

---

**Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 22 January 2024 commencing at 6.00pm.**

---

**Councillor attendance**

Cr Cheryl Fuller (Mayor)  
Cr Garry Carpenter  
Cr Sophie Lehmann  
Cr Philip Viney

Cr John Beswick (Deputy Mayor)  
Cr Amanda Diprose  
Cr Michael Smith  
Cr Kate Wylie

**Councillor apologies**

Cr Casey Hiscutt

**Employee attendance**

Chief Executive Officer (Mr Barry Omundson)  
Director Community, Growth Development (Mr Daryl Connelly)  
Director Corporate Services (Mrs Samantha Searle)  
Director Infrastructure Services (Mr Paul Breaden)  
Executive Services Officer (Mr Ian Brunt)

**Media attendance**

The media was not represented.

**Public attendance**

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

**Legislative Terminology – General Manager**

At the Central Coast Council, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993*; and carries the same meaning for the purposes of the *Local Government Act 1993* and all other legislation administered by or concerning the Council.

---

### **Digital recording of Council meetings**

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

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

### **Acknowledgement of Country**

Mayor Fuller stated as follows:

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

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

### **Statement of Values**

Mayor Fuller stated as follows:

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

---

## CONFIRMATION OF MINUTES OF THE COUNCIL

### 1/2024 Confirmation of minutes

The Executive Services Officer reports as follows:

“The minutes of the ordinary meeting of the Council held on 11 December 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.

It is noted that there is a typographical error in Minute No. 385/2023. The report and resolution reference:

‘Cradle Coast Electrical for the provision of General Electrical Maintenance Services 2020–2023, *contract no 19/2019–2020* [emphasis added]’.

The correct contract number is ‘9/2019–2020’.

A suggested resolution is submitted for consideration.”

■ Cr Beswick moved and Cr Viney seconded, “That the minutes of the ordinary meeting of the Council held on 11 December 2023 be confirmed, subject to all references to contract number 19/2019–2020 being replaced with contract number ‘9/2019–2020’ in Minute No. 385/2023.”

Carried unanimously

## COUNCIL WORKSHOPS

### 2/2024 Council workshops

The Executive Services Officer reported as follows:

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

- 15 January 2024 – Civic Centre review; West by North West marketing proposal; Child and Youth Safeguarding Framework; Bass Straight offshore wind zone; proposed development in Reibey Street.

This information is provided for the purpose of record only.

- 
- Cr Diprose moved and Cr Lehmann seconded, "That the Officer's report be received."

Carried unanimously

#### MAYOR'S COMMUNICATIONS

##### **3/2024 Mayor's communications**

The Mayor had nothing to report at this time.

##### **4/2024 Mayor's diary**

The Mayor reported as follows:

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

- . Penguin Playground Opening;
- . Penguin Visitor Centre and Hive's Volunteer Christmas Party;
- . Judging of Chamber of Commerce Christmas Window Competition;
- . Chamber of Commerce Christmas Drinks;
- . Penguin Men's Shed Christmas Lunch;
- . Ulverstone Men's Shed Christmas Lunch;
- . Ulverstone Christmas Parade;
- . Apex and Ulverstone Repertory Theatre Society Christmas Carols;
- . Opening for Leith to Don Heads Shared Pathway;
- . Ulverstone Secondary College Presentation Assembly;
- . Morning Tea at the Central Coast Adult Day Centre;
- . Don Irrigation Scheme Official Opening;
- . Penguin Senior Citizens Christmas Luncheon; and
- . 70<sup>th</sup> Birthday Celebration for Ulverstone Memorial Clock."

Cr Diprose reported as follows:

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

- . Penguin District School Assembly."

The Executive Services Officer reported as follows:

- Cr Viney moved and Cr Diprose seconded, "That the Mayor's and Councillor's reports be received."

Carried unanimously

---

## **5/2024        Declarations of interest**

The Mayor reported as follows:

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

The Executive Services Officer reported as follows:

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

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

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

No interests were declared at this time.

## **COUNCILLOR REPORTS**

## **6/2024        Councillor reports**

The Executive Services Officer reported as follows:

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

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

No reports were made at this time.

---

## APPLICATIONS FOR LEAVE OF ABSENCE

### 7/2024      Leave of absence

The Executive Services Officer reported as follows:

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

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

There are no applications for consideration at this meeting.”

## DEPUTATIONS

### 8/2024      Deputations

The Executive Services Officer reported as follows:

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

## PETITIONS

### 9/2024      Petitions

The Executive Services Officer reported as follows:

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

## COUNCILLORS' QUESTIONS

### 10/2024      Councillors' questions without notice

The Executive Services Officer reported as follows:

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

'29 (1) A councillor at a meeting may ask a question without notice –

(a) of the chairperson; or

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

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

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

---

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

No questions were raised at this time.

#### **11/2024      Councillors’ questions on notice**

The Executive Services Officer reported as follows:

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

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

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

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

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

No questions on notice have been received.”



---

## PUBLIC QUESTION TIME

### 12/2024      Public question time

The Mayor reported as follows:

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

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

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

---

**13/2024      Public questions taken on notice**

The Executive Services Officer reported as follows:

“At the 11 December 2023, Mr Michael Haney asked the following question without notice, which was responded to by the Director Infrastructure Services who advised that matter would be investigated, and a response provided.

Question –

My question is in relation to the Fairway Park carpark and access to other users. When cars are parked in designated parking spaces, they are blocking access to more direct footpaths for mobility scooters and prams. The placement of disabled parking or access signs in these areas would help rectify the situation.

I would also like to thank the Councillors for all the good work you have done, including the community conversations.

Response –

The Director Infrastructure Services provided an initial response to Mr Haney at the 11 December 2023 Council meeting and advised that the matter would be investigated.

Following investigation, a sign to indicate the disability space at the Fairway Park carpark is to be installed prior to the end of January 2024.

In addition, yellow diagonal linemarking to delineate the area beside this as a shared no parking area will also be applied.

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

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

Carried unanimously

**DEPARTMENTAL BUSINESS**

**OFFICE OF THE CEO AND MAYOR**

**14/2024 Minutes and notes of committees of the Council and other organisations**

The Chief Executive Officer reported as follows:

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

- Central Coast Council Audit Panel – meeting held 27 November 2023; and
- Central Coast Community Safety Partnership Committee – meeting held 6 December 2023.

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

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

Carried unanimously

**15/2024 Annual General Meeting for the year ended 30 June 2023**

The Executive Services Officer reported as follows:

*“PURPOSE*

The purpose of this report is to allow the Council to consider its Annual General Meeting (AGM) for the year ended 30 June 2023 and the motions passed at the AGM.

*BACKGROUND*

In compliance with section 72B of the *Local Government Act 1993* (the Act), the Central Coast Council AGM was held on Monday 11 December 2023 in the Council Chamber, Administration Centre, Ulverstone.

Notice of the meeting was published in The Advocate newspaper on Wednesday 22 November 2023.

*DISCUSSION*

A quorum of Council was present at the AGM.

No submissions in respect of the 2022–2023 Annual Report were received.

The following motions were passed at the AGM:

- 1 That the minutes of the Annual General Meeting of the Council held on 6 December 2022 be confirmed (moved Cr Hiscutt and seconded Cr Wylie).
- 2 That the Council receive the Annual Report 2022–2023 (moved Cr Viney and seconded Cr Beswick).

Section 72B(6) of the Act requires that a motion passed at the AGM is to be considered at the next meeting of Council.

A copy of the minutes of the AGM are appended to this report.

*CONSULTATION*

Consultation is not required in respect of this report.

*RESOURCE, FINANCIAL AND RISK IMPACTS*

This matter does not impact on resources.

*CORPORATE COMPLIANCE*

The holding of the AGM is a statutory requirement under the Act. Section 72B(6) of the Act requires that a motion passed at the AGM is to be considered at the next meeting of Council.

The Central Coast Strategic Plan 2014–2024 includes the following strategy and key action:

Council Sustainability and Governance

- . Effective communication and engagement
- . Improve corporate governance

*CONCLUSION*

It is recommended that the Council confirm the following motions passed at its AGM for the year ended 30 June 2023:

- 1 That the minutes of the Annual General Meeting of the Council held on 6 December 2022 be confirmed.
- 2 That the Council receive the Annual Report 2022–2023.

A copy of the minutes of the AGM for the year ended 2023 have been circulated to all Councillors.”

■ Cr Carpenter moved and Cr Beswick seconded, “That the Council confirm the following motions passed at its Annual General Meeting for the year ended 30 June 2023:

- 1 That the minutes of the Annual General Meeting of the Council held on 6 December 2022 be confirmed.
- 2 That the Council receive the Annual Report 2022–2023.”

Carried unanimously

**16/2025 Cradle Coast Waste Management Group – extending membership to the West Coast and King Island Councils**

The Chief Executive Officer reported as follows:

“The Executive Services Officer has adapted the following report provided by the Cradle Coast Waste Management Group (CCWMG):

*‘PURPOSE*

The purpose of this report is to allow the Council to consider the endorsement of the revised Terms of Reference (TOR) of the CCWMG which extend membership of the CCWMG to the King Island and West Coast Councils.

The CCWMG has provided all member Councils with a model report, which has been adapted to form this report.

*BACKGROUND*

The CCWMG was formed in 2007 to improve waste management from a regional perspective, providing efficiencies and economies of scale and

sourcing specialty waste reduction services in North West Tasmania. The CCWMG currently represents seven North West Tasmanian Councils: Burnie City, Central Coast, Circular Head, Devonport City, Latrobe, Kentish and Waratah-Wynyard.

Over the last year the group has been working with King Island and West Coast Councils on a range of matters and these two Councils are seeking to become formal members of the group.

CCWMG membership is governed by the TOR, signed by representatives of participating Councils. In the 2022 update of this document, the TOR noted that:

‘West Coast and King Island Councils do not currently participate, however, opportunity for participation is open.’

Following investigations by these Councils into the opportunities available from formal membership of the group, both Councils confirmed the desire to join the CCWMG. An amendment to the group’s 2023–24 Annual Plan and budget was drafted, together with changes to the TOR to formally include both local government areas. In joining the CCWMG, this ensures all Tasmanian Councils belong to one of the three regional waste groups.

A copy of the CCWMG’s current TOR and a copy of their revised TOR are appended to this report.

#### *DISCUSSION*

##### *Membership of CCWMG –*

The CCWMG currently consists of the General Managers of the participating Councils.

The group is supported by Cradle Coast Waste Services, part of the Dulverton Regional Waste Management Authority (DWM), providing project management support and waste expertise.

At a meeting of the CCWMG on 19 April 2023, it was agreed that to extend the membership to King Island and West Coast Councils the following process would apply:

1. Exchange of documentation requesting and approving admission to the Group.
2. Negotiation between CCWMG and the new Councils regarding financial contribution to the group, including start dates for service delivery, as

well as revision of the group's annual plan and budget to incorporate the additional funding and projects to be presented and agreed by all members.

3. Endorsement from the additional member Councils to accept the CCWMG Strategic Plan, with any amendments agreeable to members relative to the new Councils needs or modifications to current projects to support broader participation.
4. Resolution of approval minuted in CCWMG meeting.
5. Update of the TOR to include the new member Councils and ensure rules match the requirements of the group.
6. All Councils sign updated TOR.
7. The Department of Natural Resources and Environment (NRE) and the Waste and Resource Recovery Board be advised of the change in membership, at the completion of Steps 1–6.

Steps 1–5 have now been addressed and the proposed changes are provided to the TOR in the attachment. The primary changes proposed to the TOR relate to:

1. The TOR specifies certain rules based on the number of Councils currently members. For example: number of Voting Members as seven, quorum amount as four and similar. The TOR is updated to incorporate additional Council membership and amend the majority required for a quorum.
2. State Landfill Levy funding agreements are set up with distinct service areas in mind and remote areas have been offered funding under separate terms than those offered to waste management groups. Due to this, additional Councils outside of current CCWMG borders will need to have payment arrangements to CCWMG to cover regional services in these areas. Provision for this arrangement, and transparency on the use of funds is provided in the revised TOR.
3. The TOR identifies the CCWMG Strategic Plan as the primary driver for the projects and operations of the group. All members are expected to work toward alignment between Councils' goals or strategies and the CCWMG goals.

If these changes are supported by the current members, then the revised TOR can be endorsed, with any amendments required.

*Impact on the CCWMG 2023–24 Annual Plan and Budget –*

Whilst the proposed two new member Councils have several unique issues, related to the remoteness of these communities, both are working towards supporting their communities to increase resource recovery and manage the cost and environmental impact of waste disposal.

The process so far has been that both Councils have formally sought to join the group. At the April 2023 CCWMG meeting it was agreed in principle to include these Councils as members, subject to developing an approach to the funding and project delivery that the Councils would participate in. The current CCWMG funding agreement does not include return of waste levy for tonnages disposed of by either of these municipalities.

Consequently, it is proposed to charge an equivalent rate for the estimated tonnes generated annually by each Council. This generates a combined additional income for the group of \$76,930.

Program delivery for 2023–24 will seek to see both communities gain access to education and support to increase the recycling and recovery of materials through:

- Provision of three days for the schools program in each new Council area. This will be delivered in a block rather than the usual spread of days to minimize cost and maximize learning outcomes.
- Access to the updated recycling education material to be developed to support the new FOGO and recycling contract commencing in July 2024.
- Provision of community hubs for resource recovery of common household waste streams at one location on King Island and three locations in West Coast, together with formalising the logistics for the recovery of items presented.
- King Island will take on the use of the Mandalay program at its landfill and Waste Transfer Station.
- Development of a feasibility study to assess capacity for West Coast to be included within the regional FOGO and recycling tender, addressing logistics, benefits to all member Councils for increased throughput and expected impact on diversion rates.

The Councils will also gain access to several other existing programs and contribute towards the administration costs of the organisation. The proposed changes to the CCWMG Project Task List and Budget have been endorsed by both Councils and approved in principle by the CCWMG at its December 2023 meeting.



Looking to the future, discussions will be held with NRE to determine if it is simpler to retain the current invoicing approach or amend the grant agreement for the CCWMG for the 2025 financial year.

*Policy Considerations –*

The CCWMG's strategic vision is to:

‘Deliver a sustainable community in the Cradle Coast region of Tasmania by implementing strategies which minimise waste through increases in waste diversion and recovery.’

CCWMG prepares a five-yearly Strategic Plan which details projects and strategies for improvements in resource recovery and waste reduction for member councils and the region's residents and businesses. This Annual Plan and Budget marks the second year of the CCWMG 2022–23 to 2027–28 Strategic Plan Actions.

The objectives of the CCWMG Strategic Plan 2023–2028 are:

1. By 2028, establish regionally consistent practices for waste management in all member council areas for consistent waste contracts, services and best practice principles.
2. By 2028, target 60% MSW resource recovery.
3. By 2028, target <10% contamination rate in kerbside recycling bins (based on annual kerbside recycling auditing).
4. By 2028, phase out priority single-use plastics.

The implementation of the regional FOGO collection service across the northwest from mid-2024 will be instrumental in reducing the amount of materials bound for landfill and achieving the 2028 target of 60% of municipal waste being recovered and reused.

By joining the CCWMG, King Island and West Coast Councils strengthen their commitment to increase recycling and manage all waste streams more effectively into the future. These Councils will benefit from the existing programs operated by the groups as well as having access to advice on their relatively unique challenges, compared to the rest of the region.

*Financial Considerations –*

Until 2022–23, the CCWMG was funded by a voluntary levy for waste collected at the region's three landfills: Dulverton (DWM), Port Latta and Lobster Creek. During 2021–22 this levy was charged at a rate of \$5.50 per Tonne and was scheduled to increase by \$0.50 per year for the next ten years.

On 1 July 2022, the Tasmanian State Government initiated a State Landfill Levy of \$20.00 per Tonne, which superseded the regional voluntary levy collection method as ongoing funding for all regional groups was promised from the State. This levy will increase to more than \$60.00 per Tonne by 2026–27.

The Landfill Levy is managed by the Waste and Resource Recovery Board (WRRB), which is developing a clear path for supporting Statewide infrastructure and circular economy projects and released its strategy in November 2023.

WRRB funding is delivered through a three-year grant linked to average tonnages over the previous three years. This creates a smoothing function for significant landfill changes, such as the introduction of a FOGO service. The 2022–23 funding amount has been included in the grant deed as a base minimum for future years to maintain a baseline in case of tonnage reductions. The 2023–24 CCWMG grant income for 2023–24 is \$690,990. The inclusion of the two additional Council areas will increase the group's income to \$767,920.

*Risk Management –*

The rates of waste generation per person, together with the costs for disposal and the requirements to manage the environmental and social impacts have become increasingly demanding for many communities to manage. At a regional level, joint contracts provide the ability to increase market competition, when compared to individual Council purchasing. Also, for most Councils in the region, staff may not have specialist knowledge or have an already full workload, limiting their ability to source the best outcomes.

For the new member Councils, participation in CCWMG provides both direct and indirect benefits to enhance waste and resource recovery outcomes and reduce exposure to risks. For the existing members of the CCWMG, increased funding will support the programs offered into the future, as well as have the potential to build throughput in some contracts that lower the unit price for processing collected materials for all.

*Stakeholder Communication –*

The member Councils, staff and General Managers, together with community groups have been instrumental in making the CCWMG the most mature and stable waste management group in the state. The commitment to the voluntary levy and the capacity to work together has driven many changes in the last 15 years.

Broadening the membership will spread the benefits of this work further across the region. When the TOR is endorsed by all Councils, the State Government and the Waste and Resource Recovery Board will be advised of this change.

*RESOURCE, FINANCIAL AND RISK IMPACTS*

The resource, financial and risk impacts have been addressed in the preceding sections of this report.

*CORPORATE COMPLIANCE*

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

Council Sustainability and Governance

- . Improve corporate governance
- . Improve service provision
- . Strengthen local–regional connections.

*CONCLUSION*

It is recommended that the Council endorse the revised TOR of the CCWMG, which includes extending membership of the CCWMG to include the King Island and West Coast Councils.’

The Chief Executive Officer supports the report and recommends that the Council accept the advice of the CCWMG and approves the new Terms of Reference to include the West Coast and King Island Councils in the CCWMG.”

The Executive Services Officer reported as follows:

A copy of CCWMG’s revised TOR has been circulated to all Councillors.”

■ Cr Viney moved and Cr Carpenter seconded, “That the Council approve the revised Cradle Coast Waste Management Group Terms of Reference (a copy being appended to and forming part of the minutes), which include extending the membership of the Cradle Coast Waste Management Group to include the West Coast and King Island Councils.”

Carried unanimously

**17/2024      Cradle Coast Waste Management Group – rollout of regional Food Organics Garden Organics (FOGO) service and communication strategy**

The Chief Executive Officer reported as follows:

“The Executive Services Officer has adapted the following report provided by the Cradle Coast Waste Management Group (CCWMG):

*‘PURPOSE*

The purpose of this report is to allow the Council to consider the rollout of the regional Food Organics Garden Organics (FOGO) service, and associated communications strategy, across North West Tasmania in mid-2024.

The CCWMG has provided all member Councils with a model report, which has been adapted to form this report.

*BACKGROUND*

The CCWMG has appointed a communications firm to develop information for households around the commencement of the regional FOGO service in mid-2024. This report provides an overview of how the community across the region can expect the delivery of this new service to occur.

*DISCUSSION*

The Central Coast Council was an early adopter of the FOGO service. In October 2019 the Central Coast was the first Council in the North West of Tasmania to establish the waste service, paving the way for the regional uptake now evidenced in this report.

The North West region will be at the forefront in resource recovery in the State with the proposed commencement of the FOGO service from July 2024.

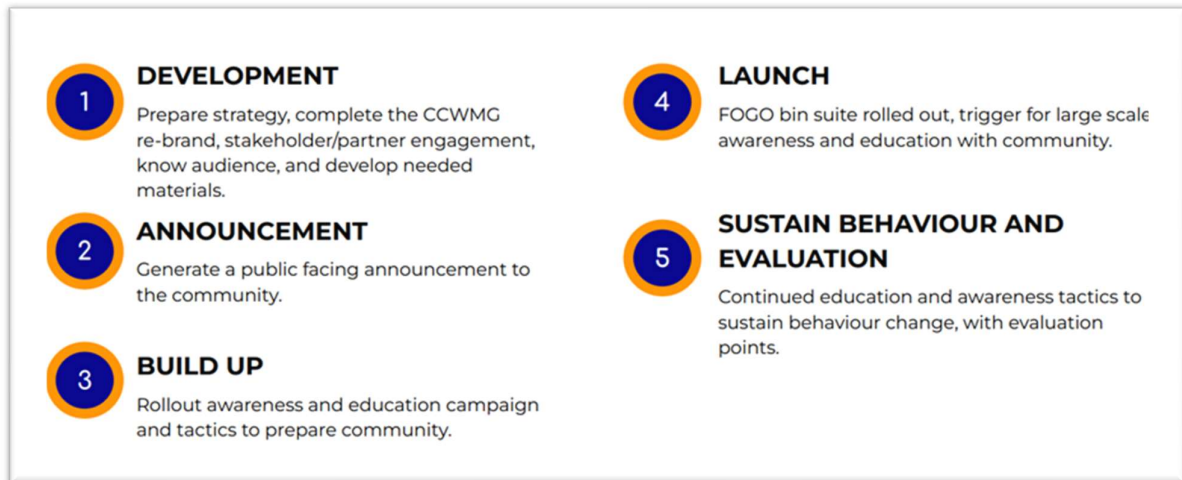
To ensure people know how to effectively use the new green bin that will be delivered to most residents, information is being developed for presentation across a wide range of platforms. This work will be guided by the development

of the communications strategy, professionally prepared and overseen by a group comprising Councillors and staff from each of the Councils in the regional FOGO collection contract.

