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**Minutes of an ordinary meeting of the Central Coast Council held in the Council Chamber at the Administration Centre, 19 King Edward Street, Ulverstone on Monday, 15 April 2024 commencing at 6.00pm.**

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**Councillor attendance**

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

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

**Councillor apologies**

Nil

**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 Breden)  
Executive Officer to the CEO and Mayor (Mr Ian Brunt)

**Media attendance**

The media was not represented.

**Public attendance**

Six 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.

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### **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**

The Mayor 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**

The Mayor 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.”

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## CONFIRMATION OF MINUTES OF THE COUNCIL

### 84/2024 Confirmation of minutes

The Executive Officer to the CEO and Mayor reported as follows:

“The minutes of the ordinary meeting of the Council held on 18 March 2024 have already been circulated. The minutes are required to be confirmed for their accuracy.

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

- Cr Viney moved and Cr Hiscutt seconded, “That the minutes of the ordinary meeting of the Council held on 18 March 2024 be confirmed.”

Carried unanimously

## MAYOR’S COMMUNICATIONS

### 85/2024 Mayor’s communications

The Mayor reported as follows:

“Today Central Coast Council wishes to pay our respects to the victims and families of those lost in a senseless act of violence, the stabbings at Westfield Bondi Junction on Saturday afternoon.

Words cannot express the shock of this community, as with all others across the nation, we heard and saw what unfolded on Saturday.

In the words of our Premier:

‘The actions of one are unimaginable and incomprehensible. Our thoughts and prayers are with those coming to terms with the tragic loss of life, and those grieving for loved ones.’

We think particularly at this time of the family of Ashlee Good as they comprehend their loss whilst caring for her baby girl. There is no doubt that as the weeks unfold, more people in Central Coast will find a connection to those lost or injured in this tragedy.

In the coming days I will write to Councillor Paula Masselos, Mayor of Waverley Council, conveying our sympathies.

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We acknowledge the acts of heroism by members of the public and the ensuing trauma that will stay with them and the first responders from this tragic event.

I would like to ask that Councillors and staff join me for a minute's silence at this time."

**86/2024 Mayor's diary**

The Mayor reported as follows:

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

- Coast to Canyon Committee Meeting;
- Dress for Success North West Launch Event;
- Surf Life Saving Tasmania Open State Championships;
- Official Opening 'Open Garden - Ian and Jenny Chalk Sulphur Creek';  
Beyond Blue Fundraiser;
- Pacific Australia Labour Mobility Community Walkabout Penguin;
- Central Connect Committee Meeting;
- Regional Development Australia Tasmanian Board Dinner;
- Ecofest;
- Penguin Op Shop Thank You Afternoon Tea;
- South Riana Market;
- Central Coast Chamber of Commerce and Industry Business and  
Tourism Expo;
- Cradle Coast Authority Transport Forum;
- Minister for Communications Hon. Michelle Rowland MP, Connectivity  
Forum; and
- Ulverstone Surf Life Saving Club - Tasmanian Community Fund."

Cr Hiscutt reported as follows:

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

- Ulverstone Cricket Club Annual Dinner."

Cr Wyllie reported as follows:

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

- TasNetworks Reconciliation Action Plan Launch."

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Cr Diprose reported as follows:

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

- Central Coast Chamber of Commerce and Industry Business and Tourism Expo; and
- Youth Leaders Council.”

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

Carried unanimously

## **87/2024      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 Officer to the CEO and Mayor 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.”

Cr Beswick reported as follows:

“I declare a perceived conflict of interest in respect of the matter relating to Minute No. 107/2024 – Residential – dwelling (retrospective) – Setbacks and building envelope for all dwellings at 29 Esplanade, West Ulverstone – Application No. DA2024045.

The nature of the perceived conflict is that I had some discussions with the owner, in a building capacity, after they purchased the property a couple of years ago.

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This is a perceived conflict of interest and does not affect my decision making in any way. Subsequently I will remain in the Council Chamber and participate in voting on this item.”

Cr Lehmann reported as follows:

“I declare a perceived conflict of interest in respect of the matter relating to Minute No. 104/2024 – Utilities – radio communication towers x 2 – retrospective application – Discretionary use; Non-dwelling development; and reliance on C5.0 Telecommunications Code at 7 Waverley Road, Ulverstone – Application No. DA2023111.

The nature of the perceived conflict relates to one of the representors being the father of a child who attended my daughter’s recent birthday party. The father was also in attendance at the party.

This is a perceived conflict of interest and does not affect my decision making in anyway. Subsequently I will remain in the Council Chamber and participate in voting on this item.”

## **88/2024 Councillor reports**

The Executive Officer to the CEO and Mayor reported as follows:

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

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

Cr Wylie reported on the Central Coast Chamber of Commerce & Industry and their Business, Tourism & Travel Expo that was held earlier this month and noted the good attendance rates and success of the event.

Cr Carpenter reported on the recent meeting of Caves to Canyon and noted the Council’s support for the group and the success of their promotion of the area through the virtual reality headset initiative and brochures.

Cr Lehmann reported on the Ulverstone Community Swimming Centre Management Committee and noted the long history of the Committee and upcoming closure dates.

Cr Diprose reported on the Ulverstone Community Swimming Centre Management Committee and acknowledged the retirement of Mr Alan Graham, who has served on the Committee for 12 years.

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Cr Diprose reported on the Central Coast Youth Leaders Council’s recent workshop, held in collaboration with the University of Tasmania, that explored options to help young Tasmanians to remove e-cigarettes from their lives.

#### **APPLICATIONS FOR LEAVE OF ABSENCE**

##### **89/2024      Leave of absence**

The Executive Officer to the CEO and Mayor 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**

##### **90/2024      Deputations**

The Executive Officer to the CEO and Mayor reported as follows:

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

#### **PETITIONS**

##### **91/2024      Petitions**

The Executive Officer to the CEO and Mayor reported as follows:

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

#### **COUNCILLORS’ QUESTIONS**

##### **92/2024      Councillors’ questions without notice**

The Executive Officer to the CEO and Mayor reported as follows:

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“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



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- (b) the general manager has reported that the matter is urgent; and
  - (c) in a case where the matter requires the advice of a qualified person, the general manager has certified under section 65 of the Act that the advice has been obtained and taken into account in providing general advice to the council.'

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

The allocation of topics ensued.

### **93/2024 Councillors' questions on notice**

The Executive Officer to the CEO and Mayor 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."

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## PUBLIC QUESTION TIME

### 94/2024 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.”

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**95/2024      Public questions taken on notice**

The Executive Officer to the CEO and Mayor reported as follows:

“At the 18 March 2024 ordinary Council meeting, Mr Craig Dunham, Mr Jordan van de Neut and Mr Garry Carr asked questions without notice, which were taken on notice.

These questions and the Council’s responses to them are provided below for the purpose of record.

Craig Dunham – Penguin

*Question (summarised):*

“This is a point of frustration. I’ve been involved with the Penguin History Group for the past 13 years and there is still an ongoing concern with lack of storage, particularly on the site of the station. This concern has been raised with different Council administrations, but all to no avail.

How soon can we expect to see a tangible improvement in storage capacity at the station?”

*Response from the Director Community, Growth & Development:*

“The Penguin History Group is one of many valued community organisations operating in Central Coast, all of which have their own unique needs and priorities. Unfortunately, Council is unable to fund all of those needs, however we are constantly looking for opportunities to assist.

Council recently identified a shipping container which may provide a suitable storage solution for the Penguin History Group, once no longer required for its current use. Since this question was raised, staff have been asked to expedite consideration of this option and make contact with the Penguin History group within two weeks.”

Jordan van de Neut

*Question (written copy provided):*

“First and foremost I would like to thank Mayor Fuller for her private response to my concerns about the obvious lack of care provided to the three historical buildings from the old museum site, that in 2019 the Council relocated now to Maskells Road, advising they would be stored and to be placed at some stage for community viewing.

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In 2017, the Central Coast Council reaffirmed its Asset Management Policy. The purpose of this policy, enacted through the Central Coast Council – as custodians of our community assets – is to demonstrate the organisation's commitment to the Central Coast Council's 'vision and strategic objectives through an integrated and resourced asset management framework, set of processes and practices'.

In 2019, those historic buildings were displayed proudly in excellent condition at the museum. Some of such buildings dated back to the early 1900s.

For example, from at least 1924 – the lead light stood on the west-bank of the Leven River and later was situated iconically at the museum until 2019. A 2019 photo shows it in pristine condition.

Though, for reasons unknown, in 2019, against advice – the Central Coast Council laid the lead light on its side at Maskells Road. In doing so this allowed water ingress. For additional unknown reasons, none of the buildings were elevated on timber or concrete supports to stop the moisture from the ground to seep through the floors.

Photos sent to the Central Coast Council in August 2023 and December 2023 clearly show the lead light's back broken – virtually destroying the lead light in less than a 4 year period.

Over 90 years of life of such an iconic building, mined due to silly decisions – and now the council is going to have to spend a great sum of money to restore it to its former awe and glory.

My question is, what plans were put in place to protect, maintain and monitor these assets and were funds budgeted for this, except for the security fence erected around them, and if there was a plan, why weren't these assets protected? Why bother reaffirming the Asset Management Policy if you're not going to uphold it?"

*Response from the Acting Director Infrastructure Services:*

“One of the principles of the Asset Management Policy is to renew existing assets before developing new ones. The Council prefers to integrate services while maintaining, upgrading and replacing existing assets rather than adding new assets to Council’s inventory.

A capital budget was allocated in the 2022–2023 financial year, however because of changes in the master plan concepts for the historical precinct, the historic building component of the plan was delayed and only delivered through the recently approved development application.

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Council decided to display the historic buildings at Maskells Road after considering a number of alternatives and seeking input from the community regarding their placement and future preservation.

Their placement at Maskells Road has been welcomed by users of the site, namely the Historic Machinery Club of Tasmania and the North West Model Engineering Society, who will also be located at this site in due course. This historical precinct, including the Ulverstone Miniature Railway and the Veteran Car Club of Australia will then be complete.

This previously underutilised site, alongside the Coast Pathway, will feature appropriate lighting, interpretive signage and regular maintenance to create a significant point of interest – a place to stop, sit and learn about our history, that is accessible by foot, bike or car.

It is regretful that the completion of this work has taken longer than Council envisaged. In the meantime, the buildings have been tarped to prevent weather damage and fenced to prevent vandalism with construction to commence in May 2024 and to be completed by June 2024.”

Garry Carr – Turners Beach

*Question (summarised):*

Mr Carr tabled notes on the history of Turners Beach and the legacy of Mr H.G. Turner and noted his donation of land for the establishment of the Turners Beach caravan park.

“A lot of people are concerned about the bushland at each end of the caravan park, in terms of its fire risk.

Could the western end of the park be developed like Picnic Point and the other end be developed into units, with the money raised from that to be put back into the Turners Beach community?”

Following the Mayor’s response at the meeting and further comments from Mr Carr regarding the fire risk posed by bushland at the park and responsibility for its maintenance, and noting the possibility of a fire trail intersecting the caravan park to allow access for firefighting, the Director Corporate Services took the question of fire risk and responsibility for maintenance on notice.

*Response from the Director Corporate Services:*

“Thank you for attending the March Council meeting and for your interest in the future use of the Turners Beach foreshore area.

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Turners Beach is an attractive area with a natural bushland setting that creates a relaxed atmosphere. The community values this setting, which partly attracts residents and visitors to the area. I am sure you will also appreciate that any changes or developments to the foreshore would impact many community groups and stakeholders, who must also be consulted and considered in making any changes.

The Council holds a recreational license from Crown Land Services for the Turners Beach coastal reserve and the Forth River. It also directly owns part of the land where the OC Ling Caravan Park is situated. As the land manager, the Council must understand the fire risks to the community, including caravan park residents, to determine how best to manage them.

There is no record of the Council having recently undertaken a fire risk assessment. Therefore, following your concerns, the Council commits to working with the Tas Fire Service to better understand the risks. It will also seek and consider the Tas Fire Service's advice on various options for managing risks effectively, including without removing vegetation. The Council has contacted the Tas Fire Service to initiate this process and their response will help inform any actions required and related timeframes, of which you will be advised in due course.

Community safety is of the utmost importance, and risks may extend beyond fire. The Council would also need to understand the importance of the foreshore dune system and vegetation for coastal erosion control, including flooding and storm surges. It is understood that the vegetation could have significance in terms of vegetation biodiversity and wildlife habitat.

Any change made to the foreshore area requires balanced consideration of the needs of the caravan park residents and the broader community.

Incidentally, the Council's next Community Conversation is to be held for the Turners Beach community at the Turners Beach Bowls Club on Thursday 18 April 2024, commencing at 6.30pm. You are invited to attend to discuss this, or any other issue, further."

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

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

Carried unanimously

**DEPARTMENTAL BUSINESS**

OFFICE OF THE CEO AND MAYOR

**96/2024 Chief Executive Officer's Report**

The Chief Executive Officer reported as follows:

*"PURPOSE*

The purpose of this monthly report is to provide Councillors and the community with an update on Council management and strategic matters.

The report covers the period to the preceding Council meeting (19 March 2024 to 15 April 2024) and includes certain statutory reporting requirements under the *Local Government Act 1993*.

*OUR PLACE – OUR FUTURE: FIRST STEPS*

The progression of the Council's current Term Plan is reported in detail to Councillors at monthly workshops. The overall performance of the organisation in progressing the actions that support its strategic vision for the month of March 2024 are presented below. The data are drawn from actions due for completion in the 2023–24 financial year.



*ROADMAP TO ORGANISATIONAL EXCELLENCE*

Progress continues with a number of initiatives waiting on other parties, such as our digital transformation which is behind schedule.

An appropriate sum has been included in the 2024–25 capital budget to accommodate a comprehensive digital transformation options report, which would be due May 2025.

IAP2 training has taken place, and the Council now has an Executive Officer to the CEO and Mayor. Recruitment for executive assistance to Directors is largely complete.

The implementation of agreed recommendations from the Infrastructure Review has slowed on the basis of the Director being on five weeks' leave, though process work in the background is taking place.

The internal procurement audit has been completed and we await the report findings. Procurement training for relevant staff has taken place.

In light of a poor track record including a number of safety incidents both physical and mental, an audit of our safety systems, processes and management was undertaken by Employsure. The audit found some 102 matters to be addressed with seven immediate actions, which are in action. A comprehensive implementation plan, overseen by the Director Corporate Services will see a significant improvement in our management of Workplace Health & Safety.

*CULTURE DEVELOPMENT PLAN*

Over the month of March, 12 Culture Cascade workshops were held for all Council staff and one Councillor culture development workshop was held.

The Culture Cascade workshops helped staff to understand, engage with, and connect to the culture, values, and behaviours specific to their roles. The workshops established a common language and practical applications to support growth toward Council's target culture.

In addition to this, the Council's new group of Culture Champions met with the Combined Management Team to help establish an understanding of the roles and relationship of both groups in progressing the Culture Development Plan and working toward Council's target culture.



*COMMON SEAL*

The Council has delegated the use of its common seal to the Chief Executive Officer and Director Community, Growth and Development (Minute Ref. 317/2023 – 11.12.2023). One condition of this delegation is that all use of the common seal is to be reported to the Council at its next ordinary meeting.

A schedule of documents that have been affixed with the common seal for the period 19 March 2024 to 15 April 2024 is appended to this report.

*CONTRACTS AND AGREEMENTS*

A schedule of contracts and agreements (other than those approved under the common seal) signed by the Chief Executive Officer for the period 19 March 2024 to 15 April 2024 is appended to this report.

*CORRESPONDENCE ADDRESSED TO THE MAYOR AND COUNCILLORS*

A schedule of correspondence addressed to the Mayor and Councillors for the period 19 March 2024 to 15 April 2024 is appended to this report.

*COUNCIL WORKSHOPS*

The following council workshops have been held for the period 19 March 2024 to 15 April 2024:

- 25 March 2024 – Financial Management Strategy; Culture Development Plan; and workplace health & safety.
- 8 April 2024 – Strategic Plan 2024–34; Capital Budget 2024–25; and Our Place – Our Future: First Steps – Action List.”

*MINUTES AND REPORTS OF ORGANISATIONS ASSOCIATED WITH COUNCIL*

“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 Chamber of Commerce & Industry – meeting held 6 March 2024;
- Central Coast Council Audit Panel – meeting held 19 March 2024.

The Executive Officer to the CEO and Mayor reported as follows:

“Copies of the schedules, minutes and notes have been circulated to all Councillors, and statutory information provided for the purpose of record.”

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

Carried unanimously

**97/2024 Delegations by the Council to the Chief Executive Officer (143/2023 – 15.05.2023)**

The Chief Executive Officer reported as follows:

“The Executive Officer to the CEO and Mayor has prepared the following report:

*‘PURPOSE*

The purpose of this report is to assist the Council in considering the updated Instrument of Delegation – Council to the Chief Executive Officer, dated April 2024.

A copy of the Instrument of Delegation – Council to the Chief Executive Officer is appended to this report.

*BACKGROUND*

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.

Councils have certain duties which they must perform, and a range of functions and powers which they may exercise under the *Local Government Act 1993* (the Act) and numerous other pieces of legislation.

Delegating authority to the Chief Executive Officer to carry out certain functions and powers on its behalf enables the Council to operate more efficiently and to enhance its corporate governance, as summarised below:

- Delegations ensure more efficient management of Council business, reducing administrative procedures and timeframes and enabling more timely and direct engagement.
- Delegations enable more efficient and adaptive operation of the Council and allows for greater consistency in day-to-day decision making.
- Matters subject to delegation are generally technical in nature, rather than political or strategic.

- Delegations do not take away the powers of the Council – they permit the Chief Executive Officer and staff to manage the day-to-day operations of the Council, enabling the Council itself to focus on strategic and policy development and higher-level decision making.
- Good governance in the local government sector relies on a strong relationship between the Council and the Chief Executive Officer. Having delegations in place promotes trust and improves reliability.

It is good practice for the Council to regularly review its delegations to the Chief Executive Officer. In May 2023 (Minute No. 143/2023) Council reviewed its delegations to ensure they were updated to account for any legislative changes which had occurred since they were previously adopted in April 2021.

Section 22 of the *Local Government Act 1993* provides:

**22. Delegation by council**

- (1) *Subject to subsection (2), a council, in writing, may delegate with or without conditions to the general manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act, other than-*
  - (a) *this power of delegation, unless authorized by the council; and*
  - (b) *the powers referred to in subsection (3).*
- (2) *A council, in writing, may delegate any of the following powers only to the general manager or a council committee and only on condition that the council has determined appropriate policies and procedures to be followed in relation to those powers:*
  - (a) *the collection of rates and charges under Part 9 ;*
  - (ab) *the postponement of rates and charges;*
  - (b) *the remission or rebate of rates and charges;*
  - (ba) *the writing off of any debts owed to the council;*
  - (c) *the making of grants or the provision of benefits.*
- (3) *A council must not delegate any of its powers relating to the following:*
  - (a) *the borrowing of money or other financial accommodation;*
  - (b) *the determination of the categories of expenses payable to councillors and any member of any committee;*

- (c) *the establishment of council committees, special committees, controlling authorities, single authorities or joint authorities;*
  - (d) *the revision of the budget or financial estimates of the council;*
  - (e) *the revision of the strategic plan and the annual plan of the council;*
  - (f) *the appointment of the general manager;*
  - (fa) *the sale, donation, exchange or other disposal of land or public land;*
  - (fb) *the decision to exercise any power under section 21(1);*
  - (g) *the making of by-laws;*
  - (h) *the making of rates and charges under Part 9;*
  - (i) *any other prescribed power.*
- (4) *The general manager is to –*
- (a) *keep a register of any delegation; and*
  - (b) *make the register available for inspection at a public office.*

Section 64 of the Act allows the Chief Executive Officer to further delegate such powers and functions (as delegated to the role by the Council), to an appropriately qualified or skilled employee of the Council.

**64. Delegation by general manager**

- (1) *The general manager, in writing, may delegate to an employee of the council –*
- (a) *any functions or powers under this or any other Act, other than this power of delegation; and*
  - (b) *any functions or powers delegated by the council which the council authorized the general manager to delegate.*
- (2) *The general manager is to –*
- (a) *keep a register of any delegation; and*
  - (b) *make the register available for inspection at a public office of the council.*

A review of all sub-delegations to employees will be progressed following the adoption of the updated Chief Executive Officer's delegations.

*DISCUSSION*

The Council has engaged the services of River Road Consulting to undertake a review and update of all of Council's delegations. The update of the Council's delegations to the Chief Executive Officer is the first stage of this review.

The updated delegations are based on the format and information developed by Simmons Wolfhagen lawyers for the Local Government Association of Tasmania (LGAT). Previously the Council subscribed to a separate software program to manage its delegations. This software program can now be retired.

Councillors will note as part of this review the format of the Instrument of Delegations has been updated to reflect consistency with a new Delegations Register to be maintained by Council. The Delegations Register will be developed and populated in the next stage of the delegations review.

The existing Instrument of Delegation to the Chief Executive Officer (Schedule of Delegations – Council to the General Manager – May 2023) contains each specific provision delegated under each Act. This was deemed unnecessary in instances where all of Council's powers and functions under certain Acts could be delegated in entirety; and generally onerous. Once finalised, the Council's Delegations Register will contain a list of each provision delegated by Council to the Chief Executive Officer.

The Miscellaneous Powers and Functions section of the Instrument states in clear language the Council's delegations for certain functions and powers undertaken by the Chief Executive Officer, providing clarification where existing legislative provisions are limited or less clear.

Aside from minor updates due to new or changed legislation (in accord with advice from LGAT) there is one material change to the Chief Executive Officer's delegated powers and functions resulting from this review, shown in the table below.

LAND USE PLANNING AND APPROVALS ACT 1993		
Section	Function or Power	Conditions or Restrictions
s57(6)	Grant a discretionary permit with or without conditions	<p>If:</p> <ul style="list-style-type: none"> <li>(a) there are no representations making objection to grant of a permit; or</li> <li>(b) there are representations making objection on grounds that are not matters applicable for determination of the permit application; or</li> </ul> <p><u><i>New condition added:</i></u></p> <ul style="list-style-type: none"> <li>(c) <i>if the planning authority cannot make a decision in relation to a permit referred to it for decision (e.g. a tied vote, lack of a quorum) the Chief Executive Officer is delegated to make the decision to ensure a deemed approval is avoided.</i></li> </ul>
<p><i>Comment:</i> The new condition prevents a situation where a planning authority cannot make a decision in relation to a permit due to a tied vote or lack of quorum, or on those occasions where an extension to the decision period has not been granted, and the applicant would therefore be able to seek a deemed approval from the Tasmanian Civil and Administrative Tribunal.</p>		

In accordance with the requirement of the Council’s Delegations Policy (52/2023 – 20.02.2023) the Chief Executive Officer’s delegations will be reviewed biennially (next review in April 2026), unless organisational or legislative changes require more frequent review.

*CONSULTATION*

This is a governance matter for which consultation is not required.

*RESOURCE, FINANCIAL AND RISK IMPACTS*

By formally delegating appropriate functions and powers to the Chief Executive Officer, the Council reduces its legal and financial risks and ensures that the Council remains compliant with its statutory and regulatory obligations.

The cost of the review by River Road consulting will be accommodated within the existing 2023–24 Council budget. The retirement of the software program currently used to manage Council’s delegations will save approximately \$4,000 per annum.

*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

*CONCLUSION*

It is important for the efficient delivery of services to the community that the Council provides the Chief Executive Officer with appropriate delegations, allowing for timely and efficient decision-making.

Advice from Simmons Wolfhagen Lawyers (provided through the LGAT) states:

*“... in relation to the distinction between a delegation by the Council acting as the planning authority and a Council exercising its general power of delegation under the Local Government Act 1993. It was noted that it is appropriate that any function or power given to the Council acting as the planning authority should be delegated separately to the Council’s functions and powers as a consequence of Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015.*

*We agree that it is appropriate to adopt that approach. We have included a comment in the Delegations Register confirming that a delegation by a Council acting as the planning authority pursuant to s.6 of LUPAA should be a separate resolution to the delegation process by the Council under section 22 of the Local Government Act and recorded in the minutes accordingly.”*

As a result of this advice, three separate motions have been recommended in relation to this report:

- 1 The Council issue updated delegations under section 22 of the *Local Government Act 1993*.
- 2 The Planning Authority issue updated land use planning delegations under section 6 of the *Land Use Planning and Approvals Act 1993*.
- 3 The Council authorises the Mayor to sign and seal the Instrument of Delegation as approved.

It is recommended that all delegations made in accordance with section 22 of the *Local Government Act 1993* and as listed in the Instrument of Delegation – Council to the Chief Executive Officer, dated April 2024 be approved.

It is noted that the current Chief Executive Officer's delegations listed within the Schedule of Delegations – Council to General Manager – May 2023 will be revoked upon the Council's approval of the updated Instrument of Delegations.'

The Executive Officer to the CEO and Mayor's report is supported."

The Executive Officer to the CEO and Mayor reported as follows:

"A copy of the Instrument of Delegations – Council to the Chief Executive Officer, dated April 2024, has been circulated to all Councillors."

#### **Motion 1**

■ Cr Beswick moved and Cr Viney seconded, "That the Council, in accordance with section 22 of the *Local Government Act 1993*:

- 1 Delegate its functions and powers as listed in the Instrument of Delegation – Council to the Chief Executive Officer, dated April 2024 (a copy being appended to and forming part of the minutes), except those specifically relating to the *Land Use Planning and Approvals Act 1993* and *Land Use Planning and Approvals Regulations 2014*, to the Chief Executive Officer (General Manager), or a person acting or appointed in that capacity, on the following conditions:
  - a) each delegation is subject to the conditions or restrictions (if any) referred to in the Instrument of Delegation;
  - b) each delegation is subject to Council policies, guidelines and such directions as the Council may determine from time to time; and
  - c) each delegation is subject to the Council's by-laws or the provision of any Act.
- 2 Authorise the Chief Executive Officer (General Manager), pursuant to section 64 of the *Local Government Act 1993*, to delegate the aforementioned functions and powers to appropriately qualified, skilled and experienced employees of the Council (subject to any conditions or limitations in the Instrument of Delegations; or unless otherwise specified in a particular Act)."

Carried unanimously



**Motion 2**

■ Cr Hiscutt moved and Cr Beswick seconded, "That the Council acting in its role as the Planning Authority:

- 1 In accordance with section 6 of the *Land Use Planning and Approvals Act 1993*, delegate its functions and powers as listed in the Instrument of Delegation – Council to the Chief Executive Officer, dated April 2024 (a copy being appended to and forming part of the minutes), and specifically relating to the *Land Use Planning and Approvals Act 1993* and *Land Use Planning and Approvals Regulations 2014*, to the Chief Executive Officer (General Manager), or a person acting or appointed in that capacity, on the following conditions:
  - a) each delegation is subject to the conditions or restrictions (if any) referred to in the Instrument of Delegation; and
  - b) each delegation is subject to Council policies, guidelines and such directions as the Council may determine from time to time; and
  - c) each delegation is subject to the Council's by-laws or the provision of any Act.
- 2 Authorise the Chief Executive Officer (General Manager), pursuant to section 64 of the *Local Government Act 1993*, to delegate the aforementioned functions and powers to appropriately qualified, skilled and experienced employees of the Council (subject to any conditions or limitations in the Instrument of Delegations; or unless otherwise specified by a particular Act)."

Carried unanimously

**Motion 3**

■ Cr Beswick moved and Cr Diprose seconded, "That the Council authorises the Mayor to sign the Instrument of Delegations – Chief Executive Officer (General Manager), dated April 2024 and affix the common seal of the Council thereto."

Carried unanimously

COMMUNITY, GROWTH AND DEVELOPMENT

**98/2024 Reconciliation Action Plan update (350/2021 – 13.12.2021)**

The Director Community, Growth and Development reported as follows:

*“PURPOSE*

This report is to provide Councillors and the community with an update on Council’s reconciliation efforts.

*BACKGROUND*

Since 2006, Reconciliation Action Plans (RAPs) have enabled organisations to sustainably and strategically take meaningful action to advance reconciliation. Reconciliation Australia described reconciliation as being “about strengthening relationships between Aboriginal and Torres Strait Islander peoples and non-Indigenous peoples, for the benefit of all Australians”.

At its December 2021 Council Meeting, Council adopted a RAP (Minute Ref. 350/2021 – 13.12.2021). RAP implementation is overseen by the RAP Working Group, made up of Cr Amanda Diprose and eight staff from across the organisation, and the group benefits greatly from the regular participation of Aboriginal community representatives, Dave Mangenner Gough and Lyndon O’Neil.

Developed in accordance with Reconciliation Australia’s RAP Framework, Council chose to initially focus on a ‘Reflect’ RAP, which requires organisations to scope and develop relationships with Aboriginal and Torres Strait Islander stakeholders, decide on a vision for reconciliation and explore their sphere of influence. Subsequent levels of RAP are Innovate, Stretch and Elevate. Reflect RAPs are internally focussed, and in consultation with Aboriginal community representatives, the RAP Working Group has seen it fit to consolidate this work before looking to develop a more externally (i.e. community) focussed RAP in the future.

*DISCUSSION*

The ultimate objective of the RAP is about developing respectful relationships, building trust and improving our organisational understanding of the issues that are important to Aboriginal and Torres Strait Islander peoples. The RAP and its indicative actions and timeframes (available on Council’s website) is considered a useful

roadmap for guiding us towards that destination, rather than *being* the destination per se, and in that regard, Council’s RAP Working Group is very pleased with the progress that has been made, as summarised below under the key RAP themes of Relationships, Respect and Opportunities. The initiatives identified as areas of future focus are now realistic and achievable, because of the solid foundation that has been built over the past two years.

Relationships

<p><b>Actions commenced and ongoing</b></p>
<ul style="list-style-type: none"> <li>• Develop and maintain respectful and meaningful partnerships with local Aboriginal organisations/services.</li> <li>• Celebrate and promote Aboriginal culture by participating in significant celebrations and meaningful opportunities for engagement e.g. Reconciliation week, NAIDOC week.</li> <li>• Support local like-minded community organisations that provide an opportunity for the Council to collaborate with, recognising and showcasing the reconciliation journey.</li> </ul>
<p><b>Highlighted achievements</b></p>
<ul style="list-style-type: none"> <li>• Through its Community Small Grants Program, Council funded the Penguin Football Club to create an Aboriginal jumper that was worn during the NAIDOC Indigenous Round.</li> <li>• During NAIDOC Week 2022, a local Aboriginal author launched their children’s story book at Hive, the Aboriginal flag was raised at the Administration Centre for the first time and Council was presented with a firestick by local Aboriginal people.</li> <li>• During NAIDOC Week 2023, local Aboriginal people prepared some traditional food for Council staff.</li> <li>• Hive has formed an Aboriginal Advisory Committee. The purpose of the Committee is to provide a forum for coordinated and appropriate dialogue, strategic advice and informed feedback on all matters pertaining to the Aboriginal community and culture across the Hive program. This includes:             <ul style="list-style-type: none"> <li>○ Actively planning, creating and informing program and exhibition development.</li> <li>○ Providing cultural knowledge and insight to ensure the Hive program is culturally rich, safe and informed, including:                 <ol style="list-style-type: none"> <li>a) Seeking/giving permission or consent.</li> <li>b) Language translations.</li> </ol> </li> </ul> </li> </ul>

c) Communication and liaison with Elders and the wider Aboriginal community.
<b>Future focus</b>
<ul style="list-style-type: none"> <li>• Develop a Memorandum of Understanding with Six Rivers Aboriginal Corporation, to formalise and advance our existing relationship.</li> </ul>

Respect

<b>Actions commenced and ongoing</b>
<ul style="list-style-type: none"> <li>• Flying the Aboriginal Flag at the Administration Centre and at events.</li> <li>• Providing staff with the opportunity to display an Aboriginal flag in their office.</li> <li>• Sharing information about Aboriginal culture and our reconciliation journey through regular updates.</li> <li>• Working with the Australia Day Council to continue to provide appropriate and respectful inclusion in Council's Australia Day celebrations.</li> </ul>
<b>Highlighted achievements</b>
<ul style="list-style-type: none"> <li>• Staff have been provided with reference documents relating to how to deliver an Acknowledgement of Country and providing local Aboriginal placenames.</li> <li>• Staff have been provided with the opportunity to participate in the Acknowledge This training program.</li> </ul>
<b>Future focus</b>
<ul style="list-style-type: none"> <li>• Review the Acknowledgement of Country guidelines, potentially supporting staff and Councillors to personalise their delivery.</li> <li>• Incorporate Council's reconciliation efforts and information about Aboriginal culture, into our new employee induction.</li> </ul>

Opportunities

<b>Future focus</b>
<ul style="list-style-type: none"> <li>• Utilise Aboriginal placenames and other information in interpretive signage.</li> <li>• Incorporate reconciliation education into our children's services programs.</li> </ul>

- Undertake a staff survey to better understand the current cultural diversity of our workforce (in development).
- Consider opportunities for Indigenous recruitment and procurement as we review relevant Council policies.

