and bulk, would allow it to be clearly visible to most of the adjacent properties to the east or south/east and, the development would in effect be shielding the hill, reducing natural and landscape values and diminishing the visual amenity they provide, as demonstrated by sections D-D and E-E.

(d) Non-compliant.

The requirements of the proposed uses do not necessitate the development of a four storey, 16.55m high building.

Consideration against strategic documents & policies

In reference to the Schedule 1 Objectives of the *LUPAA*, Part 1 Provision (b), the report states: “*The proposed amendment will facilitate additional use without the need to rezone. This will ensure that the purpose and character of the **open space zone** is maintained*”. Whilst also stating, in regard to the amendment format, that “*Retaining the **existing zone** ensures that a buffer remains between the General Residential zone and the foreshore*”.

Given the nature of the site specific qualification that is sought, along with the proposed development, maintaining the existing zoning is not of itself an assurance, that the purpose and character of the zone will be maintained. The development would inherently alter the character of the open space zone, as defined above and by increasing development on the site, this area of open space would no longer have the capacity to act as a ‘buffer’ between residential development and the foreshore.

In its review of the *Central Coast Strategic Plan 2014-2024*, the report recognises that under the four platforms identified for future economic and social development in the central coast, ‘liveability’ can be achieved through the *Penguin Urban Design Guidelines* (PUDG). The report highlights the importance that places maintain their own distinctiveness and acknowledges that the definition of liveability includes ‘the character of our place’, but it fails to acknowledge that Penguin’s character, as defined by the *PUDG*, is at odds with the proposed development.

The *PUDG* notes that Penguin has an established building rhythm, that is both vertically and horizontally articulated, with height varying between one and two storeys and widths varying between single and double frontages, and states that this existing building rhythm is an integral part of Penguin’s coastal village character, also recommending that:

“The height and mass of buildings facing the foreshore must be in keeping with the coastal village character and must not adversely affect the visual amenity of the foreshore environs.”

A recent review of the *PUDG*, as part of the *Penguin Town Centre Master Plan & Strategies*, determined that:

“In principle, the guidelines are still relevant and provide helpful assistance for integrating new development and growth in Penguin. Key elements have already been

incorporated into the Penguin Specific Area Plan.”

It also noted, that of the dominant concerns of the community, was the desire that new development be sympathetic to the existing scale of the town.

The *Penguin Specific Area Plan* specifies that in order to be in keeping with the towns ‘coastal village character’ and to protect and maintain a human scale, buildings must reflect the existing building rhythm and not exceed a height of 8m, and that a continuous wall of a frontage or side boundary must not exceed 16m or 20m respectively. The apartment building and the function centre exceed these limits.

Whilst the proposed development falls just outside the bounds of the *Penguin Specific Area Plan*, given the extensive public consultation undertaken for both the *PUDG* and the more recent *Penguin Town Centre Master Plan and Strategies*, they should be considered important local strategic documents that have significant relevance when considering a development of this scale, in this location.

The *CCRLUS*, under section 3.3 Land Use Policies for Economic Activity and Jobs, states that sustainable tourism should “*avoid alienation and displacement of local communities and significant change in local character, function and identity*”

Displacement or alienation of locals, can occur, not only through the physical displacement of people from local places, in favour of tourists, but also when development of tourist infrastructure alters the character of a place.

Also under section 3.3 Land Use Policies for Economic Activity and Jobs, it states that visitor accommodation should “*designate sites for camping, caravan and mobile home use*”. The report states that whilst the site will no longer provide these facilities, there are a number of sites that currently provide these facilities within 2.5km, however this is incorrect.

There are currently no alternative locations in Penguin that provide camping or caravan facilities. Nearby free camping areas at Preservation Bay/Penguin Surf Life Saving Club and Sulphur Creek/Hall Point, have been closed for some time. More recently, due to misuse and environmental damage, the Midway Point Reserve was closed (as at May 31, 2023) for remediation works. Even when operational, these camp sites only permitted stays of 48 hours for fully self-contained campers, as they do not provide any facilities.

CODES

C2.0 Parking and Sustainable Transport Code

C2.5.1 Car Parking Numbers

A1

(d) Non-compliant, refer below.

Parking Space Requirements: Notes to Table C.2.1

Total parking requirements for the accommodation have been calculated as 61 spaces, with the TIA allocating 21 spaces to the cabins and 40 to the apartments. Notes to **Table C.2.1 (2)** states “*Parking Spaces must be individually accessible, excluding tandem parking spaces which may be used to serve a dwelling*”.

42 out of a total of 101 parking spaces have been allocated as tandem spaces adjoining the cabins, and as such, they cannot fulfil the requirements of other uses. This leaves only 59 individually accessible spaces to service the remaining requirement of 73.

If the Function Centre floor area has been underestimated, it will require a total of 27 parking spaces, not 19 as specified in the report & TIA, resulting in a shortfall of 22. Further, **Table C.2.1** specifies that a Function Centre must have 1 space per 15m² or 1 per 3 seats, whichever is greater. Floor plans indicate seating for 85, which would require a total of 29 spaces. This renders the proposal non-compliant even if the tandem spaces aren't taken into consideration.

And whilst the TIA makes the assertion that, in relation to **C3.5.1 P1 (a)**, that visitors to the function centre would not impose on trip generation (and as a result, parking), indicating: *"Given the location of the development, it is anticipated that the visitors of the function centre will also be staying in the visitor accommodation"*. In contrast, the report describes the proposal, in relation to both the Zone Purpose statement of the **Open Space Zone** and the previous planning scheme provisions, as being 'family-orientated' and, along with its location and the provision of parking, that it is *"more directly associated with outdoor activities than other forms of accommodation"*, and in reference to **C2.6.5 A1.1/ P1 (b)**, that the site *"predominately caters for families and young children"*.

Given that the developments stated uses include *Community Meeting & Entertainment*, and in light of the above descriptions, it would be more likely to assume that visitors to the function centre would be in addition to those staying in the accommodation, and therefore, parking requirements would be independent of each other.

Consideration against strategic documents & policies

In reference to the principles of *The State Coastal Policy 1996*, the report maintains that the proposed development *"...would ensure the adjoining Johnsons Beach foreshore reserve remains available and accessible to the public"*. This is reiterated by the TIA, which claims:

"Given all parking can be provide on site there will be no impact of the demand for parking off site, either in the Council owned car parks associated with the public area of open space and skate park or on Main Road, Penguin"

Johnsons Beach Reserve is categorised as an area District Open Space (*Central Coast Open Space and Recreation Plan 2012-2022*), which is intended to provide a range of facilities to people within a 10-20 minute drive of most Central Coast residents. However, if the parking requirements of the proposal cannot be met on site, as demonstrated above, then visitor parking would likely overflow into the reserve, alienating and displacing locals.

C2.6.5 Pedestrian Access

A1.1

P1 (d) Non-compliant.

The stated vehicle movements in the report are not evidenced by the TIA. It identifies that the development will generate a total of one-hundred and twenty-four (124) additional trips per day, and a total of nine (9) additional trips during the peak hour. These may be further increased based on inconsistencies with the floor area of the Function Centre.

(e) Non-compliant.

Does not address A1.2. Accessible parking provided at the function centre does not have a footpath from those parking spaces to the main entry of the building. Main entry and side entries to the building also appear to be stairs, which would not meet accessibility requirements.

(g) Non-compliant.

Grassed areas do not meet the requirements of A1.2

C3.0 Road and Railway Assets Code

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

A1.4

P1 (a) Non-compliant.

The accompanying TIA identifies that the site currently generates total of 352 trips per day, not 351 as stated in the report. It also identifies that the proposed development will generate an additional *124 trips per day*, not 29 as stated in the report. This results in an increase of 35% and therefore does not meet the specified acceptable increase as per Table C3.1.

Consideration against strategic documents & policies

The TIA assumes, in relation to **C3.5.1 P1 (a)**, that visitors to the site, who aren't also staying in the accommodation, wouldn't contribute to additional trip generation, stating:

"Given strict drink driving laws, the visitors to the function centre will be likely accessing the site through sustainable transport options or ride sharing transport".

However, the *CCRLUS* identifies that cars provide the dominate form of passenger transport in the Cradle Coast Region, and that *"There is a high level of car dependency encouraged by necessity as an attractive, fast and convenient transport mode [and] There is an absence of viable alternatives"*.

Further, in reference to section 4.9 Land Use Policies for Active Communities in the *CCRLUS*, the report argues that the proposed amendment to the LPS is consistent with policies regarding recreation and open space, reiterating once more, the proposals *"family-orientated nature"* and its association with *"outdoor sporting activities"*, whilst also giving emphasis to the transportation of sporting equipment such as surfboards, bicycles and kayaks, that it supposedly enables.

Given the reliance on car based transport in the region, and participation in outdoor activities that require the transportation of large sporting accessories, it is likely that guests of the accommodation would generate further trips in pursuit of these activities, such as accessing the numerous mountain biking trails on offer in the region, and given that neither Johnsons Beach, nor other beaches in walking distance, are surfing locations.

The report further supports the implication that visitors to the function centre wouldn't necessarily be staying in the accommodation, by highlighting, this time, in reference to sections 3.3.5 Sustainable Tourism and 4.5 Land use Policies for facilitating access to business and community services, that both the function centre and restaurant/cafe are *"accessible and beneficial to the broader community"*, that it would *"enhance business services for the community"*, and in summary, concluding that *"The business will provide... the benefit of local community facilities."*

The 'broader community' as defined in the *CCRLUS*, includes the major centres of Burnie, Devonport, Latrobe, Sheffield, Ulverstone, Wynyard, Queenstown, Smithton and Currie. Excluding Queenstown, Smithton and Currie, visitors from the other major centres and from Penguin itself would, rather than stay in the visitor accommodation, be more likely to use private transport to travel to and from the venues, thus imposing on both trip generation and car parking.

C3.6.1 Habitable buildings for sensitive uses within a road or railway attenuation area

A1

P1 (f) Non-compliant.

The TIA does not demonstrate that the number of additional trips generated by the development is anticipated to be less than 10%. Further, if the floor area of the Function Centre has been underestimated (392.98m² instead of 280m²), then the total additional trips generated could amount to 192 trips per day, which is an increase of 54%.

Use of qualifying statements

Both the report and the TIA use qualifying statements to seemingly downplay the increase in traffic generated by the proposal as a whole, whilst also singling out the function centre:

TIA Performance Criteria P1 (b)

“notably many people attending the restaurant and / or function centre on the site will also be staying at the visitor accommodation. As all trips were calculated independently it is anticipated that there has been some double or triple counting.”

TIA Conclusion

“The proposed development will lead to an increase in trip generation of approximately one-hundred and twenty-four (124) trips per day (based upon worst case scenarios of 100% occupancy rates of the visitor accommodation, restaurant, and function centre) and an extra nine (9) trips during the peak hour.”

Report C2.6.5 P1 (d)

“...based on 100% occupancy of units and facilities. This represents worst case scenario conditions, given that there will not be functions held on a daily basis...”

Both existing and proposed trip generation rates have been determined using the same method, therefore all trips have been calculated independently, which means the possibility of double or triple counting applies to both the existing & proposed development. In particular, as the existing trip rates include 120 trips per day for a cafe/restaurant that hasn't been in operation since at least 2012, when it was converted to an accommodation building (refer p.256), it would be more appropriate to apply a qualification to these figures.

If the existing trips are adjusted based on this incorrect allocation, along with the potential underestimation of the Function Centre floor area, then the total additional trips generated by the proposal could increase to 307, which is a 129% increase.

Further, given the stated land uses, then both the existing and proposed trip generation rates are based upon ‘the worst case scenario of 100% occupancy’, therefore if this ‘worst case scenario’ has been assumed across all figures, any qualifications regarding the results of the proposed trip generation calculations, are unnecessary.

C10.0 Coastal Erosion Code

C10.5.1 Use within a high coastal erosion hazard band

A1

P1.1 Non-compliant.

As per C10.2.3, for the purpose of C10.5.1, the proposal is a vulnerable use not reliant upon a coastal location to fulfil its purpose. As stated in the objectives of the use standards, uses within a high coastal erosion hazard band must be reliant on a coastal location *and* achieve and maintain a tolerable risk from coastal erosion.

C10.5.3 Critical, hazardous or vulnerable use

A1

P1.1 Non-compliant.

Proposal is a vulnerable use located in a non-urban zone and high coastal erosion hazard band and is not reliant upon a coastal location to fulfil its purpose. C10.5.3 has not been addressed in the report.

P1.2

(b) Non-compliant.

As per the Executive Summary of the *Coastal Vulnerability Assessment*, the proposal has been assessed to have a tolerable level of risk based on a coastal erosion evening in 2071, not 2100 as required by the planning scheme.

In addition, a coastal erosion hazard report, as per **C10.3 Definition of Terms (d)**, must include a report of a geotechnical site investigation undertaken consistent with AS 1726-2017. C10.3 (e) (v)

also requires that the report must relate to any matter specifically required by Performance Criteria in this code. Assessment of the proposal has been based on Development Standard E6.5.2 of the E6.0 Hazard Management Code, Central Coast Council Interim Planning Scheme 2013 and not C10.0 Coastal Erosion Code of the Tasmanian Planning Scheme.

A4

P4 Non-compliant.

Under the definitions of E6.0 Hazard Management Code, the proposed use was not categorised as vulnerable and therefore was not assessed under the performance criteria related to vulnerable uses. Further, Appendix 5 Quantitative Risk Assessment of the Coastal Vulnerability Assessment, shows the risk assessment was also conducted based on the proposal *not* being considered a vulnerable use. Therefore, whilst it is argued that the proposal has a tolerable level of risk, the parameters under which that was determined have changed and do not meet the requirements of the current planning scheme.

C10.6.2 Coastal protection works within a coastal erosion hazard area

A1

P1 (a) Non-compliant.

The proposed use does not rely on its coastal location to fulfil its purpose. Coastal protection measures were completed without the appropriate approvals and would not have been permitted under the current planning scheme.

124 Main Street

Penguin

Tasmania

7316

Phone 0408155461

radams7316@gmail.com

CENTRAL COAST COUNCIL

Division

Rec'd 17 JUL 2023

File No

Doc. Id

16/7/2023

I am very aware that the Caravan Park in the previous years have illegally reclaimed extra land and in doing so have destroyed natural coastline and Penguin habitats. That a previous council allowed this to go ahead without penalty, doesn't, fill me with great hopes that the right thing will be done to our precious coastline and lifestyle. People taking photos of the illegal landfill were verbally threatened not to make a fuss. I can only hope that the council of today are not being intimidated into accepting this proposal in its entirety and will consider the greater good for the community and its beautiful natural assets. Already the advertising that is in tourist brochures and on buildings shows outdated pictures of the Penguin coastlines. Let this be a chance to demand better of the people wanting to change the relaxed Penguin atmosphere into a mini Gold Coast. Prior performance by council on these matters including a bike path that was built on reclaimed beach at Watcombe Beach, fencing and access to satisfy railways and apply different height rules to fence heights in different locations indicate to me this is a puppet governance.