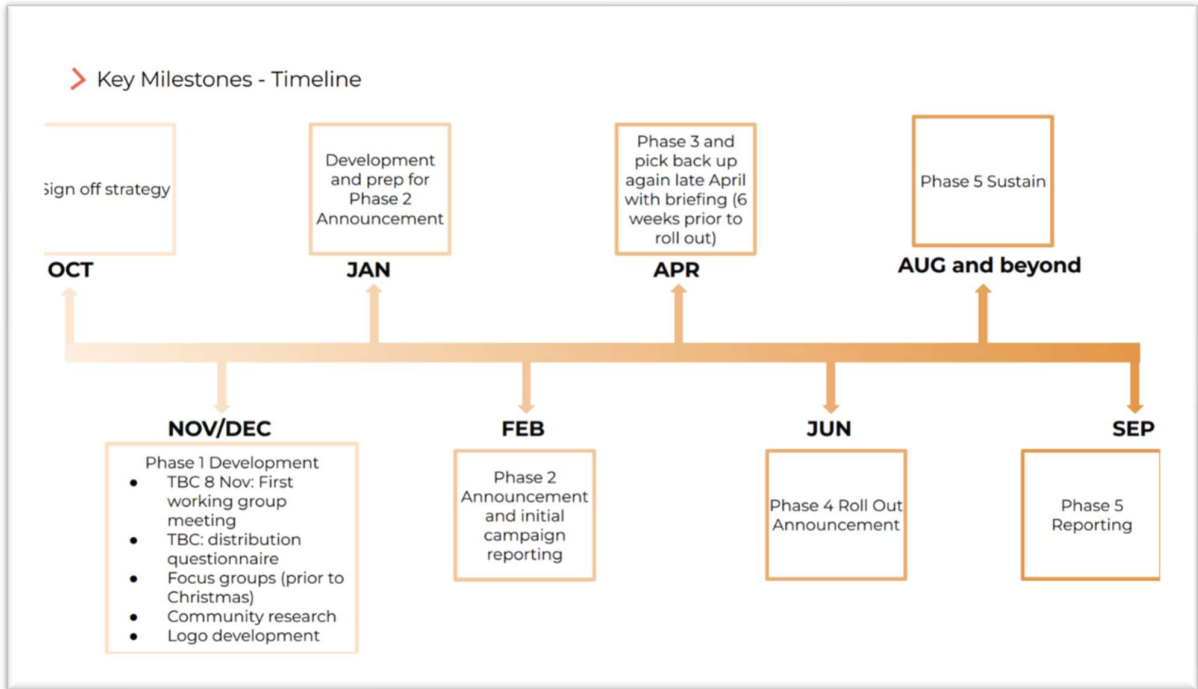
The objectives of the communications work are to:

- Drive awareness of the new FOGO service and how to utilise the bin effectively;
- Educate the community on why FOGO is an important element of waste diversion; and
- Inspire/promote participation by households.

The delivery of the communications strategy has five key stages which are depicted below:



It is anticipated that the delivery of the project will be as follows:



The first meeting of the Council Engagement Group for this project was held on 9 November 2023. The meeting worked through the stages for the delivery of the communication plan and attendees provided feedback to the consultants on issues that are anticipated to arise.

Following from the session the participants collated a list of local events where information about the new regional service might be showcased between April and June 2024.

The next meeting of the group is planned for late January 2024 to continue developing the materials households will need to utilise the new bin system.

#### CONSULTATION

Implementing the service in a way that maximises the amount of organic material collected and minimises contamination is a key goal. It is anticipated that a range of formats and places to collect information on how to use the green bin will be available as the communications project evolves. Materials with the bin, online, available in person and at community sites are all likely to be elements of the project.

*RESOURCE, FINANCIAL AND RISK IMPACTS*

The CCWMG's strategic vision is to:

'Deliver a sustainable community in the Cradle Coast region of Tasmania by implementing strategies which minimise waste through increases in waste diversion and recovery.'

The objectives of the CCWMG Strategic Plan 2023–2028 include achieving a 60% resource recovery from municipal waste by 2028. This target sits within the state and national targets for the reduction in landfilling.

The implementation of the regional FOGO collection service across the North West from mid-2024 will be instrumental in reducing the amount of material bound for landfill.

Whilst each Council in the regional contract bears the cost of the FOGO service, this cost is offset in part by savings in the state waste levy that currently apply to the disposal of this material to landfill.

The communications project is funded by the regional waste management group, which receives its primary funding from the state Waste and Resource Recovery Board.

The commencement of the regional service is set to coincide with the delivery of processing capacity in the region at the new Dulverton Waste Management composting facility. This reduces the transport costs for materials collected from the green bins.

*CORPORATE COMPLIANCE*

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

Council Sustainability and Governance

- . Improve corporate governance
- . Improve service provision
- . Strengthen local–regional connections.

*CONCLUSION*

It is recommended that the Council note the planned regional delivery of the FOGO service across North West Tasmania from mid-2024, and the Cradle Coast Waste Management Group's associated communications strategy.'

The Chief Executive Officer supports the report and recommendation of the CCWMG."

■ Cr Carpenter moved and Cr Diprose seconded, "That the Council:

- 1 note the planned regional delivery of the Food Organics Garden Organics (FOGO) service across North West Tasmania from mid-2024, and the Cradle Coast Waste Management Group's (CCWMG) associated communications strategy; and
- 2 nominate Cr Beswick to represent the Council on the CCMWG FOGO Communications Reference Group."

Carried unanimously

**18/2024 Common seal**

The Chief Executive Officer reports as follows:

"A Schedule of Documents for Affixing of the Common Seal for the period 12 December 2023 to 22 January 2024 is submitted for the authority of the Council to be given. Use of the common seal must first be authorised by a resolution of the Council.

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

The Executive Services Officer reported as follows:

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

■ Cr Carpenter moved and Cr Viney seconded, "That the common seal (a copy of the Schedule of documents for affixing of the Common Seal being appended to and forming part of the minutes) be affixed subject to compliance with all conditions of approval in respect of each document, and that the advice of final plans of subdivision sealed in accordance with approved delegation and responsibilities be received."

Carried unanimously



**19/2024      Contracts and agreements**

The Chief Executive Officer reported as follows:

“A Schedule of Contracts and Agreements (other than those approved under the common seal) entered into for the period 12 December 2023 to 22 January 2024 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Services Officer reports as follows:

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

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

Carried unanimously

**20/2024      Correspondence addressed to the Mayor and Councillors**

The Chief Executive Officer reported as follows:

“A Schedule of correspondence addressed to the Mayor and Councillors for the period 12 December 2023 to 22 January 2024 and which was addressed to the ‘Mayor and Councillors’ is appended. Reporting of this correspondence is required in accordance with Council policy.

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

The Executive Services Officer reported as follows:

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

■ Cr Viney moved and Cr Smith seconded, “That the Schedule of correspondence addressed to the Mayor and Councillors (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

COMMUNITY, GROWTH AND DEVELOPMENT

**21/2024      Safeguarding Children and Young People – interim Policy and Complaints Handling Procedure**

The Director Community, Growth and Development reported as follows:

*“PURPOSE*

The purpose of this report is to allow the Council to consider the Safeguarding Children and Young People Policy and Complaints Handling Procedure for adoption.

Copies of the Safeguard Children and Young People Policy and Complaints Handling Procedure are appended to this report.

*BACKGROUND*

In response to the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (2018), the State Government initiated and developed its Child and Youth Safe Organisations Bill.

On 13 June 2023, the *Child and Youth Safe Organisations Act 2023* (the Act) was passed by Parliament. The Act legislates new requirements for organisations, including councils, in regard to child and youth safety, specified in the Child and Youth Safe Organisations Framework (the Framework).

The Framework consists of four key elements:

- the Child and Youth Safe Standards;
- the Reportable Conduct Scheme;
- the Independent Regulator; and
- information sharing provisions.

Council has been liaising with the Local Government Association of Tasmania (LGAT), who have been advocating for the State Government to provide support to councils for the implementation of policies and procedures, with the belief it is essential that councils should have a consistent approach to how we respond to these new obligations.

Council's Children's Services function adopted an equivalent policy in October 2023. As with other Children's Services policies, this was facilitated through an external service that Council subscribes to.

Under the arrangement, Children's Services' policies are reviewed monthly for legislative compliance and all employees are required to read and sign any new versions. Compliance with relevant legislation is a focus of the Assessment and Rating audits carried out by the State Government.

Having said that, the involvement of the Manager Children's Services in the Child Safe Organisation working group proposed in this report will ensure consistency across the organisation to the greatest extent possible, as well as providing opportunities for learning.

#### *DISCUSSION*

Effective from 1 January 2024, councils have certain responsibilities under the Act, including implementation of the Child and Youth Safe Standards and participation in the Reportable Conduct Scheme.

Appointment of an Independent Regulator, who is integral to the Reportable Conduct Scheme, was announced on 19 December 2023, and it is hoped that councils will soon be provided with more information and greater support. As new information comes to light, the interim policy and procedure may require change.

Acknowledging that State Government support was unlikely to be received prior to 1 January 2024, LGAT recommended in November 2023 that councils prioritise the following actions:

1. Introduce an interim safeguarding children policy along the lines of that developed by Derwent Valley Council.
2. Develop an allegation and complaints handling procedure (utilising Page Seager Lawyers where appropriate, as negotiated by LGAT).
3. Establish an internal Child Safe Organisation working group (outlined in the proposed policy).

The proposed interim Safeguarding Children and Young People Policy and Complaints Handling Procedure is based on the Derwent Valley Council's policy and procedure, adopted in November 2023. Documents provided by the Brighton Council have also been used to inform this work. The Complaints Handling Procedure has been drafted using the Australian Government – National Office for Child Safety Guidelines for creating a child safe organisation and recommendations provided by Page Seager

Lawyers as part of a LGAT Special Interest Group seminar, specifically on the implementation of the Child and Youth Safe Framework for councils in Tasmania.

An internal Child Safe Organisation working group will be established following the adoption of the interim Policy and Procedure. An action plan for the implementation of the Framework will then be developed by the working group. This is expected to impact on the workload and priorities of several Council officers across the organisation, particularly within the first year of operation.

The adoption of the Policy alone does not mean that the Council will satisfy all obligations under the Act. Significant work is still required including reviewing and updating a number of internal policies and procedures, delivering staff and elected member training, and embedding child and youth safe practices across all aspects of the organisation.

#### *CONSULTATION*

Consultation within the local government sector has been addressed in the Discussion section of this report. This matter was discussed at the 15 January Councillor Workshop.

#### *RESOURCE, FINANCIAL AND RISK IMPACTS*

Failure to comply with the Act risks harm to children and young people. Organisations can be subject to a fine of up to \$70,200 for every breach, and in the case of the Chief Executive Officer failing to make a report, a fine of up to \$23,400 can be issued.

Implementation of the Framework and other legislative requirements will require significant staff time and resources. Indicative investigation costs, based on working with an external investigator are estimated to be \$2,500–\$15,000, depending on the complexity of the investigation.

#### *CORPORATE COMPLIANCE*

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

Council Sustainability and Governance

- Improve corporate governance

#### *CONCLUSION*

Under the new Act, the Council is required to ensure the safety and wellbeing of children and young people using its services or facilities. The Safeguarding Children and Young People Policy and Complaints Handling Procedure outlines the Council's

position and responsibilities in relation to this. It represents the first step in what will be an ongoing commitment to complying with the Act and maintaining our long standing commitment to the safety and wellbeing of young people.

It is recommended that the Council:

- 1 adopt the interim Safeguarding Children and Young People Policy, subject to additional work being undertaken in 2024;
- 2 adopt the interim Complaints Handling Procedure, subject to additional work being undertaken in 2024; and
- 3 establish an internal Child Safe Organisation working group to begin monitoring Council's implementation of the Child and Youth Safe Framework."

The Executive Services Officer reported as follows:

"Copies of the Safeguarding Children and Young People Policy and Complaints Handling Procedure have been circulated to all Councillors."

■ Cr Lehmann moved and Cr Wylie seconded, "That the Council:

- 1 adopt the interim Safeguarding Children and Young People Policy (a copy being appended to and forming part of the minutes), subject to further work being undertaken in 2024;
- 2 adopt the interim Complaints Handling Procedure (a copy being appended to and forming part of the minutes), subject to further work being undertaken in 2024; and
- 3 establish an internal Child Safe Organisation working group to begin monitoring Council's implementation of the Child and Youth Safe Framework."

Carried unanimously

## **22/2024 Development application determinations**

The Director Community, Growth and Development reported as follows:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

**23/2024 Council acting as a planning authority**

The Mayor reported as follows:

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

The General Manager has submitted the following report:

'If any such actions arise out of Minute Item 24/2024, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.'

The Executive Services Officer reported as follows:

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

- Cr Viney moved and Cr Wylie seconded, "That the Mayor's report be received."

Carried unanimously

**24/2024**      **Community Meeting and Entertainment – function centre and signage; Discretionary use; and reliance on *C1.0 Signs Code* and *C2.0 Parking and Sustainable Transport Code* at 385 South Road, West Ulverstone – Application No. DA2023246**

The Director Community, Growth and Development reported as follows:

“The Planning Consultant has prepared the following report:

<i>DEVELOPMENT APPLICATION NO.:</i>	DA2023246
<i>PROPOSAL:</i>	Community Meeting and Entertainment – function centre and signage; Discretionary use; and reliance on <i>C1.0 Signs Code</i> and <i>C2.0 Parking and Sustainable Transport Code</i>
<i>APPLICANT:</i>	Andrew Smith Architects
<i>LOCATION:</i>	385 South Road, West Ulverstone
<i>ZONE:</i>	Rural
<i>PLANNING INSTRUMENT:</i>	<i>Tasmanian Planning Scheme – Central Coast</i> (the planning scheme)
<i>ADVERTISED:</i>	11 November 2023
<i>REPRESENTATIONS EXPIRY DATE:</i>	27 November 2023
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	19 December 2023 (extension of time granted until 22 January 2024)
<i>DECISION DUE:</i>	22 January 2024
<i>PURPOSE</i>	

The purpose of this report is to consider an application for a change of use of an existing outbuilding (currently forming part of the existing Residential use) to Community Meeting and Entertainment (function centre) and additional signage (retrospective) at 385 South Road, West Ulverstone.

Accompanying the report are the following documents:

- . Annexure 1 – location plan;
- . Annexure 2 – application documentation;
- . Annexure 3 – photographs; and
- . Annexure 4 – representations.

### *BACKGROUND*

#### *Development description –*

Application is made for a change of use for an existing outbuilding to Community Meeting and Entertainment (function centre) to host private functions. The application includes retrospective considerations for two ground based signs.

#### *Site description and surrounding area –*

Certificate of Title 15995/1 (385 South Road, West Ulverstone) has a land area of 6.658ha and is zoned Rural. The site is subject to the Bushfire-Prone Areas overlay, however as it is not a vulnerable nor a hazardous use as defined in *C13.0 Bushfire-Prone Areas Code*, the provisions of the Code are not applicable.

The site also contains areas within the low and medium landslip hazard bands under *C15.0 Landslip Hazard Code*, as well as areas within the priority vegetation area under *C7.0 Natural Assets Code*. The development area does not encroach into either the landslip area or the priority vegetation areas and these two Codes are not applicable.

The site is cleared and currently contains a dwelling and a number of outbuildings, including that for which the change of use is proposed. Road access is off South Road, via a frontage of just over 20m.

The property at 385 South Road, West Ulverstone is adjoined to the west by land in the Rural Living Zone A, the majority of which has been developed with single dwellings. The adjoining land to the east and south is within the Rural Zone. The property to the east contains established vegetation, as well as an operating quarry in Mining Lease 1707P/M. Land immediately to the south is in the same ownership as the development site and contains additional rural sheds.

The development site is not connected to reticulated services.

#### *History –*

Property known as 385 South Road, West Ulverstone has been the subject of a previous permit for the outbuilding as a farm shed (DA2022080) and is the site of a registered Food Service under the provisions of a home-based business.

### *DISCUSSION*

The following Table is the Planning Consultant's assessment against the Planning Scheme provisions:



**20.0 Rural Zone**

**20.1 Zone Purpose**

The purpose of the Rural Zone is:

- 20.1.1 To provide for a range of use or development in a rural location:
- (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;
  - (b) that requires a rural location for operational reasons;
  - (c) is compatible with agricultural use if occurring on agricultural land;
  - (d) minimises adverse impacts on surrounding uses.
- 20.1.2 To minimise conversion of agricultural land for non-agricultural use.
- 20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

**Planners comment**

The proposal satisfies the Zone Purpose in that it would provide for an alternative use where agricultural use is limited or marginal. The site is suited to grazing, and this use is able to continue with the proposed development. As such, the proposed use is considered to be in accordance with (c) – compatible with agricultural use occurring on the land.

No agricultural land is being converted as a result of the development.

The function of the main settlements (Ulverstone and Penguin) is not considered to be compromised as a result of the development.

**20.0 Rural Zone**

CLAUSE	COMMENT	
20.3 Use Standards		
20.3.1 Discretionary uses	Not Applicable	Assessment
20.3.1 –(A1)  A use listed as Discretionary, excluding Residential, is for an alteration or extension to an existing use, if:  (a) the gross floor area does not increase by more than 30% from that existing at the effective date; and  (b) the development area does not increase by more than 30% from that existing at the effective date.	<input type="checkbox"/>	(a) Compliant. The floor area is not increasing.  (b) Compliant. The development area is not increasing.
20.3.1 –(A2)  No acceptable solution.	<input type="checkbox"/>	Non-compliant. Community Meeting and Entertainment is a Discretionary use within the Rural Zone.  Refer to the “Issues” section of this report.
20.3.1 –(A3)  No acceptable solution.	<input type="checkbox"/>	Non-compliant. Community Meeting and Entertainment is a Discretionary use within the Rural Zone.  Refer to the “Issues” section of this report.
20.3.1 –(A4)  No acceptable solution.	<input type="checkbox"/>	Non-compliant. Community Meeting and Entertainment is a Discretionary use within the Rural Zone.  Refer to the “Issues” section of this report.
20.4 Development Standards for Buildings and Works		
20.4.1 Building height	Not Applicable	Assessment
20.4.1 –(A1)  Building height must be not more than 12m.	<input type="checkbox"/>	Compliant. No building works are proposed.

20.4.2 Setbacks	Not Applicable	Assessment
<p>20.4.2 –(A1)</p> <p>Buildings must have a setback from all boundaries of:</p> <p>(a) not less than 5m; or</p> <p>(b) if the setback of an existing building is within 5m, not less than the existing building.</p>	<input type="checkbox"/>	Compliant. No building works are proposed.
<p>20.4.2 –(A2)</p> <p>Buildings for a sensitive use must be separated from an Agriculture Zone a distance of:</p> <p>(a) not less than 200m; or</p> <p>(b) if an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.</p>	<input type="checkbox"/>	Compliant. No building works are proposed.
20.4.3 Access for new dwellings	Not Applicable	Assessment
<p>20.4.3 –(A1)</p> <p>New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.</p>	<input checked="" type="checkbox"/>	No new dwellings are proposed.
20.5 Development Standards for Subdivision		
20.5.1 lot design	Not Applicable	Assessment
<p>20.5.1 –(A1)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) be required for public use by the Crown, a council or a State authority;</p> <p>(b) be required for the provision of Utilities or irrigation infrastructure;</p>	<input checked="" type="checkbox"/>	No subdivision is proposed.

<p>(c) be for the consolidation of a lot with another lot provided each lot is within the same zone; or</p> <p>(d) be not less than 40ha with a frontage of no less than 25m and existing buildings are consistent with the setback and separation distance required by clause 20.4.2 A1 and A2.</p>		
<p>20.5.1 –(A2)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<input checked="" type="checkbox"/>	<p>No subdivision is proposed.</p>

## CODES

CODES		
CODE	NOT APPLICABLE	APPLICABLE
<b>C1.0 Signs Code</b>	<input type="checkbox"/>	Refer to table below.
<b>C2.0 Parking and Sustainable Transport Code</b>	<input type="checkbox"/>	Refer to table below.
<b>C3.0 Road and Railway Assets Code</b>	<input type="checkbox"/>	Refer to table below.
<b>C4.0 Electricity Transmission Infrastructure Protection Code</b>	<input checked="" type="checkbox"/>	
<b>C5.0 Telecommunications Code</b>	<input checked="" type="checkbox"/>	
<b>C6.0 Local Historic Heritage Code</b>	<input checked="" type="checkbox"/>	
<b>C7.0 Natural Assets Code</b>	<input checked="" type="checkbox"/>	
<b>C8.0 Scenic Protection Code</b>	<input checked="" type="checkbox"/>	
<b>C9.0 Attenuation Code</b>	<input checked="" type="checkbox"/>	
<b>C10.0 Coastal Erosion Hazard Code</b>	<input checked="" type="checkbox"/>	
<b>C11.0 Coastal Inundation Hazard Code</b>	<input checked="" type="checkbox"/>	
<b>C12.0 Flood-Prone Areas Hazard Code</b>	<input checked="" type="checkbox"/>	
<b>C13.0 Bushfire-Prone Areas Code</b>	<input checked="" type="checkbox"/>	
<b>C14.0 Potentially Contaminated Land Code</b>	<input checked="" type="checkbox"/>	
<b>C15.0 Landslip Hazard Code</b>	<input checked="" type="checkbox"/>	
<b>C16.0 Safeguarding of Airports Code</b>	<input checked="" type="checkbox"/>	

**C1.0 Signs Code**

CLAUSE		COMMENT
<b>C1.5 Use Standards</b>		
There are no use Standards in this code.		
<b>C1.6 Development Standards for Buildings and Works</b>		
<b>C1.6.1. Design and Siting of Signs</b>	Not Applicable	Assessment
<p><b>A1</b></p> <p>A sign must :</p> <p>(a) be located within the applicable zone for the relevant sign type set out in Table C1.6; and</p> <p>(b) meet the sign standards for the relevant sign type set out in Table C1.6, excluding for the following sign types, for which there is no Acceptable Solution:</p> <p>(i) roof sign;</p> <p>(ii) sky sign; and</p> <p>(iii) billboard.</p>	<input type="checkbox"/>	<p>(a) Compliant. Ground based signs are able to be located in all zones.</p> <p>Ground based signs, in accordance with Table C1.6 must:</p> <p>(a) be limited to 1 ground based sign for each 20m of frontage or part thereof;</p> <p>Compliant. The frontage is 22m. This allows for two signs, as the provision incorporates consideration of "part thereof". It is noted that the submission against the <i>C1.0 Signs Code</i> states that this does not comply. This is not assessed to be the case.</p> <p>(b) not be higher than 2.4m above the ground; and</p> <p>Compliant. Site inspection and measurements taken on 25 September 2023 confirm that both of the</p>

		<p>signs sit below 2.4m from the ground level.</p> <p>(c) have a supportive structure that does not project above the sign face unless it forms a feature or is incorporated into the sign design.</p> <p>Compliant. Neither signs would have supports that project above the sign face.</p> <p>(b) Compliant.</p> <p>(i) Not applicable. Proposal is for ground based signage.</p> <p>(ii) Refer to (i).</p> <p>(iii) Refer to (i).</p>
<p><b>A2</b></p> <p>A sign must be not less than 2m from the boundary of any lot in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone or Landscape Conservation Zone.</p>	<input type="checkbox"/>	<p>Compliant. The signs are not within the listed zones.</p>
<p><b>A3</b></p> <p>The number of signs for each business or tenancy on a road frontage of a building must be no more than:</p> <p>(a) 1 of each sign type, unless otherwise stated in Table C1.6;</p> <p>(b) 1 window sign for each window;</p> <p>(c) 3 if the street frontage is less than 20m in length; and</p>	<input type="checkbox"/>	<p>(a) Compliant. Table 1.6 provides for 1 sign per 20m of frontage or part thereof. One sign is to represent the catering business, the other sign locates the dwelling and/or proposed Community Meeting and Entertainment business. Each business is proposed to have 1 sign.</p>

<p>(d) 6 if the street frontage is 20m or more, excluding the following sign types, for which there is no limit:</p> <p>(i) name plate; and</p> <p>(ii) temporary sign.</p>		<p>(b) Compliant. No window signs are proposed.</p> <p>(c) Compliant. Two signs are being applied for.</p> <p>(d)(i) Compliant. Refer to (c)</p> <p>(d)(ii) Compliant. Refer to (c). No temporary signage or nameplates are proposed.</p>
<b>C1.6.2- Illuminated signs</b>	Not Applicable	Assessment
<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<input checked="" type="checkbox"/>	No illuminated signage is proposed.
<p><b>A2</b></p> <p>An illuminated sign visible from public places in adjacent roads must not create the effect of flashing, animation or movement, unless it is providing direction or safety information.</p>	<input checked="" type="checkbox"/>	No illuminated signage is proposed.
<b>C1.6.3 Third party sign</b>	Not Applicable	Assessment
<p><b>A1</b></p> <p>No Acceptable Solution.</p>	<input type="checkbox"/>	<p>Non-compliant. The sign for the catering business relates to a home-based business, with goods that are not available on the land to which the sign is attached. This has been assessed as a third party sign.</p> <p>A third party sign is defined as “a sign that does not relate to the goods or services available on the premises or land to which it is attached”.</p> <p>Refer to the “Issues” section of this report.</p>
<b>C1.6.4 Signs on local heritage places and in a local heritage precinct and local heritage landscape precincts.</b>	Not Applicable	Assessment
<b>A1</b>	<input checked="" type="checkbox"/>	The property is not one of those listed in Clause C1.6.4-(A1).



