
From: Carolyn Harris <carolyn.harris@centralcoast.tas.gov.au>
Sent: Tuesday, 27 February 2024 10:21 AM
To: TPC Enquiry
Subject: Central Coast - draft amendment LPS2023002
Attachments: 02-Council-Agenda-19-February-2024-WEB-final-1.pdf; Minute Extract - 50-2024 - 19 February 2024.pdf; Representations.pdf

Good morning,

Please find attached Council's section 40K report, minutes from the Agenda and a copy of all representations in relation to the above draft amendment.

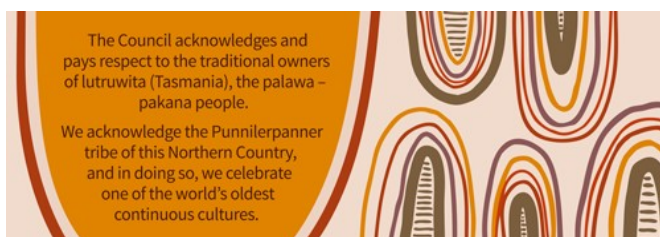
If you have any questions or require any clarification please do not hesitate to contact me.

Kind regards
Caorlyn

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**9.7 LPS2023002 – Draft Amendment to the Central Coast Local Provisions Schedule (LPS)
– to amend the Turners Beach Specific Area Plan – s.40K report on representations**

The Director Community, Growth and Development reports as follows:

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

<i>DRAFT AMENDMENT NUMBER:</i>	LPS2023002
<i>PROPOSED AMENDMENT:</i>	Amend the Turners Beach Specific Area Plan (the TBSAP)
<i>PLANNING INSTRUMENTS:</i>	<i>Land Use Planning and Approvals Act 1993</i> (the Act) and <i>Tasmanian Planning Scheme – Central Coast</i> (the planning scheme) and <i>Central Coast Local Provisions Schedule</i> (the LPS)
<i>APPLICANT</i>	Central Coast Council
<i>PUBLIC NOTIFICATION:</i>	2 December 2023 to 15 January 2024
<i>REPRESENTATIONS RECEIVED:</i>	14
<i>ANNEXURE 1:</i>	Representations

PURPOSE

The purpose of this report is to consider representations received in relation to LPS2023002.

BACKGROUND

The *Tasmanian Planning Scheme – Central Coast* came into effect on 27 October 2021. Existing provisions that were in effect under the prior *Central Coast Interim Planning Scheme 2013*, such as Specific Area Plans, were to be transitioned to the LPS with no amendment, unless a particular provision was inconsistent with the State Planning Provisions.

The TBSAP was noted to have been amended by the Commission when the planning scheme came into effect on 27 October 2021, and this, along with the general importance of periodic review, led to Council deciding to review the TBSAP.

The Amendment being considered by this report follows a review of and relates to the TBSAP. The Amendment includes the following:

- . Expand the Plan Purpose.
- . Delete and revise some of the Local Area Objectives.

- . Amend the Use Class Table.
- . Amend the provisions within the Acceptable Solutions and Performance Criteria under CCO-S5.7 Development Standards for Buildings and Works.

By amending the above, the draft Amendment seeks to:

- . Create more consistency with the established built area.
- . Create more consistency with the General Residential Zone, while still providing for local character.
- . Remove ambiguity and provide greater clarity.

The Council, in its role as the Planning Authority, resolved to initiate and certify the draft Amendment at its meeting held 20 November 2023 under s.40D of the Act.

DISCUSSION

Following the public exhibition of the draft Amendment, s.40K of the Act requires the Planning Authority to prepare a report containing:

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

Following submission of this s.40K report to the Commission, the Commission is to decide if a public hearing is to be held to examine the merits of any representations made, and the merits of the draft Amendment.

CONSULTATION AND REPRESENTATIONS

The draft Amendment was placed on public exhibition for a period of four weeks, from 2 December 2023 to 15 January 2023 (this included extra days added for when the Council office was closed over the Christmas break period). Site notices were placed on public boundaries within the TBSAP overlay area and an advertisement was placed in The Advocate newspaper on

2 December 2023 (Saturday) and 20 December 2023 (Wednesday).

Application documents and a report were made available for viewing at the Central Coast Council offices in Ulverstone, the Visitor Information Centre in Penguin, and were available for viewing and downloading from Council's website.