*CONSULTATION*

Council’s RAP Working Group meets regularly to discuss and progress RAP actions and related initiatives, and benefits from the regular participation of Aboriginal community representatives.

*RESOURCE, FINANCIAL AND RISK IMPACTS*

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

*CORPORATE COMPLIANCE*

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

A Connected Central Coast

- Improve community wellbeing

Community Capacity and Creativity

- Community capacity building
- Cultivate a culture of creativity in the community

Council Sustainability and Governance

- Effective communication and engagement

*CONCLUSION*

It is recommended that the Council receives the update.”

- Cr Wylie moved and Cr Smith seconded, “That the Council receives the Action Plan update.”

Carried unanimously

**99/2024 Dog control – Fixing of registration fees for the 2024–2025 financial year and other fees under the *Dog Control Act 2000* (153/2023 – 15.05.2023)**

The Director Community, Growth and Development reported as follows:

*“PURPOSE*

This report is to consider the fixing of dog registration fees for the 2024–2025 financial year and other fees as required under the *Dog Control Act 2000* (the Act).

*BACKGROUND*

The Act requires that all dogs over the age of six months must be registered with a local council and provides for Councils to set fees for the purpose of registration and management of dogs.

This report enables the registration fees to be set and subsequently allows the registration forms and tags to be issued to dog owners before the commencement of the registration period. Furthermore, it also allows other associated animal fees to be set for the 2024–2025 financial year.

*DISCUSSION*

By registering a dog, Council’s Compliance Officer can identify a dog’s owner and recorded information to then administrate the regulations and provisions of the Act when necessary. There are currently 3,306 dogs registered, compared to 3,243 dogs registered this time last year with Council.

Council has historically provided dog registration free of charge in the following instances, which is proposed to continue:

- . should the dog be a registered and appropriately trained guide, hearing or assistance dog (limited to one per person); and
- . should the dog registration be transferred from another Tasmanian council.

The proposed fees continue to reflect the cost of providing the service which includes transporting, impounding, housing dogs safely (and with a minimum of stress on the animal), investigating complaints, and managing an out-of-hours service for serious dog-related matters.

The dog registration period is from 1 July to 30 June each year, and Council sends out registration renewal notices in May each year to facilitate timely registration, and offers a discount to registrations paid prior to 1 July, and it is proposed that this arrangement continues.

Furthermore, Council offers discounted pro-rata fees to persons who acquire a dog part way through the year and refunds part of the registration cost for deceased dogs, where it is appropriate to do so.

It is proposed that Council also continues to provide discounted fees in the following circumstances:

- . Should the dog be desexed; to encourage the reduction in the instances of unwanted or abandoned dogs;
- . Should the dog be obedience trained;
- . Should the dog be a registered working, pure bred, greyhound or hunting dog;
- . Should the dog be owned and registered by a pensioner; and
- . Newly registered dogs that have either recently been purchased or are up to six months of age.

Council provides lifetime registration discs to assist in identifying dogs as well as reducing the cost of annual registration tag replacements.

#### *CONSULTATION*

There is no legislative requirement to consult regarding the registration of dogs under the Act. However, it is proposed to develop and coordinate a social media campaign regarding unregistered dogs to increase awareness of the requirements to register a dog and the penalties applicable if a dog is found unregistered.

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

The setting of animal charges assists in the recovery of service costs to the community.

The price of delivering services to the community increase over time and therefore it is important for Council's financial sustainability that fees and charges also increase. Council must balance these increases with the capacity for community to pay.

When determining fees, all factors are considered, including full cost recovery, Council's fees compared to those of other similar sized Councils, and the community's capacity to pay.

The Local Government Association of Tasmania release an index each year which reflects the rate at which Council's overall costs are rising. The Council Cost Index for the year ended 31 March 2024 increased by 3.74%.

The proposed fee structure is based on retention of the current dog control procedures and service levels and is calculated to meet the projected cost of dog control in 2024–2025 which are also partially funded from rates and charges.

The proposed fees feature an approximate 4% increase, with fees rounded to the nearest dollar. This recommended increase will help Council cover around 80% of the cost associated with Animal Control, with the remaining cost spread across all ratepayers due to the protective nature of dog compliance activities to those that do not own dogs and the community as a whole.

A copy of the fee structure for the 2023–2024 financial year is appended to this report.

*CORPORATE COMPLIANCE*

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

The Shape of the Place

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

A Connected Central Coast

- Improve community wellbeing.

Council Sustainability and Governance

- Improve corporate governance.
- Improve service provision.

*CONCLUSION*

It is recommended that dog registration fees be fixed for the financial year 1 July 2024 to 30 June 2025 in respect of all dogs over the age of six months, at the following rates:

DESCRIPTION	INCENTIVE RATE (IF PAID ON OR BEFORE 30 JUNE 2024) \$	FULL RATE (IF PAID AFTER 30 JUNE 2024) \$
Male or female dog	76.00	130.00
Desexed dog*	44.00	56.00



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Pensioners rate***	34.00	43.00
Discount for Obedience Certificate****	8.00	Nil
Greyhound registered with the Tasmanian Greyhound Racing Board*	44.00	76.00
Pure Bred dog*	44.00	76.00
Working dog kept for the purpose of working farm stock*	44.00	76.00
Hunting dog*	44.00	76.00
Guide, Hearing or Assistance dog	Nil	Nil
Newly registered dog (purchased through the year) – first year of registration only	**Pro-rata registration rate	**Pro-rata registration rate
Newly registered dog (up to six months of age)* for the first year of registration only	**Pro-rata registration rate	**Pro-rata registration rate
Registration fee for each Declared Dangerous Dog	314.00	380.00
Transfer of dog registration from another Tasmanian Council for the same registration period (evidence must be provided)	Nil	Nil

. \*Proof of evidence must be provided at the time of registration (such as a veterinarian certificate, Tasmanian Canine Association certificate, Greyhound Racing Board certificate, current membership of a recognised hunting dog organisation).

. \*\*Pro rata registration rate – the rate is calculated as the full rate divisible by 12 and multiplied by the number of months, or part thereof, remaining in the financial year 1 July 2024 to 30 June 2025, or taken to be the incentive rate; whichever is the lesser. Note: the pro-rata registration rate does not apply where the owner has neglected to register a dog prior to being impounded.

- . \*\*\*Pensioner’s rate – the pensioner’s rate applies to ONE dog only (owned by a pensioner at the one property). Evidence such as the Pension Concession Card must be sighted at the time of payment.
- . \*\*\*\*Discount for obedience certificate – proof of evidence must be provided at the time of registration. A current certificate of obedience proficiency has been provided from an approved dog training organisation which has been accepted as a provider of an appropriate obedience certificate.

And that the following fees for the management of the *Dog Control Act 2000* also be fixed:

DETAILS	AMOUNT (\$)
Impounding fee (1 <sup>st</sup> impoundment) *	38.00
Impounding fee (subsequent)*	101.00
Impounding fee for dog impounded out of office hours	157.00
Daily pound fee (per weekday or any part thereof) **	61.00
Out of hours release fee per hour (Mon–Fri)	109.00
Out of hours release fee per hour (Sat–Sun)	286.00
Out of hours release fee per hour (Public Holiday)	382.00
Note: available in special circumstances only and if an appropriate authorised person is available.	
Investigation of nuisance complaint	32.00
Kennel Licence Application (initial) (not including dog registration)	156.00
Kennel Licence renewal (per year)	73.00
Replacement disc (each)	7.00
Dangerous dog collar (each)	Purchase price

	(plus 5% admin. fee and GST)
Dangerous dog sign (each)	Purchase price (plus 5% admin. fee and GST)

- . \*Charged for the collection and short-term (less than 12 hours) impoundment.
- . \*\*Charged for long-term (12 hours or more) impoundment and in addition to the Impounding fee.”

The Executive Officer to the CEO and Mayor reported as follows:

“A schedule of fees fixed for the (previous) 2023–2024 financial year has been circulated to all Councillors.”

■ Cr Wylie moved and Cr Beswick seconded, “That dog registration fees be and are hereby fixed for the financial year 1 July 2024 to 30 June 2025 in respect of all dogs over the age of six months, at the following rates:

DESCRIPTION	INCENTIVE RATE (IF PAID ON OR BEFORE 30 JUNE 2024) \$	FULL RATE (IF PAID AFTER 30 JUNE 2024) \$
Male or female dog	76.00	130.00
Desexed dog*	44.00	56.00
Pensioners rate***	34.00	43.00
Discount for Obedience Certificate****	8.00	Nil
Greyhound registered with the Tasmanian Greyhound Racing Board*	44.00	76.00
Pure Bred dog*	44.00	76.00
Working dog kept for the purpose of working farm stock*	44.00	76.00

Hunting dog*	44.00	76.00
Guide, Hearing or Assistance dog	Nil	Nil
Newly registered dog (purchased through the year) – first year of registration only	**Pro-rata registration rate	**Pro-rata registration rate
Newly registered dog (up to six months of age)* for the first year of registration only	**Pro-rata registration rate	**Pro-rata registration rate
Registration fee for each Declared Dangerous Dog	314.00	380.00
Transfer of dog registration from another Tasmanian Council for the same registration period (evidence must be provided)	Nil	Nil

- \*Proof of evidence must be provided at the time of registration (such as a veterinarian certificate, Tasmanian Canine Association certificate, Greyhound Racing Board certificate, current membership of a recognised hunting dog organisation).
- \*\*Pro rata registration rate – the rate is calculated as the full rate divisible by 12 and multiplied by the number of months, or part thereof, remaining in the financial year 1 July 2024 to 30 June 2025, or taken to be the incentive rate; whichever is the lesser. Note: the pro-rata registration rate does not apply where the owner has neglected to register a dog prior to being impounded.
- \*\*\*Pensioner’s rate – the pensioner’s rate applies to ONE dog only (owned by a pensioner at the one property). Evidence such as the Pension Concession Card must be sighted at the time of payment.
- \*\*\*\*Discount for obedience certificate – proof of evidence must be provided at the time of registration. A current certificate of obedience proficiency has been provided from an approved dog training organisation which has been accepted as a provider of an appropriate obedience certificate.

And that the following fees for the management of the *Dog Control Act 2000* also be fixed:

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DETAILS	AMOUNT (\$)
Impounding fee (1 <sup>st</sup> impoundment) *	38.00
Impounding fee (subsequent)*	101.00
Impounding fee for dog impounded out of office hours	157.00
Daily pound fee (per weekday or any part thereof) **	61.00
Out of hours release fee per hour (Mon–Fri)	109.00
Out of hours release fee per hour (Sat–Sun)	286.00
Out of hours release fee per hour (Public Holiday)	382.00
Note: available in special circumstances only and if an appropriate authorised person is available.	
Investigation of nuisance complaint	32.00
Kennel Licence Application (initial) (not including dog registration)	156.00
Kennel Licence renewal (per year)	73.00
Replacement disc (each)	7.00
Dangerous dog collar (each)	Purchase price (plus 5% admin. fee and GST)
Dangerous dog sign (each)	Purchase price (plus 5% admin. fee and GST)

- . \*Charged for the collection and short-term (less than 12 hours) impoundment.
- . \*\*Charged for long-term (12 hours or more) impoundment and in addition to the Impounding fee.”

Carried unanimously

**100/2024 Statutory determinations**

The Chief Executive Officer reported as follows:

“A Schedule of Statutory Determinations made during the month of March 2024 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Officer to the CEO and Mayor reported as follows:

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

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

Carried unanimously

**101/2024 Development application determinations**

The Director Community, Growth and Development reported as follows:

“A Schedule of Development Application Determinations made during the month of March 2024 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Officer to the CEO and Mayor 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 Development Application Determinations (a copy being appended to and forming part of the minutes) be received.”

Carried unanimously

**102/2024 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 Chief Executive Officer has submitted the following report:

‘If any such actions arise out of Minute Items 103/2024, 104/2024, 105/2024 and 107/2024 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 Officer to the CEO and Mayor reported as follows:

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

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

Carried unanimously

**103/2024 Residential – single dwelling and shed and retrospective earthworks – Building height, siting and exterior finishes at 48 Clara Street, West Ulverstone – Application No. DA2023093**

The Director Community, Growth and Development reported as follows:

“The Land Use Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:’</i>	DA2023093
<i>PROPOSAL:</i>	Residential – single dwelling and shed and retrospective earthworks – Building height, siting and exterior finishes
<i>APPLICANT:</i>	Geoffrey Brooke
<i>LOCATION:</i>	48 Clara Street, West Ulverstone
<i>ZONE:</i>	Landscape Conservation
<i>PLANNING INSTRUMENT:</i>	<i>Tasmanian Planning Scheme – Central Coast</i> (the Planning Scheme)
<i>ADVERTISED:</i>	2 March 2024
<i>REPRESENTATIONS EXPIRY DATE:</i>	19 March 2024
<i>REPRESENTATIONS RECEIVED:</i>	Three
<i>42-DAY EXPIRY DATE:</i>	11 April 2024 (extension of time granted until 15 April 2024)
<i>DECISION DUE:</i>	15 April 2024
<i>PURPOSE</i>	

The purpose of this report is to consider an application for the construction of a single dwelling and shed and retrospective earthworks at 48 Clara Street, West Ulverstone.

Accompanying the report are the following documents:

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

*BACKGROUND*

*Development description -*

Application is made for a single dwelling, shed and retrospective earthworks at 48 Clara Street, West Ulverstone. The single dwelling and shed would be located within the building area shown on the survey plan with retrospective earthworks outside this area, being north of the building envelope. The retrospective aspect of the proposal includes the construction of a long, internal driveway and building area for the proposed single dwelling, from Clara Street.

The single dwelling and shed would be of a common construction consisting of weatherboard and Colorbond cladding and roofing.

The single dwelling would accommodate three bedrooms, one having an ensuite, and an open plan kitchen, dining and lounge area with an uncovered deck, main bathroom, separate toilet and laundry.

The single dwelling would comprise of varying external finishes and colours. This includes a combination of dark and light colours.

*Site description and surrounding area -*

The 1.6ha site is zoned Landscape Conservation. The land immediately to the north-west and south-east are also zoned Landscape Conservation. All other surrounding properties are zoned General Residential.

The site slopes moderately upwards from Clara Street for approximately 75m and then has a steeper slope upwards, to Burnett Crescent.

The Landscape Conservation Zone was applied to the development site due to the landslip hazard overlay across the land, rather than any visual landscape attributes, such as priority vegetation. The zone was transitioned to the Central Coast LPS from *the Central Coast Interim Planning Scheme 2013* in October 2022, under which the land use to be zoned Environmental Living.

There are no significant landscape values or characteristics on the development site or the adjoining properties to the west

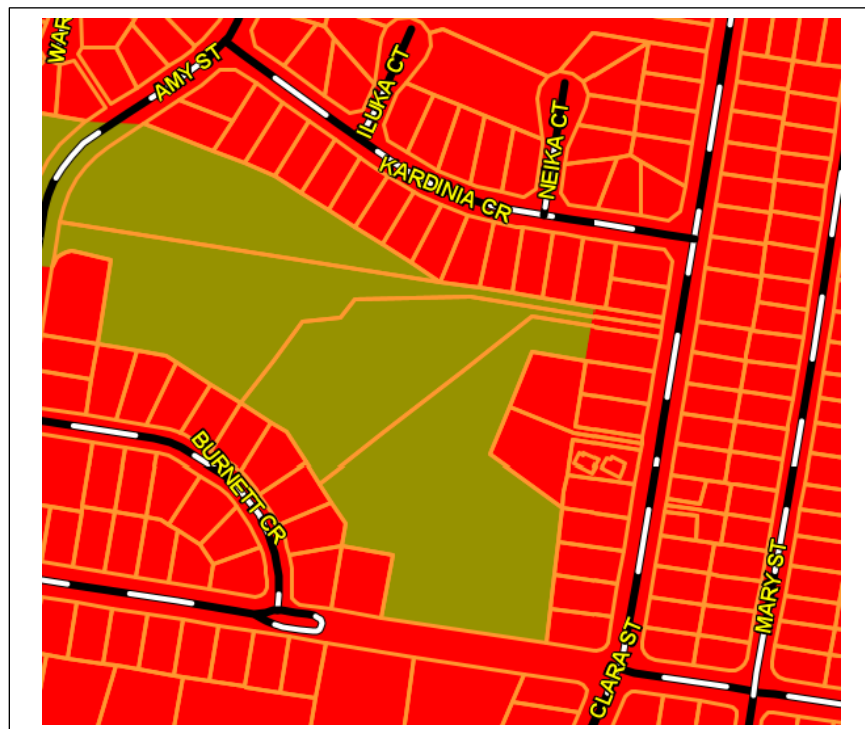


(46 and 46A Clara Street). The site is clear of any vegetation, apart from a couple of trees located in the western corner.

The Landscape Conservation Zone is usually more applicable to larger land areas (the Acceptable Solution for subdivision in the zone requires an area of 50ha) where there are significant landscape values, such as priority vegetation and/or watercourses which dominate the scenery, such as on the top side of Midway Lane, Sulphur Creek or in the Raymond Road area in Gunns Plains.

It is not as common to have a Landscape Conservation Zone that is surrounded by a General Residential Zone, where surrounding lots are developed for Residential purpose and cleared of vegetation.

Below shows the General Residential zone that surrounds the development site. The General Residential Zone is red, and Landscape Conservation Zone is green.



The development site is connected to all reticulated services. A majority of the site is subject to low landslip hazard characteristics with a very small section of medium landslip hazard located south of the building envelope.

*History -*

The development site was created in February 2021 through Planning Permit DA2019030.

*DISCUSSION*

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

**22.0 Landscape Conservation**

**22.1 Zone Purpose**

The purpose of the Landscape Conservation Zone is:

- 22.1.1 To provide for the protection, conservation and management of landscape values.
- 22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values

**Planners comment:**

The Landscape Conservation Zone was applied to the development site due to the landslip hazard overlay, rather than any visual landscape attributes which are usually associated with the Zone, such as priority vegetation. The single dwelling would therefore not adversely impact the protection, conservation and management of the landscape values, as it is considered there are none on the site.

CLAUSE	COMMENT	
<b>22.3 Use Standards</b>		
<b>22.3.1 Community meeting and entertainment, food services, and general retail and hire uses</b>	<b>Not Applicable</b>	<b>Assessment</b>
22.3.1 –(A1) Hours of operation for Community Meeting and Entertainment, Food Services, and General Retail and Hire must be within the hours of 8.00am to 6.00pm.	<input checked="" type="checkbox"/>	Application is for Residential use.
<b>22.3.2 Visitor accommodation</b>	<b>Not Applicable</b>	<b>Assessment</b>
22.3.2 –(A1) Visitor Accommodation: (a) guests are accommodated in existing buildings; and (b) has a gross floor area of no more than 300m <sup>2</sup> .	<input checked="" type="checkbox"/>	No Visitor Accommodation proposed.

<b>22.3.3 Discretionary use</b>	<b>Not Applicable</b>	<b>Assessment</b>
23.3.3 –(A1) No acceptable solution.	<input checked="" type="checkbox"/>	Residential is not a discretionary use.
<b>22.4 Development Standards for Buildings and Works</b>		
<b>22.4.1 Site coverage</b>	<b>Not Applicable</b>	<b>Assessment</b>
22.4.1 –(A1) Site coverage must be not more than 400m <sup>2</sup> .	<input type="checkbox"/>	Compliant. Site coverage would be 225m <sup>2</sup> .
<b>22.4.2 Building height, siting and exterior finishes</b>	<b>Not Applicable</b>	<b>Assessment</b>
22.4.2 –(A1) Building height must be not more than 6m.	<input type="checkbox"/>	Compliant. The highest point of the single dwelling and shed would be 6m.
22.4.2 –(A2) Buildings must have a setback from a frontage of not less than 10m.	<input type="checkbox"/>	Compliant. The single dwelling would be setback greater than 10m from the frontage.
22.4.2 –(A3) Buildings must have a setback from side and rear boundaries not less than 20m.	<input type="checkbox"/>	Compliant. The single dwelling would be setback 20m and greater from side and rear boundaries.
22.4.2 –(A4) Buildings for a sensitive use must be separated from the boundary of an adjoining Rural Zone or Agriculture Zone a distance of:  (a) not less than 200m; or  (b) if the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.	<input checked="" type="checkbox"/>	Adjoining land is zoned General Residential or Landscape Conservation.
22.4.2 –(A5) Exterior building finishes must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.	<input type="checkbox"/>	Non-compliant. Exterior of the building would not have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.

		Refer to the “Issues” section of this report.
<b>22.4.3 Access to a road</b>	<b>Not Applicable</b>	<b>Assessment</b>
22.4.3 –(A1) New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.	<input type="checkbox"/>	Compliant. The access is off Clara Street.
<b>22.4.4 Landscape protection</b>	<b>Not Applicable</b>	<b>Assessment</b>
22.4.4 –(A1) Building and works must be located within a building area, if shown on a sealed plan.	<input type="checkbox"/>	Compliant. The single dwelling would be inside the building area. Proposal includes an internal driveway and turning areas. This is in accordance with a registered Part 5 Agreement on the site.
22.4.4 –(A2) Buildings and works must: (a) be located within a building area, if shown on a sealed plan; or (b) be an alteration or extension to an existing building providing it is not more than the existing building height; and (c) not include cut and fill greater than 1m; and (d) be not less than 10m in elevation below a skyline or ridgeline.	<input type="checkbox"/>	Compliant. The single dwelling would be inside the building area. Proposal includes an internal driveway and turning areas. This is in accordance with a registered Part 5 Agreement on the site.
<b>22.5 Development Standards for Subdivision</b>		
<b>22.5.1 Lot design</b>	<b>Not Applicable</b>	<b>Assessment</b>
22.5.1 –(A1) Each lot, or a proposed lot in a plan of subdivision, must:	<input checked="" type="checkbox"/>	No subdivision proposed.

<p>(a) have an area of not less than 50ha and:</p> <p>(i) be able to contain a minimum area of 25m x 25m, where native vegetation cover has been removed, with a gradient not steeper than 1 in 5, clear of:</p> <p>a. all setbacks required by clause 22.4.2 A2, A3 and A4; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 22.4.2 A2, A3 and A4;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>		
<p>22.5.1 –(A2)</p> <p>Each lot, or a proposed lot in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities must have a frontage of not less than 40m.</p>	<input checked="" type="checkbox"/>	<p>No subdivision proposed.</p>
<p>22.5.1 –(A3)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular</p>	<input checked="" type="checkbox"/>	<p>No subdivision proposed.</p>

access from the boundary of the lot to a road in accordance with the requirements of the road authority.		
22.5.1 –(A4) No acceptable solution. 22.5.1 –(P4) Each lot, or a lot proposed in a plan of subdivision, must be capable of accommodating an on-site wastewater management system adequate for the intended use and development of the land, which minimises any environmental impacts.	<input checked="" type="checkbox"/>	No subdivision proposed.

## CODES

CODES	NOT APPLICABLE	APPLICABLE
<b>C1.0 Signs Code</b>	<input checked="" type="checkbox"/>	
<b>C2.0 Parking and Sustainable Transport Code</b>		Refer to the Table below.
<b>C3.0 Road and Railway Assets Code</b>	<input checked="" type="checkbox"/>	
<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>		Refer to the Table below.
<b>C16.0 Safeguarding of Airports Code</b>	<input checked="" type="checkbox"/>	

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

CLAUSE	COMMENT	
<b>C2.5 Use Standards</b>		
<b>C2.5.1 Car parking numbers</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>C2.5.1–(A1)</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p style="padding-left: 20px;">(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is</p>	<input type="checkbox"/>	<p>Compliant. There would be the provision for the 2 car parking spaces on the site in the form of the shed attached to the dwelling, in accordance with Table C2.1.</p> <p>(a)–(d) Does not apply.</p>



<p>greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p><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>		
<p><b>C2.5.2 Bicycle parking numbers</b></p>	<p><b>Not applicable</b></p>	<p><b>Assessment</b></p>
<p>C2.5.2–(A1) Bicycle parking spaces must:</p>	<p><input checked="" type="checkbox"/></p>	<p>Not required for single dwellings.</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>		
<b>C2.5.3 Motorcycle parking numbers</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>C2.5.3-(A1)</p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and;</p> <p>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification provided the existing number of motorcycle parking spaces is maintained.</p>	<input checked="" type="checkbox"/>	Not required for single dwellings.
<b>C2.5.4 - Loading bays</b>	<b>Not applicable</b>	<b>Assessment</b>
<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"/>	Proposal does not require a loading bay.
<b>C2.5.5 - Number of car parking spaces within General Residential Zone and Inner Residential Zone</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>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 seats, whichever is the greater; and</p>	<input checked="" type="checkbox"/>	Proposal is for a residential building.

<p>(b) 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>		
<p><b>C2.6 Development Standards for Buildings and Works</b></p>		
<p><b>C2.6.1 Construction of parking areas</b></p>	<p><b>Not applicable</b></p>	<p><b>Assessment</b></p>
<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>	<p style="text-align: center;"><input type="checkbox"/></p>	<p>(a) Compliant with condition.</p> <p>(b) Compliant with condition.</p> <p>(c) Not applicable. Site is zoned Landscape Conservation.</p>
<p><b>C2.6.2 Design and layout of parking areas</b></p>	<p><b>Not applicable</b></p>	<p><b>Assessment</b></p>
<p>C2.6.2–(A1)</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <p style="padding-left: 20px;">(i) have a gradient in accordance with <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i>;</p> <p style="padding-left: 20px;">(ii) provide for vehicles to enter and exit the site in a forward</p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p>(a)(i) Compliant by (b).</p> <p>(a)(ii) Compliant by (b).</p> <p>(a)(iii) Compliant by (b).</p> <p>(a)(iv) Compliant by (b).</p> <p>(a)(v) Compliant by (b).</p> <p>(a)(vi) Compliant by (b).</p> <p>(a)(vii) Compliant by (b).</p> <p>(b) Compliant with condition.</p>

<p>direction where providing for more than 4 parking spaces;</p> <p>(iii) have an access width not less than the requirements in Table C2.2;</p> <p>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p> <p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6.</i></p> <p>C2.6.2--(A1.2)</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-</i></p>		<p>A1.2</p> <p>(a) Not applicable for this application.</p> <p>(b) Not applicable for this application.</p> <p>(c) Not applicable for this application.</p>
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<p><i>street parking for people with disabilities.</i><sup>1</sup></p> <p><sup>1</sup> Requirements for the number of accessible car parking spaces are specified in part D3 of the <i>National Construction Code 2016</i></p>		
<b>C2.6.3 Number of accesses for vehicles</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>C2.6.3–(A1)</p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses whichever is the greater.</p>	<input type="checkbox"/>	<p>(a) Compliant. The site has one access only. Access from Clara Street.</p> <p>(b) Not applicable. Satisfied by (a).</p>
<p>C2.6.3–(A2)</p> <p>Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<input checked="" type="checkbox"/>	Site is zoned Landscape Conservation.
<b>C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone</b>	<b>Not applicable</b>	<b>Assessment</b>
<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 zoned Landscape Conservation.

<b>C2.6.5 Pedestrian access</b>	<b>Not applicable</b>	<b>Assessment</b>
<p>C2.6.5-(A1.1)</p> <p>Uses that require 10 or more car parking spaces must:</p> <p>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles by:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles; 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>	<input checked="" type="checkbox"/>	<p>Use does not require 10 or more car parking spaces.</p>
<b>C2.6.6 Loading bays</b>	<b>Not applicable</b>	<b>Assessment</b>
<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"/>	<p>Loading bays are not required.</p>

<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"/>	<p>Loading bays are not required.</p>
<p><b>C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</b></p>	<p><b>Not applicable</b></p>	<p><b>Assessment</b></p>
<p>C2.6.7-(A1)</p> <p>Bicycle parking for uses that require 5 or more bicycle spaces in Table C2.1 must:</p> <p>(a) be accessible from a road, cycle path, bicycle lane, shared path or access way;</p> <p>(b) be located within 50m from an entrance;</p> <p>(c) be visible from the main entrance or otherwise signed; and</p> <p>(d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of <i>Australian/New Zealand Standard AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements.</i></p>	<input checked="" type="checkbox"/>	<p>Site is zoned Landscape Conservation.</p>
<p>C2.6.7-(A2)</p> <p>Bicycle parking spaces must:</p> <p>(a) have dimensions not less than:</p> <p>(i) 1.7m in length;</p> <p>(ii) 1.2m in height; and</p>	<input checked="" type="checkbox"/>	<p>Site is zoned Landscape Conservation.</p>

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



<b>C2.7 Parking Precinct Plan</b>		
<b>C2.7.1 Parking precinct plan</b>	<b>Not applicable</b>	<b>Assessment</b>
<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 development site.

**C15.0 Landslip Hazard Code**

CLAUSE	COMMENT	
<b>C15.5 Use Standards</b>		
<b>C15.5.1 Use within a landslip hazard area</b>	<b>Not Applicable</b>	<b>Assessment</b>
<b>A1</b> No Acceptable Solution.	<input checked="" type="checkbox"/>	Residential use is not a critical, hazardous or vulnerable use.
<b>A2</b> No Acceptable Solution.	<input checked="" type="checkbox"/>	Residential use is not a critical, hazardous or vulnerable use.
<b>A3</b> No Acceptable Solution.	<input checked="" type="checkbox"/>	Residential use is not a critical, hazardous or vulnerable use.
<b>A4</b> No Acceptable Solution.	<input checked="" type="checkbox"/>	Residential use is not a critical, hazardous or vulnerable use.
<b>C15.6 Development Standards for Buildings and Works</b>		
<b>C15.6.1 Building and works within a landslip hazard area</b>	<b>Not Applicable</b>	<b>Assessment</b>
<b>A1</b> No Acceptable Solution.	<input type="checkbox"/>	Non-compliant.  Refer to the "Issues" section of this report.

<b>C15.6 Development Standards for Subdivision</b>		
<b>C15.7.1 Subdivision within a landslip hazard area</b>	<b>Not Applicable</b>	<b>Assessment</b>
<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area, must:</p> <p>(a) be able to contain a building area, vehicle access, and services, that are wholly located outside a landslip hazard area;</p> <p>(b) be for the creation of separate lots for existing buildings;</p> <p>(c) be required for public use by the Crown, a council or a State authority; or</p> <p>(d) be required for the provision of Utilities.</p>	<input checked="" type="checkbox"/>	Not a subdivision.

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"/>	

<b>CCO CODE LISTS</b>	
<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.

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<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 22.4.2 Building height, siting and exterior finishes –*

The proposed single dwelling satisfies all the Planning Scheme's Acceptable Solution setback requirements in relation to front, side and rear boundaries. Therefore the "siting" aspect of the above is compliant and not considered a discretionary aspect of the proposal.

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 the Planning Scheme's Clause 22.4.2 states that the building height, siting and exterior finishes:

- (a) protects the amenity of adjoining properties;
- (b) minimises the impact on the landscape values of the area; and
- (c) minimises the impact on adjoining agricultural uses.

Exterior finishes

The Planning Scheme's Acceptable Solution for Clause 22.4.2-(A5) states that exterior building finishes must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown.

The proposed single dwelling and shed would have both dark and light colours as part of the design.

Therefore, the proposed development is discretionary and relies on an assessment against the applicable mandatory Performance Criteria.