<p>A sign located on a site that is a local heritage place, in a local heritage precinct or local historic landscape precinct listed under the Local Historic Heritage Code, must:</p> <p>(a) be not more than 0.2m<sup>2</sup>;</p> <p>(b) not be an illuminated sign; and</p> <p>(c) there must be not more than 1 sign per site.</p>		
---	--	--

## C2.0 Parking and Sustainable Transport Code

CLAUSE	COMMENT	
C2.5 Use Standards		
C2.5.1 Car parking numbers	Not Applicable	Assessment
C2.5.1–(A1)  The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:  (a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;  (b) the site is contained within a parking precinct plan and subject to Clause C2.7;  (c) the site is subject to Clause C2.5.5; or  (d) it relates to an intensification of an existing use or development or a change of use where:  (i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of	<div><input type="checkbox"/></div>	<p>Compliant. Table C2.1 requires that Community Meeting and Entertainment use class (function centre) provide the following spaces:</p> <p>One space per 15m<sup>2</sup> of floor area, or 1 space per 3 seats; whichever is greater.</p> <p>The use proposed is for 300m<sup>2</sup> (300/15= 20 spaces), or a maximum of 140 people (140/3= 46.67 spaces).</p> <p>Thus, the required car parking would be 47 spaces. The proposal includes provision for 50 car parking spaces and, as such, complies with the requirements of Table 2.1 (car parking).</p> <p>The proposal complies with C2.5.1.</p> <p>(a)–(d) Not applicable to this application.</p>

<p>(ii) car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p><math>N = A + (C - B)</math></p> <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.</p>		
--	--	--

<b>C2.5.2 Bicycle parking numbers</b>	Not Applicable	Assessment
<p>C2.5.2-(A1)</p> <p>Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p> <p>(b) be no less than the number specified in Table C2.1.</p>	<input type="checkbox"/>	<p>Compliant by condition.</p> <p>Table C2.1 requires that the proposed development provide for 1 bicycle space per 50m<sup>2</sup> floor area (300m<sup>2</sup>/ 50 = 6) or 1 space per 40 seats (140/40 = 3.5); whichever is greater. Thus, the proposal is required to provide 6 bicycle spaces. There is sufficient room on-site to provide 6 bicycle spaces.</p>
<b>C2.5.3 Motorcycle parking numbers</b>	Not Applicable	Assessment
<p>C2.5.3-(A1)</p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and;</p> <p>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification provided the existing number of motorcycle parking spaces is maintained.</p>	<input type="checkbox"/>	<p>(a) Compliant. The proposed development requires the provision of 47 parking spaces. On-site motorcycle spaces must be provided at the rate of 1 space for the first 40 car parking spaces and then 1 additional motorcycle space for every additional 20 car parking spaces. This brings the total requirement to 2. There is sufficient room on the site to provide for 2 motorcycle parking spaces. These can be accommodated within the proposed car parking spaces.</p> <p>(b) Refer to (a).</p>
<b>C2.5.4 - Loading bays</b>	Not Applicable	Assessment
<p>C2.5.4-(A1)</p> <p>A loading bay must be provided for uses with a floor area of more than 1000m<sup>2</sup> in a single occupancy.</p>	<input checked="" type="checkbox"/>	<p>The use proposed is to be within a building of 300m<sup>2</sup> floor area.</p>

<b>C2.5.5 - Number of car parking spaces within General Residential Zone and Inner Residential Zone</b>	Not Applicable	Assessment
<p>C2.5.5–(A1)</p> <p>Within existing non-residential buildings in the General Residential Zone and Inner Residential Zone, on-site car parking is not required for:</p> <p>(a) Food Services uses up to 100m<sup>2</sup> floor area or 30</p> <p>(b) seats, whichever is the greater; and</p> <p>(c) General Retail and Hire uses up to 100m<sup>2</sup> floor area, provided the use complies with the hours of operation specified in the relevant Acceptable Solution for the relevant zone.</p>	<input checked="" type="checkbox"/>	Development is not within the General Residential Zone or Inner Residential Zone.
<b>C2.6 Development Standards for Buildings and Works</b>		
<b>C2.6.1 Construction of parking areas</b>	Not Applicable	Assessment
<p>C2.6.1–(A1)</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to a public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<input type="checkbox"/>	<p>(a) Compliant by condition.</p> <p>(b) Compliant by condition.</p> <p>(c) Not applicable. Site is zoned Rural.</p>


C2.6.2 Design and layout of parking areas	Not Applicable	Assessment
<p>C2.6.2-(A1)</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <ul style="list-style-type: none"> <li>(i) have a gradient in accordance with <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i>;</li> <li>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</li> <li>(iii) have an access width not less than the requirements in Table C2.2;</li> <li>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</li> <li>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</li> <li>(vi) have a vertical clearance of not less than 1m above the parking surface level; and</li> <li>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</li> </ul> <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6</i>.</p>	<input type="checkbox"/>	<p>Compliant. The Traffic Impact Assessment provided with the application, as well as the swept path analysis, demonstrates compliance with (a) and (b).</p>

<p>C2.6.2–(A1.2)</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <ul style="list-style-type: none"> <li>(a) be located as close as practicable to the main entry point to the building;</li> <li>(b) be incorporated into the overall car park design; and</li> <li>(c) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities</i>.<sup>1</sup></li> </ul> <p><sup>1</sup> Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016</p>	<input type="checkbox"/>	<p>Compliant. The development would require 1 accessible space per 50 parking spaces, for a total of 1 space. The parking design is sufficient to achieve this requirement.</p>
<p><b>C2.6.3 Number of accesses for vehicles</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p>C2.6.3–(A1)</p> <p>The number of accesses provided for each frontage must:</p> <ul style="list-style-type: none"> <li>(a) be no more than 1; or</li> <li>(b) no more than the existing number of accesses whichever is the greater.</li> </ul>	<input type="checkbox"/>	<ul style="list-style-type: none"> <li>(a) Compliant. Site has one access.</li> <li>(b) Refer to (a).</li> </ul>
<p>C2.6.3–(A2)</p> <p>Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<input checked="" type="checkbox"/>	<p>Not Central Business Zone.</p>

<b>C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone</b>	Not Applicable	Assessment
<p>C2.6.4–(A1)</p> <p>In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and Clause 3.6 “Car parks” in Australian Standards/ New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements.</p>	<input checked="" type="checkbox"/>	Site is Rural Zone.
<b>C2.6.5 Pedestrian access</b>	Not Applicable	Assessment
<p>C2.6.5-(A1.1)</p> <p>Uses that require 10 or more car parking spaces must:</p> <p>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles by:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p>	<input type="checkbox"/>	<p>Non-compliant. The proposal requires more than 10 parking spaces.</p> <p>Refer to the “Issues” section of report.</p>

<p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles; and</p> <p>C2.6.5-(A1.2)</p> <p>In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>		
<b>C2.6.6 Loading bays</b>	Not Applicable	Assessment
<p>C2.6.6-(A1)</p> <p>The area and dimensions of loading bays and access way areas must be designed in accordance with <i>Australian Standard AS 2890.2-2002 Parking Facilities Part 2: Parking facilities- Off-street commercial vehicle facilities</i>, for the type of vehicles likely to use the site.</p>	<input checked="" type="checkbox"/>	Loading bays are not required.
<p>C2.6.6-(A2)</p> <p>The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with <i>Australian Standard AS2890. 2- 2002 Parking Facilities Part 2: Parking facilities- Off-street commercial vehicle facilities</i>.</p>	<input checked="" type="checkbox"/>	Loading bays are not required.
<b>C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</b>	Not Applicable	Assessment
<p>C2.6.7-(A1)</p> <p>Bicycle parking for uses that require 5 or more bicycle spaces in Table C2.1 must:</p>	<input checked="" type="checkbox"/>	Site is not within listed zones.



<p>(a) be accessible from a road, cycle path, bicycle lane, shared path or access way;</p> <p>(b) be located within 50m from an entrance;</p> <p>(c) be visible from the main entrance or otherwise signed; and</p> <p>(d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of <i>Australian/New Zealand Standard AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements</i>.</p>		
<p>C2.6.7-(A2)</p> <p>Bicycle parking spaces must:</p> <p>(a) have dimensions not less than:</p> <ul style="list-style-type: none"> <li>(i) 1.7m in length;</li> <li>(ii) 1.2m in height; and</li> <li>(iii) 0.7m in width at the handlebars;</li> </ul> <p>(b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and</p> <p>(c) include a rail or hoop to lock a bicycle that satisfies <i>Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking</i>.</p>		<p>Site is not within listed zones.</p>

<b>C2.6.8 Siting of parking and turning areas</b>	Not Applicable	Assessment
<b>C2.6.8-(A1)</b> Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.	<input checked="" type="checkbox"/>	Site is Rural Zone.
<b>C2.6.8-(A2)</b> Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must: <ul style="list-style-type: none"> <li>(a) have no new vehicle accesses, unless an existing access is removed;</li> <li>(b) retain an active street frontage; and</li> <li>(c) not result in parked cars being visible from public places in the adjacent roads.</li> </ul>	<input checked="" type="checkbox"/>	Site is Rural Zone.
<b>C2.7 Parking Precinct Plan</b>		
<b>C2.7.1 Parking precinct plan</b>	Not Applicable	Assessment
<b>C2.7.1-(A1)</b> Within a parking precinct plan, on-site parking must: <ul style="list-style-type: none"> <li>(a) not be provided; or</li> <li>(b) not be increased above existing parking numbers.</li> </ul>	<input checked="" type="checkbox"/>	Parking precinct plan does not apply to the site.

**C3.0 Road and Railway Assets Code**

CLAUSE		COMMENT
<b>C3.5 Use Standards</b>		
<b>C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction</b>	Not Applicable	Assessment
<p><b>A1.1</b></p> <p>For a category 1 road or a limited access road, vehicular traffic to and from the site will not require</p> <p>(a) a new junction;</p> <p>(b) a new vehicle crossing; or</p> <p>(c) a new level crossing; or</p> <p><b>A1.2</b></p> <p>For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority; or</p> <p><b>A1.3</b></p> <p>For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority; and</p> <p><b>A1.4</b></p> <p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <p>(a) the amounts in Table C3.1; or</p> <p>(b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road; and</p>	<input type="checkbox"/>	<p><b>A1.1</b></p> <p>(a) Not applicable. Access is not via a limited access or category 1 road.</p> <p>(b) Refer (a).</p> <p>(c) Refer (a).</p> <p><b>A1.2</b></p> <p>Not applicable. No new junction, vehicle crossing, or level crossing is proposed.</p> <p><b>A1.3</b></p> <p>Not applicable.</p> <p><b>A1.4</b></p> <p>(a) Non-complaint. Traffic will exceed these amounts.</p> <p>Refer to the "Issues" section of report.</p> <p>(b) Refer to (a).</p> <p><b>A1.5</b></p> <p>Not applicable. Site does not access a major road.</p>

<p><b>A1.5</b></p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>		
<p><b>C3.6 Development Standards for Buildings and Works</b></p>		
<p><b>C3.6.1. Habitable buildings for sensitive uses within a road or railway attenuation area.</b></p>	<p>Not Applicable</p>	<p>Assessment</p>
<p><b>A1</b></p> <p>Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use must be:</p> <p>(a) within a row of existing habitable buildings for sensitive uses and no closer to the existing or future major road or rail network than the adjoining habitable building;</p> <p>(b) an extension which extends no closer to the existing or future major road or rail network than:</p> <p style="padding-left: 40px;">(i) the existing habitable building; or</p> <p style="padding-left: 40px;">(ii) an adjoining habitable building for a sensitive use; or</p> <p>(c) located or designed so that external noise levels are not more than the level in Table C3.2 measured in accordance with Part D of the <i>Noise Measurement Procedures Manual 2<sup>nd</sup> edition July 2008</i>.</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>No new buildings are proposed.</p>

<b>C3.7 Development Standards for Subdivision</b>		
<b>C3.7.1 Subdivision for sensitive uses within a road or railway attenuation area</b>	Not Applicable	Assessment
<b>A1</b> A lot, or a lot proposed in a plan of subdivision, intended for a sensitive use must have a building area for the sensitive use that is not within a road or railway attenuation area.	<input checked="" type="checkbox"/>	No subdivision proposed.

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

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

*Issues –*

*1 Clause 20.3.1–(P2) – Discretionary use –*

As stated in the planning scheme’s Clause 5.6.4, the planning authority may consider the relevant Objective in an applicable standard to determine whether a use or development satisfies the Performance Criterion for that standard.

The Objective for Clause 20.3.1 states that the location, scale and intensity of a use listed as Discretionary:

- (a) is required for operational reasons;
- (b) does not unreasonably confine or restrain the operation of uses on adjoining properties;
- (c) is compatible with agricultural use and sited to minimise conversion of agricultural land; and
- (d) is appropriate for a rural location and does not compromise the function of surrounding settlements.

Planner’s comment: The application states that the proposed development will “make use of the existing farm aesthetic”. The adjoining land uses include rural lifestyle and quarrying uses. No agricultural land is being converted as a result of the proposed development.

There is no Acceptable Solution for Clause 20.3.1–(A2). The application is therefore discretionary and relies on assessment against the Performance Criteria.

The planning scheme’s Performance Criteria for Clause 20.3.1–(P2) states that a use listed as Discretionary must not confine or restrain existing use on adjoining properties, having regard to:

- (a) The location of the proposed use;

Planner’s comments: The proposed Community Meeting and Entertainment use would be located in an existing shed on the property.

- (b) The nature, scale and intensity of the use;

Planner's comments: The proposal is for a wedding venue, with up to 140 guests on weekend events and 30 on weekdays. The applicant has confirmed a maximum of 50 events per year with no more than 8 events held in any 28-day period. This is a condition on the Permit.

- (c) The likelihood and nature of any adverse impacts on adjoining uses;

Planner's comments: Standard condition(s) for maintenance of the driveway have been recommended. It is noted that application documentation limits events to within 2.00pm to midnight and the application is being assessed on this premise.

The development has been designed to minimise traffic movements during times that the quarry is operating (weekdays).

The closest property to the internal access of the development site would be the adjoining western property (387 South Road, West Ulverstone). The actual dwelling on the adjoining western property is separated by approximately 51m and is buffered by an established line of vegetation. This vegetation would act as a buffer to activities that would occur on the development site. Additional buffering through vegetation is proposed for any permit issued, via condition, in keeping with the Zone Purpose which allows for consideration of the "adverse impacts" on surrounding uses.

Furthermore, a condition on the Permit will be for a Part 5 Agreement to create a buffer along the common property between the development site and 387 South Road, West Ulverstone which will assist further to reduce adverse impacts such as noise and privacy.

- (d) Whether the proposed use is required to support a use for security or operational reasons; and

Planner's comments: Application documentation includes the statement that the proposed use is required to "support and secure the catering business of the owner".



- (e) Any off site impacts from adjoining uses.

Planner's comments: There are no expected off-site impacts from adjoining uses outside the potential for the quarrying activities to impact the amenity of the proposed events. It is noted that Clause 20.3.1-(P2) considers whether a use confines or restricts an adjoining use. The quarry has existing use rights and it is not expected that the proposed development would result in restriction to those operations.

Conclusion: It is considered that the application has demonstrated compliance with the mandatory Performance Criterion in relation to restraining existing use on adjoining properties. This is centred around the Objective for this Clause, which considers the operation of adjoining uses, but provides no consideration for amenity of the adjoining uses.

*20.3.1-(P3) – Discretionary use –*

There is no Acceptable Solution for Clause 20.3.1-(A3). The application is therefore discretionary and relies on assessment against the Performance Criteria.

The planning scheme's Clause 20.3.1-(P3) states that a use listed as Discretionary, located on agricultural land, must minimise conversion of agricultural land to non-agricultural use and be compatible with agricultural use, having regard to:

- (a) The nature, scale and intensity of the use;

Planner's comments: The proposal is for a wedding venue, with up to 140 guests on weekend events and 30 on weekdays.

- (b) The local or regional significance of the agricultural land; and

Planner's comments: The application is accompanied by an agricultural consultant's report stating that the proposal "supports existing agricultural activities" and "does not provide any negative impact on current or future agricultural activities at the property".

- (c) Whether agricultural use on adjoining properties will be confined or restrained.

Planner's comments: The adjoining properties contain residential and quarrying activities, rather than agricultural activities.

Conclusion: It is considered that the application has demonstrated compliance with the mandatory Performance Criterion in relation to conversion of agricultural land. The proposed use will allow existing minor agricultural activities to continue on the subject land.

It is noted that the agricultural report refers to traffic and infrastructure impacts in relation to this Performance Criteria. These comments within the agricultural report are not relevant, as this Performance Criteria provides no consideration of traffic or infrastructure. The application is assessed for traffic and infrastructure under the applicable scheme provisions. The agricultural report states that the agricultural activity that occurs on the site (grazing) will continue, with the addition of the proposed new use, with no mention of the limitation of events.

*20.3.1-(P4) – Discretionary use –*

There is no Acceptable Solution for Clause 20.3.1-(A4). The application is therefore discretionary and relies on assessment against the Performance Criteria.

The planning scheme's Clause 20.3.1-(P4) states that a use listed as Discretionary must be appropriate for a rural location, having regard to:

- (a) The nature, scale and intensity of the proposed use;

Planner's comments: The proposal is for a wedding venue, with up to 140 guests on weekend events and 30 on weekdays. The applicant has confirmed a maximum of 50 events per year with no more than 8 events held in any 28-day period. This is a condition on the Permit.

- (b) Whether the use will compromise or distort the activity centre hierarchy;

Planner's comments: The proposal is for a Community Meeting and Entertainment use outside the town centre. The planning scheme defines the activity centre hierarchy as "the activity

centre network or hierarchy referred to in a relevant land use strategy”.

Ulverstone is classified in the Cradle Coast Regional Land Use Strategy as a District Activity Centre, providing “services and facilities which meet needs of the local community...and may also contain some activity which is of a regional scale...offer a range of services in...culture and entertainment...where sustainable service levels can be supported across a number of sites”. No town boundaries are prescribed in this Strategy.

It is noted that the golf course and associated function centre is located in the vicinity of this site, providing Community Meeting and Entertainment use outside of the town centre, albeit in a different land zoning. Windows on Westella is also located outside the town centre and within the Rural Zone.

- (c) Whether the use could reasonably be located on land zoned for that purpose;

Planner’s comments: The planning scheme provides for Community Meeting and Entertainment of this nature as a Permitted use within the Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone, Major Tourism Zone and Community Purpose Zone. A number of these are not used within the Central Coast Municipal area. The application includes a statement that “the location and rural style again is not able to be located in other land zoned for Community Meeting and Entertainment”.

- (d) The capacity of the local road network to accommodate the traffic generated by the use; and

Planner’s comments: The application includes a traffic impact assessment by a qualified traffic engineer stating that the proposal will provide for parking that as per the applicable standard and is “adequate to cater for the parking demand generated” and that the trips generated “can be accommodated at nearby intersections without affecting intersection performance or increasing delays and queues”.

- (e) Whether the use requires a rural location to minimise impacts from the use, such as noise, dust and lighting.

Planner's comments: This provision implies that a use which results in noise, dust or lighting emissions is suited to a rural setting. It is noted that the Environmental Health Officer raised the issue of noise impacts on the nearby sensitive use(s). The *C9.0 Attenuation Code* in the planning scheme does not provide for consideration of Community Meeting and Entertainment use class, nor do the provisions for a discretionary use provide for consideration of the amenity of adjoining use classes. As such, no noise report was requested and any nuisance complaint, such as noise, would need to be addressed with reference to *Environmental Management and Pollution Control Act 1994*.