I am very concerned that the council has lost sight of its role and duty as elected representative employees to focus on the best interest of the residents. But rather they seem to act in the interests of business, the railways and the building codes, thus dictating that the only grounds for submissions can be building height and zone; and therefore, suppressing any opposition by the citizens on the grounds of: culture, amenities, impact on surrounding and concerns of Infrastructure replacing natural environment etc. The method of submission dictated by council is a 'read the Planning Application and submit as written response online': thus eliminating the functional illiterate from having their say which according to the organization 26/TEN, is 50% of local residents. There must be a more inclusive method.

The 10 metre height limit is the code and that needs to be adhered to. This is an important amenity for Tourists in caravans and accommodations for those on low budgets.

Your faithfully



Rob Adams

To The General Manager, Mayor Fuller and Councillors,

I hope this correspondence finds you well. I am writing to express my concerns about the proposed development of the 6 Johnsons Road, Penguin.

I would like to bring to your attention the following concerns;

1. Height and location of the proposed function centre.
2. Height of the proposed accommodation building.
3. Pedestrian shared space and traffic.

As outlined on page 68 of the Planning Scheme Amendment, it states that the proposed function centre height, due to topography is 'unlikely to impact on the amenity (sunlight and privacy) of the surrounding residence'. My concern is that 'unlikely' is not a guarantee, and there are no assurances within the current planning documents that our privacy and/ or sunlight will not be impacted as there are no shadow diagrams for the various times of the day included. It is therefore inconclusive whether the function centre will overshadow the rear of 9 Main Rd.

The proposed height and location of the function centre will impede surrounding residences views of the coast. Whilst I acknowledge there is due consideration within the proposal, the height and location of the function centre will still obstruct views, thus impacting on lifestyle of the residence and value of the surrounding properties.

Our second concern is the proposed height and size of the accommodation building. As outlined on page 70 of the planning documents the 'nearby residence 5 Main Road, Penguin is level with the height of the proposed accommodation building'. The proposed accommodation building will dominate the surrounds, and as previously mentioned as there are no shadow diagrams included within the planning documents there is no assurances that this large structure will not create issues with shadowing at the rear of our residence, 9 Main Road.

We understand the due to the re-zoning of the area of the proposed development and its location outside commercial area of Main Street that the building height restrictions do not apply, however we believe the development would clash with the townships amenity, in particular the townships natural assets.

Lastly, we are concerned about the increase in traffic to the area and the safety of people accessing the public beach. The planning documents propose a 'shared vehicle and pedestrian environment' as stated on page 79 of the planning documents. Our concerns are that the proposal states that with the 'limited vehicle flow along Johnsons Beach Rd' that there is no need for a pedestrian footpath, however, the proposed development has a carpark of 101 spaces. This is a significant increase in the amount of traffic that currently traverses Johnson Beach Road, as we have observed as nearby residence. However, as there is no traffic report included in the planning documents we are concerned as how the developer has come to the conclusion that a shared vehicle and pedestrian environment will be safe for the public accessing the area.

We are also concerned that an increase of up to 101 vehicles will negatively impact on the noise within the area. This noise will be most noticeable at night as the proposed function centre will be operating until 10pm, and due to the lack of traffic impact information I am concerned that this will be a significant increase in the traffic noise from Preservation Drive.

We strongly believe that the following issues of; the impact on the surrounding neighbourhood due to the size and location of the proposed accommodations and function centre, along with the increase in traffic, noise and changes to the local amenity should be considered.

Thank you for your attention to these matters.

We look forward to hearing from you soon.

Sincerely,

Rochelle & Dean Laing-Hughes

9 Main Road, Penguin.

Ref:
- LPS2022003
- DA 2022107
Attn: General Manager

Gabriella Conti
West by North West
29a Wilson St
Burnie TAS 7320

13th July 2023

To whom it may concern,

Re: Penguin Short Stay Accommodation and Function Centre

I am writing to express West by North West's (WxNW) strong support for the redevelopment of the *Penguin Caravan Park* into short stay accommodation providing a resort-style experience and the introduction of a new function centre to the property.

Tasmania's northwest is heavily reliant on tourism, providing significant downstream benefit to ancillary industries including retail, the arts and real estate. The visitor market has historically been less aware of our region than Tasmania's south, but demand appears to be growing with a range of exciting new tourism products across this corner of the state.

The Penguin area is in urgent need of more visitor accommodation. The current cabins on site at the *Penguin Caravan Park* are booked to capacity. By progressing with the redevelopment proposal, more visitors will be able to stay in Penguin, which will have a trickle-down effect into stimulating the local economy by encouraging more money be spent at local restaurants, cafes and shops as visitors will be spending extended time in the town, not just passing through.

The proposal of a new function centre on the striking seaside site represents a significant opportunity to increase visitor awareness of this region. Currently, there is only function spaces for hire available at the local school and football club. By initiating a designated function centre, with the primary goal of facilitating events, a whole new demographic of guests and visitors can be drawn into the region. The onsite accommodation is also a massive drawcard for both intrastate and interstate visitors who attend events to stay in Penguin, and not book accommodation elsewhere.

We know there is an increasing interest for accommodation on the north west coast, and currently there is not enough rooms to satisfy the rising number of tourists visiting the region. For our tourism industry to be able to grow and flourish to its full potential, it is vitally important that this redevelopment proceeds.

I reiterate my enthusiastic support and excitement for this proposal and welcome further discussion on its merit.

Kind regards,



Gabriella Conti
CEO

CENTRAL COAST COUNCIL

Division

Rec'd 20 JUL 2023

File No

Doc. Id

caravan park proposal by REMON ENT.

4 questions.

Does penguin need 61 short term apartments.

NO

What happens to current long term caravan occupants

LEAVE TOWN

CENTRAL COAST COUNCIL
DEVELOPMENT & REGULATORY SERVICES

Received 20 JUL 2023

Application No

Doc. ID:

What happens to travelling caravanners & campers

GO ELSEWHERE

Does applicant have 8 million dollars

PROBABLY NOT

Remember Roche - investments

Proposal to REMON.

purchase some of old footy ground & build short term apartments & long term affordable houses. & leave caravan park as is.

This is what the town needs

0417514102 CRAIG WILSON. 1A MAIN RD PENGUIN

Privacy

We appreciate privacy is important to you. Apia is committed to protecting your personal information. For further information, please refer to our customer privacy statement by visiting www.apia.com.au/privacy or call us on 13 50 50



From: stuart bryer <stuart.bryer@hotmail.com>
Sent: Friday, 21 July 2023 10:36 AM
To: Admin
Subject: Attention General Manager, Representation

The General Manager Central Coast Council

Response to Draft Amendment LPS2022003 and Permit DA2022107 – 6 Johnsons Beach Road, Penguin

This letter represents a unequivocal objection to the proposed Development Application DA2022107 and the proposed draft Amendment LPS2022003.

The combined development proposal lacks community support, the proposal itself has little to offer other than the status quo and the ramifications of it are manifold to the detriment of our community.

Draft Amendment LPS2022003 asks to add a Site Specific Qualification to the Central Coast Local Provisions Schedule to allow for development in the Open Space Zone with the subsequent removal of the camping and caravan park. The draft LPS Amendment should not be supported as the Open Space Zone is not appropriate for major development and the Site Specific Qualification would effectively change the environment and remove the amenity that exists at present for locals that frequent Johnsons Beach and visitors alike including the amenity enjoyed by caravan – mobile home users and people camping.

The caravan park has real value, it caters for low cost holidays and combines various socioeconomic groups in a shared sense of community with many state and interstate visitors returning to the outdoor lifestyle, it also services a desperate necessity for emergency housing, especially so during the crisis being experienced in housing and cost of living. The Amendment has the effect of active displacement of individuals some with permanent sites and opposes the expectation to “avoid alienation and displacement of local communities and significant change in local character, function and identity”. It should retain its classification in the Open Space Zone.

Development Application DA2022107 demonstrates a blatant disregard for community, property owners and residents as the proposed height of the appalling architecture would dominate the seascape and the skyline significantly changing the character, outlook and values of the town to compromise the very reason we live here and people visit. It would clearly cause unreasonable loss of amenity. To exceed building height development standards for Buildings and Works in the State Planning Provisions in such a sensitive location is irresponsible, the location warrants and prudence requires consideration of a lower than standard height restriction.

Importance can not be overstated regarding “high aesthetic value” in the location, foreshore and Johnsons Beach, as this type of building towering over all will tragically devalue that aesthetic, eroding its seaside character and coastal village identity. The value tied up in residential properties and potential future residences would be directly impacted by this development.

Coastal development especially adjacent to community and “high value natural assets” like Johnsons Beach needs to embrace a responsible approach to legacy with contemporary low profile ecological architecture that blends into the landscape to reduce the impact on the natural values of the location.

This inappropriate development proposal from Remon Enterprises Pty Ltd is not adequate.

Sincerely

Stuart Bryer
1b Main Rd
Penguin 7316

From: Henry Zwartz <henryzwartz@gmail.com>
Sent: Saturday, 22 July 2023 1:36 PM
To: Admin
Subject: Attn: General Manager Application no. DA 2022107

Good day,

I am the homeowner of 3 Braddon St Penguin.

I am writing to express concerns around the proposal at the existing caravan park in Penguin. The construction of a significant development certainly brings economic benefit to the region. However this should not come at the expense of the relaxed and vintage aesthetic which draws tourists and visitiros to the area in the first place.

Three or four-storey high constructions would be a visual blight rather than contribute to the unique aesthetic Penguin had to offer. However, a more reasonable development proposal, say one or two storey buildings, would better match the existing town and certainly provide significant economic benefit as well.

Best wishes,

Henry Zwartz
3 Braddon St, Penguin

Henry Zwartz

[Linkedin](#)

[Twitter](#)

The information contained in this email message and any accompanying files is confidential. If you are not the intended recipient, any use, dissemination, reliance, forwarding, printing or copying of this email or any attached files is unauthorised. No part of it should be reproduced, adapted or communicated without the written consent of the copyright owner.

From: Kris Birrer <kbirrer_@hotmail.com>
Sent: Sunday, 23 July 2023 10:40 PM
To: Admin
Subject: DRAFT AMENDMENT LPS2022003 TO THE CENTRAL COAST LOCAL PROVISIONS SCHEDULE (LPS) and PERMIT DA2022107 – 6 JOHNSONS BEACH ROAD, PENGUIN

Attn: General Manager

LPS2022003 and DA2022107

Dear General Manager

The proposed development of the Penguin Caravan Park into short stay apartments and visitor accommodation should not be approved for the following reasons:

1. The 4 storey buildings are too high. The development would ruin the natural beauty of the area. It would be better to leave the area as a caravan park.
2. The proposed development of the Penguin Caravan Park is too much city like. It doesn't fit in with Penguin's cosy laid back village feeling and what makes Penguin special.
3. The proposed development will destroy the uniqueness of the Johnson's Beach area and the uniqueness of Penguin.
4. Penguin has only one Caravan Park. Where will visitors go who want to camp and who travel with caravans? Some permanent residents live in the Caravan Park who cannot find a rental place or cannot afford the high rental prices or love to live in a caravan park. It would be good to keep a caravan park in Penguin.

regards,
Kris Birrer

Mr Ross Murphy
220 Midgleys Road
Riana TAS 7316
0447710152
ross@castellan.com.au

General Manager
Central Coast Council
PO Box 220
Ulverstone TAS 7315

Email: admin@centralcoast.tas.gov.au

21 July 2023

**Submission – Draft Amendment LPS2022003, Central Coast Local Provisions Schedule (LPS)
and Permit DA2022107 – 6 Johnsons Beach Road, Penguin**

Thank you for the opportunity to provide a submission on the abovementioned applications.

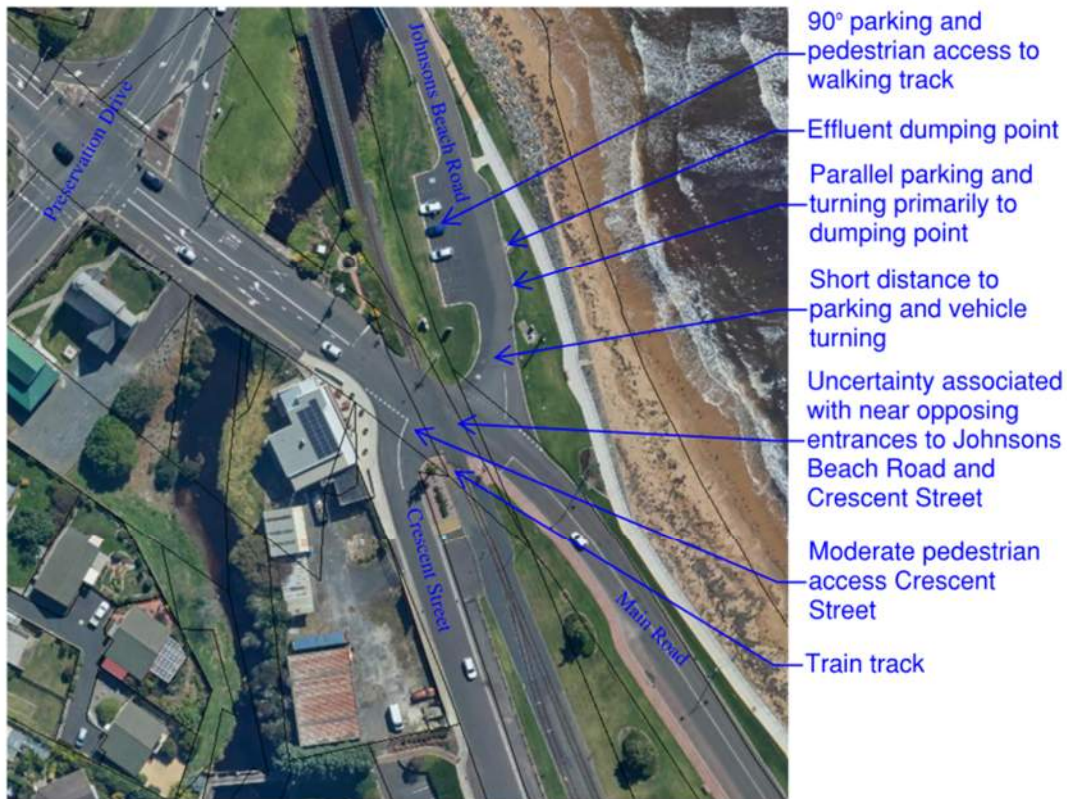
Intersection between Johnsons Beach Road and Main Road

The intersection between Johnsons Beach Road and Main Road is problematic and modifications to the intersection should be included to mitigate the adverse effect of additional vehicle movements. The area is shown on the following image taken from www.thelist.tas.gov.au (the List) with markups.

In the following image a number of the existing features that make this intersection problematic are identified including the fact that there are 2 x T intersections in close proximity on opposing sides to Main Road and there are features Johnsons Beach Road that cause congestion near the intersection raising safety concerns with the intersection.