As the draft Amendment relates to an extensive area within Turners Beach, letters were also sent to all property owners within the TBSAP overlay area.

During the public notification period, 14 representations were received (13 against and 1 for). Refer to Annexure 1 to view copies of the representations received.

Prior to the draft Amendment being initiated, community consultation relating to the review of the TBSAP included media promotion, community workshops and discussion with the Turners Beach Community Representatives Committee.

The representations are summarised below:

COMMUNITY, GROWTH AND DEVELOPMENT

REPRESENTATION NO. 1 – HARRY LLOYD	
MATTERS RAISED	PLANNING AUTHORITY
<p>Happy to see the Council has dedicated a significant amount of time and effort towards the preservation of what makes Turners Beach a unique and desirable place to live. There are 2 changes proposed that will substantially undermine the character of Turners Beach if Council support the new Specific Area Plan without rejecting these two amendments.</p> <p>1 Remove Local Area Objective (f) which reads “provide for new residential development in waterfront locations of a scale and appearance to nestle within the landscape”.</p> <p>2 Increase the Performance Criteria P1.2 from “and is not more than 7.5m” to “and is not more than 8.5m”.</p> <p>In relation to Matter No. 1 the representor notes the following:</p> <p>(a) Keeping Local Area Objective (f) would provide clarity to Council in relation to development outcomes, facilitate the protection of native vegetation and the local dune, whilst ensuring the unique character of Turners Beach is protected as the area continues to develop.</p>	<p>In relation to Matter No. 1, please see Planning Authority comments:</p> <p>(a) The coastal dunes are protected under Codes within the planning scheme, being <i>C10.0 Coastal Erosion Hazard Code</i> and <i>C11.0 Coastal Inundation Hazard Code</i>. These Codes only apply to certain use and development. However, no footprint of buildings is allowed to encroach into the coastal dune area and must be accommodated within the respective property boundaries. Furthermore, it is considered that the expansion of Clause CCO-S5.7.3 of the planning scheme regarding vegetation as proposed in the draft Amendment, namely native vegetation, will create greater development controls regarding landscaping within the TBSAP area. This would then facilitate the unique coastal “feel”.</p> <p>(b) Local Area Objective (f) is very subjective. It is considered that other development controls within the TBSAP (such as those dealing with setbacks, height and vegetation) are provisions that can more objectively manage visual amenity. For example, Clause CCOS5.7.1(c), (d), (e) and (f) under Performance Criteria P1.2 and P2.2 of the planning scheme consider matters such as bulk, scale, privacy, separation and</p>