2 *Clause C1.6.3-(P1) – Third Party Sign –*

One of the signs can be classified as a third party sign, as the services being advertised are not provided on the site containing the sign. It is noted that all signage included in this application is existing and consideration is of a retrospective nature.

The Objective for the planning scheme's Clause C1.6.3 allows for third party signs where they:

- (a) provide for third party signs that are compatible with the streetscape and the character of the area in which it is proposed to be located;  
Planner's comments: The signage is to advertise the catering business based out of the property. The area is a peri-urban setting.
- (b) manage the cumulative impact of third party signs on the character of an area; and  
Planner's comments: These are the only third party signs visible along this section of South Road.
- (c) minimise any potential impact of third party signs on road safety.  
Planner's comments: The signage is to be located on an internal fence. There is no potential to impact road safety.

There is no Acceptable Solution for Clause C1.6.3-(A1). The application is therefore discretionary and relies on assessment against the Performance Criteria.

The planning scheme's Performance Criteria for Clause C1.6.3-(P1) states that a third party sign must be compatible with the natural and built environment of the surrounding area, having regard to:

- (a) The content of the sign;  
Planner's comments: The sign is intended to advertise the catering business based at the subject property.
- (b) The necessity for the advertisement to be in the location;  
Planner's comments: The signage is intended to advertise the catering business that operates in no fixed location.
- (c) Opportunities for alternative locations or other methods to achieve the intended purpose (e.g. eligibility for Tasmanian Visitor Information System signs); and  
Planner's comments: The new use may be eligible for such signage. The catering business would not be eligible.
- (d) The likely impact on the operation and safety of a railway, road, footpath, or navigable water; and  
Planner's comments: The signage is located back from the property boundary. There are no railways, footpaths or navigable waterways in the area.
- (e) Any advice from a State authority.  
Planner's comments: No referrals to a State authority were required.

Conclusion: It is logical that the sign be located on this property, due to this being the base for the catering business. There is no potential impact on infrastructure operation. The natural environment in this location is heavily modified for rural activities and it is not considered that the sign proposed is in conflict with this setting.

3      *C2.6.5-(P1) - Pedestrian access -*

The Objective for Clause C2.6.5 provides that pedestrian access within parking areas is provided in a safe and convenient manner.

Where a development requires 10 or more parking spaces, the Acceptable Solution provides for inclusion of footpaths to separate the car parking from pedestrian movements. The proposal does not include footpaths and the Performance Criteria are applicable.

The planning scheme's Performance Criteria for Clause C2.6.5-(P1) requires that safe and convenient pedestrian access must be provided within parking areas, having regard to:

- (a) The characteristics of the site;  
Planner's comments: The site is in a rural setting, with limited infrastructure.
- (b) The nature of the use;  
Planner's comments: The proposal is for a wedding venue, with up to 140 guests on weekend events and 30 on weekdays.
- (c) The number of parking spaces;  
Planner's comments: The development includes the provision of 50 car parking spaces.
- (d) The frequency of vehicle movements;  
Planner's comments: The frequency of vehicle movements is considered in the traffic impact assessment provided with the application.
- (e) The needs of persons with a disability;  
Planner's comments: Dedicated disabled parking space is provided in close proximity to the building. No traffic flow is needed to be crossed when utilising this space.
- (f) The location and number of footpath crossings;  
Planner's comments: No footpath crossings would result from the development.
- (g) Vehicle and pedestrian traffic safety;  
Planner's comments: The traffic impact assessment provided with the application reviews safety and states that the "car parking design is compliant with the specific requirements" in the Australian Standards.
- (h) The location of any access ways or parking aisles; and  
Planner's comments: No new access ways or parking aisles are proposed.
- (i) Any protective devices proposed for pedestrian safety.  
Planner's comments: The traffic impact assessment states that controls to separate pedestrians and cars "should be considered for the site".

Conclusion: The application is accompanied by a traffic impact assessment that addresses the Code. Additional conditions are provided by Council's Infrastructure Services as per standard conditions. The application is considered to be compliant with this Performance Criteria.

4 *C3.5.1 – (P1) – Traffic generation at a vehicle crossing, level crossing or new junction –*

The Objective for Clause C3.5.1 is intended to minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing. The proposal exceeds the Acceptable Solution for the number of traffic movements generated by the development and is reliant upon the Performance Criteria.

The planning scheme's Performance Criteria for Clause C3.5.1–(P1) requires that traffic to and from the site must minimise any adverse effects on the safety of a junction...or safety or efficiency of the road network, having regard to:

- (a) Any increase in traffic caused by the use;  
Planner's comments: The proposal is accompanied by a traffic impact assessment stating that the maximum movements will be 36 movements, twice a day.
- (b) The nature of the traffic generated by the use;  
Planner's comments: The traffic impact assessment accompanying the application states that the traffic generated will be one bus and 35 cars, twice a day.
- (c) The nature of the road;  
Planner's comments: The road is a Council maintained, local, sealed road.
- (d) The speed limit and traffic flow of the road;  
Planner's comments: The road has a speed limit of 60km/hr at this point. Traffic is bi-directional.
- (e) Any alternative access to a road;  
Planner's comments: There is no alternative access to a road.
- (f) The need for the use;

Planner's comments: The application is being assessed based on the documentation provided.

- (g) Any traffic impact assessment; and  
Planner's comments: The application is accompanied by a traffic impact assessment by AusWide Consulting, stating that the development "is not envisaged to have adverse impacts on the surrounding traffic or parking conditions".
- (h) Any advice received from the rail or road authority.  
Planner's comments: Standard conditions from Infrastructure Services are to be included on any permit issued.

Conclusion: The application is accompanied by a traffic impact assessment by a qualified traffic engineer stating that the development "is not envisaged to have adverse impacts on the surrounding traffic or parking conditions". The proposal is determined to comply with this Performance Criteria.



*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Additional permits may be required for waste disposal and food business registration.  Raised the matter of noise to a nearby sensitive receptor (dwelling).
Building	Referral not required.
Engineering	An updated Traffic Impact Assessment report was requested as the access proposed in the initial report was not considered to be sufficient. The modified proposal was considered to be sufficient, subject to conditions and notes to be included on any permit issued.
TasWater	Referral not required.
Department of State Growth	Referral not required.
Environment Protection Authority	Referral not required.
TasRail	Referral not required.
Heritage Tasmania	Referral not required.
Crown Land Services	Referral not required.
Other	Referral not required.

#### CONSULTATION

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

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

#### *Representations –*

One representation was received, a copy of which is provided at Annexure 4.

The representation is summarised and responded to as follows:

REPRESENTATION NO. 1	
1 No cap on number of events.	<p>The application documentation limits events based on traffic interactions with the adjoining quarry operation. The proposed limit is to include events with up to 30 people on weekdays and events with up to 140 guests on weekends.</p> <p>Application documentation states that events are to finish at midnight.</p> <p>The applicant has confirmed a maximum of 50 events per year with no more than 8 events held in any 28-day period. This is a condition on the Permit.</p>
2 Increased traffic noise, environmental noise pollution.	<p>The planning scheme provides for consideration of noise in assessing this application in relation to whether a proposed new use will confine or restrain an existing adjoining use. Clauses 20.3.1–(P2) and (P4) as well as the Zone Purpose are assessed in the detail in this report to address this consideration.</p>

<p>3      Reduction in privacy.</p>	<p>The Rural Zone provisions do not provide for protection of consideration of privacy for adjoining landowners. It is noted that much of the adjoining properties are visible from the Bass Highway.</p> <p>The closest property to the internal access of the development site would be the adjoining western property (387 South Road, West Ulverstone). The actual dwelling on the adjoining western property is separated by approximately 51m and is buffered by an established line of vegetation. This vegetation would act as a buffer to activities that would occur on the development site.</p> <p>Furthermore, a condition on the Permit will be for a Part 5 Agreement to create a buffer along the common property between the development site and 387 South Road, West Ulverstone which will assist further to reduce adverse impacts such as noise and privacy.</p>
-------------------------------------	---

*RESOURCE, FINANCIAL AND RISK IMPACTS*

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

*CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- .      Develop and manage sustainable built infrastructure.

*CONCLUSION*

The representation does not hold sufficient merit to warrant refusal of the application for a new use of Community Meeting and Entertainment – function

centre and signage. Council's Infrastructure Services have advised that the revised Traffic Impact Assessment accompanying the application is adequate and the Road Authority is satisfied with the suitability of South Road for the anticipated level of traffic that would be using the road.

No agricultural land is being converted, nor would the proposal fetter current or future primary industry activity on the subject or adjoining land.

It is considered that the proposed use of the rural property for Community Meeting and Entertainment adequately satisfies the planning scheme's relevant Performance Criteria.

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

*Recommendation –*

It is recommended that application DA2023246 for Community Meeting and Entertainment – function centre and signage; Discretionary use; and reliance on *C1.0 Signs Code* and *C2.0 Parking and Sustainable Transport Code* at 385 South Road, West Ulverstone be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the plans by Andrew Smith Architects, Project 00814, dated 26 October 2023:
  - (a) Sheet A.01A, dated 26 October 2023;
  - (b) Sheet A.02A, dated 26 October 2023; and
  - (c) Sheet A.09A, dated 26 October 2023.
- 2 The use must not exceed 140 guests on weekend events and 30 guests on weekday events.
- 3 Events are limited to a maximum of 50 events per year with no more than 8 events held in any 28-day period.
- 4 The operators of the business must keep a record of the number of guests per function including frequency of events and provide a copy to the Council if requested.
- 5 Prior to the commencement of the use, the owner of the land must submit and enter into a Part 5 Agreement with the Central Coast Council under section 71 of the *Land Use Planning and Approvals Act*

*1993.* The Part 5 Agreement is to set out the following matters to the satisfaction of the Director Community, Growth and Development.

- (a) A vegetation buffer must be established and maintained along the northern boundary of the site which forms a common boundary with 387 South Road, West Ulverstone.
  - (b) The vegetation must be of vegetation with a minimum final growth height of 4m in height for the duration of the approved use.
  - (c) All vegetation must be located wholly inside the property boundary of CT159955/1 and must make allowance for the final width of the vegetation so as not to impede onto adjoining land.
  - (d) Plantings must be completed prior to the commencement of the proposed use.
  - (e) A landscape plan must be submitted and approved by Council's Director Community, Growth and Development prior to the commencement of works and be an annexure of the Part 5 Agreement. The plan must be to scale and show:
    - (i) a north point;
    - (ii) existing and proposed vegetation; and
    - (iii) details of proposed plantings including botanical names, and the height and spread of canopy at maturity.
- 6 Execution of the Part 5 Agreement, including drafting and registration of the Agreement against the respective Title, must be at the developer's cost.
- 7 All lighting is to be baffled to ensure there is no overspill onto adjoining properties.
- 8 The development must be in accordance with the statement provided by Andrew Smith Architects, ref: 00814, dated Friday, 8 September 2023.
- 9 The development must be in accordance with the Agricultural Assessment Report by WalkerAg Consultancy, dated 14 August 2023.

- 10 The development must be in accordance with the TNC ENGINEERING PTY LTD plans, Drawing No. SNWT190073-2, SNWT190073-3, SNWT190073-5, Print Date 22 November 2019.
- 11 The development must be in accordance with the Traffic Impact Assessment by AusWide Consulting, Revision 2.0, dated October 2023.
- 12 The development must be in accordance with the Swept Path Assessment by AusWide Consulting, Project No. AW385SR01, Drawing Nos. AWS385SRV01 (2 pages) to AWS385SRV13 inclusive, dated 30 August 2023.
- 13 One carpark 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*.
- 14 A minimum of 48 parking spaces are to be provided, retained and maintained, including six (6) bicycle spaces and one (1) disabled space and must comply with the *Australian Standard AS 2890 – Parking facilities, Parts 1–6*.
- 15 All parking, access ways, manoeuvring and circulation spaces must:
  - (a) be constructed with a durable all-weather pavement; and
  - (b) be drained to the public stormwater system.

Infrastructure Services:

- 16 Existing crossover and driveway apron from South Road must be used as road access to the development.
- 17 Damage or disturbance to roads, stormwater infrastructure, footpaths, kerb and channel, nature strips or street trees resulting from activity associated with the development must be rectified to the satisfaction of the Council's Director Infrastructure Services and at the developer's cost.
- 18 Stormwater run-off from buildings and hard surfaces, including vehicle parking and manoeuvring areas must be collected and managed on-site in accordance with the *National Construction Code 2019* to ensure it does not cause nuisance to the neighbouring properties.
- 19 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.

- 20 All works or activity listed above must be at the developer's cost.

Please Note:

- 1 A Planning Permit remains valid for two years. If the use and/or development has not substantially commenced within this period, an extension may be granted if a request is made before this period expires. If the Permit lapses, a new application must be made.
- 2 "Substantial commencement" is the submission and approval of a Building Permit and the physical commencement of infrastructure works on the site, or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.
- 4 With food intended to be supplied as part of the proposed use or for an event, the water supply must comply with the Food Standards. If food is supplied as part of an event, the operator will require a Food Business Registration, or upgraded registration.

Infrastructure Services:

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

the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services, at the developer's cost.'

The report is supported."

The Executive Services Officer reported as follows:

"A copy of the Annexures referred to in the Planning Consultant's report has been circulated to all Councillors."

■ Cr Carpenter moved and Cr Beswick seconded, "That application DA2023246 for Community Meeting and Entertainment – function centre and signage; Discretionary use; and reliance on *C1.0 Signs Code* and *C2.0 Parking and Sustainable Transport Code* at 385 South Road, West Ulverstone be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the plans by Andrew Smith Architects, Project 00814, dated 26 October 2023:
  - (a) Sheet A.01A, dated 26 October 2023;
  - (b) Sheet A.02A, dated 26 October 2023; and
  - (c) Sheet A.09A, dated 26 October 2023.
- 2 The use must not exceed 140 guests on weekend events and 30 guests on weekday events.
- 3 Events are limited to a maximum of 50 events per year with no more than 8 events held in any 28-day period.
- 4 The operators of the business must keep a record of the number of guests per function including frequency of events and provide a copy to the Council if requested.
- 5 Prior to the commencement of the use, the owner of the land must submit and enter into a Part 5 Agreement with the Central Coast Council under section 71 of the *Land Use Planning and Approvals Act 1993*. The Part 5 Agreement is to set out the following matters to the satisfaction of the Director Community, Growth and Development.
  - (a) A vegetation buffer must be established and maintained along the northern boundary of the site which forms a common boundary with 387 South Road, West Ulverstone.



- (b) The vegetation must be of vegetation with a minimum final growth height of 4m in height for the duration of the approved use.
  - (c) All vegetation must be located wholly inside the property boundary of CT159955/1 and must make allowance for the final width of the vegetation so as not to impede onto adjoining land.
  - (d) Plantings must be completed prior to the commencement of the proposed use.
  - (e) A landscape plan must be submitted and approved by Council's Director Community, Growth and Development prior to the commencement of works and be an annexure of the Part 5 Agreement. The plan must be to scale and show:
    - (i) a north point;
    - (ii) existing and proposed vegetation; and
    - (iii) details of proposed plantings including botanical names, and the height and spread of canopy at maturity.
- 6 Execution of the Part 5 Agreement, including drafting and registration of the Agreement against the respective Title, must be at the developer's cost.
- 7 All lighting is to be baffled to ensure there is no overspill onto adjoining properties.
- 8 The development must be in accordance with the statement provided by Andrew Smith Architects, ref: 00814, dated Friday, 8 September 2023.
- 9 The development must be in accordance with the Agricultural Assessment Report by WalkerAg Consultancy, dated 14 August 2023.
- 10 The development must be in accordance with the TNC ENGINEERING PTY LTD plans, Drawing No. SNWT190073-2, SNWT190073-3, SNWT190073-5, Print Date 22 November 2019.
- 11 The development must be in accordance with the Traffic Impact Assessment by AusWide Consulting, Revision 2.0, dated October 2023.
- 12 The development must be in accordance with the Swept Path Assessment by AusWide Consulting, Project No. AW385SR01, Drawing Nos. AWS385SRV01 (2 pages) to AWS385SRV13 inclusive, dated 30 August 2023.

- 13 One carpark 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*.
- 14 A minimum of 48 parking spaces are to be provided, retained and maintained, including six (6) bicycle spaces and one (1) disabled space and must comply with the *Australian Standard AS 2890 – Parking facilities, Parts 1–6*.
- 15 All parking, access ways, manoeuvring and circulation spaces must:
  - (a) be constructed with a durable all-weather pavement; and
  - (b) be drained to the public stormwater system.

Infrastructure Services:

- 16 Existing crossover and driveway apron from South Road must be used as road access to the development.
- 17 Damage or disturbance to roads, stormwater infrastructure, footpaths, kerb and channel, nature strips or street trees resulting from activity associated with the development must be rectified to the satisfaction of the Council's Director Infrastructure Services and at the developer's cost.
- 18 Stormwater run-off from buildings and hard surfaces, including vehicle parking and manoeuvring areas must be collected and managed on-site in accordance with the *National Construction Code 2019* to ensure it does not cause nuisance to the neighbouring properties.
- 19 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.
- 20 All works or activity listed above must be at the developer's cost.

Please Note:

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

- 2 "Substantial commencement" is the submission and approval of a Building Permit and the physical commencement of infrastructure works on the site, or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.
- 4 With food intended to be supplied as part of the proposed use or for an event, the water supply must comply with the Food Standards. If food is supplied as part of an event, the operator will require a Food Business Registration, or upgraded registration.

Infrastructure Services:

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

Carried unanimously

INFRASTRUCTURE SERVICES

**25/2024      Infrastructure Services determinations**

The Director Infrastructure Services reported as follows:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

CORPORATE SERVICES

**26/2024 Statutory determinations**

The Director Corporate Services reported as follows:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

**27/2024 Quarterly financial statements**

The Director Corporate Services reported as follows:

“The following Council quarterly financial reports, including commentary, for the period ended 31 December 2023 are submitted for consideration:

- Summary of Rates and Fire Service Levies;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Cash Flows;
- Summary of Cash and Investments;
- Summary of Capital Delivery Performance; and
- Summary of Employee Numbers.”

The Executive Services Officer reported as follows:

“Copies of the quarterly financial reports has been circulated to all Councillors.”

■ Cr Carpenter moved and Cr Viney seconded, “That the quarterly financial reports for the period ended 31 December 2023 (copies being appended to and forming part of the minutes) be received.”

Carried unanimously

---

## 28/2024      Public question time

The Mayor introduced public question time at 6.32pm. A summary of questions and answers is provided below.

Via email – Romy Greiner – South Preston

### Question –

The Local Provisions Schedule (LPS) for the Central Coast Municipality features Scenic Protection Code C8.0 overlay for the “Leven Canyon and adjacent areas”. During the community consultation process in the lead-up to the LPS, a commitment was made by the then General Manager of the Council, Sandra Ayton, that the Council would systematically establish the scenic values across the entire municipality and pursue amendments to the LPS that would see scenic areas and corridors recognised in the LPS. During 2023, Circular Head Council has embarked on this very process to recognise and protect its scenic assets. Our municipality similarly features unique and irreplaceable scenic values, including along the entire River Leven corridor, from Black Bluff to Ulverstone, and along the municipality’s entire coastline. Would you please outline how the Council intends to honour the commitment given previously and ensure the inclusion of relevant scenic protection in the LPS?

### Response –

The General Manager responded that during the process of transitioning from the Central Coast Interim Planning Scheme to the Tasmanian Planning Scheme – Central Coast, the Tasmanian Planning Commission found that there was insufficient evidence presented to support the rezoning of land then referred to as Areas B, C and D, and being associated with Gunns Plains, Black Bluff and Nietta respectively. At the time, Council proposed undertaking further investigations into the scenic values of these areas. This work has not yet progressed due to other priorities and needs to be considered in the context of Council’s recently adopted Term Plan, *Our Place – Our Future* and our revised budget.

To this end, staff have commenced discussions with the consultancy firm that undertook similar work for Circular Head Council and have reached out to that council with a view to learning from their experience. Pursuing the rezoning is likely to cost between \$80k and \$100k. The Director Community, Growth and Development will workshop the matter with Councillors and senior staff in February.

---

In person – Linda French – Turners Beach

Question 1 –

I am the manager of the OC Ling Caravan Park and officially started there in November last year. Our park is surrounded by trees, and this presents a safety issue, as there are no fire breaks. Both ends of the park are like a forest. I have had to close down one of the sites because where the dunes sit, trees are now coming right over the site and it's not safe to put anyone there.

Is there going to be any maintenance of the trees in the park in the near future?

Response –

The Mayor responded that the question would be taken on notice.

Question 2 –

*Ms French also submitted a second written statement that was received following the close of the meeting, which stated:*

I would like it noted and minuted that I am not going to be responsible for any accidents that happen to anyone in the park, damage or death, because I have tried to get something done since 1<sup>st</sup> November, but have continually been fobbed off.

Response –

The statement is noted and will be considered in responding to Ms French's first question.

In person – Gary Carr – Turners Beach

Question –

I live in the caravan park at Turners Beach and we have formed a committee and would like to see Council spend some money on the park to keep it up to date. I wanted to come to the Council meeting to represent the committee and to keep things rolling.

Response –

The Mayor responded that she has received an invitation to meet with the committee, which has been referred onto the Chief Executive Officer and Directors.

The Chief Executive Officer responded that the question will be taken on notice and noted that the Council is reviewing caravan parks across Central Coast, with particular regard to lease arrangements and costs; and further, a meeting between the committee and the appropriate Council staff will be arranged.

Questions and responses concluded at 6.42pm.

---

## CLOSURE OF MEETING TO THE PUBLIC

**29/2024 Meeting closed to the public**

The Executive Services Officer reported as follows:

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

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

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

<b>Matter</b>	<b><i>Local Government (Meeting Procedures) Regulations 2015 reference</i></b>
Confirmation of closed session minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council <ul style="list-style-type: none"><li>Mersey-Leven Municipal Emergency Management Committee – meeting held 13 September 2023</li></ul>	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”

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

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



	the council on the condition it is kept confidential”
Minutes and notes of other organisations and committees of the Council	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.”
• Mersey-Leven Municipal Emergency Management Committee – meeting held 13 September 2023	

Carried unanimously

The Executive Services Officer further reported as follows:

- “1 The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, the fact that the matter was discussed and a brief description of the matter so discussed, and is not to record in the minutes of the open meeting the details of the outcome unless the council determines otherwise.
- 2 While in a closed meeting, the council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.
- 3 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.  
  