The Penguin Master Plan approved by the Council in 2022 (Attachment 1.00) identifies this intersection as the western gateway to the town and places importance on improving the intersection (see image on page 11). At page 24 an illustration is provided that includes modifications to the intersection of Johnsons Beach Road and Main Road that may be considered as a way of improving safety at the intersection.

It is also noted that the intersection is further complicated by train movements (typically long freight trains).



In the Traffic Impact Assessment Report 2022 prepared by Howarth Fisher and Associates (included in the application for scheme amendment) the following comments are provided;

- At section 4.5 (page 7) it is noted there have been two report accidents at the intersection of Johnsons Beach Road and Main Road.
- Existing traffic volumes are identified at section 4.3 (page 7).
- At section 5.3 (page 11) the report identifies that there is an increase in trips per day and additional trips during the peak hour.
- There is a discussion about sight distance at the intersection of Johnsons Beach Road and Main Road at Section 8.1 (pages 28 and 29) where it is concluded that there is sufficient sight distance.

The following comments are provided on the report;

- The assessment of sight distance did not consider or comment on the site distance to the traffic from Crescent Street. This seems to have been the source of one of the accidents at the intersection in the past.
- The report does not consider or comment on the impact of additional traffic movements at the intersection where there is a distance of approximately 20m where parked vehicles are reversing (potentially) into traffic turning into Johnsons Beach Road. Likewise, the report does not consider or comment on caravans and other larger vehicles turning at that carpark to access the effluent dump on the opposite side of the road. Also, the report does not consider or comment on pedestrians crossing Johnsons Beach Road to access the walking track.
- The report does not consider or comment on the potential for bus movements associated with the proposed development. With this number of units to be developed there is a possibility /

probability that the accommodation may be serviced by tour buses. Having buses entering and exiting from Johnsons Beach Road would be a significant change in the current use where it is plausible and foreseeable that a bus may be caught on the railway line where there is congestion within Johnsons Beach Road. The provision of buses is likely to adversely impact on the proposed modifications to the intersection in the Master Plan as shown (extracted) below. The provision of tree planting as illustrated may also make visibility of congestion in Johnsons Beach Road more difficult.



In this submission it is concluded that there has not been sufficient consideration for this intersection in the proposal and that the reference to sight distances is not a sufficient assessment of the existing arrangement. This is a complex intersection where there is a history of accidents and concern about pedestrian safety. There is an increase in vehicle movement proposed that may include buses and this is likely to make an already poor intersection worse.

Amenity and Safety at Johnsons Beach

Johnsons Beach is a very popular destination and the most popular swimming beach in Penguin. A Master Plan was developed for Johnsons Beach Reserve was developed in 2016 and is provided at Attachment 2.00.

Consistent with the above discussion on the intersection between Johnsons Beach Road and Main Road the following comments are also provided;

- The provision of additional width in Johnsons Beach Road to allow for passing traffic (as proposed) is likely to lead to increased vehicle speed as well as increased vehicle volume (as predicted in the traffic report).
- The obvious conflict occurs with respect to the perpendicular parking off Johnsons Beach on the opposite side of the road to the beach where there are vehicles potentially reversing into the

traffic stream and there is a potential for pedestrians (children) to dash across the road from the carpark to the beach. This is a new arrangement built as a function of the bike and walking track and so there is limited experience about how this will operate during peak traffic and pedestrian movement periods (summer).

- It is noted that there is limited carparking provided opposite Johnsons Beach and traditionally beachgoers have resorted to parking on the grass at times because of the shortage of carparking. It is noted that there is additional carparking near the skate park however this may be a less desirable for beachgoers for various reasons (visibility of the beach, distance to carry items etc). If the intention is to provide a wider road from the Beach to the proposed development and a kerb is proposed, this may prevent carparking overflowing onto the grass and detract from the existing amenity of the area and adversely impact on the amenity of the area.

Consistent with the discussion on the intersection with Johnsons Beach Road and Main Road, it is considered that there is insufficient consideration for the impact on the user experience. For example, it is likely that food vendors may want to set up to provide food options to users of Johnsons Beach and this may be impaired if there are more vehicles travelling at greater speed where pedestrians give way to vehicles. If there is an increased width in the road and a greater number and faster vehicle movements, the potential for a safe and recreational environment may be reduced.

It is also noted that the existing road past Johnsons Beach is identified as a 'shared zone' where the speed limit is 10km/hour. There is an anomaly in the traffic report where it is identified as being 50km/hour (at section 4.4 of the traffic report). This is a significant shift, particularly where vehicles currently share the road with pedestrians, if the outcome is that pedestrians need to give way to vehicles. This raises concerns about pedestrian safety that is not considered in the traffic report.

Finally, there is uncertainty about whether buses will be used to transport occupants to the proposed development. This needs to be clearly established as this impact on traffic movement through Johnsons Beach Road and the intersection with Main Road.

Access to Knoll to Northwest of Property and Foreshore

A rocky knoll is provided to the northwest side of the Property (as identified by a blue marker on the following image) that has access from the existing caravan park (Open Space land). Access has traditionally been provided along the foreshore and / or through the caravan park to the track up the knoll though it may not be necessary to pass through the property to reach the track to the knoll.

Likewise, there has been access to the foreshore for fishing, snorkelling and diving off the front of the caravan park. This type of use is consistent with the recreational and Open Space use for the property and the foreshore.

In this submission it is argued that it should be made clear that access to the foreshore should continue to be made available for these uses of the land and that a condition should be provided in the scheme amendment that acknowledges this access for the public and maintains the access in perpetuity.



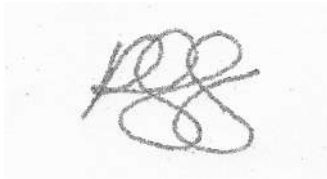
Planning Assessment

It is noted that there is a broader consideration of the provisions of the previous planning scheme at section 2.1 of the Planning Scheme Amendment Report by Ireneinc (forming part of the application) compared to the reduced discussion of the current planning scheme provisions at section 2.2. It is not clear why a commensurate (or even expanded) discussion is not provided of the current planning scheme provisions. Some discussion is provided on the Codes in the current scheme (at section 3.3) without elaboration on the purpose and application of the Open Space provisions of the current scheme.

Likewise, there seems to be a selective discussion on the provisions of the Cradle Coast Regional Land Use Study 2010-2030 that favours the application.

Thank you for the opportunity to provide this submission.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'RM' or 'Ross', written in a cursive, stylized manner.

Ross Murphy

ATTACHMENT 1.00
PENGUIN TOWN CENTRE MASTER PLAN AND STRATEGIES

06/07/2023

Central Coast Council
Attn: General Manager
PO BOX 220,
Ulverstone TAS 7315

CENTRAL COAST COUNCIL

Division

Rec'd 24 JUL 2023

File No

Doc. Id

To whom it may concern,

I write in reference to the Development Application **LPS2022003 and DA2022107**.

My name is Doreen Russell and I've been the caretaker at the Caravan Park for over 10 years. I am one of the few residents that have resided here in the park.

As you know, the park is for short stay accommodation and it is rare that we have guests that stay more than 6 months.

Having to deal with guests on a daily basis, I know for a fact we have a shortage of accommodation in the park and in Penguin.

Having a development that is in keeping with the coastal setting is exactly what this town needs.

The amount of money tourism will bring to this town would be AMAZING! All the businesses will thrive with this development.

It is great that that the owner actually cares about this town and investing all this money into it.

In summary, I am all for this development and can't wait to see the progress.

Kind Regards,



Doreen Russell

From: Phil and Chris Lehman <pac-1@bigpond.com>
Sent: Monday, 24 July 2023 8:47 AM
To: Admin
Subject: Shared pathway and Caravan Park

Shared Pathway and Caravan Park

Dear Mayor and Councillors of Central Coast

Congratulations to Central Coast Council for the fabulous shared pathways.

As a regular user of these paths I highly value and appreciate having them in our area. The high usage rate is an indication that many others value them also. Thank you.

Our coastline, and the magnificent views along these pathways, is a major POINT of DIFFERENCE, as is our community's willingness to ensure everyone is looked after in a safe and secure place.

A concern I have after reading about the potential development of the Penguin Caravan Park is that POINT of DIFFERENCE would be compromised with a four story high structure (plus several smaller structures) on the foreshore, potentially removing the homes of vulnerable people, and destroying, forever, the natural beauty of the area with a building not appropriate to that environment.

Whilst it has been a caravan park for over 40 years I believe the evolution of temporary 'homes' becoming permanent is testament to the community caring and ensuring people have a safe and affordable place to live, a situation that been allowed to continue for many years.

The allure of having a new up-market tourist facility in the municipality no doubt would be very tempting from a Council's financial perspective but I strongly believe we need to look at the much bigger picture.

My belief that new ideas and new businesses need to be encouraged when appropriate and not just because they meet all planning requirements.

Will the Councillors reassure me anybody who is displaced by this development will be guaranteed a satisfactory alternative place to live? It would be good to hear that social housing was being developed in our area.

Many coastal areas around the country have been forever changed (and ruined) by the development of high rise buildings. These changes all started with one building! I don't want that for Central Coast.

As Central Coast Councillors do you want your legacy to be the potential start of inappropriate buildings on our coastline for the benefit of developers who can afford to do so at the cost of beautiful coastlines, gentle lifestyles and vulnerable communities?

Central Coast area is the beautiful place it is because, whilst it has grown and developed over the years, it still has it's natural beauty in its caring for its people and in its landscape.

Penguin, and the entire Central Coast, is unique and deserves to stay unique. That does not mean it can't grow, and be enjoyed by many.

Please consider these POINTS of DIFFERENCE when deciding what the community needs compared to what developers want.

Thank you
Kind regards
Chris Lehman

Sent from [Mail](#) for Windows

To the Mayor and Councillor's of the Central Coast Council.

Re: DA2022107, LPS2002003

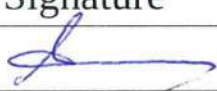

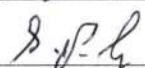
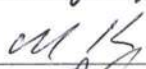



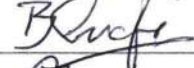

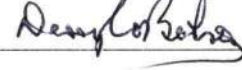
We as rate payers of Penguin, fully support the re-development of the Penguin Caravan Park.

Penguin, is the geographical centre of the north west coast, and only 20 minutes from the Spirit of Tasmania berth and 30 minutes from Devonport and Wynyard airports. Thus, it is an ideal place for visitors and business people to stay whilst on the north west coast for many reasons, including:

- The major development of the Dial Sports Complex and the expectation of business from the mainland States.
- The new walk way and cycle way running along the coast from Sulphur Creek to Ulverstone
- The golf and bowls right on their door step
- The walking and mountain bikes tracks in the Dial range.

We gratefully request you give consideration to our letter.

Yours sincerely

| Name | Residential Address | Signature |
|-----------------------|---------------------------------|---|
| Maurice Jones | 7 West Ridge Rd ^{Peng} |  |
| Greene SALTWATER | 33 STA RD. PENGUIN |  |
| Stanley Elphinstone | 35 Rd Rd. Penguin |  |
| on King | 5 Recreation Drive |  |
| JOHN REED | 6 LINDHURST GR. Penguin |  |
| B. CRAIG | 16 South Rd |  |
| PETER CROFT | 99 WHITE HILLS RD |  |
| B. CROFT | — " — |  |
| B. HARDER | 300 PRESERVATION DRIVE |  |
| Daryl & Yvonne Baskin | 3/1/ Cleve St Penguin |  |

To the Mayor and Councillor's of the Central Coast Council.

Re: DA2022107, LPS2002003

Page 2/2

[illegible]

From: Janine Hall <hall.janine@gmail.com>
Sent: Monday, 24 July 2023 4:11 PM
To: Admin
Subject: Attn: General Manager

Re: LPS2022003 and DA2022107

Regarding the proposed development in Penguin, we have number of concerns:

- Removing camping/caravan facilities from Penguin. These facilities are in keeping with the coastal village atmosphere, and have always been a drawcard for caravan tourists as a first or last stop, or both, when travelling on the ferry. Along with holidaying locals. It sadly did become very run down, and lost holiday customers in the last few years, for a number of reasons. The caravanning community around Australia is well connected and word travels fast, and it is an important source of tourist income for the broader community. The statement in the document of facilities being 2.5km away is misleading.
- Penguin has a number of venues available for functions. The need for a function centre has not been well researched, and will detract from those already available in the Penguin area.
- The proposed parking spaces does not reflect accurately the potential number required. Penguin township is struggling during peak tourist season with limited available parking, and this development has the potential to have a seriously negative impact on this situation. This needs further consideration.

We feel that this proposal fails to respect the natural and landscape values of the area. A development incorporating low villas, and buildings within the 10m limit, carefully and sensitively placed would be an asset to the community.

It is important that the zoning of Open Space be respected by any proposed development, and not just as a "buffer". It is not appropriate to seek to amend this to meet the needs of the developer, without considering the needs of the community. Low rise buildings and green space are integral to the profile of this community. The purpose and character of the open space zone cannot be maintained, as claimed, with a development of this intensity. A four storey building of 40 units is not in keeping with maintaining the natural and cultural values of Penguin. The building is not compatible with the streetscape, irrespective of the arguments presented about topography. It is 16.55m where the maximum is 10m. It does have a visual impact from many locations, not just those properties nearby. Properties all along the eastern side of Penguin will have direct visual impact from the four storey building, and this is very upsetting.

The visual, environmental, and social impact of a proposal of this intensity is not in keeping with local area. As per your own web page, Penguin is known as a village with a beautiful church, lovely old buildings, slow pace, low-rise developments and a beautiful coastline vista. This proposal, in its' current form heralds a significant change and severely negative impact on the distinctive local character of Penguin.

regards
Janine and Rod Hall
8 Adina Crt
Penguin

24 July 2023

Sandra Ayton
General Manager
Central Coast Council

By Email: admin@centralcoast.tas.gov.au

Dear Sandra,

**REPRESENTATION IN RELATION TO DRAFT AMENDMENT LPS2022003
CENTRAL COAST LOCAL PROVISIONS SCHEDULE AND PERMIT
DA2022107 – 6 JOHNSONS BEACH ROAD, PENGUIN**

6ty° Pty Ltd has been engaged by John and Louisa De Bruyn, owner and occupiers of property at 11 Main Road, Penguin, to prepare the following representation to the above Planning Scheme Amendment and Development Application.

The proposal is for a Site Specific Qualification (SSQ) to the Central Coast Local Provisions Schedule to make the Visitor Accommodation Use Class a Discretionary Use Class with no qualification for this site and to issue a permit for development application DA2022107 – Demolition of buildings and Visitor Accommodation (40 short stay apartment units and 21 three-bedroom holiday cabins); Food Services (cafe/restaurant); and Community Meeting and Entertainment (function centre) with ancillary tennis court, car parking and managers residence.

We submit that the application is deficient regarding the matters detailed below.

1 Open Space Zone - Clause 29.4.1: Building Height

The Acceptable Solution for Building Height in the Open Space Zone is 10m, as detailed in A1 of Clause 29.4.1.

