
Application for Planning

S.57 Land Use Planning and Approvals Act 1993

The following application has been received:

Application No.: **DA2025249**

Location: **Preservation Drive, (CT198733/1
& CT150747/1), Preservation Bay**

Proposal: **Visitor Accommodation (campsite) -
short term (overnight) camping use -
retrospective application**

The application may be inspected at the Administration Centre, 19 King Edward Street, Ulverstone during Office hours and on the council's website: www.centralcoast.tas.gov.au Any person may make representation in relation to the applications (in accordance with S.57(5) of the Act) by writing to the Chief Executive Officer, PO Box 220, Ulverstone 7315 or by email to admin@centralcoast.tas.gov.au and quoting the Application No. Any representations received by the Council are classed as public documents and will be made available to the public where applicable under the *Local Government (Meeting Procedures) Regulations 2025*.

The representation must be made on or before 16 February 2026

Date of Notification: **31 January 2026**

CENTRAL COAST COUNCIL

PO Box 220

19 King Edward Street

ULVERSTONE TASMANIA 7315

Ph: (03) 6429 8900

Email: planning@centralcoast.tas.gov.auwww: centralcoast.tas.gov.au***Land Use Planning and Approvals Act 1993******Tasmanian Planning Scheme – Central Coast*****PLANNING PERMIT APPLICATION***Office use only:**Zone:**Permit Pathway – NPR/Permitted/Discretionary***Use or Development Site:****Site Address**

Preservation Bay, Penguin

**Certificate of
Title Reference**CT 198733/1 Acquired Road
CT 150747/1 Acquired Road & Preservation Bay Crown Reserve land (NRE)**Land Area**

2.4ha

Heritage Listed Property

NO



YES

**Applicant(s)****First Name(s)**

Central Coast Council, By their agent Irene Inc

Surname(s)

Planning and Urban Design

Company name

(if applicable)

Contact No:

62349281

Postal Address:

C/O 49 Tasma Street, North Hobart, TAS 7009

Email address:

phil@ireneinc.com.au

Please tick box to receive correspondence and any relevant information regarding your application via email.

**Owner(s)** (note – if more than one owner, all names must be indicated)**First Name(s)****Middle Names(s)****Surname(s)****Company name** (if applicable)

1. Department of State Growth

2. Crown Property Services

Postal Address:

1. PO Box 672, Burnie TAS 7320

2. DNRET, GPO Box 44, Hobart TAS 7001

PERMIT APPLICATION INFORMATION

(If insufficient space for proposed use and development, please attach separate documents)

"USE" is the purpose or manner for which land is utilised.

Proposed Use

Visitor Accommodation (campsite)

Use Class

Office use only

"Development" is the works required to facilitate the proposed use of the land, including the construction or alteration or demolition of buildings and structures, signs, any change in ground level and the clearing of vegetation.

Proposed Development (please submit all documentation in PDF format to planning@centralcoast.tas.gov.au separating A4 documents & forms from A3 documents).

Short-term (overnight) camping use and minor infrastructure upgrades

Refer to accompanying documents for further details

Value of the development – (to include all works on site such as outbuildings, sealed driveways and fencing)

\$.....-..... Estimate/ Actual

Total floor area of the developmentm²

Declaration of Notice to Landowner

If land is NOT in the applicant's ownership

I **Phil Gartrell**, declare that the owner/each of the owners of the land has been notified of the intention to make this permit application under section 52(1) of the *Land Use Planning and Approvals Act 1993*.

Signature of Applicant *p.gartrell*

Date **21/09/25**

If the application involves land within a Strata Corporation

I - , declare that the owner/each of the owners of the body corporation has been notified of the intention to make this permit application.

Signature of Applicant -

Date -

If the application involves land owned or administered by the CENTRAL COAST COUNCIL

Central Coast Council consents to the making of this permit application.

General Managers Signature _____ Date _____

If the permit application involves land owned or administered by the CROWN


I, Danielle Poirier, Acting Deputy Secretary responsible for the
land, consent to the making of this permit application.

Signature  Date 23/01/2026

NB: If the site includes land owned or administered by the Central Coast Council or by a State government agency, the consent in writing (a letter) from the Council or the Minister responsible for Crown land must be provided at the time of making the application - and this application form must be signed by the Council or the Minister responsible.

Applicants Declaration

I/ we Phil Gartrell of Irenelnc Planning and Urban Design
declare that the information I have given in this permit application to be true and correct to the best of my knowledge.

Signature of Applicant/s  Date 20/09/25

Office Use Only	
Planning Permit Fee	\$
Public Notice Fee	\$
Permit Amendment / Extension Fee	\$
No Permit Required Assessment Fee	\$
TOTAL	\$
Validity Date	

CENTRAL COAST COUNCIL

PO Box 220

19 King Edward Street

ULVERSTONE TASMANIA 7315

Ph: (03) 6429 8900

Email: planning@centralcoast.tas.gov.auwww: centralcoast.tas.gov.au***Land Use Planning and Approvals Act 1993******Tasmanian Planning Scheme – Central Coast*****PLANNING PERMIT APPLICATION***Office use only:*

Zone:

Permit Pathway – NPR/Permitted/Discretionary

Use or Development Site:

Site Address

Preservation Bay, Penguin

Certificate of
Title ReferenceCT 198733/1 Acquired Road
CT 150747/1 Acquired Road & Preservation Bay Crown Reserve land (NRE)

Land Area

2.4ha

Heritage Listed Property

NO



YES

**Applicant(s)**

First Name(s)

Central Coast Council, By their agent

Surname(s)

Irene Inc Planning and Urban Design

Company name
(if applicable)

Contact No:

62349281

Postal Address:

C/O 49 Tasma Street, North Hobart, TAS 7009

Email address:

phil@ireneinc.com.au

Please tick box to receive correspondence and any relevant information regarding your application via email.

**Owner(s)** (note – if more than one owner, all names must be indicated)

First Name(s)

Middle Names(s)

Surname(s)

Company name (if applicable)

1. Department of State Growth

2. Crown Property Services

Postal Address:

1. PO Box 672, Burnie TAS 7320

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Proposed Use

Visitor Accommodation (campsite)

Use Class

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Proposed Development (please submit all documentation in PDF format to planning@centralcoast.tas.gov.au separating A4 documents & forms from A3 documents).

Short-term (overnight) camping use and minor infrastructure upgrades

Refer to accompanying documents for further details

Value of the development – (to include all works on site such as outbuildings, sealed driveways and fencing)

\$.....-..... Estimate/ Actual

Total floor area of the developmentm²

Declaration of Notice to Landowner

If land is NOT in the applicant's ownership

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Signature of Applicant *p.gartrell*

Date **21/09/25**

If the application involves land within a Strata Corporation

I - , declare that the owner/each of the owners of the body corporation has been notified of the intention to make this permit application.

Signature of Applicant -

Date -

If the application involves land owned or administered by the CENTRAL COAST COUNCIL

Central Coast Council consents to the making of this permit application.

General Managers Signature _____ Date _____

If the permit application involves land owned or administered by the CROWN


I, _____ the Minister
 responsible for the land, consent to the making of this permit application.

Minister (Signature)  _____ Date 13/11/2025
Delegate for the Minister administering the Roads and Jetties Act 1935

NB: If the site includes land owned or administered by the Central Coast Council or by a State government agency, the consent in writing (a letter) from the Council or the Minister responsible for Crown land must be provided at the time of making the application - and this application form must be signed by the Council or the Minister responsible.

Applicants Declaration

I/ we Phil Gartrell of Irenelnc Planning and Urban Design
 declare that the information I have given in this permit application to be true and correct to the best of my knowledge.

Signature of Applicant/s  _____ Date 20/09/25

Office Use Only	
Planning Permit Fee	\$
Public Notice Fee	\$
Permit Amendment / Extension Fee	\$
No Permit Required Assessment Fee	\$
TOTAL	\$
Validity Date	

CENTRAL COAST COUNCIL

PO Box 220
19 King Edward Street
ULVERSTONE TASMANIA 7315
Ph: (03) 6429 8900
Email: planning@centralcoast.tas.gov.au
www: centralcoast.tas.gov.au



Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme – Central Coast
PLANNING PERMIT APPLICATION

CENTRAL COAST COUNCIL
LAND USE PLANNING
Received: 13/11/2025
Application No: DA2025249
Doc ID: 537487

Office use only: Zone: Permit Pathway – NPR/Permitted/Discretionary

Use or Development Site:

Site Address: Preservation Bay, Penguin

Certificate of Title Reference: CT 198733/1 Acquired Road
CT 150747/1 Acquired Road & Preservation Bay Crown Reserve land (NRE)

Land Area: 2.4ha Heritage Listed Property: NO YES

Applicant(s)

First Name(s): Central Coast Council, By their agent Irene Inc Planning and Urban Design
Surname(s):

Company name (if applicable): Contact No: 62349281

Postal Address: C/O 49 Tasma Street, North Hobart, TAS 7009

Email address: phil@ireneinc.com.au

Please tick box to receive correspondence and any relevant information regarding your application via email.

Owner(s) (note – if more than one owner, all names must be indicated)

First Name(s): Middle Names(s):

Surname(s): Company name (if applicable):
1. Department of State Growth
2. Crown Property Services

Postal Address: 1. PO Box 672, Burnie TAS 7320
2. DNRET, GPO Box 44, Hobart TAS 7001

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I **Phil Gartrell** , declare that the owner/each of the owners of the land has been notified of the intention to make this permit application under section 52(1) of the *Land Use Planning and Approvals Act 1993*.

Signature of Applicant *p.gartrell*

Date 21/09/25

If the application involves land within a Strata Corporation

I - , declare that the owner/each of the owners of the body corporation has been notified of the intention to make this permit application.

Signature of Applicant -

Date -

If the application involves land owned or administered by the CENTRAL COAST COUNCIL

Central Coast Council consents to the making of this permit application.

General Managers Signature  Date 24/12/2025

If the permit application involves land owned or administered by the CROWN

I, _____ the Minister

responsible for the land, consent to the making of this permit application.

Minister (Signature)  Date 13/11/2025
Delegate for the Minister administering
the Roads and Jetties Act 1935

NB: If the site includes land owned or administered by the Central Coast Council or by a State government agency, the consent in writing (a letter) from the Council or the Minister responsible for Crown land must be provided at the time of making the application - and this application form must be signed by the Council or the Minister responsible.

Applicants Declaration

I/ we Phil Gartrell of Irenelnc Planning and Urban Design
declare that the information I have given in this permit application to be true and correct to the best of my knowledge.

Signature of Applicant/s  Date 20/09/25

Office Use Only	
Planning Permit Fee	\$
Public Notice Fee	\$
Permit Amendment / Extension Fee	\$
No Permit Required Assessment Fee	\$
TOTAL	\$
Validity Date	

20 November 2025

I, Vicki Brereton, Chief Executive Officer of Central Coast Council, under Section 52 of the *Land Use Planning and Approvals Act 1993*, hereby give my written permission for the lodgement of a planning application for a Visitor Accommodation – campsite use at Preservation Bay, Sulphur Creek as detailed in Planning Application – DA2025249 plans, and documentation received 15 October 2025.



.....
Vicki Brereton
CHIEF EXECUTIVE OFFICER



Department of Natural Resources
and Environment Tasmania

GPO Box 44, Hobart, TAS 7001 Australia
Ph 1300 TAS PARKS / 1300 827 727 Fax 03) 6223 8308
www.parks.tas.gov.au



Mr Phil Gartrell
Irene Inc Planning and Urban Design
Obo Central Coast Council
C/O 49 Tasma Street
NORTH HOBART TAS 7009

E: phil@ireneinc.com.au

Dear Mr Gartrell,

**LODGEMENT OF PLANNING APPLICATION
CENTRAL COAST COUNCIL BY THEIR AGENT IRENE INC PLANNING AND URBAN DESIGN
VISITOR ACCOMMODATION (CAMP SITE)
PRESERVATION DRIVE, PENGUIN**

This letter, issued pursuant to section 52(1B) of the *Land Use Planning and Approvals Act 1993*, is to confirm that the Crown consents to the making of the enclosed Planning Permit Application, insofar as the proposed development relates to Crown land managed by the Department of Natural Resources and Environment Tasmania.

Crown consent is only given to the lodgement of this application. Any variation will require further consent from the Crown.

This letter does not constitute, nor imply, any approval to undertake works, or that any other approvals required under the *Crown Lands Act 1976* have been granted. If planning approval is given for the proposed development, the applicant will be required to obtain separate and distinct consent from the Crown before commencing any works on Crown land.

If you need more information regarding the above, please contact Ms Tanya Simm, Senior Property Officer, on 6165 4691 or Tanya.Simm@parks.tas.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read "D Poirier".

Danielle Poirier
**A/Deputy Secretary
Parks and Wildlife Service**

23 January 2026

Instrument of Revocation and Delegation

DELEGATION OF THE DIRECTOR-GENERAL OF LANDS' FUNCTIONS UNDER THE *LAND USE PLANNING AND APPROVALS ACT 1993*

I, JASON JACOBI, being and as the Director-General of Lands appointed under section 7 of the *Crown Lands Act 1976*, hereby revoke any previous delegation made pursuant to section 52(1E) of the *Land Use Planning and Approvals Act 1993* ("the Act") and, acting pursuant to section 52(1E) of the Act, I hereby delegate the functions described (by reference to the relevant provision of the Act and generally) in Schedule 1, to the persons respectively holding the offices of Deputy Secretary (Parks and Wildlife Service) (position number 700451), General Manager (Park Operations and Business Services) (position number 708581), Manager (Property Services) (position number 707556), Unit Manager (Operations) (position number 702124) and Unit Manager (Assessments) (position number 334958) in accordance with the functions delegated to me by the Minister administering the *Crown Lands Act 1976*, by instrument dated 9 November 2023.

SCHEDULE 1

Provision	Description of Functions
Section 52(1B)	Signing, and providing written permission for, applications for permits in relation to Crown land.

Dated at HOBART this 29 day of July, 2024



.....
Jason Jacobi

DIRECTOR-GENERAL OF LANDS

Department of State Growth

SALAMANCA BUILDING PARLIAMENT SQUARE
4 SALAMANCA PLACE, HOBART TAS

GPO Box 536, Hobart TAS 7001 Australia
Email permits@stategrowth.tas.gov.au Web www.transport.tas.gov.au



Phil Gartrell
On behalf of Central Coast Council
By email: phil@ireneinc.com.au

Dear Phil

Crown Landowner Consent Granted SRA-25-747

I refer to your recent request for Crown landowner consent relating to the development application at Preservation Bay / Midway Point, Central Coast for site for self-contained overnight camping.

I, Fiona McLeod, Director Asset Management, the Department of State Growth, having been duly delegated by the Minister under section 52(1F) of the *Land Use Planning and Approvals Act 1993* (the Act), and in accordance with the provisions of section 52(1B)(b) of the Act, hereby give my consent to the making of the application, insofar as it affects the State road network and any Crown land under the jurisdiction of this department.

The consent given by this letter is for the making of the application only insofar as that it impacts Department of State Growth administered Crown land and is with reference to your application dated 21 October 2025, and the approved documents, as accessible via the link below:

<https://files.stategrowth.tas.gov.au/index.php/s/vJusCoL7yvML5S6>

A copy of the Instrument of Delegation from the Minister authorising the delegate to sign under section 52 of the Act can also be accessed via the above link.

Please access and download these documents for your records as soon as possible as this link will expire six (6) months from the date of this letter.

In giving consent to lodge the subject development application, the department notes the following applicable advice:

Requires DSG Crown Land lease/licence

Prior to undertaking works, a Crown land lease/licence will be required to formalise the on-going use/occupation of the Crown land. Lease/licence establishment costs including the Crown's legal and valuation cost as well as an annual rental amount will be required to be covered by the Lessee/Licensee.

If your application includes works in the State road reserve, consent of the Minister under Section 16 of the *Roads and Jetties Act 1935* will also be required. For further information please visit https://www.transport.tas.gov.au/road_permits/property_services/crown_land_leases_and_licences or email Property.Assets@stategrowth.tas.gov.au

TasRail advice:

(a) Prohibited Access to Rail Corridor

The consent holder must ensure that no persons, vehicles, or animals associated with the campsite enter or access the State rail network land at any time. Access to, or use of, the rail corridor is strictly prohibited.

(b) Designated Beach Access

Access to the beach from the campsite must be via the designated pedestrian crossing only. No informal tracks or crossings are to be created or used for this purpose.

(c) Fencing from Rail Corridor

The campsite area must be maintained from the boundary of the rail corridor. No structures, facilities, or camping areas are to be established within the rail corridor. Please contact Property@tasrail.com.au to agree fencing requirements to separate the operational rail corridor from the camping activity as triggered by the CLOC application.

(d) Intervening Pathway

The existing pathway located between the campsite and the rail corridor must be retained in its current form and kept clear of obstructions to maintain safe separation between the two land uses.

(e) Safety and Maintenance

The consent holder is responsible for maintaining the campsite in a manner that ensures the safety of users and prevents any encroachment or unauthorised access toward the rail corridor

The department reserves the right to make a representation to the relevant council in relation to any aspect of the proposed development relating to its road network and/or property.

Yours sincerely



Fiona McLeod
DIRECTOR ASSET MANAGEMENT

Delegate for the Minister administering the *Roads and Jetties Act 1935*

13 November 2025

Cc: General Manager, Central Coast

SEARCH OF TORRENS TITLE

VOLUME 198733	FOLIO 1
EDITION 2	DATE OF ISSUE 23-Sep-1999

 CENTRAL COAST COUNCIL LAND USE PLANNING	
Received:	15/10/2025
Application No:	DA2025249
Doc ID:	534908

SEARCH DATE : 28-Feb-2023

SEARCH TIME : 10.45 AM

DESCRIPTION OF LAND

Parish of ASHWATER, Land District of DEVON
 Lot 1 on Plan 198733
 Derivation : Part of Lots 2305 & 2306 and 1A-1R-13Ps originally granted to C.W. Adams & F. Borradale respectively and duly surrendered by Transfer No. A249052
 Prior CT 2299/29

SCHEDULE 1

A249052 TRANSFER THE CROWN

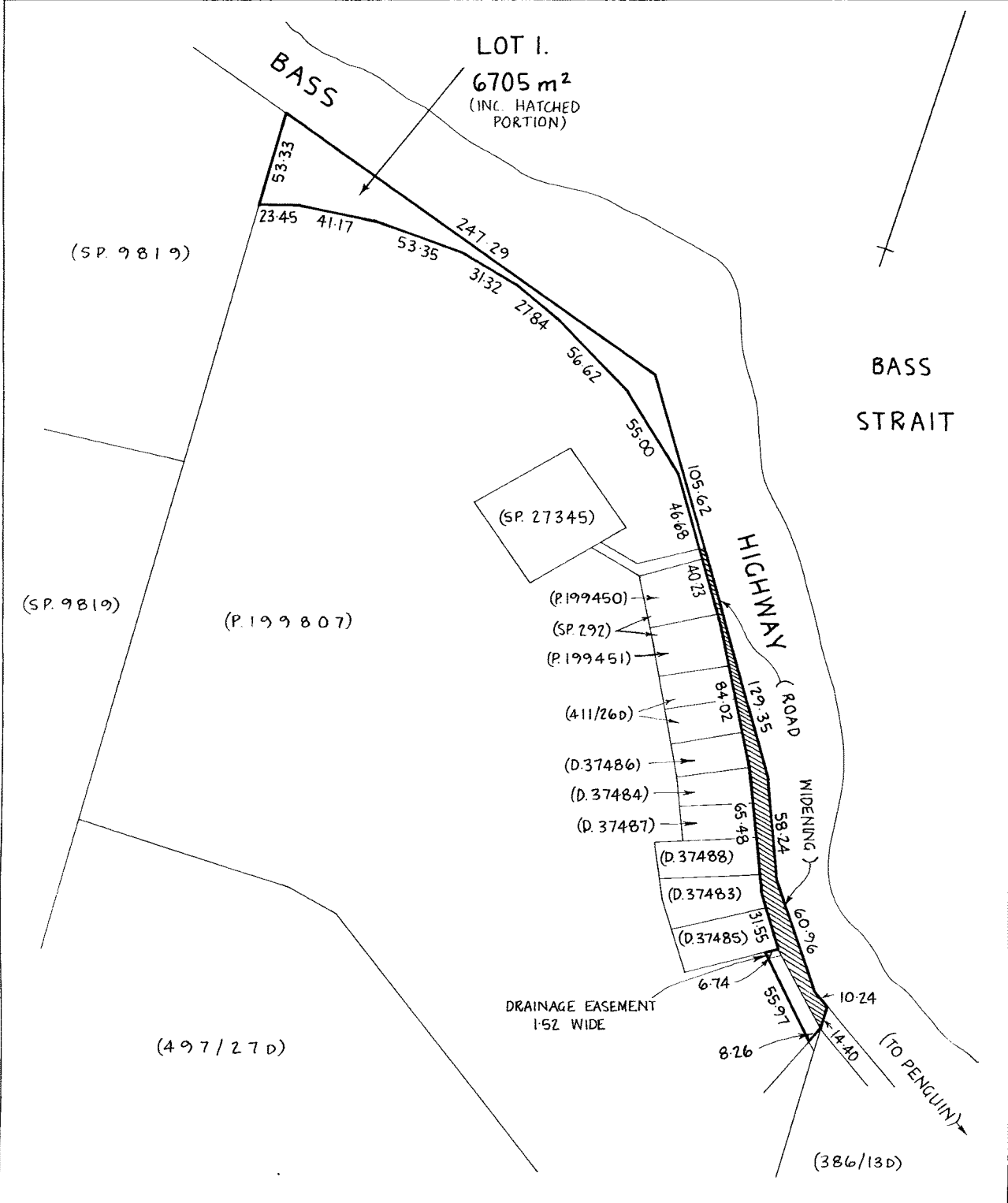
SCHEDULE 2

Reservations and conditions in the Crown Grant if any
BURDENING EASEMENT: A right of carriageway (appurtenant to Lots 1-8 on Diagram No. 411/26 & 0A-1R-6.9/10Ps & 0A-1R-7.5/10Ps on Sealed Plan No. 292 and to the balance of the land in Certificate of Title Volume 301 Folio 68) over the land shown by hatched lines on Plan No. 198733
BURDENING EASEMENT: A right of drainage (appurtenant to Lots 1-6 on Diagram No. 411/26 and to the balance of the land in Certificate of Title Volume 301 Folio 68) over the drainage easement shown on Plan No. 198733

UNREGISTERED DEALINGS AND NOTATIONS

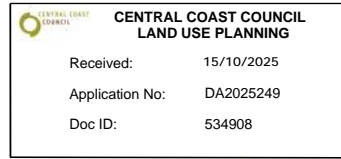
No unregistered dealings or other notations

OWNER FOLIO REFERENCE CT. 2299-29 GRANTEE	PLAN OF TITLE		Registered Number P.198733
	LOCATION DEVON - ASHWATER		APPROVED 14 OCT 1997 <i>Michael Sim</i> Recorder of Titles
FIRST SURVEY PLAN No. 529/7D		COMPILED BY LTO	SCALE 1: 2000 LENGTHS IN METRES
MAPSHEET MUNICIPAL CODE No. 104 (4044-15)	LAST UPI No	LAST PLAN No. 529/7D	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN



SEARCH OF TORRENS TITLE

VOLUME 150747	FOLIO 1
EDITION 1	DATE OF ISSUE 20-Jul-2007



SEARCH DATE : 28-Feb-2023
SEARCH TIME : 10.46 AM

DESCRIPTION OF LAND

Parish of ASHWATER Land District of DEVON
Lot 1 on Plan 150747
Derivation : Part of 100 Acres Granted to V. Nash
Derived from A19855

SCHEDULE 1

THE CROWN

SCHEDULE 2

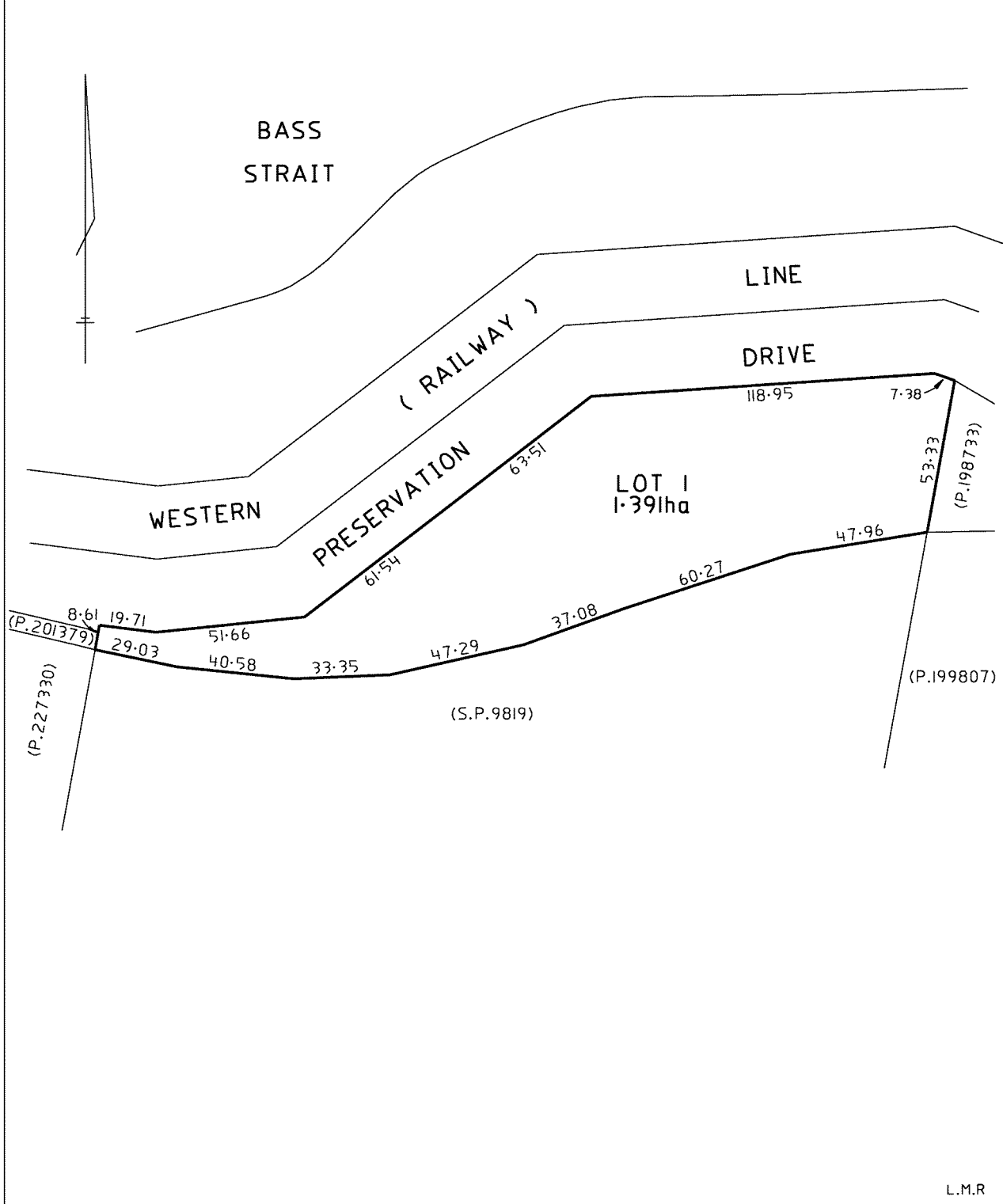
Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

OWNER LAND TITLES ACT 1980 FOLIO REFERENCE A.19855 GRANTEE PART OF 100 ACRES GTD. TO V. NASH	PLAN OF TITLE LOCATION DEVON - ASHWATER FIRST SURVEY PLAN No. P.1292 L.O. COMPILED BY LDRB SCALE 1: 1250 LENGTHS IN METRES	Registered Number P.150747
		APPROVED 18 MAY 2007 <i>Alice Kawa</i> Recorder of Titles

MAPSHEET MUNICIPAL CODE No. 104 (4044-15)	LAST UPI No	LAST PLAN No.	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN
---	-------------	---------------	---



L.M.R



Central Coast Council



CENTRAL COAST COUNCIL
 19 King Edward St
 Ulverstone
 TAS 7315
 Telephone: 03 6429 8900
 admin@centralcoast.tas.gov.au



28-Jan-2026

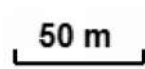
**PRESERVATION DRIVE,
 PRESERVATION BAY
 (CT198733/1 & CT150747/1)
 DA2025249**

IMPORTANT

This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1994 (GDA94), which has superseded the Australian Geographic Datum of 1984 (AGD66/84). Heights are referenced to the Australia Height Datum (AHD). For most practical purposes GDA94 coordinates, and satellite derived (GPS) coordinates based on the World Geodetic Datum 1984 (WGS84), are the same.

Disclaimer

This map is not a precise survey document
 All care is taken in the preparation of this plan; however, Central Coast Council accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. Do not scale. Accurate measurement should be undertaken by survey.
 © The List 2025.
 © Central Coast Council 2025.



Scale =
 1:2940.840

CENTRAL COAST COUNCIL

CARAVANS AND CAMPING BY-LAW NO 1 of 2025

This By-law of the Central Coast Council is made under Section 145 of the *Local Government Act 1993* for the purpose of regulating caravans and camping in areas owned or under the Council's control in the Central Coast municipal area.

PART 1 – Preliminary

1. Short Title

This By-law may be cited as the Central Coast Council Caravans and Camping By-law No. 1 of 2025.

2. Application

- (a) This By-law applies to the municipal area of the Central Coast Council.
- (b) This By-law does not apply to an employee of the Council or a contractor or agent of the Council where such person is carrying out activities in or on any Council land in the course of their duties for and on behalf of the Council.

3. Definitions

- (1) In this By-law, unless the contrary intention appears:

Act means the *Local Government Act 1993*;

article means any vehicle, item or thing that can be removed pursuant to this By-law;

authorised officer means the Chief Executive Officer, and a person authorised by the Council or the Chief Executive Officer for the purposes of this By-law;

camp and **camping** includes:

- (a) to erect a tent or similar portable shelter suitable for sleeping in overnight, whether or not that portable shelter is on or attached to a vehicle; or
- (b) being in any such portable shelter at any time during a night; or
- (c) to sleep at any time during a night in the open or in any vehicle or shelter except a building designed for human habitation; or
- (d) at any time during a night, to set up, place, park or leave a vehicle designed or equipped internally or externally to accommodate overnight sleeping, including a mobile home, campervan, caravan, slide-on-van, fifth wheeler, camper trailer or any other similar vehicle whether the wheels or axles are removed or not and whether it is resting directly on the ground or is placed on blocks or other supports, and any structure, awning, veranda, lean-to,

carport or other enclosed or partly enclosed area used or capable of being used in connection with or appurtenant to any caravan (except if legally parked on a highway);

Chief Executive Officer means the General Manager as appointed by Council pursuant to section 61 of the Act;

Council means the Central Coast Council;

fee unit means the sum as prescribed under the provisions of the *Fee Unit Act 1997*;

highway means:

- (a) any highway, local highway or country highway as defined under the *Local Government (Highways) Act 1982*;
- (b) any part of a State Highway or subsidiary road within the meaning of the *Roads and Jetties Act 1935* for which the Council is responsible for maintaining and reconstruction of as a local authority pursuant to section 11 of that Act;
- (c) any highway or road which is wholly or partly maintained or maintainable by Council and shown on the map maintained by Council pursuant to section 208 of the Act; and
- (d) includes a highway reservation, footpath or walkway, kerb and guttering, nature strip, pavement and earth surface drain;

municipal area has the same meaning as section 16 of the Act and as specified in Column 1 of Schedule 3 of the Act, including any amendment;

night means from 8.00pm to 7.00am on the next day;

open air fire means a fire burning in the outside environment and includes an 'outdoor solid-fuel-burning heater' and an 'outdoor solid-fuel-burning cooking appliance' as defined by the *Environmental Management and Pollution Control (Smoke) Regulations 2019*

permit means a permit issued under Part 4 of this By-law;

permit holder means a person to whom a permit is granted under Part 4 of this By-law;

registered operator means a person in whose name as owner the vehicle is registered under the *Vehicle and Traffic Act 1999* or any corresponding enactment of a State or Territory of the Commonwealth;

overnight parking area means an area designated as an overnight parking area in accordance with clause 5 of this By-law;

owner includes in the case of a vehicle:

- (a) a joint owner or part owner; or

- (b) a person who has the use of the vehicle under a hiring or a hire purchase agreement; or
- (c) the registered operator;; or
- (d) a person who is in charge of the vehicle,

at the time at which there is alleged to have been a contravention of this by-law involving the vehicle;

penalty unit means the amount of money set under the provisions of the *Penalty Units and Other Penalties Act 1987*;

permit means a permit granted under Part 4 of this By-law;

person means an individual, corporation or other legal entity (other than the Crown);

regulated place includes:

- (a) all land owned by or under the Council's control, including public land as defined by section 177A of the Act; and
- (b) a highway; and
- (c) any land in which Council has an interest including by way of a lease;

user agreement means a user agreement entered into in accordance with clause 13 of this By-law;

vehicle means a vehicle as defined in the *Vehicle and Traffic Act 1999*; and

Visitor Centre means a Visitor Information Centre (however described) operated by or on behalf of the Council.

- (2) In this by-law, a vehicle that is fully self-contained with sufficient or satisfactory facilities with respect to the supply of water and disposal of waste water available to the occupants and holding tanks for all toilet waste and sullage water sufficient for at least 72 hours use by those persons, does not include a tent or similar portable shelter suitable for sleeping in overnight.

PART 2 – Camping

4. No Camping

- (1) A person must not camp in any regulated place other than an overnight parking area except:
 - (a) in an area that has a permit for use as visitor accommodation under the Planning Scheme in force in the Central Coast municipal area; or
 - (b) in any designated Caravan Park operated by or managed for the Council; or
 - (c) in accordance with a permit or a user agreement.

Penalty: A fine not exceeding 3 penalty units and a further fine of 1 penalty unit for each night during which the offence continues.

- (2) A person must not camp in any overnight parking area unless:
- (a) as permitted by a permit, in a vehicle that is fully self-contained with sufficient or satisfactory facilities with respect to the supply of water and disposal of waste water available to the occupants and holding tanks for all toilet waste and sullage water sufficient for at least 72 hours use by those persons; or
 - (b) as permitted by a user agreement issued under clause 13.

Penalty: A fine not exceeding 3 penalty units and a further fine of 1 penalty unit for each night during which the offence continues.

- (3) It is a defence to a prosecution under this clause (4) if the person camps because of the condition of the driver or the vehicle makes it necessary for the person to camp in the interests of safety, and camping occurs for no longer than is necessary in the circumstances.
- (4) It is a defence to a prosecution under clause 4(2) if:
- (a) the person arrived that night or earlier that day in an overnight parking area after the close of business of the nearest facility where a permit may be obtained; and
 - (b) a permit is issued within 2 hours of the opening of that facility the next day; and
 - (c) the permit is for, or includes, the night immediately previous to its issue; and
 - (d) the permit holder and all other persons camping under the permit otherwise complied with the terms of the permit.

PART 3 – Overnight parking areas

5. Designated overnight parking areas

- (1) The Council may designate, subject to conditions or restrictions, part of a regulated place to be an overnight parking area for the purposes of this By-law.
- (2) Notice of a Council decision designating an overnight parking area is to be given in the following ways:
- (a) by placing a sign on or at the designated overnight parking area; or
 - (b) by notice being given in the public notice section of a newspaper circulating in the municipal area.
- (3) A person must not fail to comply with any signs or notices displayed under clause 5(2).

Penalty: A fine not exceeding 3 penalty units.

PART 4 – Permits

6. Granting Permits

- (1) A permit may be granted under this By-law by:
 - (a) an authorised officer;
 - (b) the manager of a Visitor Centre;
 - (c) an employee of or volunteer working in a Visitor Centre authorised in writing by the Chief Executive Officer; and
 - (d) any electronic method authorised by the Chief Executive Officer, including via the Council's website or any application operated by or on behalf of the Council.
- (2) A permit to camp in an overnight parking area may only be issued for a maximum of 3 nights in any 14-day consecutive period, or such other period as the Chief Executive Officer authorises.
- (3) No provision of this By-law is to be construed as preventing the Chief Executive Officer from referring any application for a permit to the Council.

7. Application for a permit

- (1) An application for a permit pursuant to this By-law must:
 - (a) be made in writing and in accordance with any form approved by the Chief Executive Officer; and
 - (b) contain the following information:
 - (i) the date or dates in respect of which a permit is requested;
 - (ii) the overnight parking area or areas for which the permit is requested;
 - (iii) the name and address of the owner of the vehicle to be used for camping;
 - (iv) a statement confirming that the vehicle to be used for camping is fully self-contained with respect to a functioning toilet, washing, cooking and sleeping facilities for the number of persons occupying it and holding tanks for all toilet waste and sullage water sufficient for at least 72 hours use by those persons; and
 - (v) such other information as the Chief Executive Officer may reasonably require.
- (2) The Council may charge a fee for a permit not exceeding the prescribed fee units, if any, specified in Schedule 1 for each night to which the permit applies.

8. Factors to be considered when granting a permit

- (1) In assessing an application pursuant to this Part, the following may be considered:
 - (a) whether the vehicle to be used for camping is fully self-contained with respect to a functioning toilet, washing, cooking and sleeping facilities for the number of persons occupying it and holding tanks for all toilet waste and sullage water sufficient for at least 72 hours use by those person;
 - (b) the number of permits already issued for an overnight parking area for the night or nights applied for;
 - (c) public amenity and safety;
 - (d) any relevant policy of the Council; and
 - (e) any other relevant matter.

9. Conditions of permit

- (1) A permit may be granted on such terms and conditions as the Chief Executive Officer considers appropriate. Those conditions may include:
 - (a) a restriction on the type of camping or location in which camping may occur;
 - (b) precautions to be observed while camping; and
 - (c) the permit is not transferrable or assignable and may not be relied upon by another person except with the written approval of the Chief Executive Officer.
- (2) The permit holder and other persons camping under a permit must comply with the terms and conditions of the permit.

Penalty: Fine not exceeding 3 penalty units.

10. Permits generally

- (1) Every permit issued pursuant this By-law:
 - (a) must be in writing and in accordance with any form approved by the Chief Executive Officer;
 - (b) must bear the date on which it was issued; and
 - (c) remains in force for the period for which it was issued, unless it is cancelled, suspended or surrendered.

11. Camping with a permit

- (1) A permit holder is to produce a permit immediately when requested to do so by a police officer or an authorised officer, and the permit holder must answer all questions which are reasonably necessary to establish that the person

holds a permit in good faith.

Penalty: Fine not exceeding 2 penalty units.

12. Suspension or cancellation of permit

- (1) An authorised officer may suspend or cancel a permit if that authorised officer reasonably believes that:
 - (a) the permit holder has or is offending against this By-law; or
 - (b) the permit holder has failed to comply with any condition of a permit.
- (2) If a permit is cancelled or suspended pursuant to sub-clause (1), the authorised officer must serve a notice in writing on the permit holder stating:
 - (a) the permit is cancelled, or the permit is suspended including the length of the suspension; and
 - (b) the reason or reasons for the cancellation or suspension.
- (3) Notice of a cancellation or suspension of a permit may be served by personal delivery to the permit holder or by affixing it to their vehicle.
- (4) Cancellation or suspension of any permit is effective from the date of service of the notice on the permit holder or the date specified in the notice, whichever is the later.
- (5) Nothing in this By-law is to be construed as preventing or prohibiting the Council from cancelling any permit if this is required due to the exercise or intended exercise of any local government functions, powers, rights or duties by the Council.

PART 5 – Hire of overnight parking area

13. Use of Council land

- (1) A person may, with the written authority of the Chief Executive Officer hire any overnight parking area.
- (2) The Chief Executive Officer may require a person to sign a user agreement prior to hiring any overnight parking area in place of granting a permit.
- (3) The Chief Executive Officer may impose such terms and conditions in a user agreement as the Chief Executive Officer determines.
- (4) The Chief Executive Officer may under this clause confer upon a user agreement holder the right to:
 - (a) make charges for admission to the overnight parking area; and
 - (b) exclude any person from the land to which the user agreement applies who does not pay such charge; and
 - (c) allow camping at an overnight parking area.

- (5) No provision of this By-law is to be construed as preventing the Chief Executive Officer from referring any application under this clause 13 to the Council.

PART 6 – Offences

14. Offences generally

- (1) A person who contravenes or fails to comply with a provision of this By-law is guilty of an offence and is liable on conviction to a penalty as specified in this By-law in respect of that offence.

15. False or incomplete information

- (1) A person must not supply false or incomplete information with respect to an application for a permit.

Penalty: Fine not exceeding 3 penalty units.

16. Disposal of waste

- (1) A person must not in a regulated place deposit, discharge or allow to be discharged or leave any faecal matter, offal, filth, sullage, effluent, or other noxious or polluting matter or thing, or water except into any facility provided by Council and indicated by signs in its vicinity to be used for that purpose and in accordance with the directions given on that sign. For this purpose “discharge” includes empty or partially empty the relevant container by hand or otherwise.

Penalty: Fine not exceeding 3 penalty units.

17. Protection of vegetation in overnight camping area

- (1) Unless authorised by a permit to do so, a person must not in an overnight camping area:
- (a) by any act, wherever performed, cut, pluck, damage, destroy or injure any tree, shrub, flower or other vegetation growing in or on the overnight parking area;
 - (b) remove any wood or timber;
 - (c) dig, cut, remove, damage or destroy any material on or from the land including any poles, posts, structure or building; or
 - (d) light, allow to be lit or remain alight any open air fire.

Penalty: Fine not exceeding 3 penalty units.

- (2) This clause does not apply to an electricity entity under the *Electricity Supply Industry Act 1995*, where permission is presumed by section 5(2) of that Act or a person acting in accordance with Council endorsed policy or guidelines.

Part 7 – Enforcement

18. Supply of name and address

- (1) A person must supply their full name and address if requested to do so by an authorised officer or police officer if that officer reasonably believes that the person is offending or has offended against this By-law.

Penalty: Fine not exceeding 3 penalty units.

19. Police officers

- (1) A police officer may do any or all of the following:
 - (a) direct any person whom they reasonably believe is offending against this By-law to leave any regulated place;
 - (b) remove any person from any regulated place whom they reasonably believe is offending against this By-law; and
 - (c) assist an authorised officer to carry out any action under this By-law.
- (2) A police officer may arrest any person who is in any regulated place whom the police officer reasonably believes has committed or who is committing an offence under clauses 4.1, 4.2, 16, 17, 18, 20, or 21 of this By-law.

20. Hindering or resisting authorised officers

- (1) A person must not obstruct, hinder, abuse, or resist any authorised officer in the discharge of the authorised officer's duty.

Penalty: Fine not exceeding 3 penalty units

21. Directions by authorised officers

- (1) An authorised officer or police officer may give reasonable directions to any person in relation to matters which are the subject of this By-law.
- (2) A person must not fail to comply with a reasonable direction from an authorised officer or police officer given under this By-law.

Penalty: Fine not exceeding 3 penalty units.

22. Rectification Notice

- (1) An authorised officer may give notice to a person who has done anything in contravention of this By-law which is capable of being rectified by any work or thing, requiring that person to do the work or thing that the authorised officer considers is reasonably required to rectify the consequences of that contravention.
- (2) A notice under sub clause (1):
 - (a) is to be in writing, signed by the authorised officer; and
 - (b) is to be placed on the vehicle of the person or given to the person who contravened this By-law; and

- (c) is to identify the contravention of this By-law; and
 - (d) is to state the work or thing to be done that is required to rectify the contravention; and
 - (e) is to state the time by which the work or thing is to be completed; and
 - (f) may state the time by which the work or thing is to be commenced or any timetable for the commencement or completion of any part of the work or thing to be done; and
 - (g) may require that the work or thing be done only by a person who has appropriate qualifications reasonably required to do that work or thing and may state the qualifications that are so required.
- (3) A person must not fail to comply with a notice given under subclause (1).

Penalty: Fine not exceeding 3 penalty units.

- (4) The Council may do any work or thing required by a notice under subclause (1) that is not done in accordance with that notice.

23. Removal of articles

- (1) A police officer or an authorised officer may remove any vehicle or article from any regulated place that they reasonably believe is placed, parked, left or being used in contravention of this By-law.
- (2) An article which has been removed from a regulated place pursuant to this By-law must be kept in a safe place until it has been claimed by the owner or a person on behalf of the owner or disposed of pursuant to this By-law.
- (3) If an article which has been removed from a regulated place pursuant to this By-law is not claimed by the owner or person on behalf of the owner within 48 hours following its removal, an authorised officer is to give notice to the owner of the removal of the article, or, in the case of a vehicle, to the registered operator.
- (4) A notice under sub-clause (3) is to give the following details:
- (a) a description of the article and any distinguishing features;
 - (b) the place from where it was removed;
 - (c) the date on which it was removed;
 - (d) the place from which the article may be claimed;
 - (e) the fees, costs or charges payable in respect of the removal, maintenance and storage of the article; and
 - (f) that if not claimed within the notice period, that the article may be disposed of by the Chief Executive Officer.
- (5) If the owner of the removed article cannot be ascertained or found, and if the Chief Executive Officer is of the opinion that the value of the article warrants

the cost of advertising, the Chief Executive Officer is to publish on at least one occasion a notice containing the particulars specified in sub-clause (4) in a newspaper circulating in the municipal area.

- (6) For the purpose of this clause 23, the “notice period” is to be calculated as follows:
 - (a) for an article that the Chief Executive Officer reasonably believes to be valued at or below \$5,000, 14 days; or
 - (b) for an article that the Chief Executive Officer reasonably believes to be valued at above \$5,000, 28 days, or such longer period as the Chief Executive Officer may determine.
- (7) If notice is given under clause 23(4) or advertising published under clause 23(5) and an article is not claimed within the notice period specified in the notice or advertising, the Council may dispose of the unclaimed article in accordance with clause 24.

24. Disposal of unclaimed articles

- (1) The Council may dispose of an article:
 - (a) if unclaimed, in accordance with clause 23(6); or
 - (b) the Chief Executive Officer decides that the value of the article does not warrant the cost of advertising, in accordance with clause 23(5); or
 - (c) any fees, costs or charges specified in a notice under clause 23(4) or 23(5) have not been paid within the notice period specified in the notice or advertising.
- (2) An article may be disposed of in accordance with clause 24(1):
 - (a) by tender or public auction following notification in a local newspaper circulating in the municipal area; or
 - (b) in such manner as the Chief Executive Officer determines if:
 - (i) the Chief Executive Officer is of the reasonable belief that the article has a value that does not warrant the costs of a tender or a public auction; or
 - (ii) no tender is received, or no bid is made at public auction.
 - (c) If an article is disposed of under this clause the Chief Executive Officer must notify the owner of the article, or in the case of a vehicle, the registered operator, as soon as possible if the owner can be ascertained or found by reasonable enquiries.
 - (d) If:
 - (i) the owner of the article is identified; or
 - (ii) in the case of a vehicle, the registered operator is identified,

then the proceeds obtained from the disposal or sale of the article must be paid to the owner, or in the case of a vehicle, to the registered operator, less any fees, costs or charges incurred by the Council in the removal, storage and disposal of the article.

PART 8 – Infringement Notices and expenses

25. Infringement Notices

(1) In this Part:

Specified offence means an offence against the clause specified in Column 1 of Schedule 2 to this By-law.

(2) An authorised officer may issue an infringement notice to a person in respect of a specified offence and the monetary penalty payable under the infringement notice for that offence is the penalty specified in Column 3 of Schedule 2 to this By-law.

(3) An authorised officer may:

(a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and

(b) issue one infringement notice in respect of more than one specified offence.

(4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.

(5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.

(6) A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:

(a) pay the monetary penalty in full to the Council;

(b) apply to the Chief Executive Officer for withdrawal of the infringement notice;

(c) apply to the Chief Executive Officer for a variation of payment conditions; or

(d) lodge with the Chief Executive Officer a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.

(7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause 6 within the prescribed time, the infringement may be referred to the Director, Monetary Penalties Enforcement Service.

26. Fees, costs and charges

- (1) The Council may rectify a breach of this By-law without ordering the offending person to undertake the rectification works.
- (2) Any expense or damages incurred by the Council as a result of the breach of this By-law will be paid by the person committing the breach and is recoverable by the Council as a debt due to it, in addition to a penalty in relation to a failure to comply with or a contravention of this By-law.
- (3) The owner of any article removed pursuant to this By-law is liable to pay:
 - (a) any fees, costs and charges specified in a notice issued pursuant to clause 23(4);
 - (b) any further fees, costs and charges incurred in the storage and further maintenance of the article once removed; and
 - (c) any fees, costs or charges incurred in the disposal of the article pursuant to clause 24.
- (4) Any unpaid fees, costs or charges are a debt due to the Council and may be recovered by the Council in a court of competent jurisdiction.
- (5) The Council may retain an article until any fees, costs or charges are paid.

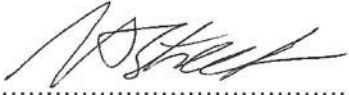
Schedule 1
Schedule of fees

Clause	Description	Fee (Fee Units)
7(2)	Permit fee	28

Schedule 2
Infringement Notice Offences

Clause	Description	Penalty (Penalty Units)
4(1)	No camping in regulated place	1
4(2)	No camping in an overnight parking area	1
5(3)	Failure to comply with camping signage	1
9(2)	Compliance with permit conditions	1
11(1)	Requirement to produce permit	1
15(1)	Failure to supply correct or complete information	1
16(1)	Discharge of waste	2
17(1)	Destruction of vegetation in overnight parking area	2
18(1)	Failure to supply name and address	1
20(1)	Hindering or resisting authorised officers	2
21(2)	Directions by authorised officers	2
22(3)	Failure to comply with rectification notice	2

Certified as being in accordance with the law:



Nathan Street

Solicitor

Dated: 25 February 2025

Certified as being made in accordance with the *Local Government Act 1993*:



General Manager

Dated: 26 February 2025

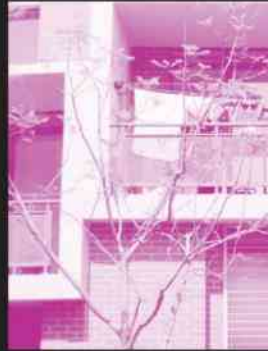


The Common Seal of the Central Coast Council was hereunto affixed in the presence of:



Dated: 26 February 2025

PRESERVATION BAY, PENGUIN



PRESERVATION BAY

Planning Application for short-term Visitor Accommodation (overnight camping) - *Tasmanian Planning Scheme- Central Coast*

Last Updated – September 2025 (amended November 2025)

Author – Michela Fortini / Phil Gartrell

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TASMANIA

49 Tasma Street, North Hobart, TAS 7000

Tel (03) 6234 9281

Fax (03) 6231 4727

Mob 0418 346 283

Email planning@ireneinc.com.au

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1. INTRODUCTION

Planning Tas Pty Ltd trading as Ireneinc Planning and Urban Design has been engaged by the Central Coast Council to prepare a development application for freedom campsites at various locations.

The following is an assessment of the proposed development in response to the provisions of the *Tasmanian Planning Scheme – Central Coast*, with respect to the proposed site at Preservation Bay.

1.1 THE SITE

The site is known as the Midway Point/Sulphur Creek Free Camp and comprises of the following titles:

- CT 198733/1 - Acquired Road
- CT 150747/1 - Acquired Road
 - Both of these titles are owned by the Department of State Growth
- Preservation Bay Crown Reserve land
 - Owned by Department of Natural Resources and Environment (NRE)

The extent of the titles and area are shown below:

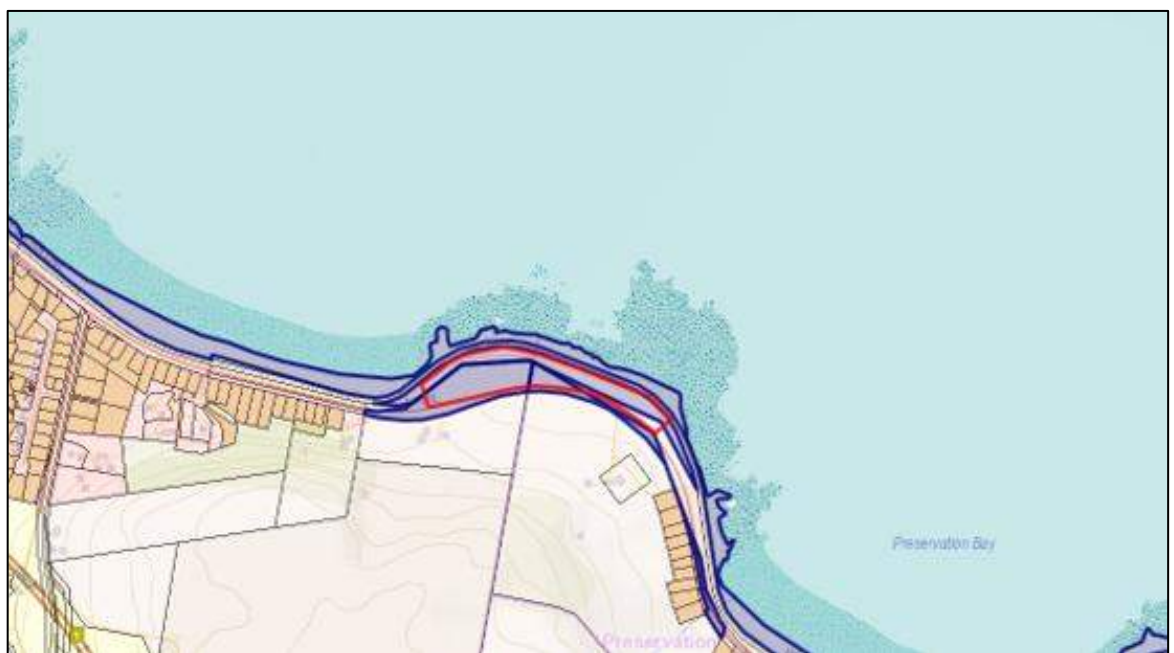


Figure 1: Location of titles (purple) and extent of site (outlined red) (source: the LISTmap, 2022).

The site has an approximate area of 2.4ha, located along Preservation Bay and has primary frontage to Preservation Drive. The subject land is currently vacant, used for public day-use and overnight camping, notwithstanding that the latter is not an approved use.



Figure 2: Aerial image of site (outlined in red) (source: the LISTmap, 2022)

A portion of the land is owned by Crown as a public reserve. The remainder of land forms part of the State road casement under the authority of the local government.

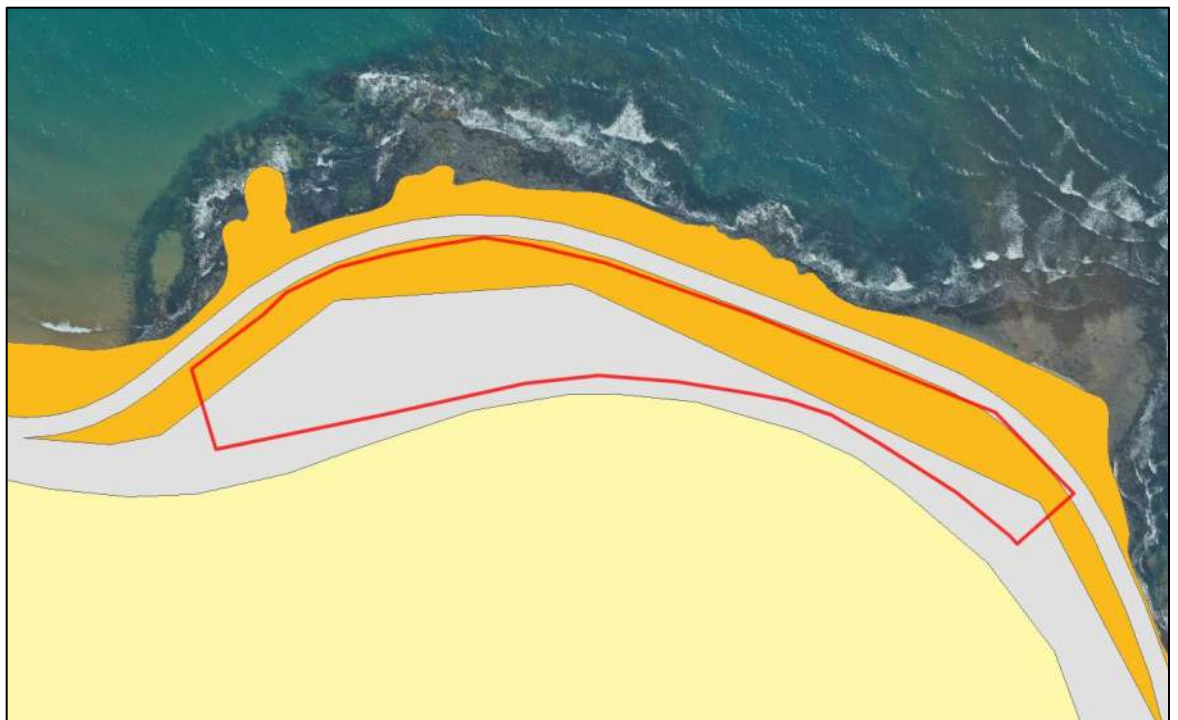


Figure 3: Land tenure, with Crown land (orange), freehold (yellow) and grey (casement) (source: the LISTmap, 2022).

A portion of the lot was acquired for the roadway but has been retained by crown land as shown in the below figure.

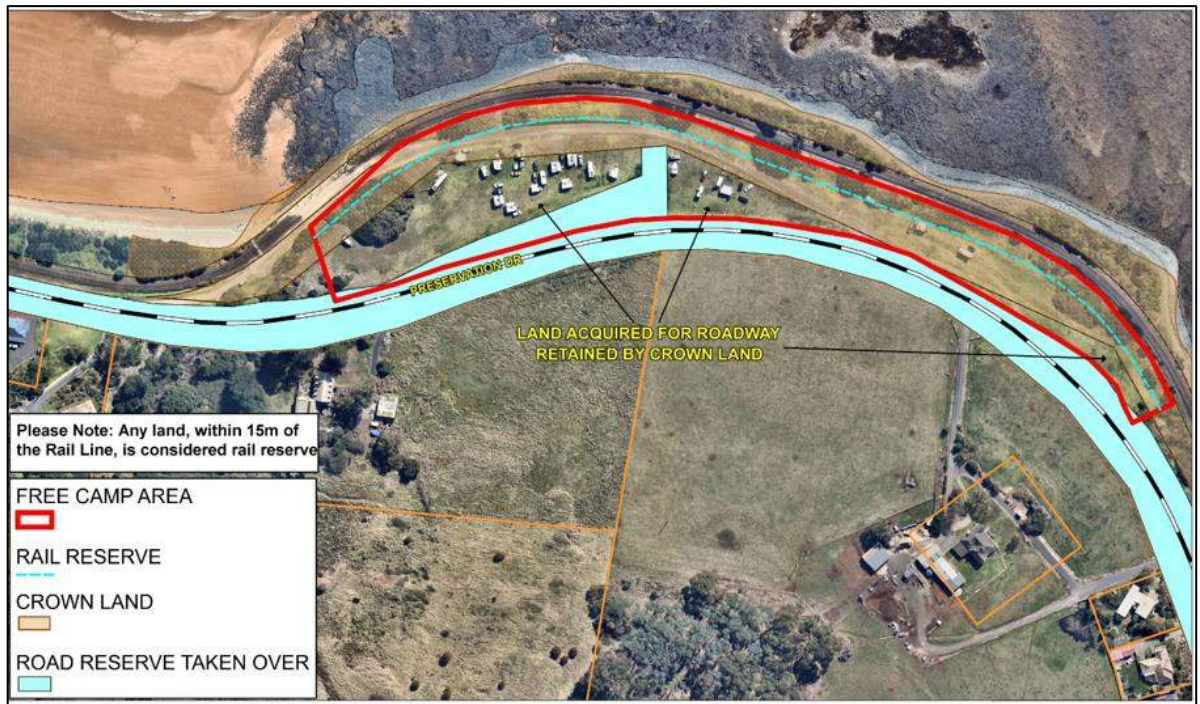


Figure 4: Land acquired for road reservation (Central Coast Council, 2022)

There is also a Crown License over the portion of the site, along the railway line.



Figure 5: Extent of Crown Licence across site (grey) (source: the LISTmap, 2022).

The site is located at the North-western end of Preservation Bay and is within the extent of the Preservation Bay Foreshore area. Directly adjoining the northern boundary of is the utilities zone reserved for the Western Line Railway corridor.

The railway line runs through Penguin and there are a number of existing buildings that are in close proximity.

The land is surrounded by rural use and development, with pockets of nearby residential housing located along the coastline. Approximately 2.5km from the southwestern boundary of the site is the Main Road, linking the bay to the town centre, which is zoned Local Business.

There are currently works being undertaken for a shared cycle/pathway to occur north of Preservation Drive that will join Sulphur Creek to the penguin foreshore. These works are currently occurring across the extent of the site.

The existing site conditions are further described in the following figures.



Figure 3: Images of existing site area (source: Ireneinc)

There are no sensitive habitats identified across the subject land, with no shorebird values identified. Penguins have, in the past, been present in the area as indicated in the figure below, however, this foreshore area is separated from the site by the Western Railway Line.

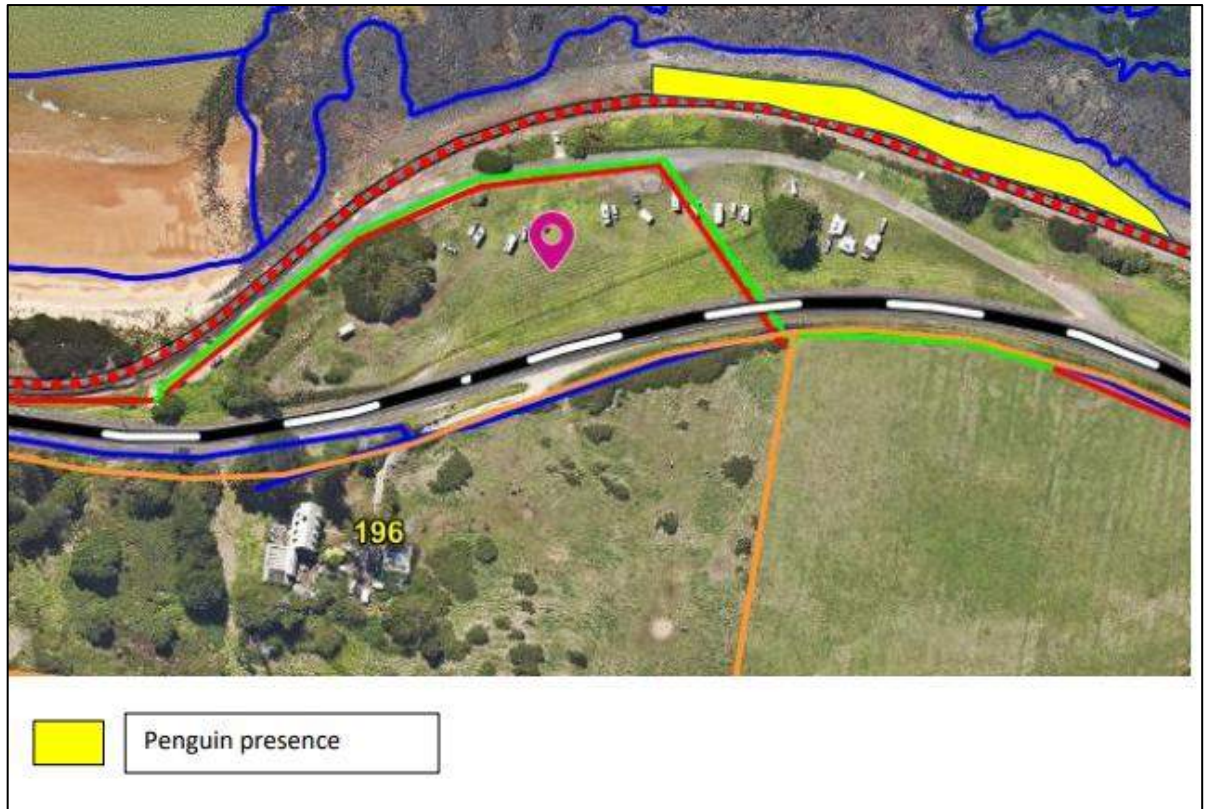


Figure 4: Presence of Penguins (source: Dr Perviz Marker, Penguin Ecologist, 2022).

1.2 PROPOSAL

Councils' objective is to provide designated caravan and RV camping areas across the municipality in response to increased demand and the rise of 'informal' camping.

The site is proposed to be used for visitor accommodation and is identified as an overnight parking area under the recently adopted Central Coast Camping By-law. The By-law permits short-term stays by fully self-contained vehicles only, with tent camping strictly prohibited.

The site will not be powered and whilst no formal facilities are provided, access to toilets and drinking water is available at the nearby Penguin Surf Club (less than 1km from the subject land).

No new signage is proposed as part of the application.

1.2.1 MINOR INFRASTRUCTURE UPGRADES

Minor works have been undertaken to improve drainage, upgrade/reseal the existing access off Preservation Drive and provide an internal gravel circulation area (shown red in the figure below).

Whilst these works are exempt under the *Tasmanian Planning Scheme*, the works have partially occurred on land owned by the Crown (NRE) and Crown Landowner Consent has been requested.



Figure 5: Extent of minor infrastructure upgrades (shown red), with cadastral overlay (blue = DSG, green = NRE) (source: www.thelist.tas.gov.au © State of Tasmania)

Consent from the Department of State Growth was granted as part of a previous application (which was subsequently withdrawn). However, a Licence agreement is now in place between DSG and Central Coast Council to enable ongoing management of the land by Council.

Council have also confirmed that rubbish bins will be provided on site – with the indicative locations shown in the below figure. Bins are to be collected as part of Council's existing waste collection service.



Figure 6: Indicative bin storage locations – shown in green (source: www.thelist.tas.gov.au © State of Tasmania)

1.3 BY-LAW

The site has historically been used as a campsite; however, this use has not previously been subject to a formal approval process.

The Central Coast Council Camping By-law has recently been introduced to designate camping areas and regulate their use across the municipal area. The By-law provides mechanisms to manage environmental impacts and maintain public amenity, including:

- Controls on waste disposal and effluent discharge;
- Protection of sensitive areas and vegetation;
- Prohibition of tents – only fully self-contained vehicles (e.g., caravans and campervans with onboard waste and water facilities) are permitted;
- Time limits on stays;
- Restrictions on camping in certain areas;
- Enforcement provisions and penalties; and
- A permit system for authorised users.

The subject site has been identified under the By-law as an overnight parking area, which is subject to the following provision:

(2) A person must not camp in any overnight parking area unless:

(a) permitted by a permit, in a vehicle that is fully self-contained with satisfactory facilities for the supply of water, disposal of wastewater, and holding tanks for toilet and sullage water sufficient for at least 72 hours of use; or

(b) permitted by a user agreement issued under clause 13.

In accordance with this, camping at the site is restricted to short-term stays by fully self-contained vehicles only. Time limits also apply, with permit holders restricted to a maximum stay of three (3) nights within any 14-day period, unless otherwise authorised.

The By-Law also includes requirements for waste disposal and protection of vegetation and will allow Council to realise its municipal aims by:

- Preventing long-term camping outside of established caravan parks and approved sites.
- Regulating the disposal of wastewater and solid waste.
- Preventing environmental damage.
- Protecting vulnerable wildlife.

The proposed use of the site will be managed and regulated in accordance with the Central Coast Council Camping By-law. Should the application be approved, it would be appropriate for conditions to be imposed requiring ongoing compliance with the By-law.

2. PLANNING SCHEME PROVISIONS

The following is an assessment of the proposal in response to the provisions of the *Tasmanian Planning Scheme – Central Coast*.

2.1 RURAL ZONE

The site is located within the Rural zone, as demonstrated in the below figure:



Figure 7: Zoning map, with Rural zone (pink), utilities (yellow), general residential (red) and agriculture (brown) (source: the LISTmap, 2022).

2.1.1 ZONE PURPOSE

The purpose of the Rural zone is as follows:

20.1.1 To provide for a range of use or development in a rural location:

- (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;*
- (b) that requires a rural location for operational reasons;*
- (c) is compatible with agricultural use if occurring on agricultural land;*
- (d) minimises adverse impacts on surrounding uses.*

20.1.2 To minimise conversion of agricultural land for non-agricultural use.

20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

The site is currently used informally for camping and the proposal seeks to formalise this use, in accordance with Central Coast Camping By-Law.

The permit application and by-law will promote positive social and environmental outcomes. The area is not currently used for agricultural purposes and is severely constricted by surrounding infrastructure (ie the road and railway), therefore no conversion of agricultural land will occur.

The subject land is predominantly vacant, thereby acting as an extension to the nearby foreshore. The site is bounded by the railway line to the north and Preservation drive to the south, rendering it insufficient in size or siting to act as a potential extension to any surrounding agricultural use.

The proposal is considered ideal due to its proximity to popular tourist destinations including the township of Penguin. This portion of the coast is extremely popular for camping as it is situated between Burnie (the spirit of Tasmania) and Ulverstone.

Given the nature and scale of the proposal, it will not compromise the function or amenity of surrounding settlements. The noise, scale and intensity of the use is considered in accordance with the rural setting.

2.1.2 USE

Camping and caravan park use is defined as below:

use of land to allow accommodation in caravans, cabins, motor homes, tents or the like and includes amenities provided for residents and persons away from their normal place of residence.

Camping and caravan use falls under the banner of Visitor Accommodation. In the Rural zone, Visitor Accommodation is a permitted use if:

for guests accommodated within an existing building.

Otherwise, Visitor Accommodation is discretionary if:

Not listed as Permitted.

Camping on the site will be restricted to self-contained vehicles only, in accordance with the Camping By-law.

The following provisions are therefore applicable.

2.1.3 USE STANDARDS

20.3.1 Discretionary Use

Objective: *That the location, scale and intensity of a use listed as Discretionary:*

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

PLANNING SCHEME REQUIREMENTS

A1

A use listed as Discretionary, excluding Residential, is for an alteration or extension to an existing use, if:

- (a) the gross floor area does not increase by more than 30% from that existing at the effective date; and*
- (b) the development area does not increase by more than 30% from that existing at the effective date.*

P1

A use listed as Discretionary, excluding Residential, must require a rural location for operational reasons, having regard to:

- (a) the nature, scale and intensity of the use;*
- (b) the importance or significance of the proposed use for the local community;*
- (c) whether the use supports an existing agricultural use;*
- (d) whether the use requires close proximity to infrastructure or natural resources; and*
- (e) whether the use requires separation from other uses to minimise impacts.*

COMMENTS

A1

Whilst the site is currently used as a campsite, this use is not formalised. Assessment against the performance criteria is required.

P1

The rural zoning of the site does not necessarily reflect the coastal character of the immediate area or the historical use of the site. Notwithstanding, the rural location is required for operational reasons on the following basis:

a) The subject land has been used for informal camping for some time and recent works have been undertaken by Council to improve drainage, upgrade/ reseal the existing access and provide an internal gravel circulation area.

Rural or peri-urban areas are often better suited to accommodate camping activities and facilities, given they often require larger areas to accommodate the use and associated vehicle types (caravans/trailers etc). It is not uncommon to see underutilised locations (such as the subject site) used for these purposes.

The use will be regulated under the By-law and associated permit system, ensuring the nature and scale of the use is cognisant of its rural location.

b) The site is one of two free campgrounds within proximity to the township of Penguin. With RV and camping travel as one of the fastest-growing tourism sectors in Australia, formalising the use of site will help address the growing demand for overnight camping. Greater retention and accommodation of this visitor market also has potential to enhance economic benefits to local businesses in the township. The proposal will also contribute to Tasmania's natural image that is accessible and attractive to travellers.

c) The site does not support any agricultural activities and is isolated from adjacent rural land by the road reservation. Formalising the existing use of the site will not result in the loss of agricultural land.

d) The use requires proximity to infrastructure such as the day-use picnic facilities at the Penguin Surf Lifesaving Club approximately 1km from the proposal. The use is also ideally situated along the foreshore, with direct access to the coastal pathway which provides connectivity to the township and designated public recreational areas.

e) Whilst potential impacts arising from the use will be minimal, issues relating to traffic movements and noise are often cited as potential issues associated with camping activities/facilities when in proximity to sensitive uses.

The rural location ensures the use of the site for overnight camping can be appropriately managed, whilst avoiding conflicts that might otherwise occur were the use proposed in a more urban area.

The proposal complies with P1.

A2

No acceptable solution.

P2

A use listed as Discretionary must not confine or restrain existing use on adjoining properties, having regard to:

- (a) the location of the proposed use;*
- (b) the nature, scale and intensity of the use;*
- (c) the likelihood and nature of any adverse impacts on adjoining uses;*

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

(e) *any off site impacts from adjoining uses.*

COMMENTS

P2

The proposal will not confine or restrain existing use on adjoining properties as below:

a) The proposed use is bounded by Preservation Drive and the Railway line and is therefore not sufficient in size or siting to act as a potential extension to any surrounding agricultural use. Due to the proposal's location along the edge of the headland, in tandem with its separation from the adjoining rural zone by the road, the use will not interfere with uses on adjoining properties.

b) The proposal is within land that is currently used for camping. Aside from the formalisation of the use, minor works have also been undertaken to improve drainage and upgrade and reseal the existing access and provide an internal gravel circulation area. Whilst these works are exempt under the *Tasmanian Planning Scheme*, it has partially occurred on land owned by the Crown (NRE) and a request for Landowner Consent has been requested.

Consent from the Department of State Growth has already been received and a Licence to enable ongoing management by Central Coast Council is now in place.

Overall, the nature and scale of the proposal will not conflict with adjoining uses.

c) Adjoining the north of the site is the utilities zone along the railway line. This railway line runs along the entire coastline, and is an integral part of the Penguin foreshore area. There are many uses, including sensitive uses, that directly adjoin the railway line without impeding its operation. It is therefore considered that the proposal will be of no detriment to the railway line.

Further north is the Preservation Bay foreshore area, which is an Environmental Management Zone. This zone is separated from the proposal by the railway line and is therefore unlikely to be impacted by the proposed campsite.

The remainder of the subject land is surrounded by rural zoning. Within these zones are residential dwellings sited within 50m of the proposal. These rural lots are bounded by residential dwellings along Preservation Drive. It is therefore considered that the proposed campsite (as a sensitive use) will not be of detriment to the operation of any rural uses.

Furthermore, given the topography of the land, the site is situated 5m lower than the surrounding residential dwellings on the southern side of the road, thereby minimising any impact on the privacy of nearby residents.

d) The proposed use is not required for security or operational reasons.

e) The site is surrounded by predominantly residential use and the foreshore. It is considered unlikely that these uses will impact the proposed campsite.

A3

No acceptable solution.

P3

A use listed as Discretionary, located on agricultural land, must minimise conversion of agricultural land to non-agricultural use and be compatible with agricultural use, having regard to:

- (a) the nature, scale and intensity of the use;*
 - (b) the local or regional significance of the agricultural land; and*
 - (c) whether agricultural use on adjoining properties will be confined or restrained.*
-

COMMENTS**P3**

a) Whilst the use is discretionary, it is not located on agricultural land. The site is currently vacant foreshore land, therefore, this provision is not applicable.

A4

No Acceptable solution.

P4

A use listed as Discretionary, excluding Residential, must be appropriate for a rural location, having regard to:

- (a) the nature, scale and intensity of the proposed use;*
 - (b) whether the use will compromise or distort the activity centre hierarchy;*
 - (c) whether the use could reasonably be located on land zoned for that purpose;*
 - (d) the capacity of the local road network to accommodate the traffic generated by the use; and*
 - (e) whether the use requires a rural location to minimise impacts from the use, such as noise, dust and lighting.*
-

COMMENTS**P4**

The use is considered appropriate for a rural location as below:

a) Public use of the land is currently permitted. The proposal would allow for overnight use to be formalised.

Minor works have been undertaken to improve drainage and upgrade and reseal the existing access and provide an internal gravel circulation area. Whilst these works are exempt under the *Tasmanian Planning Scheme*, it has partially occurred on land owned by the Crown (NRE) and a request for Landowner Consent has been requested.

Consent from the Department of State Growth has already been received and a Licence to enable ongoing management by Central Coast Council is now in place.

Given the size of the lot, the campsite is considered to be of a scale and intensity that is cognisant of its rural location.

b) The use is for Visitor Accommodation along the Penguin foreshore. The site is located within a local service centre, which is defined as below:

Local centres are of varying population size and cater primarily to the immediate needs of the local community in housing, education, health, culture and entertainment, community support, personal service, and convenience retail options at a level which does not service a regional or sub-regional population. Employment and business options are sized and orientated to the local population. This may involve economic activity dependent on a strategic or resource based need.

As it stands, the subject land is currently a popular spot for free camping and public day use. With Penguin becoming an increasingly popular destination for tourists, the provision of campgrounds will become increasingly necessary across the region within proximity to townships. Its location on the outskirts of the Penguin township will ensure that the proposal will not distort the activity centre as outlined in the Cradle Coast Regional Land use Strategy.

c) Campsites are provided for people to experience outdoor living and to be in nature. Whilst visitor accommodation is allowable in several zones, few zones provide the immediate recreational benefits that people seek when camping. Further, siting campsites in zones such as Environmental Management zones and Landscape Conservation zones is often not practicable due to potential damage to environmental values. The zoning is therefore considered ideal due to its rural setting.

The park is ideally situated between Penguin and Burnie, which are gateway towns between the northwest region, southern Tasmania and the mainland. Whilst Visitor Accommodation is permitted in several alternative zones, the location of the site between these high-traffic townships renders it ideal for camping use.

d) Preservation Drive is a category 5 road that connects Penguin to Ulverstone via the coastal route. It is a popular tourist route within the northwest region. Given the existing use of the land for free camping, it is considered that the local road network can accommodate the traffic generated by the proposed use.

e) The use does not require a rural location to minimise its impacts. However, its rural setting is considered ideal for promoting ease of access to townships and nearby reserves. It is crucially a point of attraction to camp in a remote rural setting along a picturesque and recreational foreshore area.

2.1.4 DEVELOPMENT STANDARDS

Whilst minor works have been undertaken to improve drainage and upgrade and reseal the existing access and provide an internal gravel circulation area. These works are exempt under Section 4 of the *Tasmanian Planning Scheme* and none of the development standards apply.

3. CODES

The site is not subject to any overlays, however, the following provisions will be applicable.

3.1 PARKING AND SUSTAINABLE TRANSPORT CODE

The site is subject to the Parking and Sustainable Transport Code. This code applies to all use and development.

3.1.1 USE STANDARDS

C2.5.1 Car parking numbers

Objective: *That an appropriate level of car parking spaces are provided to meet the needs of the use.*

SCHEME REQUIREMENTS

A1

The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:

- (a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;*
- (b) the site is contained within a parking precinct plan and subject to Clause C2.7;*
- (c) the site is subject to Clause C2.5.5; or*
- (d) it relates to an intensification of an existing use or development or a change of use where:*

...

P1.1

The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:

- (a) the availability of off-street public car parking spaces within reasonable walking distance of the site;*
- (b) the ability of multiple users to share spaces because of:*
 - (i) variations in car parking demand over time; or*
 - (ii) efficiencies gained by consolidation of car parking spaces;*
- (c) the availability and frequency of public transport within reasonable walking distance of the site;*
- (d) the availability and frequency of other transport alternatives;*
- (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;*

-
- (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;*
 - (g) the effect on streetscape; and*
 - (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.*
-

COMMENTS

- a) As the site is not subject to a parking plan, this provision is not applicable.
- b) As the site is not located within a Parking Precinct Plan, this provision is not applicable
- c) The site is not subject to Clause C2.5.5.
- d) As per Table C2.1, Visitor Accommodation requires 1 parking space per allocated tent or caravan space.

The total number of campers utilising the site at any one time is difficult to predict, given no designated 'sites' are proposed. However, unlike traditional privately operated camping/caravan parks where designated tent camping areas are often provided with separate parking, the By-law requires all camping to be within a self-contained vehicle. This means the space used for camping doubles as a space for parking, such that there is no additional parking demand beyond the 1:1 ratio, which arguably satisfies the acceptable solution.

However, in the event Council do not agree, the proposal is capable of compliance with P1.1 based on the analysis above and the following:

P1

Sufficient space will be available for parking to meet the needs of the users, given campers will be required to be self-contained and use the same area for both parking and camping.

With regard to the number of campers utilising the site at any one-time, the By-law requires campers to obtain a permit which restricts the duration of stay (overnight). The permit system also enables Council to monitor the number of users and manage capacity across various sites (based on the no. of permits granted over a given period), ensuring the reasonable needs of users/permit holders can be met.

Given the nature of the use, the remaining matters under the performance criteria are not considered relevant, as users are unlikely to require public/alternate forms of transport. There will no demand for on-street parking, nor any impacts on the streetscape (given the proposed area is setback from the road).

The proposal complies with P1.

C2.5.2 Bicycle parking numbers

Objective: *That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.*

SCHEME REQUIREMENTS

A1

Bicycle parking spaces must:

- (a) be provided on the site or within 50m of the site; and*
- (b) be no less than the number specified in Table C2.1.*

...

COMMENTS

No bicycle parking is required as per table C2.1.

C2.5.3 Motorcycle parking numbers

Objective: *That the appropriate level of motorcycle parking is provided to meet the needs of the use.*

SCHEME REQUIREMENTS

A1

The number of on-site motorcycle parking spaces for all uses must:

- (a) be no less than the number specified in Table C2.4; and*
- (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.*

P1

Motorcycle parking spaces for all uses must be provided to meet the reasonable needs of the use, having regard to:

- (a) the nature of the proposed use and development;*
- (b) the topography of the site;*
- (c) the location of existing buildings on the site;*
- (d) any constraints imposed by existing development; and*
- (e) the availability and accessibility of motorcycle parking spaces on the street or in the surrounding area.*

COMMENTS

As per table C2.4, motorcycle parking requirements are as follows

0-20 required car parking spaces	No requirement
21-40 required car parking spaces	1 space

Given the size of the site, it is unlikely to cater for more than 20 cars at any one time. However, assessment against the performance criteria is provided below.

P1

- a) Due to the size of the land area, the campsite has a maximum number of camping/caravanning spaces available. Whether the frequenting vehicle is a motorcycle, car, or RV, the number of available camping spaces does not change. Therefore, the site can allow for a variation in vehicle type.
- b) There is a topographic variance of less than 5m across its entirety.
- c) There are no existing or proposed buildings across the site.
- d) Aside from the access road that runs through the subject land, there is no existing development which will constrain the proposal.
- e) Due to the rural nature of the area, there is no on-street parking within proximity to Preservation Bay. However, motorcyclists who wish to use the campground will be able to park in any of the available vehicular spaces. This will not diminish the amenity of the site, as the campsite provides one camping space per vehicle (whatever vehicle type that may be).

Given the nature of the use, designated motorcycle parking is therefore not required.

3.2 ROAD AND RAILWAY ASSETS CODE

The site is subject to the Road and Railway assets code due to its location within 50m of the Western Railway Network.

3.2.1 USE STANDARDS

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

Objective: *To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.*

SCHEME REQUIREMENTS

A1.1

For a category 1 road ...

A1.2

For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.

A1.3

For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.

A1.4

Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:

- (a) the amounts in Table C3.1; or*
- (b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.*

A1.5

Vehicular traffic must be able to enter and leave a major road in a forward direction.

P1

Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:

- (a) any increase in traffic caused by the use;*
- (b) the nature of the traffic generated by the use;*
- (c) the nature of the road;*
- (d) the speed limit and traffic flow of the road;*
- (e) any alternative access to a road;*
- (f) the need for the use;*
- (g) any traffic impact assessment; and*
- (h) any advice received from the rail or road authority.*

COMMENTS

A1.1

Not applicable.

A1.2

No new vehicular crossover or level crossings are proposed.

A1.3

No new private level crossings are proposed.

A1.4

As per table C3.1, acceptable levels of traffic increase are as below:

Vehicles up to 5.5m long	Vehicles longer than 5m
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20% or 40 vehicle movements per day, whichever is the greater	20% or 5 vehicle movements per day, whichever is the greater
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Whilst the site is currently used for both passive recreation and camping, there is no permit in place to accommodate the camping component, hence the purpose of this application.

The existing informal visitor accommodation activity on the site is likely to generate a greater number of vehicle movements than might otherwise be the case. Whilst the formalisation of this use is not expected to significantly increase vehicle movements, there is no existing data available to make a determination under A1.5.

Therefore, a response to the performance criteria is provided.

A1.5

All vehicular traffic is able to enter and leave the site in a major road in a forward direction.

P1

The site is already used for informal camping and whilst there may be larger volumes of vehicles accessing the site during the summer months, the By-law and permit system will restrict camping to overnight stays, within self-contained vehicles (no tents).

It is expected that most campers would arrive in the afternoon/early evening and depart the following morning. The permit system is expected to assist in regulating the number and frequency of day-to-day movements to and from the site.

Given use of the site is intended for self-contained vehicles, the nature of traffic generated will consist of larger vans, motorhomes and towed camper trailers. The recent upgrades to the site access are expected to substantially improve safety and efficiency for vehicles entering/exiting the site.

On this basis, it is considered highly unlikely the formalisation of the use will generate vehicle movements of a volume or extent that might otherwise reduce the safety or efficiency of the access or the road network.

The proposal complies with P1.

3.2.2 DEVELOPMENT STANDARDS

Development standards relate to habitable buildings for sensitive uses within a railway attenuation area. Whilst camping is a sensitive use, no habitable buildings are proposed. Therefore, the development provisions of this code are not applicable.

4. SUMMARY

The proposal is for visitor accommodation to allow for short term camping on the site, restricted to self-contained vehicles. The Council now has enforceable powers to regulate camping activities through the adopted By-law.

The purpose of the proposal is to achieve the following objectives in accordance with municipal aims:

- Provide for official freedom camping sites for self-contained vehicles.
- Prevent long-term camping outside of established caravan parks and approved sites
- Regulate the disposal of wastewater and solid waste
- Prevent environmental damage
- Protect vulnerable wildlife

Ongoing use of the site will be managed in accordance with the Central Coast Camping By-Law.

The proposal is located within the Rural Zone, where Visitor Accommodation is a discretionary use. The subject land is subject to considerations of the Parking and Sustainable Transport code and the Road and Railway Assets Code. The proposal has been found to be capable of complying with the standards of these Codes.

The proposal will ensure the land can be appropriately managed and regulated in future. The proposal will therefore provide better economic, social and environmental outcomes than the existing conditions.