Similarly, an employee of a council must not disclose information acquired as such an employee on the condition that it be kept confidential.
- 4 In the event that additional business is required to be conducted by a council after the matter(s) for which the meeting has been closed to the public have been conducted, the Regulations provide that a council may, by simple majority, re-open a closed meeting to the public.”

Meeting moved into closed session at 6.43pm.

---

### CLOSED SESSION SUMMARY

The Executive Services Officer reported as follows:

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

Matter	Description of matter discussed
30A/2024 Confirmation of closed session minutes	The closed session minutes of the previous ordinary meeting of the Council held on 11 December 2023 were confirmed.
31A/2024 Minutes and notes of other organisations and committees of the Council: <ul style="list-style-type: none"><li>Mersey-Leven Municipal Emergency Management Committee – meeting held 13 September 2023</li></ul>	The minutes and notes provided to the Council on the condition they are kept confidential were received.

---

## **CLOSURE**

There being no further business, the Mayor declared the meeting closed at 6.48pm.

CONFIRMED THIS 19<sup>th</sup> DAY OF FEBRUARY 2024.

## **Chairperson**

(ib:me)

## **Appendices**

- Minute No. 16/2024 – CCWMG revised Terms of Reference
- Minute No. 18/2024 – Schedule of Documents for affixing of the Common Seal
- Minute No. 19/2024 – Schedule of Contracts and Agreements
- Minute No. 20/2024 – Schedule of Correspondence addressed to Mayor and Councillors
- Minute No. 21/2024 – Safeguarding Children and Young People Allegation and Complaints Handling Procedure
- Minute No. 21/2024 – Safeguarding Children and Young People Policy
- Minute No. 22/2024 – Schedule of Development Application Determinations
- Minute No. 25/2024 – Schedule of Infrastructure Determinations
- Minute No. 26/2024 – Schedule of Statutory Determinations
- Minute No. 27/2024 – Quarterly financial reports

---

*QUALIFIED PERSON'S ADVICE*

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

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

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

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



Barry Omundson  
CHIEF EXECUTIVE OFFICER

---

# Associated Reports And Documents



# Terms of Reference

## Cradle Coast Waste Management Group

### 1. Overview

#### 1.1 Background

The Cradle Coast Waste Management Group (CCWMG) was established to:

- Provide an integrated regional approach to waste management; and
- Implement strategies which minimise waste by using the waste hierarchy actions.

The CCWMG ~~was established by~~ represents seven (7) northwest Tasmanian municipal councils (the "Participating Councils") who agreed to participate in a voluntary waste levy scheme in 2007.

The Participating Councils are:

- Burnie City Council;
- Central Coast Council;
- Circular Head Council;
- Devonport City Council;
- Kentish Council;
- Latrobe Council; and
- Waratah-Wynyard Council.

~~In June 2023, the Participating Councils resolved that King Island Council and West Coast Council joined the group.~~

~~The CCWMG membership consists of the General Managers from the Participating Councils or appointed Proxy.~~

~~West Coast and King Island Council's do not currently participate, however, opportunity for participation is open. The CCWMG will aim to share intellectual property with non-participating Councils if requested.~~

The CCWMG works closely with the Northern Tasmanian Waste Management Group and the Southern ~~Tasmania~~ Tasmanian Regional Waste ~~Management Joint~~ Authority in the development and delivery of waste management programs and in the sharing of resources and services.

The original Participating Councils agreed to implement a voluntary waste levy, charged on a per tonne basis, for all waste disposed of to landfill. An Agreement covering the administration and management of the voluntary waste levy was made on 23rd November 2007 between Dulverton Waste Management (DWM), Circular Head Council, Central Coast Council and Burnie City Council. In November 2012, the Burnie City Council decommissioned their landfill and are no longer responsible for the collection of a voluntary waste levy.

Landfills subject to the collection of the voluntary waste levy were:

- Dulverton Regional Waste Management Authority's Landfill;
- Central Coast Council's Resource Recovery Centre and Landfill; and
- Circular Head Council's Port Latta Landfill.

In March 2022, the Tasmanian State Government endorsed the Waste and Resource Recovery Bill 2022. This legislation introduced a State-wide Landfill Levy which replaced the Voluntary Waste Levy Agreement. Funding for the CCWMG is now contingent on Waste and Resource Recovery Board grant agreements.



## 1.2 Existing Agreements

~~The original Participating Councils agreed to implement a voluntary waste levy, charged on a per-tonne basis, for all waste disposed of to landfill. An Agreement covering the administration and management of the voluntary waste levy was made on 23rd November 2007 between Dulverton Waste Management (DWM), Circular Head Council, Central Coast Council and Burnie City Council. In November 2012, the Burnie City Council decommissioned their landfill and are no longer responsible for the collection of a voluntary waste levy.~~

~~Landfills subject to the collection of the voluntary waste levy were:~~

- ~~• Dulverton Regional Waste Management Authority's Landfill;~~
- ~~• Central Coast Council's Resource Recovery Centre and Landfill; and~~
- ~~• Circular Head Council's Port Latta Landfill.~~

~~In late 2021, the Tasmanian State Government introduced the Waste and Resource Recovery Bill 2021. This legislation introduces a State-wide waste Landfill Levy which will replace the current Voluntary Waste Levy Agreement. Funding for the CCWMG is now contingent on Waste and Resource Recovery Board agreements. The Waste Levy Agreement will continue until State Levy fees are introduced.~~

Formatted: Normal

This Terms of Reference replaces the following agreements:

- Interim MOU between DWM and Burnie City, Central Coast, Circular Head, Devonport City, Kentish, Latrobe & Waratah Wynyard Councils for Waste Levy Collection, Financial Management & Project Delivery;
- MOU between the CCA and DWM for the CCWMG Financials Management; and
- MOU between the CCA, CCWMG and DWM for administrative arrangements.
- [Previous versions of this Terms of Reference.](#)

~~An Agreement covering the administration and management of the voluntary waste levy was made on 23rd November 2007 between Dulverton Waste Management (DWM), Circular Head Council, Central Coast Council and Burnie City Council. In November 2012, the Burnie City Council decommissioned their landfill and are no longer responsible for the collection of a voluntary waste levy.~~

~~In late 2021, the State Government introduced the Waste and Resource Recovery Bill 2021. This legislation introduces a State-wide waste Levy which will replace the current Voluntary Waste Levy Agreement. The Waste Levy Agreement will continue until State Levy fees are introduced.~~



A Memorandum of Understanding (MOU) exists as an agreement between Tasmania's three regional waste management authorities for joint waste reduction and resource recovery communication activities. The three authorities are:

- Cradle Coast Waste Management Group;
- Northern Tasmanian Waste Management Group; and
- [Southern Tasmanian Regional Waste Management Authority \(previously Southern Tasmanian Waste Management Group\)](#).



## 2. Term

This Terms of Reference is effective from ~~14<sup>630</sup><sup>th</sup> June~~~~December 2023~~<sup>32</sup> and will be reviewed on 30<sup>th</sup> June 2024<sup>5</sup>, and thereafter biennially or as required by the CCWMG.

Formatted: Not Superscript/ Subscript

This Terms of Reference supersedes the Terms of Reference dated ~~1<sup>st</sup> November 2020~~<sup>18<sup>th</sup> May 2022</sup>.

Formatted: Superscript

This Terms of Reference may be amended, varied or modified after consultation and agreement by the CCWMG members.

## 3. Membership

### 3.1 CCWMG ~~Representation~~ Membership

The CCWMG will operate with membership being the General Managers from the Participating Councils.

Group membership comprises of the following arrangement:

#### 3.1.1 Council Members:

The CCWMG will comprise the General Manager from each Participating Council or their nominated proxy who will attend meetings during periods of leave by the General Manager.

In cases where the General Manager works for more than one council then that General Manager will represent each individual council and vote for each council.

Formatted: Indent: Left: 0 cm

General Managers will also be responsible for ensuring that:

- Technical staff respond to requests for information, participate in groups as requested, and undertake works ~~as agreed etc~~;
- The activities of the Group are effectively communicated to elected members; and
- may appoint a proxy where attendance at a meeting is not possible.-

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 1.63 cm + Indent at: 2.27 cm

Formatted: List Paragraph, Bulleted + Level: 1 + Aligned at: 1.63 cm + Indent at: 2.27 cm

#### 3.1.2 Chairperson:

The Chairperson shall be a member of the CCWMG appointed by the members of the Participating Councils. Appointment is for a term of two ~~(2)~~ years, unless otherwise determined by the members. If the exiting Chairperson is re-nominated, subsequent terms of appointment ~~will be~~are permitted.



### 3.1.3 Deputy Chairperson:

The Deputy Chairperson will be appointed by a vote of the CCWMG. Appointment is for a term of two ~~(2)~~ years, unless otherwise determined by the members. If the exiting Deputy Chairperson is re-nominated, subsequent terms of appointment ~~will be~~ are permitted.

Any reference to the Chairperson in this document will apply to the Deputy Chairperson in the absence of the Chairperson.

Formatted: Indent: Left: 0 cm

### 3.1.4 Dulverton Waste Management:

DWM will manage the CCWMG financials reporting, provide administration assistance as well as, provide technical and project management expertise and assistance.

DWM will be represented by its CEO and/or designated officers on an ex-officio basis with no voting rights.

Formatted: Indent: Left: 0 cm

## 3.2 Voting Members

Voting Members are the seven (7) Council Members, with each Council having a single vote.

### 3.2 CCWMG Financial membership

Formatted: Font: Bold, Complex Script Font: Bold

Since 1 July 2022 the operation of the group has been funded by the state utilising the waste levy funding. The current multi-year agreement is between NRE and DWM to deliver the CCWMG approved Annual Plan and Budget.

King Island and West Coast Council are separately funded by the state from the waste levy.

To ensure equity, these Councils agree to contribute to the CCWMG based on the estimated annual tonnes of waste collected on which levy is due. This amount will be invoiced separately by DWM following the Councils receipt of payment from the state.

The Annual Plan and Budget will identify the regional projects the group will participate in, together with any specific projects to be delivered utilising these funds to ensure transparency for all parties.

## 4. Objectives

### 4.1 Objectives of the CCWMG

a) To develop strategies and plans to manage waste sustainability including a:

- 5-year CCWMG Strategic Plan;
- Annual Plan & Budget; and
- 10 Year financial mManagement pPlan.



♦ The CCWMG plans and activities will seek to advance the state and national waste goals, as well as those expectations of the member Councils and the communities they represent.

**Formatted:** Normal, Indent: Left: 1 cm, No bullets or numbering

- b) To monitor the implementation of actions contained in the Strategic Plan and Annual Plan & Budget, including monitoring and management of the budget;
- c) To provide a regional voice to the State and Federal Government and Industry in relation to waste management issues, policies and practices;
- d) To source and administer State and/or Federal Government funding for agreed waste management initiatives and projects;
- e) To provide a forum for high level dialogue and communication sharing of information between councils, industry and community; and
- f) To be the central contact and reference point for waste management issues and communications affecting the cradle coast region.

**Formatted:** Indent: Left: 0 cm, Hanging: 1 cm



## 5. Reporting Responsibilities

### 5.1 Strategic Plan

- a) ~~The CCWMG Members are responsible for developing a Strategic Plan at least -~~
- b) ~~a) A Strategic Plan is to be adopted every five (5)-years.~~
- c) ~~b) Preparation of a new plan is to commence one (1)-year prior to expiry of the previous current one, unless an early review is warranted by the change in the waste and resource recovery sector that undermines to current Strategic Plan.~~
- d) ~~c) The Strategic Plan is to be presented to the Participating Councils for endorsement.~~
- e) ~~d) The endorsed Strategic Plan is to be submitted to the CCWMG for adoption.~~
- e) ~~The adopted Strategic Plan is to be forwarded to Participating Councils, and DWM and the Waste and Resource Recovery Board for information and published on the Cradle Coast Authority website.~~
- f) ~~Participating Councils will report to the CCWMG any significant deviations between Council operations/strategy and the Strategic Plan, so that these variance can be acknowledged, reviewed, and if agreed adopted by all.~~

Formatted: Indent: Left: 0 cm, Hanging: 1 cm

Formatted: Indent: Left: 0 cm, Hanging: 1 cm

### 5.2 Annual Plan and Budget

- a) The CCWMG Members are responsible for developing an Annual Plan and Budget.
- b) The Annual Plan and Budget ~~is to be will be submitted to the CCWMG for adoption~~ finalised and adopted, prior to 30~~th~~ June each year. The AP&B will clearly identify any projects that serve only a sub-set of the regional group.
- c) A copy of the adopted Annual Plan and Budget will be forwarded to Participating Councils, ~~and DWM~~ and the Waste and Resource Recovery Board for information.
- d) ~~The CCWMG Members~~ will be responsible for ensuring that the projects and actions are delivered in accordance with the Annual Plan and Budget.

Formatted: Indent: Left: 0 cm, Hanging: 1 cm

Formatted: Indent: Left: 1 cm, No bullets or numbering

Formatted: Indent: Left: 0 cm, Hanging: 1 cm

### 5.4.3 Annual Report

- a) ~~The~~ CCWMG Members are responsible for developing an Annual Report.
- b) An Annual Report will be adopted prior to 30~~th~~ November each year and is to include reporting against the eat year's Annual Plan and Budget.
- c) The adopted Annual Report will be forwarded to Participating Councils, ~~and DWM,~~ other regional waste management groups and the Waste and Resource Recovery Board for information.

Formatted: Indent: Left: 0 cm, Hanging: 1 cm



#### 5.5.4 Other

a) DWM is to prepare quarterly financial reports to be forwarded to the CCWMG Chair within 30 days of the end of the quarter. The most current financial reports are to be included in the CCWMG meeting agenda.

Formatted: Indent: Left: 0 cm, Hanging: 1 cm

b) DWM is to prepare the documentation required to acquit the state grant at the designated milestones specified in the grant agreement.

Formatted: Highlight

a) —

b)c) Participating Councils are to update the Data Collections Portal monthly with eCouncil waste data. DWM is to then prepare quarterly reporting of the collected data to members at each CCWMG meeting.

e)d) DWM is to maintain a Report and Resources List annually.

## 6. Conflict of Interest

Members are to act in the best interest of the region and will perform their responsibilities in good faith, honestly and impartially and avoid situations ~~that might~~ which may compromise their integrity or otherwise lead to conflicts of interest. Proper observation of these principles will protect the group and its members and will enable public confidence to be maintained.

When members ~~believe they have~~ are aware of a conflict of interest, either real or perceived, on a subject that ~~will~~ may prevent them from reaching an impartial decision or undertaking an activity consistent with the group's functions, ~~they will declare a conflict of interest~~ this is to be declared to the Chairperson at the start of the meeting and ~~the member should~~ withdraw themselves from the discussion and/or activity.



## 7. Meetings

Meetings can be held in person, via video conference or tele conference, or a combination thereof, as agreed by the majority of members.

### 7.1 Frequency of Meetings

- a) Meetings will be held at a frequency and location determined by the CCWMG.
- b) Meeting dates are generally to be set a minimum of eight {8} weeks in advance by the group; however changes to the dates may be made with lesser notice, with the support of the majority of members with the aim to maximise participation.

Formatted: Indent: Left: 0 cm, Hanging: 1 cm

### 7.2 Agendas and Minutes

Protocols for the preparation and distribution of agendas and minutes are detailed under Attachment 2.

### 7.3 Quorum

~~a)~~ — A meeting quorum will be four (4) a minimum attendance of five (5) voting members of the CCWMG. If a Member is representing more than one council.....

Formatted: Indent: Left: 1 cm, No bullets or numbering

If a quorum is not present prior to the scheduled meeting start time, then the meeting may proceed; however any proposed actions have no effect until confirmed at the following meeting or by circular resolution by the majority of Members

Formatted: Normal, Indent: Left: 1.5 cm, Hanging: 0.63 cm

Formatted: Font: (Asian) + Body Asian (SimSun), Complex Script Font: + Body (Calibri), 12 pt

~~b) a)~~ is to be abandoned.

Formatted: Indent: Left: 0 cm, Hanging: 1 cm

— Members may nominate a proxy to attend the meeting on their behalf, either as a one-off or on an on-going basis, during periods of leave by the member.

~~c) b)~~ All proxies are to have adequate delegated authority to fulfil the position of Member.

### 7.4 Urgent Matters

A meeting may be called by the Chairperson to discuss specific matters for urgent attention that can't which is unsuitable to cannot wait until the next regular meeting. Any notice of the meeting is satisfactory, so long as the proposed time and date for the meeting is accepted by and attended by ~~a~~ absolute majority of members.

### 7.5 Circular Resolution

A circular resolution may be instigated by the Chairperson if a decision is required between meetings. Circular resolutions should be used sparingly and should be limited to use for:

- procedural matters;
- non-controversial matters or for matters that have had prior discussions in meetings;
- matters that do not require further discussion and
- matters which cannot be deferred to the next meeting.

Circular resolutions should not be used for dealing with urgent or controversial matters that arise of which the Members are previously unaware.

A circular resolution is a documented resolution which is signed by Members with wording to signify they are in favour of the resolution. Acceptable forms of signed documentation can include:

- printed copy with original signature;
- scanned signed copy received by electronic mail (email); or
- consent received by email.

The circular resolution is determined by an absolute majority of Members in favour of the resolution.

## 8. Publicity / Media

Only the Chairperson, or their delegate, may make or issue public statements in relation to the decisions of the CCWMG, unless otherwise determined by resolution of the group.

## 9. Dispute Resolution

If a ~~difference or~~ dispute arises between any of the Members or any Member/s and DWM in connection with this Term of Reference, any party may give the other party a written notice setting out full details of the Dispute ("Notice of Dispute").

A Member, or Council or DWM, may not commence any court or arbitration proceedings in relation to a Dispute unless a Notice of Dispute has been served (either by or on that party) and that party has made all reasonable attempts to resolve the Dispute in accordance with this section.

The parties must attempt to resolve any dispute promptly by negotiating in good faith. If the parties are unable to resolve the dispute within ten ~~business~~(10) days after a Notice of Dispute is served, each party must agree to engage the services of an independent person to support all parties participation in informal resolution processes. This independent person will assist the parties in discussing available options, or may facilitate any other necessary arrangements to support the best possible outcomes. This independent person must have an appropriate

**Formatted:** List Paragraph, Bulleted + Level: 1 +  
Aligned at: 0.63 cm + Indent at: 1.27 cm



skill set within the local government context, experience in issues resolution and interpersonal skills which can assist in resolving matters of conflict.

If the dispute is not resolved, or the Members-parties have not agreed on any alternative method to resolve the dispute, within twenty ~~(20)~~ days after a Notice of Dispute is served, then either party may commence arbitration proceedings before a single arbitrator appointed by agreement between the parties (or failing agreement, appointed by the President of the Law Society of Tasmania) to arbitrate a resolution of the dispute and the decision of the arbitrator shall be binding on both parties.

Nothing in this Terms of Reference prevents a Member-party from seeking injunctive or urgent declaratory relief at any time.

Each Member-party must continue to perform its obligations under this Terms of Reference despite the existence of any dispute.

## 10. Administrative Arrangements

Attachment 1 details the roles and responsibilities of the members.

Attachment 2 details the protocols for the development and distribution of meeting agendas and minutes.

Attachment 3 details the CCWMG's financial management protocols.

## 11. Procurement

The CCWMG cannot procure goods and services directly. DWM is the preferred supplier of services to the CCWMG.

Goods and services will be procured in accordance with the adopted policies and practices of the organisation procuring the services so long as they do not breach any statutory obligations.

The procuring organisation is responsible for the administration and management of contractors in accordance with the organisations adopted policies and practices so long as they do not breach any statutory obligations.

DWM procurement policies can be provided on request [and are available on the business' website.](#)

## 12. Dissolution of the CCWMG

The CCWMG can only be dissolved when an absolute majority of the Participating Councils have resolved the dissolution.

In the event the CCWMG is dissolved:

- a) the balance of prepaid income accumulated prior to 1 July 2022 will be split among the Participating Councils contributing to the funding prior to that date and in proportion to prior financial year's contribution of municipal solid waste levy funds (Council contribution, not landfill contribution). ABS Estimated Resident Population for each Participating Council for the most recent year data is available; and
- b) Unspent state funding received under the grant agreement will be returned as required by that agreement and any negotiation with the state in relation to work in progress.

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Indent at: 1.27 cm

## 13. Confidentiality

All Participating Councils and DWM agree to maintain the Terms of Reference as a contract for confidentiality among the Members of the group to maintain security and confidentiality of the CCWMG's communications and information of information shared and developed within the group and will only release any information gathered as required by law or with the written permission of the group.

## 14. Signatories

<u>Council</u>	<u>Signature</u>	<u>Date</u>
<u>Burnie City Council</u>		
<u>Central Coast Council</u>		
<u>Circular Head Council</u>		
<u>Kentish Council</u>		

**Formatted:** Heading 1

**Formatted:** Font: Bold, Complex Script Font: Bold

**Formatted:** Centered

<a href="#">King Island Council</a>		
<a href="#">Latrobe Council</a>		
<a href="#">West Coast Council</a>		
<a href="#">Waratah-Wynyard Council</a>		
<a href="#">Dulverton Waste Management</a>		



## **14.15. Attachment 1 – Roles and Responsibilities**

### **14.15.1 Chairperson**

#### **14.1.15.1.1 General:**

- a) Provide leadership.
- b) Set meeting Agenda's.
- c) Oversee the CCWMG's activities.
- d) Act as the CCWMG's spokesperson.

Formatted: Indent: Left: 0 cm, Hanging: 1 cm

#### **14.1.215.1.2 Meetings:**

- a) The Chairperson is the chair for every meeting.
- b) Undertake any necessary preparation prior to the meeting.
- c) Ensure a quorum is present.
- d) Start the meeting on time.
- e) Control the meeting and keep to the Agenda.
- f) Allow fair and open discussion on matters so that decisions can be made.
- g) Re-focus discussion that has wandered off topic.
- h) Conclude one point and lead into the next.
- i) Clarify any misunderstandings.
- j) Pace the meeting ensuring it runs on time.