The Planning Scheme's Performance Criteria for Clause 22.4.2-(P5) states that exterior building finishes must not cause an unreasonable loss of amenity to occupiers of adjoining properties or detract from the landscape values of the site or surrounding area, having regard to:

- (a) the appearance of the building when viewed from roads or public places in the surrounding area;

Planner's comment: Given the site has a long internal access strip, the single-storey dwelling would be located behind the dwellings that front Clara Street, the proposed single dwelling would be marginally visible from Clara Street and would appear

similar to those dwellings that front Clara Street. There are no public places that surround the development site that would result in the public being able to view the proposed single dwelling.

The appearance of the single dwelling, including its exterior finishes, would not cause an unreasonable loss of amenity to the occupiers of adjoining properties, or detract from the landscape values of the site or surrounding land. This is because, as outlined throughout this report, there are no landscape values to be attributed to the development site. The Landscape Conservation Zone has been applied to the land due to landslip hazard characteristics.

The surrounding area is dominated by General Residential Zone, developed for residential purposes. The visual landscape of the surrounding area would be either residential buildings, or a combination of residential buildings and distant views of Bass Strait. It is acknowledged that, for properties who are higher than the development site, namely along Burnett Crescent and overlooking the development site, occupiers would notice a change in the visual amenity across the site, when looking downslope. The view would change from an open, grassed vacant area of land, to include the proposed single dwelling. However, this would not be different to the other numerous single dwellings that can be seen from these higher elevation properties. Due to the slope of the land in this area, the view to Bass Strait would not alter significantly, if at all.

- (b) any screening vegetation; and

Planner's comment: The application did not include any proposed screening or vegetation and given the scale of the development it is not considered necessary due to there being no landscape values to be attributed to the development site.

- (c) the nature of the exterior finishes.

Planner's comment: Part of the proposed exterior finishes includes lighter colours.

As discussed, the development site is surrounded primarily by residential development. From the development site and further upslope (Burnett Crescent), it is evident that the visual amenity of the residential area is dominated by many roofs, all of differing colours.

The proposed lighter colour, as seen in the plans submitted (refer to Annexure 2) would blend in with the downslope mixed colours of the residential area.

Conclusion: It is considered that the application has demonstrated compliance with the mandatory Performance Criterion in relation to building height and exterior finishes. Regarding the Objective for this Clause, it is considered that the proposed single dwelling and shed can satisfy Objective (a) as the single dwelling would protect the amenity of the adjoining properties which is dominated by residential development in the General Residential Zone. There are no landscape values identified on the site so Objective (b) is not applicable to this application.

Additionally, Objective (c) is also not applicable to the site, as the development site does not adjoin agricultural uses. The Objective regarding agricultural uses further supports the analysis that the Landscape Conservation Zone is more common on larger areas of heavy vegetation, closer to Rural and Agricultural Zones.

2 *Reliance on C15.0 Landslip Hazard Code -*

There are several exemptions under the planning scheme's *Landslip Hazard Code*. The construction of the single dwelling and shed would be exempt from requiring assessment under the planning scheme as it can satisfy Clause C15.4.1(d) which states development on land within a low or medium landslip hazard band that requires authorisation under the *Building Act 2016*.

The proposed internal driveway and retrospective earthworks would not satisfy any exemptions under this Code. Therefore, this Code is applicable to this proposal.

The planning scheme's Acceptable Solution for Clause C15.6.1 is in relation to building and works within a landslip hazard area. There is no Acceptable Solution for this Clause.

Therefore, the proposed development is discretionary and relies on an assessment against the applicable mandatory Performance Criteria.

The planning scheme's Performance Criteria for Clause C15.6.1 is broken into three parts.

Clause C15.6.1-(P1.1) states that building and works within a landslip hazard area must minimise the likelihood of triggering a landslip event and achieve and maintain a tolerable risk from landslip, having regard to:

- (a) the type, form, scale and intended duration of the development;

Planner's comment: Tasman Geotechnics provide a supporting document for the application that references EAW Geo Services Landslide Risk Assessment & Engineering recommendations report that was undertaken when the development site was created through a subdivision. The supporting document addresses the retrospective earthworks noting the works extend well to the north of the approved building envelope. The document notes that the retrospective earthworks are likely not compliant with the requirements set out in the subdivision landslide risk assessment by EAW, however, could become compliant if the recommendations outlined in the discussions and recommendations of the document were followed.

The document concludes that the current development proposal can achieve and maintain a tolerable risk from landslip, provided that the conditions set out by EAW and the recommendations of the review document are complied with. The permit will be conditioned to include both the report by EAW and the document prepared by Tasman Geotechnics dated 7 February 2024.

- (b) whether any increase in the level of risk from a landslip requires any specific hazard reduction or protection measures;

Planner's comment: Some requirements are noted in the conclusion of the Tasman Geotechnics review document. Adherence to this document and the accompanying EAW Geo Services Landslide Risk Assessment & Engineering Recommendation report will form part of this Permit.

- (c) any advice from a State authority, regulated entity or a council;

Planner's comment: The Council relies on advice from a suitably qualified person, who in this case is Tasman Geotechnics.

- (d) the advice contained in a landslip hazard report.

Planner's comment: Some requirements are noted in the conclusion of the Tasman Geotechnics Landslide Risk Assessment document. The Landslide Risk Assessment document and the EAW Geo Services Landslide Risk Assessment & Engineering Recommendation report forming part of the Part 5 Agreement associated with the Certificate of Title for the land will form part of this Permit.

Clause C15.6.1–(P1.2) states that a landslip hazard report also demonstrates that the buildings and works do not cause or contribute to landslip on the site, on adjacent land or public infrastructure.

Planner’s comment: As discussed above, the Tasman Geotechnics review document outlines the requirements for the retrospective earthworks to achieve compliance, with very specific recommendations. Adherence to the recommendations of the review document will form part of the permit conditions with engineering certification required for any works undertaken.

The review document concludes that whilst the existing earthworks are likely partially or entirely non-compliant with the recommendations given by EAW, they have not given rise to a materially increased landside risk at the site. Nevertheless, Tasman Geotechnics affirm the recommendations given by EAW and reiterate that all further earthworks must comply with the recommendations given in the EAW report and the further recommendations set out in the Landslide Risk Assessment document dated 7 February 2024.

Clause C15.6.1–(P1.3) states that if landslip reduction or protection measures are required beyond the boundary of the site, the consent in writing of the owner of that land must be provided for that land to be managed in accordance with the specific hazard reduction or protection measures.

Planner’s comments: There would be no landslip reduction or protection measures required beyond the boundary of the development site.

Conclusion: It is considered that the application has demonstrated compliance with the mandatory Performance Criterion in relation to the *Landslip Hazard Code*. The supporting Landslide Risk Assessment review document was prepared by suitably qualified persons. The statement will form part of this Permit which includes the Geotech report.

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Referral not required.
Building	Standard Note to apply to Permit.



Infrastructure Services	Conditions and Notes to be included with the Permit.
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 –*

Three representations were received during the public notification period. All three representations raise the same issues with each representation appearing to be the same format. A copy of the representations are provided at Annexure 3.

The representations are summarised and responded to as follows:

REPRESENTATION 1	
MATTER RAISED	RESPONSE
1 Stormwater run-off from 48 Clara Street. The stormwater drainage infrastructure needs to be urgently upgraded to handle	The stormwater was reviewed as part of the original subdivision and as quoted in the original report:

<p>the heavy rainfalls to prevent damage to my home at 64 Clara Street and others.</p> <p>The plans show only part of the drain across the back of 62 Clara Street leading to the pit, the rest of the existing drain has been omitted from the application.</p> <p>The remainder of the drain running across the rear of 68, 66, 64 and part of 62 Clara Street is a concrete spoon drain which is completely blocked and buried and no longer works.</p>	<p><i>“Natural run-off (overland flow) from part of the land drains to the south-east area of the property, adjacent to some Clara Street properties. This is an existing situation that will not change due to the subdivision.</i></p> <p><i>The control of natural run-off is a matter between relevant property owners, including the maintenance of any private infrastructure. A point is available for the collected natural run-off to discharge into a Council stormwater system.”</i></p> <p>The stormwater drain the representation refers to is private infrastructure and not required as part of a previous development application or by Infrastructure Services. The maintenance of this drain is between the property owners as the drain is not owned or maintained by Council.</p> <p>Shown in green below is the private section of the stormwater drain and the purple line shows the Council stormwater infrastructure.</p> <p>The lot at 48 Clara Street has a Council stormwater connection point and all stormwater created as a result of the development will be collected and discharged to the Council supplied collection point.</p>
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REPRESENTATION 2	
MATTER RAISED	RESPONSE
<p>1 Stormwater run-off from 48 Clara Street. The stormwater drainage infrastructure needs to be urgently upgraded to handle the heavy rainfalls to prevent damage to my home at 64 Clara Street and others.</p> <p>The plans show only part of the drain across the back of 62 Clara Street leading to the pit, the rest of the existing drain has been omitted from the application.</p> <p>The remainder of the drain running across the rear of 68, 66, 64 and part of 62 Clara Street is a concrete spoon drain which is completely blocked and buried and no longer works.</p>	<p>Please refer to comments made above for Representation 1.</p>

REPRESENTATION 3	
MATTER RAISED	RESPONSE
<p>1 Stormwater run-off from 48 Clara Street. The stormwater drainage infrastructure needs to be urgently upgraded to handle the heavy rainfalls to prevent damage to my home at 68 Clara and others.</p> <p>The plans show only part of the drain across the back of 62 Clara Street leading to the pit, the rest of the existing drain has been omitted from the application.</p> <p>The remainder of the drain running across the rear of 68, 66, 64 and part of 62 Clara Street is a concrete spoon drain which is completely blocked and buried and no longer works.</p>	<p>Please refer to comments made above for Representation 1.</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 representations received did not warrant refusal or modification of the proposed development for Residential – single dwelling and shed. The

proposal has demonstrated satisfactory compliance with the planning scheme's relevant Performance Criteria.

It is considered that there are no landscape values associated with the development site. The Landscape Conservation Zone was applied to the land due to landslip hazard characteristics, rather than any visual attributes usually associated with the Zone, such as vegetation cover.

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

*Recommendation –*

It is recommended that the application DA2023093 for Residential – single dwelling and shed and retrospective earthworks – Building height, siting and exterior finishes at 48 Clara Street, West Ulverstone be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the plans by Abel Drafting, Project No. 22029, Drawing Nos. 1 to 8 dated 13 February 2024.
- 2 The development must be in accordance with the recommendations made in the Review of Landslide Risk Assessment report by Tasman Geotechnics, Reference No. TG23064/1 – 02 dated 7 February 2024.
- 3 Prior to completion Certificates under the *Building Act 2016*, engineering certification of the retrospective earthworks and any future earthworks is required to certify that the works undertaken have achieved compliance in accordance with the recommendations outlined in the report by EAW Geo Services, Job No. 489 issued 10 July 2019, forming part of the Part 5 Agreement attached to Certificate of Title 180523/1 and the Landslide Risk Assessment document prepared by Tasman Geotechnics dated 7 February 2024.
- 4 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.
- 5 Two car parking spaces must be provided for the development and must comply with *Australian Standard AS 2890 – Parking facilities, Parts 1–6*.

Infrastructure Services:

- 6 Existing crossover and driveway apron from Clara Street must be used as road access to the development.

- 7 Damage or disturbance to roads, stormwater infrastructures, footpaths, kerb and channel, nature strips or street trees resulting from activity associated with the development must be rectified to the satisfaction of the Council's Director Infrastructure Services and at the developer's cost.
- 8 Stormwater run-off from buildings and hard surfaces, including from vehicle parking and manoeuvring areas, must be collected and discharged to Council's stormwater infrastructure in accordance with the *National Construction Code 2019* and must not cause a nuisance to neighbouring properties.
- 9 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.
- 10 All works or activity listed above must be at the developer's cost.

Please Note:

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

The report is supported."

The Executive Officer to the CEO and Mayor reported as follows:

“A copy of the Annexures referred to in the Land Use Planner’s report has been circulated to all Councillors.”

■ Cr Beswick moved and Cr Wylie seconded, “That the application DA2023093 for Residential – single dwelling and shed and retrospective earthworks – Building height, siting and exterior finishes at 48 Clara Street, West Ulverstone be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the plans by Abel Drafting, Project No. 22029, Drawing Nos. 1 to 8 dated 13 February 2024.
- 2 The development must be in accordance with the recommendations made in the Review of Landslide Risk Assessment report by Tasman Geotechnics, Reference No. TG23064/1 – 02 dated 7 February 2024.
- 3 Prior to completion Certificates under the *Building Act 2016*, engineering certification of the retrospective earthworks and any future earthworks is required to certify that the works undertaken have achieved compliance in accordance with the recommendations outlined in the report by EAW Geo Services, Job No. 489 issued 10 July 2019, forming part of the Part 5 Agreement attached to Certificate of Title 180523/1 and the Landslide Risk Assessment document prepared by Tasman Geotechnics dated 7 February 2024.
- 4 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.
- 5 Two car parking spaces must be provided for the development and must comply with *Australian Standard AS 2890 – Parking facilities, Parts 1–6*.

Infrastructure Services:

- 6 Existing crossover and driveway apron from Clara Street must be used as road access to the development.
- 7 Damage or disturbance to roads, stormwater infrastructures, footpaths, kerb and channel, nature strips or street trees resulting from activity associated with the development must be rectified to the satisfaction of the Council’s Director Infrastructure Services and at the developer’s cost.
- 8 Stormwater run-off from buildings and hard surfaces, including from vehicle parking and manoeuvring areas, must be collected and discharged to Council’s stormwater infrastructure in accordance with the *National Construction Code 2019* and must not cause a nuisance to neighbouring properties.

- 9 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.
- 10 All works or activity listed above must be at the developer's cost.

Please Note:

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

Carried unanimously

**104/2024 Utilities - radio communication towers x 2 - retrospective application - Discretionary use; Non-dwelling development; and reliance on C5.0 Telecommunications Code at 7 Waverley Road, Ulverstone - Application No. DA2023111**

*Cr Lehmann, having declared a perceived conflict of interest in respect of this matter (Minute Ref. 87/2024), remained in the meeting and voted.*

The Director Community, Growth and Development reported as follows:

"The Manager Development Support has prepared the following report:

<i>'DEVELOPMENT APPLICATION NO.:</i>	DA2023111
<i>PROPOSAL:</i>	Utilities - radio communication towers x 2 - retrospective application - Discretionary use; Non-dwelling



	development; and reliance on <i>C5.0 Telecommunications Code</i>
<i>APPLICANT:</i>	Dick van Beek
<i>LOCATION:</i>	7 Waverley Road, Ulverstone
<i>ZONE:</i>	Low Density Residential
<i>PLANNING INSTRUMENT:</i>	<i>Tasmanian Planning Scheme - Central Coast</i> (the Planning Scheme)
<i>ADVERTISED:</i>	14 February 2024
<i>REPRESENTATIONS EXPIRY DATE:</i>	28 February 2024
<i>REPRESENTATIONS RECEIVED:</i>	Three
<i>42-DAY EXPIRY DATE:</i>	22 March 2024
<i>EXTENSION OF TIME GRANTED:</i>	15 April 2024
<i>DECISION DUE:</i>	15 April 2024

*PURPOSE*

The purpose of this report is to consider, retrospectively, an application for Utilities – radio communication towers x 2 at 7 Waverley Road, Ulverstone.

Accompanying the report are the following documents:

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

*BACKGROUND*

*Development description –*

Application has been made, retrospectively, for 2 radio communication towers (referred to as towers from now on) that are both freestanding. Both towers are approximately 16m high and located to the rear of the site. The closest boundary is the southern side, with the tower setback approximately 12m.

The towers are used as part of an amateur radio hobby.

*Site description and surrounding area –*

The development site is a 4,005m<sup>2</sup> Low Density Residential zoned property that accommodates an existing single dwelling and associated outbuilding.

There is a sewer main that intersects the rear of the site. The site is subject to low landslip (small pocket to the rear) and bushfire-prone hazards.

Surrounding properties to the north, south and across Waverley Road to the west are zoned Low Density Residential. Land directly to the east is zoned Utilities and accommodates a TasWater reservoir.

*History –*

In June 2022, it was brought to Council's attention that towers had been installed at 7 Waverley Road. Planning staff wrote to the owner (mid-June) seeking some clarification regarding the towers and included some possible exemptions under the planning scheme. Subsequent to the letter, a meeting was held at Council offices with the owner and planning staff. The owner agreed to provide some further details to assist whether the towers were exempt under the planning scheme, or whether they required a discretionary planning Permit application.

No details were provided by the owner, so in early December 2022, Council wrote to the owner again, outlining why details were required. Furthermore, the letter outlined that if the exemption under the planning scheme could not be met, then a discretionary planning application would be required to be lodged with Council. The letter outlined information necessary for an application if needed. The letter also outlined the obligations under the planning scheme and that if no action was undertaken by the owner and a permit was deemed to be required, then potentially legal action could be taken. The owner was provided with 14 business days to respond.

No response was provided by the owner. Further investigation undertaken by planning staff concluded that the towers would require a planning Permit under the planning scheme. Therefore, on 21 March 2023 a Notice of intention to issue an enforcement notice under the Act was issued to the owner. This notice outlined reasons why a Permit was required and provided the owner 14 business days to respond and to lodge a planning application.

A planning application was lodged with the Council on 3 May 2023. An assessment was undertaken, and letter sent to the owner outlining some additional information necessary to enable a proper assessment and included the planning invoice. This invoice included double the assessment fee, as per Council's Policy regarding retrospective applications.

The owner, on 4 May 2023, emailed planning staff addressing the further information requested and questioned the applicable planning invoice. It was stated, by the owner, that the towers are for hobby use and not commercial. Several calls occurred between the owner and planning staff with staff explaining the obligation under the planning scheme and reasons for requiring a Permit.

No payment was made by the owner, even though planning staff emailed and outlined the reasons why the application needed to proceed (being retrospective). Therefore, on 22 January 2024 the Council issued an Enforcement notice under the Act.

Payment of the applicable planning invoice was made 9 February 2024 with public notification commencing 14 February.

*DISCUSSION*

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

**10.0 Low Density Residential Zone**

**10.1 Zone Purpose**

The purpose of the Low Density Residential Zone is:

- 10.1.1 To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.
- 10.1.2 To provide for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts.
- 10.1.3 To provide for Visitor Accommodation that is compatible with residential character.

**Planner’s comment:**

The 2 radio communication towers are considered to not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts. The proposal is therefore in accordance with Zone Purpose Clause 10.1.2.

CLAUSE	COMMENT	
<b>10.3 Use Standards</b>		
<b>10.3.1 Discretionary uses</b>	Not applicable	Assessment
10.3.1-(A1) Hours of operation of a use listed as Discretionary, excluding Emergency Services, must be within: (a) 8.00am to 6.00pm Monday to Friday; (b) 9.00am to 12.00 noon Saturday; and (c) nil on Sunday and public holidays.	<input checked="" type="checkbox"/>	Hours of operation would be in conjunction with residential use of the existing single dwelling.
10.3.1-(A2) External lighting for a use listed as Discretionary: (a) must not operate within the hours of 7.00pm to 7.00am, excluding any security lighting; and (b) security lighting must be baffled to ensure direct light does not extend into the adjoining property.	<input checked="" type="checkbox"/>	No external lighting necessary.

<p>10.3.1-(A3)</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use listed as Discretionary, excluding Emergency Services, must be within the hours of:</p> <p>(a) 7:00am to 7:00pm Monday to Friday;</p> <p>(b) 9:00am to 12 noon Saturday; and</p> <p>(c) nil on Sunday and public holidays.</p>	<input checked="" type="checkbox"/>	<p>No commercial vehicles necessary.</p>
<p>10.3.1-(A4)</p> <p>No acceptable solution.</p>	<input type="checkbox"/>	<p>Non-compliant. Utilities use is discretionary in the Low Density Residential Zone.</p> <p>Refer to the "Issues" section of this report.</p>
<p><b>10.3.2 Visitor Accommodation</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>10.3.2-(A1)</p> <p>Visitor Accommodation must:</p> <p>(a) accommodate guest in existing habitable buildings; and</p> <p>(b) have a gross floor area of not more than 200m<sup>2</sup> per lot.</p>	<input checked="" type="checkbox"/>	<p>Not Visitor Accommodation.</p>
<p><b>10.4 Development Standards for Dwellings</b></p>		
<p><b>10.4.1 Residential density for multiple dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>10.4.1-(A1)</p> <p>Multiple dwellings must have a site area per dwelling of not less than:</p> <p>(a) 1500m<sup>2</sup> if it has a connection or is capable of being connected to a full water supply service, a reticulated sewerage system and the public stormwater system; or</p> <p>(b) 2500m<sup>2</sup> otherwise.</p>	<input checked="" type="checkbox"/>	<p>Not multiple dwellings.</p>

<b>10.4.2 Building height</b>	Not applicable	Assessment
10.4.2–(A1) A dwelling must have a building height not more than 8.5m.	<input checked="" type="checkbox"/>	Refer to Clause 10.5 Development Standards for Non-dwellings.
<b>10.4.3 Setback</b>	Not applicable	Assessment
10.4.3–(A1) Dwellings, excluding protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage not less than 8m.	<input checked="" type="checkbox"/>	Refer to Clause 10.5 Development Standards for Non-dwellings.
10.4.3–(A2) Dwellings, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally from the building, must have a setback from side and rear boundaries of not less than 5m.	<input checked="" type="checkbox"/>	Refer to Clause 10.5 Development Standards for Non-dwellings.
<b>10.4.4 Site coverage</b>	Not applicable	Assessment
10.4.4–(A1) Dwellings must have a site coverage of not more than 30%.	<input checked="" type="checkbox"/>	Refer to Clause 10.5 Development Standards for Non-dwellings.
<b>10.4.5 Frontage fences for all dwellings</b>	Not applicable	Assessment
10.4.5–(A1) No acceptable solution. <i>An exemption applies for fences in this zone – see Table 4.6</i> 10.4.5–(P1) A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:	<input checked="" type="checkbox"/>	Refer to Clause 10.5 Development Standards for Non-dwellings.

<p>(a) provide for security and privacy, while allowing for passive surveillance of the road; and</p> <p>(b) be consistent with the height and transparency of fences in the street, having regard to:</p> <p>(i) the topography of the site; and</p> <p>(ii) traffic volumes on the adjoining road.</p>		
<p><b>10.5 Development Standards for Non-dwellings</b></p>		
<p><b>10.5.1 Non-dwelling development</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>10.5.1–(A1)</p> <p>A building that is not a dwelling must have a building height not more than 8.5m.</p>	<p><input type="checkbox"/></p>	<p>Non-compliant. The towers are approximately 16m high.</p> <p>Refer to the “Issues” section of this report.</p>
<p>10.5.1–(A2)</p> <p>A building that is not a dwelling, excluding protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage not less than 8m.</p>	<p><input type="checkbox"/></p>	<p>Compliant. The towers are located to the rear of the existing single dwelling. Setback is approximately 67m from the frontage.</p>
<p>10.5.1–(A3)</p> <p>A building that is not a dwelling excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally from the building, must have a setback from side and rear boundaries of not less than 5m.</p>	<p><input type="checkbox"/></p>	<p>Compliant. The towers are setback greater than 5m to both side boundaries and the rear boundary.</p>
<p>10.5.1–(A4)</p> <p>A building that is not a dwelling must have a site coverage of not more than 30%.</p>	<p><input type="checkbox"/></p>	<p>Compliant. The towers would not alter the overall site coverage as they are both slimline. They are both freestanding towers located to the rear of the site.</p>
<p>10.5.1–(A5)</p> <p>Fences.</p> <p>No acceptable solution.</p>	<p><input checked="" type="checkbox"/></p>	<p>No fence proposed.</p>

<p><i>An exemption applies for fences in this zone – see table 4.6</i></p>		
<p>10.5.1–(A6)</p> <p>Outdoor storage areas, for a building that is not a dwelling, including waste storage, must not:</p> <p>(a) be visible from any road or public open space adjoining the site; or</p> <p>(b) encroach upon parking areas, driveways or landscaped areas.</p>	<input checked="" type="checkbox"/>	<p>No outdoor storage area proposed.</p>
<p>10.5.1–(A7)</p> <p>Air extraction, pumping, refrigeration systems or compressors, for a building that is not a dwelling, must have a setback from the boundary of a property containing a sensitive use of not less than 10m.</p> <p><i>An exemption applies for heat pumps and air conditioners in this zone – see Table 4.6</i></p>	<input checked="" type="checkbox"/>	<p>No air extraction, pumping, refrigeration systems or compressors, for a building that is not a dwelling is proposed.</p>
<p><b>10.6 Development Standards for Subdivision</b></p>		
<p><b>10.6.1 Lot design</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>10.6.1–(A1)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than 1500m<sup>2</sup> and:</p> <p style="padding-left: 20px;">(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <p style="padding-left: 40px;">a. all setbacks required by clause 10.4.3 A1 and A2; and</p>	<input checked="" type="checkbox"/>	<p>Not a subdivision.</p>



<p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 10.4.3 A1 and A2;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>		
<p>10.6.1–(A2)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 20m.</p>	<input checked="" type="checkbox"/>	<p>Not a subdivision.</p>
<p>10.6.1–(A3)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<input checked="" type="checkbox"/>	<p>Not a subdivision.</p>
<p><b>10.6.2 Roads</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>10.6.2–(A1)</p> <p>The subdivision includes no new roads.</p>	<input checked="" type="checkbox"/>	<p>Not a subdivision.</p>
<p><b>10.6.3 Services</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>10.6.3–(A1)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must:</p>	<input checked="" type="checkbox"/>	<p>Not a subdivision.</p>

<p>(a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or</p> <p>(b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service,</p> <p>unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</p>		
<p>10.6.3–(A2)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>	<input checked="" type="checkbox"/>	<p>Not a subdivision.</p>
<p>10.6.3–(A3)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	<input checked="" type="checkbox"/>	<p>Not a subdivision.</p>

## CODES

CODES	NOT APPLICABLE	APPLICABLE
<b>C1.0 Signs Code</b>	<input checked="" type="checkbox"/>	
<b>C2.0 Parking and Sustainable Transport Code</b>		Refer to the Table below.
<b>C3.0 Road and Railway Assets Code</b>	<input checked="" type="checkbox"/>	
<b>C4.0 Electricity Transmission Infrastructure Protection Code</b>	<input checked="" type="checkbox"/>	
<b>C5.0 Telecommunications Code</b>		Refer to the Table below.
<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"/>	

## C2.0 Parking and Sustainable Transport Code

CLAUSE	COMMENT	
<b>C2.5 Use Standards</b>		
<b>C2.5.1 Car parking numbers</b>	Not applicable	Assessment
<p>C2.5.1–(A1)</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p>	<input checked="" type="checkbox"/>	There is no requirement for car parking for a Utilities use. No changes to the existing arrangement on-site established for the Residential use being the single dwelling.

<p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p><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>		
<p><b>C2.5.2 Bicycle parking numbers</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>C2.5.2-(A1) Bicycle parking spaces must:</p>	<p><input checked="" type="checkbox"/></p>	<p>Not required for proposal.</p>

<p>(c) be provided on the site or within 50m of the site; and</p> <p>(d) be no less than the number specified in Table C2.1.</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>(c) be no less than the number specified in Table C2.4; and;</p> <p>(d) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification provided the existing number of motorcycle parking spaces is maintained.</p>	<input checked="" type="checkbox"/>	Not required for proposal.
<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"/>	Not required for proposal.
<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>(b) Food Services uses up to 100m<sup>2</sup> floor area or 30 seats, whichever is the greater; and</p>	<input checked="" type="checkbox"/>	Not required for proposal.

<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>		
<p><b>C2.6 Development Standards for Buildings and Works</b></p>		
<p><b>C2.6.1 Construction of parking areas</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<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>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>Not required for proposal.</p>
<p><b>C2.6.2 Design and layout of parking areas</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>C2.6.2–(A1)</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <p>(i) have a gradient in accordance with <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i>;</p> <p>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>Not required for proposal.</p>

<p>(iii) have an access width not less than the requirements in Table C2.2;</p> <p>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p> <p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6</i>.</p> <p>C2.6.2–(A1.2)</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(d) be located as close as practicable to the main entry point to the building;</p> <p>(e) be incorporated into the overall car park design; and</p> <p>(f) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities</i>.<sup>1</sup></p> <p><sup>1</sup> Requirements for the number of accessible car parking spaces are specified in part D3 of the <i>National Construction Code 2016</i></p>		
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<b>C2.6.3 Number of accesses for vehicles</b>	Not applicable	Assessment
<p>C2.6.3–(A1)</p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses whichever is the greater.</p>	<input type="checkbox"/>	<p>(b) Compliant. Site has one access.</p> <p>(b) Satisfied by (a).</p>
<p>C2.6.3–(A2)</p> <p>Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<input checked="" type="checkbox"/>	Site is zoned Low Density Residential.
<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 zoned Low Density Residential.
<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>(c) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where</p>	<input checked="" type="checkbox"/>	Not required for proposal.



<p>crossing access ways or parking aisles by:</p> <p>(iii) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(iv) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(d) 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>		
<p><b>C2.6.6 Loading bays</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<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>	<p><input checked="" type="checkbox"/></p>	<p>Not required for proposal.</p>
<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>	<p><input checked="" type="checkbox"/></p>	<p>Not required for proposal.</p>

<p><b>C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>C2.6.7-(A1)</p> <p>Bicycle parking for uses that require 5 or more bicycle spaces in Table C2.1 must:</p> <p>(e) be accessible from a road, cycle path, bicycle lane, shared path or access way;</p> <p>(f) be located within 50m from an entrance;</p> <p>(g) be visible from the main entrance or otherwise signed; and</p> <p>(h) 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 style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>Site is zoned Low Density Residential.</p>
<p>C2.6.7-(A2)</p> <p>Bicycle parking spaces must:</p> <p>(d) have dimensions not less than:</p> <p style="padding-left: 20px;">(iv) 1.7m in length;</p> <p style="padding-left: 20px;">(v) 1.2m in height; and</p> <p style="padding-left: 20px;">(vi) 0.7m in width at the handlebars;</p> <p>(e) 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 style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>Site is zoned Low Density Residential.</p>

(f) 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>		
<b>C2.6.8 Siting of parking and turning areas</b>	Not applicable	Assessment
C2.6.8-(A1) 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 zoned Low Density Residential.
C2.6.8-(A2) Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:  (d) have no new vehicle accesses, unless an existing access is removed;  (e) retain an active street frontage; and  (f) not result in parked cars being visible from public places in the adjacent roads.	<input checked="" type="checkbox"/>	Site is zoned Low Density Residential.
<b>C2.7 Parking Precinct Plan</b>		
<b>C2.7.1 Parking precinct plan</b>	Not applicable	Assessment
C2.7.1-(A1) Within a parking precinct plan, on-site parking must:  (c) not be provided; or  (d) not be increased above existing parking numbers.	<input checked="" type="checkbox"/>	Parking precinct plan does not apply to the development site.

**C5.0 Telecommunications Code**

<b>C5.6 Development Standards for Building and Works</b>		
<b>C5.6.1 Visual Amenity</b>	Not applicable	Assessment
<b>A1</b> No Acceptable Solution	<input type="checkbox"/>	Non-complaint. Refer to the “Issues” section of this report.
<b>A2</b> Building height of freestanding towers must be not more than:  (a) 30m in the Rural Living Zone, General Business Zone, Central Business Zone, Commercial Zone, General Industrial Zone, Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Major Tourism Zone, Port and Marine Zone, or Utilities Zone;  (b) 20m in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, Light Industrial Zone, Community Purpose Zone, Recreation Zone, Open Space Zone, Future Urban Zone and a particular purpose zone.	<input type="checkbox"/>	(a) Not applicable. Site is zoned Low Density Residential. Refer to (b).  (b) Compliant. Towers would be approximately 16m high.

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 -*

3      *10.3.1 Discretionary uses (P4) -*

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 the planning scheme's Clause 10.3.1 is that Discretionary uses do not cause an unreasonable loss of amenity to adjacent sensitive uses.