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<p>(b) Local Area Objective (f) provides a crucial link between the considerations under the Performance Criteria to the overall Local Area Objectives, and provides design considerations for developers not dissimilar to considerations (c), (d), (e) and (f) under Performance Criteria P1.2 and P2.2.</p> <p>(c) Considerations (c), (d), (e) and (f) under Performance Criteria P1.2 and P2.2 if looking to build above 5.5m up to a building height of 7.5m, consider visual impact upon surrounding properties and land.</p> <p>(d) Any amendments made to the TBSAP that weaken the protection of coastline amenity (such as removing Local Area Objective (f)), and increasing the acceptable height to 8.5m would be in conflict with the directives given by each of the State Governments (Victoria, NSW and Queensland).</p> <p>(e) Further to (d) above, representor also referenced Fact Sheet No. 3 – Tasmanian Planning Scheme – Residential Development which includes that local character can be protected within specific area plans to manage the unique areas.</p> <p>(f) Further to (d) above, representor also referenced the State Coastal Policy, particularly with the protection of coastal amenity. Example was provided where you can now see multiple dwellings protruding above the dune vegetation</p>	<p>potential overshadowing, and Clause CCO-S5.7.3 of the planning scheme considers vegetation/landscaping.</p> <p>(c) Please refer to comments made above in (b).</p> <p>(d) Planning requirements in other jurisdictions is not a matter that needs to be considered by the Planning Authority.</p> <p>(e) It is considered that the amended TBSAP would still allow the area to maintain its ‘uniqueness’ in terms of coastal and vegetation character.</p> <p>(f) The TBSAP applies to use and development within property boundaries. The planning scheme includes Codes such as <i>C10.0 Coastal Erosion Hazard Code</i> and <i>C11.0 Coastal Inundation Hazard Code</i> which allows assessment to protect coastal areas. The multiple dwellings mentioned obtained the necessary Permits. The planning scheme does not prevent any development from being seen by the public, including being seen from the beach. Rather, it ensures that any development is undertaken in a sustainable way whilst considering matters such as height, scale, bulk, visual amenity and many more.</p>
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<p>from the beach. States development standards are not strong enough to protect the amenity of Turners Beach and why should it be weakened more.</p> <p>In relation to Matter No. 2 the representor notes the following:</p> <ul style="list-style-type: none"> (a) Bringing height in line with General Residential Zone provision entirely defeats the purpose of having a specific area plan. (b) Questions a statement within the draft amendment that the increase of height to 8.5m would make the potential final height of buildings more in line with existing heights of buildings built prior to the introduction of the TBSAP. This does not provide any planning rationale for an amendment to building height. (c) Best practice in planning and development is continually updated and improved. It seems Council are giving in to pressure from developers and trying to increase building height because of the few houses built above the current SAP height allowance. (d) Council needs to recognise that the houses built above 7.5m and visible should not have been permitted and to instead strengthen the ways in which coastal amenity is protected. 	<p>In relation to Matter No. 2, please see Planning Authority comments:</p> <ul style="list-style-type: none"> (a) The TBSAP encompasses more than just height. It includes other factors, for example vegetation management and setback provisions. (b) Since the introduction of the TBSAP, the area subject to this specific area plan has been rezoned to General Residential. This occurred as it was acknowledged the established density, built development, and available infrastructure within the area was suitable for General Residential. Due to these changes and existing heights in the area, an increase to a mandatory 8.5m under the Performance Criteria pathway (increase of 1m) is not considered unreasonable. (c) Any application that exceeds 5.5m in height would still be required to go through a discretionary application process whether the final height is 7.5m or 8.5m. Matters such as bulk, scale, separation, privacy, overshadowing and landscaping (through vegetation) would still be assessed and any application must still provide justification and evidence as to why a Permit should be granted. (d) Please refer to comments made above in (g).
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<p>The representation also referred to access to consultation information. The representor notes the following:</p> <ul style="list-style-type: none"> (a) The report to Council amending the TBSAP references various community consultation sessions and an online survey, as evidence that the proposed changes “would reflect the general aspirations of the Turners Beach community”. This information was requested and advised that the changes are based on the view of staff and elected members, and consideration of anecdotal feedback received from the community. (b) No notes were provided from any community consultation to support Council’s claim. (c) Does not instil confidence that Council is acting in line with the “general aspirations” of the community. Council has been unable to present any evidence of consultation, either from community sessions or a survey. (d) Council admitted that the results from the survey can’t be relied on, and they were unable to locate any notes from the former Manager made during the consultation sessions. 	<p>In relation to access to consultation information, please see Planning Authority comments:</p> <ul style="list-style-type: none"> (a) Consultation sessions and the community survey provided staff with qualitative information which was part of several formal and informal inputs into the review of the TBSAP. Council is not suggesting that the proposed draft Amendment is reliant on empirical data. Formal opportunities for providing comment have also occurred in accordance with the <i>Land Use Planning and Approvals Act 1993</i>. (b) Please refer to comments made above in (a). (c) Please refer to comments made above in (a). (d) Please refer to comments made above in (a). (e) Please refer to comments made above in (a). <p>Conclusion: It is considered the representation would have no effect on the draft Amendment. Recommend no modification to the draft Amendment.</p>
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COMMUNITY, GROWTH AND DEVELOPMENT

REPRESENTATION NO. 2 – ISOBEL HORNIBLOW	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.
REPRESENTATION NO. 3 – WENDY KLINE	
MATTERS RAISED	PLANNING AUTHORITY
<p>This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.</p> <p>The representor did also include a cover letter, that outlined the following additional matters:</p> <p>(a) The timing of the changes to the TBSAP appears to be political and strategic on behalf of the Council. Residents received a letter regarding changes, dated 1 December 2023 with a response required by 15 January 2024. December/January is a time when the majority of interested parties are busy with Christmas and school holidays.</p>	<p>Please refer to Planning Authority comments made in representation No. 1.</p> <p>In relation to additional matters, please see Planning Authority comments:</p> <p>(a) The timing of the public exhibition coincided with when the draft Amendment could be considered at a Council meeting, which was November 2023. The public exhibition included additional days to allow for when Council was closed during the Christmas break period. Further, the review of the TBSAP has been widely publicised as addressed elsewhere in this report.</p>