The proposed Visitor Accommodation development includes forty (40) short stay apartments contained in a four (4) storey building, with a maximum height of 16.55m and length of around 80m. This building is a significant departure from the existing small, single storey structures on the site.

In order to be approved the proposal must satisfy the Performance Criteria P1 of Clause 29.4.1, reproduced below.

Clause 29.4.1 P1

Building height must not cause an unreasonable loss of amenity to adjacent properties, having regard to:

(a) the topography of the site;

6ty Pty Ltd
ABN 27 014 609 900

Postal Address
PO Box 63
Riverside
Tasmania 7250
W 6ty.com.au
E admin@6ty.com.au

Tamar Suite 103
The Charles
287 Charles Street
Launceston 7250
P (03) 6332 3300

57 Best Street
PO Box 1202
Devonport 7310
P (03) 6424 7161

- (b) *the height, bulk and form of existing buildings on the site and adjacent properties;*
- (c) *the bulk and form of proposed buildings;*
- (d) *the requirements of the proposed use;*
- (e) *sunlight to private open space and windows of habitable rooms of dwellings on adjoining properties;*
- (f) *the privacy of the private open space and windows of habitable rooms of dwellings on adjoining properties; and*
- (g) *any overshadowing of adjacent public places*

Amenity is a defined term in Table 3.1 of the Scheme:

amenity means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.

The proposed apartment building will negatively impact the amenity of adjacent properties by way of the 16.55m height, together with the bulk and form, causing an unreasonable impact on the appearance of the coastal locality by replacing small single storey buildings with a large four storey one.

The largely unobstructed views to the coast and development generally following the topography of the area contribute to making the locality harmonious, pleasant and enjoyable for all residents and users.

The proposed building will be at the same relative height as adjacent residential dwellings in Main Road, Penguin, as illustrated in Figure 19 of the Ireneinc report, reproduced below.

As demonstrated in the figure below, section E-E' highlights that due to the rising topography, nearby residence 5 Main Road, Penguin is level with the height of the proposed accommodation building.

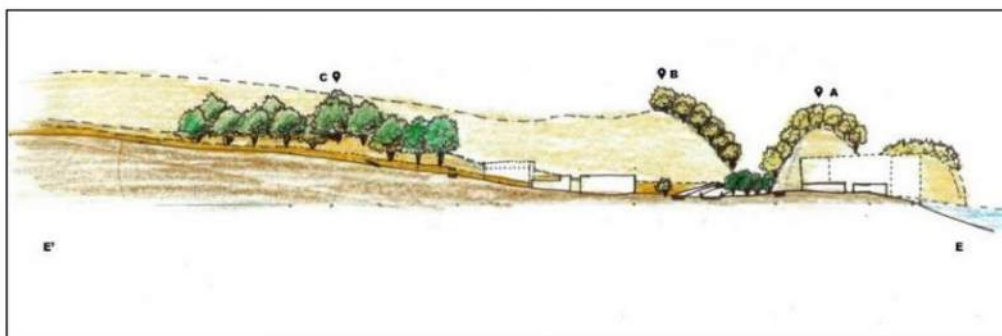


Figure 19: Drawing demonstrating rising topography (source: Ireneinc, 2021).

Figure 1 – Topography drawing - Figure 19 reproduced from Ireneinc Planning Scheme Amendment Request, dated December 2022.

This represents a substantial departure from the existing development pattern of this coastal area and will have direct impact on the amenity currently enjoyed by these properties.

It is further noted that no assessment of the Performance Criteria is offered in the Council report considering the proposal (Council Minutes 19 June 2023).

2 Section 32 – Land Use Planning and Approvals Act 1993 (“the Act”)

Section 32 of the Act sets out the contents of a Local Provision Schedule (LPS) of the Tasmanian Planning Scheme.

Section 32 (3) (c) and Section 32 (4) (reproduced below) specifically pertain to Site Specific Qualifications, as applied for in the draft Planning Scheme Amendment.

Section 32 (3)

Without limiting subsection (2) but subject to subsection (4) , an LPS may, if permitted to do so by the SPPs, include –

- (c) a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.*

Section 32 (4)

An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –

- (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*
- (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

To be approved, the draft Planning Scheme Amendment must demonstrate compliance with either (a) or (b) of Section 32(4).

No such evidence is provided in the submission documents or in the consideration of the matter by Council.

The subject land does not appear to have particular qualities necessitating the proposal in order to satisfy Section 32 (4) (b).

Regarding Section 32 (4) (a), no doubt that the proposal will provide economic benefit to the proponent. However, it remains to be demonstrated if there is a significant social, economic or environmental benefit to the State, region or municipal area that would justify the proposed amendment.

3 Road and Railway Assets Code - Clause C3.5.1: Traffic Generation

The Council report considering the proposal identifies that it complies with the applicable acceptable solution requirements, including A1.4. This is contrary to the accompanying Traffic Impact Assessment which identifies that the proposal will generate up to an additional 124 vehicle trips per day and an additional 9 vehicle trips during the evening peak period.

The TIA further identifies that the function centre forming part of the proposal will not operate every day. However, there is no specific information in the application on how many days it will operate and no condition on the draft permit which would limit the number of days it can operate. Similarly, there is no information on how the operation of the restaurant (currently under renovation) is expected to differ from its historical usage.

The TIA includes a consideration of the performance criteria for the standard however there is no information indicating that Council's road authority is satisfied that there will be no adverse impact on the safety and efficiency of the road network that it administers having regard to the specific operational characteristics of the proposal, including the function centre and restaurant.

4 Conclusion

We look forward to discussing this representation further with Council and the Tasmanian Planning Commission in considering the matters raised.

Please do not hesitate to contact me should you have any queries in regard to this submission.

Yours faithfully

6ty° Pty Ltd



Jacqui Tyson
Planning Consultant

From: Ashley Brook <abrook@6ty.com.au>
Sent: Monday, 24 July 2023 4:30 PM
To: Admin
Cc: Jacqui Tyson; John GM De Bruyn
Subject: Draft Amendment LPS2022003 and Permit DA2022107 - 6 Johnsons Beach Road, Penguin - Representation
Attachments: LPS2002003-and-DA2022107 - 6 Johnsons Beach Road, Penguin - Representation.pdf

Attention: General Manager

Please find attached representation which is made John and Louisa De Bruyn, who are the owners and occupiers of an adjacent property at 11 Main Road at Penguin.

We look forward to discussing this representation further with Council and the Tasmanian Planning Commission in considering the matters raised.

Please do not hesitate to contact us should there be any queries in relation to this representation.

Regards,
Ashley



Ashley Brook
Planning Consultant
0400 945 776

**Measured form and
function**

Tamar Suite 103, The Charles
287 Charles Street, Launceston
7250
PO Box 63, Riverside 7250
P 03 6332 3300
E abrook@6ty.com.au
W 6ty.com.au
ARCHITECTURE | SURVEYING |
ENGINEERING | PLANNING

CONFIDENTIALITY NOTICE AND DISCLAIMER The information in this transmission may be confidential and/or protected by legal professional privilege and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.



Annexure 2

s.40K and s.42 REPORT

Land Use Planning and Approvals Act 1993 – s.40K & s.42 report on representations to LPS2022003 – combined Draft Amendment for Central Coast Local Provisions Schedule and Permit DA2022107 for demolition of existing buildings, Visitor Accommodation (40 short stay apartments and 21 short stay three-bedroom holiday cabins) with ancillary tennis court, car parking and manager's residence; Food Services (cafe/restaurant) and Community Meeting and Entertainment (function centre) at 6 Johnsons Beach Road, Penguin.

For further information about Council's consideration of this proposal, the reader may wish to refer to the detailed assessment against the requirements of the Act and the Open Space Zone, which was prepared for the June Council Meeting and remains available on the Council website: <https://www.centralcoast.tas.gov.au/council-agenda-minutes/>

This page has been left blank intentionally

INDEX

| | | |
|----|---|----|
| 1 | Kylie Howe..... | 1 |
| 2 | Fiona Budd | 1 |
| 3 | Terry & Libby Burton..... | 2 |
| 4 | Tim Conroy | 3 |
| 5 | Tana McMullen | 5 |
| 6 | TasFire | 6 |
| 7 | Audrey Downing..... | 6 |
| 8 | Annette Loudon..... | 7 |
| 9 | Kasha Dubinsky..... | 9 |
| 10 | Aden Willoughby and Kellie Inglis..... | 11 |
| 11 | Dr Simon A Hutchinson | 13 |
| 12 | TasRail | 14 |
| 13 | Cath Thomas | 15 |
| 14 | Lowie van der Woude..... | 16 |
| 15 | Janeen Lillas | 17 |
| 16 | Ian Jones obo Business Northwest | 20 |
| 17 | Christopher Whitelaw obo Madsen Retreat | 20 |
| 18 | Olivia Fielding..... | 21 |
| 19 | Rob Adams | 24 |
| 20 | Rochelle & Dean Laing-Hughes | 25 |
| 21 | Gabriella Conti obo West by North West | 27 |
| 22 | Craig Wilson | 27 |
| 23 | Stuart Bryer | 28 |
| 24 | Henry Zwartz | 29 |
| 25 | Kris Birrer | 30 |
| 26 | Ross Murphy..... | 31 |
| 27 | Doreen Russell | 33 |
| 28 | Chris Lehman | 33 |
| 29 | Rate Payers of Penguin (11 signatories)..... | 34 |

| | | |
|----|--|----|
| 30 | Janine and Rod Hall | 35 |
| 31 | Ashley Brook of 6ty Pty Ltd obo John & Louisa De Bruyn | 36 |

| | |
|-----------------------------|--|
| REPRESENTATION NO. 1 | KYLIE HOWE |
| MATTERS RAISED | <ul style="list-style-type: none"> ▪ In favour of the application. ▪ Building design is in keeping with “coastal look” and for the most part will not be visible so as to interfere with residential views or the Penguin main street. ▪ Development will bring more visitors to Penguin, provide support for local businesses and create employment. |
| PLANNING AUTHORITY RESPONSE | It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria. |
| RECOMMENDED ACTION | No modification to the draft amendment. |
| REPRESENTATION NO. 2 | FIONA BUDD |
| MATTERS RAISED | <ul style="list-style-type: none"> ▪ Concerned with the (apartment) building height and the precedent it would set for future development applications along the Penguin foreshore. A height precedent would change the nature of the town. ▪ Penguin has unobstructed sights and sounds of the sea and this appeals to most residents and visitors. ▪ It is my understanding Council agreed to increase the height of the building from 2–storey to 4–storey prior to the assessment of the application. |

| | |
|------------------------------------|---|
| <u>PLANNING AUTHORITY RESPONSE</u> | <p>The Planning Scheme requires a maximum building height of 10m in the Open Space Zone. This is typically the height of a 3-storey building. The proposed apartment building would have a height of 16.55m. Existing development in the commercial area of Main Road, Penguin is characterised generally, by two-storey buildings, some obstructing sea views, with some “vista gaps” between separate developments. The commercial area of Main Road, Penguin has an Acceptable Solution height standard of 8m for development under the Penguin Specific Area Plan (Penguin SAP). The site at 6 Johnsons Beach Road falls outside the Penguin SAP area.</p> <p>Council did not undertake any assessment of the proposed development prior to consideration of the proposal under s.40T of the <i>Land Use Planning and Approvals Act 1993</i> (the Act) on 19 June 2023. The Council, in its role as the Planning Authority, has agreed to ‘initiate’ the LPS Amendment process so it can be further examined by the Tasmanian Planning Commission.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION NO. 3</u> | TERRY & LIBBY BURTON |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ Following the difficult and divisive “Roche” development (for the Penguin CBD some years ago), the consensus legislated maximum height of 8m was adopted. This has been an outstanding success and the community has had its say on what is appropriate for the town. ▪ The proposal does not meet community expectations. The concept would be a disaster. ▪ Building height is too high on a waterfront, blocking many views and creating access issues to a much-used recreation beach area. |

| | |
|------------------------------------|---|
| <u>PLANNING AUTHORITY RESPONSE</u> | <p>The commercial area of Main Road, Penguin has an Acceptable Solution height standard of 8m for development under the Penguin SAP. The site at 6 Johnsons Beach Road falls outside the Penguin SAP area.</p> <p>The proposal will not alter public access to Johnsons Beach.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION No. 4</u> | TIM CONROY |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ Exceeds building height limits of 8.5m imposed by Council in the township of Penguin. ▪ Penguin does not need such development on its foreshore. Penguin needs to retain its ambience and uniqueness. Mainland towns have been swallowed up by foreshore over development. The town's citizens do not want high-rise development ruining its foreshore. ▪ Infrastructure around a project such as this is inappropriate for Penguin. Penguin will lose its appeal and will become overcrowded with traffic. ▪ Access to the site is very restrictive. Johnsons Beach Road is a narrow road that passes close to a children's skate park and public toilets. This will create a dangerous situation with a large increase in vehicle traffic. ▪ What provisions are to be put in place for emergency vehicle access with only one access in and out of the site? |

| | |
|------------------------------------|---|
| | <ul style="list-style-type: none"> ▪ There is already limited car parking space in Penguin. ▪ Another dangerous situation – there is an existing rail crossing and traffic lights a short distance from the entry to Preservation Drive and the rail line junction. ▪ The site was a former tip site and landfill area. ▪ Such foreshore development will create environmental impacts. ▪ Penguin will be left without a caravan park should the development proceed. |
| <u>PLANNING AUTHORITY RESPONSE</u> | <p>The Penguin SAP has an Acceptable Solution height standard of 8m for development within the Penguin SAP area, being the Penguin commercial business area. The site at 6 Johnsons Beach Road falls outside of the Penguin SAP area. The <i>Tasmanian Planning Scheme – Central Coast’s</i> (the Planning Scheme) General Residential Zone in Penguin has an Acceptable Solution maximum height of 8.5m. The Acceptable Solution height for development in the Open Space Zone is 10m.</p> <p>A Traffic Impact Assessment (TIA) by Howarth Fisher & Associates, dated 21 March 2022, accompanies the application. Council’s Infrastructure Services has checked the statements made in the TIA and accepts the conclusions and recommendations of the report.</p> <p>A long-term Penguin resident (in excess of 60 years) has stated that the site has not ever been used as a rubbish tip. However, there may have been some unauthorised soils dumped on the land in the past. If the site is approved for development, site soil testing would be required to establish design requirements for building footings and foundations.</p> <p>The application was referred to the Crown and to Tasmania Parks and Wildlife Service who have not requested that any specific conditions be applied the Permit.</p> |

| | |
|------------------------------------|--|
| | It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria. |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION NO. 5</u> | TANA McMULLEN |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ Long term residents of the caravan park would need to relocate. This would be difficult at this time. Hopefully some middle ground can be found to accommodate the residents. ▪ No real concern with the proposed LPS and DA, apart from the fact the design is uninspiring. ▪ The Open Space Zone Clause 29.4.4-(A1) states that buildings are to be no higher than 10m. The 4-storey, 40 unit apartment building is proposed to be 16.55m in height. This is not allowed in Penguin. ▪ Even if the new building would not impede the views of properties behind (to the south), this is not a valid reason to approve development as it is a clear breach of the guidelines. This would set a precedent for future development. |
| <u>PLANNING AUTHORITY RESPONSE</u> | <p>The proposed height of the apartment building, being higher than the Acceptable Solution 10m maximum for the Zone, is a “Discretionary” matter, for consideration by the Planning Authority and the Tasmanian Planning Commission.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |

| | |
|-----------------------------|--|
| REPRESENTATION NO. 6 | TASFIRE |
| MATTERS RAISED | <ul style="list-style-type: none"> ▪ The Planning Scheme's <i>C13.0 Bushfire-Prone Areas Code</i> does not apply to the land. ▪ The LPS amendment and DA were referred to TasFire who have stated they have no comment. |
| PLANNING AUTHORITY RESPONSE | It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria. |
| RECOMMENDED ACTION | No modification to the draft amendment. |
| REPRESENTATION NO. 7 | AUDREY DOWNING |
| MATTERS RAISED | <ul style="list-style-type: none"> ▪ Opposes approval of the four-storey unit accommodation. Does not believe the height of the four-storey building fits at all well with Penguin and Johnsons Beach's current village vibe. ▪ Understands that views from homes and properties on Main Road and other streets in Penguin will be impacted. |
| PLANNING AUTHORITY RESPONSE | <p>The proposed height of the apartment building, being higher than the Acceptable Solution 10m maximum for the Zone, is a "Discretionary" matter, for consideration by the Planning Authority and the Tasmanian Planning Commission.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| RECOMMENDED ACTION | No modification to the draft amendment. |

| | |
|-----------------------------|--|
| REPRESENTATION NO. 8 | ANNETTE LOUDON |
| MATTERS RAISED | <ul style="list-style-type: none"> ▪ The 4-storey height is over the height limit for Penguin. ▪ The location of the stormwater drain, car parks and the number of proposed buildings makes the development impossible. ▪ Is it sensible to locate dense buildings on the coast in a time of climate change, with rising sea levels? ▪ Increase in the number of vehicles on Johnsons Beach Road. ▪ Increase on sewerage, garbage etc in a pristine area of Australia. ▪ Development will spoil the quietness of Penguin. ▪ There is a Little Penguin colony in this area. ▪ Shorebirds in this area will be wiped out with an increase in people. ▪ Johnsons Beach is a great place for families. Why take this away from the local community? |
| PLANNING AUTHORITY RESPONSE | <p>A Traffic Impact Assessment (TIA) by Howarth Fisher & Associates, dated 21 March 2022, accompanies the application. Council's Infrastructure Services has checked the statements made in the TIA and accepts the conclusions and recommendations of the report.</p> |

| | |
|--|---|
| | <p>The application, in 2022, was referred to Department of Natural Resources and Environment, Tasmanian Parks and Wildlife Service for comment and approval of the lodgement of the application. No mention was made by the division of a Little Penguin colony in the area.</p> <p>Dr Perviz Marker is a Tasmanian ecologist with a PhD that examined the colonies of Little Penguins in North-West Tasmania. Dr Perviz was recently asked if there were know Little Penguin colonies at or adjoining the Penguin caravan park site. Ms Marker's comments are as follows:</p> <p><i>"There are a small number of penguins present in the area around the foreshore. In fact, two were rescued and placed into Penguin Rehab and Release care last summer before being returned to the area.</i></p> <p><i>Suggested plan of action:</i></p> <ol style="list-style-type: none"> <i>1 Survey of area is needed to ascertain the location/presence of penguin burrows in the site.</i> <i>2 Development of a Little Penguin Management Plan will be needed that will cover protocols for the development of the site, timing of works, what to do if penguins are found on-site and for the operation of certain activities on-site after construction, such as lighting etc.</i> <p><i>The proponent will need to liaise with CAS (NRE) to establish if they need a permit if penguins are located or need to be relocated."</i></p> <p>The proposal will not alter public access to Johnsons Beach.</p> |
|--|---|

| | |
|-----------------------------|---|
| | <p>Council's Infrastructure Services are satisfied regarding the proposal in its capacity as a Stormwater Authority. This is evident by the application of Infrastructure Service conditions to the Permit.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <u>RECOMMENDED ACTION</u> | Draft Permit conditions be modified to reflect the suggested conditions offered by Ms Pervis Marker – refer to modified permit at Annexure 4. |
| <u>REPRESENTATION NO. 9</u> | KASHA DUBINSKA |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ A 4–storey building is over the height limit for Penguin. ▪ The location and number of stormwater drains, sewerage drains, car parks and the number of proposed buildings makes the development impossible. ▪ Is it sensible to locate dense buildings on the coast in a time of climate change, with rising sea levels? ▪ It is dangerous to have an increase in the number of vehicles on the narrow access road that is Johnsons Beach Road. ▪ Development would put pressure on existing infrastructure, such as waste bins that are already overflowing. ▪ The Company's other buildings are not picturesque and are utilitarian. The development would spoil the uniqueness and quaintness of Penguin, as a special place in Tasmania. |

| | |
|-----------------------------|---|
| | <ul style="list-style-type: none"> ▪ There is a Little Penguin colony in this area. ▪ Shorebirds in this area will be wiped out with an increase in people and garbage. ▪ The North–West Tasmania has ample accommodation that is run by local people and is not full capacity. |
| PLANNING AUTHORITY RESPONSE | <p>A Traffic Impact Assessment (TIA) by Howarth Fisher & Associates, dated 21 March 2022, accompanies the application. Council’s Infrastructure Services has checked the statements made in the TIA and accepts the conclusions and recommendations of the report.</p> <p>The application, in 2022, was referred to Department of Natural Resources and Environment, Tasmanian Parks and Wildlife Service for comment and approval of the lodgement of the application. No mention was made by the division of a Little Penguin colony in the area.</p> <p>Dr Perviz Marker is a Tasmanian ecologist with a PhD that examined the colonies of Little Penguins in North–West Tasmania. Dr Perviz was recently asked if there were know Little Penguin colonies at or adjoining the Penguin caravan park site. Ms Marker’s comments are as follows:</p> <p><i>“There are a small number of penguins present in the area around the foreshore. In fact, two were rescued and placed into Penguin Rehab and Release care last summer before being returned to the area.</i></p> <p><i>Suggested plan of action:</i></p> <p><i>1 Survey of area is needed to ascertain the location/presence of penguin burrows in the site.</i></p> |

| | |
|------------------------------|--|
| | <p><i>2 Development of a Little Penguin Management plan will be needed that will cover protocols for the development of the site, timing of works, what to do if penguins are found on-site and for the operation of certain activities on-site after construction, such as lighting etc.</i></p> <p><i>The proponent will need to liaise with CAS (NRE) to establish if they need a permit if penguins are located or need to be relocated."</i></p> <p>The proposal will not alter public access to Johnsons Beach.</p> <p>Council's Infrastructure Services are satisfied regarding the proposal in its capacity as a Stormwater Authority. This is evident by the application of Infrastructure Service conditions to the Permit.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <u>RECOMMENDED ACTION</u> | Draft Permit conditions be modified to reflect the suggested conditions offered by Ms Pervis Marker – refer to modified permit at Annexure 4. |
| <u>REPRESENTATION NO. 10</u> | ADEN WILLOUGHBY & KELLIE INGLIS |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> The amendment results in displacement of individuals at a time of statewide crisis in housing and cost of living. It disregards a neglected part of the community that uses low-cost holiday accommodation and those who do not have other permanent housing options at the present time and ignores the expectation to "avoid alienation and displacement of local communities and significant change in local character, function and identity". |

| | |
|------------------------------------|--|
| | <ul style="list-style-type: none"> ▪ The proposal is produced with a focus on profits at the expense of Penguin's character and what makes it special. Even a 10m high structure on the coast would warrant reservations, as this would alter the coastal village character aesthetic of Penguin. ▪ Under Clause 29.4.1 of the State Planning Provisions (SPPs), the building must not cause unreasonable loss of amenity to adjacent properties. The function centre is approximately 10m high and the apartments 16.55m in height, exceeding the Objective criteria by more than 50%. There is a breach of the 10m requirement. There are clearly adjacent properties that will have an unreasonable loss of amenity due the bulk and form of the proposed buildings. Any development this close to the coast and to other residential properties needs to 'stick' within a building height of not more than 10m to ensure an unreasonable loss of amenity does not occur. |
| <u>PLANNING AUTHORITY RESPONSE</u> | <p>The proposed height of the apartment building, being higher than the Acceptable Solution 10m maximum for the Zone, is a "Discretionary" matter, for consideration by the Planning Authority and the Tasmanian Planning Commission.</p> <p>As the site is privately owned, any decision to cease operating the caravan park is a matter for the owner. The Planning Authority and Tasmanian Planning Commission must assess the application proposed.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |

| | |
|-----------------------------|---|
| REPRESENTATION NO. 11 | DR SA HUTCHINSON |
| MATTERS RAISED | <ul style="list-style-type: none"> ▪ I have no issue with the LPS as proposed. The plans are very comprehensive and well thought out. ▪ However, Clause 29.4.1-(A1) states that building height must not be more than 10m. The plans show the apartment block at 16.55m high. The developers claim the height will appear to be no more than a 2-storey house when viewed across Preservation Drive. They also claim the siting of the apartment block next to a tall rocky outcrop will lessen the impact of the structure – less than if it were in the commercial centre of Penguin, on Main Road. ▪ If an exemption is made to this development – then my concern is that it must only apply to this development, on this land zoned Open Space, and that it not ever applies to Residential or Commercial (Local Business) Zones. ▪ Concern that once a 16m high building is permitted on the Open Space land, it will serve as a precedent to pressure the local Council to permit structures of this height in other areas of town. ▪ The development seems to be commercially dubious. |
| PLANNING AUTHORITY RESPONSE | The proposed height of the apartment building, being higher than the Acceptable Solution 10m maximum for the Zone, is a “Discretionary” matter, for consideration by the Planning Authority and the Tasmanian Planning Commission. |

| | |
|------------------------------|---|
| | <p>The Penguin SAP has an Acceptable Solution height standard of 8m for development within the Penguin SAP area, being the Penguin commercial business area. The site at 6 Johnsons Beach Road falls outside of the Penguin SAP area. The Planning Scheme's General Residential Zone in Penguin has an Acceptable Solution maximum height of 8.5m. The Acceptable Solution height for development in the Open Space Zone is 10m.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION NO. 12</u> | TASRAIL |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ The Demolition Plan will need to be amended to include all buildings and structures encroaching State Rail Network land boundaries. Note – boundary fencing is also encroaching the rail corridor. A boundary survey will need to accurately confirm the boundary line to the railway corridor. See image attached to representation. ▪ Some vegetation planted within the rail corridor as a buffer is encroaching the rail “structure gauge” and is of a safety concern. This vegetation should be removed. See image attached to representation. ▪ The application suggests further planning along the railway to reduce visual impacts. This must be wholly within the private parcel of land. ▪ A Landscaping Plan, detailing species and maximum growth dimensions, is required. |

| | |
|------------------------------------|---|
| | <ul style="list-style-type: none"> TasRail request a revised Site Plan that shows the setback distance of the Café/Restaurant and Managers Office to the rail corridor boundary and the location of a 1.8m high fence separating the rail line from the development site. Aside from that mentioned above, TasRail has requested permit conditions be applied and TasRail's Standard Notes be applied. |
| <u>PLANNING AUTHORITY RESPONSE</u> | <p>It is proposed that an additional condition to the permit to include TasRail's request for a Landscaping Plan and for a 1.8m high fence be erected between the subject site and TasRail's rail corridor. TasRail's Standard Notes to be added to the Permit as well.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <u>RECOMMENDED ACTION</u> | Draft Permit conditions be modified to reflect TasRail's requests – refer to Annexure 4. |
| <u>REPRESENTATION NO. 13</u> | CATH THOMAS |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> Under Clause 29.4.1 –(A1) building height must not be more than 10m. The proposed development shows there would be an apartment block 16.55m high. This is not within the development standard and is the “thin edge of the wedge”. There is also some type of assurance (in consultant's report) the development does not block other property views. However, this is still a breach of the guidelines and is flimsy consolation this rule won't be bent again in other zones in the town of Penguin. |

| | |
|------------------------------------|---|
| <u>PLANNING AUTHORITY RESPONSE</u> | <p>The proposed height of the apartment building, being higher than the Acceptable Solution 10m maximum for the Zone, is a “Discretionary” matter, for consideration by the Planning Authority and the Tasmanian Planning Commission.</p> <p>The commercial area of Main Road, Penguin has an Acceptable Solution height standard of 8m for development under the Penguin SAP. The site at 6 Johnsons Beach Road falls outside the Penguin SAP area.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION NO. 14</u> | LOWIE VAN DER WOUDE |
| <u>MATTERS RAISED</u> | <p>Increase in traffic flow through a popular local, summer, young family area. Increase risk in crossing the road to use the toilet block.</p> <p>It will cause major trauma to those living in the caravan park when they will need to move out.</p> <p>The development sets a precedent for similar development on the Ulverstone foreshore. A better site for high end tourism development would be the land across the road from the Penguin Surf Club.</p> |
| <u>PLANNING AUTHORITY RESPONSE</u> | A Traffic Impact Assessment (TIA) by Howarth Fisher & Associates, dated 21 March 2022, accompanies the application. Council’s Infrastructure Services has checked the statements made in the TIA and accepts the conclusions and recommendations of the report. |

| | |
|------------------------------|---|
| | It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria. |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION NO. 15</u> | JANEEN LILLAS |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ A coastal town like Penguin definitely needs a camping/caravan ground. Concerned the proposal would see the caravan park in its entirety removed. The site has become a location for low-income people to live. Any change seems to be heartless. What responsibility does Council have for these people? ▪ Also, where would people using the coastal bike pathway be able to camp? ▪ Under 29.4.1–(A1) building must have a height of 10m. The plans submitted show a 4–storey apartment block to be 16.55m high. The development seems to be claiming an exemption to the regulation, arguing that, as the building proposed is near sea level, its height will appear no more than a 2–storey house (when viewed) from across Preservation Drive and would be 4m higher in elevation. The proposal claims the siting of the apartment block next to a tall rocky outcrop will lessen the impact of this structure, other than if it were in a more exposed location, such as the commercial centre of Penguin, on Main Road. ▪ If an exemption is made to this development, then my concern is that it must only apply to this development, on this land that is zoned Open Space, and that it not ever applies to Residential or Commercial (Local Business) Zones. |