The planning scheme's Clause 10.3.1-(A4) does not have an Acceptable Solution. Therefore, the application is discretionary and relies on assessment against the Performance Criteria.

The planning scheme's Clause 10.3.1-(P4) states that a use listed as Discretionary must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to:

- (a) intensity and scale of the use;

Planner's comments: The intensity of the towers are minimal. Even though the towers are approximately 16m high, they are slimline which reduces overall scale. It is not uncommon to have several slimline structures within a residential area such as power poles, power lines, transmission lines, masts and telecommunication towers.

- (b) the emissions generated by the use;

Planner's comments: No unreasonable emissions would be generated by the towers.

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

Planner's comments: No additional traffic would be generated by the towers, greater than the existing traffic generated for the Residential use. The primary use on the site remains Residential.

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

Planner's comments: The character of the area is residential. The area is dominated by single dwellings with associated outbuildings, established high trees and vegetation. Other aspects within the area are a TasWater reservoir, farming land and associated infrastructure such as roads, power poles, power lines and transmission lines. As stated above, the towers are slimline and do not dominate the area or detract from the established residential area.

As can be seen in the image below, all single dwellings are positioned more to the front of properties and/or floor alignment of single dwellings facing towards north.

The image below shows the towers (yellow circles) in relation to the two adjoining properties.



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

Planner's comments: The towers are used by the applicant as part of a hobby radio. The primary use of the site will remain as residential.

Conclusion: In relation to the Objective regarding amenity, amenity is defined in the planning scheme meaning, *"in relation to a locality, place or building, and any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable"*.

The amenity for the area is primarily residential on larger, lower density lots, and includes established vegetation and large, tall trees. It also

accommodates other associated infrastructure such as roads, power poles, power lines and transmission lines. The view/outlook is primarily ocean (north) and countryside (south and east). The towers are slimline and do not dominate or disjoint the visual amenity of the area, as demonstrated in comments made in the “Issues” section and images throughout the report.

It is considered that the towers would not cause an unreasonable loss of amenity to adjacent sensitive uses (single dwellings). The towers have been positioned to the rear of the site with sensitive uses positioned more to the front of properties and/or floor alignment of single dwellings facing towards north. The application has satisfied the Objective and Performance Criteria in relation to discretionary uses.

4 *10.5.1 Non-dwelling development (P1) –*

The Objective for the planning scheme’s Clause 10.5.1 is that all non-dwelling development:

- (a) is compatible with the streetscape;
- (b) is compatible with the form and scale of existing residential development; and
- (c) does not cause an unreasonable loss of amenity to adjoining properties.

The planning scheme’s Acceptable Solution for Clause 10.5.1–(A1) states that a building that is not a dwelling must have a building height not more than 8.5m.

The towers would be approximately 16m high. Therefore, the application is discretionary and relies on assessment against the Performance Criteria.

The planning scheme’s Performance Criteria states that the height of a building that is not a dwelling must be compatible with the streetscape and not cause an unreasonable loss of amenity to adjoining properties, having regard to:

- (a) the topography of the site;



Planner's comments: The development site is located on a hill that goes up in a southern direction. The towers are located to the rear of the site which is reasonably flat.

- (b) the height of buildings on the site and adjacent properties;

Planner's comments: The site accommodates a single dwelling. Adjacent properties all support single dwellings as well apart from the eastern adjoining property which supports a TasWater reservoir. There is established vegetation surrounding the development site including several large, tall trees.

The towers are both slimline and do not dominate the area visually. As can be seen on the images below (taken from real estate website for the sale of the adjoining southern property, being 9 Waverley Road) the towers do not stand out when being viewed from higher up Waverley Road, nor do they dominate the visual amenity when closer.



It is acknowledged that in photos provided by representor No. 2 (refer to Annexure No. 3), that if standing right near a boundary fence and looking at the towers you can easily see them. However, when comparing to overall heights of trees, vegetation and buildings within the area, considering the topography, the towers do not dominate the area visually.

- (c) the bulk and form of existing and proposed buildings;

Planner's comments: Please refer to comments made above in (b) that also explain bulk and form from the proposed towers. Bulk and scale within the area is dominated by single dwellings, established vegetation including large, tall trees. It also includes associated infrastructure such as power poles, power lines and transmission lines.

- (d) sunlight to habitable rooms of dwellings and private open space; and

Planner's comments: Due to the slimline design of the towers and topography of the area, no unreasonable shadow would be cast from them into habitable rooms of dwellings and private open space on adjoining land.

- (e) any overshadowing of adjoining properties.

Planner's comments: Due to the slimline design of the towers and topography of the area, no unreasonable shadow would be cast from them into adjoining properties.

Conclusion: The streetscape is dominated by residential development, power poles, power lines and vegetation. The towers are located to the rear of the site and does not detract from the existing streetscape of Waverly Road. The response above has outlined how the towers would be compatible with the form and scale of existing residential development and would not cause an unreasonable loss of amenity to adjoining properties. The application has satisfied the Objective and Performance Criteria in relation to non-dwelling development in terms of height.

5 *Reliance on C5.0 Telecommunications Code –*

The Objective for the planning scheme's Clause C5.6.1 is that the facilities do not cause an unreasonable loss of visual amenity.

The planning scheme's Clause C5.6.1–(A1) does not have an Acceptable Solution. Therefore, the application is discretionary and relies on assessment against the Performance Criteria.

The planning scheme's Clause C5.6.1–(P1) has two parts.

P1.1

Facilities located within existing utility corridors or on sites with existing facilities, must not cause an unreasonable loss of visual amenity, having regard to:

- (a) the siting and design of facilities;
- (b) best practice methods to:
  - (i) reduce the visual impact of facilities; or
  - (ii) conceal facilities within the surrounding natural or built environment;
- (c) the need to minimise clearing of vegetation; and
- (d) functional and safety requirements to establish, operate and maintain facilities.

Planner's comments: The towers will not be located within an existing utility corridor or on sites with existing facilities.

P1.2

Facilities not located within existing utility corridors or on sites with existing facilities, must not cause an unreasonable loss of visual amenity, having regard to:

- (a) the need to locate the facility outside existing utility corridors or on a site with an existing facility;

Planner's comments: The towers are located at a private property and used by the applicant as a hobby radio.

- (b) the siting and design of facilities;

Planner's comments: The development site is located on a hill that slopes upwards in a southern direction. The towers are located to the rear of the site, on an area which is reasonably flat. The towers are slimline and do not dominate the visual amenity of the area.

- (c) best practice methods to:

- (i) reduce the visual impact of facilities; or

Planner's comments: The view/outlook is primarily ocean (north) and countryside (south and east). The towers are slimline and do not dominate or disjoint the visual amenity of the area. When comparing the towers to overall heights of trees, vegetation and buildings within the area, considering the topography, the towers do not loom or dominate the area visually.

- (ii) conceal facilities within the surrounding natural or built environment.

Planner's comments: Refer to comments made regarding surrounding trees, vegetation, buildings and topography of the area.

- (d) the need to minimise clearing of vegetation; and

Planner's comments: No vegetation is required to be removed.

- (e) functional and safety requirements to establish, operate and maintain the facilities.

Planner's comments: The owner will need to contact a Building Surveyor to ascertain any approvals necessary under the *Building Act 2016*. This will be a note on the Permit, and will be followed up by the Development Support Team.

Conclusion: The towers are located to the rear of the site, in an area which is reasonably flat. The towers are slimline and do not dominate the visual amenity of the area. When comparing the towers to overall heights of trees, vegetation and buildings within the area, considering the topography, the towers do not loom or dominate the area visually.

The application has satisfied the Objective and Performance Criteria in relation to the Telecommunications Code and that the towers would not cause an unreasonable loss of visual amenity.

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Referral not required.
Building	Standard Note to apply to Permit.
Infrastructure Services	No issues.
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 –*

Three representations were received during the public notification period. A copy of each is provided at Annexure 3.

The representations are summarised and responded to as follows:

REPRESENTATION 1	
MATTER RAISED	RESPONSE
<p>1 Height of 15m is much higher than the legally permissive 6m height for a ‘tower’.</p>	<p>It is unclear where the reference to 6m height is derived from. In the planning scheme, Clause 4.6.10 provides some exemptions for structures such as antennas, masts, flagpoles, and satellite dishes. The proposed towers did not satisfy requirements associated with this exemption.</p> <p>The proposal has been assessed under the building height in the Low Density Residential, Non-dwelling Clause (refer to Clause 10.5.1).</p>
	<p>Under Clause 10.5.1–(A1) buildings that are no higher than 8.5m satisfy the Acceptable Solution.</p> <p>The towers are approximately 16m and therefore had to satisfy the applicable Performance Criteria.</p> <p>Issue No. 2 above, provided comments and justification against the Performance Criteria in relation to heights of buildings greater than 8.5m.</p> <p>Furthermore, under <i>C5.0 Telecommunications Code</i>, the building height of freestanding</p>

	towers in the Low Density Residential zone can be, as an Acceptable Solution, 20m. The towers satisfy this Clause of the Code.
2 Not only highly visible from the surrounding area, but also from Buttons Beach several kms away.	The towers are slimline and when compared to overall heights of trees, vegetation, and buildings within the area, considering the topography, the towers do not loom or dominate the area visually.  Please refer to Issue Nos. 1 and 2 regarding visual amenity analysis.
REPRESENTATION 2	
1 Fails the Telecommunication Code due to the following reasons:  (a) Code purpose in that it is not part of a telecommunication network or a service to the community.  (b) Code purpose in that the proponent has taken no mitigation measures to avoid an unreasonable loss of visual amenity.  (c) Application of Code in that the towers are not part of a telecommunications facility/network.  (d) Definition of terms in that the towers are not	Please refer to <i>C5.0 Telecommunications Code</i> assessment table and Issue No. 3 in relation to how the towers can satisfy the Code either through the Acceptable Solution or the Performance Criteria.  When comparing the towers to overall heights of trees, vegetation and buildings within the area, considering the topography, the towers do not dominate the area visually. The application has demonstrated compliance with <i>C5.0 Telecommunications Code</i> of the planning scheme.

<p>part of an infrastructure or in connection with a telecommunications network.</p> <p>(e) Development Standards for Buildings and Works in that the towers cause an unreasonable loss of visual amenity; no consideration of the siting and design; no consideration to reduce visual impact at all; no risk management plan developed, no engineer certificate obtained, no footings drawn and provided.</p> <p>(f) Towers are considered high impact.</p>	
<p>2 The towers are outside the regulations for minor structures as per Clause 5.6.7 of the planning scheme in relation to minor structures.</p>	<p>It is noted in the representation that reference is made to the Ulverstone Interim Planning Scheme. It appears that the representor is referring to Clauses within the previous planning scheme being the <i>Central Coast Interim Planning Scheme 2013</i>.</p> <p>In the current planning scheme, Clause 4.6.10 provides some exemptions for structures such as antennas, masts, flagpoles, and satellite dishes. The proposed towers did not satisfy requirements associated with this exemption.</p> <p>As the towers did not satisfy the exemption, a discretionary planning application was required. Assessment against the applicable</p>



	provisions within the planning scheme has been undertaken as demonstrated within this report.
3 Why need 2 towers for something as a hobby that has been happily pursuing the applicant's whole life?	It is up to an applicant what they wish to propose on their land. The Council is obliged to ensure all use and/or development satisfies any applicable provision within the planning scheme and necessary approvals are issued.
4 Impacts on property resale values.	Impact on property value is not a matter considered under the planning scheme.  As outlined in the "Issues" section, it is considered that the towers do not dominate the visual amenity of the area and the dominant visual amenity of the area being residential, ocean and countryside are maintained.
5 Stating that trees will grow and change to assist visually with the towers will not assist as the trees have stopped growing.	It is considered that the established vegetation and large, tall trees surrounding the property assist with reducing any negative visual impacts from the towers. Furthermore, the towers are slimline and not considered to dominate the area.
REPRESENTATION 3	
1 The towers are outside the regulations for minor structures as per Clause 5.6.7(b)(i) of the planning scheme.	It appears that the representor is referring to Clauses within the previous planning scheme being the <i>Central Coast Interim Planning Scheme 2013</i> .  In the current planning scheme, Clause 4.6.10 provides some exemptions for structures such as

	<p>antennas, masts, flagpoles, and satellite dishes. The proposed towers did not satisfy requirements associated with this exemption.</p> <p>As the towers did not satisfy the exemption, a discretionary planning application was required. Assessment against the applicable provisions within the planning scheme has been undertaken as demonstrated within this report.</p>
<p>2 It is an environmental eyesore destroying the beautiful views of the area.</p>	<p>Please refer to the “Issues” section of this report regarding assessment of the towers in terms of visual amenity.</p>

*RESOURCE, FINANCIAL AND RISK IMPACTS*

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

*CORPORATE COMPLIANCE*

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

The Environment and Sustainable Infrastructure

- . Develop and manage sustainable built infrastructure.

*CONCLUSION*

The representations received do not warrant refusal or modification of the proposed development for the 2 radio communications towers. The proposal has demonstrated satisfactory compliance with the Planning Scheme’s relevant Performance Criteria.

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

*Recommendation -*

It is recommended that application DA2023111 for Utilities - radio communication towers x 2 - retrospective application - Discretionary uses; Non-dwelling development; and reliance on *C5.0 Telecommunications Code* at 7 Waverley Road, Ulverstone be approved, subject to the following conditions:

- 10 The development must be substantially in accordance with the following documentation:
  - (a) Statement provided by the applicant, date stamped 3 May 2023.
  - (b) Site plan provided by the applicant, date stamped 3 May 2023.
  - (c) Photo provided by the applicant, date stamped 3 May 2023.

Please Note:

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

The report is supported."

The Executive Officer to the CEO and Mayor reported as follows:

“A copy of the Annexures referred to in the Manager Development Support’s report has been circulated to all Councillors.”

■ Cr Smith moved and Cr Wylie seconded “That the application DA2023111 for Utilities – radio communication towers x 2 – retrospective application – Discretionary uses; Non-dwelling development; and reliance on *C5.0 Telecommunications Code* at 7 Waverley Road, Ulverstone be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the following documentation:
  - (a) Statement provided by the applicant, date stamped 3 May 2023.
  - (b) Site plan provided by the applicant, date stamped 3 May 2023.
  - (c) Photo provided by the applicant, date stamped 3 May 2023.

Please Note:

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

Carried unanimously

**105/2024 Residential – carport – Setback; and Site coverage at 49 Allegra Drive, Heybridge  
– Application No. DA2024042**

The Director Community, Growth and Development reported as follows:

“The Senior Planner has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2024042
<i>PROPOSAL:</i>	Residential – carport – Setback; and Site coverage
<i>APPLICANT:</i>	Jacob Hanson of Buildrite Construction and Project Management
<i>LOCATION:</i>	49 Allegra Drive, Heybridge
<i>ZONES:</i>	Rural Living
<i>PLANNING INSTRUMENT:</i>	<i>Tasmanian Planning Scheme – Central Coast</i> (the Planning Scheme)
<i>ADVERTISED:</i>	24 February 2024
<i>REPRESENTATIONS EXPIRY DATE:</i>	12 March 2024
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	5 April 2024 (extension of time granted until 17 April 2024)
<i>DECISION DUE:</i>	15 April 2024
<i>PURPOSE</i>	

The purpose of this report is to consider an application for an outbuilding (carport) associated with an existing residential use (single dwelling) at 49 Allegra Drive, Heybridge.

Accompanying the report are the following documents:

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

*BACKGROUND*

*Development description –*

Application has been made for an outbuilding (carport) to be associated with the existing residential use (single dwelling) at 49 Allegra Drive, Heybridge.

The carport is proposed to be 3.5m in width and 9m in length and located 0.2m from the site's north-eastern side boundary. The carport is to have a skillion roof with a slight slope to a total height of 3m.

The application states that the carport has been designed to provide shelter for a caravan.

The application relies on Performance Criteria under the planning scheme as follows:

- Clause 11.4.1 – Site coverage (P1) –  
This is due to the site coverage for all buildings on the site exceeding 400m<sup>2</sup>.
- Clause 11.4.2 – Building height, setback and siting (P3) –  
This is in relation to the proposed setback of the carport from the side boundary being less than 10m.

*Site description and surrounding area –*

The site contains an area of 1.408ha and supports an existing single dwelling and associated outbuildings and has frontage to Allegra Drive. The site is located in a Rural Living area with most lots developed for residential purposes. The rear of the lot contains an area of priority vegetation.

The site is not within a reticulated water or sewer district and wastewater and stormwater must be disposed of on-site.

*History –*

A planning permit, DA2018037, was issued by Council for a residential use (demolition of existing outbuilding and construction of a dwelling) on 20 November 2018.

*DISCUSSION*

The following Table is the Senior Planner's assessment against the planning scheme provisions:

**11.0 Rural Living Zone – applies to Lot 1**

**11.1 Zone Purpose**

The purpose of the Rural Living Zone is:

- 11.1.1 To provide for residential use or development in a rural setting where:
  - (a) services are limited; and
  - (b) existing natural and landscape values are to be retained.
- 11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.
- 11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.
- 11.1.4 To provide for Visitor Accommodation that is compatible with residential character.

**Planner's comment**

The site is already developed for residential use and the proposed carport will be associated with the existing residential use. The proposed carport has been assessed against the relevant development standards within the planning scheme (as per below) and it is determined that the proposal can meet all standards either through the Acceptable Solution pathway or Performance Criteria pathway. Therefore, the proposal accords to the purpose of the Rural Living zone.

CLAUSE	PLANNERS COMMENTS	
<b>11.3 Use Standards</b>		
<b>11.3.1 Discretionary uses</b>	Not applicable	Assessment
11.3.1–(A1) Hours of operation for a use listed as Discretionary, excluding Emergency Services or Resource Development, must be within the hours of: (a) 8.00am to 6.00pm Monday to Friday; (b) 9.00am to 12.00 noon Saturday; and (c) Nil on Sunday and public holidays.	<input checked="" type="checkbox"/>	Not a discretionary use.

<p>11.3.1–(A2)</p> <p>External lighting for a use listed as Discretionary:</p> <p>(a) must be within the hours of 7.00pm to 7.00am, excluding any security lighting; and</p> <p>(b) security lighting must be baffled so that direct light does not extend into the adjoining property.</p>	<input checked="" type="checkbox"/>	<p>Not a discretionary use.</p>
<p>11.3.1–(A3)</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use listed as Discretionary, excluding Emergency Services, must be within the hours of:</p> <p>(a) 7.00am to 5.00pm Monday to Friday;</p> <p>(b) 9.00am to 12.00 noon Saturday; and</p> <p>(c) Nil on Sunday and public holidays.</p>	<input checked="" type="checkbox"/>	<p>Not a discretionary use.</p>
<p><b>11.3.2 Visitor Accommodation</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>11.3.2–(A1)</p> <p>Visitor Accommodation:</p> <p>(a) guests are accommodated in existing buildings; and</p> <p>(b) has a gross floor area of not more than 200m<sup>2</sup> per lot.</p>	<input checked="" type="checkbox"/>	<p>Not Visitor Accommodation.</p>
<p>11.3.2–(A1)</p> <p>Visitor Accommodation is not for a strata lot that is part of a strata scheme where another strata lot within that strata scheme issued for a residential use.</p>	<input checked="" type="checkbox"/>	<p>Not Visitor Accommodation.</p>



<b>11.4 Development Standards for Buildings and Works</b>		
<b>11.4.1 Site coverage</b>	Not applicable	Assessment
The site coverage must be not more than 400m <sup>2</sup> .	<input type="checkbox"/>	<p>Non-compliant.</p> <p>The site contains:</p> <ul style="list-style-type: none"> <li>. existing single dwelling with a floor area of 294m<sup>2</sup>;</li> <li>. existing shed approximately 170m<sup>2</sup>; and</li> <li>. existing shed approximately 32m<sup>2</sup>.</li> </ul> <p>The proposed carport is to be 3.5m x 9m; a total of 31.5m<sup>2</sup>.</p> <p>Therefore, the total site coverage is 527.5m<sup>2</sup>.</p> <p>As the site coverage will exceed 400m<sup>2</sup>, the proposal must rely on the corresponding Performance Criteria.</p> <p>Refer to the "Issues" section of this report.</p>
<b>11.4.2 Building height, setback and siting</b>	Not applicable	Assessment
11.4.2–(A1) Building height must be not more than 8.5m.	<input type="checkbox"/>	<p>Compliant.</p> <p>The proposed carport will be 3m in total height and therefore is compliant with the Acceptable Solution.</p>
11.4.2–(A2) Buildings must have a setback from a frontage of not less than 20m.	<input type="checkbox"/>	<p>Compliant.</p> <p>The site plan provided by the applicant shows that the carport will be approximately 37m from the site's frontage to Allegra Drive.</p> <p>Therefore, the proposal complies with the Acceptable Solution.</p>
11.4.2–(A3)	<input type="checkbox"/>	<p>Non-compliant.</p>

<p>Buildings must have a setback from side and rear boundaries of not less than 10m.</p>		<p>The carport is proposed to be located 0.2m from the site's north-eastern side boundary.</p> <p>Therefore, as the carport is within 10m of the side boundary, the proposal relies on assessment against the corresponding Performance Criteria.</p> <p>Refer to the "Issues" section of this report.</p>
<p>11.4.2--(A4)</p> <p>Buildings for a sensitive use must be separated from an Agriculture Zone or Rural Zone a distance of:</p> <p>(a) not less than 200m; or</p> <p>(b) if the setback of an existing building is within 200m, not less than the existing building.</p>	<input checked="" type="checkbox"/>	<p>The proposed carport is not a sensitive use in its own right therefore this standard is not applicable.</p>
<p><b>11.5 Development Standards for Subdivision</b></p>		
<p><b>11.5.1 Lot design</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>11.5.1--(A1)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area not less than specified in Table 11.1 and:</p> <p style="margin-left: 40px;">(i) be able to contain a minimum area of 15m x 20m clear of:</p> <p style="margin-left: 80px;">a. all setbacks required by clause 11.4.2 A2 and A3; and</p> <p style="margin-left: 80px;">b. easements or other title restrictions that</p>	<input checked="" type="checkbox"/>	<p>The proposal does not involve subdivision.</p>

<p>limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 11.4.2 A2 and A3;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>		
<p>11.5.1–A2)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 40m.</p>	<input checked="" type="checkbox"/>	<p>The proposal does not involve subdivision.</p>
<p>11.5.1-(A3)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<input checked="" type="checkbox"/>	<p>The proposal does not involve subdivision.</p>
<p><b>11.5.2 Roads</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>11.5.2 –(A1)</p> <p>This subdivision includes no new roads.</p>	<input checked="" type="checkbox"/>	<p>The proposal does not involve subdivision.</p>
<p><b>11.5.3 Services</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>11.5.3 –(A1)</p>	<input checked="" type="checkbox"/>	<p>The proposal does not involve subdivision.</p>

<p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must:</p> <p>(a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or</p> <p>(b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service,</p> <p>unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</p>		
<p>11.5.3 –(A2)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must:</p> <p>(a) be connected to a reticulated sewerage system; or</p> <p>(b) be connected to a reticulated sewerage system if the frontage of each lot is within 30m of a reticulated sewerage system and can be connected by gravity feed.</p>	<input checked="" type="checkbox"/>	<p>The proposal does not involve subdivision.</p>

## CODES

CODES	NOT APPLICABLE	APPLICABLE
<b>C1.0 Signs Code</b>	<input checked="" type="checkbox"/>	
<b>C2.0 Parking and Sustainable Transport Code</b>	<input type="checkbox"/>	The code is applicable to all use and development.

COMMUNITY, GROWTH AND DEVELOPMENT

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		In this case however, there is no change proposed to existing car parking arrangements.
<b>C3.0 Road and Railway Assets Code</b>	<input checked="" type="checkbox"/>	
<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"/>	The rear of the site is mapped as priority vegetation, including the area in which the carport is proposed. However, the area where the carport is proposed consists of a concrete driveway. As no vegetation is proposed to be removed, there are no applicable requirements under the Code.
<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"/>	

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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 –*

6 *Clause 11.4.1-(P1) – Site coverage –*

The planning scheme's Objective for Clause 20.4.1 is that the site coverage is compatible with the character of existing development in the area and assists with the management of stormwater run-off.

The planning scheme's Acceptable Solution for Clause 20.4.1-(A1) requires that site coverage must be no more than 400m<sup>2</sup>. In this case, the proposed site coverage will be 527.5m<sup>2</sup> and therefore the proposal relies upon and must be assessed under the Performance Criteria pathway.

The planning scheme's Performance Criteria for Clause 20.4.1-(P1) states that the site coverage must be consistent with that existing on established properties in the area, having regard to:

- (a) the topography of the site;
- (b) the capacity of the site to absorb runoff;
- (c) the size and shape of the site;
- (d) the existing buildings and any constraints imposed by existing development;
- (e) the need to remove vegetation; and
- (f) the character of development existing on established properties in the area.

Planner's comments: The applicant has provided the following justification against the Performance Criteria as part of the application:

*"The proposed development entails a (3.5m x 9m) skillion carport situated at the top of the driveway, as depicted in the site sketch submitted with the initial inquiry. This design ensures that adequate stormwater runoff management is maintained, with downpipes fitted to the carport to facilitate proper drainage. Furthermore, it is crucial to note that the majority of properties in Allegra Drive, including the subject property, have site coverage exceeding 400m<sup>2</sup>. Therefore, the proposed carport aligns with the character of existing development in the area, as it falls within the prevalent site coverage parameters.*

*Considering the topography of the site, its capacity for runoff absorption, and the size and shape of the property, the proposed carport design has been carefully crafted to harmonize with the existing built environment. It does not impose any significant constraints or necessitate the removal of vegetation, thereby preserving the natural landscape”.*

The site is large, but it is constrained by an area of priority vegetation that extends for just over two thirds of the site.

Much of the development on other properties within the surrounding area consists of larger single dwellings and outbuildings, many of which would exceed 400m<sup>2</sup>. Therefore, it is considered that the site coverage proposed is not out of character with the area. The location chosen is clear of the existing wastewater disposal area and is within the existing concreted driveway meaning no vegetation removal is required.

Council’s Engineer has reviewed the proposal and has no concerns in regard to stormwater run-off which is to be managed within the site. The Permit will be conditioned accordingly.

The topography of the site slopes up from Allegra Drive to a fairly flat area suitable for building.

Conclusion: The proposed carport location has been chosen to limit the amount of manoeuvring required and to allow easy access for parking from the existing driveway. It is considered that the proposal complies with the Objective and Performance Criteria in that the site coverage is compatible with the character of the area and will not impact on the ability of the site to dispose of stormwater runoff.

7 *Clause 11.4.2-(P2) – Building height, setback and siting –*

The planning scheme’s Objective for Clause 11.4.2 is that the height, setback and siting of buildings is compatible with the character of the area, does not cause an unreasonable loss of amenity, minimises the impact on the natural values of the area and minimises the impact on adjacent uses.

The planning scheme’s Acceptable Solution for Clause 11.4.2-(A2) states that buildings must have a setback from side and rear boundaries of not less than 10m. In this case, the carport is proposed



to be located 0.2m from the north–eastern side boundary and therefore relies on assessment against the Performance Criteria below.

The planning scheme’s Performance Criteria for Clause 11.4.2–(P3) states:

Buildings must be sited to not cause an unreasonable loss of amenity to adjoining properties, having regard to:

- (a) the topography of the site;
- (b) the size, shape and orientation of the site;
- (c) the setbacks of surrounding buildings;
- (d) the height bulk and form of existing and proposed buildings;
- (e) the character of the development existing on established properties in the area; and
- (f) any overshadowing of adjoining properties or public places.

Planner’s comments: The applicant has provided the following justification against the Performance Criteria as part of the application:

*“The proposed carport, designed to provide shelter for a caravan currently exposed to weather elements, has been carefully considered to ensure it aligns with the objective of minimising impact on neighbouring properties.*

*Considering the topography, size, shape and orientation of the site, as well as the setbacks of surrounding buildings, the placement of the carport has been optimised to minimise any adverse effects on adjacent properties. The nearest building to the carport on adjoining properties is situated over 7m away to the North, ensuring ample separation.*

*Furthermore, the design of the carport ensures that the caravan, once sheltered blends seamlessly with the surroundings and does not stand out conspicuously when viewed from adjoining properties.*

*This thoughtful design consideration contributes to maintaining the character of the area while providing a practical solution for the storage of the caravan. Given the significant distance between the proposed*

*carport and buildings on adjacent properties, any potential for overshadowing impact is minimal and does not result in an unreasonable loss of amenity for neighbouring properties”.*

The character of the area is formed by single dwellings, many with large associated outbuildings. Number 50 Allegra Drive has an existing outbuilding located in close proximity to the side boundary at approximately 0.8m.

The subject site is slightly restricted in the location by the need to locate the carport so that easy access can be gained from the existing driveway.

The approved plans for the existing dwelling on-site, approved under DA2018037, issued 22 November 2018, show that the area for wastewater disposal is located behind the dwelling. In this regard, the proposed carport will be located clear of this area.

The rear of the site is identified to be within a priority vegetation area and therefore the proposed location removes the necessity to remove existing vegetation. The carport is not a habitable structure so will not impact on privacy to the adjoining dwelling as it will not be occupied for extended periods of time.

An existing Colorbond fence is erected on the fence line between the subject site and the adjoining property at 53 Allegra Drive. However, the fence provides reasonable privacy between the adjoining dwelling at 53 Allegra Drive and the proposed carport location – see Figure 1 below.



*Figure 1: Showing the existing Colorbond fence when viewed from the front of 53 Allegra Drive (Source: Google Maps Streetview)*

Conclusion: The proposed carport is of a standard height of 3m and is proposed to be located on the north-eastern boundary of the site. In this respect, the carport will not reduce northern sunlight or overshadow the adjoining property at 53 Allegra Drive. Furthermore, the existing outbuilding on the site is situated approximately 1.9m from the side boundary. Although the proposed carport is to be 0.2m from the side boundary for the above reasons, it is considered that the proposed height, setback and siting of the carport is compatible with the character of the area, does not cause an unreasonable loss of amenity and minimises the impact on the natural values of the area and adjacent uses in accordance with the objective of the standard.

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Not required. The proposed outbuilding (carport) is located well away from the on-site wastewater disposal system.
Building	Standard Note.

Engineering	Engineering approval signed off on 19 February 2024 noting no engineering issues. Will include standard stormwater condition on Permit.
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*, the application was advertised between 24 February 2024 and 12 March 2024.:

- . 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 within the prescribed time, a copy of which is provided at Annexure 3.

The representation is summarised and responded to as follows:

MATTER RAISED	COMMENTS
2 Do not agree to have a carport erected 200mm from the	There are two permit pathways for compliance under Clause 11.4.2 -

<p>boundary, it does not comply with setback criteria for building, and we oppose having a structure on our boundary. We do not believe the caravan would fit under a 3m awning.</p>	<p>Building height, setback and siting of the planning scheme. These are the Acceptable Solution pathway and the Performance Criteria pathway.</p> <p>The proposal cannot meet the Acceptable Solution pathway which requires a 10m setback from a side boundary. Therefore, the applicant has chosen to rely on the Performance Criteria pathway.</p> <p>In this respect, the application is required to demonstrate compliance by providing justification against the Performance Criteria.</p> <p>Considering justification provided by the applicant, the Objective of the standard</p>
	<p>and the Performance Criteria, it is considered that the application has demonstrated that the proposed carport can comply with the Performance Criteria.</p> <p>Refer to the “Issues” section above that has addressed this Performance Criteria.</p> <p>In relation to the 3m proposed height of the carport, the Planning Authority must assess the application as submitted. The height of the caravan is not a matter relevant to the decision of this planning application.</p>
<p>3 We live in a high wind area and as a result our home has been built with extra bracing in every wall involving steel poles cemented into the concrete slab. We do therefore believe it is a very high risk to build a carport building which will not be structurally sound to</p>	<p>Structural and construction elements of the proposed building will be assessed under the <i>Building Act 2016</i> which is a separate approval process to the planning scheme.</p> <p>As such, this is not a matter that can be taken into consideration under the planning scheme.</p>

	receive cyclonic type winds and weather elements.	
4	The land has other areas where the carport could be erected.	The Planning Authority must assess the application as submitted.