Formatted: Indent: Left: 0 cm, Hanging: 1 cm

### **14.215.2 Members**

#### **14.2.115.2.1 General:**

- a) Promote and support the CCWMG activities.
- b) Ensure timely response of information is provided by their council.
- c) Be the waste spokesperson between their council and the CCWMG.
- d) Have the authority to make decisions on behalf of their councils.

Formatted: Indent: Left: 0 cm, Hanging: 1 cm

#### **14.2.215.2.2 Meetings:**

- a) Undertake any necessary preparation prior to the meeting.
- b) Arrive on time.
- c) Participate but do not interrupt each other.
- d) All remarks are addressed through the Chairperson.
- e) Speak honestly and frankly. Be prepared to challenge the status quo, and equally, to compromise for the benefit of the region.
- f) A vote is taken if consensus is not reached. The majority wins the vote, and all Members are to accept the majority decision.

Formatted: Indent: Left: 0 cm, Hanging: 1 cm



- g) Note down any action agreed upon ~~n, and~~
- h) After the meeting, undertake any agreed action and brief others as appropriate.

#### ~~14.3~~15.3 Dulverton Waste Management

- a) To provide executive, administrative, financial and communication support to the group.
- ~~b) To collect and distribute the waste management levy;~~
- ~~c) To project manage~~ deliver actions arising from the Cradle Coast Waste Management Strategy allocated by the CCWMG, within agreed budget and timeframes.
- ~~d) To provide technical support to the CCWMG.~~
- ~~e) To attend CCWMG meetings and provide project status reports, including up to date costings.~~ and
- ~~f) When procure~~ Procure goods and services in relation to agreed projects, ~~to do so~~ in compliance with all legal and regulatory requirements, work health and safety environmental legislation and statutory requirements and DWM's procurement policies.

Formatted: Indent: Left: 0 cm, Hanging: 1 cm

#### ~~14.4~~15.4 CCWMG

- a) ~~Will be r~~Responsible for ensuring that ~~the~~ projects and actions are delivered in accordance with the Annual Plan and Budget.
- ~~Will a~~Agree to the Terms of Reference being amended, varied or modified following a majority vote of the Participating Council members.
- ~~Will a~~Appoint the Chairperson who shall be a member of the CCWMG and this appointment is for a term of two (2) years.
- ~~Will a~~Adopt the Annual Plan and Budget prior to 30th June each year, ~~and~~.
- e) Can dissolve the CCWMG when a majority of the Participating Councils have approved the dissolution.

Formatted: Indent: Left: 0 cm, Hanging: 1 cm



## **15.16. Attachment 2 – Agenda & Minute Protocol**

### **15.16.1 Agendas / Notice of Meetings**

- a) DWM is responsible for coordinating meeting Agenda's.
- b) DWM is to request Agenda Items from CCWMG Members no less than seven ~~(7)~~ business days prior to the Agenda due date.
- c) Members are to provide DWM with Agenda Items (including attachments) no less than five ~~(5)~~ business days prior to the Agenda due date.
- d) DWM is to provide the Chairperson with the final draft Agenda for approval, no less than two ~~(2)~~ business days prior to the Agenda due date.
- e) The Chairperson is to review the Agenda within one ~~(1)~~ business days and advise the DWM of any changes. ~~and~~
- f) DWM is to issue all CCWMG Members with the Agenda no less than one ~~(1)~~ week prior to the meeting date.

Formatted: Indent: Left: 0 cm, Hanging: 1 cm

### **15.16.2 Minutes**

- a) At each meeting, DWM is to takes notes for the purpose of drafting Minutes.
- b) Within five ~~(5)~~ business days of the meeting, DWM is to issue the Chairperson with the draft Minutes for review.
- c) Within ten ~~(10)~~ business days of the meeting, the Chairperson is to review the draft Minutes, obtain feedback from members if necessary and advise DWM of any changes.
- d) Within ~~fifteen~~ ~~15~~ ~~(15)~~ business days of the meeting, DWM is to release the draft Minutes as Unconfirmed Minutes to all CCWMG Members, and also the Executive Assistants of each Participating Council (as requested) for inclusion as an open Agenda Item at Council Meetings.
- e) In preparation for the next meeting, DWM is to list the Unconfirmed Minutes on the Agenda for confirmation. ~~and~~
- f) Within two ~~(2)~~ business days following the conclusion of the next meeting, DWM is to provide the Confirmed Minutes to Participating Councils for their records.

Formatted: Indent: Left: 0 cm, Hanging: 1 cm



## **16.17. Attachment 3 – Financial Management Protocols**

### **16.17.1 Dulverton Waste Management**

- a) The Participating Councils appoint DWM for the management of funds.
- b) DWM will maintain a ledger system which allows discreet project costs to be easily monitored and reported to Participating Councils and the Waste and Resource Recovery Board.
- c) DWM will handle and process accounts payable in relation to project expenses.
- d) DWM will on-charge recoverable project expenses to relevant parties as required.
- e) Income will be deemed not to be earned by DWM until services have been rendered in accordance with the terms of this agreement. The balance of unearned income will be accounted for as a liability and be ultimately refundable to the Participating Councils in accordance with the provisions of clause 12 of this agreement.
- f) DWM will not be responsible to the Participating Councils for any liability, cost or expense (including legal fees) that the parties may incur arising out of the activities undertaken as part of the Regional Waste Management Strategy or the activities of DWM in performing its duties under this agreement, except to the extent that the liability costs or expenses arose directly from the DWM's wilful misconduct, bad faith or negligence.
- g) The Participating Councils irrevocably and unconditionally indemnify DWM from any liability cost or expense (including legal fees) in performing its financial management, except to the extent that the liability cost or expense arose directly from DWM's wilful misconduct, bad faith or negligence.

Formatted: Indent: Left: 0 cm, Hanging: 1 cm



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

Period: 12 December 2023 to 22 January 2024

- . Licence of Crown Land at Mell Street, Forth  
The Crown in Right of Tasmania (Licensor) and the Central Coast Council  
(Licensee)  
Commencement date: 1 October 2023  
Term: 20 years
- . Grant deed – Safer Rural Roads Program 2022–23 – Round 1  
The Crown in Right of Tasmania (Grantor) and the Central Coast Council  
(Recipient)  
Infrastructure treatments at Creamery Road, Sulphur Creek  
Grant amount: \$100,000 (GST exclusive)  
Completion date: 30 June 2024
- . Grant deed – Remote Roads Pilot Program 2023  
The Crown in Right of Tasmania (Grantor) and the Central Coast Council  
(Recipient )  
Ironcliffe Road Upgrade, Penguin  
Grant amount: \$7,520,424 (GST exclusive)  
Completion date: 31 January 2025
- . Deed of Transfer – South Road (Portion of Bass Highway)  
The Crown in Right of Tasmania (Grantor) and the Central Coast Council  
(Recipient)

Barry Omundson  
GENERAL MANAGER



**SCHEDULE OF CONTRACTS AND AGREEMENTS**  
*(Other than those approved under the common seal)*

Period: 12 December 2023 to 22 January 2024

Nil

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: 12 December 2023 to 22 January 2024

- . A letter from the Hon Nic Street MP, Minister for Local Government regarding the Local Government Learning and Development Framework.
- . An email from local business owners regarding the Penguin Running Festival.

A handwritten signature in black ink, appearing to read 'Barry Omundson', is positioned above the printed name.

Barry Omundson  
GENERAL MANAGER

# Safeguarding Children and Young People

## Allegation and Complaints Handling Procedure

January 2024

# Table of Contents

<b>SCOPE.....</b>	<b>2</b>
<b>OVERVIEW.....</b>	<b>2</b>
<b>EXPLANATION OF REPORTABLE CONDUCT.....</b>	<b>3</b>
<b>PROCEDURE.....</b>	<b>3</b>
<b>1 RECEIVING THE COMPLAINT.....</b>	<b>3</b>
<b>2 RECORDING THE COMPLAINT.....</b>	<b>3</b>
<b>3 ACKNOWLEDGING THE COMPLAINT.....</b>	<b>4</b>
<b>4 ASSESSING THE COMPLAINT AND ADDRESSING IMMEDIATE RISKS.....</b>	<b>4</b>
<b>5 CONDUCTING AN INVESTIGATION.....</b>	<b>6</b>
<b>6 PROVIDE REGULAR UPDATES THROUGHOUT THE COMPLAINTS PROCESS.....</b>	<b>6</b>
<b>7 PROVIDE THE FINAL OUTCOMES.....</b>	<b>6</b>
<b>8 CLOSE THE COMPLAINT AND RECORD THE OUTCOMES.....</b>	<b>6</b>
<b>9 FACILITATING ONGOING SUPPORT FOR THOSE INVOLVED IN THE COMPLAINT.....</b>	<b>7</b>
<b>CONTINUOUS IMPROVEMENT.....</b>	<b>7</b>
<b>ATTACHMENT A: OUTLINE OF COMPLAINT REPORT FORM TO BE SENT TO THE INDEPENDENT REGULATOR.....</b>	<b>8</b>
<b>ATTACHMENT B: INDICATIVE ALLEGATIONS INVESTIGATION SUPPORT.....</b>	<b>9</b>

## SCOPE

This Procedure does not apply to Council employees and representatives engaged in Council's Children's Services functions. Council employees and representatives engaged in Council's Children's Services functions should refer to the Children's Services Child Protection Policy.

This Procedure applies to all other Council employees and representatives, including:

- Mayor and Councillors;
- Full-time, part-time, and casual employees;
- Permanent and temporary employees performing work for Council, including work experience students, apprentices, interns, and trainees;
- Temporary and casual individuals engaged through an agency;
- Staff on secondment from another role or another council;
- Volunteers; and
- Contractors or consultants directly engaged/renumerated by Council.

The application of this Procedure is irrespective of the person's involvement in child related work or the environment where they contact children or young people (physical, face to face, verbal, written or online), and there are no exclusions to its application.

## OVERVIEW

These procedures outline how allegations and complaints made under the Reportable Conduct Scheme are to be received, recorded, managed, investigated and reported to the Independent Regulator.

The Reportable Conduct Scheme and the appointment of an Independent Regulator is established in Tasmania under the *Child and Youth Safe Organisations Act 2023 (Tas)* and comes into effect from 1 January 2024.

A report must be made if Council receives a complaint regarding a 'reportable allegation' or 'reportable conviction'.

**Reportable Allegation** – Information that leads a person to form a reasonable suspicion that a Central Coast Council 'worker' (as defined in the Safeguarding Children and Young People Policy) has committed reportable conduct, whether or not the alleged reportable conduct occurred within the course of the worker's duties, and regardless of when the alleged reportable conduct occurred.

**Reportable Conviction** – A conviction for an offence that involves reportable conduct, regardless of when the conduct or conviction occurred.

The Act requires that the CEO of Council (or an officer within the organisation on behalf of the CEO) must, if they become aware of a reportable allegation or conviction against a 'worker' of Council, notify the Independent Regulator. Each

failure to report can carry a fine of up to \$23,400. Liability for the fine remains with the CEO. The Independent Regulator must be notified within three business days of a reportable allegation or reportable conviction against a ‘worker’ of Council.

## ***EXPLANATION OF REPORTABLE CONDUCT***

The table below provides some examples of reportable conduct. This is not an exhaustive list.

A ‘relevant offence’:	<ul style="list-style-type: none"> <li>• A sexual offence.</li> <li>• Failing to report sexual abuse of a child.</li> <li>• Ill-treatment of a child.</li> <li>• Attempt, incitement, accessory.</li> </ul>
Sexual misconduct:	<ul style="list-style-type: none"> <li>• Inappropriate behaviour.</li> <li>• Physical contact.</li> <li>• Voyeurism.</li> <li>• Speech or other communication.</li> </ul>
Physical violence:	<ul style="list-style-type: none"> <li>• Intentional or reckless.</li> <li>• Actual physical force.</li> <li>• Belief of physical force.</li> </ul>
Grooming:	<ul style="list-style-type: none"> <li>• Intended to establish trust.</li> <li>• Purpose of normalising sexuality harmful behaviour or to allow an unlawful act to occur.</li> <li>• Pattern of behaviour.</li> <li>• Diversity of settings and methods.</li> </ul>
Emotional/psychological harm:	<ul style="list-style-type: none"> <li>• Must be significant.</li> <li>• Harm to a child’s wellbeing or development, or both.</li> </ul>
Neglect:	<ul style="list-style-type: none"> <li>• Must be significant.</li> <li>• Deliberate or reckless failure to meet basic needs.</li> </ul>

## ***PROCEDURE***

### **1 RECEIVING THE COMPLAINT**

Complaints may be received in person, by phone, email, letter or social media. Details of the complaint should be recorded in Council’s administrative records system as per all official correspondence with Council and forwarded in the first instance to the CEO, along with all other relevant



information provided by the complainant. Complaints may be received from a parent, carer, a child, staff member, volunteer or any other members of the community.

**\* Staff should call 000 if it is apparent a child is in immediate danger.**

## **2 RECORDING THE COMPLAINT**

The CEO or their delegate, should record the key complaint details, such as details about the complainant, any additional communication or support required; details about the subject of the complaint (including any former names or aliases of the accused worker, if known, date of birth), the complaint issues, if Tasmania Police have been notified (if a reportable allegation), how the complaint will be resolved or investigated and risks to be managed (see Attachment A: Complaint Report Form).

The Complaint Report Form must be provided to the Independent Regulator within three business days of receiving the complaint.

In the first instance and where relevant, Council staff should offer referral to support services for the person reporting the complaint and the accused 'worker'.

## **3 ACKNOWLEDGE THE COMPLAINT**

Complaints should be acknowledged at the time of receipt or as soon as possible afterwards.

Acknowledge the complaint with the complainant within 24 hours of the complaint being received.

Nominate a contact person at Central Coast Council for the complainant.

Provide information about the complaint-handling process, the likely next steps and expected timeframe.

## **4 ASSESS THE COMPLAINT AND ADDRESS IMMEDIATE RISKS**

The initial assessment of a complaint should involve the following questions being asked:

- Does the complaint raise any immediate risks to the safety or wellbeing of a child or young person or other person?
- What other issues does the complaint raise?
- What steps need to be taken to address and manage risks throughout the complaints process?

- Does the child or young person affected by the complaint (or other children involved or impacted) require any additional supports during the complaints process?
- What evidence needs to be immediately secured/protected/kept confidential?
- How serious, complicated or otherwise urgent are the issues raised in the complaint (from both the perspective of the complainant, involved child or young person and the organisation)?
- Are the issue/s raised within your organisation's control?
- Are the outcomes sought by the complainant viable?
- If more than one issue is raised, will they need to be separately addressed?
- What other authorities or agencies (e.g. police, health services) need to know about the issues raised by the complaint or be involved in the response?
- What type of information should the complainant be provided following your assessment?
- Is further information needed from the complainant in order to properly assess and resolve the complaint?

If the complaint is not about something your organisation can respond to, you should ensure that the complainant is told this and (wherever possible) referred to a person or organisation that can help as quickly as possible.

Checklist for when Council must report to the Independent Regulator:

- The complaint is being made against someone over the age of 18 years.
- They are engaged by the Council as 'worker' (within the meaning of the Act).
- The conduct or behaviour complained of is 'reportable conduct'.
- The conduct or behaviour complaint leads you to form a reasonable suspicion that the person has committed 'reportable conduct' OR the person has been convicted for that 'reportable conduct'.

## 5 CONDUCTING AN INVESTIGATION

After an initial Complaint Report is sent to the Independent Regulator, as soon as practicable, a Council Officer on behalf of the CEO must:

- Investigate the reportable allegation/reportable conviction, or engage an independent investigator to do so on Council's behalf (see Attachment B for indicative investigation support).
- Inform the Independent Regulator of the identity of the body or person who will conduct the investigation.

Select the appropriate investigative approach by looking at any statutory requirements, consulting relevant external bodies (e.g. police and child protection agencies) and considering the nature of the issue or allegations raised and the likely outcome of the investigation.

Develop an investigation plan, ensuring that, where appropriate, relevant authorities are consulted and involved in its design and implementation to ensure an organisation's actions do not compromise a police or child protection investigation.

No later than 30 days after the initial complaint is reported to the Independent Regulator via the Complaint Report Form, Council must provide the following information to the Office of the Independent Regulator:

- A copy of the findings and the reasons for those findings.
- Details of any disciplinary (or other) action Council has taken or proposes to take, and the reasons for that action.
- If no action is proposed to be taken, the reasons why no action is to be taken.

If for some reason Council is unable to investigate or engage an external investigator to investigate, it must notify the Independent Regulator as soon as practicable and give reasons for the non-compliance.

The obligation to investigate continues to apply even if the worker ceases to be employed or otherwise engaged by Council during the period in which the investigation is being conducted.

## **6 PROVIDE REGULAR UPDATES THROUGHOUT THE COMPLAINTS PROCESS**

Let the complainant and—depending on the complainant's needs, also their family, guardian and/or support person—know what is happening with their complaint, when they can expect to hear from you and who to contact for more information or if they have questions about the process.

The frequency of updates and the nature and quantity of information provided to the complainant should be determined in accordance with their specific needs and wishes, and privacy and confidentiality obligations.

## **7 PROVIDE THE FINAL OUTCOMES**

Report final findings to the complainant, the subject of complaint and other stakeholders, considering privacy, confidentiality and procedural fairness obligations.

Explain to the complainant and the subject of complaint—using the most appropriate communication channel and putting in place any necessary supports—the key steps taken to investigate the complaint, the outcome (including the reasons for your decision), and available avenues for review and/or appeal if they are dissatisfied with the outcome and/or the complaints process.

## **8 CLOSE THE COMPLAINT AND RECORD THE OUTCOME**

Close the complaint and keep comprehensive records about:

- How the complaint was managed;
- The outcome; and
- Any recommendations and/or outstanding actions and how they have been addressed.

It is also a good idea to make a record of any systemic issues identified. Invite people to provide feedback at the conclusion of the complaints process.

## **9 FACILITATING ONGOING SUPPORT FOR THOSE INVOLVED IN THE COMPLAINT**

As part of the process for finalising complaints, Council should consider whether the person who made the complaint or a child or young person involved in the complaint (or their parents/carers) is likely to need or want ongoing support. This might include support that can be provided by Council, as well as referrals that can be facilitated to other organisations where required (for example, referrals for counselling).

## ***CONTINUOUS IMPROVEMENT***

In addition to making adjustments to any systems or weaknesses identified by a specific complaint or general feedback, Council should have a system for collecting, maintaining and reviewing complaints data to identify any broader trends with the aim of improving service delivery/performance. Look for opportunities to communicate with people who have made complaints, and with stakeholders broadly, about any changes or improvements brought about through the handling of complaints, or review of complaint data. This helps people to see the tangible benefits from making complaints, and may help people to feel more comfortable about raising other concerns in the future.

## Attachment A: Outline of Complaint Report Form to be sent to the Independent Regulator

### Complaint Report Form

*Child and Youth Safe Organisations Act 2023 (Tas)*

The following information is to be provided to the Independent Regulator within 3 business days of receiving the complaint.

**Date Complaint Made:**

**Complainant's Details:**

Title: First Name: Surname:

Date of Birth:

Postal Address:

Contact Phone Number:

Email:

**Details of Accused Worker:**

Title: First Name: Surname:

Any known aliases:

Date of Birth:

Postal Address:

Contact Phone Number:

Email:

**Details of the Complaint or Convicted Offence Reported to Council:**

**Contact Details of Council Officer Handling the Complaint:**

Position/Title: First Name: Surname:

Postal Address:

Contact Phone Number:

Email:

**List actions taken by Council to date:**

*(Provide written details)*

Receipt of the complaint has been formally acknowledged with complainant ☐

Initial information about the complaint handling process has been provided to the complainant ☐

Complainant has been given contact details for the Council Officer handling the complaint ☐

CEO's Signature:

Date:

## **Attachment B: Indicative Allegations Investigation Support**

- Straightforward investigation (~1-2 witnesses, single allegation, cooperative witnesses etc):
  - Approx. \$2,500 - \$3,500 plus disbursements recovered at cost (normally interview transcription)
  - This assumes a senior associate engaged for approx. 1 day interviewing witnesses and approx. 1 day preparing a report.
- Complex investigation (~ 5 or more witnesses, multiple / serious allegations, etc)
  - Approx. \$10,000 - \$15,000 plus disbursements recovered at cost (normally interview transcription)
  - This assumes a senior associate engaged for approx. 2-3 days interviewing witnesses, and 2-3 days preparing a report.

# Safeguarding Children and Young People Policy

January 2024

# Table of Contents

<i>PURPOSE</i> .....	2
<i>SCOPE</i> .....	2
<i>DEFINITIONS</i> .....	3
<i>COUNCIL'S CHILD SAFE STATEMENT OF COMMITMENT</i> .....	4
<i>POLICY</i> .....	5
<i>CHILD SAFE STANDARDS</i> .....	5
<i>REPORTABLE CONDUCT SCHEME</i> .....	7
<i>POLICY FUNCTIONS</i> .....	8
<i>ROLES AND RESPONSIBILITIES</i> .....	8
<i>RELEVANT LEGISLATION</i> .....	12
<i>REVIEW</i> .....	12



## *PURPOSE*

The purpose of this Policy is to define Council's commitment to creating and maintaining a Child Safe Organisation, and outlines Council's position and responsibilities toward the safeguarding of children and young people in Council's physical and online environments.

## *SAFETY MESSAGE*

If you have an urgent concern about the safety, health, or welfare of a child or young person, contact emergency services on Triple 0 (000).

If you are a child or adult who has been the victim of child abuse, or if you have information about someone else being abused, you can contact Tasmania Police anytime on 131 444.

If you have concerns for the safety or welfare of a child, contact Strong Families, Safe Kids Advice and Referral Line on 180 000 123

If you, or someone you know, requires support or education for mental health and wellbeing, contact:

- Employee Assistance Scheme –
- Lifeline – 13 11 14
- Beyond Blue – 1300 22 4636
- Suicide Callback Service – 1300 65 9467
- Kids Helpline – 1800 55 1800
- Access Mental Health Helpline – 1800 33 2388

## *SCOPE*

This Policy does not apply to Council employees and representatives engaged in Council's Children's Services functions. Council employees and representatives engaged in Council's Children's Services functions should refer to the Children's Services Child Protection Policy.