| | |
|------------------------------------|--|
| | <ul style="list-style-type: none"> ▪ Concern that once a 16m high building is permitted anywhere in Penguin it will serve as a precedent to pressure the local Council to permit structures of this height, or even higher, in other areas of town. ▪ The access road is not designed for this type of traffic. It is a public road that is shared by beach goers, dog walkers, picknickers, skate park enthusiasts, boaters etc. The traffic on the road is beyond its design. The local community should not be disadvantaged with extra fencing and less parking, which has already been reduced due to the coastal bike path. ▪ A fence should be erected between the rail line and the caravan park. ▪ Over the years, the caravan park has illegally claimed more land and in doing so has destroyed the coastline and penguin habitats. People taking photos of illegal landfill were threatened with not to make a fuss. |
| <u>PLANNING AUTHORITY RESPONSE</u> | <p>The proposed height of the apartment building, being higher than the Acceptable Solution 10m maximum for the Zone, is a “Discretionary” matter, for consideration by the Planning Authority and the Tasmanian Planning Commission.</p> <p>A Traffic Impact Assessment (TIA) by Howarth Fisher & Associates, dated 21 March 2022, accompanies the application. Council’s Infrastructure Services has checked the statements made in the TIA and accepts the conclusions and recommendations of the report.</p> <p>Refer to TasRail, Representation No. 12, and planner’s comment regarding fencing between the development site and rail line.</p> |

| | |
|--|--|
| | <p>The application was referred to Department of Natural Resources and Environment, Tasmanian Parks and Wildlife Service for comment and approval of the lodgement of the application. No mention was made by the division of a Little Penguin colony in the area.</p> <p>Dr Perviz Marker is a Tasmanian ecologist with a PhD that examined the colonies of Little Penguins in North-West Tasmania. Dr Perviz was asked if there may be Little Penguin colonies at or adjoining the Penguin caravan park site. Ms Marker's comments are as follows:</p> <p><i>"There are a small number of penguins present in the area around the foreshore. In fact, two were rescued and placed into Penguin Rehab and Release care last summer before being returned to the area.</i></p> <p><i>Suggested plan of action:</i></p> <ol style="list-style-type: none"> <i>1 Survey of area is needed to ascertain the location/ presence of penguin burrows in the site</i> <i>2 Development of a Little Penguin Management Plan will be needed that will cover protocols for the development of the site, timing of works, what to do if penguins are found on-site and for the operation of certain activities on-site after construction, such as lighting etc.</i> <i>3 The proponent will need to liaise with CAS (NRE) to establish if they need a permit if penguins are located or need to be relocated."</i> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
|--|--|

| | |
|------------------------------------|--|
| <u>RECOMMENDED ACTION</u> | Draft Permit conditions be modified to reflect the suggested conditions offered by Ms Pervis Marker – refer to Annexures 3 and 4. |
| <u>REPRESENTATION No. 16</u> | IAN JONES OBO BUSINESS NORTHWEST |
| <u>MATTERS RAISED</u> | We are the peak business body for the Burnie Chamber of Commerce and Industry. The tourist park planned for Johnsons Beach Road is a fantastic initiative and will add value to the accommodation sector for the NW coast. As tourism continues to grow, we have a need for quality new tourism assets. This development is ideally suited for visitors to establish a short-term base to visit attractions in the region. |
| <u>PLANNING AUTHORITY RESPONSE</u> | It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria. |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION No. 17</u> | <ul style="list-style-type: none"> ▪ CHRISTOPHER WHITELAW OF MADSEN RETREAT |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ Madsen Retreat has operated since 2017. Over the past 5 years, the shortage of short-term supply manifests for about 2–3 weeks of the year. To be economically viable, a short-term accommodation provider needs to have an average occupancy rate of 60% or more. ▪ Objects to the proposal for 6 Johnsons Beach Road. ▪ There is not a present need for an increase in short-term accommodation in the area. The proposal to have 63 new short-term accommodation units in Penguin has the potential to cause severe economic hardship to current short-term business owners. This would more than double the current availability and flood the market and result in heavily discounted prices. |

| | |
|------------------------------------|---|
| <u>PLANNING AUTHORITY RESPONSE</u> | It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria. |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION NO. 18</u> | OLIVIA FIELDING |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ The CCRLUSS identifies Penguin as a local service centre, dependent on the larger centres of Devonport, Burnie and Ulverstone. The CCRLUSS recommends that community and commercial services be limited in local service centres. ▪ The CCRLUSS section 3.3.5(g) <i>Land Use Policies for Economic Activity and Jobs</i> states that sustainable tourism should “<i>avoid alienation and displacement of local communities and significant change in local character, function and identity</i>”. The proposal does not meet this policy. ▪ Building height and setback. The proposal is not compatible with the streetscape. In particular, the bulk and scale of the apartment buildings and the function centre. The proposal would reduce any existing landscape or visual amenity thorough the significant increase in density, bulk, height and form of buildings on the site. ▪ The (consultants) report incorrectly states the site sits at the lowest point on the contour map. This is incorrect. The lowest point is Johnsons Beach Reserve and the foreshore. The topography drawings and DA-0-001 cover sheet are cropped so as to not show any clear evidence that the height and form and bulk of the proposed buildings will not cause an unreasonable loss of amenity to adjacent properties. The apartment building is 16.55m high and 83m long and exceeds the height limit and its bulk and form is not in keeping with adjacent properties. The building significantly differs from existing buildings on the site. |

| | |
|--|---|
| | <ul style="list-style-type: none"> ▪ The loss of amenity focuses on surrounding residential amenity and does not examine the foreshore/public reserve or streetscape. The development would not be 'shielded' by Hill A and Hill B as stated. Screening would be most notable when travelling east along Preservation Drive. However, the development would be clearly visible to most properties to the east or south-east. ▪ There is no assurance the purpose and character of the Open Space Zone will be maintained. The open space would no longer have the capacity to act as a 'buffer' between residential development and the foreshore. ▪ Parking and Sustainable Transport Code and Road and Rail Assets Code. The number of car parking spaces required for the development and the number of trips per day attributed to uses, as stated in the application and the TIA, is disputed. The TIA assumes that that visitors to the site (function rooms) are also staying at the site. Excess car parking at the function centre would overflow onto the foreshore reserve area, alienating and displacing locals. Existing and proposed trip generation rates have been determined using the same method, therefore all trips have been calculated independently, meaning a possibility of double or triple counting applies to both existing and proposed development. ▪ Pedestrian access. The development proposal does not provide for pedestrian access and buildings do not appear to provide for persons with disability access. ▪ In the coastal vulnerability report the development has been assessed to have a tolerable risk, based on a 2071 coastal erosion event, not a 2100 event as required in the Planning Scheme. Further assessment has been based on the Performance Criteria of the Hazard Management Code of the <i>Central Coast Interim Planning Scheme 2013</i>, not the C10.0 Coastal Erosion Hazard Code of the <i>Tasmanian Planning Scheme - Central Coast</i>. |
|--|---|

| | |
|---|--|
| | <p>The use was not assessed as a 'vulnerable' use. Therefore, the parameters under which the 'tolerable level of risk' was determined have changed. Coastal protection works were completed without the appropriate approvals and would not have been approved under the current planning scheme.</p> |
| <p><u>PLANNING AUTHORITY RESPONSE</u></p> | <p>The TIA that accompanies the application has calculated car parking requirements for the function centre using the noted floor areas that would be occupied by the public for a function. Areas such as 'back of house' storerooms, kitchen, hallways, amenity/ablution rooms and general entry and access ways, have not been included in the floor area calculations. There is, nevertheless, some discrepancy between the TIA and the consultant's summary of the TIA report. Council's Infrastructure Services has checked the statements made in the TIA and accepts the conclusions and recommendations of the report.</p> <p>The proposed height of the apartment building, being higher than the Acceptable Solution 10m maximum for the Zone, is a "Discretionary" matter, for consideration by the Planning Authority and the Tasmanian Planning Commission.</p> <p>It is correct that Johnsons Beach foreshore and reserve is lower than the subject site. However, the consultant's report, in assessment of the impact of the height of the proposed apartment building, was referring to the building's height in relation to the lowest point on the subject development site and its comparison to other buildings to the south of the site, constructed at locations of higher elevation.</p> <p>A condition of the draft permit requires that pedestrian access be developed throughout the site. This is in accordance with Planning Scheme requirements under the <i>C2.0 Parking and Sustainable Transport Code</i> and applicable where a site requires that more than 10 car parking spaces be provided.</p> |

| | |
|------------------------------------|--|
| | <p>The public shared coastal pedestrian/cycle pathway provides access from part way long Johnsons Beach Road to the Penguin town centre.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION NO. 19</u> | ROB ADAMS |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ The caravan park, in previous years, has illegally reclaimed land and in doing so has destroyed the coastline and penguin habitats. People taking photos were verbally threatened not to make a fuss. Council seems to act in the interests of business, the railways and building codes, and not focus on the best interest of the residents, culture, amenity and the natural environment. ▪ I hope Council is not being intimidated into accepting this development and will consider the greater good of the community and its beautiful natural assets. Let not Penguin be a mini Gold Coast. ▪ The 10m height limit is the code and that needs to be adhered to. |
| <u>PLANNING AUTHORITY RESPONSE</u> | <p>The Penguin SAP has an Acceptable Solution height standard of 8m for development within the Penguin SAP area, being the Penguin commercial business area. The site at 6 Johnsons Beach Road falls outside of the Penguin SAP area. The Planning Scheme's General Residential Zone in Penguin has an Acceptable Solution maximum height of 8.5m. The Acceptable Solution height for development in the Open Space Zone is 10m.</p> |

| | |
|------------------------------|--|
| | <p>The proposed height of the apartment building, being higher than the Acceptable Solution 10m maximum for the Zone, is a “Discretionary” matter, for consideration by the Planning Authority and the Tasmanian Planning Commission.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION NO. 20</u> | ROCHELLE & DEAN LAING-HUGHES |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ The height of the Function Centre will impede surrounding properties views of the coast, impacting on the lifestyles of the residents and the value of surrounding property. ▪ The height of the accommodation apartments is greater than 10m. The report states that 5 Main Road, Penguin is level with the height of the proposed accommodation building. The accommodation building will dominate the surrounds and, as there are no shadow diagrams, there is no assurance that the large structure will not create issues with shadowing over our residence at 9 Main Road, Penguin. The height of the accommodation building will clash with the amenity of Penguin. ▪ Concerned about the increase in traffic to the area and the safety of people accessing the public beach. There is no pedestrian pathway along Johnsons Beach Road. However, there is a proposed car park of 101 spaces on the site. This is significant increase in pedestrian traffic. ▪ How has the developer come to the conclusion that it is safe to have a shared pedestrian and vehicle system? How is it safe for people to access the site? |

| | |
|------------------------------------|---|
| | <ul style="list-style-type: none"> An increase of 101 vehicles on the site will increase the noise within the area. The function centre will operate until 10.00pm at night. Concerned this will result in a significant increase in traffic noise from Preservation Drive. |
| <u>PLANNING AUTHORITY RESPONSE</u> | <p>The function centre is proposed to be 10m high, which is the Acceptable Solution standard for the zone.</p> <p>The proposed height of the apartment building, being higher than the Acceptable Solution 10m maximum for the Zone, is a “Discretionary” matter, for consideration by the Planning Authority and the Tasmanian Planning Commission.</p> <p>A Traffic Impact Assessment (TIA) by Howarth Fisher & Associates, dated 21 March 2022, accompanies the application. Council’s Infrastructure Services has checked the statements made in the TIA and accepts the conclusions and recommendations of the report.</p> <p>The North-West coast’s, shared pedestrian/cycle pathway provides access from part-way long Johnsons Beach Road to the Penguin town centre and beyond.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |

| | |
|-----------------------------|--|
| REPRESENTATION NO. 21 | GABRIELLA CONTI OF WEST BY NORTH WEST |
| MATTERS RAISED | <ul style="list-style-type: none"> ▪ Offers strong support for the redevelopment of the Penguin caravan park for short-stay accommodation, a resort style experience and a new function centre. The NW is heavily reliant on tourism, providing significant downstream benefits to ancillary industries such as real estate, retail and the arts. The visitor market has historically less been aware of the NW region of Tasmania, than the southern region of Tasmania. However, demand is growing with a range of exciting new tourism products across this corner of the State. ▪ More visitor accommodation is needed in Penguin. ▪ A new function centre on the seaside site is an opportunity to increase visitor awareness in this region. Currently there is only 1 function hire space in the local school and 1 at the football club site. |
| PLANNING AUTHORITY RESPONSE | It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria. |
| RECOMMENDED ACTION | No modification to the draft amendment. |
| REPRESENTATION NO. 22 | CRAIG WILSON |
| MATTERS RAISED | <ul style="list-style-type: none"> ▪ Does Penguin need 61 short term apartments? – No. ▪ What happens to current long term caravan occupants? – Leave town. ▪ What happens to travelling caravaners and campers? – Go elsewhere. |

| | |
|------------------------------------|--|
| | <ul style="list-style-type: none"> Does the applicant have 8 million dollars? – Probably not. Suggest the developer purchase some of the old footy ground and develop that with apartments. |
| <u>PLANNING AUTHORITY RESPONSE</u> | <p>As the site is privately owned, any decision to cease operating the caravan park is a matter for the owner. The Planning Authority and Tasmanian Planning Commission must assess the application proposed.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION NO. 23</u> | STUART BRYER |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> Unequivocally objects to the proposal. The development lacks community support and would be detrimental to our community. The Open Space Zone is not appropriate for major development and the Site Specific Qualification would effectively change the environment and remove the amenity that exists and is enjoyed by locals and campers and mobile home users. The caravan park caters for low-cost holidays and combines various socio-economic groups in a shared sense of community. It also serves as emergency housing, especially so during the crisis being experienced in housing and cost of living. |

| | |
|-----------------------------|--|
| | <ul style="list-style-type: none"> ▪ The amendment would have the effect of displacement of individuals in permanent sites and opposes the expectation to “avoid alienation and displacement of local communities and significant change in local character, function and identity” (this quote is from the <i>Cradle Coast Regional Land Use Strategy 2010 – 2030</i>). ▪ DA2022107 demonstrates a blatant disregard for community, property owners and residents, and the proposed height of the appalling architecture would dominate the seascape and the skyline, significantly changing the character, outlook and values of the town. It would cause a severe loss of amenity. The location warrants consideration of a lower than standard height restriction. Low impact ecological architecture that blends into the landscape would reduce the impact on the natural values of the location. ▪ The building will devalue the aesthetic, eroding the seaside character and coastal village identity. The value of residential properties would be directly impacted by the development. |
| PLANNING AUTHORITY RESPONSE | <p>As the site is privately owned, any decision to cease operating the caravan park is a matter for the owner. The Planning Authority and Tasmanian Planning Commission must assess the application proposed.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| RECOMMENDED ACTION | No modification to the draft amendment. |
| REPRESENTATION NO. 24 | HENRY ZWARTZ |
| MATTERS RAISED | <ul style="list-style-type: none"> ▪ Concerned by the development. |