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<p>(b) Site notices tacked to the occasional power pole in Turners Beach was considered by Council to be effective and sufficient of changes to the public is tokenistic.</p>	<p>(b) Site notices were placed in visual positions across the TBSAP overlay area. Not all information can be possibly included in the site notices but did include all areas the information could be viewed. In addition to the site notices, Council sent letters to all property owners with the TBSAP overlay area, a notice was placed in The Advocate and all documentation was available to be viewed at the Council offices in Ulverstone, Penguin Visitor Centre and on the Council website.</p> <p>Conclusion: It is considered the representation would have no effect on the draft Amendment. Recommend no modification to the draft Amendment.</p>
<p>REPRESENTATION NO. 4 – TURNERS BEACH COASTCARE INC.</p>	
<p>MATTERS RAISED</p>	<p>PLANNING AUTHORITY</p>
<p>This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.</p>	<p>Please refer to Planning Authority comments made in representation No. 1.</p>

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REPRESENTATION NO. 5 – TIM HORNIBLOW	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.
REPRESENTATION NO. 6 – TERESA BADROCK	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.
REPRESENTATION NO. 7 – ANTON BEZEMER	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.

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REPRESENTATION NO. 8 – STEPHANIE KLINE	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.
REPRESENTATION NO. 9 – LIAM RILEY	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.
REPRESENTATION NO. 10 – SIMON HORNIBLOW	
MATTERS RAISED	PLANNING AUTHORITY
<p>1 Ask Council to consider not allowing any increase in building height, for proposed dwellings on the blocks of land next to the primary dune in Turners Beach.</p> <p>2 Building height will be too high and consequently overlook the beach and dune area. This would permanently change</p>	<p>In relation to the matters raised, please see Planning Authority comments:</p> <p>(a) The increase in height would not alter the footprint allowed within a respective property boundary. All development would need to be contained entirely within the property</p>

COMMUNITY, GROWTH AND DEVELOPMENT

<p>the aesthetic values, and environmental processes of Turners Beach.</p>	<p>boundary and no encroachment could occur into the dune area.</p> <p>(b) Any application that exceeds 5.5m in height would still be required to go through a discretionary application process whether the final height is 7.5m or 8.5m. Matters such as bulk, scale, separation, privacy, overshadowing and landscaping through vegetation is still assessed and the application must still provide justification and evidence as to why a Permit should be granted.</p> <p>Conclusion: It is considered the representation would have no effect on the draft Amendment. Recommend no modification to the draft Amendment.</p>
<p>REPRESENTATION NO. 11 – EVA KLINE</p>	
<p>MATTERS RAISED</p>	<p>PLANNING AUTHORITY</p>
<p>This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.</p>	<p>Please refer to Planning Authority comments made in representation No. 1.</p>

COMMUNITY, GROWTH AND DEVELOPMENT

REPRESENTATION NO. 12 – DAREN & SUSAN BROADBY	
MATTERS RAISED	PLANNING AUTHORITY
<p>Supports the proposed amendment to the TBSAP. Particularly the following:</p> <ol style="list-style-type: none"> 1 Increase height from 7.5m to 8.5m. This will keep with the General Residential Zone and other buildings built in the area. Additional height will allow more opportunity for new homes or other renovated houses to increase their size by going up rather than taking up more of the available land. 2 Will allow to better provide space, taking into consideration the Bushfire Attack Level restrictions. 3 Encouraging front garden landscaping to use more native species (and not just grass) to keep the look and feel of Turners Beach as a coastal beachside residential area. <p>The representation did note that within Clause CCO-S5.7.3-(A1) and (P1) it mentions landscaping with native vegetation with a final growth of not less than 500m (maybe a typo and should read 500mm)?</p>	<p>Matters raised are noted.</p> <p>The typo error regarding 500m rather than 500mm is within the Council report, which included a table outlining all proposed changes. The actual proposed amended TBSAP has the correct measurement being 500mm.</p> <p>Conclusion: It is considered the representation would have no effect on the draft Amendment. Recommend no modification to the draft Amendment.</p>

COMMUNITY, GROWTH AND DEVELOPMENT

REPRESENTATION NO. 13 – PHILLIP KLINE	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.
REPRESENTATION NO. 14 – VICKEY SNARE	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, as well as costs that may be associated with a hearing on the matter.