This Policy applies to all other Council employees and representatives, including:

- Mayor and Councillors;
- Full-time, part-time, and casual employees;
- Permanent and temporary employees performing work for Council, including work experience students, apprentices, interns, and trainees;
- Temporary and casual individuals engaged through an agency;
- Staff on secondment from another role or another council;
- Volunteers; and
- Contractors or consultants directly engaged/renumerated by Council.

The application of this Policy is irrespective of the person's involvement in child related work or the environment where they contact children or young people

(physical, face to face, verbal, written or online), and there are no exclusions to its application.

## ***DEFINITIONS***

For the purposes of this Policy, the following definitions apply:

***Abuse*** – Abuse is an act, or a failure to act, towards or on behalf of a child that may result in harm. It can occur on one occasion or multiple occasions. Sometimes the impact of multiple events leads to harm that becomes cumulative in nature. Types of abuse include physical, emotional, sexual abuse, and neglect.

***Child/Children/Young Person*** – Any person under 18 years of age as defined by *Children, Young Persons and their Families Act 1997 (Tas)*.

***Child safe*** – For this Policy, child safe means protecting the rights of children and young people to be safe by taking actions that can help prevent harm and abuse.

***Child Safe Organisation*** – Defined in the Royal Commission Final Report as an organisation that:

- creates an environment where children's safety and wellbeing are at the centre of thought, values, and actions;
- places emphasis on genuine engagement with and valuing of children and young people;
- creates conditions that reduce the likelihood of harm to children and young people;
- creates conditions that increase the likelihood of identifying any harm; and
- responds to any concerns, disclosures, allegations, or suspicions of harm.

Note: In the context of local government, this involves referring concerns to the Independent Regulator and in the case of suspected criminal behaviour, to Tasmania Police, to respond as appropriate.

Implementation of the Child and Youth Safe Standards (which mirror the National Principles for Child Safe Organisations) gives effect to the above.

***Child and Youth Safe Standards*** – 10 standards that specific organisations in Tasmania (including councils) must put into practice in an ongoing and simultaneous manner. These are defined under the legislation and mirror the National Principles for Child Safe Organisations.

***Contractor*** – In the scope of this Policy means a person or company used by Council to provide services directly to children and young people, or where the contract related activities will, or are likely to involve contact with children and young people that is a usual part of and more than incidental to, the services.

***Council*** – the Central Coast Council.

***Council facilities*** – Properties, buildings, and facilities, including parks and sporting facilities owned and managed by Council, including those used by the public or available for hire.

***Council staff*** – Includes Central Coast Council employees, volunteers, students on placement, contractors, consultants, elected representatives, and visitors, and anyone else who undertakes work on behalf of the Central Coast Council. This is regardless of their work related to children or young people.

***Harm*** – Any detrimental effect of a significant nature on the child's wellbeing, whether caused by a single act, omission or circumstance, or a series or combination of acts, omissions, or circumstances.

***Independent Regulator*** – An independent oversight body that exists to help organisations understand how to comply with Tasmania's Child and Youth Safe Framework, provide guidance and advice, and monitor compliance.

***Reportable Conduct Scheme*** – Requires leaders of specific organisations to notify the Independent Regulator when concerns are raised about conduct related to child abuse.

***Safeguarding*** – Taking the actions necessary to ensure children and young people feel safe and are safe. This also means that if children or young people do not feel safe, steps are taken to restore their safety.

***Universal Principle for Aboriginal Cultural Safety*** – This applies across all 10 Child and Youth Safe Standards and means the right of Aboriginal and Torres Strait Islander children and young people to Cultural Safety must be respected.

***Wellbeing*** – Wellbeing of children and young people includes the care, development, education, health and safety of children and young people.

## ***COUNCIL'S CHILD SAFE STATEMENT OF COMMITMENT***

- We are committed to the safety and wellbeing of children and young people while enabling their participation as valued members of our community.
- We have zero tolerance for child abuse and harm. Our people are obligated to prioritise the safety of the children they interact with in the performance of their role and to report conduct of concern.
- We recognise the importance of child safety in the provision of quality community services. All children who attend services, programs, events, and community spaces (including online environments) that are delivered, owned, contracted, or managed by Council, have the right to feel safe, be safe, and be heard.
- We recognise our legal and moral responsibilities in keeping children and young people safe and have robust policies and procedures in place to meet

this commitment that are aligned with the National Principles for Child Safe Organisations.

- We want children to thrive, be safe, happy, and empowered, and we are dedicated to ensuring their views are listened to and respected and they are given opportunities to contribute to how we plan and deliver our services that affect them.
- We are committed to being a Child Safe Organisation.

## ***POLICY***

Council is committed to the safety of Children and Young People. Council is legally required to comply with the Child and Youth Safe Organisations Framework, which aims to protect children from abuse and harm.

### **1 CHILD SAFE STANDARDS**

The Tasmanian Child and Youth Safe Standards (the Standards) outline how an organisation can develop a culture with child safety and wellbeing at its centre. The Standards contribute to preventing abuse and harm. They require organisations to meet a benchmark that ensures children's and young people's rights to safety and wellbeing are respected and upheld.

All 10 Child and Youth Safe Standards must be put into practice in accordance with a Universal principle for Aboriginal Cultural Safety.

The Universal Principal says organisations must provide an environment that ensures that the right to Cultural Safety of Aboriginal and Torres Strait Islander children is respected. Cultural Safety can be understood as an environment or relationship where:

- Aboriginal and Torres Strait Islander children and young people feel safe to be themselves;
- Their Aboriginality is respected, and;
- Their sense of self and identity is nurtured and encouraged.

Tasmania's 10 Child and Youth Safe Standards mirror the National Principles for Child Safe Organisations, which emerged from the work of the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Standards are as follows:

STANDARD	THIS MEANS:
<b>Standard 1:</b> Child safety and wellbeing is embedded in organisational leadership, governance, and culture.	All people in the organisation care about children and young people's safety and wellbeing above everything else, and make sure they act that way and lead others to act that way.
<b>Standard 2:</b> Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.	Children and young people are told about their human rights, have a say in decisions and are taken seriously.
<b>Standard 3:</b> Families and communities are informed and involved in promoting child safety and wellbeing.	Families, carers, and communities know about and are involved in the organisation's child and safety and wellbeing activities.
<b>Standard 4:</b> Equity is upheld, and diverse needs are respected in policy and practice.	The rights of every child and young person are being met, and children and young people are treated with dignity, respect, and fairness.
<b>Standard 5:</b> People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.	People working with children and young people are safe to work with children and young people and are respectful of them. They are taught how to keep children safe and well.
<b>Standard 6:</b> Processes to respond to complaints and concerns are child focused.	Children, young people, families, carers, staff, and volunteers are listened to and can share problems and concerns.
<b>Standard 7:</b> Staff and volunteers are equipped with the knowledge, skills, and awareness to keep children and young people safe through ongoing education and training.	Staff and volunteers keep learning all the time, so they know how to keep children and young people safe and well.
<b>Standard 8:</b> Physical and online environments promote safety and wellbeing while minimising the	Children and young people are safe in online and physical spaces.

opportunity for children and young people to be harmed.	
<b>Standard 9:</b> Implementation of the Child and Youth Safe Standards is regularly reviewed and improved.	The organisation keeps reviewing and improving its child safety and wellbeing practices.
<b>Standard 10:</b> Policies and procedures document how the organisation is safe for children and young people.	The organisation writes down how it keeps children and young people safe and well and makes sure that everyone can see these documents.

## 2 REPORTABLE CONDUCT SCHEME

The Reportable Conduct Scheme (the Scheme) aligns closely with the Standards. The Scheme aims to improve how organisations respond to allegations of certain types of misconduct involving children/young people, committed by their workers and volunteers.

The Scheme imposes legal obligations on the Chief Executive Officer as head of the organisation to have systems in place to prevent child abuse and, if child abuse is alleged, to ensure allegations are brought to the attention of the appropriate persons for investigation and response.

Under the Scheme, reportable conduct is broader than suspected criminal behaviour and includes:

- Sexual offences (against, with or in the presence of, a child);
- Sexual misconduct (against, with or in the presence of, a child);
- Physical violence (against, with or in the presence of, a child);
- Grooming of a child;
- Behaviour that causes significant emotional or psychological harm;
- Significant neglect; and
- Relevant offences such as failing to report child abuse.

### 3 POLICY FUNCTIONS

Central Coast Council will ensure the following functions of this Policy are resourced and assigned to the relevant officers for implementation:

- Establishment of a cross-functional internal working group to monitor the Council's response to the implementation of and adherence to the Child Safe Framework.
- Providing the necessary resources to prepare and implement policy and procedural changes required to comply with the Child Safe Standards. This work includes:
  - Developing a child safe code of conduct.
  - Conducting risk assessments for Council services, programs, or facilities used by children and young people.
  - Developing allegation and complaints handling procedures.
  - Updating relevant HR policies and procedures.
  - Updates to contractor/supplier/procurement policy and procedures.
  - Documenting reporting and record-keeping procedures related to this policy.
- Provide resources for staff awareness and training in relation to this policy.
- Developing a process to deliver child safe messages at Council venues, grounds, facilities, and events.
- Connecting and supporting local community groups, organisations, and stakeholders to child safe resources (including culturally safe and inclusive resources).

### 4 ROLES AND RESPONSIBILITIES:

Safeguarding children and young people is a shared responsibility across Council.

#### **Elected Members**

- Model a culture of child safety and wellbeing.
- Understand and comply with their obligations in relation to child safety and wellbeing.

- Participate in training/education to identify, prevent, and report child abuse and harm.
- Report any concerns about child safety and wellbeing.
- Promote Council as a Child Safe Organisation and direct community members to appropriate information and resources.

#### **Chief Executive Officer**

- The Chief Executive Officer is the 'head of an entity' under the *Child and Youth Safe Organisations Act 2023* and has legal obligations (including timeframes) around the sharing of reportable conduct information. This includes reporting to the Independent Regulator any allegations of misconduct involving children and young people by Council staff.
- Ensure adequate resources and support to enable staff to effectively deliver the Safeguarding Children and Young People Policy.
- Be the first point of contact in relation to the reportable conduct scheme and investigations.
- Participate in training/education to identify, prevent, and report child abuse and harm.

#### **Directors and Managers**

- Ensure a culture of safeguarding children and young people is embedded among their team.
- Ensure safeguarding children and young people policies and procedures, and other relevant policies are implemented within the work areas they are responsible for.
- Provide team members with induction, support, supervision, and access to ongoing professional development around safeguarding children and young people relevant to each team member's role and duties.
- Conduct risk assessments, taking reasonable steps to identify any potential risks to the safety and wellbeing of children within the work remit of their team/s and remove or minimise the risks.
- Participate in regular training/education to identify, prevent, and report child abuse and harm.

#### **Manager People and Culture**

- Ensure all recruitment, selection and on boarding processes meet the



requirements of the Child and Youth Safe Standards.

- Ensure appropriate safety and screening checks are undertaken prior to engagement and maintained according to Council HR policies.
- Ensure induction of new employees includes the provision of the Safeguarding Children and Young People Policy and Procedures and training to support them in understanding their roles and responsibilities relating to child safety.
- Oversee the implementation of child safety training for new employees and refresher training for all employees on an ongoing basis and keep records of training completed.
- Manage disciplinary procedures as they relate to child safety and wellbeing.
- Responsible for providing training, capacity building and awareness-raising initiatives to ensure employees are appropriately equipped to recognise, respond to and report child abuse.

#### **Council Staff**

- Understand and comply with their roles and responsibilities in keeping children safe.
- Report any concerns about the safety and wellbeing of a child or young person.
- Obtain and maintain a Working with Vulnerable People Check where required.
- Participate in training and education in relation to safeguarding children and young people as required.
- Provide environments for children and young people where they feel safe, empowered, and can participate. Behave safely and appropriately with children and young people.

#### **Contract Managers**

- The management of contracts includes, but is not limited to, all agreements, leases, licences, grant recipients, funded partners, and labour hire. Anyone managing these contracts will ensure:
- All third-party operators are provided with a copy of Council's Child Safety Commitment Statement; and
- Contracts contain the relevant child safe clauses, including the requirement for Working with Vulnerable People Checks where

relevant and compliance with the Standards.

### External Parties

Although Central Coast Council is not legally responsible for providing oversight of compliance with child safe practices outside of this organisation, it will take any reasonable steps to engage with persons who utilise Central Coast Council facilities to operate in alignment with this Policy.

### Child Safe Organisation Working Group

This Working Group will provide overall governance and leadership related to this policy. The Working Group is led by the Director Community, Growth and Development and includes the following roles:

- Manager Childrens Services
- Manager Community Development
- Manager Arts and Culture
- Manager People and Culture

The purpose of the group is to monitor the Council's response to the implementation of and adherence to, the Child Safe Framework. The group will meet and report to SLPT on at least a quarterly basis.

**Our approach to Royal Commission Recommendation – 6.12: The Royal Commission into Institutional Responses to Child Sexual Abuse defined a role for Local Government under Recommendation 6.12 which states:**

*“With support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:*

- a) developing child safe messages in local government venues, grounds, and facilities*
- b) assisting local institutions to access online child safe resources*
- c) providing child safety information and support to local institutions on a as needs basis*
- d) supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.”*

The Local Government Association of Tasmania (LGAT) continues to advocate to the national and state government for more support to local governments for implementation of Recommendation 6.12 (which has yet to be forthcoming). Without additional support, Recommendation 6.12 is not something Council can currently fully embrace with our current resourcing.

Central Coast Council acknowledges it has a leadership role in the community to support relevant organisations to be child safe and promote child safe practices and will work towards the functions of Recommendation 6.12.

## ***RELEVANT LEGISLATION***

- *Child and Youth Safe Organisations Act 2023 (Tas)*
- Staff Code of Conduct Policy
- Model Code of Conduct Policy (Councillors)
- Disciplinary Procedure
- Child and Youth Safe Organisations Framework (2024)
- The Reportable Conduct Scheme

## ***REVIEW***

The Policy will be reviewed on a three-year basis to ensure its continuing suitability, adequacy, effectiveness, and relevance.

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

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2018020 - 1	9 Robertsons Road WEST ULVERSTONE,TAS,7315	Minor amendment of a Permit.	Residential (subdivision - two lots and dwelling)	14/11/2023	20/12/2023	30	\$0.00
DA2022235	19 & 21 Queen Street WEST ULVERSTONE and roadway comprised in CT2518719,TAS,7315	Discretionary	Residential - consolidation of titles, demolition of church and construction of multiple dwellings x 6 (including existing dwelling).	24/08/2022	11/12/2023	45	\$750,000.00
DA2022335	33 Southwood Avenue PENGUIN,TAS,7316	Discretionary	Residential - single dwelling	8/12/2022	4/12/2023	30	\$0.00
DA2023110	82 Queen Street WEST ULVERSTONE,TAS,7315	Discretionary	Subdivision - 2 residential lots and Residential - single dwelling and shed	3/05/2023	8/12/2023	29	\$500,000.00
DA2023214	9 Knights Road WEST ULVERSTONE,TAS,7315	Discretionary	Subdivision - 3 residential lots - Lot design	10/08/2023	4/12/2023	31	\$0.00
DA2023235	50 Bellingers Road ABBOTSHAM,TAS,7315	Discretionary	Subdivision - excision of existing single dwelling	30/08/2023	8/12/2023	38	\$25,000.00
DA2023236	729 Castra Road ABBOTSHAM,TAS,7315	Discretionary	Subdivision - excision of existing single dwelling	30/08/2023	6/12/2023	36	\$30,000.00
DA2023269	109 Eastland Drive ULVERSTONE,TAS,7315	Discretionary	Storage and Service Industry - prefabricated building	11/10/2023	11/12/2023	35	\$165,000.00
DA2023273	170 Main Road & 9A Seaside Crescent PENGUIN,TAS,7316	Discretionary	Subdivision - 2 residential lots into 3 (staged), including construction of a single dwelling and outbuilding	12/10/2023	11/12/2023	53	\$100,000.00
DA2023279	549 Cuprona Road CUPRONA,TAS,7316	Discretionary	Subdivision - 1 lot and balance lot	20/10/2023	4/12/2023	40	\$10,000.00
DA2023281	43 Southwood Avenue PENGUIN,TAS,7316	Discretionary	Residential - single dwelling	23/10/2023	8/12/2023	39	\$364,070.00
DA2023283	1 Lillian Court TURNERS BEACH,TAS,7315	Discretionary	Residential – retrospective application for front fence - Frontage fences for all dwellings	23/10/2023	11/12/2023	45	\$650,000.00
DA2023285	23-25 Fieldings Way ULVERSTONE,TAS,7315	Discretionary	Storage - warehouse including office	24/10/2023	7/12/2023	41	\$1,000,000.00
DA2023286	188 Copes Road & McHughes Road Camena RIANA,TAS,7316	Discretionary	Subdivision –2 lots into 3, including excision of a single dwelling - staged	25/10/2023	8/12/2023	31	\$15,000.00
DA2023287	49 & 51 Main Street ULVERSTONE,TAS,7315	Permitted	Subdivision - boundary adjustment	25/10/2023	12/12/2023	15	\$5,000.00
DA2023288	161 Hardys Road PENGUIN,TAS,7316	Discretionary	Visitor Accommodation - Visitor Accommodation	25/10/2023	20/12/2023	22	\$120,000.00
DA2023299	10 Ironcliffe Road PENGUIN,TAS,7316	Discretionary	Residential - shed (demolition of existing and construction of new shed)	7/11/2023	18/12/2023	34	\$12,000.00
DA2023300	2 Lily Lane PENGUIN,TAS,7316	Discretionary	Residential - shed	7/11/2023	18/12/2023	34	\$25,000.00
DA2023301	70 Queen Street WEST ULVERSTONE,TAS,7315	Discretionary	Residential – carport and shed with an attached carport - Setbacks and building envelope for all dwellings	7/11/2023	13/12/2023	26	\$30,000.00
DA2023304	119 Trevor Street ULVERSTONE,TAS,7315	Discretionary	Residential - single dwelling, carport and garage	8/11/2023	18/12/2023	31	\$500,000.00

DA2023308	29 Blue Wren Lane WEST ULVERSTONE,TAS,7315	Permitted	Rural - storage shed (tractor)	15/11/2023	8/12/2023	22	\$10,000.00
DA2023312	109 Queen Street WEST ULVERSTONE,TAS,7315	Permitted	Visitor Accommodation - Air BnB – short term accommodation	17/11/2023	12/12/2023	20	\$0.00
DA2023313	58A Casey Street South LEITH,TAS,7315	Discretionary	Residential - single dwelling and shed	20/11/2023	18/12/2023	26	\$600,000.00
DA2023315	19 Wynwood Road SPRENT,TAS,7315	Discretionary	Domestic Animal Breeding, Boarding or Training - retrospective application for intensification of use and development - animal boarding and training facilities	21/11/2023	15/12/2023	24	\$400,000.00
DA2023319	287 Pine Road PENGUIN,TAS,7316	Discretionary	Residential - demolition of existing single dwelling and construction of new single dwelling	17/11/2023	21/12/2023	28	\$450,000.00
DA2023321	246 Penguin Road PENGUIN,TAS,7316	Permitted	Residential - demolition of existing shed and construction of new shed	27/11/2023	12/12/2023	6	\$17,500.00
DA2023324	10 Revell Lane PENGUIN,TAS,7316	Permitted	Residential - shed	30/11/2023	12/12/2023	8	\$57,000.00
DA2023329	U 2/42 Main Street ULVERSTONE,TAS,7315	Permitted	Residential - awning	7/12/2023	19/12/2023	6	\$22,989.00



## **SCHEDULE OF INFRASTRUCTURE SERVICES DETERMINATIONS**

Period: 1 December 2023 to 31 December 2023

### *Approval of Roadworks and Services*

Subdivider: D. Johnston

Location: 6 Clarke Street, Ulverstone

Number of lots: 2 Residential Lots

Engineer: Chris Martin

Subdivider: Rob Arvier

Location: 20 Mission Hill Road, Penguin

Number of lots: 8 Residential Lots (Stage-2)

Engineer: Mark Westerberg

Subdivider: J. & J.M. Purton

Location: 228A Preservation Drive, Sulphur Creek

Number of lots: 3 Residential Lots

Engineer: Jonathon Mulcahy

A handwritten signature in black ink, appearing to read 'P. Breaden', is positioned above the printed name and title.