| | |
|------------------------------------|---|
| | <ul style="list-style-type: none"> ▪ Economic development should not come at the expense of the relaxed and vintage aesthetic which draws tourists to the area. ▪ A three or four-storey construction would be a visual blight. ▪ A more reasonable design, say 1 to 2-storey, would better match the existing town and provide economic benefit. |
| <u>PLANNING AUTHORITY RESPONSE</u> | It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria. |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION NO. 25</u> | KRIS BIRRER |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ The 4-storey buildings are too high. The development would ruin the natural beauty of the area. Better to leave it as a caravan park. ▪ The development is too “city like”. It doesn’t fit in with Penguin’s relaxed, laid back, village feel. ▪ The development would destroy the uniqueness of Penguin and the Johnsons Beach area. ▪ Penguin only has 1 caravan park. Where will visitors/campers/caravaners go? Some residents live in the caravan park as it is a low cost rental option. |

| | |
|------------------------------------|---|
| <u>PLANNING AUTHORITY RESPONSE</u> | <p>The proposed height of the apartment building, being higher than the Acceptable Solution 10m maximum for the Zone, is a “Discretionary” matter, for consideration by the Planning Authority and the Tasmanian Planning Commission.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION NO. 26</u> | ROSS MURPHY |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ The intersection between Johnsons Beach Road and Main Road is problematic. Modifications to the intersection should be included to mitigate the adverse effects of additional vehicle movements. There are 2 x T–intersections in close proximity, on opposing sides to Main Road, and there are features in Johnsons Beach Road that cause congestion near the intersection. ▪ The Penguin Master Plan, approved by Council in 2022 (see attachments to this representation), identifies this intersection as the western gateway to the town and places importance on improving the intersection. Refer to pages 11 and 24 of the attachments to this representation for modification suggestions. ▪ The intersection is further complicated by train movements in this area. ▪ The following comments are provided on the applications Traffic Impact Assessment (TIA) prepared by Howarth Fisher and Associates: |

| | |
|---|---|
| | <ul style="list-style-type: none"> (a) The assessment of sight distances did not consider sight distances from Crescent Street. (b) The report does not consider the impact of additional traffic movements at the intersection. (c) Likewise, the report does not consider caravans and other large vehicles turning at the car park to access the effluent dump on the other side of the road. (d) The report also does not consider pedestrians crossing Johnsons Beach Road to access the walking track. (e) The report does not consider the potential of bus movements associated with the proposed development. Tourism buses would be a significant change to traffic movements in this area. <ul style="list-style-type: none"> ▪ The amenity and safety of Johnsons Beach. A Master Plan for Johnsons Beach was developed in 2016. See Attachment No. 2 to this representation. Johnsons Beach is a popular swimming beach. The widening of Johnsons Beach Road will lead to increased vehicle speed and perpendicular car parking means you would have to reverse into the traffic stream. There is limited parking opposite Johnsons Beach. ▪ Access to the foreshore and rocky knoll used to be via the foreshore and sometimes through the caravan park. It should be made clear that public access to the foreshore is to remain. |
| <p><u>PLANNING AUTHORITY RESPONSE</u></p> | <p>A Traffic Impact Assessment (TIA) by Howarth Fisher & Associates, dated 21 March 2022, accompanies the application. Council's Infrastructure Services has checked the statements made in the TIA and accepts the conclusions and recommendations of the report.</p> |

| | |
|------------------------------------|--|
| | It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria. |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION NO. 27</u> | DOREEN RUSSELL |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ As caretaker and permanent resident of the caravan park, I support the development. ▪ There is a shortage of accommodation in Penguin. ▪ Development that is in keeping with the coastal setting is what the town needs. The development would bring tourist money to the town. |
| <u>PLANNING AUTHORITY RESPONSE</u> | It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria. |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION NO. 28</u> | CHRIS LEHMAN |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ Shared pathways – thank you to Council for the shared pathways. I highly value and appreciate them. ▪ I have concern that a 4-storey high structure on the foreshore would destroy the natural beauty of area. The building would be appropriate for the environment. Is the legacy of Council to be (the placement of) inappropriate buildings on our coastline? |

| | |
|------------------------------------|--|
| | <ul style="list-style-type: none"> ▪ The site has been a ‘temporary’ home for people and is testament to the community caring and ensuring people have a safe and affordable place to live. This situation has been allowed to continue for many years. Will Council ensure that anyone that is displaced by the development will be guaranteed a satisfactory, alternative place to live? |
| <u>PLANNING AUTHORITY RESPONSE</u> | <p>The proposed height of the apartment building, being higher than the Acceptable Solution 10m maximum for the Zone, is a “Discretionary” matter, for consideration by the Planning Authority and the Tasmanian Planning Commission.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION No. 29</u> | RATE PAYERS OF PENGUIN (11 SIGNATORIES IN RELATION TO DA2022107 & LPS 2022003) |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ Fully support the redevelopment of the Penguin Caravan Park. ▪ Penguin is the geographical centre of the North–West coast, being 20 minutes from the “Spirit of Tasmania” and 30 minutes from Devonport and Wynyard airports. It is an ideal place for visitors and businesspeople to stay, for many reasons, including proximity to: <ul style="list-style-type: none"> – Dial Sports Complex; – new walkway and cycle way from Sulphur Creek to Ulverstone; – golf and bowls on their doorstep; and |

| | |
|------------------------------------|--|
| | – walking and mountain bike tracks in the Dial Range. |
| <u>PLANNING AUTHORITY RESPONSE</u> | It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria. |
| <u>RECOMMENDED ACTION</u> | No modification to the draft amendment. |
| <u>REPRESENTATION NO. 30</u> | JANINE AND ROD HALL |
| <u>MATTERS RAISED</u> | <ul style="list-style-type: none"> ▪ Concerned the redevelopment would remove camping/caravan facilities from Penguin. These (existing) facilities are in keeping with the coastal village atmosphere. ▪ Penguin has a number of venues available for functions. The need for a function centre has not been well researched and will detract from those already in the Penguin area. ▪ The number of parking spaces does not reflect the number required. Penguin township struggles during peak tourist season with limited parking available. This development has the potential to have a serious negative impact on this situation. ▪ A four-storey building of 40 units is not in keeping with maintaining the natural and cultural values of Penguin. The building is not compatible with the streetscape, regardless of the argument presented about topography. The 16.55m building would have visual impacts for areas (to the East), other than those properties nearby. ▪ The visual, environmental and social impact of the proposal is not in keeping with the Penguin local area. The proposal fails to respect the natural landscape values of the area. A development with low villas, 10m height limits would be an asset to the community. |

| | |
|---|--|
| | <p>The Open Space Zone should be respected. It is not appropriate to seek to amend this to meet the needs of a developer. Low rise buildings and green spaces are integral to the profile of the community.</p> |
| <p><u>PLANNING AUTHORITY RESPONSE</u></p> | <p>As the site is privately owned, any decision to cease operating the caravan park is a matter for the owner. The Planning Authority and Tasmanian Planning Commission must assess the application proposed.</p> <p>The proposed height of the apartment building, being higher than the Acceptable Solution 10m maximum for the Zone, is a “Discretionary” matter, for consideration by the Planning Authority and the Tasmanian Planning Commission.</p> <p>It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria.</p> |
| <p><u>RECOMMENDED ACTION</u></p> | <p>No modification to the draft amendment.</p> |
| <p><u>REPRESENTATION NO. 31</u></p> | <p>6TY PTY LTD OBO JOHN & LOUISA DE BRUYN</p> |
| <p><u>MATTERS RAISED</u></p> | <ul style="list-style-type: none"> ▪ The 16.55m high building, 80m in length, is a significant departure from the existing small, single-storey structures on the site. The proposed apartment building will result in a loss of amenity for adjacent properties by way of height and bulk and form, causing an unreasonable impact in the appearance of the coastal locality. ▪ The largely unobstructed views to the coast contribute to making the locality harmonious, pleasant and enjoyable for all residents and users. The development represents a significant departure from the existing pattern of development in this coastal area. |

| | |
|---|--|
| | <ul style="list-style-type: none"> ▪ The proposed amendment pertinent to a Site Specific Qualification has not justified that a significant social, economic or environmental benefit would be provided to the State, region or Municipal area. ▪ The report states the proposal complies with C3.5.1 –(A1) of the Road and Railway Assets Code. This is contrary to the TIA that examines 124 vehicle trips per day and an additional 9 vehicle movements during the evening period. There is also no specific information on how many days the function centre would operate and no condition on the permit to limit the number of days the function centre could operate. ▪ The TIA includes a consideration of the Performance Criteria. However, there is no information indicating that Council’s Road Authority is satisfied there would be no adverse impacts on the safety and efficiency of the road network. |
| <p><u>PLANNING AUTHORITY RESPONSE</u></p> | <p>The proposed height of the apartment building, being higher than the Acceptable Solution 10m maximum for the Zone, is a “Discretionary” matter, for consideration by the Planning Authority and the Tasmanian Planning Commission.</p> <p>Representations from West by North West, Business Northwest and several rate payers state the proposal would be of economic benefit to the tourism industry and retail businesses in the area and the North–West of Tasmania in general.</p> <p>There is some discrepancy between the TIA and the consultant’s summary of the TIA report.</p> <p>Council’s Infrastructure Services has checked the statements made in the TIA and accepts the conclusions and recommendations of the report. This is evident by the application of Infrastructure Service conditions to the Permit.</p> |

| | |
|--------------------|---|
| | It is considered the representation would have no effect on the draft amendment as proposed or the LPS as a whole. The Planning Authority is satisfied the proposed amendment meets the LPS criteria. |
| RECOMMENDED ACTION | No modification to the draft amendment. |

PLANNING PERMIT – DA2022107

(S40T Land Use Planning & Approvals Act 1993)

IreneInc Urban Planning and Design
on behalf of Dickson Rothschild
C/- 49 Tasma Street
NORTH HOBART TAS 7009

Details of planning application

| | |
|----------------------|--|
| Property Address: | 6 Johnsons Beach Road PENGUIN TAS 7316 |
| Development/Use: | Demolition of existing buildings and Visitor Accommodation (40 short stay apartment units and 21 three-bedroom holiday cabins); Food Services (cafe/restaurant); and Community Meeting and Entertainment (function centre) with ancillary tennis court, car parking and managers residence |
| Use Class: | Visitor Accommodation, Food Services and Community Meeting & Entertainment |
| Zone: | Open Space |
| Planning Instrument: | <i>Tasmanian Planning Scheme – Central Coast with Site Specific Qualification for 6 Johnsons Beach Road, Johnsons Beach</i> |

Decision

The Council, in its role as the Planning Authority, at its meeting held 19 June 2023 (Minute No. 183/2023), granted approval of application DA2022107 for Demolition of buildings and Visitor Accommodation (40 short stay apartment units and 21 three-bedroom holiday cabins); Food Services (cafe/restaurant); and Community Meeting and Entertainment (function centre) with ancillary tennis court, car parking and managers residence at 6 Johnsons Beach Road, Penguin subject to the following conditions:

- The development must be substantially in accordance with the plans by D.R. Design (NSW) Pty Ltd, Project No. 21-033, Drawing Nos. DA-0-001 (2 sheets) Revisions D & A (front and rear views) dated 5 April 2022 and 22 August 2021, DA-0-001 Revision B dated 10 March 2022, DA-0-101 Revision B dated 10 March 2022, DA-0-103 Revision A dated 6 September 2021, DA-0-111 Revision E dated 5 April 2022, DA-0-151 Revision A dated 20 May 2022, DA-0-211 Revision B dated 6 September 2021, DA-0-212 Revision B dated 6 September 2021, DA-0-211 Revision B dated 10 March 2022, DA-0-401 Revision D dated 20 May 2022, DA-0-941 Revision B dated 5 April 2022, DA-0-951 Revision A dated 5 April 2022, DA-0-952 Revision A dated 5 April 2022, DA-0-963 Revision B dated 6 September 2021, SK01 Artist Impressions of the Function Centre (4 sheets) date stamped 3 June 2022, SK01 Artist Impressions of short stay apartments (1 sheet) date stamped 3 June 2022, DA-0-001 Revision C dated 10 March 2022, DA-0-211- Revision C dated 10 March 2022, SK01 Artist Impressions of Cabin (2 sheets) date stamped 3 June 2022 and Concept Stormwater Plan by PDA Surveyors, Engineers and Planners,

Drawing No. 4978SMW-C-SK1, Annexure A and Hydraulic Grade Lines, Annexure B of Conceptual Stormwater Report by PDA Surveyors, Engineers and Planners dated 22 August 2022.

- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2022/00571-CC dated 28 April 2022.
- 3 The development must be in accordance with the recommendations contained in the Coastal Vulnerability Assessment report by Geo-Environmental Solutions Pty Ltd dated July 2021. In this regard, further geotechnical assessments must be carried out to determine if the foundation conditions of the site are suitable for the proposed development.
- 4 The development must be in accordance with the recommendations contained in the technical memo and rail environmental noise and ground vibration study by Tarkarrie Engineering dated 8 March 2022.
- 5 The development must be in accordance with the recommendations contained in the Traffic Impact Assessment Report by Howarth Fisher and Associates dated 21 March 2022.
- 6 The function centre and restaurant must operate between the hours of 8.00am to 10.00pm.
- 7 A minimum of ninety four (94) car parking spaces must be provided on-site to enable the forward movement of vehicles entering and egressing the site and must comply with Australian Standard *AS 2890 – Parking facilities, Parts 1–6*.
- 8 Parking spaces provided for use by persons with a disability must be designed and constructed in accordance with Australian/New Zealand Standard *AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities*.
- 9 Commercial vehicle parking spaces must be in accordance with Australian Standard *AS 2890. 2 – 2002 Parking Facilities Part 2: Parking facilities – Off-street commercial vehicle facilities*.
- 10 All parking, access ways, manoeuvring and circulation spaces must:
 - (a) be constructed with a durable all-weather pavement;
 - (b) be drained to the public stormwater system; and
 - (c) 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.
- 11 Pedestrian accesses must have a 1m wide footpath that is separated from access ways and parking aisles, excluding where crossing access ways or parking aisles by:
 - (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or
 - (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and
 - (iii) be signed and line marked at points where pedestrians cross access ways or parking aisles.
- 12 Where an accessible car parking space for use by persons with a disability is to be provided, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from that space to the main entry point of the function centre, cafe and Visitor Accommodation apartment buildings.

- 13 Residential Use of the site is “Prohibited” other than for a single subservient manager’s residence.
- 14 Visitor Accommodation Use is for providing short or medium term accommodation for persons away from their normal place of residence on a commercial basis.