*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 received does not warrant refusal of the proposed development for Residential – carport in the Rural Living Zone. The proposal has demonstrated satisfactory compliance with the relevant Acceptable Solutions and Performance Criteria within the planning scheme.

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

*Recommendation -*

It is recommended that application DA2024042 for Residential – carport – Setback; and Site coverage at 49 Allegra Drive, Heybridge be approved, subject to the following conditions:

- 11 The development must be substantially in accordance with:
  - (a) Site Plan as prepared by the applicant and received by Council 13 February 2024.
  - (b) Floor Plan and Elevation, as prepared by Ranbuild, Drawing No. BURN01–26523, A, page 1/1 and received by Council 13 February 2024.

- (c) Additional information – Statement against Performance Criteria; received 13 February 2024.
- 2 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.

Please Note:

- 4 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.
- 5 "Substantial commencement" is the submission and approval of engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 6 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.'

The report is supported."

The Executive Officer to the CEO and Mayor reported as follows:

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

■ Cr Beswick moved and Cr Hiscutt seconded "That the application DA2024042 for Residential – carport – Setback; and Site coverage at 49 Allegra Drive, Heybridge be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with:
- (a) Site Plan as prepared by the applicant and received by Council 13 February 2024.

- (b) Floor Plan and Elevation, as prepared by Ranbuild, Drawing No. BURN01-26523, A, page 1/1 and received by Council 13 February 2024.
  - (c) Additional information - Statement against Performance Criteria, received 13 February 2024.
- 2 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.

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- 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."

Carried unanimously



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## 106/2024 Public question time

The Mayor introduced public question time 6.41 pm. A summary of questions and answers is provided below.

In person – Eric van de Neut – Ulverstone

### *Question 1 (written copy provided):*

“My son received a political speak reply to his question at the March council meeting, which seems to be copied and pasted to anyone asking questions about the historic buildings but avoiding any questions. The Mayor responded that a capital budget was allocated in the 2022–2023 financial year, but did not answer the other questions. When moved to Maskell's Road on the 5<sup>th</sup> May 2020, why were the buildings not placed on some sort of supports timber bearers, to stop ground moisture getting into the foundation of the buildings, this site has been under water several times during the winter months. Why was the lead light placed on its side, allowing water ingress to virtually destroy it?

By the Mayors response, it appears no funds were allocated from 2019 onwards to maintain the structure's, and apparently no plan put in place to monitor them, I sent photos to the council in August and December 2023 showing the collapse of the structures. Finally, in late December 2023, tarps were placed on the structures. So, in 3 years the council has managed to destroy a historical structure that protected shipping in Ulverstone since at least 1924 nearly 100 years.

After my comments at the Community Conversations, held at the Gnomon Pavilion on the 23 August 2023. I was approached by citizens of the town as well as Council outdoor staff, there was a belief by council staff, that Council management were hoping someone would set fire to the building in Maskell's Road. This would eliminate the problem for the Council, as demolishing them like the old School House and the Beach Cottage, and being dumped in a quarry at Melrose, would be a bridge to far. The Cultural Collection's policy originally created in 2017 now 2023 version, states, this policy is designed to ensure that: The Council applies rigorous and ethical museum standards in the recommendation, consideration, assessment and negotiation of all aspects of collection management (acquisitions, deaccessioning and disposal).

### *18 DEACCESSIONING AND DISPOSAL*

#### *18.1 Criteria for Deaccessioning*

*An item may be deaccessioned from the Cultural Collections if:*

*c) It is damaged beyond repair.*

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*d) The conservation costs for the item are beyond the means of the Council.*

Outdoor Staff advised me, the buildings were deteriorating with no maintenance, and was a convenient way out for the council, to write them off using the section 18 DEACCESSIONING AND DISPOSAL. Many previous Museum volunteers also believe this is a way to get rid of them, as the cost to restore them would be prohibitive. I hope this is not the case, but I was advised the historic Rotunda that used to sit at the Western end of Fairway Park, was dismantled years ago, and stored at the Council Depot, with plans to be refurbished and site it, for the public to view, but it disappeared and most likely destroyed. I hope the Council will restore these items to their former glory as the community wishes. But ratepayers will have to pay out considerable funds to rectify the buildings, a significantly larger amount, than if the council had been prudent, implement maintenance and protection procedures in early 2019, on their relocation. Therefore, wasting council funds.

I visited the buildings on Saturday the 13<sup>th</sup> April 2024, the tarp on the Lead Light had ripped open, and unfortunately, the back of the Lead Light appears to have broken away from the other half of the structure. Preventative maintenance could have prevented this. So, were funds allocated for maintenance, was a plan prepared to prevent the items degrading, and was monitoring carried out, to ensure they were not in at risk of deteriorating?

The Council has a duty of care in their accession policy, to maintain and care for any items in their possession.”

*In summing up, Mr van de Neut then stated:*

“Were funds allocated for maintenance? Was a plan prepared to prevent the items degrading? Was monitoring carried out to ensure they were not at risk of deteriorating?”

*Response from the Chief Executive Officer:*

“The question is taken on notice.”

*Question 2 (written copy provided):*

“The council like to spruik, that there was no interest offered on the historic buildings at the old Museum site in 2019. I have had people informed me, a person called Benny, wanted the lead light to place in a park in Turners Beach. More than one person wanted the railway station returned to North Motton. A suggestion was made for the old Sprent Gaol, but it appears all option, required the buildings to be located on council land, so they were denied. It appears the council, while spruiking the grand new museum, to preserve and displays Ulverstone history, wanted the buildings out

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of council care and maintenance. A family told the then Museum Coordinator, they had proof the beach cottage was from their family, but council staff were not considered helpful. In the Council's publication, Ulverstone Cultural Precinct project July 2019 FAQs the council created questions and answers this is an extract:

‘Question: What is happening with the historic buildings on the Ulverstone History Museum site?’

Response: Whilst the Council initially considered the opportunity to move these important historic buildings to new regional sites around the Central Coast, **it was decided to retain the buildings in Council's care. A new location will be identified for all five buildings**, and they will be moved to their new home prior to the start of construction activities on the Main Street site.’

The question arises as to why Beach House cottage and the Lowanna School were demolished when Council clearly stated all five buildings would be re-located.

On the 1<sup>st</sup> May 2020 Beach House cottage was being demolished and dumped in a quarry at Melrose.

On the 5<sup>th</sup> May 2020 Sprent Cells, North Motton Station, and the Leading Light were transported to Maskell's Road, East Ulverstone.

On the 8<sup>th</sup> May 2020 Lowanna School was demolished and dumped in a quarry at Melrose.

On the 29<sup>th</sup> May 2020 the site of the Ulv. History Museum was cleared.

The Ulv. History Museum has a duty of care in their accession policy, to maintain and care for any items in their possession. I believe there were far better locations for these buildings, instead of placing the buildings along the Coastal pathway in an area where not many people will see them, and they would be nowhere near their original historic locations. The Council should place the Leadlight near its original location, on the West bank of the Leven River, In Airforce Park grounds, south of the Rec Centre with appropriate signage. The Lead light could have its front pointed to West Ulverstone, so it can't be confused with it being a navigation structure. A replica Red Lead Light installed, powered by a small solar panel, and an interpretive map, showing the two lead lights original locations, and what they were used for. The North Motton Railway station, could be mounted on a slab in the Park at 584 Preston Rd in the township of North Motton, where the playground is, with appropriate signage. This site is quite near the original location of the station, which could be shown on an interpretive map. The Gaol placed in the gardens at the new Museum. I believe this would enhance the visitors experience. The buildings would be better suited at, or near their original locations. I have been informed the Council had already decided quite a while ago, to site the buildings at the Maskell's Road location. Local residents

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I have canvassed, and comments on social media, overwhelmingly all support my proposal. Unfortunately, a lot of citizens responses to why haven't you said anything, most of the respondents are elderly, and say the council, doesn't want to listen to us, what's the point, which is a sad reflection on the council. I know workshops were done, surveys done, but per capita, it was a very small snapshot of our community. I did email all Councillors in early February 2024, re the issue, unfortunately 2 very short responses, but was buoyed by another response. Councillor Carpenter replied,

‘Hi Eric, Thanks for your email & interest. Believe we all disappointed that nothing has happened regarding restoration. I will bring it up again about putting them at North Motton which part of initial discussion was, Cheers Garry Carpenter.’

So, at some stage, the council had looked at the option, of relocating them to another site, besides Maskell's Road. My question is, why can't these buildings be placed in the area they were originally from, and the gaol sited on garden area at the new museum? I assume because it doesn't meet the council's agenda, the people of Ulverstone certainly would like them reinstated at their original locations.

*Response from the Chief Executive Officer:*

“I will make arrangements for you and your son to meet with myself and the Director Community, Growth & Development to discuss the history of these matters.”

In person – Linda Porter

Ms Porter enquired if she could ask a question regarding Agenda Item 9.11 (Minute No. 107/2024) – Residential – dwelling (retrospective) – Setbacks and building envelope for all dwellings at 29 Esplanade, West Ulverstone – Application No. DA2024045.

The Mayor responded that in accordance with the Council’s Meeting Procedures – Public Question Time (Minute Ref. 133/2014 – 19.05.2014), as this item has not yet been considered by the Council acting as the Planning Authority, a question regarding this matter could not be accepted.

In person – Kevin Abood – Ulverstone

*Question 1 (written copy provided):*

“Can the Central Coast Council please provide, in the best interests of the community whom the council borrowed each individual loan from, if this is the State or Federal Governments please provide whom they received the borrowings from including any NGO's, public/private partnerships, trusts or foundations not exhaustive as they are the presumed underwriters of the loans/borrowings?

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*Response from the Mayor:*

“The question is taken on notice.”

*Question 2 (written copy provided):*

“As the Central Coast is a company/corporation through its registration of ABN's, ACN's etc leads to the following question.

Are the Central Coast councils ratepayers shareholders in these companies and if so have any ratepayers personal properties, business properties, land etc including any council administration offices, council properties, council land, footpaths and roads not exhaustive, been provided as equity/security for any loans the council has taken out in the past 5 years with current debt of over \$9 million as of 18th February 2024?”

*Response from the Mayor:*

“The question is taken on notice.”

In person – Garry Carr – Turners Beach

*Question 1 (summarised):*

“I know we are having the meeting on Thursday night [Community Conversation at Turners Beach] and I thought I would let you know I would be happy to speak with you there.

And this is a very touchy subject as you know, but I was thinking if it was cleared or made fire safe, to satisfy everybody [Bushland in and around Turner’s Beach Caravan Park], I thought a wildlife habitat could be put in place, which could be maintained and managed to satisfy everyone.”

*Response from the Mayor:*

“Thank you for your suggestion and the Council would be happy for you to raise this issue at the Community Conversation in Turners Beach on Thursday for further discussion.”

Questions and responses concluded at 6.57pm.

**107/2024 Residential – dwelling (retrospective) – Setbacks and building envelope for all dwellings at 29 Esplanade, West Ulverstone – Application No. DA2024045**

*Cr Beswick, having declared a perceived conflict of interest in respect of this matter (Minute Ref. 87/2024), remained in the meeting and voted.*

The Director Community, Growth and Development reported as follows:

“The Planning Consultant has prepared the following report:

<i>‘DEVELOPMENT APPLICATION NO.:</i>	DA2024045
<i>PROPOSAL:</i>	Residential – dwelling (retrospective) – Setbacks and building envelope for all dwellings
<i>APPLICANT:</i>	Align Architecture and Interiors
<i>LOCATION:</i>	29 Esplanade, West Ulverstone
<i>ZONE:</i>	General Residential
<i>PLANNING INSTRUMENT:</i>	<i>Tasmanian Planning Scheme – Central Coast</i> (the planning scheme)
<i>ADVERTISED:</i>	6 March 2024
<i>REPRESENTATIONS EXPIRY DATE:</i>	21 March 2024
<i>REPRESENTATIONS RECEIVED:</i>	One
<i>42-DAY EXPIRY DATE:</i>	1 April 2024 (extension of time granted until 15 April 2024)
<i>DECISION DUE:</i>	15 April 2024
<i>PURPOSE</i>	

The purpose of this report is to retrospectively consider an application for a new dwelling at 29 Esplanade, West Ulverstone.

Accompanying the report are the following documents:

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

*BACKGROUND*

*Development description -*

Application is made to develop a single dwelling on the land known as 29 Esplanade, West Ulverstone. The application is for retrospective consideration.

The development would result in a two-storey dwelling, two bedrooms and two bathrooms, plus open plan kitchen and living areas, as well as a sunroom and media room, decks and garage.

Access to the garage and dwelling would be via the Esplanade.

*Site description and surrounding area -*

Certificate of Title 56701 /8, 29 Esplanade, West Ulverstone, has a land area of 994m<sup>2</sup>, including the access strip from Braddon Street to the west.

The site is within the General Residential Zone, as is the surrounding land, and is characterised by single dwellings with associated outbuildings. The one exception is Legion Park on the eastern side of the Esplanade, which sits within the Recreation Zone.

The site contains hazard areas subject to the *C10.0 Coastal Erosion Hazard Code* and the *C11.0 Coastal Inundation Hazard Code* of the planning scheme. However, development is exempt from assessment under these Codes due to the development requiring approval under the *Building Act 2016* as per Clauses C10.4.1(a) and C11.4.1(a) of the planning scheme.

The development site is connected to reticulated services.

*History -*

A dwelling was previously approved on this site under Permit DA2022172 for a similar dwelling to that currently proposed, albeit located further from the Esplanade. The Permit DA2022172 also included the demolition of the existing single dwelling on the site that has since been demolished.

A minor amendment was later issued under DA2022172-1 for minor design and access modifications.

The dwelling has been partially constructed. Upon discovering that the dwelling was constructed in the incorrect location, the developer applied to

the Planning Authority for retrospective consideration of the adjusted location, forming this application.

*DISCUSSION*

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



**8.0 General Residential Zone**

**8.1 Zone Purpose**

The purpose of the General Residential Zone is:

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

**Planner's comment**

The proposal satisfies the Zone Purpose in that it would provide for residential use and development, where full infrastructure services are available or can be provided.

CLAUSE	PLANNERS COMMENTS	
<b>8.3 Use Standards</b>		
<b>8.3.1 Discretionary uses</b>	Not applicable	Assessment
8.3.1-(A1) Hours of operation of a use listed as Discretionary, excluding Emergency Services, must be within the hours of 8.00am to 6.00pm.	<input checked="" type="checkbox"/>	Not a Discretionary use.
8.3.1-(A2) External lighting for a use listed as Discretionary:  (a) must not operate within the hours of 7.00pm to 7.00am, excluding any security lighting; and	<input checked="" type="checkbox"/>	Not a Discretionary use.

<p>(b) security lighting must be baffled to ensure direct light does not extend into the adjoining property.</p>		
<p>8.3.1-(A3)</p> <p>Commercial vehicle movements and the unloading and loading of commercial vehicles for a use listed as Discretionary, excluding Emergency Services, must be within the hours of:</p> <p>(a) 7:00am to 7:00pm Monday to Friday;</p> <p>(b) 9:00am to 12 noon Saturday; and</p> <p>(c) nil on Sunday and public holidays.</p>	<input checked="" type="checkbox"/>	<p>Not a Discretionary use.</p>
<p>8.3.1-(A4)</p> <p>No acceptable solution.</p> <p>8.3.1-(P4)</p> <p>A use listed as Discretionary must not cause an unreasonable loss of amenity to adjacent sensitive uses, having regard to:</p> <p>(a) the intensity and scale of the use;</p> <p>(b) the emissions generated by the use;</p> <p>(c) the type and intensity of traffic generated by the use;</p> <p>(d) the impact on the character of the area; and</p> <p>(e) the need for the use in that location.</p>	<input checked="" type="checkbox"/>	<p>Not a Discretionary use.</p>
<p><b>8.3.2 Visitor Accommodation</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.3.2-(A1)</p> <p>Visitor Accommodation:</p> <p>(a) guests are accommodated in existing buildings; and</p>	<input checked="" type="checkbox"/>	<p>Not Visitor Accommodation.</p>

(b) has a gross floor area of not more than 300m <sup>2</sup> .		
<b>8.4 Development Standards for Dwellings</b>		
<b>8.4.1 Residential density for multiple dwellings</b>		
8.4.1-(A1) Multiple dwellings must have a site area per dwelling of not less than 325m <sup>2</sup> .	<input checked="" type="checkbox"/>	Multiple dwellings are not proposed.
<b>8.4.2 Setbacks and building envelope for all dwellings</b>	Not applicable	Assessment
8.4.2-(A1) Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:  (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;  (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;  (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings	<input type="checkbox"/>	(a) Compliant. Primary frontage setback is Braddon Street, as defined by the planning scheme. This setback would be 62m.  (b) Compliant. Setback to the secondary frontage (Esplanade) is 3.46m (including the stairs).  (c) Not applicable. Site is not vacant.  (d) Not applicable. Use is residential.

<p>on the adjoining sites on the same street; or</p>		
<p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>		
<p>8.4.2–(A2)</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 5.5m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<input type="checkbox"/>	<p>(a) Compliant. The proposed garage would be setback from the primary frontage by over 60m.</p> <p>(b) Compliant by (a).</p> <p>(c) Compliant by (a). Noted that the site is flat.</p>
<p>8.4.2–(A3)</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p>	<input type="checkbox"/>	<p>(a)(i) Compliant. Refer to comments above regarding front setback.</p> <p>(a)(ii) Non-compliant. The dwelling will not be contained within the building envelope.</p> <p>Refer to the “Issues” section of this report.</p> <p>(b)(i) Compliant. The dwelling is to be greater than 1.5m from side and rear boundaries.</p> <p>(b)(ii) Compliant as per (b)(i).</p>

<p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground</p> <p>level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>		
<p><b>8.4.3 Site coverage and private open space for all dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.3–(A1)</p> <p>Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60m<sup>2</sup> associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	<p><input type="checkbox"/></p>	<p>(a) Compliant. Site coverage would be 169.95m<sup>2</sup>, or 17.06%.</p> <p>(b) Not applicable. Not multiple dwelling development.</p>


<p>8.4.3–(A2)</p> <p>A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <p>(i) 24m<sup>2</sup>; or</p> <p>(ii) 12m<sup>2</sup>, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	<input type="checkbox"/>	<p>(a)(i) Compliant. Sufficient private open space is provided on the site, in excess of the acceptable solution requirements.</p> <p>(a)(ii) Not applicable. Not multiple dwelling development.</p> <p>(b)(i) Compliant. Minimum horizontal dimensions are achieved.</p> <p>(b)(ii) Not applicable. Not multiple dwelling development.</p> <p>(c) Compliant. Frontage runs north / south. Open space is provided between the dwelling and both frontages.</p> <p>(d) Compliant. The site is essentially flat.</p>
<p><b>8.4.4 Sunlight to private open space of multiple dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.4–(A1)</p> <p>A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of</p>	<input checked="" type="checkbox"/>	<p>Not multiple dwelling development.</p>

<p>clause 8.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Figure 8.4):</p> <p>(i) at a distance of 3m from the northern edge of the private open space; and</p> <p>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</p> <p>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and</p> <p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <p>(i) an outbuilding with a building height not more than 2.4m; or</p> <p>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</p>		
<p><b>8.4.5 Width of openings for garages and carports for all dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.5–(A1)</p> <p>A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than</p>	<p><input checked="" type="checkbox"/></p>	<p>No garage or carport proposed that would be within 12m of the primary frontage (Braddon Street).</p>

6m or half the width of the frontage (whichever is the lesser).		
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8.4.6 Privacy for all dwellings	Not applicable	Assessment
<p>8.4.6–(A1)</p> <p>A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</p>	<input type="checkbox"/>	<p>(a) Compliant. The upper deck is setback over 4m from the side boundary.</p> <p>(b) Compliant. The dwelling is, in its entirety, setback more than 4m from the rear boundary, considered to be the boundary running north / south, approximately 9.5m in length and forming a portion of the rear boundary of 12 Braddon Street.</p> <p>(c) Not applicable. No other dwellings exist on the site.</p>



<p>8.4.6–(A2)</p> <p>A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to have a setback of not less than 3m from a side boundary;</li> <li>(ii) is to have a setback of not less than 4m from a rear boundary;</li> <li>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</li> <li>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</li> </ul> <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> <li>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</li> <li>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</li> </ul>		<ul style="list-style-type: none"> <li>(a)(i) Compliant. All windows are setback more than 3m from a side boundary.</li> <li>(a)(ii) Compliant.</li> <li>(a)(iii) Not applicable. No multiple dwellings proposed.</li> <li>(a)(iv) Not applicable. No multiple dwellings proposed.</li> <li>(b)(i) Refer (a).</li> <li>(b)(ii) Refer (a).</li> <li>(b)(iii) Refer (a).</li> </ul>
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<p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>		
<p>8.4.6--(A3)</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	<input checked="" type="checkbox"/>	<p>No shared driveway proposed.</p>
<p><b>8.4.7 Frontage fences for all dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.7--(A1)</p> <p>No Acceptable Solution.</p> <p><i>An exemption applies for fences in this zone – see Table 4.6.</i></p> <p>8.4.7--(P1)</p>	<input checked="" type="checkbox"/>	<p>No frontage fence proposed.</p>

<p>A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <ul style="list-style-type: none"> <li>(a) provide for security and privacy while allowing for passive surveillance of the road; and</li> <li>(b) be compatible with the height and transparency of fences in the street, having regard to: <ul style="list-style-type: none"> <li>(i) the topography of the site; and</li> <li>(ii) traffic volumes on the adjoining road.</li> </ul> </li> </ul>		
<p><b>8.4.8 Waste storage for multiple dwellings</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.4.8-(A1)</p> <p>A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <ul style="list-style-type: none"> <li>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</li> <li>(b) a common storage area with an impervious surface that: <ul style="list-style-type: none"> <li>(i) has a setback of not less than 4.5m from a frontage;</li> <li>(ii) is not less than 5.5m from any dwelling; and</li> <li>(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</li> </ul> </li> </ul>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>Not multiple dwelling development.</p>
<p><b>8.5 Development Standards for Non-Dwellings</b></p>		

8.5.1 Non-dwelling development	Not applicable	Assessment
<p>8.5.1–(A1)</p> <p>A building that is not a dwelling, excluding for Food Services, local shop, garage or carport, and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, not less than 4.5m, or if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 3.0m, or if the setback from the primary frontage is less than 3.0m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining properties on the same street.</p>	<input checked="" type="checkbox"/>	Residential development.
<p>8.5.1–(A2)</p> <p>A building that is not a dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p>	<input checked="" type="checkbox"/>	Residential development.

<p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side or rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback less than 1.5m from a side or rear boundary if the building:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one-third of the length of the side or rear boundary (whichever is lesser).</p>		
<p>8.5.1–(A3)</p> <p>A building that is not a dwelling, must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m); and</p>	<input checked="" type="checkbox"/>	<p>Residential development.</p>

<p>(b) a site area of which not less than 35% is free from impervious surfaces.</p>		
<p>8.5.1–(A4) No Acceptable Solution. <i>An exemption applies for fences in this zone – see Table 4.6.</i></p> <p>8.5.1–(P4) A fence (including a free-standing wall) for a building that is not a dwelling within 4.5m of a frontage must:</p> <p>(a) provide for security and privacy while allowing for passive surveillance of the road; and</p> <p>(b) be compatible with the height and transparency of fences in the street, having regard to:</p> <p>(i) the topography of the site; and</p> <p>(ii) traffic volumes on the adjoining road.</p>	<input checked="" type="checkbox"/>	Residential development.
<p>8.5.1–(A5) Outdoor storage areas, for a building that is not a dwelling, including waste storage, must not:</p> <p>(a) be visible from any road or public open space adjoining the site; or</p> <p>(b) encroach upon parking areas, driveways or landscaped areas.</p>	<input checked="" type="checkbox"/>	Residential development.
<p>8.5.1–(A6) Air extraction, pumping, refrigeration systems or compressors, for a building that is not a dwelling, must have a setback from the</p>	<input checked="" type="checkbox"/>	Residential development.

boundary of a property containing a sensitive use not less than 10m. <i>An exemption applies for heat pumps and air conditioners in this zone – see Table 4.6.</i>		
<b>8.5.2 Non-residential garages and carports</b>	Not applicable	Assessment
8.5.2–(A1) A garage or carport not forming part of a dwelling, must have a setback from a primary frontage of not less than:  (a) 5.5m, or alternatively 1m behind the building line;  (b) the same as the building line, if a portion of the building gross floor area is located above the garage or carport; or  (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.	<input checked="" type="checkbox"/>	Residential development.
8.5.2–(A2) A garage or carport not forming part of a dwelling, within 12m of a primary frontage (whether the garage or carport is free-standing) must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).	<input checked="" type="checkbox"/>	Residential development.
<b>8.6 Development Standards for Subdivision</b>		
<b>8.6.1 Lot design</b>	Not applicable	Assessment
8.6.1–(A1) Each lot, or a lot proposed in a plan of subdivision, must:	<input checked="" type="checkbox"/>	No subdivision proposed.

<p>(a) have an area of not less than 450m<sup>2</sup> and:</p> <p>(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <p>a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>		
<p>8.6.1–(A2)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m.</p>	<input checked="" type="checkbox"/>	<p>No subdivision proposed.</p>



<p>8.6.1–(A3)</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<input checked="" type="checkbox"/>	<p>The property is able to be accessed from either Braddon Street or the Esplanade.</p>
<p>8.6.1–(A4)</p> <p>Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.</p>	<input checked="" type="checkbox"/>	<p>No subdivision proposed.</p>
<p><b>8.6.2 Roads</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.6.2–(A1)</p> <p>The subdivision includes no new roads.</p>	<input checked="" type="checkbox"/>	<p>No road proposed.</p>
<p><b>8.6.3 Services</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>8.6.3–(A1)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a full water supply service.</p>	<input checked="" type="checkbox"/>	<p>Not a subdivision.</p>
<p>8.6.3–(A2)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>	<input checked="" type="checkbox"/>	<p>Not a subdivision.</p>
<p>8.6.3–(A3)</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	<input checked="" type="checkbox"/>	

**CODES**

CODES	NOT APPLICABLE	APPLICABLE
<b>C1.0 Signs Code</b>	<input checked="" type="checkbox"/>	
<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 checked="" type="checkbox"/>	
<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"/>	Exempt under C10.4.1(a).
<b>C11.0 Coastal Inundation Hazard Code</b>	<input checked="" type="checkbox"/>	Exempt under C11.4.1(a).
<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"/>	

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

CLAUSE	COMMENT	
<b>C2.5 Use Standards</b>		
<b>C2.5.1 Car parking numbers</b>	Not applicable	Assessment
<p>C2.5.1-(A1)</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the</p>	<input type="checkbox"/>	<p>Compliant. Proposal includes 2 parking spaces – a single, internal garage, and one tandem space in the driveway.</p>

<p>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>		
<p><b>C2.5.2 Bicycle parking numbers</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>C2.5.2-(A1)</p> <p>Bicycle parking spaces must:</p> <p>(e) be provided on the site or within 50m of the site; and</p> <p>(f) be no less than the number specified in Table C2.1.</p> <p>(g)</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p>	<p>Not required for single dwellings.</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>(e) be no less than the number specified in Table C2.4; and;</p> <p>(f) 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>	☒	Not required for single dwellings.
<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>	☒	Not required for single dwellings.
<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>(d) Food Services uses up to 100m<sup>2</sup> floor area or 30</p> <p>(e) 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</p>	☒	Not required for single dwellings.

<p>operation specified in the relevant Acceptable Solution for the relevant zone.</p>		
<p><b>C2.6 Development Standards for Buildings and Works</b></p>		
<p><b>C2.6.1 Construction of parking areas</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<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>	<p style="text-align: center;"><input type="checkbox"/></p>	<p>(a) Compliant. The development has been conditioned accordingly.</p> <p>(b) Compliant. The development has been conditioned accordingly.</p> <p>(c) Compliant. The development has been conditioned accordingly.</p>
<p><b>C2.6.2 Design and layout of parking areas</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>C2.6.2-(A1)</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <p style="padding-left: 20px;">(i) have a gradient in accordance with <i>Australian Standard AS 2890 – Parking facilities, Parts 1-6</i>;</p> <p style="padding-left: 20px;">(ii) provide for vehicles to enter and exit the site in</p>	<p style="text-align: center;"><input type="checkbox"/></p>	<p>A1</p> <p>(a)(i) Refer to (b).</p> <p>(a)(ii) Refer to (b).</p> <p>(a)(iii) Refer to (b).</p> <p>(a)(iv) Refer to (b).</p> <p>(a)(v) Refer to (b).</p> <p>(a)(vi) Refer to (b).</p> <p>(a)(vii) Refer to (b).</p>

<p>a forward direction where providing for more than 4 parking spaces;</p> <p>(iii) have an access width not less than the requirements in Table C2.2;</p> <p>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p> <p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with <i>Australian Standard AS 2890- Parking facilities, Parts 1-6.</i></p>		<p>(b) Compliant. Reinforced by condition.</p>
<p>C2.6.2-(A1.2)</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(g) be located as close as practicable to the main entry point to the building;</p>	<input checked="" type="checkbox"/>	<p>Not required for single dwellings.</p>

<p>(h) be incorporated into the overall car park design; and</p> <p>(i) be designed and constructed in accordance with <i>Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities</i>.<sup>1</sup></p> <p><sup>1</sup> Requirements for the number of accessible car parking spaces are specified in part D3 of the National Construction Code 2016</p>		
<p><b>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> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses whichever is the greater.</p>	<p><input type="checkbox"/></p>	<p>(c) Refer to (b).</p> <p>(d) Compliant. The site currently has two accesses. A minor access from Braddon Street, and the main access from the Esplanade. These are to be maintained.</p>
<p>C2.6.3–(A2)</p> <p>Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<p><input checked="" type="checkbox"/></p>	<p>Not Central Business Zone.</p>
<p><b>C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<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</p>	<p><input checked="" type="checkbox"/></p>	<p>Site is zoned General Residential.</p>



<p>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>		
<p><b>C2.6.5 Pedestrian access</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>C2.6.5-(A1.1)</p> <p>Uses that require 10 or more car parking spaces must:</p> <p>(e) 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>(v) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(vi) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(f) 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</p>	<p style="text-align: center;">☒</p>	<p>10 or more car parking spaces are not required. The development is required to provide 2 parking spaces.</p>

1 in 14 is required from those spaces to the main entry point to the building.		
<b>C2.6.6 Loading bays</b>	Not applicable	Assessment
C2.6.6-(A1) 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.	<input checked="" type="checkbox"/>	Loading bays are not required.
C2.6.6-(A2) 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> .	<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
C2.6.7-(A1) Bicycle parking for uses that require 5 or more bicycle spaces in Table C2.1 must:  (i) be accessible from a road, cycle path, bicycle lane, shared path or access way;  (j) be located within 50m from an entrance;  (k) be visible from the main entrance or otherwise signed; and  (d) be available and adequately lit during the times they will be used,	<input checked="" type="checkbox"/>	Site is zoned General Residential.

<p>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>(g) have dimensions not less than:</p> <p>(vii) 1.7m in length;</p> <p>(viii) 1.2m in height; and</p> <p>(ix) 0.7m in width at the handlebars;</p> <p>(h) 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>(i) 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>	<input checked="" type="checkbox"/>	<p>Site is zoned General Residential.</p>
<p><b>C2.6.8 Siting of parking and turning areas</b></p>	<p>Not applicable</p>	<p>Assessment</p>
<p>C2.6.8-(A1)</p> <p>Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is</p>	<input checked="" type="checkbox"/>	<p>Site is zoned General Residential.</p>

already provided in front of the building line.		
<p>C2.6.8-(A2)</p> <p>Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:</p> <p>(g) have no new vehicle accesses, unless an existing access is removed;</p> <p>(h) retain an active street frontage; and</p> <p>(i) not result in parked cars being visible from public places in the adjacent roads.</p>	<input checked="" type="checkbox"/>	Site is zoned General Residential.

