

TASMANIAN PLANNING COMMISSION



Our ref: DOC/24/33570
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25 March 2024

Ms Carolyn Harris
Manager Land Use Planning
Central Coast Council

By email: planning@centralcoast.tas.gov.au

Dear Ms Harris

**Tasmanian Planning Scheme - Central Coast
Draft amendment LPS2022003 and permit DA2022107
6 Johnsons Beach Road, Penguin**

I refer to the hearing for the above draft amendment and permit held at the Central Coast Council's office in Ulverstone on 5 and 6 March 2024 which was adjourned.

The Commission gives the following directions to the planning authority.

Draft amendment

1. Underlying zone

A submission detailing why the planning authority considers the Open Space Zone should continue to apply to this site.

2. Coastal Erosion Hazard Band overlay

A submission detailing whether the Coastal Erosion Hazard Band overlay requires amending and whether this is supported by the planning authority.

Permit

3. Main Road, Western Line, Johnsons Beach Road and Crescent Street junctions

A submission in response to the recommendations for an upgrade of the Main Road, Western Line, Johnsons Beach Road and Crescent Street junctions (the junction) upgrade, as discussed in the Supplementary Traffic Impact Assessment by Traffic and Civil Services dated January 2024.

The submission is to detail:

- the likelihood of Central Coast Council to undertake the junction upgrades;
- the timing of the upgrades;
- mechanisms, including the head of power, for providing developer contributions for these upgrades; and
- a draft permit condition should developer contributions for the junction upgrades be required.

4. Current and retrospective development plans

Discrepancies between the development plans subject to this combined amendment and permit application, and the development plans advertised for retrospective approval at the site were raised at the hearing. At the hearing it was confirmed that the developer wishes to use the retrospective permit for a time after other parts of the complex are completed. There are certain issues this raises:

- The application before the Commission proposes the use the 'existing building' as it existed at the time of the application, whereas the retrospective application appears to involve some redevelopment. If this is the case, the building would not comply with the draft permit. This could be resolved by modifying the permit, to recognise the building as approved by the retrospective permit.
- The developer also intends to use the 'existing building' pursuant to the retrospective permit and convert it to a different format later, pursuant to the draft permit. The problem here is that if the draft permit before the Commission were activated, it will require the existing building to be used in accordance the application when the use of the entire complex begins. However, if the planning authority wishes to allow the conversion to take place at a later time, the draft permit should be modified, possibly via a staging condition.

A submission on the intention for the restaurant/café building, also noted as a caretaker's residence, is requested. The submission should also include how the permits, if approved, would relate.

In addition to this submission, please provide a set of the final development plans for this combined amendment and permit application. Please note, that from discussions at the hearing the artist impressions of the development will require updating to reflect the correct site and floor plans.

5. Staging

If staging is proposed for the development, please provide a submission on how the staging will be conducted. This may include which development will be included in each stage, and when certain conditions such as carparking and landscaping will be completed.

6. Review car parking layout

A submission detailing the assessment of car parking numbers and a review of the car parking layout.

7. Review permit conditions, including new conditions

A submission providing the revised permit conditions, including new conditions, the removal of conditions, and moving some conditions to advice notes, as discussed at the hearing.

New permit conditions that were discussed included the following.

- Implementation of recommendations in the Little Penguin Management Plan
- Maintenance schedule for the rock sea wall
- Car parking and staging
- Managing contaminated fill
- Implementing recommendations from various reports, such as the

Supplementary Traffic Impact Assessment and Little Penguin Management Plan.

The planning authority is to provide to the Commission with a submission by close of business on 22 April 2024. Any response submissions from other parties are to be provided to the Commission by close of business on 6 May 2024.

Submissions must be made by email to tpc@planning.tas.gov.au. Once received, the submissions referred to above will be made available under the [relevant assessment](#)¹ on the Commission's website.

Please note that submissions will be published in full, without redaction.

If the hearing is to be reconvened, the Commission will advise the parties and publish a notice.

If you require further information please contact Lauren O'Brien, Planning Adviser, on 6165 6813.

Yours sincerely



Nick Heath
Delegate (Chair)

cc all parties

¹ <https://www.planning.tas.gov.au/assessments-and-hearings/current-assessments-and-hearings/AP-CCO-LPS2022003>