Infrastructure Services

- 15 The existing access off Johnsons Beach Road must be used as access for the proposed development.
- 16 The existing turning head at Johnsons Beach Road must be upgraded in accordance with the Tasmanian Standard Drawing *TSD-R08-V3 typical Cul-De-Sac Details Urban and Rural*.
- 17 Johnsons Beach Road width, west of skate park, must be widened to be a minimum 6.0m seal width.
- 18 Prior to the commencement of works, the developer must submit detailed design drawings of the Johnsons Beach Road and cul-de-sac for approval by Council’s Director Infrastructure Services.
- 19 Stormwater run-off from buildings and hard surfaces, including from vehicle parking and manoeuvring areas, must be collected, and discharged to Council’s stormwater infrastructure in accordance with the *National Construction Code 2019* and must not cause a nuisance to neighbouring properties. In this regard, the development must be in accordance with Option No. 2 of the Conceptual Stormwater Report and Concept Drawing, Reference No. 49785MW – CSK1 and Hydraulic Grade Line Elevations by PDA Surveyors, Engineers and Planners dated 22 August 2022.
- 20 A minimum 6m wide drainage easement is required over existing 1500mm stormwater main.
- 21 The Concept Stormwater Plan by PDA Surveyors, Engineers and Planners, Drawing No. 4978SMW-C-SK1 shows the existing DN1500 stormwater main passing under proposed accommodation building and parking sheds. Council does not allow any structure over the existing stormwater main or within the new easement.
- 22 Any proposed structures in the vicinity of existing SW1500 main must be constructed with a minimum clearance as per Tasmanian Standard Drawing *TSD-G03.V3 Guide to Trench Excavation Limits Adjacent to Footings*.
- 23 Prior to the commencement of works, the developer must submit detailed stormwater plans for approval by Council’s Director Infrastructure Services.
- 24 Prior to commencement of works the developer must submit an ‘Install Stormwater Connection Point’ application for any works associated with existing stormwater infrastructure. Works must be undertaken by the Council, unless alternative arrangements are approved by Council’s Director Infrastructure Services, at the developer’s cost. A Private Works authority will apply.
- 25 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.
- 26 All works or activity listed above shall 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 a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Any proposed signage must be in accordance with the *Tasmanian Planning Scheme – Central Coast C1.0 Signs Code*.
- 4 Prior to the commencement of work, the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.
- 5 Prior to commencement of works in the road reserve, the developer must obtain a "Works in Road Reservation (Permit)".
- 6 Prior to the commencement of works the developer must submit an application for 'Roadworks Authority' (or a 'Private Works Authority').
- 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.

Name:

Daryl Connelly

Signed:

Date:

19 June 2023

Title:

DIRECTOR COMMUNITY SERVICES

Permit No.

DA2022107

PLANNING PERMIT – DA2022107

(S40T Land Use Planning & Approvals Act 1993)

IreneInc Urban Planning and Design
on behalf of Dickson Rothschild
C/- 49 Tasma Street
NORTH HOBART TAS 7009

Details of planning application

| | |
|----------------------|---|
| Property Address: | 6 Johnsons Beach Road PENGUIN TAS 7316 |
| Development/Use: | Demolition of buildings and Visitor Accommodation (40 short stay apartment units and 21 three-bedroom holiday cabins); Food Services (cafe/restaurant); and Community Meeting and Entertainment (function centre) with ancillary tennis court, car parking and managers residence |
| Use Class: | Visitor Accommodation, Food Services and Community Meeting & Entertainment |
| Zone: | Open Space |
| Planning Instrument: | <i>Tasmanian Planning Scheme – Central Coast with Site Specific Qualification for 6 Johnsons Beach Road, Johnsons Beach</i> |

Decision

The Council, in its role as the Planning Authority, at its meeting held 19 June 2023 (Minute No. 183/2023), granted approval of application DA2022107 for Demolition of buildings and Visitor Accommodation (40 short stay apartment units and 21 three-bedroom holiday cabins); Food Services (cafe/restaurant); and Community Meeting and Entertainment (function centre) with ancillary tennis court, car parking and managers residence at 6 Johnsons Beach Road, Penguin subject to the following conditions:

- 1 The development must be substantially in accordance with the plans by D.R. Design (NSW) Pty Ltd, Project No. 21-033, Drawing Nos. DA-0-001 (2 sheets) Revisions D & A (front and rear views) dated 5 April 2022 and 22 August 2021, DA-0-001 Revision B dated 10 March 2022, DA-0-101 Revision B dated 10 March 2022, DA-0-103 Revision A dated 6 September 2021, DA-0-111 Revision E dated 5 April 2022, DA-0-151 Revision A dated 20 May 2022, DA-0-211 Revision B dated 6 September 2021, DA-0-212 Revision B dated 6 September 2021, DA-0-211 Revision B dated 10 March 2022, DA-0-401 Revision D dated 20 May 2022, DA-0-941 Revision B dated 5 April 2022, DA-0-951 Revision A dated 5 April 2022, DA-0-952 Revision A dated 5 April 2022, DA-0-963 Revision B dated 6 September 2021, SK01 Artist Impressions of the Function Centre (4 sheets) date stamped 3 June 2022, SK01 Artist Impressions of short stay apartments (1 sheet) date stamped 3 June 2022, DA-0-001 Revision C dated 10 March 2022, DA-0-211- Revision C dated 10 March 2022, SK01 Artist Impressions of Cabin (2 sheets) date stamped 3 June 2022 and Concept Stormwater Plan by PDA Surveyors, Engineers and Planners,

Drawing No. 4978SMW-C-SK1, Annexure A and Hydraulic Grade Lines, Annexure B of Conceptual Stormwater Report by PDA Surveyors, Engineers and Planners dated 22 August 2022.

- 2 The development must be in accordance with the conditions of TasWater's Submission to Planning Authority Notice, Reference No. TWDA 2022/00571-CC dated 28 April 2022.
- 3 The development must be in accordance with the recommendations contained in the Coastal Vulnerability Assessment report by Geo-Environmental Solutions Pty Ltd dated July 2021. In this regard, further geotechnical assessments must be carried out to determine if the foundation conditions of the site are suitable for the proposed development.
- 4 The development must be in accordance with the recommendations contained in the technical memo and rail environmental noise and ground vibration study by Tarkarrie Engineering dated 8 March 2022.
- 5 The development must be in accordance with the recommendations contained in the Traffic Impact Assessment Report by Howarth Fisher and Associates dated 21 March 2022.
- 6 The function centre and restaurant must operate between the hours of 8.00am to 10.00pm.
- 7 A minimum of ninety four (94) car parking spaces must be provided on-site to enable the forward movement of vehicles entering and egressing the site and must comply with Australian Standard *AS 2890 – Parking facilities, Parts 1–6*.
- 8 Parking spaces provided for use by persons with a disability must be designed and constructed in accordance with Australian/New Zealand Standard *AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities*.
- 9 Commercial vehicle parking spaces must be in accordance with Australian Standard *AS 2890. 2 – 2002 Parking Facilities Part 2: Parking facilities – Off-street commercial vehicle facilities*.
- 10 All parking, access ways, manoeuvring and circulation spaces must:
 - (a) be constructed with a durable all-weather pavement;
 - (b) be drained to the public stormwater system; and
 - (c) 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.
- 11 Prior to the commencement of works a Landscape and Pedestrian Access Plan must be submitted for approval by Councils Director Community Services. The Landscaping and Pedestrian Access Plan must detail plant species and plant spacings.
 Pedestrian accesses must have a 1m wide footpath that is separated from access ways and parking aisles, excluding where crossing access ways or parking aisles by:
 - (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or
 - (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and
 - (iii) be signed and line marked at points where pedestrians cross access ways or parking aisles.

- 12 Where an accessible car parking space for use by persons with a disability is to be provided, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from that space to the main entry point of the function centre, cafe and Visitor Accommodation apartment buildings.
- 13 Residential Use of the site is "Prohibited" other than for a single subservient manager's residence.
- 14 Visitor Accommodation Use is for providing short or medium term accommodation for persons away from their normal place of residence on a commercial basis.
- 15 The applicant must ensure that buildings and works within a waterway and coastal protection area avoid or minimise adverse impacts on natural assets, having regard to the guidelines in the *Tasmanian Coastal Works Manual*.
- 16 Prior to any works commencing, the applicant must provide Council with a Little Penguin and Shorebirds Management Plan to the satisfaction of Council's Director Community Services. The Plan must be developed by a suitably qualified person, at the developer's cost.
- 17 A 1.8m high fence must be erected on the TasRail boundary.

Infrastructure Services

- 18 The existing access off Johnsons Beach Road must be used as access for the proposed development.
- 19 The existing turning head at Johnsons Beach Road must be upgraded in accordance with the Tasmanian Standard Drawing *TSD-R08-V3 typical Cul-De-Sac Details Urban and Rural*.
- 20 Johnsons Beach Road, west of the skate park, must be widened to be a minimum 6.0m sealed width.
- 21 Prior to the commencement of works, the developer must submit detailed design drawings of Johnsons Beach Road upgrade and the cul-de-sac for approval by Council's Director Infrastructure Services.
- 22 Stormwater run-off from buildings and hard surfaces, including from vehicle parking and manoeuvring areas, must be collected, and discharged to Council's stormwater infrastructure in accordance with the *National Construction Code 2019* and must not cause a nuisance to neighbouring properties. In this regard, the development must be in accordance with Option No. 2 of the Conceptual Stormwater Report and Concept Drawing, Reference No. 49785MW – CSK1 and Hydraulic Grade Line Elevations by PDA Surveyors, Engineers and Planners dated 22 August 2022.
- 23 A minimum 6m wide drainage easement is required over existing 1500mm stormwater main.
- 24 The Concept Stormwater Plan by PDA Surveyors, Engineers and Planners, Drawing No. 49785MW-C-SK1 shows the existing DN1500 stormwater main passing under proposed accommodation building and parking sheds. Council does not allow any structure over the existing stormwater main or within the new easement.
- 25 Any proposed structures in the vicinity of existing SW1500 main must be constructed with a minimum clearance as per Tasmanian Standard Drawing *TSD-G03.V3 Guide to Trench Excavation Limits Adjacent to Footings*.

- 26 Prior to the commencement of works, the developer must submit detailed stormwater plans for approval by Council's Director Infrastructure Services.
- 27 Prior to commencement of works the developer must submit an 'Install Stormwater Connection Point' application for any works associated with existing stormwater infrastructure. Works must be undertaken by the Council, unless alternative arrangements are approved by Council's Director Infrastructure Services, at the developer's cost. A Private Works authority will apply.
- 28 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.
- 29 All works or activity listed above shall 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 a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Any proposed signage must be in accordance with the *Tasmanian Planning Scheme – Central Coast C1.0 Signs Code*.
- 4 Prior to the commencement of work, the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.
- 5 Prior to commencement of works in the road reserve, the developer must obtain a "Works in Road Reservation (Permit)".
- 6 Prior to the commencement of works the developer must submit an application for 'Roadworks Authority' (or a 'Private Works Authority').
- 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.
- 8 The development and use must be in accordance with TasRail's Standard Notes. (see attached).

Name:

Daryl Connelly

*Signed:**Date:*

18 September 2023

Title:

DIRECTOR COMMUNITY SERVICES

Permit No.

DA2022107

DRAFT



CENTRAL COAST COUNCIL

BUILDING & PLUMBING – SCHEDULE OF STATUTORY DETERMINATIONS MADE UNDER DELEGATION

Period: 1 August 2023 to 31 August 2023

Building Permits and Certificates

| Building Permits – Category 4 | Number Issued | Cost of Works |
|--------------------------------------|----------------------|------------------------|
| Additions / Alterations | 1 | \$55,000 |
| Demolition Permits | 0 | \$0 |
| New Dwellings | 0 | \$0 |
| Outbuildings | 0 | \$0 |
| Units | 0 | \$0 |
| Other | 0 | \$0 |
| Permit of Substantial Compliance | | |
| Notifiable Works – Category 3 | Number Issued | Combined Amount |
| Additions / Alterations | 2 | \$140,000 |
| Demolition Permits | 2 | \$50,000 |
| New Dwellings | 6 | \$3,235,000 |
| Outbuildings | 7 | \$553,000 |
| Units | 3 | \$900,000 |
| Other | 4 | \$1,222,944 |

Plumbing Permits and Certificates

| Plumbing Permits – Category 4 | Number Issued |
|--------------------------------------|----------------------|
| Plumbing Permit | 4 |
| Notifiable Works – Category 3 | |
| Certificate of Likely Compliance | 7 |

MADE UNDER DELEGATION

Period: 1 August 2023 to 31 August 2023

Fire Abatement Notices

| Fire Abatement Notices Issued | Property Cleared by Contractor |
|--------------------------------------|---------------------------------------|
| 0 | 0 |

COMPLIANCE – SCHEDULE OF REGULATORY SERVICES STATUTORY RESPONSIBILITIES

Period: 1 August 2023 to 31 August 2023

Dogs Impounded by Central Coast Council

| Number of Dogs Impounded | Dogs Claimed | Dogs Surrendered |
|--------------------------|--------------|------------------|
| 8 | 8 | 0 |

Animal Licences, Offences, Permits

| Licence, Offence, Permits | Number Issued |
|---|----------------------|
| Barking dog complaints | 3 |
| Declaration of dangerous dogs | 0 |
| Dog attacks on other dogs / cats | 0 |
| Dog attacks on persons | 0 |
| Dog attacks on livestock / wildlife | 1 |
| Kennel licences issued | 2 |
| Kennel licences renewed | Number not available |
| Permits under <i>Animal Control By-law No.1 of 2018</i> | 0 |
| Unregistered dogs located by Compliance | 16 |
| Wandering livestock | 0 |

Dog Infringement Notices Issued

| Off-lead in On-Lead Locations | Cautions Issued | Infringements Issued |
|--------------------------------|-----------------|----------------------|
| Buttons Beach | 0 | 0 |
| Midway Beach | 0 | 0 |
| Penguin Beach | 1 | 0 |
| Turners Beach | 1 | 0 |
| Other Public locations: | | |
| Penguin Beach foreshore | 2 | 0 |
| Nature Strip / Park Area | 0 | 0 |
| Other Dog Offences: | | |
| Dog barking Nuisance | 1 | 2 |
| Dog at large | 5 | 0 |
| Dog unregistered | 0 | 3 |

COMPLIANCE – SCHEDULE OF REGULATORY SERVICES STATUTORY RESPONSIBILITIES

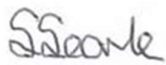
Period: 1 August 2023 to 31 August 2023

Patrols of Free Camping Areas

| Camping Area | Patrols Conducted | Cautions Issued |
|-----------------------------------|--------------------------|------------------------|
| Bannons Park | 6 | 0 |
| Battons Park | 3 | 0 |
| Forth Recreation Ground | 10 | 0 |
| Halls Point [Closed Area] | 10 | 0 |
| Nicholson Point | 10 | 0 |
| Penguin Surf Life Saving Precinct | 10 | 0 |
| Midway Point | 10 | 0 |

Traffic Infringement Notices for Parking Offences

| Traffic Infringement Location | Number Issued | Percentage |
|--------------------------------------|----------------------|-------------------|
| Alexandra Road | 0 | – |
| Bannons Carpark | 7 | 10.00% |
| Coles/Furner's Carpark | 15 | 21.43% |
| Crescent Street, Ulverstone | 0 | – |
| King Edward Street, Ulverstone | 11 | 15.70% |
| Main Road, Penguin | 5 | 7.14% |
| North Reibey Street Carpark | 18 | 25.74% |
| Reibey Street | 11 | 15.70% |
| Victoria Street | 3 | 4.29% |
| Wongi Lane | 0 | – |
| Others: | 0 | – |
| | | |



Samantha Searle
DIRECTOR CORPORATE SERVICES