**C2.7 Parking Precinct Plan**

<b>C2.7.1 Parking precinct plan</b>	Not applicable	Assessment
<p><b>C2.7.1-(A1)</b></p> <p>Within a parking precinct plan, on-site parking must:</p> <p>(e) not be provided; or</p> <p>(f) not be increased above existing parking numbers.</p>	<input checked="" type="checkbox"/>	Parking precinct plan does not apply to the site.

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"/>	

COMMUNITY, GROWTH AND DEVELOPMENT

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<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 8.4.2-(A3) – Setbacks and building envelope for all dwellings –*  
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 planning scheme’s Clause 8.4.2 – Setbacks and building envelope for all dwellings Objective is that the siting and scale of dwellings:

- (a) provides reasonably consistent separation between dwellings and their frontage within a street;
- (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;
- (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and
- (d) provides reasonable access to sunlight for existing solar energy installations.

The planning scheme’s Acceptable Solution for Clause 8.4.2-(A3) states that “a dwelling...must:

- (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:
  - (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and
  - (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above the existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and
- (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:
  - (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or

- (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser)."

The proposed development would comply with (b), however it will sit outside the building envelope as prescribed by (a), as marked in the eastern elevation (Annexure 2).

Therefore, the proposed development is discretionary and relies on an assessment against the applicable and mandatory Performance Criteria.

The planning scheme's Performance Criteria for Clause 8.4.2-(P3) states that the siting and scale of a dwelling must:

- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:
  - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;

Planner's comments: The application is accompanied by shadow diagrams that demonstrate the shadow cast by the demolished dwelling, the previously approved dwelling and the dwelling proposed by this application. The shadow plans depicted shadow from the proposed single dwelling compared to the existing single dwelling (prior to being demolished). The shadow comparison is considered similar, with some greater shadow to the development site and adjoining southern property as a result of the proposed single dwelling. The increase of shadow is not considered unreasonable from what the existing shadow was to the southern property. The front of the dwelling to the south will retain solar access in the mornings, and the rear during the afternoons.

- (ii) overshadowing the private open space of a dwelling on an adjoining property;

Planner's comments: The application is accompanied by shadows diagrams that demonstrate the shadow cast by the demolished dwelling, the previously approved dwelling and the dwelling proposed by this application. The proposed development will result in overshadowing of the private open space of the dwelling to the south of

the development site in the mornings during winter, as marked on the shadow study June 21. This open space will retain solar access during the afternoons during winter.

- (iii) overshadowing of an adjoining vacant property; and  
Planner's comments: There are no adjoining vacant properties.
- (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;

Planner's comments: The proposed dwelling is staggered in design along the southern façade, reducing the bulk and scale when viewed from the adjoining property to the south. The portion of the proposal outside the building envelope when viewed from this property is limited to the front of the second floor. The northern façade is not staggered, other than the sloping of the roofline. This façade will sit adjacent to the parking areas and driveway of the adjoining property to the north.

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

Planner's comments: The three adjoining properties (directly to the north, the south and the west of the subject site) all contain dwellings or outbuildings that sit within less than 1m of the side boundaries. The remaining dwellings along the Esplanade and Braddon Street contain dwellings that are located within 1.5–3m of the side boundaries.

- (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:
  - (i) an adjoining property; or
  - (ii) another dwelling on the same site.



Planner’s comments: Neither adjoining property has existing solar energy installations. There is no other dwelling on the same site.

Conclusion: It is considered that the application has demonstrated compliance with the mandatory Performance Criteria in relation to setbacks and building envelope. Regarding the Objective for this Clause, it is considered that the proposal satisfies each part of the Objective. Separation between the dwelling and frontage would be in keeping with the Acceptable Solution, and thus (a) of the Objective. The proposal would be consistent with the scale, bulk, massing and proportion of the two-storey dwellings further south on the Esplanade, in keeping with (b). Separation between dwellings would provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space in accordance with (c) of the Objective and no solar energy installations would be impacted (d).

*Referral advice –*

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

SERVICE	COMMENTS/CONDITIONS
Environmental Health	Not applicable.
Building	Not applicable.
Engineering	Conditions and Notes to be included with the Permit.
TasWater	Not applicable.
Department of State Growth	Not applicable.
Environment Protection Authority	Not applicable.
TasRail	Not applicable.
Heritage Tasmania	Not applicable.
Crown Land Services	Not applicable.

Other	Not applicable.
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*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 3.

The representation is summarised and responded to as follows:

MATTER RAISED	COMMENTS
1 The difference between the original setback and the retrospective proposal has a significant impact on access to sunlight and warmth for the adjoining 27 Esplanade, West Ulverstone.	The application is required to be assessed for overshadowing impacts, as it sits outside the building envelope as required by Clause 8.4.2-(A3). The proposal is assessed against Clause 8.4.2-(P3) in detail in the "Issues" section of this report.
2 The difference between the original setback and the retrospective proposal has a significant impact on the view from 27 Esplanade, West Ulverstone.	The planning scheme does not provide protections for view lines in the General Residential Zone.
3 The building is approximately 20cm under 2m from the property boundary with 27 Esplanade.	Noted. The development has been assessed against the setback provisions within Clause 8.4.2 of the planning scheme as required.

<p>4 The reduced setback may act as a precedent.</p>	<p>Noted. Clause 8.4.2 Setbacks and building envelope for all dwellings of the planning scheme provides for some consideration of established setbacks in determining an application.</p>
<p>5 The main concern is listed as the stormwater. Raised concerns that:</p> <ul style="list-style-type: none"> <li>(a) the Esplanade does not have access to stormwater connection and properties are required to dig drainage pits within the property boundaries to accommodate stormwater.</li> <li>(b) During a high tide event, combined with a storm, waves crash onto the road and the guttering does not cope. Details of previous flood events provided.</li> <li>(c) Stormwater from 29 Esplanade will impact 27 Esplanade.</li> <li>(d) Apparent inconsistency between requirements for other residents regarding stormwater and the requirements for this development.</li> </ul>	<p>Council's Department of Infrastructure Services provided the following responses:</p> <ul style="list-style-type: none"> <li>(a) The existing development connects into existing stormwater infrastructure. Connection to this infrastructure can be provided for this development.</li> <li>(b) The stormwater resulting from the development is not significant in the scale of such an event.</li> <li>(c) Standard stormwater condition(s) require that stormwater is directed to stormwater infrastructure rather than neighbouring properties. The developer is required to collect and discharge all stormwater from the site without causing a nuisance to neighbouring properties.</li> <li>(d) Current practice is for new development to connect to the Council's stormwater infrastructure.</li> </ul>

*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 received does not warrant refusal of the proposed development for Residential – dwelling (retrospective) – Setbacks and building envelope. The proposal has demonstrated satisfactory compliance with the Planning Scheme's relevant Performance Criteria.

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

*Recommendation –*

It is recommended that application DA2024045 for Residential – dwelling (retrospective) – Setbacks and building envelope at 29 Esplanade, West Ulverstone be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the plans by:
  - a. Align, Project 'The Esplanade':
    - i. Drawing Nos. A001, A101, A106–108, A111–A115, A501–A503, dated 2 March 2024; and
    - ii. Drawing Nos. A102–A105, A109, A110, A201, A202, A301, A302, A304, dated 29 February 2024; and
  - b. Michell Hodgetts Surveyors, Drawing No. 223107, dated 20 November 2023.
- 2 Demolition materials and soils must be disposed of to an approved landfill site.

- 3 All parking, access ways, manoeuvring and circulation spaces must:
  - (a) be constructed with a durable all-weather pavement;
  - (b) be drained to the public stormwater system;
  - (c) be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
- 4 Two car parking spaces are to be provided for the development and must comply with *Australian Standard AS 2890 – Parking facilities, Parts 1–6*.

Infrastructure Services:

- 5 The existing crossover and driveway apron from Esplanade must be used as road access to the development and be widened up to 6m maximum width at developer's cost.
- 6 The kerb crossover must be constructed by the Council in accordance with the Tasmanian Standard Drawing TSD-R14-v3 Urban Roads – Approved Concrete Kerbs and Channels Profile Dimensions and drawings must be submitted for approval by the Council's Director Infrastructure Services.
- 7 The Council must carry out the construction of the kerb crossover at the applicable rates contained in the Fees and Charges Schedule.
- 8 The driveway apron must be constructed in accordance with the Tasmanian Standard Drawing TSD-R09-v3 Urban Roads – Driveways in a plain concrete finish and drawings must be submitted for approval by the Council's Director Infrastructure Services and be at the developer's cost.
- 9 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.
- 10 Stormwater run-off from buildings and hard surfaces, including from vehicle parking and manoeuvring areas, must be collected and discharged to Council's stormwater infrastructure in accordance with

the *National Construction Code 2019* and must not cause a nuisance to neighbouring properties.

- 11 Prior to the commencement of works, the developer must submit an application to 'Install Stormwater Connection Point' for any work associated with existing stormwater infrastructure. Works must be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services at the developer's cost. Drainage costs as listed in the Council's Fees and Charges register apply.
- 12 Standup kerb and channel must be constructed to provide the stormwater connection point at kerb and at developer's cost.
- 13 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.
- 14 All works or activity listed above must be at the developer's cost.

Please Note:

- 7 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.
- 8 "Substantial commencement" is the submission and approval of a Building Permit or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 9 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.

- 10 Solid fencing within 4.5m of a road frontage to a height of 1.2m above existing ground level, or fencing that has openings above the height of 1.2m which provides a uniform transparency of at least 30%, to a maximum height of 1.8m, is "Exempt" and does not require planning approval. Fencing outside these requirements within 4.5m of a road frontage would be 'Discretionary' and require the lodgement of a planning application.

Infrastructure Services:

- 11 Prior to commencement of works, the developer must submit an application for 'Roadworks Authority' (or a 'Private Works Authority', if applicable). Roadworks Authority Rates as listed in the Council's Fees and Charges register apply.
- 12 Prior to commencement of works in the road reservation, the developer must obtain a "Works in Road Reservation (Permit)".
- 13 Works associated with roads, stormwater infrastructure, 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 Officer to the CEO and Mayor reported as follows:

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

■ Cr Hiscutt moved and Cr Wylie seconded "That application DA2024045 for Residential – dwelling (retrospective) – Setbacks and building envelope at 29 Esplanade, West Ulverstone be approved, subject to the following conditions:

- 1 The development must be substantially in accordance with the plans by:
- (a) Align, Project 'The Esplanade':
- i. Drawing Nos. A001, A101, A106–108, A111–A115, A501–A503, dated 2 March 2024; and
- ii. Drawing Nos. A102–A105, A109, A110, A201, A202, A301, A302, A304, dated 29 February 2024; and

- (b) Michell Hodgetts Surveyors, Drawing No. 223107, dated 20 November 2023.
- 2 Demolition materials and soils must be disposed of to an approved landfill site.
- 3 All parking, access ways, manoeuvring and circulation spaces must:
  - (a) be constructed with a durable all-weather pavement;
  - (b) be drained to the public stormwater system;
  - (c) be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
- 4 Two car parking spaces are to be provided for the development and must comply with *Australian Standard AS 2890 – Parking facilities, Parts 1–6*.

Infrastructure Services:

- 5 The existing crossover and driveway apron from Esplanade must be used as road access to the development and be widened up to 6m maximum width at developer's cost.
- 6 The kerb crossover must be constructed by the Council in accordance with the Tasmanian Standard Drawing TSD-R14-v3 Urban Roads – Approved Concrete Kerbs and Channels Profile Dimensions and drawings must be submitted for approval by the Council's Director Infrastructure Services.
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- 8 The driveway apron must be constructed in accordance with the Tasmanian Standard Drawing TSD-R09-v3 Urban Roads – Driveways in a plain concrete finish and drawings must be submitted for approval by the Council's Director Infrastructure Services and be at the developer's cost.
- 9 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.
- 10 Stormwater run-off from buildings and hard surfaces, including from vehicle parking and manoeuvring areas, must be collected and discharged to Council's stormwater infrastructure in accordance with the *National Construction Code 2019* and must not cause a nuisance to neighbouring properties.



- 11 Prior to the commencement of works, the developer must submit an application to 'Install Stormwater Connection Point' for any work associated with existing stormwater infrastructure. Works must be undertaken by the Council, unless alternative arrangements are approved by the Council's Director Infrastructure Services at the developer's cost. Drainage costs as listed in the Council's Fees and Charges register apply.
- 12 Standup kerb and channel must be constructed to provide the stormwater connection point at kerb and at developer's cost.
- 13 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.
- 14 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 or engineering drawings and the physical commencement of infrastructure works on the site, or an arrangement of a Private Works Authority or bank guarantee to undertake such works.
- 3 Prior to the commencement of work, the applicant is to ensure that the category of work for any proposed building, plumbing and/or demolition work is defined using the Determinations issued under the *Building Act 2016* by the Director of Building Control. Any notifications or permits required in accordance with the defined category of work must be attained prior to the commencement of work. It is recommended the Council's Building Permit Authority or a Building Surveyor be contacted should clarification be required.
- 4 Solid fencing within 4.5m of a road frontage to a height of 1.2m above existing ground level, or fencing that has openings above the height of 1.2m which provides a uniform transparency of at least 30%, to a maximum height of 1.8m, is "Exempt" and does not require planning approval. Fencing outside these requirements within 4.5m of a road frontage would be 'Discretionary' and require the lodgement of a planning application.

Infrastructure Services:

- 5 Prior to commencement of works, the developer must submit an application for 'Roadworks Authority' (or a 'Private Works Authority', if applicable). Roadworks Authority Rates as listed in the Council's Fees and Charges register apply.
- 6 Prior to commencement of works in the road reservation, the developer must obtain a "Works in Road Reservation (Permit)".
- 7 Works associated with roads, stormwater infrastructure, 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

**108/2024 Infrastructure Services determinations**

The Director Infrastructure Services reported as follows:

“A Schedule of Infrastructure Services Determinations made during the month of March 2024 is submitted to the Council for information. The information is reported in accordance with approved delegations and responsibilities.”

The Executive Officer to the CEO and Mayor 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

**109/2024 Property disposal – Park Avenue, Penguin**

The Director Corporate Services reported as follows:

*“PURPOSE*

The purpose of this report is to seek a resolution from the Council to allow the Chief Executive Officer to initiate the disposal of two parcels of land at Park Avenue, Penguin, PID 7863335 and PID2541206.

*BACKGROUND*

Under section 177 of the *Local Government Act 1993* (the Act), a Council may sell, lease, or otherwise dispose of land owned by it. The Council must obtain a valuation of the land from the Valuer-General or a registered valuer prior to sale or exchange of any land. Additionally, under subsection 177(3), a council may sell – (a) any land either by auction or tender; or (b) any specific land by any other method it approves.

*DISCUSSION*

In fulfilling its obligations to the community, the Council must make decisions that prioritise the allocation of resources to deliver the greatest possible benefit.

These two specific pieces of land were previously used as the old Council depot in Penguin which has been decommissioned.

In reviewing these specific pieces of land an assessment was undertaken to consider location, strategic importance for future community use, and maintenance costs. The land is considered surplus to the Council’s operational needs.

The land holds potential in that it is zoned General Residential.

PID 7863335



The property comprises vacant residential land, located opposite the former Penguin Works Depot, in a residential area of Penguin township. The site represents a land area of approximately 2,668 sqm. The property is zoned General Residential and the highest and best use is for future residential development, subject to approval.

PID 2541206 & PARK AVENUE



The property is zoned General Residential and the highest and best use is for future residential development, subject to approval. The existing improvements do not offer material added value to the site.

It is recommended that Council explore residential development opportunities by undertaking an expression of interest process seeking proposals from suitable developers.

Confidential valuation reports for both properties are appended to this report.

#### *CONSULTATION*

Council has discussed this recommendation at a workshop held in December 2023.

The Penguin Lions Club currently utilise part of the site for storage and will need to be informed with adequate notice to enable alternative arrangements to be made prior to the sale of the land. Council Officers have discussed the intention to dispose of the land with the group.

Given this land is not classified as public land under the Act, there are no statutory obligations to consult with the community prior to disposal.

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

Revenue generated from the sale of this land will increase the Council's cash reserves. Cash reserves contribute to funding other asset renewals and upgrades which will be planned for through the Council's Finance Management Strategy.

The land can provide benefits to the community through private ownership with the potential for rates and charges income from any development.

Given that community needs are dynamic, the Council must remain vigilant in its efforts to ensure that investments in assets are both cost-effective and beneficial to the community. Retaining assets that are surplus to requirements can result in opportunity costs and expenses, as well as holding costs to the community. As such, a prudent approach to asset management is critical to achieving the optimal allocation of resources and to meeting the community's evolving needs.

#### *CORPORATE COMPLIANCE*

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

**Council Sustainability and Governance**

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

*CONCLUSION*

It is recommended that the Council authorise the Chief Executive Officer to take all actions necessary to dispose of Park Avenue, Penguin, PID 7863335 and 8 Park Avenue, Penguin (Old Depot Site), PID 2541206 for no less than market valuation."

The Executive Officer to the CEO and Mayor reported as follows:

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

- Cr Carpenter moved and Cr Viney seconded, "That the item lay on the table pending advice from the Chief Executive Officer, for a maximum period of six months."

Carried unanimously

**110/2024 Rates and Charges Policy (194/2023 – 19.06.2023)**

The Director Corporate Services reported as follows:

*PURPOSE*

This report is for the Council to adopt the revised Rates and Charges Policy – April 2024.

*BACKGROUND*

In accordance with legislation, the Council's Rates and Charges Policy must be updated on a regular basis.

Section 86 of the *Local Government Act 1993* (the Act) requires councils to implement rates and charges policies to provide transparency in decision-making and to educate their communities about how revenue is raised.

*DISCUSSION*

The Council reviews its Rates and Charges Policy annually to enable it to retain current.

The Council reviewed the Policy at workshops held throughout March 2024 and considered several recommendations for changes. The recommended changes aimed to ensure a fair and sustainable revenue collection approach that is in line with the community's needs and expectations.

### **Introduction of Interest Penalties**

The revised Policy includes the introduction of interest penalties for late payments of rates and charges. This decision aligns with the goal of encouraging timely payments and ensuring equitable treatment of all ratepayers.

There is currently no penalty for late payment by Central Coast ratepayers. All ratepayers bear the cost of carrying overdue debt and the costs associated with debt collection. There is a cost to the Council in debt collection activities. Legal fees are generally applied and recovered from the ratepayer. However, there are several activities that occur internally before legal action, including time and effort applied to debt collection and production of reminder notices, etc. The Council also incurs a commission fee on amounts recovered using debt collection services.

### **Application of the Early Payment Discount to Fire Levies**

The Council is required by the *Fire Services Act 1979* provisions to collect the Fire Service Levy on behalf of the Tasmania Fire Service. The value of this levy is determined by the State Fire Commission and is not influenced by the Council. The Council is paid a 4% commission for collecting the levy on behalf of the State.

The Council currently provides a 5% early payment discount on this levy, which is not recoverable from the State. The revised Policy includes removing the early payment discount from this aspect of the rates and charges bill.

The level of the early payment discount will be decided by the Council when it sets its Annual Plan and Budget in June each year.

### **Changes to Payment Terms**

The Council has approved changes to payment terms, introducing the ability for ratepayers to pay in equal instalments. This change is intended to provide greater flexibility to ratepayers and alleviate financial burdens by spreading payments over time. It is proposed that the Council offer the option for ratepayers not taking advantage of the early payment discount to pay by four equal quarterly instalments:

- . 31 August;
- . 30 November;



- . 28 February; and
- . 31 May.

It is important to note that the Council will determine the level of the early payment discount when it adopts its budget and rates resolution each year. The Council will consider gradually reducing the discount over time when it updates its Financial Management Strategy.

### **Consolidation of Rates and Charges Policies into One**

The Council currently have three Policies covering rates and charges:

- . The Rates and Charges Policy adopted in June 2023 and updated annually;
- . Conservation Covenant Rate Rebate Policy adopted in 2021; and
- . Rate Remissions and unoccupied Property adopted in 2009.

For simplicity, these Policies have been consolidated into one, the Rates and Charges Policy – April 2024.

#### *CONSULTATION*

The Council reviewed its Rates and Charges Policy and a range of recommendations at its workshops on 4 March 2024 and 25 March 2024.

This Policy is usually reviewed annually in June. Given the proposed changes to payment terms and conditions, it is presented for Council consideration earlier to enable the Council to provide advance notice of the application of interest penalties from 1 July to those that currently have overdue rates.

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

There are no cost implications relating to the adoption of this Policy.

#### *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
- . Effective communication and engagement
- . Strengthen local–regional connections.

*CONCLUSION*

The proposed changes to the Rates and Charges Policy are essential to aligning the Rates and Charges Policy with the Council's long-term financial sustainability goals and community expectations.

The changes reflect the Council's commitment to responsible financial management and equitable treatment of ratepayers. The changes ensure a fair and equitable distribution of the rate burden, promote timely payments and provide ratepayers with flexibility.

It is recommended that the Council adopt the Rates and Charges Policy – 2024 as presented, replacing the existing Policy adopted in June 2023. The Council should also rescind the following Policies. The provisions within each policy are covered in the Rates and Charges Policy.

- . Conservation Covenant Rate Rebate Policy adopted in 2021.
- . Rate Remissions on unoccupied Property adopted in 2009.”

The Executive Officer to the CEO and Mayor reported as follows:

“A copy of the Rates and Charges Policy – April 2024 has been circulated to all Councillors.”

■ Cr Carpenter moved and Cr Hiscutt seconded, “That the Council adopt the Rates and Charges Policy – April 2024 (a copy being appended to and forming part of the minutes) and rescind the following Policies:

- . Conservation Covenant Rate Rebate Policy adopted in 2021.
- . Rate Remissions on unoccupied Property adopted in 2009.”

Carried unanimously

**111/2024 Financial reports**

The Director Corporate Services reported as follows:

“The Manager Organisational Services has prepared the following report:

‘The following Council financial reports for the period ended 31 March 2024 are submitted for consideration:

## Statement of Comprehensive Income

Central Coast Council  
Statement of Comprehensive Income for the period ended 31 March 2024

	Actual YTD	YTD Budget	YTD Variance	Budget Annual	Full year Forecast
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Income</b>					
<b>Recurrent Income</b>					
Rates and charges	19,161	19,122	39	19,172	19,172
Fees and charges	5,229	5,065	164	6,642	6,853
Grants - Recurrent	202	202	-	5,999	5,999
Contributions	192	149	43	331	357
Share in profit/loss of associate	256	256	-	1,016	1,016
Interest	786	663	122	800	950
Other income	853	651	202	860	971
Investment revenue	926	912	14	1,645	1,655
	<b>27,604</b>	<b>27,021</b>	<b>583</b>	<b>36,465</b>	<b>36,973</b>
<b>Capital income</b>					
Grants - Capital	32	454	(422)	853	853
Capital contributions	2,465	5,563	(3,098)	7,461	6,244
Contributed Assets	-	-	-	4,400	4,400
Gain/(loss) on disposal of assets	325	332	(7)	442	442
	<b>2,822</b>	<b>6,349</b>	<b>(3,527)</b>	<b>13,156</b>	<b>11,939</b>
<b>Total Income</b>	<b>30,425</b>	<b>33,369</b>	<b>(2,944)</b>	<b>49,621</b>	<b>48,912</b>
<b>Recurrent Expenses</b>					
Employee benefits	12,343	12,523	180	16,765	16,844
Materials and services	8,072	7,699	(373)	9,961	10,643
Depreciation and amortisation	6,643	6,643	-	8,994	8,994
Finance costs	186	207	21	326	326
Other expenses	492	459	(32)	653	670
<b>Total expenses</b>	<b>27,735</b>	<b>27,532</b>	<b>(204)</b>	<b>36,698</b>	<b>37,476</b>
<b>Operating result</b>	<b>2,690</b>	<b>5,837</b>	<b>(3,147)</b>	<b>12,923</b>	<b>11,437</b>
<b>Underlying surplus or deficit</b>					
<b>Items that will be reclassified in determining underlying surplus or deficit</b>					
Capital income	(2,822)	(6,349)	3,527	(13,156)	(11,939)
Restructure costs	200	-	200	-	200
	<b>(2,622)</b>	<b>(6,349)</b>	<b>3,727</b>	<b>(13,156)</b>	<b>(11,739)</b>
<b>Underlying surplus/(deficit)</b>	<b>69</b>	<b>(511)</b>	<b>580</b>	<b>(233)</b>	<b>(302)</b>

Year to date (YTD), the operating result shows an operating result of \$2.7 million against a budget of \$5.8 million.

From an underlying result perspective, the Council's YTD performance reflects an underlying result of \$69k surplus against a budget underlying deficit to date of \$511k.

Underlying performance measures the result of our operating performance and excludes the impact of capital grants and asset sales. It also excludes the impact of one-off, non-recurring costs that are not part of normal operating activities.

The current full year forecast is an underlying deficit of \$302k against a budget deficit of \$233k.

The full year forecast continues to be determined in conjunction with departmental management based on current expectations when reviewing performance YTD. The forecast deficit has increased from \$163k in February to \$302k in March as identified permanent variances for recreation grounds maintenance, stormwater drainage, road shouldering and staff recruitment costs were updated.

A summary of key components of the Income Statement are outlined below.

### Recurrent income

Rates and charges	On Track
-------------------	----------

Rates and charges are slightly ahead of budget YTD and are expected to meet or exceed the full year budget with additional supplementary charges to be issued before the end of the year. The current outstanding rates balance at 31<sup>st</sup> March was \$755,679.

Rates outstanding equates to 3.78% of rates demanded which is 0.74% higher in percentage of rates issued, than in the previous year at same time.

Fees and charges	On Track
------------------	----------

Fees & Charges YTD continue to remain on track, with a number of budget wins and losses across the board. Statutory fees for Building Levies are one notable favourable variance, sitting at \$69k YTD ahead of budget. These are largely a pass through for council with all additional revenue less a commission being offset under the materials and services expense line. Other notable gains are on miscellaneous waste charges for additional bins issued, which is \$26k YTD favourable and planning and subdivision fees which are \$42k ahead of budget to date. The Council has also seen 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 also captured 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 operational costs to deliver.

Contributions	On Track
---------------	----------

No significant issues to note. Reporting \$43k favourable YTD which reflects \$29k higher receipts of Parental leave contributions from the Federal Government, which are passed

through to respective employees. Public Space contributions from developers are tracking \$9k ahead of budget YTD and online to meet budget for the year.

Share of Profit/Loss in Associates	On Track
------------------------------------	----------

No information currently to suggest this will not come in outside of budget expectations.

Interest Income	Favourable Variance Expected
-----------------	------------------------------

A combination of ongoing lower than expected capital expenditure YTD (\$6.7m actual vs \$13.6m budget), receipt of disaster recovery funding in advance (\$1.3m) and higher interest rates has seen an upside in interest receipts YTD. The Council is forecasting to come in \$150k ahead of budget for the year.

Other Income	On Track
--------------	----------

Overall other income is expected to come in ahead of budget, but the additional reported revenues are merely an offset of expected offsetting costs. Reported under other income YTD are reimbursements for Workers Compensation (\$64k) and insurance claim proceeds (\$98k). Other notable variance is for retail sales at Visitor services which are \$47k favourable to date.

### Capital Income

Capital Income	On Track
----------------	----------

This line does not effect the underlying result of Council. Year to date capital grants and contributions are \$3.52 million behind budget. These are timing differences only. The main driver of this is the budget timing of receipt of capital grants for Ironcliffe Road \$1.5 million, \$0.7 million in disaster relief funding instalments aligned to the Loongana Road bridge replacement, \$0.6 million in milestone payments for Local Roads & Community Infrastructure (LRCI) phase 4 projects, and \$430k in funding for the Montgomery Road Eco-toilet block.

The current full year forecast includes capital funding for LRCI projects. Phase 3 projects are required to be completed by June 2024 and will be a focus to complete. LRCI 4 funding is subject to milestones being achieved, and due to delayed commencement of activity it is forecast that any funding will be recognised in the 2023–24 Financial Statements.

## Recurrent Expenses

Employee Costs	Variance Expected
----------------	-------------------

Employee costs YTD are \$180k below budget. This variance continues to be driven largely by temporary staff vacancies. Staff FTE numbers have averaged 3.2 FTEs below budget YTD resulting in a favourable variance of ~\$240k. Offsetting this are additional costs to budget for workers compensation which has totalled \$108k YTD of which \$98k has been recovered under other revenue.

The full year forecast for staff costs is expected to be over budget by \$42k with further potential upside for current unplanned vacancies.

Staff turnover for February remained steady at 12.9% for the 12-month moving average compared to 21.7% in the same period last year. Council had 157.6 FTEs at the end of March 2024.

Materials and Contracts	Variance Expected
-------------------------	-------------------

Materials costs year to date see several gains and losses that relate to budget timing, but the Council have seen some areas that have utilised significant portions of allocated budgets in the first nine months. Budgets will need to be monitored and managed over the remainder of the year to maintain in line with budget and current forecasts.

It should be noted that included here YTD are additional costs with offsetting revenues reported for Tasmanian Building Levies \$30k, costs for cross-overs charged \$39k, community organisation support contributions of \$49k and merchandise purchases for higher retail sales of \$54k.

A notable variances YTD against budget relates to maintenance on recreation ground facilities for Ulv. rec ground \$(41)k, River Road recreation ground \$(35)k and Dial Park \$(40)k. Costs for these facilities have now exceeded annual budgets and full year forecasts have been updated accordingly.

Other notable forecast variances include legal fees for regulatory and staff matters \$(21)k, \$(34)K public conveniences cleaning & maintenance \$(44)k, \$(39)k for recruitment costs and insurance claims costs of \$(42)k.

Full year forecast for materials and Services includes additional costs for Tas Building Levy (\$30k), Tas Waste Levy (\$15k), Insurance claim costs (\$42k), Private works costs (\$30k), Community Support (\$30k) which have offsetting recurrent revenue reported.

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Depreciation	On Track
--------------	----------

Currently accrued to budget assumptions. Forecast expected to be in line with budget subject to impacts of asset revaluations/indexations which will be based on March annual CPI movement.

Depreciation forecast to be updated following the review of building revaluation report which was received in late February and the detailed supporting files which were received in early March.

Borrowing Costs	On Track
-----------------	----------

Current loan liability costs are fixed and there will be no variance. A provision for a final adjustment for the rehabilitation provision allowance has been provided in the budget and forecast.

Other Expenses	Variance Expected
----------------	-------------------

Other expenses are sitting \$32k over budget YTD, which largely reflects timing of audit fees YTD and WHS costs incurred for training to date. These costs have already been included in the full year forecast variance which remains at \$(17)k variance.