Paul Breaden  
DIRECTOR INFRASTRUCTURE SERVICES



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

Period: 1 December 2023 to 31 December 2023

### **Building Permits and Certificates**

<b>Building Permits – Category 4</b>	<b>Number Issued</b>	<b>Cost of Works</b>
Additions / Alterations	0	\$0
Demolition Permits	0	\$0
New Dwellings	1	\$560,000
Outbuildings	0	\$0
Units	0	\$0
Other	0	\$0
Permit of Substantial Compliance		
<b>Notifiable Works – Category 3</b>	<b>Number Issued</b>	<b>Combined \$ Amount</b>
Additions / Alterations	5	\$638,600
Demolition Permits	0	\$0
New Dwellings	7	\$3,695,000
Outbuildings	5	\$205,000
Units	0	\$0
Other	1	\$9,887

### **Plumbing Permits and Certificates**

<b>Plumbing Permits – Category 4</b>	<b>Number Issued</b>	<b>–</b>
Plumbing Permit	0	
<b>Notifiable Works – Category 3</b>		
Certificate of Likely Compliance	3	

### **Fire Abatement Notices**

<b>Fire Abatement Notices Issued</b>	<b>Property Cleared by Contractor</b>
11	0

**COMPLIANCE – SCHEDULE OF REGULATORY SERVICES STATUTORY RESPONSIBILITIES**

Period: 1 December 2023 to 31 December 2023

**Dogs Impounded by Central Coast Council**

Number of Dogs Impounded	Dogs Claimed	Dogs to Dogs Home
6	5	1

**Animal Licences, Offences, Permits**

Licence, Offence, Permits	Number Issued
Barking dog complaints	4
Declaration of dangerous dogs	0
Dog attacks on other dogs/cats	1
Dog attacks on persons	1
Dog attacks on livestock/wildlife	0
Kennel licences issued	1
Kennel Licence Renewals	0
Permits under <i>Animal Control By-law No.1 of 2018</i>	1
Unregistered dogs located by Compliance	12
Wandering livestock	1

**Dog Infringement Notices Issued**

Off-lead in On-Lead Locations	Patrols	Cautions	Infringements
Buttons Beach	20	0	0
Midway Beach	25	0	0
Penguin Beach	28	1	0
Turners Beach	28	0	0



### Patrols of Free Camping Areas

Camping Area	Patrols Conducted	Cautions Issued
Bannons Park	15	0
Battons Park	2	0
Forth Recreation Ground	30	0
Halls Point [Closed Area]	30	1
Nicholson Point	20	0
Penguin Surf Life Saving Precinct	30	0
Midway Point	45	38

### Traffic Infringement Notices for Parking Offences

Traffic Infringement Location	Number Issued	Percentage
Alexandra Road	3	10.0%
Bannons Carpark	2	6.7%
Coles/Furner's Carpark	4	13.3%
Crescent Street, Ulverstone	0	–
King Edward Street, Ulverstone	4	13.3%
Main Road, Penguin	6	20.0%
North Reibey Street Carpark	7	23.3%
Reibey Street	3	10.0%
Victoria Street	1	3.3%
Wongi Lane	0	–

### Environmental Health Complaints

Type of Complaint	Number of Complaints Rec.	Number Resolved
Noise	4	3
Odour	2	2
Other	–	–

### Public Health Risk Licences

Type	New Licences	Renewed Licences	Licences Closed
Public Health Risk Activity	–	1	–

**Food Business Registrations**

Type	New Registrations	Renewed Registrations	Food Business Closed
Fixed	0	0	0
Mobile	0	1	0
Not Notifiable	0	0	0
Roadside Vendor	1	0	0
Temporary / One-off Events	1	-	-

**Food Business Inspections Conducted**

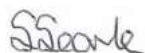
Type	Fixed	Mobile	One-Off Events
Pre-registration inspection	1	1	-
Scheduled	14	1	-
Complaint	-	-	-
Re-Inspection	-	-	-

**Food Business Closures**

Type	Fixed	Mobile
Failed to register	-	-
Moving to new premises	1	-
Closed Business	-	-
No longer operating	-	-

**Water**

Type	Number of Samples	Non-Compliant Results
Natural - Beach	32	1
Natural - River	6	2
Pool - Ulverstone Indoor Pool	closed	closed
Pool - Ulverstone Water Slide	3	1



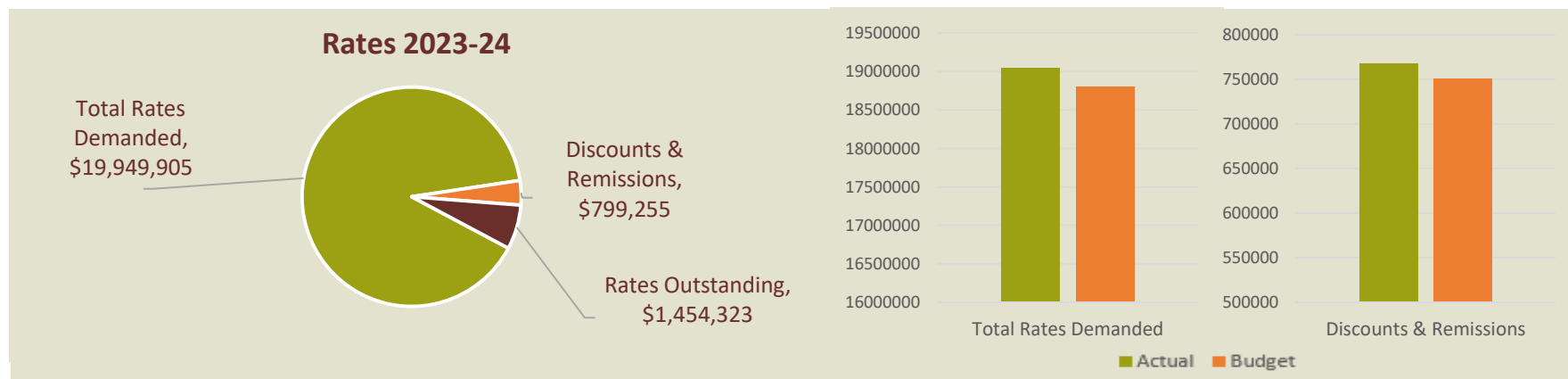
Samantha Searle  
DIRECTOR CORPORATE SERVICES

# A SUMMARY OF RATES & FIRE SERVICE LEVIES FOR THE PERIOD ENDED 31 DECEMBER 2023

Minute No. 27.2024

		2022/2023		2023/2024		
		\$	%	\$	%	
Rates paid in Advance	–	1,580,982.35	–8.99	–	1,737,570.14	–9.44
Rates Receivable		150,283.54	0.85		184,868.90	1.00
Rates Demanded		18,888,189.77	107.45		19,819,312.93	108.50
Supplementary Rates		120,345.06	0.68		130,592.38	0.71
		17,577,836.02	100.00		18,397,204.07	100.00
Collected		15,475,222.64	88.04		15,918,547.62	86.53
Add Pensioners – Government		986,428.53	5.61		1,140,307.95	6.20
Pensioners – Council		34,615.00	0.20		38,920.00	0.21
		16,496,266.17	93.85		17,097,775.57	92.94
Discount Allowed		766,041.56	4.36		799,254.64	4.34
Paid in advance	–	897,600.47	–5.11	–	954,149.56	–5.19
Outstanding		1,213,128.76	6.90		1,454,323.42	7.91
		17,577,836.02	100.00		18,397,204.07	100.00

Andrea O'Rourke  
ASSISTANT ACCOUNTANT  
17-Jan-2024



**Central Coast Council**  
**Statement of Comprehensive Income for the period ended 31 December 2023**

	<b>Budget Annual \$'000</b>	<b>YTD Budget \$'000</b>	<b>Actual YTD \$'000</b>	<b>Variance \$'000</b>
<b>Income</b>				
<b>Recurrent Income</b>				
Rates and charges	19,172	19,122	19,112	(10)
Fees and charges	6,642	3,332	3,527	195
Grants - Recurrent	5,999	164	169	5
Contributions	331	110	117	7
Share in profit/loss of associate	1,016	256	256	-
Interest	800	400	413	13
Other income	860	439	480	41
Investment revenue	1,645	845	845	-
	<b>36,465</b>	<b>24,667</b>	<b>24,918</b>	<b>251</b>
<b>Capital income</b>				
Grants - Capital	853	442	32	(410)
Capital contributions	7,461	2,064	1,830	(235)
Contributed Assets	4,400	-	-	-
Gain/(loss) on disposal of assets	442	221	187	(34)
	<b>13,156</b>	<b>2,727</b>	<b>2,049</b>	<b>(678)</b>
<b>Total Income</b>	<b>49,621</b>	<b>27,394</b>	<b>26,967</b>	<b>(427)</b>
<b>Expenses</b>				
Employee benefits	16,765	8,278	8,245	(33)
Materials and services	9,961	5,139	5,334	196
Depreciation and amortisation	8,994	4,292	4,291	-
Finance costs	326	138	138	-
Other expenses	653	313	323	10
<b>Total expenses</b>	<b>36,698</b>	<b>18,159</b>	<b>18,331</b>	<b>173</b>
<b>Operating result</b>	<b>12,923</b>	<b>9,235</b>	<b>8,636</b>	<b>(600)</b>

**Central Coast Council**  
**Statement of Financial Position**  
as at 31 December 2023

	30 June 2023	31 December 2023	Movement	Budget 30 June 2024
	\$'000	\$'000	\$'000	\$'000
<b>Assets</b>				
<b>Current assets</b>				
Cash and cash equivalents	8,664	16,092	7,428	5,226
Investment	8,375	7,457	(919)	7,695
Trade and other receivables	791	2,184	1,393	800
Assets held for sale	14	14	-	14
Other assets	501	132	(369)	520
<b>Total current assets</b>	<b>18,346</b>	<b>25,879</b>	<b>7,534</b>	<b>14,255</b>
<b>Non-current assets</b>				
Investment in Regional Waste Management Authority	10,711	10,711	-	11,471
Investment in Water Corporation	76,490	76,490	-	76,490
Property, infrastructure, plant and equipment	539,382	535,113	(4,269)	557,838
Capital work in Progress	2,867	6,248	3,381	-
Right of use asset	148	148	-	88
<b>Total non-current assets</b>	<b>629,599</b>	<b>628,711</b>	<b>(888)</b>	<b>645,887</b>
<b>Total assets</b>	<b>647,944</b>	<b>654,590</b>	<b>6,646</b>	<b>660,142</b>
<b>Liabilities</b>				
<b>Current liabilities</b>				
Trade and other payables	3,424	1,898	(1,526)	3,484
Trust funds and deposits	340	349	9	300
Provisions	4,395	4,398	3	2,690
Interest bearing liabilities	550	550	-	626
Lease liabilities	44	35	(9)	53
Contract liability	925	925	-	2,577
<b>Total current liabilities</b>	<b>9,679</b>	<b>8,156</b>	<b>1,523</b>	<b>9,730</b>
<b>Non-current liabilities</b>				
Provisions	1,855	1,661	(195)	1,920
Interest bearing liabilities	9,241	8,968	(273)	8,645
Lease liabilities	119	119	-	54
<b>Total non-current liabilities</b>	<b>11,215</b>	<b>10,747</b>	<b>-</b>	<b>10,620</b>
<b>Total liabilities</b>	<b>20,894</b>	<b>18,903</b>	<b>(1,991)</b>	<b>20,350</b>
<b>Net Assets</b>	<b>627,050</b>	<b>635,687</b>	<b>8,636</b>	<b>639,793</b>
<b>Equity</b>				
Accumulated surplus	280,655	289,293	8,638	293,398
Reserves	346,395	346,393	(2)	346,395
<b>Total Equity</b>	<b>627,050</b>	<b>635,687</b>	<b>8,636</b>	<b>639,793</b>

**Central Coast Council**  
**Statement of Cash flows**  
**as at 31 December 2023**

	31 December 2023	Full Year Budget 30 June 2024
	\$'000	\$'000
<b>Cash flows from operating activities</b>		
<b>Cash Inflows</b>		
Rates	17,059	19,163
Statutory fees & User fees and Charges	3,264	6,623
Grants (inclusive of GST)	169	5,999
Contributions (inclusive of GST)	374	331
Interest received	496	800
Dividends	256	255
Investment revenue	845	1,645
Other receipts (inclusive of GST)	380	860
Net GST refund/(payment)	776	1,600
<b>Total cash inflows</b>	<b>23,618</b>	<b>37,277</b>
<b>Cash outflows</b>		
Payments to suppliers (inclusive of GST)	(6,609)	(11,624)
Payments to employees	(8,550)	(16,790)
Finance costs paid	(138)	(326)
Other payments	(223)	(653)
<b>Total cash outflows</b>	<b>(15,520)</b>	<b>(29,393)</b>
<b>Net cash provided by (used by) operating activities</b>	<b>8,097</b>	<b>7,884</b>
<b>Cash flows from investing activities</b>		
Payments for property, infrastructure, plant and equipment	(3,378)	(20,145)
Proceeds from sale of property, infrastructure, plant and equipment	187	442
Capital grants	1,880	8,314
Payments for investments	-	-
Proceeds from sale and withdrawals of investments	918	680
<b>Net cash provided by (used by) investing activities</b>	<b>(393)</b>	<b>(10,708)</b>
<b>Cash flows from financing activities</b>		
<b>Cash inflows</b>		
Proceeds from trust funds and deposits	9	(40)
Proceeds from interest bearing loans and borrowings	-	-
<b>Total cash inflows</b>	<b>9</b>	<b>(40)</b>
<b>Cash outflows</b>		
Repayment of lease liabilities (principal repayments)	(9)	(54)
Repayment of trust fund and deposits	-	-
Repayment of interest bearing loans and borrowings	(273)	(519)
<b>Total cash outflows</b>	<b>(282)</b>	<b>(573)</b>
<b>Net cash provided by (used by) financing activities</b>	<b>(273)</b>	<b>(613)</b>
<b>Net increase (decrease) in cash and cash equivalents</b>	<b>7,431</b>	<b>(3,437)</b>
Cash and cash equivalents at the beginning of the financial year	8,661	8,661
<b>Cash and cash equivalents at the end of the current period</b>	<b>16,092</b>	<b>5,224</b>

## RECURRENT INCOME

### Rates and charges

On Track

Rates and charges are slightly behind budget YTD but we have a small supplementary to be processed in January and with development activity in line with previous years, we can expect to meet our budget target with additional supplementaries to be issued in the second half of the year

Current Rates balance outstanding

**\$1,454,323**

Rates outstanding equates to 7.91% of rates demanded which is 1% higher than previous year at same time. This is a reflection of current economic conditions and we will continue to monitor this. We did see collection rates improve in December as ratepayers were lodged with collection agencies late November. As with previous years, we are seeing increasing number of ratepayers who wait until they are placed in collection before paying. This comes at an increasing cost to council and we should consider options to pass this through to ratepayers in future policy reviews.

4.34% in discounts have been taken up this year in line with our budget assumption (4.36% prior year).

### Fees and charges

On Track

Fees & Charges YTD are overall on track, with a number of budget phasing wins and losses across the board. Child Care fees are one notable variance, sitting at \$43k YTD below budget. This merely relates to timing of the closure for the Christmas break, and is expected to come in on budget for the year. Staffing costs for Child Care services are also below budget in line with lower revenue. We also see some higher amounts charged to community groups for use of Council facilities, with offsetting discounts recorded under costs to better report on the true value of Council contributions to community organisations. These are reported under materials and contracts expense.

### Grants – Recurrent

On Track

No issues to note. Some minor additional revenues for small operating grants received for programs that will have matching costs to deliver.

### Contributions

On Track

No significant issues to note. Reporting slightly favourable YTD which reflects \$20k higher receipts of Parental leave contributions from the Federal Government, which are passed through to respective employees. Public Space contributions from developers are tracking \$16k below budget YTD but are expected to come in on budget for the year.

### Share in profit/loss of associate

On Track

No information to suggest this will not come in outside of budget expectations. Have reached out to Dulverton Waste Management to confirm current year forecast.

### Interest

Favourable variance expected

A combination of lower than expected capital expenditure YTD (\$3.4m actual vs \$5.2m budget), receipt of disaster recovery funding in advance (\$1.3m) and higher interest rates has seen upside in interest receipts YTD. We are now forecasting to come in \$110k ahead of budget for the year.

### Other income

On Track

Overall expected to come in ahead of budget but the additional reported revenues are merely an offset of expected costs. Reported under other income YTD are reimbursements for Workers Compensation (\$7k) and insurance claim proceeds (\$57k).

### Investment revenue

On Track

No information to suggest this will not come in outside of budget expectations. We saw higher National Tax Equivalent Receipts (NTER) from Dulverton Waste Management earlier in the year, but these were included in our revised budget.

## EXPENSES

### Employee Costs

On Track

Employee costs YTD are \$33k below budget. This variance has been largely driven by temporary vacancies. Staff FTE numbers have averaged 2.6 FTE's below budget YTD resulting in a favourable variance of \$130k. Offsetting this are additional costs for workers compensation which has totalled \$71k YTD of which \$42k is yet to be recovered under other revenue, leaving a \$(42)k shortfall overall YTD.

Our full year budget for employee costs remains on track. Current vacancies are expected to be filled, some new budgeted positions are to come on line slightly later than budgeted, offsetting some additional cost for new roles and remuneration adjustments.

Staff turnover is sitting at 11.7% for the 12 month moving average compared to 21.7% in the same period last year.

### Materials and Contracts

At Risk

Materials costs year to date see a number of gains and losses against budget timing, but we have seen some areas that have utilised significant portions of allocated budgets in the first 6 months, so we will need to be monitoring this over the next 6 months.

Should be noted that included under here YTD are additional costs with offsetting revenues reported for Tasmanian Building Levies \$20k, costs for cross-overs charged \$(38)k and community organisation support contributions of \$47k.

Notable variances YTD are legal fees for regulatory and staff matters \$(21)k, Anzac Park damage \$(20)k, merchandise purchases for visitor services \$29k in readiness for the peak holiday period.

Areas in the budget that were identified as part of budget reset and increased including public conveniences cleaning & maintenance \$(20)k, grass mowing \$(24)k are currently showing as variances to budget and will need to be assessed to determine if result of timing or impacts of seasonality. Vehicle costs to date are \$(47)k over which is somewhat impacted by timing of annual insurance and registration payments but is another area to monitor and better understand.

### Depreciation

On Track

Currently accrued to budget assumptions. Forecast expected to be in line with budget subject to impacts of asset revaluations/indexations.

November monthly CPI issued by Australian Bureau of Statistics has come down to 4.3%, so indexation of assets likely to be in-line with expectations.

Depreciation forecast to be updated following the planned receipt of building revaluation scheduled to be processed in Feb/Mar 2023.

### Borrowing Costs

On Track

Costs are fixed and should be no variance in this line other than any potential final adjustment for the rehabilitation provision allowance.

### Other Expenses

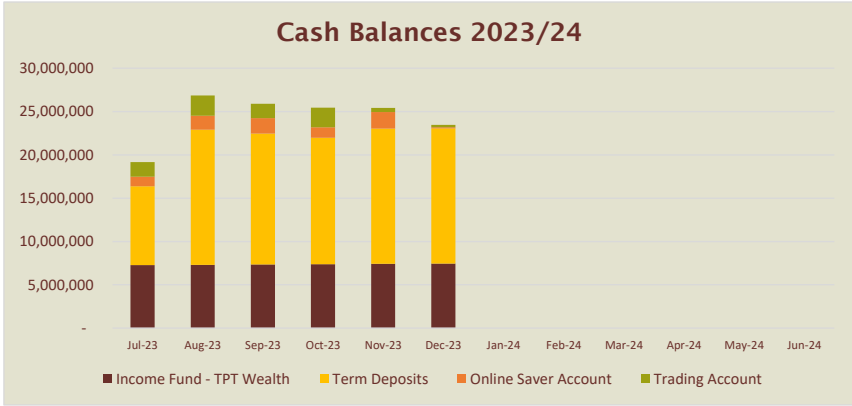
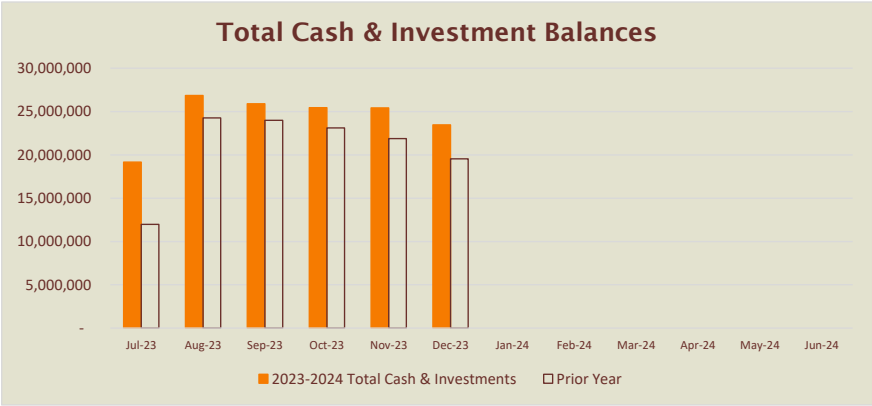
Variance Expected

Sitting ahead of budget YTD which largely reflects timing of training costs for councillors in the first 6 months, and higher than anticipated external Audit costs \$(7)k which represents a minor variance to budget.



Central Coast Council  
Summary of Cash & Investments

	\$'000											
	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24
Trading Account	1,692	2,348	1,653	2,250	475	281	-	-	-	-	-	-
Online Saver Account	1,094	1,599	1,804	1,211	1,916	124	-	-	-	-	-	-
Income Fund - TPT Wealth	7,275	7,311	7,346	7,384	7,420	7,457	-	-	-	-	-	-
Term Deposits	9,100	15,600	15,100	14,600	15,600	15,600	-	-	-	-	-	-
<b>Total Cash &amp; Investments</b>	<b>\$ 19,161</b>	<b>\$ 26,858</b>	<b>\$ 25,903</b>	<b>\$ 25,445</b>	<b>\$ 25,411</b>	<b>\$ 23,461</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>



# Central Coast Council

## Summary of Capital Delivery Performance to 31 December 2023

Capital spend to date sits \$1.8m behind budget YTD. To December 2023, we have spent \$3.4m. We traditionally see the first 6 months comprises planning, design, community consultations and approvals with project delivery and spend more in the second half of a year.

A number of key large projects that form key components of our target spend for the year have commenced. Ironcliff Road re-design (Budget \$1.57m) scoping works have largely been completed with spend of \$437k YTD with work to commence late in the financial year. The Heybridge Recreation Ground Clubrooms Redevelopment (Budget \$1.5m) has also commenced with \$128k spent to December, and a further \$210k incurred in early January. Loongana Bridge (Budget \$2.2m) tender has been awarded and work will commence shortly and be completed by May.

### Other projects to date with budget or actual spend YTD > \$100k

	Actual \$'000	Budget \$'000
Plant purchases	415	449
LRCI Phase 3 projects	497	473
Forth River Bridge - Forth Road	156	180
Midway Point rehabilitation	135	171
Ulv. Sports & Leisure Centre - electronic backboards	135	120
Shoulder program	118	150
Road sealing	109	250
River Road footpath - Amherst to Queen Street	107	100
Tobruk Park rectification	104	178
Turners Beach-Leith Shared Pathway	80	178
Coastal Pathway	23	800

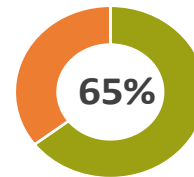
**Actual YTD**  
\$'000

**\$3,345**

**Budget YTD**  
\$'000

**\$5,181**

**% Spend vs Budget YTD**



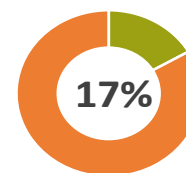
**Budget Estimate**  
\$'000

**\$20,120**

**Full Year Forecast**  
\$'000

**\$19,579**

**% Annual Budget Spent YTD**



# Central Coast Council

## Summary of Employee Numbers

### as at 31 December 2023