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

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

Recommendation –

It is recommended that the Planning Authority:

- 1 Not make any changes to the draft Amendment.
- 2 Endorse this report and send a copy to the Tasmanian Planning Commission pursuant to s.40K of the *Land Use Planning and Approvals Act 1993*.
- 3 Delegate to the Director Community, Growth and Development its powers and functions to represent the Planning Authority at a hearing before the Commission, if required, pursuant to s.40L of the *Land Use Planning and Approvals Act 1993*.

The report is supported.”

The Executive Services Officer reports as follows:

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

■ “That the Planning Authority:

- 1 Not make any changes to the draft Amendment.
- 2 Endorse this report and send a copy to the Tasmanian Planning Commission pursuant to s.40K of the *Land Use Planning and Approvals Act 1993*.
- 3 Delegate to the Director Community, Growth and Development its powers and functions to represent the Planning Authority at a hearing before the Commission, if required, pursuant to s.40L of the *Land Use Planning and Approvals Act 1993*.”

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47/2024 Development application determinations

The Director Community, Growth and Development reported as follows:

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

The Executive Services Officer reported as follows:

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

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

Carried unanimously

48/2024 Council acting as a planning authority

The Mayor reported as follows:

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

The General Manager has submitted the following report:

‘If any such actions arise out of Minute Items 49/2024 and 50/2024, they are to be dealt with by the Council acting as a planning authority under the *Land Use Planning and Approvals Act 1993*.’”

The Executive Services Officer reported as follows:

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

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

Carried unanimously

50/2024 LPS2023002 – Draft Amendment to the Central Coast Local Provisions Schedule (LPS) – to amend the Turners Beach Specific Area Plan – s.40K report on representations

The Director Community, Growth and Development reported as follows:

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

<i>DRAFT AMENDMENT NUMBER:</i>	LPS2023002
<i>PROPOSED AMENDMENT:</i>	Amend the Turners Beach Specific Area Plan (the TBSAP)
<i>PLANNING INSTRUMENTS:</i>	<i>Land Use Planning and Approvals Act 1993</i> (the Act) and <i>Tasmanian Planning Scheme – Central Coast</i> (the planning scheme) and <i>Central Coast Local Provisions Schedule</i> (the LPS)
<i>APPLICANT</i>	Central Coast Council
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<i>ANNEXURE 1:</i>	Representations

PURPOSE

The purpose of this report is to consider representations received in relation to LPS2023002.

BACKGROUND

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The Amendment being considered by this report follows a review of and relates to the TBSAP. The Amendment includes the following:

- . Expand the Plan Purpose.

- . Delete and revise some of the Local Area Objectives.
- . Amend the Use Class Table.
- . Amend the provisions within the Acceptable Solutions and Performance Criteria under CCO-S5.7 Development Standards for Buildings and Works.

By amending the above, the draft Amendment seeks to:

- . Create more consistency with the established built area.
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The Council, in its role as the Planning Authority, resolved to initiate and certify the draft Amendment at its meeting held 20 November 2023 under s.40D of the Act.

DISCUSSION

Following the public exhibition of the draft Amendment, s.40K of the Act requires the Planning Authority to prepare a report containing:

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MATTERS RAISED	PLANNING AUTHORITY
<p>Happy to see the Council has dedicated a significant amount of time and effort towards the preservation of what makes Turners Beach a unique and desirable place to live. There are 2 changes proposed that will substantially undermine the character of Turners Beach if Council support the new Specific Area Plan without rejecting these two amendments.</p> <p>1 Remove Local Area Objective (f) which reads “provide for new residential development in waterfront locations of a scale and appearance to nestle within the landscape”.</p> <p>2 Increase the Performance Criteria P1.2 from “and is not more than 7.5m” to “and is not more than 8.5m”.</p> <p>In relation to Matter No. 1 the representor notes the following:</p> <p>(a) Keeping Local Area Objective (f) would provide clarity to Council in relation to development outcomes, facilitate the protection of native vegetation and the local dune, whilst ensuring the unique character of Turners Beach is protected as the area continues to develop.</p>	<p>In relation to Matter No. 1, please see Planning Authority comments:</p> <p>(a) The coastal dunes are protected under Codes within the planning scheme, being <i>C10.0 Coastal Erosion Hazard Code</i> and <i>C11.0 Coastal Inundation Hazard Code</i>. These Codes only apply to certain use and development. However, no footprint of buildings is allowed to encroach into the coastal dune area and must be accommodated within the respective property boundaries. Furthermore, it is considered that the expansion of Clause CCO–S5.7.3 of the planning scheme regarding vegetation as proposed in the draft Amendment, namely native vegetation, will create greater development controls regarding landscaping within the TBSAP area. This would then facilitate the unique coastal “feel”.</p> <p>(b) Local Area Objective (f) is very subjective. It is considered that other development controls within the TBSAP (such as those dealing with setbacks, height and vegetation) are provisions that can more objectively manage visual amenity. For example, Clause CCOS5.7.1(c), (d), (e) and (f) under Performance Criteria P1.2 and P2.2 of the planning scheme consider matters such as bulk, scale, privacy, separation and</p>

<p>(b) Local Area Objective (f) provides a crucial link between the considerations under the Performance Criteria to the overall Local Area Objectives, and provides design considerations for developers not dissimilar to considerations (c), (d), (e) and (f) under Performance Criteria P1.2 and P2.2.</p> <p>(c) Considerations (c), (d), (e) and (f) under Performance Criteria P1.2 and P2.2 if looking to build above 5.5m up to a building height of 7.5m, consider visual impact upon surrounding properties and land.</p> <p>(d) Any amendments made to the TBSAP that weaken the protection of coastline amenity (such as removing Local Area Objective (f)), and increasing the acceptable height to 8.5m would be in conflict with the directives given by each of the State Governments (Victoria, NSW and Queensland).</p> <p>(e) Further to (d) above, representor also referenced Fact Sheet No. 3 – Tasmanian Planning Scheme – Residential Development which includes that local character can be protected within specific area plans to manage the unique areas.</p> <p>(f) Further to (d) above, representor also referenced the State Coastal Policy, particularly with the protection of coastal amenity. Example was provided where you can now see multiple dwellings protruding above the dune vegetation</p>	<p>potential overshadowing, and Clause CCO–S5.7.3 of the planning scheme considers vegetation/landscaping.</p> <p>(c) Please refer to comments made above in (b).</p> <p>(d) Planning requirements in other jurisdictions is not a matter that needs to be considered by the Planning Authority.</p> <p>(e) It is considered that the amended TBSAP would still allow the area to maintain its ‘uniqueness’ in terms of coastal and vegetation character.</p> <p>(f) The TBSAP applies to use and development within property boundaries. The planning scheme includes Codes such as <i>C10.0 Coastal Erosion Hazard Code</i> and <i>C11.0 Coastal Inundation Hazard Code</i> which allows assessment to protect coastal areas. The multiple dwellings mentioned obtained the necessary Permits. The planning scheme does not prevent any development from being seen by the public, including being seen from the beach. Rather, it ensures that any development is undertaken in a sustainable way whilst considering matters such as height, scale, bulk, visual amenity and many more.</p>
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<p>from the beach. States development standards are not strong enough to protect the amenity of Turners Beach and why should it be weakened more.</p> <p>In relation to Matter No. 2 the representor notes the following:</p> <ul style="list-style-type: none"> (a) Bringing height in line with General Residential Zone provision entirely defeats the purpose of having a specific area plan. (b) Questions a statement within the draft amendment that the increase of height to 8.5m would make the potential final height of buildings more in line with existing heights of buildings built prior to the introduction of the TBSAP. This does not provide any planning rationale for an amendment to building height. (c) Best practice in planning and development is continually updated and improved. It seems Council are giving in to pressure from developers and trying to increase building height because of the few houses built above the current SAP height allowance. (d) Council needs to recognise that the houses built above 7.5m and visible should not have been permitted and to instead strengthen the ways in which coastal amenity is protected. 	<p>In relation to Matter No. 2, please see Planning Authority comments:</p> <ul style="list-style-type: none"> (a) The TBSAP encompasses more than just height. It includes other factors, for example vegetation management and setback provisions. (b) Since the introduction of the TBSAP, the area subject to this specific area plan has been rezoned to General Residential. This occurred as it was acknowledged the established density, built development, and available infrastructure within the area was suitable for General Residential. Due to these changes and existing heights in the area, an increase to a mandatory 8.5m under the Performance Criteria pathway (increase of 1m) is not considered unreasonable. (c) Any application that exceeds 5.5m in height would still be required to go through a discretionary application process whether the final height is 7.5m or 8.5m. Matters such as bulk, scale, separation, privacy, overshadowing and landscaping (through vegetation) would still be assessed and any application must still provide justification and evidence as to why a Permit should be granted. (d) Please refer to comments made above in (g).
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<p>The representation also referred to access to consultation information. The representor notes the following:</p> <ul style="list-style-type: none"> (a) The report to Council amending the TBSAP references various community consultation sessions and an online survey, as evidence that the proposed changes “would reflect the general aspirations of the Turners Beach community”. This information was requested and advised that the changes are based on the view of staff and elected members, and consideration of anecdotal feedback received from the community. (b) No notes were provided from any community consultation to support Council’s claim. (c) Does not instil confidence that Council is acting in line with the “general aspirations” of the community. Council has been unable to present any evidence of consultation, either from community sessions or a survey. (d) Council admitted that the results from the survey can’t be relied on, and they were unable to locate any notes from the former Manager made during the consultation sessions. 	<p>In relation to access to consultation information, please see Planning Authority comments:</p> <ul style="list-style-type: none"> (a) Consultation sessions and the community survey provided staff with qualitative information which was part of several formal and informal inputs into the review of the TBSAP. Council is not suggesting that the proposed draft Amendment is reliant on empirical data. Formal opportunities for providing comment have also occurred in accordance with the <i>Land Use Planning and Approvals Act 1993</i>. (b) Please refer to comments made above in (a). (c) Please refer to comments made above in (a). (d) Please refer to comments made above in (a). (e) Please refer to comments made above in (a). <p>Conclusion: It is considered the representation would have no effect on the draft Amendment. Recommend no modification to the draft Amendment.</p>
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REPRESENTATION NO. 2 – ISOBEL HORNIBLOW	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.
REPRESENTATION NO. 3 – WENDY KLINE	
MATTERS RAISED	PLANNING AUTHORITY
<p>This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.</p> <p>The representor did also include a cover letter, that outlined the following additional matters:</p> <p>(a) The timing of the changes to the TBSAP appears to be political and strategic on behalf of the Council. Residents received a letter regarding changes, dated 1 December 2023 with a response required by 15 January 2024. December/January is a time when the majority of interested parties are busy with Christmas and school holidays.</p>	<p>Please refer to Planning Authority comments made in representation No. 1.</p> <p>In relation to additional matters, please see Planning Authority comments:</p> <p>(a) The timing of the public exhibition coincided with when the draft Amendment could be considered at a Council meeting, which was November 2023. The public exhibition included additional days to allow for when Council was closed during the Christmas break period. Further, the review of the TBSAP has been widely publicised as addressed elsewhere in this report.</p>

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<p>(b) Site notices tacked to the occasional power pole in Turners Beach was considered by Council to be effective and sufficient of changes to the public is tokenistic.</p>	<p>(b) Site notices were placed in visual positions across the TBSAP overlay area. Not all information can be possibly included in the site notices but did include all areas the information could be viewed. In addition to the site notices, Council sent letters to all property owners with the TBSAP overlay area, a notice was placed in The Advocate and all documentation was available to be viewed at the Council offices in Ulverstone, Penguin Visitor Centre and on the Council website.</p> <p>Conclusion: It is considered the representation would have no effect on the draft Amendment. Recommend no modification to the draft Amendment.</p>
<p>REPRESENTATION NO. 4 – TURNERS BEACH COASTCARE INC.</p>	
<p>MATTERS RAISED</p>	<p>PLANNING AUTHORITY</p>
<p>This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.</p>	<p>Please refer to Planning Authority comments made in representation No. 1.</p>

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REPRESENTATION NO. 5 – TIM HORNIBLOW	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.
REPRESENTATION NO. 6 – TERESA BADROCK	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.
REPRESENTATION NO. 7 – ANTON BEZEMER	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.

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REPRESENTATION NO. 8 – STEPHANIE KLINE	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.
REPRESENTATION NO. 9 – LIAM RILEY	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.
REPRESENTATION NO. 10 – SIMON HORNIBLOW	
MATTERS RAISED	PLANNING AUTHORITY
<p>1 Ask Council to consider not allowing any increase in building height, for proposed dwellings on the blocks of land next to the primary dune in Turners Beach.</p> <p>2 Building height will be too high and consequently overlook the beach and dune area. This would permanently change</p>	<p>In relation to the matters raised, please see Planning Authority comments:</p> <p>(a) The increase in height would not alter the footprint allowed within a respective property boundary. All development would need to be contained entirely within the property</p>

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<p>the aesthetic values, and environmental processes of Turners Beach.</p>	<p>boundary and no encroachment could occur into the dune area.</p> <p>(b) Any application that exceeds 5.5m in height would still be required to go through a discretionary application process whether the final height is 7.5m or 8.5m. Matters such as bulk, scale, separation, privacy, overshadowing and landscaping through vegetation is still assessed and the application must still provide justification and evidence as to why a Permit should be granted.</p> <p>Conclusion: It is considered the representation would have no effect on the draft Amendment. Recommend no modification to the draft Amendment.</p>
<p>REPRESENTATION NO. 11 – EVA KLINE</p>	
<p>MATTERS RAISED</p>	<p>PLANNING AUTHORITY</p>
<p>This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.</p>	<p>Please refer to Planning Authority comments made in representation No. 1.</p>

REPRESENTATION NO. 12 – DAREN & SUSAN BROADBY	
MATTERS RAISED	PLANNING AUTHORITY
<p>Supports the proposed amendment to the TBSAP. Particularly the following:</p> <ol style="list-style-type: none"> 1 Increase height from 7.5m to 8.5m. This will keep with the General Residential Zone and other buildings built in the area. Additional height will allow more opportunity for new homes or other renovated houses to increase their size by going up rather than taking up more of the available land. 2 Will allow to better provide space, taking into consideration the Bushfire Attack Level restrictions. 3 Encouraging front garden landscaping to use more native species (and not just grass) to keep the look and feel of Turners Beach as a coastal beachside residential area. <p>The representation did note that within Clause CCO–S5.7.3–(A1) and (P1) it mentions landscaping with native vegetation with a final growth of not less than 500m (maybe a typo and should read 500mm)?</p>	<p>Matters raised are noted.</p> <p>The typo error regarding 500m rather than 500mm is within the Council report, which included a table outlining all proposed changes. The actual proposed amended TBSAP has the correct measurement being 500mm.</p> <p>Conclusion: It is considered the representation would have no effect on the draft Amendment. Recommend no modification to the draft Amendment.</p>

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REPRESENTATION NO. 13 – PHILLIP KLINE	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.
REPRESENTATION NO. 14 – VICKEY SNARE	
MATTERS RAISED	PLANNING AUTHORITY
This representation contained the same content as representation No. 1. All matters raised are the same. Please refer to representation No. 1 matters raised.	Please refer to Planning Authority comments made in representation No. 1.

RESOURCE, FINANCIAL AND RISK IMPACTS

The proposal has no likely impact on Council resources outside those usually required for assessment and reporting, as well as costs that may be associated with a hearing on the matter.

CORPORATE COMPLIANCE

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

The Environment and Sustainable Infrastructure

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

Recommendation –

It is recommended that the Planning Authority:

- 1 Not make any changes to the draft Amendment.
- 2 Endorse this report and send a copy to the Tasmanian Planning Commission pursuant to s.40K of the *Land Use Planning and Approvals Act 1993*.
- 3 Delegate to the Director Community, Growth and Development its powers and functions to represent the Planning Authority at a hearing before the Commission, if required, pursuant to s.40L of the *Land Use Planning and Approvals Act 1993*.'

The report is supported.”

The Executive Services Officer reports as follows:

“A copy of the Annexures referred to in the Manager Land Use Planning’s (Acting) report has been circulated to all Councillors”

■ Cr Smith moved and Cr Hiscutt seconded, “That the Planning Authority:

- 1 Not make any changes to the draft Amendment.
- 2 Endorse this report and send a copy to the Tasmanian Planning Commission pursuant to s.40K of the *Land Use Planning and Approvals Act 1993*.
- 3 Delegate to the Director Community, Growth and Development its powers and functions to represent the Planning Authority at a hearing before the Commission, if required, pursuant to s.40L of the *Land Use Planning and Approvals Act 1993*.”

Carried unanimously