## Statement of Financial Position

**Central Coast Council**  
**Statement of Financial Position**  
**as at 31 March 2024**

	30 June 2023	31 March 2024	Movement	Budget 30 June 2024
	\$'000	\$'000	\$'000	\$'000
<b>Assets</b>				
<b>Current assets</b>				
Cash and cash equivalents	8,664	12,288	3,624	5,226
Investment	8,375	4,566	(3,809)	7,695
Trade and other receivables	791	1,138	347	800
Assets held for sale	14	20	6	14
Other assets	501	125	(376)	520
<b>Total current assets</b>	<b>18,346</b>	<b>18,138</b>	<b>(208)</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	534,495	(4,887)	557,838
Capital work in Progress	2,867	7,839	4,972	-
Right of use asset	148	148	-	88
<b>Total non-current assets</b>	<b>629,599</b>	<b>629,684</b>	<b>85</b>	<b>645,887</b>
<b>Total assets</b>	<b>647,944</b>	<b>647,822</b>	<b>(122)</b>	<b>660,142</b>
<b>Liabilities</b>				
<b>Current liabilities</b>				
Trade and other payables	3,424	1,882	(1,542)	3,484
Trust funds and deposits	340	356	17	300
Provisions	4,395	4,326	(69)	2,690
Interest bearing liabilities	550	447	(103)	626
Lease liabilities	44	31	(13)	53
Contract liability	925	291	(634)	2,577
<b>Total current liabilities</b>	<b>9,679</b>	<b>7,334</b>	<b>2,345</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>18,081</b>	<b>(2,812)</b>	<b>20,350</b>
<b>Net Assets</b>	<b>627,050</b>	<b>629,741</b>	<b>2,691</b>	<b>639,793</b>
<b>Equity</b>				
Accumulated surplus	280,655	283,348	2,692	293,398
Reserves	346,395	346,393	(2)	346,395
<b>Total Equity</b>	<b>627,050</b>	<b>629,741</b>	<b>2,691</b>	<b>639,793</b>

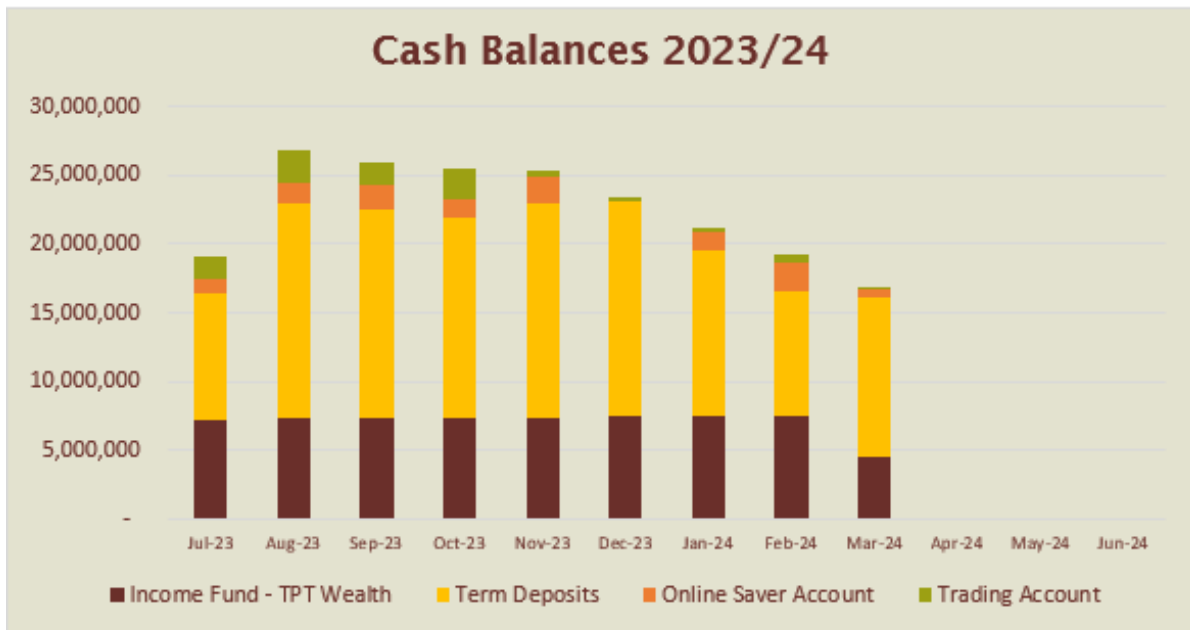
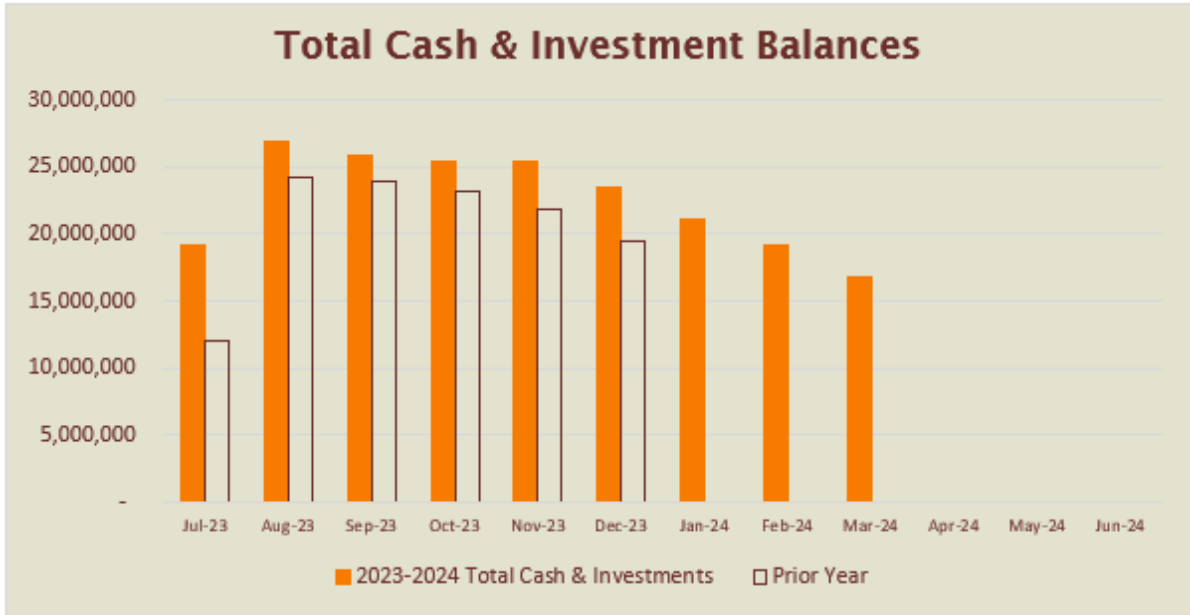


## Statement of Cashflows

**Central Coast Council  
Statement of Cash flows  
as at 31 March 2024**

	31 March 2024	Full Year Budget 30 June 2024
	\$'000	\$'000
<b>Cash flows from operating activities</b>		
<b>Cash Inflows</b>		
Rates	18,204	19,163
Statutory fees & User fees and Charges	5,141	6,623
Grants (inclusive of GST)	202	5,999
Contributions (inclusive of GST)	449	331
Interest received	881	800
Dividends	256	255
Investment revenue	926	1,645
Other receipts (inclusive of GST)	703	860
Net GST refund/(payment)	1,156	1,600
<b>Total cash inflows</b>	<b>27,917</b>	<b>37,277</b>
<b>Cash outflows</b>		
Payments to suppliers (inclusive of GST)	(9,664)	(11,624)
Payments to employees	(13,009)	(16,790)
Finance costs paid	(186)	(326)
Other payments	(342)	(653)
<b>Total cash outflows</b>	<b>(23,201)</b>	<b>(29,393)</b>
<b>Net cash provided by (used by) operating activities</b>	<b>4,716</b>	<b>7,884</b>
<b>Cash flows from investing activities</b>		
Payments for property, infrastructure, plant and equipment	(6,729)	(20,145)
Proceeds from sale of property, infrastructure, plant and equipment	319	442
Capital grants	1,885	8,314
Payments for investments	-	-
Proceeds from sale and withdrawals of investments	3,809	680
<b>Net cash provided by (used by) investing activities</b>	<b>(716)</b>	<b>(10,708)</b>
<b>Cash flows from financing activities</b>		
<b>Cash inflows</b>		
Proceeds from trust funds and deposits	16	(40)
Proceeds from interest bearing loans and borrowings	-	-
<b>Total cash inflows</b>	<b>16</b>	<b>(40)</b>
<b>Cash outflows</b>		
Repayment of lease liabilities (principal repayments)	(13)	(54)
Repayment of trust fund and deposits	-	-
Repayment of interest bearing loans and borrowings	(376)	(519)
<b>Total cash outflows</b>	<b>(389)</b>	<b>(573)</b>
<b>Net cash provided by (used by) financing activities</b>	<b>(373)</b>	<b>(613)</b>
<b>Net increase (decrease) in cash and cash equivalents</b>	<b>3,627</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>12,288</b>	<b>5,224</b>

Statement of Cash and Investments



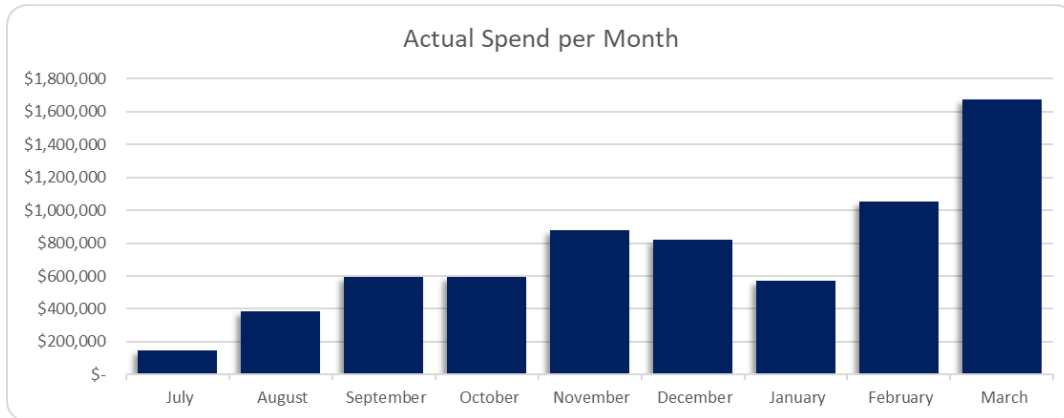
### Summary of Capital Delivery Performance



#### Projects with budget or actual spend YTD > \$100k

	<b>Actual YTD \$'000</b>	<b>Budget YTD \$'000</b>
Heybridge recreation Ground Clubrooms	1,101	1,100
Plant purchases	854	1,520
Loongana Road Bridge	481	1,500
Road Sealing	794	1,100
LRCI Phase 3 projects	584	793
Tobruk Park Rectification	166	345
Forth River Bridge - forth Road	156	180
Midway Point rehabilitation	135	171
Ul. Sports & liesure centre - electronic Backboards	122	120
Shoulder program	121	150
River Road Footpath - Amhest to Queen Street	112	100
Trevor Street Kerb replacement	107	148
Gunns Plains Road landslip	105	-
Turners Beach-Leith Shared Pathway	80	178

Capital spend for the month was \$1.68 million which the highest monthly spend year to date. For March, Council saw spend of \$481k in progress payments on the Loongana bridge replacement, a further \$264k on the Heybridge recreation Ground Clubrooms, and \$213k in street reseals. Council also purchased \$325k in plant items during March, which included a new Backhoe (\$224k), Truck \$101k and Road Broom (\$55k).



YTD, \$6.68 million has been spent against a budget of \$13.6 million.

The revised full year forecast is currently \$16.7 million against a budget of \$20.1 million based on an updated review of project delivery timelines. Key changes to forecast this month include Esplanade Turners Beach – reconstruction, Quadrant Lane footpath and seal and the Reiby Street Upgrade Design work project which design work required to progress the projects has not commenced.

Key project activity over the next couple of months includes the continuation of the Loongana Road bridge project and the completion of Heybridge Recreation Ground clubrooms reconstruction.'

The report is supported.”

■ Cr Viney moved and Cr Lehmann seconded, “That the financial reports for the period ending 31 March 2024 be received.”

Carried unanimously

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## CLOSURE OF MEETING TO THE PUBLIC

### 112/2024 Meeting closed to the public

The Executive Officer to the CEO and Mayor reported as follows:

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

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

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

<b>Matter</b>	<b><i>Local Government (Meeting Procedures) Regulations 2015</i> reference</b>
Confirmation of closed session minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council <ul style="list-style-type: none"><li data-bbox="311 1429 834 1534">• Cradle Coast Authority Representatives – meeting held 5 March 2024</li><li data-bbox="311 1574 834 1680">• Dulverton Waste Management Owner Representatives – meeting held 7 March 2024</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 Hiscutt moved and Cr Lehmann seconded, “That the Council close the meeting to the public to consider the following matters, they being matters relating to:

Matter	<i>Local Government (Meeting Procedures) Regulations 2015</i> reference
Confirmation of closed session minutes	15(2)(g) Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential
Minutes and notes of other organisations and committees of the Council <ul style="list-style-type: none"> <li data-bbox="213 909 753 1016">• Cradle Coast Authority Representatives – meeting held 5 March 2024</li> <li data-bbox="213 1052 753 1160">• Dulverton Waste Management Owner Representatives – meeting held 7 March 2024</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.”

Carried unanimously

The Executive Officer to the CEO and Mayor further reported as follows:

- “1 The *Local Government (Meeting Procedures) Regulations 2015* provide in respect of any matter discussed at a closed meeting that the general manager is to record in the minutes of the open meeting, in a manner that protects confidentiality, the fact that the matter was discussed and a brief description of the matter so discussed, and is not to record in the minutes of the open meeting the details of the outcome unless the council determines otherwise.
- 2 While in a closed meeting, the council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.
- 3 The *Local Government Act 1993* provides that a councillor must not disclose information seen or heard at a meeting or part of a meeting that is closed to the public that is not authorised by the council to be disclosed.

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

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

The meeting moved into closed session at 7.07pm.

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## CLOSED SESSION SUMMARY

The Executive Officer to the CEO and Mayor reported as follows:

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

<b>Matter</b>	<b>Description of matter discussed</b>
113A/2024 Confirmation of closed session minutes	The closed session minutes of the previous ordinary meeting of the Council held on 18 March 2024 were confirmed.
114A/2024 Minutes and notes of other organisations and committees of the Council  • Cradle Coast Authority Representatives - meeting held 5 March 2024  • Dulverton Waste Management Owner Representatives - meeting held 7 March 2024	The minutes and notes provided to the Council on the condition they are kept confidential were received.



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## **CLOSURE**

There being no further business, the Mayor declared the meeting closed at 7.09pm.

CONFIRMED THIS 20<sup>th</sup> DAY OF MAY 2024.

## **Chairperson**

(ib:tc)

## **Appendices**

- Minute No. 96/2024 – Schedule of documents affixed with the common seal
- Minute No. 96/2024 – Schedule of contracts and agreements
- Minute No. 96/2024 – Schedule of correspondence addressed to the Mayor and Councillors
- Minute No. 97/2024 – Instrument of Delegation – Council to the Chief Executive Officer – April 2024
- Minute No. 100/2024 – Schedule of Statutory Determinations
- Minute No. 101/2024 – Schedule of Development Application Determinations
- Minute No. 108/2024 – Schedule of Infrastructure Services Determinations
- Minute No. 110/2024 – Rates and Charges Policy

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*QUALIFIED PERSON'S ADVICE*

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

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

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

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



Barry Omundson  
CHIEF EXECUTIVE OFFICER

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# Associated Reports And Documents



## SCHEDULE OF CORRESPONDENCE ADDRESSED TO THE MAYOR AND COUNCILLORS

Period: 19 March to 15 April 2024

- . An email from a ratepayer regarding public access to the Castra Falls Walking Track.
- . A letter from the Central Coast Garden Growers working group regarding the development of a community garden for Ulverstone.
- . An email and policy document from the Invasive Species Council regarding priority actions to address environmental threats from invasive species.
- . An email from The Hon. Luke Edmunds MLC, Shadow Minister for Local Government communicating Tasmanian Labor's local government policies and funding streams.
- . A letter from a ratepayer regarding trees and debris being caught up on bridges over the Leven River.
- . Letters from the Penguin Neighbours Day Committee thanking the CEO and Councillors for their support and participation in the Pacific Australia Labour Mobility (PALM) community walkabout.
- . An email from the applicants of a development application now before the Tasmanian Civil & Administrative Tribunal on appeal.
- . An email from a ratepayer regarding the proposed disposal of public land at Richardson Street, Ulverstone.

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

Barry Omundson  
CHIEF EXECUTIVE OFFICER

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19 King Edward Street  
Ulverstone Tasmania 7315  
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**SCHEDULE OF CONTRACTS AND AGREEMENTS**

*(Other than those affixed with the common seal)*

Period: 19 March to 15 April 2024

Contract 7/2023-2024 - dated 27 March 2024

Landmark Products Pty Ltd

Design, supply and delivery of a pre-fabricated toilet facility, Montgomery Road, Penguin

Contract amount: \$93,379 (inc. GST)

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

Barry Omundson  
CHIEF EXECUTIVE OFFICER



## SCHEDULE OF DOCUMENTS AFFIXED WITH THE COMMON SEAL

Period: 19 March to 15 April 2024

- Final Plan of Survey  
84 South Road, Penguin  
DA2023031 – 3 residential lots
- Part 5 Agreement  
58A Casey Street South, Leith  
DA2023313 – Single dwelling and shed
- Final Plan of Survey  
8 Davis Street, Leith  
DA2022030 – 2 residential lots
- Part 5 Agreement  
Motts Road (CT76225/1), Gawler  
DA2023140 – Residential (retrospective) single dwelling and shed (shipping container)
- Final Plan of Survey  
90 River Road, West Ulverstone  
DA2022201 – Subdivision – 2 residential lots
- Adhesion Order  
22 Queen Street, West Ulverstone  
OA202417 – Adhesion of CT22574/1 and CT221538/1

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

Barry Omundson  
CHIEF EXECUTIVE OFFICER

# Central Coast Council

## Instrument of Delegation

Council to the Chief Executive Officer

April 2024

## *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.

## *SECTION 22 OF THE LOCAL GOVERNMENT ACT 1993 – DELEGATION BY COUNCIL*

A council, in writing may delegate with or without conditions to the general manager, any of its functions or powers under any Act, subject to certain restrictions within section 22.

## *SECTION 64 OF THE LOCAL GOVERNMENT ACT 1993 – DELEGATION BY GENERAL MANAGER*

The general manager, in writing, may delegate to an employee of the council:

- (a) any functions or powers under any Act, other than this power of delegation; and
- (b) any functions or powers delegated by the council which the council authorised the general manager to delegate.

## *SECTION 23AA OF THE ACTS INTERPRETATION ACT 1931 – DELEGATION*

If an Act confers a power on a person to delegate a function or power, the person may, in accordance with the Act, delegate the power or function to:

- (a) a person by name; or
- (b) the holder of a particular office or position by reference to the title of the office or position concerned, whether or not the office or position is vacant at the time of delegation.

If a function or power is delegated to a particular officer or the holder of a particular office or position:

- (a) the delegation does not cease to have effect merely because the person who was the particular officer or the holder of the particular office or position when the function or power was delegated ceases to be that office or the holder of that office or position; and
- (b) the function or power may be performed or exercised by the person for the time being occupying or acting in the office or position concerned.

A function or power that has been delegated may, notwithstanding the delegation, be exercised by the delegator.



In accordance with the *Local Government Act 1993* the Central Coast Council hereby delegates the exercise of the following functions and powers to the Chief Executive Officer, or a person acting or appointed in that capacity, on the following conditions:

- 1 Each delegation is subject to the conditions or restrictions (if any) referred to in the table in this Instrument of Delegation.
- 2 Each delegation is subject to such policies, guidelines and such directions as the Council may determine from time to time.
- 3 Each delegation is subject to Council's by-laws or the provision of any Act.
- 4 The Chief Executive Officer is authorised pursuant to section 64 of the *Local Government Act 1993* to delegate such functions and powers to appropriately qualified, skilled and experienced employees of the Council (subject to any conditions or limitations in this Instrument of Delegations; or unless otherwise specified by a particular Act).

### ARCHIVES ACT 1983

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and functions under the <i>Archives Act 1983</i>	Nil

### BIOSECURITY ACT 2019

Section	Function or Power	Conditions or Restrictions
s136(1)	Government biosecurity program consultation	Nil

### BIOSECURITY REGULATIONS 2022

Section	Function or Power	Conditions or Restrictions
r25	Payment to Council of Public Account	Nil

### BUILDING ACT 2016

Section	Function or Power	Conditions or Restrictions
s8(3)	All of Council's powers and functions under the <i>Building Act 2016</i> .	Nil

### BUILDING REGULATIONS 2016

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and function under the <i>Building Regulations 2016</i> .	Nil

### BURIAL AND CREMATION ACT 2019

Section	Function or Power	Conditions or Restrictions
<b>COUNCIL AS A CEMETERY MANAGER</b>		The ultimate responsibility for the cemetery will remain with the Council, as cemetery manager
s22 LGA 1993	All of Council's powers and functions in its capacity as cemetery manager under the <i>Burial and Cremation Act 2019</i>	Unless specifically delegated, this delegation does not extend to determining matters covered under: Division 4 – Sale of Cemeteries Division 5 - Closure of Cemeteries Division 6 – Land ceases to be cemetery

### BURIAL AND CREMATION REGULATIONS 2015

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and function in its capacity as cemetery manager under the <i>Burial and Cremation Regulations 2015</i>	The ultimate responsibility for the cemetery will remain with the Council, as cemetery manager

### CHILD AND YOUTH SAFE ORGANISATIONS ACT 2023

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and functions under the <i>Child and Youth Safe Organisations Act 2023</i> .	Nil

### DOG CONTROL ACT 2000

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and function under the <i>Dog Control Act 2000</i> except those listed:	The Council will continue to be responsible for the following: s.7 Dog Management Policy s.20 Exercise areas s.21 Training areas s.22 Prohibited areas s.23 Restricted areas s.26 Review of declaration s.80(1) Fees

### EMERGENCY MANAGEMENT ACT 2006

Section	Function or Power	Conditions or Restrictions
s23	Nominate employee to the Minister for appointment as the Municipal Emergency Management Coordinator	The employee appointed will hold an appropriate position within Council's staffing structure
s46	If an emergency affects the municipal area, the council is to use its resources for the purposes of managing the emergency	Nil
s47	Establish, maintain or make available all resources and facilities considered necessary for emergency management within the municipal area	Nil

### ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL ACT 1994

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and functions under the <i>Environmental Management and Pollution Control Act 1994</i> .	Nil

### FIRE SERVICE ACT 1979

Section	Function or Power	Conditions or Restrictions
s50 (1)	Request information and advice regarding fire protection from the Fire Commission	Nil
s56 (3)	Cause the formation of fire breaks to arrest the speed or facilitate suppression of fires within the municipal area	Nil

### FOOD ACT 2003

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and functions contained in the <i>Food Act 2003</i>	Nil

### HEAVY VEHICLE NATIONAL LAW (TASMANIA) ACT 2013

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and functions contained in the <i>Heavy Vehicle National Law (Tasmania) Act 2013</i>	Nil

### HISTORICAL CULTURAL HERITAGE ACT 1995

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and functions contained in the <i>Historical Cultural Heritage Act 1995</i>	Nil

### LAND TITLES ACT 1980

Section	Function or Power	Conditions or Restrictions
s138U	Restriction on title by possession	Nil
S138Y	Avoidance of sub-minimum lots	Nil

**LAND USE PLANNING AND APPROVALS ACT 1993**

Section 6 *Land Use Planning and Approvals Act 1993* – Delegation

- (3) A planning authority may, by resolution, delegate any of its functions or powers under this Act other than this power of delegation to a person employed by the authority.
- (4) A delegation may be made either generally or as otherwise provided by the instrument of delegation.
- (5) Notwithstanding any delegation, a planning authority may continue to perform or exercise all or any of the function or powers delegated.
- (6) A function or power performed or exercised by a delegate has the same effect as if performed or exercised by a planning authority.

Section	Function or Power	Conditions or Restrictions
<b>PART 2A</b>	<b>TASMANIAN PLANNING POLICIES</b>	Nil
s12C	Consult with the Minister regarding a draft of the Tasmanian Planning Policies, on behalf of the planning authority	Nil
<b>PART 3</b>	<b>PLANNING SCHEMES</b>	
Part 3 Generally	As a consequence of any decision by the Council to initiate preparation of a planning scheme or a planning scheme amendment or to provide its views and opinions on any representation received on a draft planning scheme or draft amendment: i) authority to give such advice, consultation, referral or notification as required under this Part; ii) authority to initiate public notification of a draft scheme or draft amendment; iii) authority to submit a draft scheme or a draft amendment for approval if no representations are received during the exhibition period; iv) authority to modify a draft planning scheme or draft amendment if only to correct any error, remove an anomaly, clarify or simplify a provision, remove any inconsistency with other regulation, make procedural changes or to bring the planning scheme into conformity with a mandatory planning instruction; v) represent the Council and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission.	Nil

Section	Function or Power	Conditions or Restrictions
<b>PART 3A</b>	<b>LOCAL PLANNING SCHEDULE (LPS)</b>	
Part 3A Generally	<p>In accordance with a decision of the planning authority (or a requirement of the Minister) to -</p> <ul style="list-style-type: none"> <li>a) prepare a draft LPS under s35;</li> <li>b) indicate its views and opinions in relation to each representation received on a draft LPS;</li> <li>c) indicate its satisfaction that a draft LPS meets the criteria in s34;</li> <li>d) make recommendations in relation to how a draft LPS should be determined in accordance with s35F; and</li> <li>e) conduct and respond on a review of the LPS</li> </ul> <p>The following functions and powers of the planning authority are delegated –</p> <ul style="list-style-type: none"> <li>a) prepare the required documentation for a draft LPS;</li> <li>b) submit the draft LPS to the Tasmanian Planning Commission (TPC) under s35(1);</li> <li>c) make any modifications to the draft LPS which may be instructed by the TPC under s35(5)(b);</li> <li>d) give notice under s35C of the exhibition of a draft LPS, including for any instruction issued by the TPC under s35B;</li> <li>e) undertake exhibition of the draft LPS in accordance with s35D;</li> <li>f) provide a report to the TPC pursuant to s35F;</li> <li>g) prepare and submit any modifications required by the TPC to a draft LPS in accordance with s35K;</li> <li>h) give notice in accordance with s35M(2) of the approval of the LPS;</li> <li>i) provide a report to the TPC on the outcomes of a review of the LPS conducted by the planning authority in accordance with s35O, including provide notice of the review and receive comments from the public pursuant to s35P</li> </ul>	Nil
Division 7	<p>In accordance with a decision of the planning authority to prepare a draft Special LPS, all functions and powers of the planning authority in relation to the preparation and making of the Special LPS are delegated.</p>	Nil

Section	Function or Power	Conditions or Restrictions
<p>PART 3B Generally</p>	<p><b>AMENDMENT OF THE LPS</b>            In accordance with a decision of the planning authority in relation to –            a) preparation of a draft amendment to the LPS under s38 or 40D;            b) preparation of a draft amendment under s38 and a draft permit under s40Y; and            c) its views and opinions in relation to each representation received on a draft LPS and on any draft permit;            d) its satisfaction that the draft LPS meets the criteria in s34; and            e) recommendations in relation to how the draft LPS should be determined in accordance with s35F;            The following functions and powers of the planning authority are delegated –            a) give notice in accordance with s38(3) of a decision in relation to a request to initiate a draft amendment to the LPS;            b) give notice in accordance with s40W of a decision under 40Y in relation to a request to consider a permit in combination with a request to initiate a draft amendment to the LPS;            c) request additional information under s40 and s40U;            d) provide any material requested by the TPC in accordance with s40A, 40B, or 40V;            e) prepare the draft LPS amendment documents;            f) certify a draft amendment to the LPS in accordance with s40F;            g) give notice in accordance with s40G of the exhibition of a draft amendment to the LPS, and including any exhibition of a permit application under s40Z;            h) undertake exhibition of the draft amendment to the LPS in accordance with s40H, and including any permit application approved under 40Y;            i) provide a report to the TPC in accordance with s40K and s42 if there are no representations making objection on the draft amendment to the LPS and to any permit application requested under 40T;            j) provide a report to the TPC in accordance with s40K and s42 in relation to the planning authority’s –                i. views and opinions on each representation received during the exhibition period;</p>	<p>Nil</p>



Section	Function or Power	Conditions or Restrictions
	<ul style="list-style-type: none"> <li>ii. compliance to s34; and</li> <li>iii. its recommendations on how the draft LPS or the permit application under 40T should be determined;</li> <li>k) make modifications to a draft LPS amendment if instructed by the TPC in accordance with s40O or 40P;</li> <li>l) re-exhibit a modified draft amendment to the LPS under s40G and 40H if instructed by TPC in accordance with s40P;</li> <li>m) give notice of an approved amendment to the LPS in accordance with s40S;</li> <li>n) grant an extension of time under s42C for a permit granted under s42B;</li> <li>o) correct a mistake under s42D in a permit granted under s42B; and</li> <li>p) make minor amendments in accordance with s43 to a permit granted under s42B</li> </ul>	
<b>PART 4</b>	<b>ENFORCEMENT OF PLANNING CONTROL</b>	
Part 4 Generally	<p>Authority to require the making of a permit application and to undertake actions and proceedings in pursuance of the Council's obligations as a planning authority to observe and enforce compliance of a planning scheme; including –</p> <ul style="list-style-type: none"> <li>i) to give such advice, consultation, referral or notification as required under this Part;</li> <li>ii) to represent the Council and to give evidence before the Resource Management and Planning Appeal Tribunal in respect of any appeal against a decision on a planning permit;</li> <li>iii) to initiate legal proceedings for any use of land, development or act if:- <ul style="list-style-type: none"> <li>- contrary to a State Policy, planning scheme or special planning scheme;</li> <li>- an obstruction of a planning scheme or special planning scheme; or</li> <li>- a breach of a condition or restriction of a planning permit.</li> </ul> </li> </ul>	Nil
s30C(4)	Terms of reference in relation to draft amendment of the SPPs	Nil
s35C	Notice of exhibition of draft LPS	Nil
s35M	Notice of approval of Local Provisions Schedules	Nil
s35P(1)(a)	Review of LPS	Notification only.

Section	Function or Power	Conditions or Restrictions
s40T(6)	Permit application that requires amendment to the LPS	Nil
s40G	Amendment of LPS - Notice of exhibition	Nil
s40U	Combined permit and amendment process - Additional information	Nil
s43(2)	Amend a permit	Nil
s43(6)	Notify persons of amendment to permit	Nil
s43(7)	Notify EPA of amendment to permit	Nil
s43(9)	Notify Commission of amendment to permit	Nil
s43(10)	Notify Heritage Council of amendment to permit	Nil
s48AA	Enforcement of major project permits	Nil
s48A	Notice to remove signs	Nil
s51	Permits	Nil
S51A	Fees payable for application	Nil
S52(1B)	Procedure if applicant is not the owner	Nil
s53(5A)	Granting extension to period to substantially commence	Nil
s54	Additional information	Nil
s55	Correction of mistakes in a permit	Nil
s56	Minor amendments of permits	Nil
S56AA	Fees for amendment of permits under section 56	Nil
s57(2)	Applications for discretionary permit	But only if the proposed use or development is prohibited by the scheme.
s57(3)	Notify application for a discretionary permit	Nil
s57(5)	Allow additional time for person to submit representation	Nil

Section	Function or Power	Conditions or Restrictions
s57(6)	Grant a discretionary permit with or without conditions	If: (a) there are no representations making objection to grant of a permit; or (b) there are representations making objection on grounds that are not matters applicable for determination of the permit application; or (c) if the planning authority cannot make a decision in relation to a permit referred to it for decision (i.e. a tied vote, lack of a quorum) the Chief Executive Officer is delegated to make the decision to ensure a deemed approval is avoided
s57(6A)	Negotiate an extension of time for determination of a permit application	Nil
s57A	Mediation	Authority to undertake mediation on any appeal arising out of a decision on a planning permit and to bind Council to agreements within the mediation on any matter that the Council has a proper power relevant to the permit application under LUPAA
s58	Application for other permits	Grant of a permit if the use or development complies to all applicable regulatory requirements
s59	Determine an application for a permit if the statutory time has elapsed	Subject to the same qualifications as applied to a S.57 decision.
s60	Council responding and issuing notices relating to compliance with certain permit conditions	Nil
s60H(3)	Take all reasonable steps to provide information requested by the Minister	Nil
s60I(3)	Take all reasonable steps to provide information requested by the Minister	Nil
s60Q(5)	Notification and exhibition of project	Nil
s60S(4)(b)	Refund of ordinary permit where declaration of major project is made	Nil

Section	Function or Power	Conditions or Restrictions
s60S(5)	Refund of ordinary permit where declaration of major project is amended under s. 60TG(2) so that the declaration also relates to an additional area of land	Nil
s60SA(6)	Service of certificate of development completion	Nil
s60TD(1)	Notice of request under s.60TC(1)	Nil
s60TH	Notice of amendment of declaration of a major project to be given	Nil
s60ZX(1)	Provision to Panel of further information	Nil
s60ZZP (10)	Major project permit may be granted subject to conditions or restrictions	Nil
s60ZZZAA (5)	Determination as to whether, and the manner in which, proposed significant amendment may be assessed	Nil
s60ZZZAB	Enforcement certificates	Nil
s61	Represent the Council in an appeal against a permit decision	Representation of Council at an appeal hearing - apart from if the decision of Council was contrary to the written recommendation.
s63	Initiate legal proceedings for obstruction of a planning scheme	Nil
s63A	Initiate legal proceedings to enforce compliance with planning scheme or a permit	Nil
s63B(3)	Notice of suspected contravention, &c., may be given	Nil
s64	Initiate civil enforcement proceedings for breach of a planning scheme or a permit	Nil
s65B(5)	Notice of intention to issue enforcement notice	Nil
s65G	Cancellation of permits	Nil
s65I(2)	Appoint authorised officers	Nil

Section	Function or Power	Conditions or Restrictions
Part 4 Generally	Authority to represent the planning authority or to appoint a person to represent the planning authority and to give evidence, on a planning appeal or other action, including any mediation, before the Tasmanian Civil & Administrative Tribunal or any other body of competent jurisdiction.	Except where the Council makes such decision contrary to the written advice or recommendation.
PART 5	<b>AGREEMENTS</b>	
s71	Require an Agreement	Includes authority to negotiate the terms, conditions and duration of an agreement, with the condition that the final approval of an agreement shall be given by the Chief Executive Officer.
s74(3)	Duration of agreement	Nil
s75	Amend agreements	Nil
s76	Lodge Agreement with Commission	Nil
s78	Registration of agreements	Nil
s80	Represent the Council or appoint a person (legal practitioner) to represent the Council in proceedings before the Appeal Tribunal	Nil
s84	Serve notices or other documents	Nil

#### [LAND USE PLANNING AND APPROVALS REGULATIONS 2014](#)

Section	Function or Power	Conditions or Restrictions
Reg. 5	Notice of approval of Local Provisions Schedule	Nil
Reg. 7	Advertisement of exhibition of draft amendments	Nil
Reg. 8	Notice of approval of draft amendment	Nil
Reg. 8A	Notice of approval of Local Provisions Schedule.	Nil
Reg. 9	Notice of application for permit	Nil

#### [LITTER ACT 2007](#)

Section	Function or Power	Conditions or Restrictions
s.22 LGA 1993	All of Council's powers and functions under the <i>Litter Act 2007</i>	Nil

### LOCAL GOVERNMENT ACT 1993

Section	Function or Power	Conditions or Restrictions
s22	All of Council's powers and functions under section 74, 75, 81, 175, 185, 189, 200, 201, 207, 209 and 252	In accordance with any Council adopted policies and procedures.
s22	All of Council's powers and functions under section 72, 72B	Relates only to the preparation of the Annual Report and the convening of the Annual General Meeting.
s22	All of Council's powers and functions under sections 76, 77, 124, 126, 127, 133, 134 and 135	In accordance with any Council adopted policies and procedures. Remission of rates, fees, or charges above \$500 to be referred to Council. Not to be sub-delegated. See s 22.
s22	All of Council's powers and functions under section 190(3), 193, 197	Nil
s333A	Inviting tenders for any contract for the supply of goods and services valued at or above the prescribed amount	To comply with the Council's Code for Tenders and Contracts.
s64	Authority to sub-delegate any powers and functions delegated under any Act or Regulation to the general manager to employees or other persons as the general manager deems appropriate.	The Chief Executive Officer is to ensure any person provided with a delegation has the necessary qualification or skills to accept the responsibly.

### LOCAL GOVERNMENT (BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and functions contained in the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i>	Nil

### LOCAL GOVERNMENT (GENERAL) REGULATIONS 2015

Section	Function or Power	Conditions or Restrictions
Reg 23	Public tenders	Comply with Council's Code for Tenders and Contracts.
Reg 25	Multiple-use register	Comply with Council's Code for Tenders and Contracts.
Reg 26 (1)	Multi-stage tender	Comply with Council's Code for Tenders and Contracts.

## LOCAL GOVERNMENT (HIGHWAYS) ACT 1982

Section	Function or Power	Conditions or Restrictions
s124 (1)	All of Council's powers and functions contained in the <i>Local Government (Highways) Act 1982</i>	Excludes sections 12(1), 15(3), 61, 73, 80, 114(8), and condition on s104 (2) must be in accordance with the annual schedule of fees and charges.

## MONETARY PENALTIES ACT 2005

Section	Function or Power	Conditions or Restrictions
s17(2)	Options for dealing with infringement notice Approve or refuse an application for the withdrawal of an infringement notice or a variation of an infringement notice, and notify the applicant of the approval or refusal	Nil
s18(1)	Referral to Director of Monetary Penalties Enforcement Service The Council may refer an infringement notice served by it to the Director for enforcement	Nil
s23	Withdrawal of infringement notice The Council may withdraw an infringement notice served by it. The Council is required to advise the offender in writing and advise the Director MPES if the notice was referred to MPES	Nil
s28(3)-(4)	Receive application for variation of payment conditions A person served with an infringement notice may apply to the Council for a variation of payment conditions	Nil
s39(1)	Council may issue proceedings if alleged offender elects hearing If an alleged offender elects to have offences heard and determined by a court the Council may commence proceedings	Nil
s40(3)	Council may consent to setting aside of conviction The Council may consent to an application by a person convicted to the setting aside of that conviction	Nil

### PLACE NAMES ACT 2020

Section	Function or Power	Conditions or Restrictions
s11(2) s11(3) s11(4)	All of the powers and functions of Council relating to the naming of roads, streets.	Nil

### PUBLIC HEALTH ACT 1997

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and functions contained in the <i>Public Health Act 1997</i>	Excludes s185(1) setting council fees

### PUBLIC INTEREST DISCLOSURES ACT 2002

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and functions under the <i>Public Interest Disclosures Act 2002</i>	Nil

### RIGHT TO INFORMATION ACT 2009

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and functions as a public authority under the <i>Right to Information Act 2009</i>	Nil

### ROADS AND JETTIES ACT 1935

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and functions contained in the <i>Roads and Jetties Act 1935</i>	Nil

### STRATA TITLES ACT 1993

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and functions contained in the <i>Strata Titles Act 1993</i>	Nil



### SURVEY COORDINATION ACT 1944

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and functions under the <i>Survey Coordination Act 1994</i>	Nil

### TRAFFIC ACT 1925

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and functions under the <i>Traffic Act 1925</i>	Nil

### URBAN DRAINS ACT 2013

Section	Function or Power	Conditions or Restrictions
s22 LGA 1993	All of Council's powers and functions under the <i>Urban Drains Act 2013</i>	Nil

## MISCELLANEOUS POWERS AND FUNCTIONS

<b>Function or Power</b>
To call for and accept quotations, tenders or auction the disposal of surplus or redundant plant, equipment or materials.
To approve the taking over by the Council of engineering works involved in the development of a subdivision subject to certification by the Council's Engineer that all the items, including maintenance, have been satisfactorily completed and "as constructed" drawings have been received.
To institute, defend, abandon, settle or compromise any proceedings before any tribunal for the recovery of debts due to the Council or for breaches of any By-laws or statutes affecting the Council, or to protect, recover or secure recompense for damage to or loss of any property of the Council.
To authorise and to institute proceedings for non-compliance with any order or notice lawfully made or given by or on behalf of the Council, and where such order or notice is not complied with, to authorise the carrying out of the necessary work where the Council has the power to do so.
In consultation with the Mayor, to issue or publish or cause to be issued or publish statements of fact relating to Council's activities or policies.
To seek legal advice and to complete affidavits on behalf of Council in accordance with Council policies or in any matter where the Council is a party to legal proceedings.
To sign all contracts, leases and agreements on behalf of Council in accordance with Council policies.
To control and supervise all contracts and to approve expenditure authorised thereunder in the relevant budget, including contingency provisions. Any expenditure exceeding the approved budget shall be reported to Council for information at the first Council meeting following the date when expenditure was incurred.
To approve tenders and contracts up to the limits established by the Council under its adopted Code for Tenders and Contracts.
Purchase of goods, services, works and payment of contracts up to \$1,000,000. Any payments which exceed the approved budget shall be reported to the Council for information at the first Council meeting following the date when the expenditure was incurred.
To authorise the carrying out by Council of private works for other parties.
To determine the use of public roads for walk-a thons, charitable collections or other like events.
To authorise the closure of roads or parts thereof temporarily for repairs or construction.

<b>Function or Power</b>
To authorise the total or partial release of bonds, guarantees and security deposits where the relevant Manager has certified that the work or thing which the bond, guarantee or security deposit relates has been satisfied in whole or in part and to call on any bonds, guarantees or security deposits where the work secured has not been carried out in accordance with Council requirements.
To authorise the use of Council's plant and equipment in emergencies at the request of the State Emergency Services, Tasmania Police, or the State Fire Authority.
To make payments of donations in keeping with Council policy.
To approve or refuse, upon written application, requests to consume intoxicating liquor on Council reserves or premises.
To lend materials from Council stock in emergency circumstances as determined by the Chief Executive Officer subject to the provision of a written acknowledgement of receipt of an undertaking to replace within a set time.
To approve conditionally or otherwise all temporary signs and hoardings.
Authority to appoint "Authorised Officers" or "Council Officers" where such are required to be appointed under the <i>Local Government Act 1993</i> or any other Act and to issue "Certificates of Authority" to those officers where required.
The affixing of the Council's common seal. Any use of the common seal is to be reported to Council at the next available Ordinary Meeting.
To act in the role of administering and facilitating the orderly administration of the Act in accordance with the provisions of the <i>Litter Act 2007</i> .
Act as a signatory to the financial transactions of Council.
Approve the taking over of engineering works involved in the development of a subdivision subject to the recommendation by the appropriate Council Officer.
Authorise the total or partial release of bonds, guarantees and security deposits subject to the recommendation by the appropriate Council Officer, or to call on any bonds, guarantees and deposits where the work as secured has not been carried out in accordance with Council's requirements.
Subject to the provisions of any Act, permit or refuse to permit the disposal of waste at the Council Resource Recovery Centre.

**SIGNING PAGE**

For and on behalf of the Central Coast Council.

The common seal of the Central Coast Council was hereunto affixed this ..... April 2024 pursuant to the resolution (Minute Ref. ....) of Council passed on 15 April 2024 in the presence of us:

.....

Cr Cheryl Fuller  
**MAYOR**

**Acknowledgement of Receipt by Employee**

I, **Barry Omundson**, being an employee of the Central Coast Council and appointed as **Chief Executive Officer**, acknowledge receipt of the delegations and/or authorisations identified in this Instrument, and undertake to exercise these functions and powers in accordance with the conditions prescribed.

.....

Barry Omundson

**CHIEF EXECUTIVE OFFICER**

Date .....



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

Period: 1 March 2024 to 31 March 2024

**Building Permits and Certificates**

<b>Building Permits – Category 4</b>	<b>Number Issued</b>	<b>Cost of Works</b>
Additions / Alterations		
Demolition Permits		
New Dwellings	2	\$650,000
Outbuildings		
Units		
Other	1	\$1,050,000
Permit of Substantial Compliance	1	\$35,000
<b>Notifiable Works – Category 3</b>	<b>Number Issued</b>	<b>Combined \$ Amount</b>
Additions / Alterations	1	\$250,000
Demolition Permits	0	\$0
New Dwellings	12	\$7,773,261
Outbuildings	4	\$281,195
Units	0	\$0
Other	0	\$0

**Plumbing Permits and Certificates**

<b>Plumbing Permits – Category 4</b>	<b>Number Issued</b>	<b>–</b>
Plumbing Permit	4	
<b>Notifiable Works – Category 3</b>		
Certificate of Likely Compliance	10	

**Fire Abatements Notices**

<b>Fire Abatement Notices Issued</b>	<b>Property Cleared by Contractor</b>
2	0

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

Period: 1 March 2024 to 31 March 2024

**Dogs Impounded by Central Coast Council**

Number of Dogs Impounded	Dogs Claimed	Dogs to Dogs Home

**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	0
Kennel Licence Renewals	0
Permits under <i>Animal Control By-law No.1 of 2018</i>	0
Unregistered dogs located by Compliance	12
Wandering livestock	1

**Dog Infringement Notices Issued**

Off-lead in On-Lead Locations	Patrols	Cautions	Infringements
Buttons Beach	12	0	0
Midway Beach	24	0	0
Penguin Beach	24	1	0
Turners Beach	16	2	2

**Patrols of Free Camping Areas**

Camping Area	Patrols Conducted	Cautions Issued
Bannons Park	6	0
Battons Park	0	0
Forth Recreation Ground	24	25
Halls Point [Closed Area]	24	0
Nicholson Point	17	4
Penguin Surf Life Saving Precinct	24	0
Midway Point	24	39

### Traffic Infringement Notices for Parking Offences

Traffic Infringement Location	Number Issued	Percentage
Alexandra Road	0	-
Bannons Carpark	0	-
Coles/Furner's Carpark	0	-
Crescent Street, Ulverstone	10	66.7%
King Edward Street, Ulverstone	4	26.6%
Main Road, Penguin	0	-
North Reibey Street Carpark	0	-
Reibey Street	0	-
Main Street	1	6.6%
Victoria Street	0	-
Wongi Lane	0	-

### Water Sampling / Testing (Public Health Act 1997, Rec Water Guidelines 2007)

Sample Location	Number of Samples Tested	Number of non-compliant Results
Beach - Midway Point Beach	2	
Beach - Penguin Surf LS Club	3	
Beach - Johnsons Beach	4	
Beach - Penguin Main Beach	4	
Beach - West Ulverstone Beach	4	
Beach - Picnic Point Beach (East)	4	
Beach - Ulverstone Surf LS Club	4	
Beach - Turners Beach	3	
River - Ulverstone Wharf	4	TasWater sewer overflow on 16/3/24 did not affect sampling results on 18/3
Environmental Site	1	1
Pool - East Ulverstone Indoor	1	
Pool - Ulverstone Water Slide	1	
<b>Self-Testing Locations</b>	-	-
Pool - Mt St Vincent Home	1	
Pool - Beachway Hotel	1	
<b>TOTALS</b>	<b>40</b>	<b>1</b>

### Environmental Health Complaints

Complaint Type	Number of Complaints	Complaints Resolved?
Food Business		
Registerable Business		
Community Noise	10	8 - Yes 2- pending noise logs
Building Noise		
Backyard Burning	1	EPN and infringement to be issued
Chimney Smoke		
Smoke nuisance		
General Pollution (Inc. sewer spills)	5	2 - Yes 3 - Ongoing investigation of illegal dumping, spray painting nuisance and failing septic spill
Water Pollution		
Odour	17	All regarding the same issue at South Road. Action being taken to remove the source of the smell. Ongoing since October 2023. EPA involved.



**Food Business (Food Act 2003)**

<b>Food Business Registration Type</b>	<b>Number Registrations Issued</b>	<b>Number Registrations Renewed</b>
Fixed	1	-
Mobile (Statewide)	-	-
Notifiable (P3-N, P4, Non-renewable)	1	-
One-off Events	2	-
Roadside Vending	-	-

<b>Food Business Inspections Conducted</b>	<b>Fixed</b>	<b>Mobile</b>	<b>One-Off Events</b>
Pre-registration/Initial	1	-	-
Scheduled	2	3	-
Complaint	-	-	-
Re-Inspection/Follow up	-	-	-
Mobile - inspected for another Council	-	5	-
Mobile - inspected by another Council	-	2 Devonport	-

<b>Food Business Closures</b>	<b>Fixed</b>	<b>Mobile</b>
Failed to register		
Moving to new premises		
Closed business/no longer operating	1	6 (One-off events)

<b>Non-compliance - Further Action</b>	<b>Fixed</b>	<b>Mobile</b>	<b>One-Off Events</b>
Improvement Notice			
Infringement	2 Pending		

**Registerable Business PHRA (Public Health Act 2003)**

<b>PHRA Registerable Health Risk Activity Registerable Business</b>	<b>Registrations Issued</b>	<b>Registrations Renewed</b>
PHRA - Registered Premises		
PHRA - Licensed Persons		
PHRA - Regulated Systems Cooling Towers		
PHRA - Private Water Supplier and Carters		

**Other Non-Compliance (Environmental Management and Pollution Control Act 1994)**

<b>Non-Compliance - Further Action</b>	<b>Total</b>
Environmental Protection Notice	1 Pending
Infringement - Environmental Nuisance s53(2)	1 Pending

**On-Site Wastewater Systems (Building Act 2016)**

<b>On-site Wastewater Management Systems</b>	<b>Total</b>
Assessments	10
Approvals	10
Inspections	
Compliance	10

**Other Licenses and Approvals**

<b>Other Licenses and Approvals</b>	<b>Assessments</b>	<b>Approvals</b>
Place of Assembly (POA) License		
Environmental Health Officer Report (Form 49)	1	1
Occupancy Permit (EHO - Form 50)		



Daryl Connelly  
DIRECTOR COMMUNITY, GROWTH & DEVELOPMENT

**Central Coast Council**  
**List of Development Applications Determined**  
**Period from: 1 March 2024 to 31 March 2024**

Application Number Display	Address	DA Type	Proposed use	Application Date	Decision Date	Day determined	Cost Of Works
DA2023020	21 Maskells Road ULVERSTONE,TAS,7315	Discretionary	Community Meeting and Entertainment - Meeting rooms, storage ancillary to the use and the reinstatement of three historic buildings	6/02/2023	4/03/2024	41	\$430,000.00
DA2023109	6 Johnsons Beach Road PENGUIN,TAS,7316	Discretionary	Visitor Accommodation - manager's residence - retrospective application	2/05/2023	19/03/2024	40	\$10,000.00
DA2023182	120 Pine Road PENGUIN,TAS,7316	Discretionary	Subdivision - excision of existing single dwelling and garage	5/07/2023	5/03/2024	43	\$20,000.00
DA2024001	258 Westella Drive TURNERS BEACH,TAS,7315	Permitted	Residential -multiple dwellings x 2	3/01/2024	22/03/2024	9	\$700,000.00
DA2024017	26 Berkshire Parade PENGUIN,TAS,7316	Discretionary	Residential - carport	1/02/2024	28/03/2024	36	\$8,500.00
DA2024020	519 Swamp Road SPRENT,TAS,7315	Permitted	Residential - retrospective verandah	2/02/2024	5/03/2024	22	\$0.00
DA2024022	15 Lillian Court TURNERS BEACH,TAS,7315	Discretionary	Residential - single dwelling and retaining walls	5/02/2024	19/03/2024	36	\$310,000.00
DA2024024	9 Griffin Place SULPHUR CREEK,TAS,7316	Discretionary	Residential - single dwelling and shed	5/02/2024	28/03/2024	37	\$530,000.00
DA2024030	2 Frith Street PENGUIN,TAS,7316	Permitted	Subdivision - 2 residential lots	6/02/2024	15/03/2024	31	\$30,000.00
DA2024032	61 Main Street & 29 Alexandra Road ULVERSTONE,TAS,7315	Discretionary	Subdivision - boundary adjustment – Site coverage; Lot design; and reliance on C3.0 Road and Railway Assets Code	7/02/2024	25/03/2024	35	\$5,000.00
DA2024033	11 Clerke Street LEITH,TAS,7315	Discretionary	Subdivision - 2 residential lots	7/02/2024	28/03/2024	45	\$10,000.00
DA2024036	39 Hull Street LEITH,TAS,7315	Permitted	Residential (Home Based Business and Shed)	9/02/2024	5/03/2024	18	\$50,000.00
DA2024040	1B Racecourse Crescent TURNERS BEACH,TAS,7315	Discretionary	Residential - single dwelling and shed	12/02/2024	28/03/2024	36	\$500,000.00
DA2024043	1 Forth Road TURNERS BEACH,TAS,7315	Permitted	Residential - three cottages to block of land with existing single unit on site	14/02/2024	12/03/2024	27	\$315,000.00
DA2024047	2 Braddon Street WEST ULVERSTONE,TAS,7315	Discretionary	Residential - dwelling alterations and additions	14/02/2024	28/03/2024	41	\$300,000.00



## SCHEDULE OF INFRASTRUCTURE SERVICES DETERMINATIONS

Period: 1 March 2024 to 31 March 2024

### *Approval of Roadworks and Services*

Subdivider: Andrew Jamieson  
Location: 35 Eastland Drive, Ulverstone  
Number of lots: 2  
Engineer: Matthew Mayer  
(PDA Surveyors)

Subdivider: Philip Robertson & Tanya Mijak  
Location: 51 Alexander Road, Ulverstone  
Number of lots: 3  
Engineer: Matthew Mayer  
(PDA Surveyors)

Subdivider: Chris Treloar  
Location: 43 Main Street, Ulverstone  
Number of lots: 2  
Engineer: Matthew Mayer  
(PDA Surveyors)

A handwritten signature in black ink, appearing to read "Mark".

Mark Wisniewski  
ACTING DIRECTOR INFRASTRUCTURE SERVICES

# Central Coast Council

## Rates and Charges Policy

April 2024

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## PURPOSE

The purpose of the Council's Rates and Charges Policy is to provide clear information to ratepayers about the Council's rating structure and to outline the Council's approach towards rating its community. The objective is to provide transparency to the community about how the Council makes decisions in relation to setting its annual rates and charges, and how the Council distributes the rate burden across its community.

## RATING STRATEGY

The Central Coast Council acknowledges that rates constitute a taxation system for Local Government purposes, as required by the *Local Government Act 1993*.

In setting rates, the Council considers the amount of revenue required to fund the delivery of services and activities set out in the Annual Plan and Budget and to meet the goals and objectives of the Council's strategic directions.

The Central Coast Council is committed to providing *fairness* and *equity* to all ratepayers.

In setting its rates and charges, the Council considers the current economic climate, capacity to pay for services, and must balance the burden fairly across the community, considering both capacities to pay and the benefit principle.

The Council will aim to minimise the increase in revenue by effectively managing costs during the budget deliberation process and exploring opportunities for revenue from other sources.

Copies of the Rates and Charges Policy will be made accessible via the Council's website at [www.centralcoast.tas.gov.au](http://www.centralcoast.tas.gov.au) and are available for inspection at, or copies may be obtained from, the Council's Administration Centre, 19 King Edward Street, Ulverstone and Service Centre, 78 Main Road, Penguin.

## PROPERTY VALUATIONS

The Office of the Valuer-General will give the Council valuations at regular intervals (usually every six years) in accordance with the *Valuations Act 2001*.

Under section 89A of the Act, the Council has the choice of three bases of value in which to base its rates and charges calculations:

- . Land Value;
- . Capital Value;
- . Assessed Annual Value (AAV).

The Central Coast Council along with most other councils in Tasmania, use the AAV for calculating its rates and charges (with the exception of its fixed service charges). The AAV is an estimate of the rental value of the property or four percent of the capital value of the property (whichever is greater).

All ratepayers have the right to contest their valuation directly with the Valuer-General's Office.

The Valuer-General regularly issues AAV Adjustment Factors to ensure that property assessments accurately reflect changes in the property market and keep up with fluctuations between full revaluations. The Council must by law, apply these Adjustment Factors to properties when levying its rates and charges.

There is currently no method available to ratepayers to contest Adjustment Factors.

## SUPPLEMENTARY VALUATIONS

In certain circumstances, valuations must be determined between general valuations. These are known as supplementary valuations and are required when circumstances of a property change which affects the property value.

Some circumstances that may trigger a supplementary valuation include:

- (a) Subdivision of land.
- (b) Demolition of building(s) on land.
- (c) Improvements, including extensions or renovations.
- (d) Construction of a new building(s) on the land.
- (e) A change in the land's usage.
- (f) Realignment of a boundary.

When any of the above situations arise, a supplementary valuation will be undertaken by the Valuer-General. The supplementary valuations will bring the valuation of the property in line with the general valuation of other properties in the municipality. Values are assessed at the same date of the general valuation currently in use.

If a supplementary valuation is made of any land prior to the end of any financial year the Council will adjust the amount payable in respect of any rate for that land for that financial year.

If an adjusted rate is made of any land, the Chief Executive Officer will issue a rate notice, with the amount shown as credited or payable on that notice due to be paid within 30 days of the date on which that notice was issued.

## RATING METHODOLOGY

The *Local Government Act 1993* provides for a council to raise revenue for the purposes of providing broad services to the community. The Act provides a range of methods for councils to raise rates in a way each council deems is most suitable for their own municipal area.

When considering how the rate burden will be distributed, the Council considers the ability to pay and the fact that some members of the community benefit more from certain services.



The Council has established a rating structure comprising of two key elements – general and service rates.

**Service rates** are set to recover the cost of the specific service/s provided and are a user pays component of the total rates raised. Council levies service charges for waste services and fire levy.

**General rates** are levied based on the Annual Assessed Value (AAV) of properties determined by the Valuer-General. Property values are generally considered a reasonable proxy for assessing a ratepayer’s capacity to pay.

#### *GENERAL RATE*

The Council has chosen to apply Section 107 Variations in rates using the use or predominant use of the land as supplied by the Valuer-General. The purpose of the variations is to assist in managing volatility that can arise from valuations and material shifts in rate burden from one land use group to another.

#### *MINIMUM GENERAL RATE PAYABLE*

The Council considers it appropriate that all rateable properties make a base-level contribution to the cost of administering Council activities and the cost of creating and maintaining the physical infrastructure that supports each property. Therefore, the Council has set a minimum General Rate payable.

#### *FIRE LEVY SERVICE CHARGE*

The Council is required to collect a mandatory State Government service rate for the State Fire Levy.

The fire levy rate applies to all rateable land and includes a minimum amount payable in respect of the fire levy.

The Council is required to remit revenue raised to the State Fire Commission and does not determine how the revenue is to be spent. A commission of the revenue collected is provided by the State Fire Commission for collection of the levy.

#### *WASTE MANAGEMENT SERVICE CHARGE*

A Waste Management Service Charge is payable in respect of all rateable land to which a collection service is supplied or made available.

## **EXEMPTIONS**

The Council is mindful that wherever properties are exempt from paying council rates, those rates foregone must be contributed by the rest of the community. The principle of equity dictates that the Council remains diligent in only granting exemptions where they are warranted and prescribed by the *Local Government Act 1993*.

Where exempt properties become rateable part of the way through the financial year, rates are then calculated and recovered.

## REBATES AND REMISSIONS

Rates foregone through rebates and discounts must be contributed equitably across the remainder of the ratepayer base.

The Council acts responsibly to only award exemptions and mandatory rebates where they are warranted to minimise this impact on the general community.

In certain circumstances, rates levied against some properties are rebated according to mandatory provisions of the *Local Government Act 1993*.

Discretionary remissions are reviewed on a case-by-case basis under section 129 of the *Local Government Act 1993*. Applications must be made in writing and be addressed to the Chief Executive Officer.

### *REMISSIONS ON UNOCCUPIED PROPERTY*

The Council will consider a remission where a separate house and flat are located at the same premises, but the flat is not being occupied as a separate household.

This will be considered upon the production by the owner each year of a statutory declaration to the effect that the flat is not being let and/or used as a single dwelling separate to the principal dwelling house and that any second power connection has been removed.

Such a statutory declaration is to be lodged with the Council within the time approved for the granting of a discount.

Any difficult decisions as to whether a rating adjustment is granted is to rest with the Council.

### *RATE REBATE – CONSERVATION COVENANTS*

To assist the conservation and protection of significant flora and fauna and habitat values on private property by providing recognition and support to landholders with land voluntarily protected under conservation covenants.

Where land has been assessed as having a high conservation value, in return for the landowners agreeing to a conservation covenant being placed on the title, the Council will provide a financial incentive by way of a rate rebate.

The Policy applies to rateable land that has been covenanted in perpetuity under either the Private Forest Reserves Program or the Protected Areas on Private Land Program under Part 5 of the *Tasmanian Nature Conservation Act 2002*.

The rebate is set at \$5 per hectare per annum with a minimum of \$50 and a maximum of \$500.

Any request for relief is subject to an application by the landholder to the Council.

Eligible properties are determined by being listed in the Central Coast Council schedule provided annually by the Department of Natural Resources & Environment.

## **PENSIONER CONCESSIONS**

### *STATE GOVERNMENT PENSIONER REBATE*

Eligible pensioners as at 1 July each year are entitled to a State Government rate rebate of 30% up to a maximum amount. That maximum amount varies if they are also a TasWater customer.

This rebate applies only to a pensioner's principal place of residence, provided they satisfy the requirements of the State Government and hold a:

- . Pensioner Concession Card (PCC);
- . Veterans' Affairs Gold Card; or
- . Health Care Card (HCC), but excludes a Seniors Health Card.

The Council deducts the rebate for previously eligible Pensioner Remissions from rates prior to issuing notices, but requires new pensioners, pensioners who have recently relocated to this municipal area, or any pensioner who believes he/she should have been eligible for a Rate Remission, to complete an application form and lodge it with the Council.

The State Government verifies and approves the rebate applications each year, and if any rebate application is found to be ineligible the rebate amount will be revoked and payable by the ratepayer.

### *COUNCIL CONCESSION*

The Central Coast Council also provides an additional rate remission to eligible pensioners living alone.

## **PAYMENT OF RATES**

### *PAYMENT DUE DATES*

Payment options are determined by the Council each year as part of the budget process. Rates are levied in early July each year and are payable by four equal instalments. The due date for instalments being:

- First Instalment – 31 August
- Second Instalment – 30 November
- Third Instalment – 28 February
- Four Instalment – 31 May

### *DISCOUNT FOR EARLY PAYMENT*

A discount is offered to all ratepayers for payment of Rates and Charges in total on or before the 31st day of August.

The Discount does not apply to the collection of Fire Levies on behalf of the State Fire Commission.

## **NON-PAYMENT OF RATES**

### *INTEREST PENALTIES ON OVERDUE RATES*

If rates are not paid by the due date, daily interest will be charged in accordance with Section 128 of the Local Government Act 1993.

Penalties (in accordance with the Act) are calculated in accordance with the following formula:

$$P = \frac{LTB+6\%}{365}$$

where –

**P** – is the prescribed percentage; and

**LTB** – is the official ten-year long-term bond rate as determined by the Reserve Bank as at the close of business on the last day of business preceding 1 March.

The Council recognises cases of genuine hardship requiring compassion in special circumstances.

Ratepayers with an approved special payment arrangement in place will be eligible for the remitting of penalties. Applications must be made in writing to the Chief Executive Officer. Eligibility criteria include:

- (a) Satisfy the CEO that the remission should be granted based on financial hardship, and
- (b) the property is the ratepayer's principal place of residence, and
- (c) the ratepayer must enter into and maintain a suitable formal payment arrangement.

If an agreed special payment arrangement is not adhered to, the ratepayer may become ineligible for a remission of penalties.

For typical circumstances that are not of financial hardship, rates must be paid by the due date; otherwise, a daily penalty will apply.

### *NON-PAYMENT OF RATES*

The Council may take legal action to recover any overdue amounts, fines and interest.

If an amount payable by way of rates in respect of land has been in arrears for three years or more, the Council may sell the land in accordance with section 137 of the *Local Government Act 1993*.

## OBJECTIONS

A person may object to a rates notice on the grounds that:

- (a) the land specified in the rates notice is exempt;
- (b) the amount of rates is not correctly calculated;
- (c) the basis on which those rates are calculated does not apply;
- (d) he/she is not liable for payment for the rates specified in the notice;
- (e) he/she is not liable to pay those rates for the period specified in the rates notice.

Any objection must be in writing to the Chief Executive Officer and made within 28 days after receipt of the rates notice.

A person may appeal to the Magistrates Court for a review if the Chief Executive Officer:

- (a) fails to amend the rates notice within 30 days after lodging the objection.
- (b) refuses to amend the rates notice.

It is important to note that the lodgement of any objection does not change the due date for payment of rates. Rates must be paid in accordance with the Rates Notice until otherwise notified by the Council.

### *VALUATION OR LAND USE*

If a property owner believes that a particular property has been incorrectly valued or wrongly classified as to its land use, then an objection may be made to the Valuer-General within 60 days of being notified of the land valuation or land use classification.

## RELATED DOCUMENTS

- . Annual Plan and Budget Estimates
- . Financial Management Strategy
- . Financial Hardship Assistance Model Policy

## RELEVANT LEGISLATION

- . *Local Government Act 1993*
- . Part 5 of the *Tasmanian Nature Conservation Act 2002*

BARRY OMUNDSON  
Chief Executive Officer

Date of approval:        /        /  
Approved by: