

Prior to the commencement of the meeting, the Mayor will make the following declaration:

“I acknowledge the Tasmanian Aboriginal Community as the traditional custodians of the land on which we meet today, and pay respect to elders, past and present”.

The Mayor also to advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are audio-visually recorded and published to Council’s website.

COUNCIL MEETING
MONDAY 24 FEBRUARY 2020

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BUSINESS TO BE CONDUCTED AT THIS MEETING IS TO BE CONDUCTED IN THE ORDER IN WHICH IT IS SET OUT IN THIS AGENDA UNLESS THE COUNCIL BY ABSOLUTE MAJORITY DETERMINES OTHERWISE

COUNCIL MEETINGS, NOT INCLUDING CLOSED MEETING, ARE AUDIO-VISUALLY RECORDED AND PUBLISHED TO COUNCIL’S WEBSITE

1. APOLOGIES

Ald Edmunds (Leave of Absence)

2. CONFIRMATION OF MINUTES

(File No. 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 3 February 2020, as circulated, be taken as read and confirmed.

3. MAYOR'S COMMUNICATION**4. COUNCIL WORKSHOPS**

In addition to the Aldermen's Meeting Briefing (workshop) conducted on Friday immediately preceding the Council Meeting the following workshops were conducted by Council since its last ordinary Council Meeting:

PURPOSE	DATE
Boulevard Site Update	
City Heart Project	
Budget Process	
No Spray Register	11 February
Presentation by DPZ	
Community Engagement Policy Consultation	
South Arm Skate Park Acoustic Assessment	
Lindisfarne Pedestrian Safety	17 February

RECOMMENDATION:

That Council notes the workshops conducted.

5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2015 and Council's adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

6. TABLING OF PETITIONS

(Note: Petitions received by Aldermen are to be forwarded to the General Manager within seven days after receiving the petition).

Petitions are not to be tabled if they do not comply with Section 57(2) of the Local Government Act, or are defamatory, or the proposed actions are unlawful.

7. PUBLIC QUESTION TIME

Public question time at ordinary Council meetings will not exceed 15 minutes. An individual may ask questions at the meeting. Questions may be submitted to Council in writing on the Friday 10 days before the meeting or may be raised from the Public Gallery during this segment of the meeting.

The Chairman may request an Alderman or Council officer to answer a question. No debate is permitted on any questions or answers. Questions and answers are to be kept as brief as possible.

7.1 PUBLIC QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, a member of the public may give written notice to the General Manager of a question to be asked at the meeting). A maximum of two questions may be submitted in writing before the meeting.

James Mancey has given notice of the following questions:

SIGNIFICANT DEVELOPMENT APPLICATIONS

- 1) Does Council believe five days is sufficient time for Alderman to digest development applications of high community significance? Taking into account the planners' comments, community representations and due diligence where required.
- 2) Should Council continue to act as a Planning Authority on larger development applications or ones with a higher community significance than the normal, considering the likely outcome will end up at RMPAT, wouldn't the Tasmanian Planning Authority or a new independent body be better positioned to deal with these types of applications?

7.2 ANSWERS TO QUESTIONS ON NOTICE

The Mayor may address Questions on Notice submitted by members of the public.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 QUESTIONS WITHOUT NOTICE

The Chairperson may invite members of the public present to ask questions without notice.

Questions are to relate to the activities of the Council. Questions without notice will be dependent on available time at the meeting.

Council Policy provides that the Chairperson may refuse to allow a question on notice to be listed or refuse to respond to a question put at a meeting without notice that relates to any item listed on the agenda for the Council meeting (note: this ground for refusal is in order to avoid any procedural fairness concerns arising in respect to any matter to be determined on the Council Meeting Agenda).

When dealing with Questions without Notice that require research and a more detailed response the Chairman may require that the question be put on notice and in writing. Wherever possible, answers will be provided at the next ordinary Council Meeting.

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC
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(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION - ALD MULDER
VIDEO SURVEILLANCE**

In accordance with Notice given Ald Mulder intends to move the following Motion:

“That Council requests an Officer’s report on acquiring portable video surveillance to deter and detect anti-social behaviour in public places and that the report and costings be considered in the 2020-21 budget deliberations”.

EXPLANATORY NOTES

- Video surveillance is an effective deterrence to anti-social and criminal behaviour in public places such as the Rosny Bus Mall.
- Video surveillance is an effective investigation tool for anti-social behaviour, illegal dumping and general crime.
- Video surveillance is available in real time to responding and investigating police.
- Portability adds to general deterrence as the location varies.

T Mulder
ALDERMAN

GENERAL MANAGER’S COMMENTS

A matter for Council

**9.2 NOTICE OF MOTION - ALD BLOMELEY
CLARENCE'S FUTURE PLANNING SCHEME – COMMUNITY INFORMATION
SESSIONS**

In accordance with Notice given Ald Blomeley intends to move the following Motion:

“As the Clarence City Council component of the future Tasmanian Planning Scheme is currently open for submissions, this Council:

- a). will facilitate opportunities for interested community members to avail themselves of the proposed changes via one-on-one information sessions, including after normal business hours, at the Council Offices, during the fortnight beginning Monday, 2 March 2020;
- b). will widely advertise these community information sessions; and
- c). the costs for advertising and any applicable overtime to be sourced from Council's Planning Scheme Budget allocation”.

EXPLANATORY NOTES

At its 7 May 2018 Clarence City Council Meeting, Council endorsed the contents of the Clarence Draft Local Provisions Schedule.

The Tasmanian Planning Commission directed that this schedule, along with all relevant documentation be publicly exhibited. The Act specifies a 60-day time period for exhibition and public representations.

As the Clarence Draft Local Provisions Schedule of the future Tasmanian Planning Scheme was publicly released on 15 January 2020, submissions close on 17 March 2020.

In recognition of the importance of the Clarence component of the future Tasmanian Planning Scheme and Clarence City Council's preparedness to proactively engage with our citizens, it is appropriate that all interested members of the public are able to avail themselves of the opportunity to engage with our professional planning staff regarding the Draft Local Provisions Schedule.

Interested ratepayers and residents wishing to discuss the Draft Local Provisions Schedule would be invited to contact Council and make an appointment to meet with a member of Council's Planning staff, either during normal working hours (8.30am – 5.15pm) or, if required, after hours (5.15pm – 8.30pm) during the fortnight beginning Monday, 2 March 2020.

B A Blomeley
ALDERMAN

GENERAL MANAGER'S COMMENTS

This suggestion is consistent with Council's proposed Community Engagement Policy, which is to be considered at this Meeting. As suggested in the explanatory note, to facilitate an effective after-hours arrangement, and to allow appropriate management of staff time, it is recommended that after-hours briefings be conducted between 5.15pm and 8.30pm, with at least two Council officers in attendance, and by appointment only. Where no appointments have been made for a particular day, it would not be expected that staff attend for ad hoc briefings.

10. REPORTS FROM OUTSIDE BODIES

This agenda item is listed to facilitate the receipt of both informal and formal reporting from various outside bodies upon which Council has a representative involvement.

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

Provision is made for reports from Single and Joint Authorities if required.

Council is a participant in the following Single and Joint Authorities. These Authorities are required to provide quarterly reports to participating Councils, and these will be listed under this segment as and when received.

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald James Walker
(Ald Luke Edmunds, Deputy Representative)

Quarterly Reports

September and December 2019 pending.

Representative Reporting

- **TASWATER CORPORATION**

- **GREATER HOBART COMMITTEE**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**TRACKS AND TRAILS ADVISORY COMMITTEE – QUARTERLY REPORT**

(File No ECM 3757693)

Chairperson's Report –Alderman D Ewington

Report to Council for the 3-month period 1 October 2019 to 31 December 2019.

1. PRINCIPAL OBJECTIVES AND GOALS

The Committee's prime objectives are to:

- provide advice and make recommendations, including policy, to assist Council in the development of tracks and trails in the City;
- assist in the development and periodic review of Council's Tracks and Trails Strategy;
- develop and maintain a Tracks and Trails Register which captures all existing and possible future trail and track networks (including multi-user pathways) in Clarence;
- develop and review (on a rolling basis) the Tracks and Trails Action Plan for endorsement by Council that articulates the development initiatives prioritised and proposed to be conducted over a 5 year programme which recognises the access and needs of all users eg: walkers, horse riders, mountain bikers, etc;
- monitor progress and work to address the actions of the plan according to their level of priority; and
- as part of internal referral processes to provide input and advice on the provision and requirements for trail networks and the provision of trail linkages as part of new subdivisions.

In working towards these goals, the Committee undertook a range of activities, which are set out below.

2. CAPITAL WORKS PROJECT**Waverley Flora Park perimeter Track**

A Track was installed between Quarry Road and Winifred Curtis entrance.

Clarence Coastal Trail – Mays Point to Cremorne (Cremorne)

Work has started on the track at the Cremorne end after a delay as a result of a resident wanting a different alignment considered. A new track has been constructed from Forest Hill Road to the beach, replacing the previous steep footpad.

Clarence Coastal Trail – Cleve Court

Council will consider a petition by residents to not proceed with the extension of the foreshore track to Cleve Court.

3. RECURRENT INITIATIVES – MAINTENANCE AND UPGRADES**Tangara Trail**

Post and rail fencing will be expanded and completed at trail entrance points.

Tangara Trail – Black Peppermint Track (Single Hill)

The steep side slope on the new track off Single Hill at Cahill Place has been benched and gravelled.

Blessington Track Realignment

A steep pinch point midway along the track by the TasWater access roadway has been realigned along the contour.

4. DESIGN AND INVESTIGATION WORK IN PROGRESS**Simmons Hill Descent Track (Cycle Tourism Grant)**

Quotes have been sought to construct the track on Hansons property from the skyline fire trail to the lower section of the Stringy Bark Gully Track.

Clarence Coastal Trail – Mays Point to Cremorne

Aboriginal Heritage surveys have been completed and a licence has been received from Crown Lands to construct the track. PWS will survey the new boundary for the Calverts Hill Nature Reserve. A draft plan has been received from the surveyors. We are working through the removal process of the original “Public Reserve” designation (this was not removed at the time of NR declaration) before submitting for reclassification of part of the Nature Reserve.

Barilla Rivulet – Cambridge Oval to Backhouse Lane (Cambridge)

A plan has been sent to Tasmania Fire Service regarding leasing a section of their property for a track along the rivulet and it is currently under consideration. Weed clearing has been done on Council's section of the rivulet behind the old holding ponds so it is now possible to walk along the rivulet to the caravan park.

Cremorne Avenue Track

A Reserve Activity Plan has been developed which includes a footpath alongside Cremorne Avenue. Contact has been made with the residents adjoining Cremorne Avenue and further discussions will need to be held around finalising a track alignment.

5. GOVERNANCE MATTERS.

Committee Meetings

Two committee meetings were held on 17 October and 12 December and a Special meeting was held on 31 October to discuss the Rosny Hill Development.

6. EXTERNAL LIAISON

None.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Attachments: Nil.

Alderman D Ewington
CHAIRPERSON

BICYCLE ADVISORY COMMITTEE – QUARTERLY REPORT

(File No ECM 3757613)

Chairperson's Report – Alderman D Ewington

Report to Council for the 3-month period 1 October 2019 to 31 December 2019.

1. PRINCIPAL OBJECTIVES AND GOALS

The Committee's prime objectives are to:

- advise Council on the identification, development and maintenance of cycling routes and infrastructure along roads and other easements throughout the City;
- facilitate and provide guidance for the implementation of Council's adopted Bicycle Strategy;
- be actively involved in providing design advice relating to cycling infrastructure projects undertaken by Council;
- be actively involved in providing advice to Cycling South on matters relating to regional cycling infrastructure; and
- promote information sharing of cycling related matters affecting the City.

In working towards these goals, the Committee arranged and implemented a range of activities, which are set out below.

2. CAPITAL WORKS PROJECTS**Clarence Foreshore Trail – Tasman Bridge to Montagu Bay Park, Montagu Bay**

Construction of the first stage, from the area under the Tasman Bridge, through the ex-SES site and around the Primary School Oval is complete. Design and completion of the next stage is dependent on progress by the Department of Education of new building works near the foreshore reserve area of their property. A decision has been made to re-direct the remaining funds to the next section of path, south of Montagu Bay, towards Rosny Point. Preliminary design is complete and Aboriginal Heritage approval has been obtained. Works to be programmed for construction by Council's works crews.

Clarence Foreshore Trail –Simmons Park to Anzac Park, Lindisfarne

Civil works for the section from Simmons Park to Ford Parade are complete. Funds have been allocated in the 2019/2020 capital budget for the next section to the Lindisfarne Yacht Club. Design is largely complete, and stakeholders have commented on parking issues associated with the proposed design. Stakeholder engagement is ongoing. Approval for the works has been obtained from Aboriginal Heritage Tasmania and Crown Land Services have approved a variation to Council's lease.

Clarence Foreshore Trail at Bellerive – Beach Street to High Street

Works were completed by Council's works crews to upgrade this 200m section of narrow, asphalt path to 3m wide concrete, refer to photo below.



3. RECURRENT INITIATIVES

Nil.

4. DESIGN AND INVESTIGATION WORK IN PROGRESS**Tasman Highway – Extension from Tasman Bridge to Montagu Bay Road**

Council has been successful in receiving funding of \$70,000 under the Vulnerable Road User Program for this project, with additional funds to be provided by Council. A road reserve maintenance agreement has been negotiated with the Department of State Growth (DSG), to establish responsibilities between DSG and Council, as the works are located within the State Road Reserve. Design is complete and construction is programmed to commence in late February 2020.

Rosny Hill Road – Highway Overpass to Rosny Barn Carpark

Detailed design has been completed, in liaison with DSG, to adjust lane widths on Rosny Hill Road to provide for widening and replacement of the existing path. Initially it was intended to tender these works for construction over the summer holiday period when traffic volumes on Rosny Hill Road are lower, however, tenders received were well outside Council's allocated budget for the project. Additional funds have been assigned to the project through a Council decision, in deferring the proposed multi-user path upgrade at Howrah Road, and the Rosny Hill Road works have been re-tendered with a more flexible timeframe for construction.

5. 2019/20 CAPITAL BUDGET.

The following cycling infrastructure related projects were allocated funds in the 2019/2020 capital budget:

- Clarence Foreshore Trail at Lindisfarne – Ford Parade to Yacht Club - \$150k;
- Clarence Foreshore Trail at Bellerive – Beach Street to High Street - \$150k;
- additional funds for Rosny Hill path – \$150k;
- Howrah Road multi-user path between the Clarence Foreshore Trail at the service station to the beach access opposite Bingley Street – \$106k. Noting that this project has been deferred, with the funding reallocated to the Rosny Hill path upgrade.

- Howrah Road design for cyclist improvements between the Clarence Foreshore Trail and Clarence Street – \$40k; and
- Rosny Hill Road pedestrian overpass to Kangaroo Bay – design for connection improvements – \$25k.

6. GOVERNANCE MATTERS.

Committee Meeting

The Committee held two meetings during the quarter; on 7 October 2019 and 2 December 2019.

7. EXTERNAL LIAISON

Preliminary discussions have occurred with DSG and Council officers on the proposed Derwent Ferry service between the Hobart CBD and Bellerive. DSG see cyclists as being an important potential user of this service and are interested in how cycling connections could be improved to access a future ferry terminal at Bellerive.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Attachments: Nil.

Alderman Dean Ewington
CHAIRPERSON

NATURAL RESOURCE MANAGEMENT AND GRANTS COMMITTEE – QUARTERLY REPORT

(File No Ecm 3757703)

Chairperson's Report – Alderman Beth Warren

Report to Council for the 3-month period 1 October 2019 to 31 December 2019.

1. PRINCIPAL OBJECTIVES AND GOALS

The Committee's prime objectives are to:

- advise Council on the strategic planning and management of bushland and coastal reserves and parks throughout the City;
- provide advice on Council's Reserve Activity Plans and Catchment Management Plans in the context of the "Clarence Bushland and Coastal Strategy";
- administer, in conjunction with Council, the Land and Coast Care Grants Program;
- facilitate and provide guidance for the implementation of Council's adopted "Clarence Bushland and Coastal Strategy"; and
- promote information sharing of natural resource related matters affecting the City.

In working towards these goals, the Committee, in conjunction with Council's Natural Assets Officer, implemented a range of activities which are set out below.

2. CAPITAL WORKS PROJECTS**Waverley Flora Park Avenue of Honour**

Plants have been watered in the landscaped areas of the Waverley Flora Park Avenue of Honour, including the entrance. Garden beds about the memorial site have been hand weeded and surrounding areas with weed growth, including thistles and flat weeds have been treated with herbicide.

Sandstone seating has been ordered from Castle Stone in Buckland for installation in the next quarter.

Richmond Recreation Reserve – Install Boom Gates and Rock Barriers

Post and rail fencing have been installed at the entrance to Richmond Recreation Reserve to meet with the previously installed sandstone blocks (see Figure 1).



Figure 1 – Post and Rail Fencing at the Entrance to Richmond Recreation Reserve

Three-metre-wide boom gates have been placed on order and will be installed next quarter to complete the capital project.

3. RECURRENT INITIATIVES

Implement Natural Area Reserve Activity Plans

- **Glebe Hill Bushland Reserve**

All entrances to Glebe Hill Bushland Reserve received maintenance during the quarter by contractors. Landscaped areas were hand weeded, long grass was brush cut and blackberry thickets at several entrances treated.

- **She Oak Point**

An established illegal camp was decommissioned at She Oak Point recently. Unfortunately, a significant amount of vegetation was damaged in the park, assumedly by the illegal campers.

Glass bottles and rubbish was also cleaned up and disposed. Vandalised vegetation was pruned and or removed to make the reserve tidy.

- **Brinktop Bushland Reserve**

The area about the Brinktop Bushland Reserve sign at the start of Brinktop Road was tidied. Previously treated gorse plants that had died were removed using chainsaws and transferred off-site. Long grass, flat weeds and thistle was brush cut to make the area more aesthetically pleasing.

- **Seven Mile Beach Coastal Reserve**

Coastal wattle is being over-successful in many places along the Seven Mile Beach Coastal Reserve. Near walkways and beach access ways coastal wattle often grows over paths and becomes a nuisance. Conservation Volunteer Australia were engaged to trim many of the beach access paths of coastal wattle. The green waste was put aside in piles and later chipped by a large chipper and truck.

- **Geilston Bay Coastal Reserve**

The area of coastal reserve at Geilston Bay between the Geilston Bay Boat Club and Granville Avenue received maintenance. Grass was brush cut, weeds were treated (mostly blackberry near storm water outlets) and branches were pruned away from the gravel path.

- **Risdon Vale Rivulet Reserve Entrance Landscaping**

The entrance to Rison Vale Rivulet at the Kerria Road/Grass Tree Hill Road intersection received a “face lift” with upgraded landscaping occurring. Large dolerite landscaping rock was used to create borders for garden bed areas using an excavator (see Figure 2).



Figure 2 – Newly landscaped entrance at Risdon Vale near Kerria Road

Several larger rocks were placed about an entrance node further along the track where more plants will be planted in Autumn. The track was resurfaced with new gravel and fresh mulch has been added to garden bed areas making the appearance of the area very inviting.

- **Tranmere Coastal Reserve**

Tranmere Coastal Reserve received thorough maintenance during the quarter. Track verges, storm water outlet areas and other grass areas not mowed by depot staff were brush cut. A “weed sweep” was done by contractors with blackberry, boneseed, broom and African boxthorn plants treated.

- **Lagoon Road Bushland Reserve, Otago Bay**

The Lagoon Road Bushland Reserve was tidied by contractors. Vegetation and litter were first collected from the ground and transferred to the tip. Grass was brush cut and weeds either slashed or treated.

- **Otago Bay Coastal Reserve**

Grass was brush cut and weeds were controlled along Otago Bay Coastal Reserve. Litter is an on-going problem, especially near the remains of the ship wreck on Otago Bay Road. Litter was collected and removed from the reserve.

- **Old Lauderdale Tip**

Revegetation areas on top of the Old Lauderdale Tip that were planted over the last few years were watered during the dry weather quarter. Grass between the plantings was brush cut and plant guards and stakes rectified.

- **Roscommon**

Slashing of long grass, using a tractor, has occurred in between rows of plants around the perimeter of Roscommon. Areas that the tractor could not slash were brush cut. Planning is underway to have the plants watered in the coming weeks to maximise survival rates.

Track verges and the swale parallel with Terrina Street were brush cut between the Lauderdale Wetland and the Archery Club.

- **Watering of Various Revegetation Sites**

During the quarter, Clarence received lower than average rain which was detrimental to the future success of recently planted revegetation and landscaped areas. As a result, contractors were engaged to water many of the drier vegetation sites including: Fort Direction Track, Geilston Bay Coastal Reserve, Lauderdale Canal Dunes, Avenue of Honour (Waverley Flora Park), Bedlam Walls Entrance, Canopus Bushland Reserve, Acton Tangara Trail Revegetation Areas and Flagstaff Gully Road.

- **CCC 2018-2019 Land and Coast Care Grants' Program**

Groups that submitted successful grant applications have received subsequent funding and are now underway with their projects.

Natural Area Volunteer Support

- **Volunteer Working Bees**

During the quarter there were approximately 7 volunteer working bees on Council managed land. A total of 39 volunteers gave up their own time to help improve the natural values of various sites around Clarence. Calculating volunteer time at \$40 an hour, a total of \$4,680 in-kind work was achieved by the volunteers.

- **Acton Landcare** undertook weeding along nearby sections of the Tangara Trail removing sweet pittosporum seedlings, sollya and rubbish.
- **South Arm/Opossum Bay Coastcare** removed extensive African boxthorn plants along the Bezant's Road Track to the South Arm Beach. Council provided several large skip bins for the green waste to be taken off-site.

Events

Planning is underway for a **World Wetlands Day Event** to be held on 2 of February 2020 at Lauderdale Primary School.

Limekiln Point Landcare Group held a very successful Sculpture Trail in November 2019, with seven Primary Schools from the Clarence City Council area designing and creating artworks for the trail from recycled materials. Council provided \$50 gift vouchers for the schools participating as a token of thanks for the hard work of students and teachers during the project.

Swift Chatter

The Winter edition of Swift Chatter was published and sent to groups, as well as to participants of the Tasmanian Landcare Conference recently held at Blundstone Arena.

South Arm/Opossum Bay Coastcare African Boxthorn Removal

Council supported the South Arm and Opossum Bay Coastcare group with the removal of a large amount of boxthorn from Council land at Bezant's Road. Two large skips were required to have the green waste taken off-site.

Drainage Swales

- **Kangaroo Bay Rivulet**

The Kangaroo Bay Rivulet received maintenance from the Rosny Barn to Gordon's Hill Road. The log jam was cleared of vegetation and rubbish, grass was brush cut, weeds were treated, and minor pruning was achieved.

- **Rosny and Montagu Bay Swale and Bio-retention Basin Maintenance**

The network of swale and basin storm water systems along the coastal reserve at Rosny/Montagu Bay received maintenance works. Long grass was brush cut, outlying weeds were sprayed, basins were hand weeded and rubbish collected and removed.

- **Clarence Plains Rivulet**

Extensive maintenance of the Clarence Plains Rivulet from Goodwins Road to South Arm Highway was achieved. Rubbish accumulated in the rivulet was collected and disposed. The rivulet track verges were brush cut and then sprayed to prevent immediate re-growth. Long grass about the rivulet was brush cut and fallen branches and brush removed. A variety of weeds were treated including Scotch thistle, fennel, boneseed, blue periwinkle, African boxthorn, hawthorn and blackberry.

- **Risdon Vale Rivulet**

Rubbish accumulating in the Risdon Vale Rivulet has been an on-going problem and requires regular clean ups. Rubbish was collected and removed prior to brush cutting the grass along the whole length of the rivulet. Small populations of cumbungi in the rivulet were poisoned and not much appears to be re-establishing due to consistent follow up control over the last five years.

- **Acton Creek**

Sections of Acton Creek adjacent to the Seven Mile Beach Retirement Village were recently handed over to Council to own and manage. These sections of the creek were in desperate need of maintenance and left to Council in a very poor state.

Very long grass and extensive weed growth from site disturbance was brush cut but was difficult due to the amount of building waste and debris left by the developers on the ground. Minor weed management was done, but more resources are needed into the future to remove large African boxthorn plants and other weeds and get the site to a more manageable state.

- **Roches Beach Road Swale**

The swale that runs parallel with Roches Beach Road was brush cut and treated for weeds, mostly blackberry. The adjoining swale upstream of Roches Beach within the Tangara Trail also received maintenance work.

Several fallen and dangerous trees were cut down and removed from the swale drainage line.

Priority Weed Management

- **Needle Grass Eradication Program**

Council's Needle Grass Eradication Program continued in late October through to the end of December. During this period Chilean needle grass and Texas needle grass was treated on council-managed land. Treatment included spot-spraying individual plants at flowering (October – November), bagging seed heads and chipping plants (in December) and then post seed production to prevent seed drop. The usual management zones and all known sites for both species across Otago Bay, Lindisfarne, Rose Bay, Montagu Bay, Bellerive, Mornington, Warrane, Howrah, Rokeby, Acton Park and Sandford were revisited at least twice during these sweeps.

New infestations of Chilean needle grass have been identified about Cambridge Road, Warrane, McIntyre Street (see **Figure 3**), Mornington and Sanderson's Road, East Risdon.



Figure 3 - Newly discovered medium infestation of Chilean needle grass in nature strip along length of McIntyre Street Mornington Industrial Estate

These new sites will require targeted winter application of fluproponate. Known sites containing needle grass within Clarence that require management continue to grow each year, but areas that have been under regular management for three seasons now are showing significant reduction improvements. Contractors engaged to undertake the control program have fine-tuned their treatment methods with the best results achieved so far in this current season. They will report on this success at an end of season meeting in-the-near-future and reported information will be used for planning for 2020-21 Needle Grass Eradication Program.

Two projects developed by committed local Glebe Hill and Rosny and Montagu Bay Landcare groups were funded through DPIPW's Weed Action Fund Round 1 Grants. These projects involved consultants extensively surveying Glebe Hill Bushland Reserve for Texas needle grass – of which no further infestations were recorded other than those already under management; and Rosny Hill and foreshore reserve for Chilean needle grass – results unknown at this stage but no doubt further infestations were likely recorded.

- **St John's Wort**

St John's wort (Priority 1 weed under Clarence Weed Strategy 2016-2030) control was undertaken at all known roadside populations within the municipality including Sugarloaf Road, Risdon Vale; and Forest Hill Road, Dorans Road and Gellibrand Drive, Sandford. Importantly this work was completed prior to the rural roadside verge mowing contractors working through those areas. Most sites demonstrated infestation levels which were significantly reduced to mostly absent from previous years indicating a high success in preventing plants from seeding. No new sites have been identified in the 2019-20 season which can be attributed to successful control and management of verge mowing contractor hygiene.

- **Mediterranean Daisy**

Mediterranean daisy (see Figure 4) infestations have been identified as a Priority 1 Weed under the Clarence Weed Strategy 2016-2030.



Figure 4 - Mediterranean daisy (*Urospermum dalechampii*) growing at Pindos Point Tranmere displacing native coastal herbaceous species

Control works were undertaken across the three main infestation areas where it occurs within Clarence municipality – Rosny foreshore, Tranmere foreshore and Mortimer Bay Coastal Reserve, Sandford.

This high priority weed is of concern in the Mortimer Bay area where it appears to be spreading at a great rate despite control being undertaken over the past two seasons. Contractors along with Weeds Planning Officer are working to establish the best approach for management which can then be shared with and applied on adjoining land. It appears that recent serrated tussock control has opened new areas for Mediterranean daisy to invade and with the very dry spring conditions nothing has been able to establish in its place for competition. Different herbicide applications and treatment methods will be trialled in 2020-21 which will be in partnership with the City of Hobart and their trial management methods for the Queens Domain.

Adjacent landowners were advised of their infestations of Mediterranean daisy and responsibility under the Weed Management Act 1999 and neighbours via initial weed notification communications. The most appropriate response initially is for more regular mowing at appropriate times to minimise plants going to seed. A co-ordinated herbicide treatment program for Mediterranean daisy across private land will be planned for 2020-21 and will be targeted for in future Weed Action Fund applications.

Dorans Road, Sandford roadside infestation was the only area not treated this season due to lack of funding but will look at targeting that area in the 2020-21 priority weed program.

- **Serrated Tussock**

Serrated tussock was “mopped up” at various sites after mostly successful winter fluproponate treatment especially around the Acton Court area; and at a few sites that have not historically been an issue or managed by Council such as the foreshore reserve between Mays Beach, Lauderdale and Calvert’s Hill Nature Reserve, Sandford. This reserve is having a coastal track formalised and the declared weed management taken over by Council as part of the lease agreement with Parks and Wildlife Services – Property Services Division.

- **Old Lauderdale Tip**

Weed control was performed about the Old Lauderdale Tip. Woody weeds, such as canary broom, English broom, African boxthorn, boneseed, tree mallow and Spanish heath were treated.

- **Mortimer Bay Coastal Reserve**

Weed Management for Spanish heath at Mortimer Bay Coastal Reserve is a long-term project due to the longevity and number of seeds produced by mature Spanish heath plants. Follow up Spanish heath control was done during the quarter and good results are starting to be observed within the reserve with the numbers of plants reducing from year-to-year.

- **Otago Bay Weed Control**

Contractors have undertaken general weed control at Otago Bay Lagoon Reserve, Otago Bay Coastal Reserve, Lagoon Road, Direction Drive and Saunderson's Road. Boneseed, African boxthorn, blackberry, canary broom and English broom were the main weeds treated.

Wetland/Storm Water Retention Basins

- **Otago Bay Lagoon Reserve**

Maintenance work including brush cutting, weed control and cumbungi removal was done at Otago Bay Reserve Lagoon.

- **Cambridge Park Wetland**

Cambridge Park Wetland was mowed, brush cut and weeded by contractors during the quarter.

Climate Change Initiatives

- **Clarence Aquatic Centre**

A 25kW solar system was installed at the Clarence Aquatic Centre (See Figure 5).



Figure 5 – Clarence Aquatic Centre 25 kW Solar System Installation

This new installation is in addition to the 75kW system that already exists, providing 100kW of solar power in total.

- **Council Building Energy Audits**

Energy audits were carried out on seven council owned buildings including:

- Clarence Aquatic Centre;
- Mornington Depot;
- Wentworth Sports Facility;
- Clarence District Cricket Club;
- Rosny Child Care Centre;
- Clarence Childcare Services – Alma St Bellerive; and
- Rosny Historic Farm.

- **Electric Vehicle Charging Station**

Quotes have been received and are being assessed by Council for the installation of an electric vehicle charging station. The station will be positioned out the front of the Clarence City Council Chambers carpark and will allow an electric vehicle to be charged within an hour or two.

Schools Landcare Support Program

- **Howrah Primary School Landcare Group Development**

Howrah Primary School has expressed an interest in becoming a part of Council's School Landcare Program. Adjacent to the boundary of the school ground is a section of the coastal reserve dune system, managed by Council where the group could facilitate environmental projects. The school is particularly interested in being involved with planting in the dunes to stabilise the sand dunes and provide improved habitat for fauna, such as the Eastern Barred Bandicoot. There is also an interest in designing and installing interpretation signage relating to coastal dune vegetation and fauna. Funds provided for the School Landcare Program are very minimal and a proposal to increase funding for the program will be done to allow more schools to get involved.

- **Cambridge Primary School Landcare Site (Barilla Rivulet Area)**

Maintenance of the Cambridge Primary School Landcare Site has been done in the quarter. Weeds have been sprayed and hand pulled, with additional woodchip mulch added to make the site look neat and tidy.

Prison Program Project

- **Second Bellerive Bluff Retaining Wall and Rock Paving**

The Prison Crew have installed a very impressive dry mudstone retaining wall at the Second Bellerive Bluff (see Figure 6).



Figure 6 – Dry mudstone retaining wall at Second Bellerive Bluff

Rock was collected by hand from a quarry at Richmond and used to build the wall and an adjacent section of rock paving at the base of the wall at one end. Local track users and residents were extremely impressed with the rock work done stopping regularly to compliment the crew on their work. Additional mulch was added to the garden bed post rock works.

- **Waverley Flora Park Entrance Landscaping**

Several entrances to Waverley Flora Park were landscaped by the Prison Crew including entrances at Nankoor Crescent, Mercedes Place and Alford Street.

The entrance at Mercedes Place was improved with a convict sandstone retaining wall built in front of the reserve sign (see Figure 7).



Figure 7 – Convict Sandstone Retaining Wall at Mercedes Place Entrance to Waverley Flora Park

Perimeter vegetation was pruned to allow better visual line-of-sight to the sign and newly installed sandstone wall.

The entrance to Waverley Flora Park at the dead end of Nankoor Crescent had a low-profile convict sandstone retaining wall installed by the crew (See Figure 8).



Figure 8 – Convict Sandstone Retaining Wall at Nankoor Crescent Entrance to Waverley Flora Park

4. DESIGN AND INVESTIGATION WORK IN PROGRESS

Nil.

5. GOVERNANCE MATTERS.

Committee Meeting

The next committee meeting is scheduled for early February at the Clarence City Council Chambers; 2020-21 Council Budget Considerations and other matters will be on the agenda. A date and time for the next meeting is to be advised

6. EXTERNAL LIAISON

Nil.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Attachments: Nil.

Alderman Beth Warren
CHAIRPERSON

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

The Weekly Briefing Reports of 3, 10 and 17 February 2020 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 3, 10 and 17 February 2020 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**11.2.1 PETITION – SUBDIVISION APPLICATION 2019/003190 – 12 ST JOHNS CIRCLE, 9 PROSSERS ROAD AND 41 WELLINGTON STREET**

(File No E101-15)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the petition tabled at Council's Meeting on 13 January 2020, relating to Subdivision Application 2019/003190.

RELATION TO EXISTING POLICY/PLANS

The matter is related to the Clarence Interim Planning Scheme 2015.

LEGISLATIVE REQUIREMENTS

Section 60 of the Local Government Act, 1993 requires Council to formally consider petitions within 42 days of receipt.

CONSULTATION

The petition was made during the consultation period set aside for the above subdivision application, which was advertised between 11 December 2019 and 2 January 2020.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council notes the intent of the petition and considers the matters raised by the petition as part of the Planning Authority determination of Subdivision Application 2019/003190.

ASSOCIATED REPORT**1. BACKGROUND**

This petition concerns an application before the Planning Authority. The petition contains 102 signatories.

2. REPORT IN DETAIL

2.1. The petition requests Council to amend the current application for the proposed development by reducing the number of lots “...so as not to overburden current infrastructure (such as roads, water, sewerage, and schools) and to appropriately meet community expectations”.

2.2. The petition can be considered when the Planning Authority determines the subdivision application later in the Council meeting (Item number 11.3.3), where the relevant agenda item includes review of the petition as a representation.

2.3. The petitioners can be informed of Council's decision and any right of appeal.

3. CONSULTATION

The development application was advertised in accordance with statutory requirements.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Not applicable.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

Not applicable.

7. FINANCIAL IMPLICATIONS

Not applicable.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

The petition will be considered as a representation when the Planning Authority determines the Subdivision Application 2019/003190 during the course of Council's 24 February 2020 Meeting.

Attachments: 1. Extract from Petition (1)

Ian Nelson
GENERAL MANAGER

ATTACHMENT 1

PETITION TO THE CLARENCE CITY COUNCIL IN ACCORDANCE WITH PART 6 OF THE LOCAL GOVERNMENT ACT, 1993

SUBJECT: Proposed Development PDPLANPMTD - 2019/003190
(include a clear and concise statement identifying the subject matter of the petition)

We, the undersigned, petition the Mayor and Aldermen of the Clarence City Council to:
amend the current application for the proposed development PDPLANPMTD -
2019/003190 at 12 St John's Circle, 9 Prossers Rd and 41 Wellington St, Richmond
by reducing the number of lots proposed so as not to overburden current
infrastructure (such as roads, water, sewerage and schools) and to appropriately
meet community expectations.
(include a brief statement of the action requested of Council)

11.3 PLANNING AUTHORITY MATTERS

In accordance with Regulation 25 (1) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor advises that the Council intends to act as a Planning Authority under the Land Use Planning and Approvals Act 1993, to deal with the following items:

11.3.1 DEVELOPMENT APPLICATION PDPLANPMTD-2020/006436 – 25 VASILI COURT, OAKDOWNS - OUTBUILDING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an outbuilding at 25 Vasili Court, Oakdowns.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Waterway and Coastal Protection Code, Parking and Access Code and Stormwater Management Code under the *Clarence Interim Planning Scheme 2015* (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

Note: References to provisions of the *Land Use Planning and Approvals Act 1993 (the Act)* are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42-day period which expires on 26 February 2020.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and three representations were received raising the following issues:

- loss of property values;
- overshadowing;
- use of the outbuilding;
- visual impact; and
- inconsistency with character of the area.

RECOMMENDATION:

A. That the Development Application for an Outbuilding at 25 Vasili Court, Oakdowns (C1 Ref PDPLANPMTD-2020/006436) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned General Residential under the Scheme.

2.2. The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zones; and
- Section E6.0 – Parking and Access Codes.

2.4. Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 704m² allotment located at the western cul-de-sac end of Vasili Court. The site is developed with a modern single storey dwelling fronting Vasili Court. The site is relatively westwards sloping.

The site is adjoined by single dwellings to the south-east and north-west. The rear boundary adjoins a multiple dwelling development encompassing five units, three of which are two storey dwellings and two of which are single storey.

3.2. The Proposal

The proposal is to construct a 36m² outbuilding located in the south-eastern corner of the site. The proposed outbuilding would be located between the existing dwelling and the rear boundary and would be setback 1.2m from the rear boundary. The proposed outbuilding would be 4.3m at its highest point above the natural ground level.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act,*

but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.

References to these principles are contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone, Parking and Access Codes and Stormwater Management Code with the exception of the following.

General Residential Zone

- **Clause 10.4.2 A3** as the proposal requires a variation to the building envelope standards as part of the proposed outbuilding extends out of the building envelope. The proposed outbuilding is setback 1.2m from the rear boundary.

The proposed variation must be considered pursuant to the Performance Criteria P3 of the Clause 10.4.2 as follows.

Performance Criteria	Proposal
<i>“The siting and scale of a dwelling must:</i> <i>(a) not cause unreasonable loss of amenity by:</i> <i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i>	The proposed outbuilding is located generally north of the dwellings at 23 Vasili Court and Unit 5, 27 Vasili Court. Unit 4, 27 Vasili Court is located to the south-west of the proposed outbuilding. The closest habitable room of 23 Vasili Court is located approximately 9m from the proposed outbuilding. The living room and kitchen windows are offset to the south-east of the proposed outbuilding and located on the upper floor. The proposed outbuilding will overshadow the living room and the kitchen windows from around 3pm on 21 June. As this is only for a short part of the day in the late afternoon, it will not be considered to have a detrimental impact on the amenity of the dwelling on the adjoining lot. No 27 Vasili Court, in particular Unit 5, is located to the south and its living room will be overshadowed for approximately an hour from around 9am on 21 June but will receive sunlight throughout the day. Therefore, the proposed outbuilding will not cause any unreasonable loss of amenity through overshadowing. Unit 4 is a 2-storey dwelling, Council records show that the kitchen and dining room windows are east facing and contained in the upper floor. The dwelling on Unit 4 will not be impacted by overshadowing at all on 21 June.
<i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i>	The proposed outbuilding will cause overshadowing to part of the yard next to the driveway at 23 Vasili Court between 12 and 1pm, however this is not considered to be unreasonable.
<i>(iii) overshadowing of an adjoining vacant lot; or</i>	Not applicable as all adjoining lots are developed.

<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	Due to the 1.2m rear setback variation, a considerable part of the outbuilding will be out of the building envelope and the maximum height of the outbuilding will be 4.3m from natural ground level. However, the adjoining properties have a driveway surrounding the proposed outbuilding therefore creating a buffer which provides separation and reduces the apparent scale of the outbuilding when viewed from a dwelling on an adjoining lot. As a result of the driveway, separation between the dwellings on adjoining lots and the proposed outbuilding ranges from 9m to 11m. The area is characterised by a mix of double and single storey dwellings therefore the bulk and scale of the proposed outbuilding would be significantly less in comparison to other dwellings in the area. On this basis, it is considered that the proposal will not have an adverse visual impact when viewed from adjoining lots.
<i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i>	In the surrounding area, there are dwellings and outbuildings located 1.2m from the rear boundary therefore the proposal maintains setbacks between dwellings on adjoining lots that is consistent with the surrounding area.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and three representations were received. The following issues were raised by the representors.

5.1. Loss of Property Values

Concern was raised that the proposed outbuilding will have an adverse impact upon the value of properties in the surrounding area.

- **Comment**

Impact upon land value and loss of value as a result of a particular type of development proposed is not a relevant consideration under the scheme and therefore not of determining weight.

5.2. Overshadowing

Concern was raised that the proposed outbuilding will overshadow the shared garden associated with the multiple dwelling development adjoining the site.

- **Comment**

The adjoining property at 27 Vasili Court contains landscaping in the shared driveway which is not part of the dwellings' private open space. The area in question is to the south-west of the proposed outbuilding and would be partially overshadowed in the morning at 9am on 21 June for approximately an hour but would receive adequate solar access for the remainder of the day.

5.3. Use of the Outbuilding

Concern was raised that the proposed outbuilding may be used as a workshop and the potential impact from noise.

- **Comment**

The applicant has advised that the proposed outbuilding is associated with the residential use. As the proposed outbuilding is for a residential use, any noise is only subject to the Scheme requirements for a non-residential use and will be regulated under the *Environmental Management and Pollution Control Act, 1994 (EMPCA)*.

5.4. Visual Impact

Concern was raised that the proposal will result in substantial visual impact when viewed from habitable rooms of dwellings on adjoining lots.

- **Comment**

As discussed previously in this report, the visual impact is not considered to be unreasonable as a result of the driveway providing reasonable separation between the dwellings on adjoining lots and the proposed outbuilding.

5.5. Inconsistency with Character of Area

Concern was raised that the size and scale of the proposed outbuilding will be inconsistent with the character of the surrounding area.

- **Comment**

As the proposal complies with the relevant Acceptable Solutions and Performance Criteria under the scheme, impacts on the character of the area are not applicable considerations.

6. EXTERNAL REFERRALS

No external referrals were required or undertaken as part of this application.

7. STATE POLICIES AND ACT OBJECTIVES

7.1. The proposal is consistent with the outcomes of the State Policies, including those of the State Coastal Policy.

7.2. The proposal is consistent with the objectives of Schedule 1 of LUPAA.

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

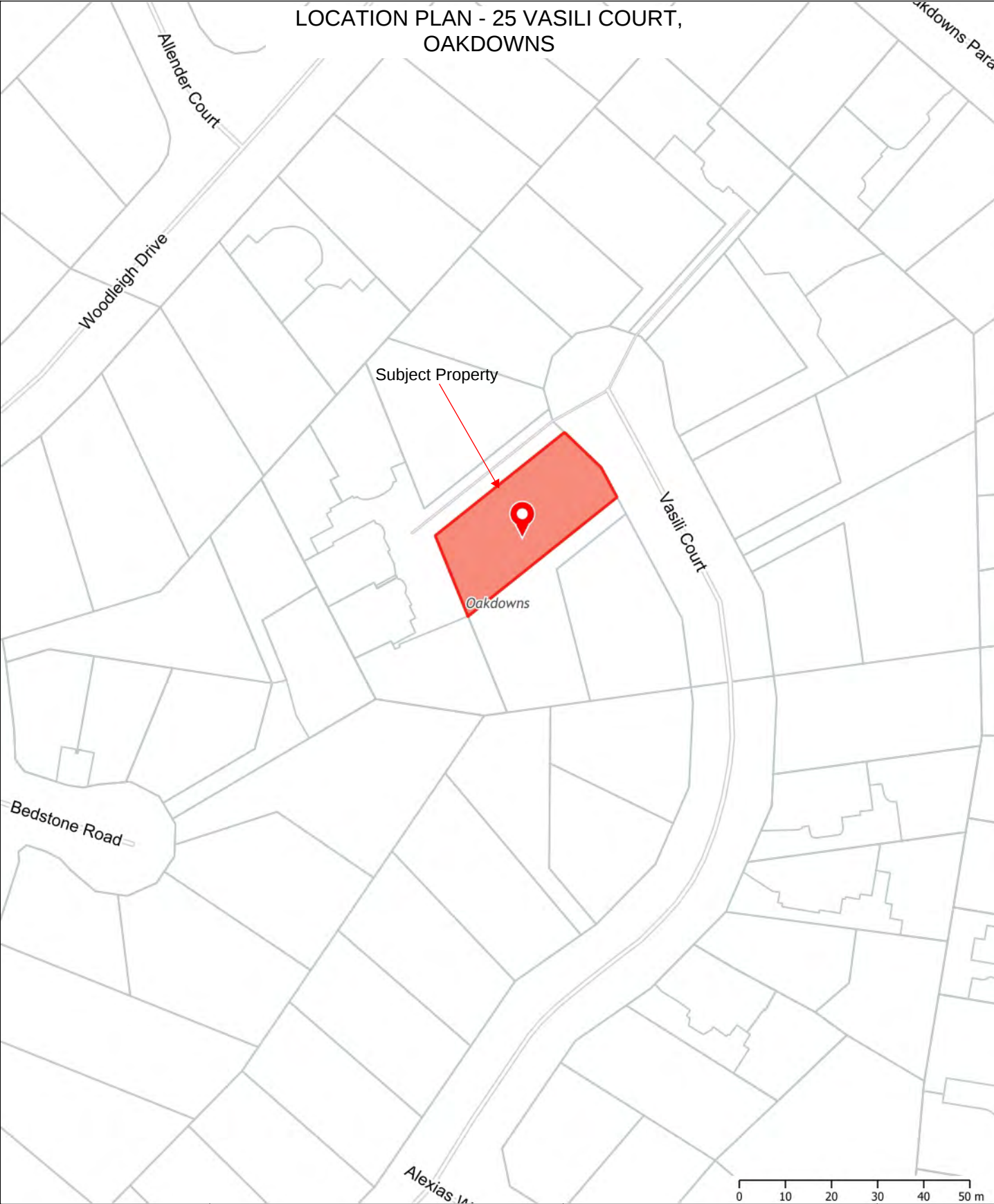
There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

9. CONCLUSION

The proposal is for an outbuilding at 25 Vasili Court, Oakdowns. The proposal satisfies the relevant requirements of the Scheme and is recommended for conditional approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (3)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING



This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

13/02/2020
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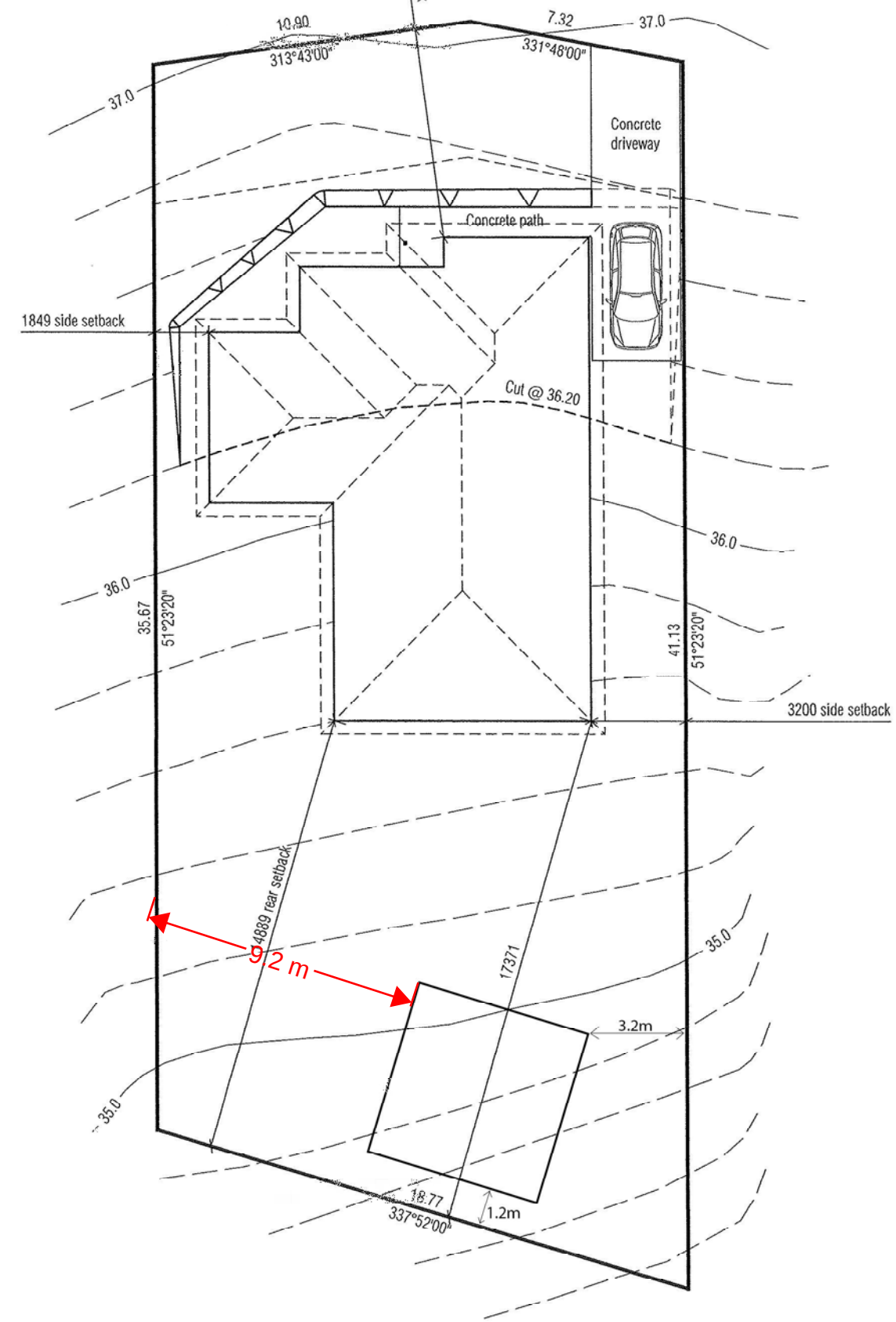


VASILI COURT

Attachment 2

C.T. No. 167175/119
 704m²

IMPORTANT NOTE:
 Contours are interpolated from
 thelist.tas.gov.au 5m contours.
 Actual contours may vary on site.

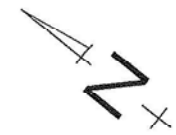


NO. 4950-17
 9-15-14
 BUILDING SURVEYOR

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 Compliance No. CC102Y

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 DATE: 11/09/14
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 DRAWN BY: PC

DWG No:

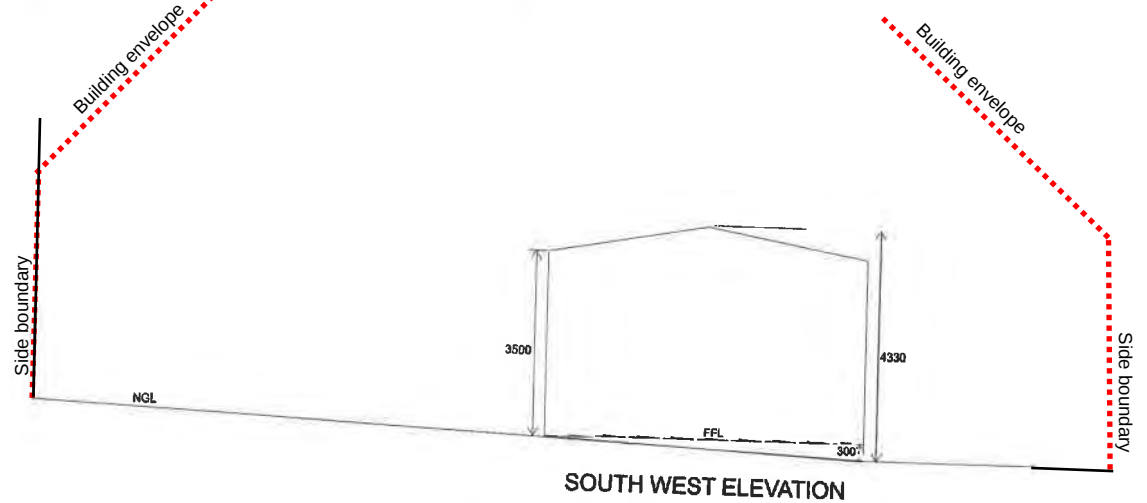
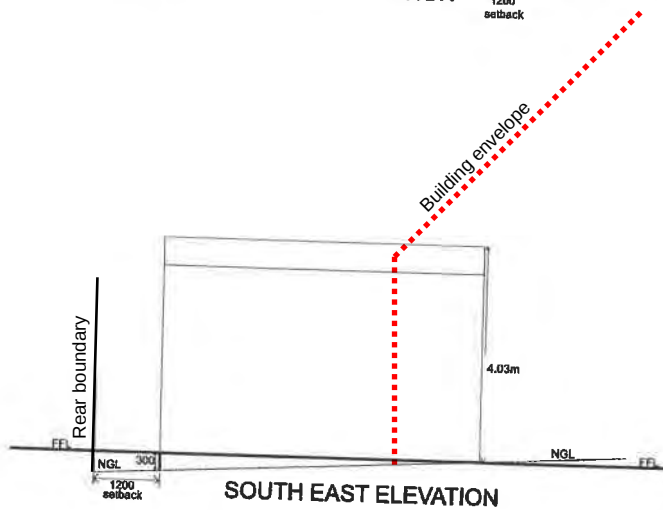
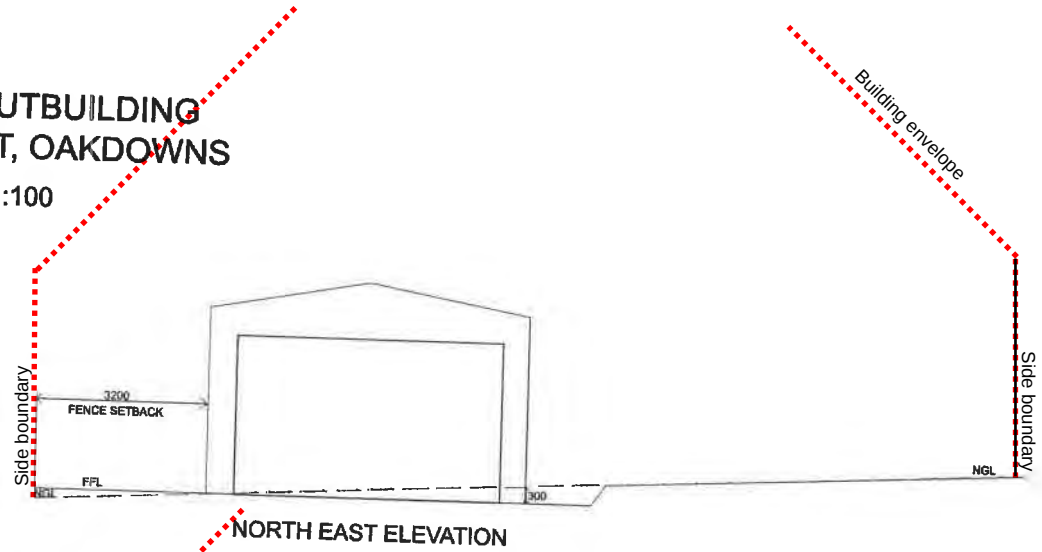
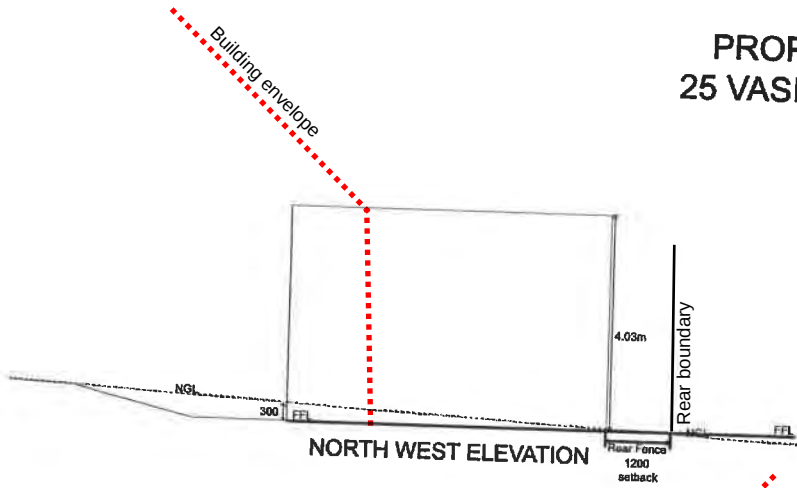


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PROPOSED DWELLING FOR MIFSUD & HEDGE
 25 VASILY COURT, OAKDOWNS

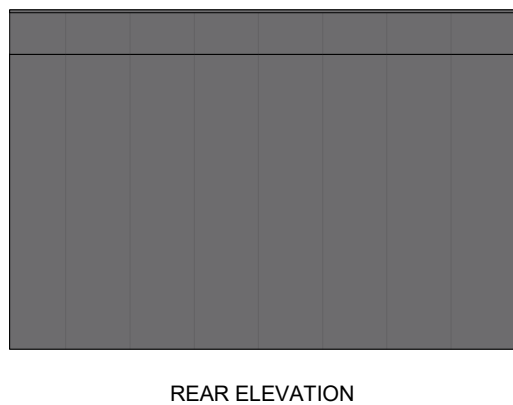
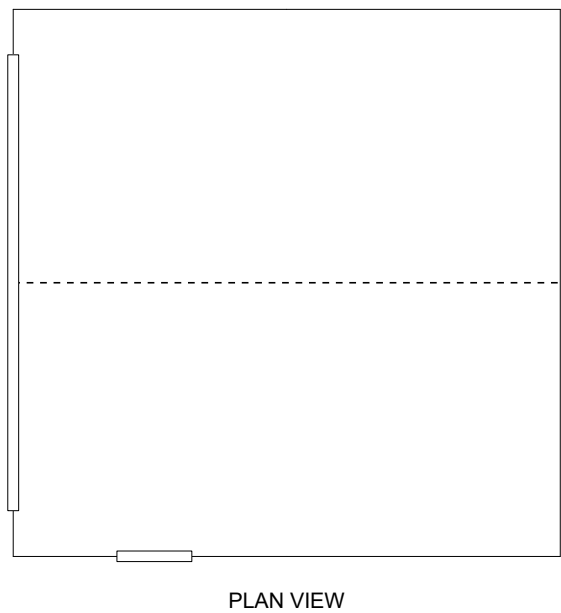
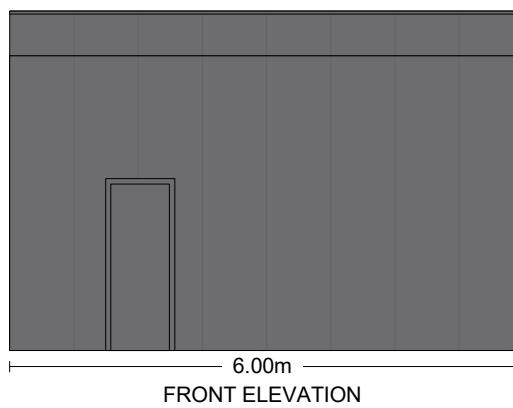
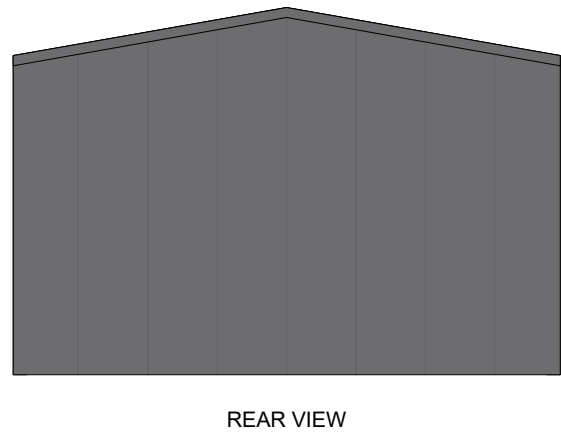
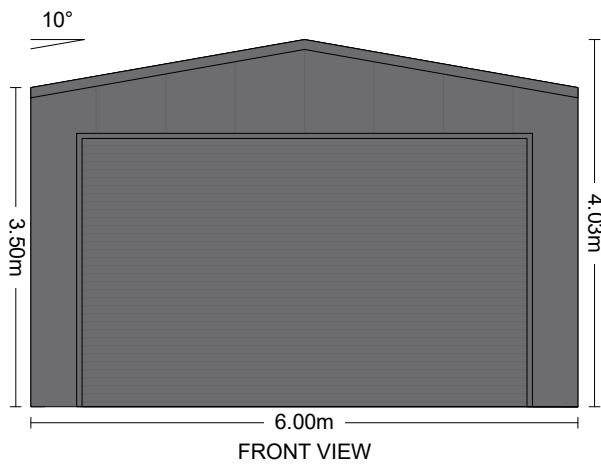
PROPOSED OUTBUILDING 25 VASILI COURT, OAKDOWNS

SCALE 1:100





Steeline Hobart		Quotation
ABN: 75 009 543 506	Phone: (03) 6249 4988	No: 248352 Date: 27/11/2019 Valid: 30 Days
Address: 1 Whitestone Drive Austins Ferry TAS 7011	Fax: (03) 6249 3838	
Email: tassiesheds@steeline.com.au		
Web: www.steeline.com.au		



Attachment 3



Photo 1: Site viewed from Vasili Court

11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2020/006688 – 2 ALMA STREET, BELLERIVE - DEMOLITION OF EXISTING DWELLING AND EXISTING TOILET BLOCK**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Demolition of Existing Dwelling and Existing Toilet Block at 2 Alma Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned Community Purpose and General Residential and subject to the Parking and Access, Stormwater Management and Historic Heritage under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires on 4 March 2020.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and two representations were received raising the following issues:

- impact on residential amenity;
- the requirements of Community Purpose zone; and
- the residential character of the area.

RECOMMENDATION:

A. That the Development Application for Demolition of Existing Dwelling and Existing Toilet Block at 2 Alma Street, Bellerive (C1 Ref PDPLANPMTD-2020/006688) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. All services must be sealed off prior to any demolition works.

3. After the demolition of the existing dwelling, all debris must be removed from the site and the land area landscaped with lawn.

ADVICE

A planning permit will be required for the future development of the General Residential zoned portion of the site for school purposes. Therefore, Council encourages the landowner or developer to discuss the requirements with relevant officers at an early stage.

- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT**1. BACKGROUND**

A planning permit (D-2016/395) was granted in December 2016 for Partial change of use to school playground and associated fencing. The permit granted an approval to partially convert, formerly known as 3 Bignell Street, to educational and occasional use and partially demolishing the boundary fence on the northern side boundary. The permit also included a condition stating that 3 Bignell Street and 2 Alma Street must be consolidated into one title.

The land area zoned General Residential is proposed as part of the Local Provisions Schedule to be zoned to Community Purpose. The draft local controls have been finalised and are currently exhibited for public comment.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Community Purpose and General Residential under the Scheme.

2.2. The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – Community Purpose and General Residential Zones; and

- Section E6.0 – Historic Heritage, Parking and Access and Stormwater Management Codes.

2.4. Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is at the north side of Corpus Christi Primary School at 2 Alma Street, Bellerive. In particular it concerns the area abutting the Bignell Street turning circle at the northern edge of the property.

3.2. The Proposal

An application is made to demolish an existing toilet block and dwelling. The school has been investigating options to determine what adjustments need to be made to its current facilities, in order for the school to continue to serve its educational and community functions. The school has identified the existing dilapidated WC block and an existing dwelling as surplus to its current requirements. In order to progress the school’s redevelopment project, it is seeking an approval to demolish the surplus facilities in order to provide an additional play area in the future.

The existing toilet block is setback 28m from the north side boundary and 49m from its west side boundary. The existing dwelling is setback 2m from the north side boundary and 85m from the west side boundary.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:

- (a) *all applicable standards and requirements in this planning scheme; and*
- (b) *any representations received pursuant to and in conformity with ss57(5) of the Act,*
but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.

References to these principles are contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of Community Purpose and General Residential Zone and Parking and Access and Stormwater Management Codes.

The proposal must be assessed against Clause 9.4.1 of the Scheme, for demolition. Clause 9.4.1 provides that:

9.4 Demolition

Assessment Criteria	Proposal
Unless approved as part of another development or prohibited by another provision, an application for Demolition may be approved at the discretion of the planning authority having regard to:	The proposal is for demolition only.
(a) the purpose of the applicable zone;	The proposal would be consistent with the Purpose of General Residential zone, in that it would remove an existing dwelling in a state of disrepair. The toilet block is located within the Community Purpose zone and its demolition is consistent with the relevant Use and Development standards of the zone.
(b) any relevant local area objective or desired future character statement of the applicable zone;	The relevant Local Area Objective for Community Purpose zone is “ <i>to provide for key community facilities and services where those facilities and services are not appropriate for inclusion as an associated activity within another zone</i> ”.

	The proposed demolition of the toilet block would create a vacant site capable for redevelopment at a future time, and in accordance with the zone with the relevant Local Area Objectives. There are no Local Area Objectives for the General Residential zone.
(c) the purpose of any applicable code;	not applicable
(d) the purpose of any applicable specific area plan.	not applicable

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and two representations were received. The following issues were raised by the representors.

5.1. Impact on Residential Amenity

Representors are concerned that:

- since the school has acquired the residential property, formerly known as 3 Bignell Street, the school's activities have significantly impacted on the residential amenity of the area;
- the School has not been co-operative and has not taken consideration of representor's concerns;
- over the past decades the school has managed to incrementally purchase properties along Bignell Street and convert them to uses that are detrimental to the residential amenity of the area; and
- the representor has noted that it is concerning that once the house is demolished, the school may apply for the vacated land to be incorporated into the school's land.

Comment

It is considered that the matters raised do not carry weight in relation to the applicable performance criteria for the application to demolish. It is noted that the existing residence on what was formerly known as 3 Bignell Street has been providing a buffer between the residential area and the school.

While the surrounding area is characterised by residential land use, the subject site is zoned Community Purpose which allows the school to utilise the site for educational purposes.

However, it is noted that the site where the dwelling is located is zoned General Residential, a condition can be required that after the demolition of the existing dwelling, all debris must be removed from the site and the land area landscaped with lawn.

5.2. The Requirements of Community Purpose Zone

The Representor has noted that:

- one of the major aims of the Community Purpose zone is to provide satisfactory boundary solutions and screening along the boundary with residential areas in order to protect residential amenity; and
- in the event that Council issues a permit for the demolition, Council should monitor and ensure that the school complies with the provisions of the Community Purpose zone.

Comment

It is noted that the Development Application is for demolition only, and these concerns are not relevant considerations under the Scheme and therefore do not have any determining weight. However, in the event that future development of the area is intended, consideration of amenity may be assessed at that time where a permit is required. It is appropriate that the landowner be advised of this.

5.3. The Residential Character of the Area

The Representor has noted that:

- the house proposed to be demolished is suitable as a residence and complements the age and style of the area; and
- the demolition of the house is a waste of the housing stock.

Comment

These concerns are not relevant considerations under the Scheme with respect to the demolition and therefore do not have any determining weight.

6. EXTERNAL REFERRALS

The proposal was referred to TasWater, who has determined that the proposed development does not require a submission from TasWater.

7. STATE POLICIES AND ACT OBJECTIVES

7.1. The proposal is consistent with the outcomes of the State Policies, including those of the State Coastal Policy.

7.2. The proposal is consistent with the objectives of Schedule 1 of LUPAA.

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

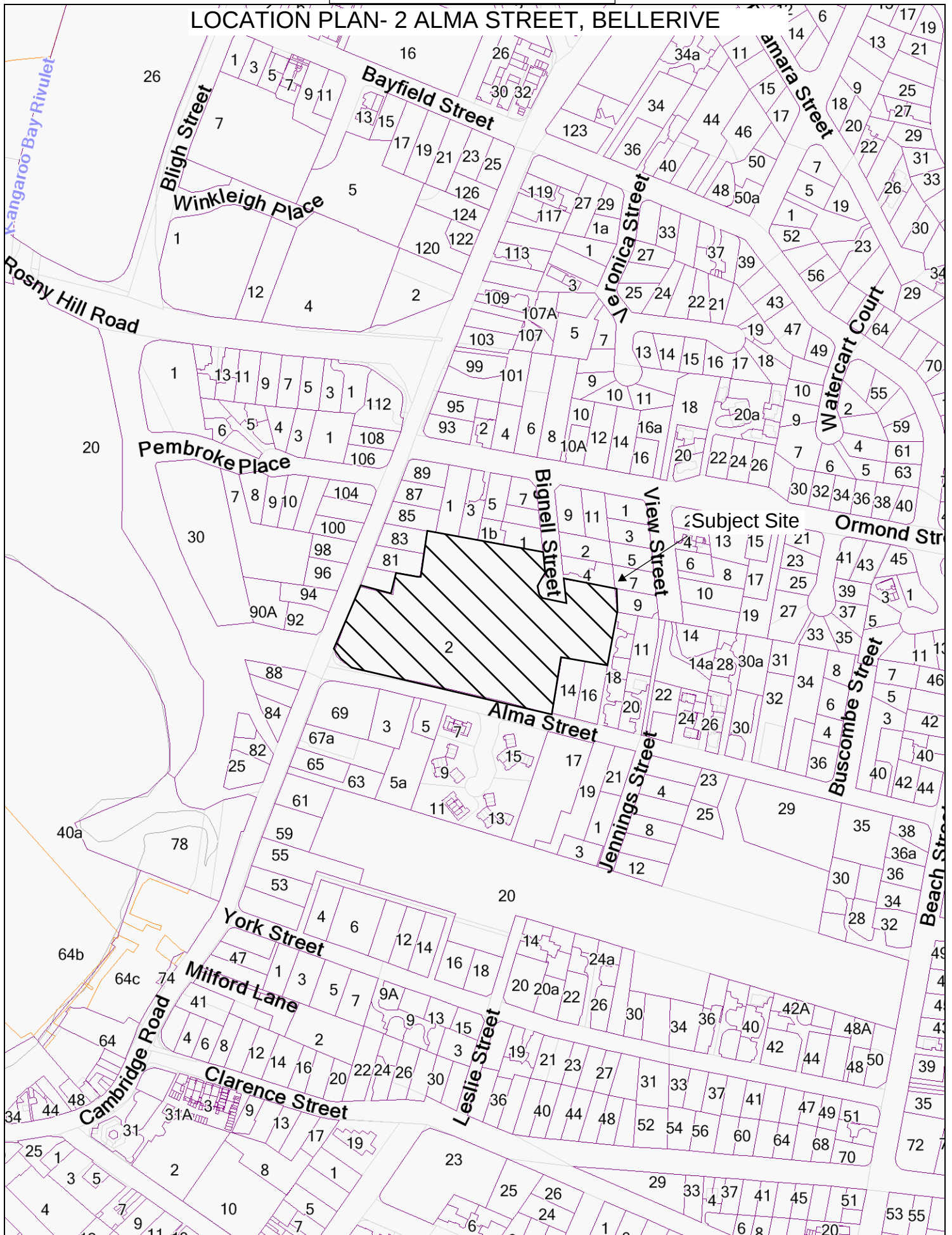
9. CONCLUSION

The proposal for demolition is recommended for conditional approval.

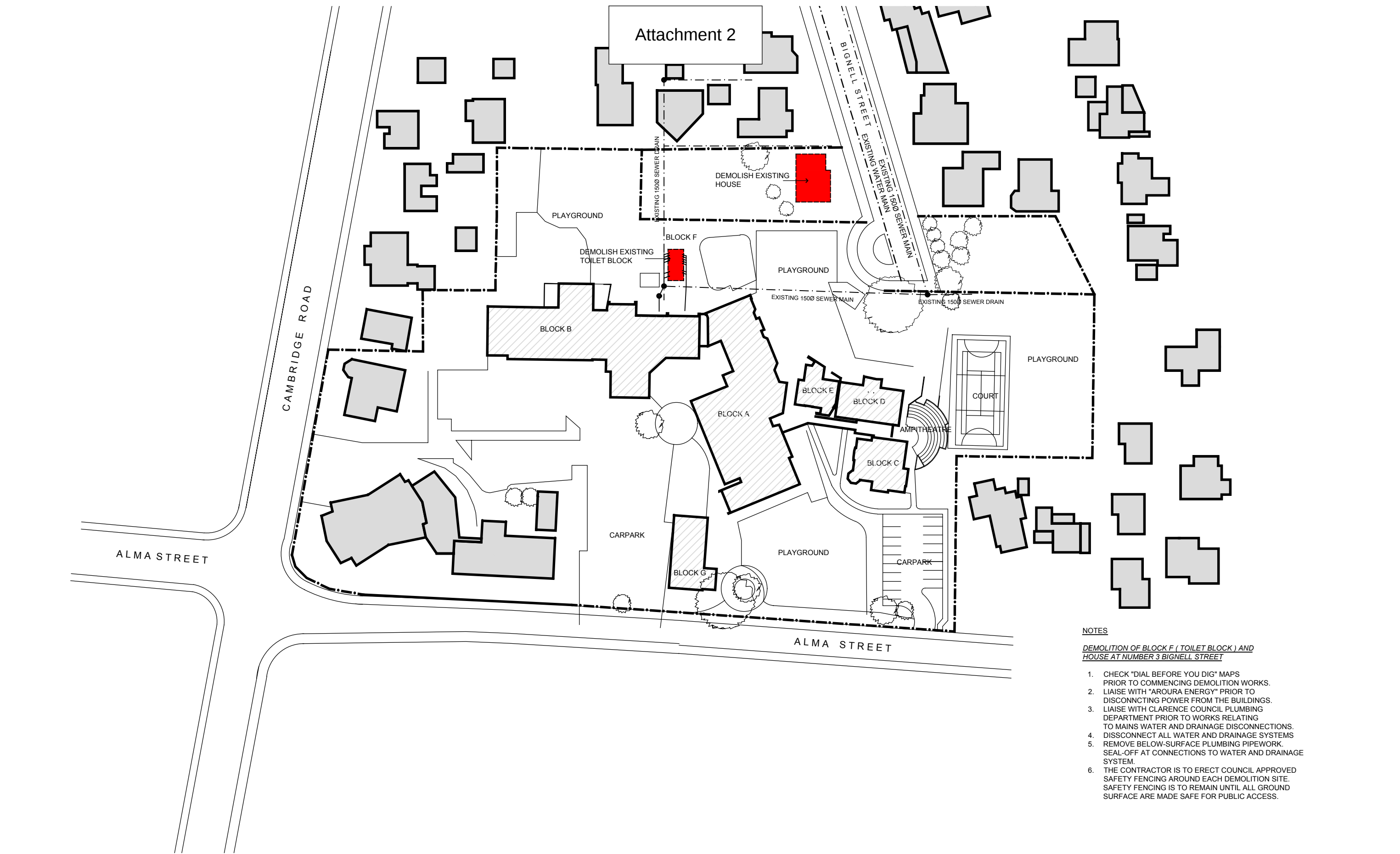
Attachments: 1. Location Plan (1)
2. Proposal Plan (1)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

LOCATION PLAN- 2 ALMA STREET, BELLERIVE



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 13 February 2020 **Scale:** 1:4,133 @A4



- NOTES
- DEMOLITION OF BLOCK F (TOILET BLOCK) AND HOUSE AT NUMBER 3 BIGNELL STREET
- CHECK "DIAL BEFORE YOU DIG" MAPS PRIOR TO COMMENCING DEMOLITION WORKS.
 - LIAISE WITH "AROURA ENERGY" PRIOR TO DISCONNECTING POWER FROM THE BUILDINGS.
 - LIAISE WITH CLARENCE COUNCIL PLUMBING DEPARTMENT PRIOR TO WORKS RELATING TO MAINS WATER AND DRAINAGE DISCONNECTIONS.
 - DISCONNECT ALL WATER AND DRAINAGE SYSTEMS
 - REMOVE BELOW-SURFACE PLUMBING PIPEWORK. SEAL-OFF AT CONNECTIONS TO WATER AND DRAINAGE SYSTEM.
 - THE CONTRACTOR IS TO ERECT COUNCIL APPROVED SAFETY FENCING AROUND EACH DEMOLITION SITE. SAFETY FENCING IS TO REMAIN UNTIL ALL GROUND SURFACE ARE MADE SAFE FOR PUBLIC ACCESS.

Attachment 3



Photo 1. Site viewed from Bignell Street, BELLERIVE

11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2019/003190 – 12 ST JOHNS CIRCLE, 9 PROSSERS ROAD AND 41 WELLINGTON STREET, RICHMOND - 43 RESIDENTIAL LOTS, ROAD LOTS AND BALANCE**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for subdivision of 43 Residential Lots, Road Lots and Balance at 12 St Johns Circle, 9 Prossers Road and 41 Wellington Street, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned Residential and subject to the Road & Railways Assets, Waterway & Coastal Protection, Historic Heritage, Parking & Access, and Stormwater Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42-day period which has been extended to expire on 26 February 2020 with the written agreement of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 54 representations and a petition with 102 signatures were received raising the following issues:

- stormwater;
- public transport;
- infrastructure capacity;
- pedestrian and public safety;
- capacity of local school;
- road network;
- Public Open Space;
- land size/title description;
- vegetation;
- boundary fencing;
- dwelling setbacks;
- multiple dwellings;

- amenity impacts;
- Richmond Bridge;
- watercourse;
- overshadowing and privacy;
- minimum lot sizes;
- separation from main village;
- inconsistent with character of the area;
- impact on tourism;
- heritage;
- failure to comply with Scheme requirements;
- lack of public consultation;
- reduction of land value; and
- loss of dwelling.

RECOMMENDATION:

A. That the Development Application for 43 Residential Lots, Road Lots and Balance at 12 St Johns Circle, 9 Prossers Road and 41 Wellington Street, Richmond (Cl Ref PDPLANPMTD-2019/003190) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [staging as prescribed by Condition 3 of this permit].
3. GEN AP2 – STAGING [Stage 1: Lots 20-23 and balance, Stage 2: Lots 12-19 and 24-26, Stage 3: Lots 7-11, 28-33 (inclusive of the footway lot), Stage 4: Lots 1 and 37-43, Stage 5: Lots 2-6 and 34-36].
4. The balance lot (Stage 1) must be provided with a minimum 3.6m wide sealed access from the road carriageway and along the full length of the access handle in accordance with Standard Drawing TSD-R09 (Urban) (copy available from Council). This access must be inspected by Council prior to sealing or pouring new concrete. Following construction, the crossover must be maintained or repaired by the owner at the owner's expense in accordance with any directions given by Council to the owner.
5. GEN POS1 – POS CONTRIBUTION [5%] [1-43].
6. ENG A1 – NEW CROSSOVER.
7. ENG M2 –DESIGNS SD.
8. ENG M5 – EROSION CONTROL.
9. ENG M7 – WEED MANAGEMENT PLAN.
10. ENG R1 – ROAD NAMES.

11. ENG R2 – URBAN ROAD.
 12. ENG R5 – ROAD EXTENSION.
 13. ENG R6 – VEHICLE BARRIERS.
 14. ENG S1 – INFRASTRUCTURE REPAIR.
 15. ENG S10 – UNDERGROUND SERVICES.
 16. ENG S4 – STORMWATER CONNECTION.
 17. ENG 3A – STORMWATER PRINCIPLES FOR SUBDIVISION.
 18. As the proposed development has identified the need for additional footpaths and a pedestrian crossing point for Wellington Street, and included those works within the submission, all cost associated with the design and construction of the additional pedestrian facilities are to be borne by the subdivider and constructed with Stage 1.
 19. LAND 5 – SUBDIVISION LANDSCAPING.
 20. The development must meet all required Conditions of Approval specified by TasWater notice dated 27 August 2019 (TWDA 2019/01240-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

The titles that comprise the application have been subject to the following subdivision applications and permits:

- SD-2015/45 boundary adjustment (approved December 2015);
- SD-2014/23 boundary adjustments (approved September 2014);

- SD-2013/23 25 lot subdivision (withdrawn July 2013);
- SD-2013/21 boundary adjustment (withdrawn July 2013);
- SD-2002/65 one lot subdivision (approved February 2003); and
- SD-2002/38 boundary adjustment (approved August 2002).

2. STATUTORY IMPLICATIONS

2.1. The land is zoned General Residential under the Scheme.

2.2. The proposal is discretionary because of the type of subdivision under Clause 9.7.2, because of the demolition of a house and other structures under Clause 9.4.1 and because it does not meet certain Acceptable Solutions under the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10.0 – Residential Zone; and
- Section E6.0 – Road & Railways Assets, Waterway & Coastal Protection, Historic Heritage, Parking & Access, and Stormwater Codes.

2.4. Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site comprises 12 St Johns Circle, Richmond (CT 174538/1); 9 Prossers Road, Richmond (CT40183/1) and 41 Wellington Street, Richmond (CT 55252/1). The total development area is approximately 4.7 ha. The combined site has frontage to St Johns Circle, Wellington Street and Prossers Road.

The site comprises grazed and heavily disturbed native vegetation, three houses, associated outbuildings and maintained gardens. The topography is defined by undulation with a natural dry bed watercourse traversing from east to south. The site is located within an established urban residential area with agricultural land to the east and rural land to the south-east.

3.2. The Proposal

The proposal is for the consolidation and subdivision of the three existing lots to create 43 residential lots and balance and road lots. The subdivision comprises a through-road from St Johns Circle to Wellington Street with three turning head configurations through its route. All lots will have access to the new road with the exception of Lot 20 which has access from Prossers Road. Existing overland stormwater flow is to be piped underneath the new road and Lots 16 and 32. The dwelling at 12 St Johns Circle, Richmond is to be retained on proposed Lot 5 with demolition of some associated outlying outbuildings. The dwelling at 9 Prossers Road is proposed to be retained on the balance lot. The dwelling and outbuilding at 41 Wellington Street are proposed to be demolished to create a new junction of the subdivision road with Wellington Street and Lots 22 and 23. There is no public open space proposed within the subdivision layout. All lots are less than 1,000m² with the exception of the balance lot and Lots 21 and 32 which are intended to be for Multiple Dwelling development. The Footway Lot is 10m wide (to provide better security and amenity) and provides a connection between the subdivision and Prossers Road.

The application is supported by a planning report, proposal plans (Attachment 1), Traffic Impact Assessment (TIA), Concept Services Report and Drainage Supplementary Report, Landscape Plan, Demolition and Lighting Plan and Heritage Impact Statement.

The TIA was prepared by Milan Prodanovic and is dated October 2019; Mr Prodanovic estimates that the subdivision when fully developed and occupied will generate up to 380 vehicle movements per day and around 38 vehicles/hour during peak traffic periods, based on the peak hour traffic being the typical 10% of the daily traffic volume and will not create any adverse operational issues on the road network.

It is expected that around 12 vehicles/hour will use the subdivision road to St Johns Circle and around 26 vehicles/hour will use the subdivision road to Wellington Street. There are four existing dwellings that currently use the access off St Johns Circle which would generate three vehicles/hour.

Mr Prodanovic confirms sight distances along St Johns Circle and Wellington Street at the subdivisional road junctions are sufficient for the approach vehicle speeds.

A Heritage Impact Assessment of the proposal was undertaken by Praxis Environment, dated June 2019 and supplemented by letter dated 16 October 2019. The assessment only relates to 41 Wellington Street which is covered by the Heritage Precinct and concerns Lots 22 and 23. The assessment concludes:

“Given that there is some diversity in the overall setbacks of buildings in the immediate vicinity, there is likely to be no hard rule on setbacks from a heritage perspective, however excessively large or zero setbacks should be avoided. The proposed setbacks on lots 22-23 of 4.5m are not considered to be inconsistent with the existing/traditional pattern of development and are therefore considered appropriate in being consistent with the tenor of the heritage precinct and its values.

The proposed lot sizes of 500-600m² of lots 22-23 are also considered to be consistent with the existing pattern of development, with precedent for reducing the size of the larger Wellington Street facing blocks and that any future development on these lots would continue the established pattern of finer grained development on the corner and side street as per the opposite situation”.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act,*

but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.

References to these principles are contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the Residential Zone and Road & Railways Assets, Waterway & Coastal Protection, Historic Heritage, Parking & Access, and Stormwater Codes with the exception of the following.

Residential Zone

The proposal does not comply with Clause 10.6.1 A1 for the following reasons:

- The proposed western boundary of the balance lot (an internal lot) with Lot 19 is defined as the primary frontage and the existing dwelling (pergola) has a setback of 2.8m.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 10.4.2 as follows.

Performance Criteria	Proposal
<i>“A dwelling must:</i> <i>(a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and</i> <i>(b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road”.</i>	Being an internal lot, the setback will be compatible with dwellings in the subdivision in that it will and is setback a much greater distance from the proposed subdivision road. not applicable

Residential Zone

The proposal does not comply with Clause 10.4.2 A1 for the following reasons:

- The proposal complies with minimum lot sizes but arguably does not comply with maximum lot size requirements for lots within 400m of a public transport corridor. While a public transport corridor is not defined in the Scheme, the applicant’s traffic consultant Milan Prodanovic advises that he does not consider any of the transport network in Richmond to be a transport corridor, which is a term he would generally use for larger roads, such as the Brooker Highway.

The applicant notes that the Department of Transport and Main Roads (Qld) considers transport corridors as part of strategic infrastructure and states “transport corridors are not only for motor vehicles, but also for rail, bus, cycling and pedestrians”. Such a perspective is consistent with the Tasmanian Department of State Growth, who use the term Transit Corridors for such key linear infrastructure areas. Notwithstanding, the lack of clarity around the term justifies that a precautionary approach should be had, and consideration be given to the corresponding performance criteria.

Lots that are greater than 600m² and within a possible public transport corridor include Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 30, 31, 32, 35, 39, 40 and the balance lot. Notwithstanding this, Lot 32 (designated as a Multiple Dwelling site) and the balance lots are excluded from the requirement.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 10.6.1 as follows.

Performance Criteria	Proposal
<i>“The size of each lot must satisfy all of the following:</i> <i>(a) variance above the maximum lot size in Table 10.1 only to the extent necessary due to demonstrated site constraints;</i> <i>(b) be consistent with any applicable Local Area Objectives or Desired Future Character Statements for the area”.</i>	There are no applicable Local Area Objectives or Desired Future Character Statements for the area. The applicant has provided an analysis of the site constraints to demonstrate compliance with performance criterion (a): Topography The proposed subdivision plan includes the existing land contours, which show that the land is generally higher towards the perimeter of the site (especially in the north and south east) with a low ridge running generally north-south further to the west, resulting in a natural slope towards the middle of the site – which acts as an overland flow path, collecting seasonal rain and directing it towards the Coal River to the south.

	• The subdivision “through road” and stormwater infrastructure is designed to generally follow this natural depression in the ground to maintain existing flow patterns and minimise earthworks. • Locating the proposed road and service infrastructure generally central to the subject site, provides for future building areas to be located in these higher areas and drain via gravity into the proposed services infrastructure. • To optimise the proposed lot design whilst avoiding internal lots, lots are designed with direct access to the road infrastructure, resulting in some lots having an elongated fan shape/ trapezoid shape and hence an area larger than prescribed in Table 10.1. Existing Dwellings • Each of the three original individual lots contains an existing residential dwelling. To provide the required road connectivity onto Wellington Street, the existing dwelling is to be demolished. As outlined in the Heritage Impact Statement the proposed demolition has no adverse heritage impact on the Heritage Precinct; • Retention of the existing dwellings on 12 St John’s Circle (to become proposed lot 5) and 9 Prossers Road (to become the balance lot) further constrain the size and shape of proposed subdivision lots. The site constraints, as described by the applicant, are agreed by Council’s Development Engineer and considered to adequately address the performance criterion in respect to site constraints.
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Residential Zone

The proposal does not comply with Clause 10.4.2 A4 for the following reasons:

- For lots 6, 7, 8, 9, 10, 12, 13, 14, 34, 35, 40, 41, 42 and 43, side boundary setbacks are achieved, even though the building areas extend to the lot boundaries (i.e. the building area width of 5m is less than 9m). Rear boundary setbacks are achieved for all lots except lot 36. Proposed Lot 5 (existing dwelling) relies on performance criteria, depending on how rear boundary is interpreted. In addition, the building areas of Lots 22 and 23 will be subject to a Heritage Precinct Code.
- The building areas of lots 3, 11, 19, 22, 23, 26, 28, 31 and 33 do not have their long axis facing north within 20 degree west or 30 degrees east of north.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause 10.6.1 as follows.

Performance Criteria	Proposal
<i>“The design of each lot must contain a building area able to satisfy all of the following:</i> <i>(a) be reasonably capable of accommodating residential use and development;</i> <i>(b) meets any applicable standards in codes in this planning scheme;</i> <i>(c) enables future development to achieve maximum solar access, given the slope and aspect of the land;</i>	All lots are considered to be capable of accommodating residential use and development with the building areas shown and have sufficient area for the provision of on-site parking, an area of private open space and sufficient frontage width to allow for safe access and egress of vehicles and pedestrians. All lots are considered to satisfy either Acceptable Solutions or associated Performance Criteria of E 5.0 Road and Railway Assets Code, E 6.0 Parking and Access Code, and E 7.0 Stormwater Management Code; E11.0 Waterway and Coastal Protection and E 13.0 Historic Heritage Code, as discussed further in this report. All building areas have been orientated to provide for solar access given the slope and aspect of the land. In general, the subject slopes gently from the east.

(d) <i>minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</i>	The proposed building areas are sited on the lots in areas that have a slope no greater than 1 in 5 across the lot. These building site locations minimise the need for earth works, retaining walls, and fill and excavation associated with future development.
(e) <i>provides for sufficient useable area on the lot for both of the following:</i> (i) <i>on-site parking and manoeuvring;</i> (ii) <i>adequate private open space”.</i>	Each lot has sufficient useable area to provide on-site parking and manoeuvring, as well as adequate private open space, with a northerly aspect.

Residential Zone

The proposal does not comply with Clause 10.6.1 (A3) for the following reasons:

- Lots 3, 4, 15, 17, 29, 30, 31, 38, 39, 40 and the balance are arguably within a public transport corridor but have frontages less than 12m.

The proposed variation must be considered pursuant to the Performance Criteria P3 of the Clause 10.6.1 as follows.

Performance Criteria	Proposal
<i>“The frontage of each lot must satisfy all of the following:</i> (a) <i>provides opportunity for practical and safe vehicular and pedestrian access;</i> (b) <i>provides opportunity for passive surveillance between residential development on the lot and the public road;</i> (c) <i>is no less than 6m”.</i>	All of the lots provide a safe opportunity for vehicular and pedestrian access. The lots provide sufficient opportunity for passive surveillance. The existing dwelling on proposed Lot 5 will have line of sight to both frontages. The design of the existing dwelling on 9 Prossers Road (the balance lot) is more constrained but will still afford views to the proposed new road to the west from the upper storey window. The building areas for proposed vacant lots will have clear line of sight to the front portion of their sites, ensuring that residents have the ability to have views onto the road. All Lots have frontages greater than 6m.

Residential Zone

The proposal does not comply with Clause 10.6.1 (A4) for the following reasons:

- The proposed balance lot is an internal lot.

The proposed variation must be considered pursuant to the Performance Criteria P4 of Clause 10.6.1 as follows.

Performance Criteria	Proposal
<i>“An internal lot must satisfy all of the following:</i> <i>(a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</i> <i>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</i> <i>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</i>	The proposed balance lot will gain access from the proposed new road. The existing dwelling on the balance lot and the creation of proposed Lots 19 and 20, effectively prevent access to Prossers Road and make the internal lot configuration the most efficient one to utilise the land. Given the size of the balance lot and the 11.9m width of the access strip it is not considered feasible to provide a new road to provide the existing dwelling with a standard frontage lot. The combination of the existing lot, CT 40183/1 (9 Prossers Road) with the titles of 41 Wellington Street (CT 55252/1) and 12 St Johns Circle (CT 174538/1) to create the subdivision proposal site, means that the balance lot design constituted the only reasonable way to subdivide the existing lot. The design created seven new lots to the rear and space for a portion of the new road, in addition to a new lot (fronting onto Prossers Road) not burdened by right-of-way easements to any of the rear lots.

(d) <i>the lot will contribute to the more efficient utilisation of residential land and infrastructure;</i>	The design is considered an efficient utilisation of residential land and infrastructure, which will be upgraded as part of the overall subdivision proposal.
(e) <i>the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</i>	The proposed internal lot contains the existing dwelling (9 Prossers Road) and future owners of the surrounding vacant lots will be fully aware of that neighbouring development. The potential amenity impact of the existing dwelling on proposed Lot 19 has been assessed and found to be compliant with the relevant residential development performance criteria.
(f) <i>the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</i>	The access strip is 25m long and 11.9m wide and will be serving the existing single dwelling on the balance lot. Passing bays are not required given the good visibility and likely traffic movements to and from the site. The access strip only serves the balance lot. The existing dwelling is currently served by a compacted gravel driveway from Prossers Road. The driveway will need to be relocated to provide access from the new road. The applicant proposes a planning permit condition requiring a sealed driveway before the sealing of the final plan.
(g) <i>passing bays are provided at appropriate distances to service the likely future use of the lot;</i>	not applicable
(h) <i>the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</i>	not applicable
(i) <i>a sealed driveway is provided on the access strip prior to the sealing of the final plan.</i>	(as “f” above)
(j) <i>the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.</i>	The internal lot does not front any public open spaces or public rights-of-way and is not applicable.

Residential Zone

The proposal does not comply with Clause 10.6.1 (A5) for the following reasons:

- The proposal is for more than 3 lots.

The proposed variation must be considered pursuant to the Performance Criteria P5 of the Clause 10.6.1 as follows.

Performance Criteria	Proposal
<i>“Arrangement and provision of lots must satisfy all of the following;</i> <i>(a) have regard to providing a higher net density of dwellings along;</i> <i>(i) public transport corridors;</i> <i>(ii) adjoining or opposite public open space, except where the public open space presents a hazard risk such as bushfire;</i> <i>(iii) within 200m of business zones and local shops;</i> <i>(b) will not compromise the future subdivision of the entirety of the parent lot to the densities envisaged for the zone;</i> <i>(c) staging, if any, provides for the efficient and ordered provision of new infrastructure;</i>	None of the proposed lots are located directly along public transport corridors. The bus service runs along St Johns Circle and could be accessed via the proposed new road. There is no public open space proposed and the site is not within 200m of a business zone or local shops. There is no further significant subdivision potential. The subdivision is proposed to be constructed in five stages. Infrastructure services will be constructed in keeping with the proposed stages which will allow for the efficient and ordered provision of new infrastructure. Notwithstanding, it is agreed with the applicant that the staging should be amended to ensure that the final stages do not create a temporary cul-de-sac during construction. It is recommended as conditions of the permit to change the staging to allow Stages 1-3 access from Wellington Street and Stages 4-5 access from St Johns Circle.

(d) <i>opportunity is optimised for passive surveillance between future residential development on the lots and public spaces;</i>	The lots provide sufficient opportunity for passive surveillance. The existing dwelling on proposed Lot 5 will have line of sight to both frontages. The design of the existing dwelling on 9 Prossers Road (the balance lot) is more constrained but will still afford views to the proposed new road to the west from the upper storey window. The building areas for proposed vacant lots will have clear lines of sight to the front areas of their sites, ensuring that residents have the ability to have views onto the road. The subdivision design provides for passive surveillance between future residential development on the lots and public roads including the subdivision road, Prossers Road and Wellington Street. Lots 11, 12 and 27 will have adequate opportunity for passive surveillance of the Footway Lot.
(e) <i>is consistent with any applicable Local Area Objectives or Desired Future”.</i>	There are no Local Area Objectives or Desired Future Character Statements.

Residential Zone

The proposal does not comply with Clause 10.4.2 A4 for the following reasons:

- A new road is proposed through the subdivision.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 10.6.2 as follows.

Performance Criteria	Proposal
<i>“The arrangement and construction of roads within a subdivision must satisfy all of the following:</i> (a) <i>the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;</i> (b) <i>the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;</i>	There is no relevant road network plan adopted by Council, but the proposed road design is generally in accordance with Tasmanian Subdivision Guidelines (October 2013). The balance lot (9 Prossers Road) has little or no further subdivision potential.

(c) <i>the future subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian paths, where appropriate, to common boundaries;</i> (d) <i>an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;</i> (e) <i>cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;</i> (f) <i>connectivity with the neighbourhood road network is maximised;</i> (g) <i>the travel distance between key destinations such as shops and services is minimised;</i> (h) <i>walking, cycling and the efficient movement of public transport is facilitated;</i> (i) <i>provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;</i>	The access for neighbouring lots will remain unhindered by the proposal. The proposal is an infill development and as such there is no nearby land with subdivision potential, the Footway provides pedestrian connectivity to Prossers Road. St John's Circle and Wellington Street are local feeder roads. The proposed new road is a local feeder road into this network. The new road will include two cul-de-sacs and will provide direct road access for all lots with the exception of Lot 20 (fronting onto existing Prossers Road and Lot 23 (fronting onto existing Wellington Street). Cul-de-sacs are kept to a minimum with only two proposed. These cul-de-sacs are included due to site and subdivision design constraints including lot sizes; lot frontage requirements for the General Residential zone; the shape and topography of the site; available road/pedestrian access points of the infill site; stormwater requirements; and replication of the road grid pattern to match the surrounding suburb have influenced the proposed lot sizes and layout. The new road is integrated into the existing road network within the neighbourhood. It provides access for the new lots to the surrounding existing road network, ensuring good vehicular and pedestrian movement from the existing access points on St Johns Circle, and connecting through to Wellington Street. The road will extend from existing access off St Johns Circle, with a new access off Wellington Street. The site is conveniently located close to shops and services and the travel distance to these shops and services will be minimised by the amenable accessibility of the site with pedestrian and road access to the east, south and west and road access to the south and west. The development
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(j) <i>any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints”.</i>	also increases connectivity between St Johns Circle and Wellington Street through the road network. The site is conveniently accessible via roads and footpaths and has a bus service operating along Wellington Road. Pedestrian access will also be facilitated through the proposed public footway through to Prossers Road. No arterial or collector roads are proposed. The proposed subdivision is in keeping with the pattern in adjacent streets.
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Residential Zone

The proposal does not comply with Clause 10.4.2 A4 for the following reasons:

- No Acceptable Solution: a pedestrian way provided at the north of the site connecting to the public road reserve provides connectivity onto Prossers Road to the east.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 10.6.3 as follows.

Performance Criteria	Proposal
<i>“The arrangement of ways and public open space within a subdivision must satisfy all of the following:</i> (a) <i>connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</i> (b) <i>connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</i> (c) <i>connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</i>	The footway connects to the adjoining local road to the north of the site and creates a readily perceived movement network. The subdivision is an infill development within an established residential area and neighbouring land with subdivision potential adjoining the site is limited to two lots (15 and 23 Prossers Road). not applicable

(d) <i>convenient access to local shops, community facilities, public open space and public transport routes is provided;</i>	The proposed subdivision has good access to the centre of Richmond to the west. The proposed footway improves pedestrian access from residential areas further east to local school and community facilities and public transport routes along St Johns Circle, Public Open Space and local shops.
(e) <i>new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</i>	The connection to the existing way is clearly visible from the new road. It is straight and 10m wide providing for good opportunity for passive surveillance from the adjoining and nearby lots within the proposed subdivision and established to the north.
(f) <i>provides for a legible movement network;</i>	The network provides for a legible network through the development.
(g) <i>the route of new ways has regard to any pedestrian and cycle way or public open space plan adopted by the Planning Authority;</i>	There is no pedestrian and cycle way or public open space plan adopted by Council.
(h) <i>Public Open Space must be provided as land or cash-in-lieu, in accordance with the relevant Council policy.</i>	No physical open space was part of the subdivision and a cash-in-lieu contribution, in accordance with the policy would be an appropriate permit condition.
(i) <i>new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</i> (i) <i>the width of the way;</i> (ii) <i>the length of the way;</i> (iii) <i>landscaping within the way;</i> (iv) <i>lighting;</i> (v) <i>provision of opportunities for 'loitering';</i> (vi) <i>the shape of the way (avoiding bends, corners or other opportunities for concealment)".</i>	The extensions to existing ways will minimise opportunities for entrapment or other criminal behaviour by including the following elements: The connection to the existing way is clearly visible from the new road. It is straight on the subject site with a bend onto the existing right-of-way at the connection to the subdivision which is not avoidable given the site constraints of the subdivision lot requirements. The width of the way on the site is 10m wide with a length of 39m, providing for good opportunity for passive surveillance from the subdivision which will decrease the opportunity for loitering.

	Landscaping within the way excludes street trees which allows for passive surveillance from the subdivision. Low level lighting is located along the footpath in the proposed footway as shown in the Demolition and Lighting Plan.
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Residential Zone

The proposal does not comply with Clause 10.6.4 (A4) for the following reasons:

- A new internal road is proposed.

The proposed variation must be considered pursuant to the Performance Criteria P4 of Clause 10.6.4 as follows.

Performance Criteria	Proposal
<i>“The subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold optical fibre line) and the underground provision of electricity supply”.</i>	Allowance has been made for the installation of fibre ready facilities and the provision of underground electricity supply.

Road and Railway Assets Code

The proposal does not comply with Clause E5.5.1 A3 for the following reasons:

- Traffic movements to/from the site are calculated by the applicant’s TIA to increase by 380 vehicles per day in total; with 120 vehicles per day using the subdivision road to St Johns Circle and around 260 vehicles/day using the subdivision road to Wellington Street.

The proposed variation must be considered pursuant to the Performance Criteria P3 of the Clause E5.5.1 as follows.

Performance Criteria	Proposal
<i>“Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to: (a) the increase in traffic caused by the use;</i>	The traffic impact from the proposed development on road junctions in the immediate area is considered in the applicant’s TIA, including but not limited to: • the nature and efficiency of the access or the junction viz, existing volumes of traffic and sight lines;

(b) <i>the nature of the traffic generated by the use;</i> (c) <i>the nature and efficiency of the access or the junction;</i> (d) <i>the nature and category of the road;</i> (e) <i>the speed limit and traffic flow of the road;</i> (f) <i>any alternative access to a road;</i> (g) <i>the need for the use;</i> (h) <i>any traffic impact assessment; and</i> (i) <i>any written advice received from the road authority”.</i>	- Wellington Street is a connector road to Sorell, Prossers Road connects to Fingerpost Road and St Johns Circle is a local road. In the vicinity of the proposed subdivision site all act as local roads with speed limits of 50km/hr; - the subdivision design proposes two access points into the existing local road network, via St Johns Circle and Wellington Street; - the proposed residential subdivision is infill development and therefore requires connection to the existing road network. The land is zoned General Residential and is within the Urban Growth Boundary of the Southern Tasmanian Regional Land Use Strategy. The proposed residential use will add to the land supply. - Council’s Development Engineer has provided suitable conditions for the permit.
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Stormwater Management Code

The proposal does not comply with Clause E7.7.1 A2 for the following reasons:

- The proposed subdivision is greater than 5 lots, therefore the stormwater system must incorporate water sensitive urban design principles.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause E7.7.1 as follows.

Performance Criteria	Proposal
<i>“A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so”.</i>	The applicant’s Concept Services Report describes the WSUD treatment proposed for the site, which includes three proprietary “Humeceptor” devices for the treatable catchments with catchment stormwater then flowing over a 15m grass swale contained within the proposed stormwater easement on Lot 32.

	The Water Quality using the MUSIC model indicates that the targets for Total Suspended Solids and Total Phosphorous are met, however the results for Total Nitrogen fall just short of the required treatment target, and accordingly the Performance Criteria must be addressed. The topography of the site limits the design to three treatable catchments. In addition to the treatment undertaken within the site, the discharge from the site is carried by “long lengths of existing open drain, which effectively act as vegetated swales”. The applicant’s report concludes that “...stormwater quality for TN will exceed the required standards prior to entering the Coal River”. Council’s Development and Hydraulic Engineers have reviewed the proposed stormwater treatment method, and options available, and are satisfied that overall stormwater quality will be improved as a result of the development. The proposed stormwater drainage system will be designed to accommodate a 5% AEP event (ARI of 20 years). The applicant’s report finds that post-development flows will be only marginally increased and due to the location of the development within the stormwater catchment Council’s Development and Hydraulic Engineers are of the opinion that on-site stormwater detention could worsen downstream effects by allowing the upper catchment discharges to coincide with those emanating from the development. The proposed development is considered to be sufficient to handle flows for up to an event of AEP 1%, which is in accordance with an ARI of 100 years.
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Waterway and Coastal Protection Code

The proposal does not comply with Clause E11.7.1 A1 for the following reasons:

- The proposed 10m wide drainage easement is located within the area occupied by the overlay. Some of the proposed lots will have their building areas within the current overlay, but predominantly the subdivision road and services works are the development that fall within the overlay area.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E11.7.1 as follows.

Performance Criteria	Proposal
<i>“Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</i> (a) <i>avoid or mitigate impact on natural values;</i> (b) <i>mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;</i> (c) <i>avoid or mitigate impacts on riparian or littoral vegetation;</i> (d) <i>maintain natural streambank and streambed condition, (where it exists);</i> (e) <i>maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</i>	Subdivision works will include the removal of vegetation and construction of the road reserve. The proposed subdivision works will provide the new road connection through the subdivision between Wellington Street, St John’s Circle and Prossers Road. The minor waterway has been piped in this area. As such there is no riparian vegetation nor is there a natural streambank or streambed conditions to maintain. It is not expected that works in the area will have additional impact to the minor waterway as the existing vegetation is already modified. An erosion and sedimentation control plan is conditioned as part of any permit. It must be implemented prior to works commencing and will be maintained throughout until completion of all works to mitigate and manage adverse erosion, sedimentation and runoff impacts. There is no water flow above ground in this area and there is no riparian vegetation nor is there a natural streambank or streambed conditions to maintain and accordingly (c), (d), (e), (f), and (g) are not applicable. The overland flow is also shown as piped downstream, across Wellington Street.

(f) <i>avoid significantly impeding natural flow and drainage;</i> (g) <i>maintain fish passage (where applicable);</i> (h) <i>avoid landfilling of wetlands;</i> (i) <i>works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided".</i>	The site contains no wetland. The proposed condition will ensure that works are undertaken generally in accordance with "Wetlands and Waterways Works Manual" (DPIPWE, 2003) and the unnecessary use of machinery within the overlay area will be avoided.
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Waterway and Coastal Protection Code

The proposal does not comply with Clause E11.8.1 A1 for the following reasons:

- The Waterway and Coastal Protection Code impacts the east, middle and south of the site. The latter area is impacted by the proposed new road to be constructed connecting to St Johns Circle, Wellington Street and Prossers Road, which will traverse the overlay area in the middle of the site and the northern access point of the site onto Prossers Road.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E11.8.1 as follows.

Performance Criteria	Proposal
<i>"Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area, must satisfy all of the following:</i> (a) <i>minimise impact on natural values;</i> (b) <i>provide for any building area and any associated bushfire hazard management area to be either:</i>	The waterway will be piped in this area. As such there is no riparian vegetation nor is there a natural streambank or streambed conditions to maintain. There are no significant natural values as it has already been significantly modified. As a result of the existing piping and modification, it is considered reasonable that all lots within the Waterway and Coastal Protection Area will be able to accommodate development capable of satisfying this Code.

(i) <i>outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area; or</i> (ii) <i>able to accommodate development capable of satisfying this code.</i> (c) <i>if within a Potable Water Supply Area, be in accordance with the requirements of the water and sewer authority”.</i>	The proposal is not within a Potable Water Supply area.
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Historic Heritage Code

The proposal does not comply with Clause E13.8.1 A1 for the following reasons:

- No 41 Wellington Street is proposed to be demolished and is located within the Heritage Precinct.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E13.8.1 as follows.

Performance Criteria	Proposal
<i>“Demolition must not result in the loss of any of the following:</i> (a) <i>buildings or works that contribute to the historic cultural heritage significance of the precinct;</i> (b) <i>fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct;</i> <i>unless all of the following apply;</i> (i) <i>there are environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;</i>	The applicant’s Heritage Impact Assessment notes that the existing buildings, fabric and landscape elements within 41 Wellington Street are modern and are not considered to contribute to the historic heritage values of the precinct. Therefore, the proposal is not considered to result in the loss of any building or works that contribute to the historic cultural heritage impact of the precinct, nor any fabric or landscape elements that contribute to the historic cultural heritage of the precinct. Council’s Heritage Advisor has accepted the conclusions and recommendations of the applicant’s assessment.

(ii) <i>there are no prudent or feasible alternatives;</i> (iii) <i>opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct”.</i>	
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Historic Heritage Code

The proposal does not comply with Clause E13.8.2 A1 for the following reasons:

- No Acceptable Solution; 41 Wellington Street is within the Richmond Heritage Precinct.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E13.8.2 as follows.

Performance Criteria	Proposal
<i>“Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2”.</i>	The proposal designates building envelopes which are not inconsistent with the established pattern of development in this part of the heritage precinct. The current area of 41 Wellington Street will remain as part of the heritage precinct; therefore, any future development can be scrutinised for consistency with the design criteria and conservation policy listed in Table E.13.2.

Historic Heritage Code

The proposal does not comply with Clause E13.8.2 A2 for the following reasons:

- No Acceptable Solution; 41 Wellington Street is within the Richmond Heritage Precinct.

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause E13.8.2 as follows.

Performance Criteria	Proposal
<i>“Design and siting of buildings and works must comply with any relevant design criteria/conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct”.</i>	As E13.8.2 P1 above.

Historic Heritage Code

The proposal does not comply with Clause E13.8.3 A1 for the following reasons:

- No Acceptable Solution; 41 Wellington Street is within the Richmond Heritage Precinct.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E13.8.3 as follows.

Performance Criteria	Proposal
<i>“Subdivision must not result in any of the following:</i> <i>(a) detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2;</i> <i>(b) a pattern of subdivision unsympathetic to the historic cultural heritage significance of the precinct;</i> <i>(c) potential for a confused understanding of the development of the precinct;</i> <i>(d) an increased likelihood of future development that is incompatible with the historic cultural heritage significance of the precinct.</i> <i>(e) potential loss of raised view lines through urban areas to non-urban areas around Richmond”.</i>	The applicant’s Heritage Impact Assessment notes the <i>“subdivision of 41 Wellington Street is not considered to be inconsistent with the general tenor of the subdivision pattern of the area, which is not considered to be unsympathetic to the historic cultural heritage significance of this part (nor the wider) Heritage Precinct – which exhibits a great diversity of allotment sizes and configurations. The proposal will not result in the potential for a confused understanding of the precinct and merely represents a further gentle evolution of the residential development of the fringe of the precinct, which is consistent with the established pattern of development at the interface between the township and surrounding rural landscape”.</i> These conclusions are supported by Council’s Heritage Advisor.

Historic Heritage Code

The proposal does not comply with Clause E13.8.3 A2 for the following reasons:

- No Acceptable Solution; 41 Wellington Street is within the Richmond Heritage Precinct.

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause E13.8.3 as follows.

Performance Criteria	Proposal
<i>“Subdivision must comply with any relevant design criteria/conservation policy listed in Table E13.2”.</i>	The design criteria/conservation policy seeks: (a) to enhance the historic integrity of groups of buildings and the streetscapes; (b) to retain the distinctive character of Richmond which is derived from its buildings, open spaces, undulating topography, market garden and historic gardens and orchards, and in particular the scale of buildings, low solid fences, walls, style of building, building lines and building materials; (c) to retain important views to town landmarks and the surrounding rural countryside. The proposal does not contravene the design criteria.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 54 representations and a petition with 102 signatures were received. The following issues were raised by the representors.

5.1. Stormwater

Representors raised the following concerns in respect of stormwater issues:

- flooding associated with current infrastructure, natural watercourse, stormwater;

- nitrogen targets cannot be met;
- inaccurate, anecdotal evidence that piped water from the site would compromise 25% of neighbouring driveway access;
- increased volume requires the preparation of a water management plan for the site and surrounds;
- the stormwater runoff from the development will directly impact adjacent properties where there is no properly formed drainage;
- existing stormwater drainage is overgrown and in need of remedial work;
- concern of the impact on other nearby stormwater drains, and potential serious flooding.

Comment

Council's Development and Hydraulic Engineers have reviewed the proposed stormwater treatment method, and options available, and are satisfied that overall stormwater quality will be improved as a result of the development.

The proposed stormwater drainage system will be designed to accommodate a 5% AEP event (ARI of 20 years). The applicant's report finds that post-development flows will be only marginally increased and due to the location of the development within the stormwater catchment Council's Development and Hydraulic Engineers are of the opinion that on-site stormwater detention could worsen downstream effects by allowing the upper catchment discharges to coincide with those emanating from the development and do not warrant any particular treatment to return flows to the predeveloped condition. The proposed development which includes overland flow provision is considered to be sufficient to handle flows for up to an event of AEP 1%, which is in accordance with an ARI of 100 years and is therefore compliant with the Acceptable Solution.

5.2. Public Transport

Representors raised the following concerns in respect of public transport:

- lots not within 400m of public transport network;
- no path along St Johns Circle to Wellington Street;
- development will compound traffic issues for Metro buses.

Comment

As previously discussed, the lots meet the provisions of the Scheme. A footpath on the northern side of Wellington Street is proposed by the developer and required by condition of any approval. Traffic issues that may or may not be caused in other parts of Richmond is not a matter that can be given any determining weight under the Scheme.

5.3. Infrastructure Capacity

Representors raised the following concerns in respect of infrastructure capacity:

- no evidence of consideration of capacity;
- fluctuating water pressure in past for Wellington Street and Cosgrove Drive;
- concern that sewage infrastructure is inadequate, as raw sewage spill recently;
- concern that cost of all upgrades to be borne by developer;
- assessment submitted is four years old;
- does not address Coal River weir issues, and spills from the adjacent pit;
- does not address existing water pressure issues;
- less lots would lead to less impact on infrastructure;
- power surges/losses frequent in Richmond, would be exacerbated by the proposal;
- telecommunications infrastructure at capacity, in that NBN is not stable and would be further compromised by the subdivision.

Comment

The application was referred to TasWater as the relevant authority for water and reticulated sewer. TasWater has provided a condition document to accompany any permit. Telecommunications and electricity infrastructure are matters for the relevant providers. The issues raised have no determining weight under the Scheme.

5.4. Pedestrian and Public Safety

Representors raised the following concerns in respect of pedestrian safety:

- lack of local footpaths, dangerous;
- crash history in TIA inaccurate, much higher than reported;
- difficult to cross roads in area;
- conflicts with pedestrians to nearby schools;
- pedestrian island proposed is inappropriate and would cause conflict for nearby driveways.

Comment

A footpath on the northern side of Wellington Street is proposed by the developer and required by condition of any approval which will include a suitable crossing point. The detailed designs will be assessed by Council's Engineers to determine suitability and safety at a later point.

5.5. Capacity of Local Schools

Representors raised the following concerns in respect of capacity of local schools:

- both primary schools at capacity;
- this development will compound shortfall;
- stretch to teaching capacity, large class sizes not appropriate for Richmond.

Comment

The capacity of local Schools is a matter for the Education Department and private providers and cannot be given any determining weight under the Scheme.

5.6. Road Network

Representors raised the following concerns in respect of the road network:

- Wellington Street has inadequate width;
- needs to consider emergency and farm vehicles;
- parked cars make navigation difficult;
- severe traffic congestion at present, to be compounded by proposal;
- traffic volumes inaccurate, much higher than reported;
- subdivision in Sorell further compromising Richmond road network;
- DA documentation inconsistent in relation to possible numbers of multiple dwellings, and associated impacts;
- TIA insufficient for assessment;
- inadequate capacity for proposed development;
- access should be limited to Prossers Road and Brougham Street;
- lack of on-street parking, and conflict between vehicles and pedestrians;
- inaccessible by buses;
- traffic issues caused by flow from Sorell and Airport, traffic calming needed and bypass;
- pedestrian crossings needed on Bridge Street, will be inconsistent with historic character of village;
- traffic survey conducted in June, the quietest months for pedestrian and vehicular activity;
- population figures for Richmond over-inflated by supporting documents;

- TIA does not address commuter traffic from Sorell;
- drop off/pick up times for local school not addressed;
- TIA relies on NSW comparisons, which is inappropriate;
- two major intersections within 100m of each other is to cause accidents;
- high speeds in area not appropriately addressed, risk of accidents;
- growth in tourism to create further pressure on network;
- sight distances are submitted to be inadequate;
- significant conflict with motor homes and tourist buses in area, risk of accidents by additional traffic from proposal;
- photos relied upon in assessment are inaccurate and misleading, with sight distances being inadequate in relation to the crest proposed for access to Wellington Street;
- this subdivision (if approved) should limit the use of Richmond Bridge for heavy vehicles;
- upcoming roadworks to upgrade the Airport to Sorell route will direct more traffic through Richmond, compounding safety risk and traffic issues;
- inadequate parking in Richmond Village itself to be further impacted by the proposal.

Comment

The subdivision application was supported by a TIA which was accepted by Council's Development Engineer. All matters which required consideration under the Scheme have been appropriately addressed. Some of the issues raised by representors are existing conditions, or simply personal opinions, which are extraneous to the proposal and cannot be given determining weight under the Scheme.

5.7. Public Open Space

Representors raised the following concerns in respect of public open space:

- footway not considered as open space;
- no community benefit;
- inappropriate location;
- a lot should be sacrificed as a public park, rather than a cash contribution;
- issue of privacy for residents of lots adjoining the footway;
- would not provide for passive surveillance for children, with 1.5m high fencing.

Comment

A Public Open Space contribution in-lieu of on-site provision is required by condition of approval. The Footway lot does not satisfy Council's Open Space Policy and is not accepted as such. The width of the footway lot is 10m and therefore can achieve adequate passive surveillance; it further achieves a valuable link to Prossers Road.

5.8. Land Size/Title Description

Representors raised the following concerns in respect of property description:

- inaccurate description, as lots have changed shape;
- known as Lot 41 Cosgrove Drive;
- misleading.

Comment

The application is adequately described. The property addresses are those assigned in Council records and are further described by certificate of title.

5.9. Vegetation

Representors raised the following concerns in respect of vegetation.

- any trees removed should be replaced;

- loss of habitat for the European Gold Finch, Superb Fairy Wren, kookaburras and parrots if eucalypts on site removed.

Comment

There is no protected vegetation or habitat on the site. This issue is not a matter which can be given any determining weight under the Scheme.

5.10. Boundary Fencing

Representors raised the following concerns in respect of boundary fencing:

- not clear whether rear boundary fences of residential properties would have fences replaced;
- concern that “all fencing to be removed” may compromise existing rear boundary fences of adjacent properties;
- the developer should be required to provide a boundary fence during works to include replacement fencing to a height to address privacy and noise associated with construction.

Comment

Boundary fences are a matter covered by separate legislation and a civil matter between landowners. This issue is not a matter which can be given any determining weight under the Scheme.

5.11. Dwelling Setbacks

Representors raised the following concerns in respect of setbacks:

- ranging setbacks in area;
- 8m setback is a “good fit” for area.

Comment

Consideration of dwelling setbacks has been given under the General Residential Zone and Historic Heritage Code. Although this is a matter for future development of dwellings, the proposed lots indicate that the minimum requirements can be achieved.

5.12. Multiple Dwellings

Representors raised the following concerns in respect of Multiple dwelling development:

- unsustainable numbers of units possible;
- inconsistent with character of area, and Richmond;
- such growth unsustainable;
- increasing density unsustainable;
- Council should limit the number of dwellings, if to approve.

Comment

The land is zoned General Residential with a further two lots covered by the Historic Heritage Code. As such, any future applications for Multiple Dwellings must be considered under the applicable Scheme provisions. Only one lot (Lot 32) is designated for Multiple Dwellings.

5.13. Amenity Impacts – Noise, Light and Timing to Complete Development

Representors raised the following concerns in respect of amenity impacts:

- for traffic associated with 39B and 39C Wellington Street;
- no consideration of attenuation measures;
- traffic noise from 6am is unreasonable in area;
- construction noise to be high and unacceptable;
- light from traffic at all hours to impact residential amenity;
- developer should be limited to complete the subdivision within a specified (short) timeframe, given evidence of site owners in area;
- s bond should be taken by Council to ensure this occurs.

Comment

There are no noise controls associated with residential development in the General Residential zone. Construction times and noise is not regulated by the Scheme but is a matter which may be considered under the Environmental Management and Pollution Control Act should a demonstrable nuisance be created. There is no ability to generally control the timing for completion of development under the Scheme.

5.14. Richmond Bridge

Representors raised the following concerns in respect of the Richmond Bridge:

- damage to bridge associated with construction of development;
- history of accidents and damage to bridge, development will risk further damage;
- another replacement bridge should be built to cater for additional traffic and heavy vehicles;
- traffic from Sorell to Brighton uses route and bridge will be compromised by load.

Comment

The Richmond Bridge is not a matter that can be given any determining weight under the Scheme.

5.15. Watercourse

Representors raised the following concerns in respect of the watercourse through the site:

- inadequate consideration of environmental impacts for protection;
- approach to develop and addressing issues after is not appropriate;
- filling would be detrimental to environmental values of watercourse.

Comment

The watercourse is a dry, overland flow path which is heavily disturbed. Apart from its function to facilitate the passage of water during rain events, it has no significant environmental value.

The proponent has proposed stormwater infrastructure which is adequate to serve the subdivision and surrounding catchment areas which is accepted by Council's Development Engineer.

5.16. Overshadowing and Privacy

Representors raised the following concerns in respect of overshadowing and privacy:

- heights should be limited to single storey to prevent overlooking and overshadowing;
- backyards would be compromised;
- should be limited to double storey where adjacent existing residential properties;
- strict setbacks should be required to provide for protection of existing dwellings on adjacent lots.

Comment

The proposal has been assessed against the relevant development standards of the General Residential zone and any future development must be further assessed against the corresponding development standards for residential buildings. It follows there is no capacity to introduce over-riding future building standards as subdivision conditions.

5.17. Minimum Lot Sizes

Representors raised the following concerns in respect of lot sizes:

- bus stop has recently moved, meaning that test for minimum lot sizes not met;
- should be reduced number of lots – 20 appropriate, to provide for gardens;
- lot sizes should be increased to be consistent with the existing Cosgrove Drive lots.

Comment

The Scheme refers to a public transport corridor and not to bus stops. The objection is contrary to the intent of the Scheme standards which encourage consolidating densities.

5.18. Separation from Main Village

Representors raised the following concerns in respect of distance to the centre of Richmond:

- not easy walking distance, therefore development inappropriate;
- inadequate access to (or capacity) for services, including medical practitioners.

Comment

Proximity to the centre of Richmond is not a matter which has any determining weight under the Scheme.

5.19. Inconsistency with Character of Area

Representors raised the following concerns in respect of the character of the area:

- to become a suburb of greater Hobart;
- lack of social license for development;
- proposal to ruin heritage values of Richmond;
- overdevelopment of site inconsistent with character of area;
- unfinished gardens likely in future as part of proposal;
- lots are too small;
- such development (scale) better suited to Cambridge or Risdon Vale.

Comment

The land is zoned General Residential and therefore suitable for the density proposed. Only proposed Lots 22 and 23 are subject to the Historic Heritage Code. The issues raised with respect to the style of the subdivision and perceived character have no determining weight under the Scheme.

5.20. Impact on Tourism

Representors raised the following concerns in respect of impacts on tourism:

- the site should be a recreational space in its entirety, to create link to Prossers Road for pedestrians and cyclists;
- to compliment the vineyards that surround Richmond;
- high visitor numbers to Richmond and compromise to safety.

Comment

The land is zoned General Residential and is therefore appropriate for residential subdivision.

5.21. Heritage

Representors raised the following concerns in respect of heritage values:

- there has not been adequate consideration of the impact of the proposal on places affected by the Heritage Code, both near to the site and along Bridge Street for passing traffic;
- the access route (past the site) to the village should be considered;
- additional traffic to compromise character and heritage values;
- a development plan would be appropriate for the site, to minimise impact on heritage values and limit development;
- the subdivision would be damaging to Richmond as an example of a Georgian village;
- “Richmond is full” and such a significant increase to population would ruin its heritage character.

Comment

Only proposed Lots 22 and 23 are subject to the Historic Heritage Code. Off-site impacts to heritage values are not a matter that can be given any determining weight under the Scheme.

5.22. Failure to Comply with Scheme Requirements

Representors raised the following concerns in respect of Scheme standards:

- Road and Railway Assets Code;
- minimum lot size provisions at Table 10.1, in that the representations submit that the development must be within 400m of a bus stop to comply.

Comment

An assessment under the Scheme controls has been undertaken as part of this report and found to meet the applicable development standards (refer to Clause 10.4.2 A1 and P1 regarding lot sizes).

5.23. Lack of Public Consultation

Representors raised the following concerns in respect of public consultation:

- Council/the developer should have held public meetings as part of the development of the proposal;
- inappropriate to advertise over Christmas,

Comment

Notification of the application was made in accordance with the statutory requirements of LUPAA. An application must be determined within the statutory timeframe which allows additional days for notification when the Council offices are closed for the three public holidays over the Christmas and New Year period.

5.24. Reduction of Land Value

Representors raised the following concern in respect of property values:

- subdivision to cause loss of value for properties adjacent to the proposed road.

Comment

This comment is unsubstantiated and has no determining weight under the Scheme.

5.25. Loss of Dwelling

Representors raised the following concern in respect of housing shortage:

- demolition of dwelling at 41 Wellington Street seems illogical given housing shortage.

Comment

The demolition of the dwelling at 41 Wellington Street enables the creation of 43 additional residential lots which will conversely help to address housing shortage.

6. EXTERNAL REFERRALS

The proposal was referred to TasWater, which has provided a number of conditions to be included on the planning permit if granted.

7. STATE POLICIES AND ACT OBJECTIVES

7.1. The proposal is consistent with the outcomes of the State Policies.

7.2. The proposal is consistent with the objectives of Schedule 1 of LUPAA.

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

8.1. There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

8.2. Developer contributions are required to comply with the following Council policies:

- Public Open Space Policy

The subject site is zoned General Residential, within an established urban area and will be afforded the highest level of access to both local and regional recreational opportunities. It is considered that the development resulting from an approval of this application will, or is likely to, increase residential density creating further demand on Council's POS network and associated facilities.

As discussed earlier, no POS land is proposed to be provided to Council as part of this application nor is it considered desirable to require it on this occasion.

Notwithstanding this, it is appropriate that the proposal contributes to the enhancement of Council's POS network and associated facilities. In this instance there are no discounting factors that ought to be taken into account that would warrant a reduction of the maximum POS contribution.

While Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 (LGBMP) provides for a maximum of up to 5% of the value of the entire site to be taken as cash-in-lieu of POS, it is considered appropriate to limit the contribution only to each additional lot created, representing the increased demand for POS generated by the proposal and not the entire site the subject of the application.

9. CONCLUSION

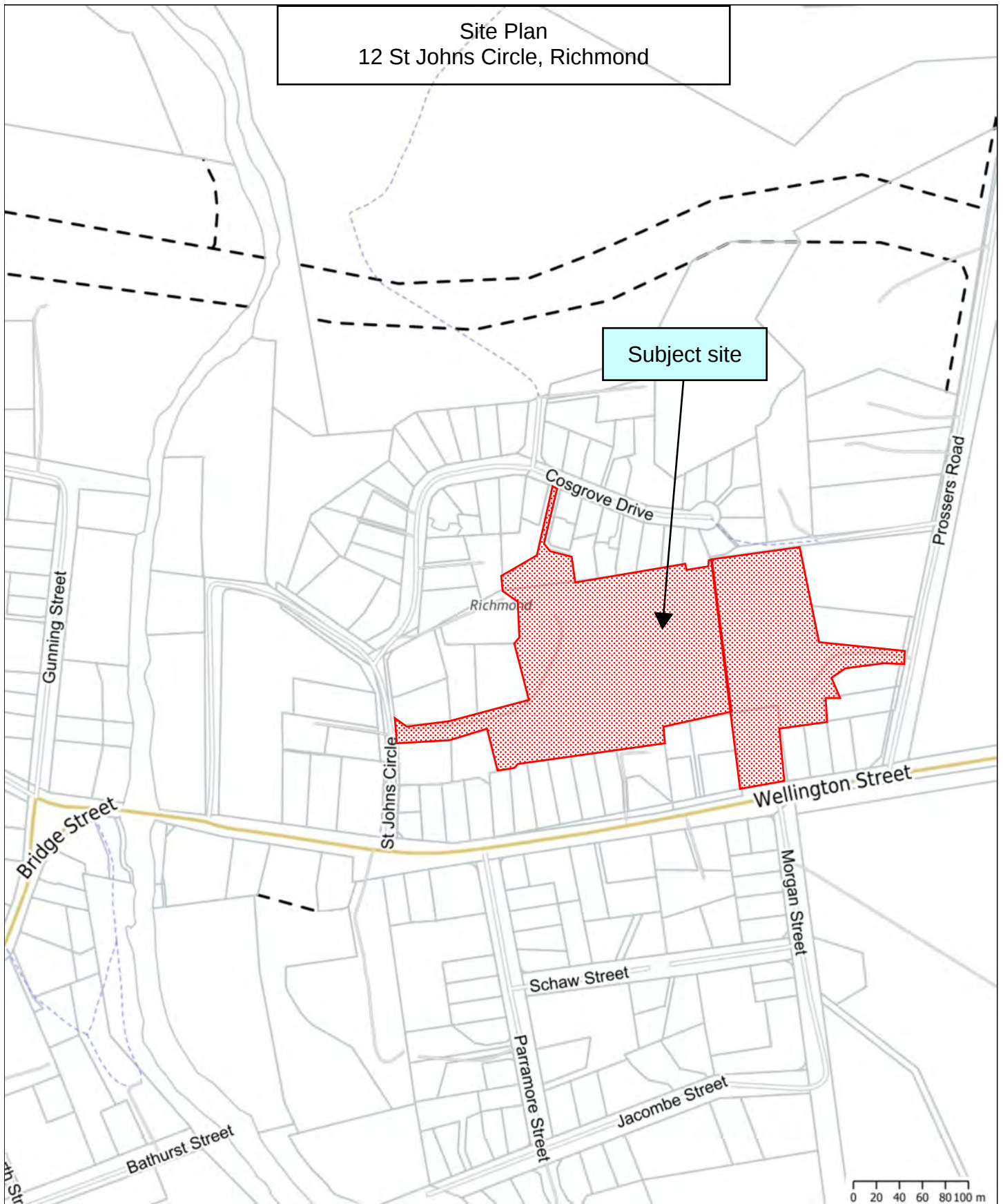
The proposal is for a subdivision of 43 Residential Lots, Road Lots and Balance at 12 St Johns Circle, 9 Prossers Road and 41 Wellington Street, Richmond. The proposal is recommended for approval subject to reasonable and relevant conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plan (3)
3. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Site Plan 12 St Johns Circle, Richmond



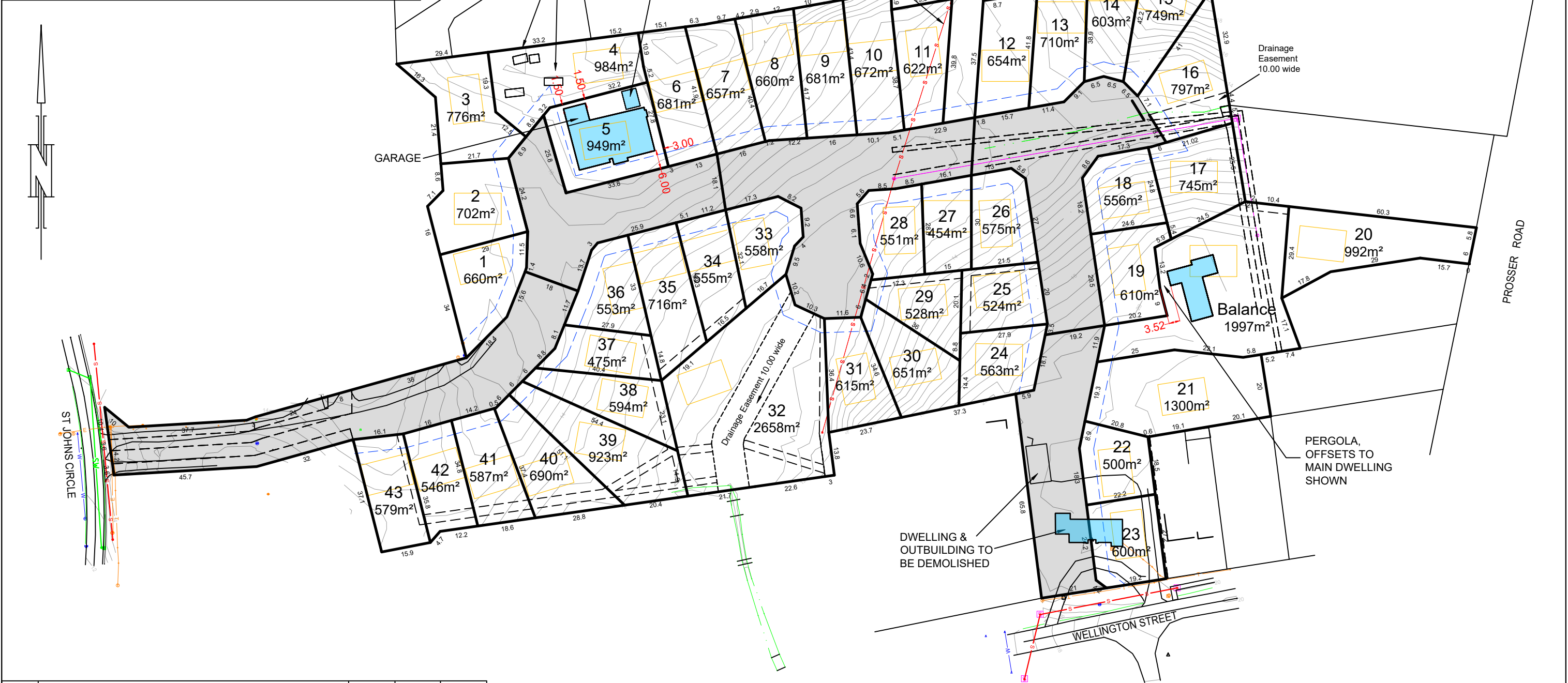
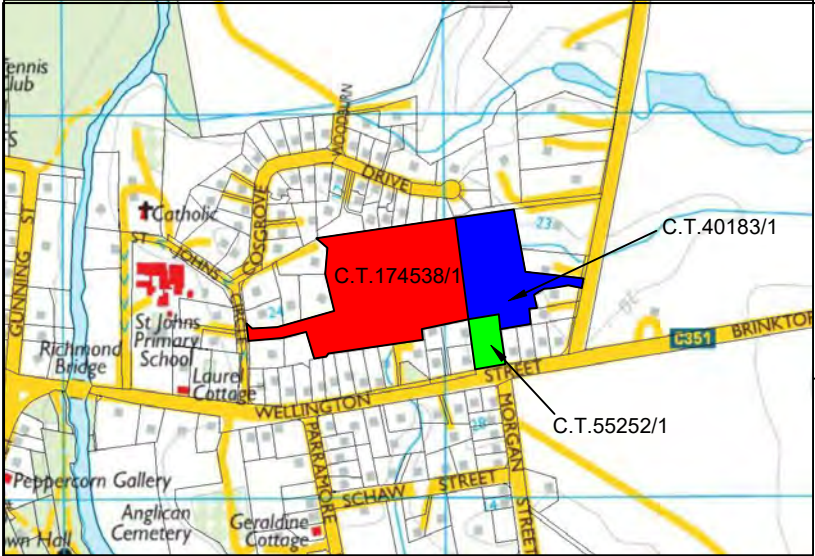
This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

13/02/2020

1:4514



Attachment 2



F	Lot changes, building offsets added, building areas shown clear of restrictions	JB	14-10-19	CBR
E	New lot layout v12 + 10m drainage easements	JB	8-08-19	
D	Additional detail added at Well St & St Johns Circle entrances	SP	30-01-19	
C	Updated CT references	JB	23-11-18	CBR
B	Proposal plan revised	NC	11-05-18	CBR
A	Preliminary proposal drafted for comment	JB	16-3-18	CBR
REV	AMENDMENTS	DRAWN	DATE	APPR.



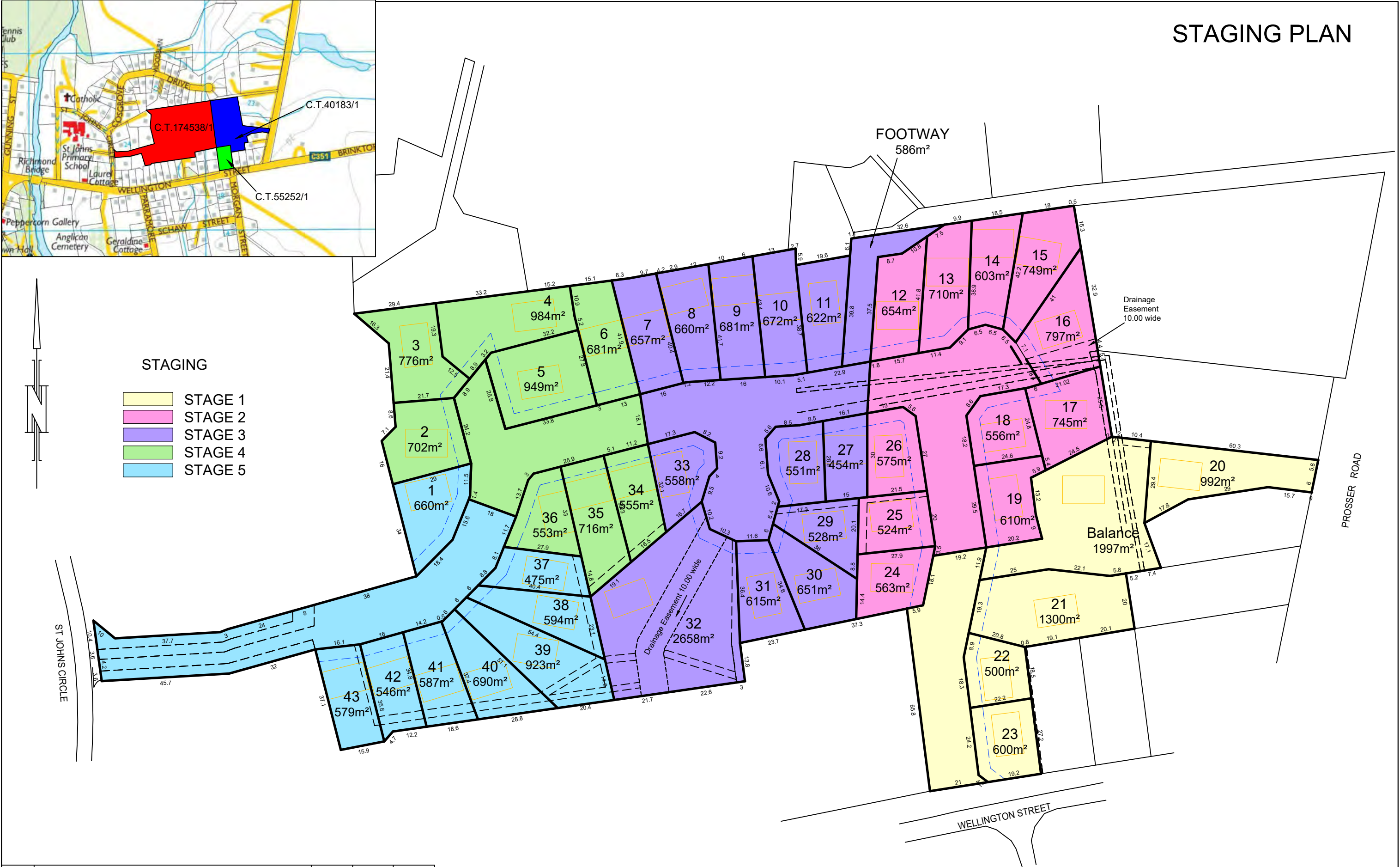
UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 7170
PHONE: (03)6248 5898
EMAIL: admin@rbsurveyors.com
WEB: www.rbsurveyors.com

OWNER: D.E.R Creese, Obsession (TAS) P/L
TITLE REFERENCE: C.T.174538/1, C.T.40183/1, C.T. 55252/1
LOCATION: 12 St.Johns Circle, 9 Prossers Road & 41 Wellington Street
RICHMOND

Proposed Subdivision

Date: 14-10-19	Reference: CREES47 8810-13
Scale: 1:1250 (A3)	Municipality: CLARENCE

STAGING PLAN



F	Lot changes, building offsets added, building areas shown clear of restrictions	JB	14-10-19	CBR
E	New lot layout v12 + 10m drainage easements	JB	8-08-19	
D	Additional detail added at Well St & St Johns Circle entrances	SP	30-01-19	
C	Updated CT references	JB	23-11-18	CBR
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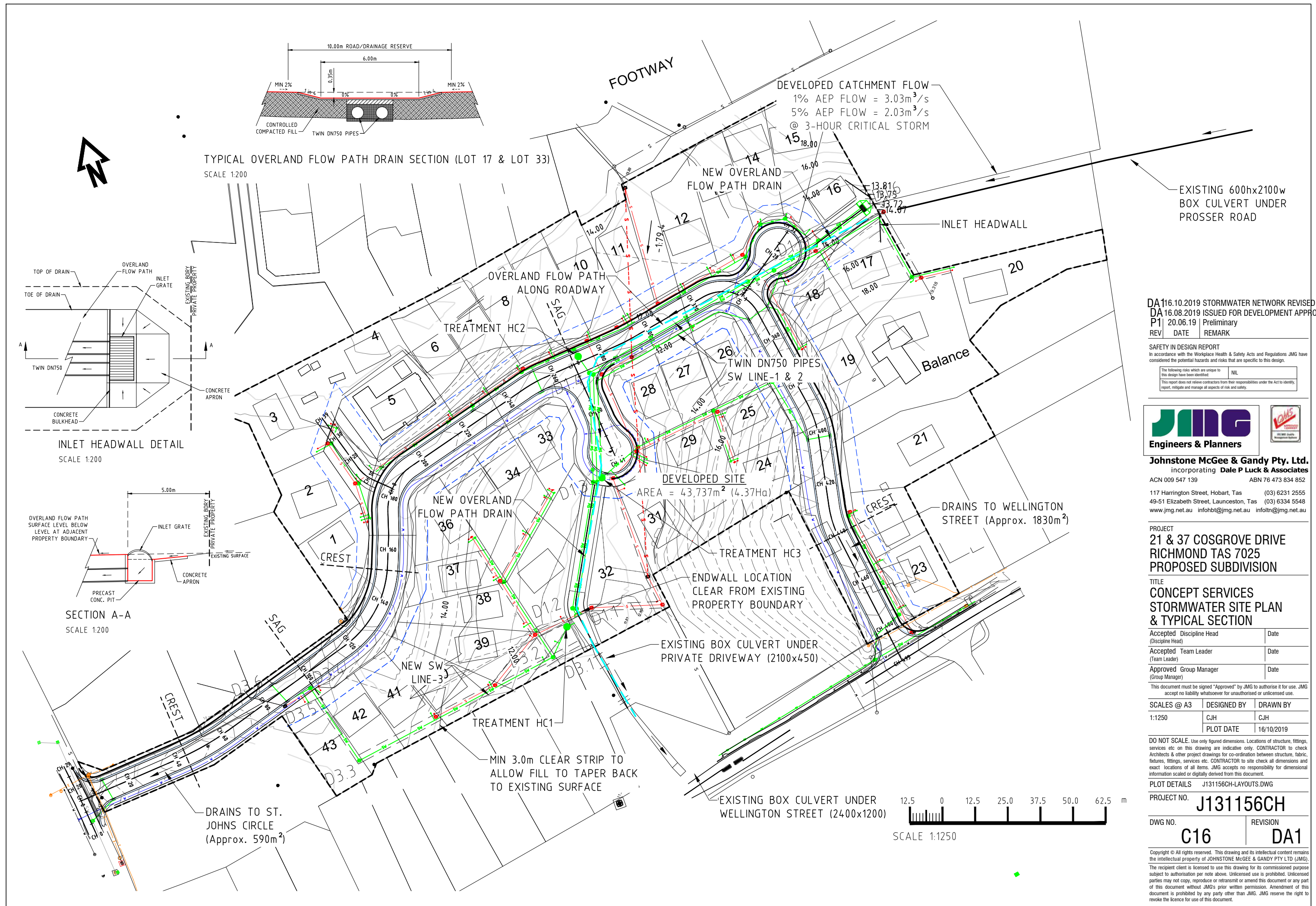


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RICHMOND

Proposed Subdivision

Date: 14-10-2019	Reference: CREES47 8810-13
Scale: 1:1250 (A3)	Municipality: CLARENCE



Attachment 3



View of site access from 9 Prossers Road.



View across site.



View of site access from Wellington Street.



View of site access from St Johns Circle.

**11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2019/005682 – 15
HOWRAH ROAD, HOWRAH - VISITOR ACCOMMODATION (10
ACCOMMODATION UNITS)****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for visitor accommodation (10 accommodation units) at 15 Howrah Road, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and Open Space and subject to the Road and Railway Assets, Waterway and Coastal Protection, Inundation Prone Areas, Coastal Erosion Hazard, Signs, Parking and Access and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2015.

Note: References to provisions of the Land Use Planning and Approvals Act 1993 (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015. The commencement day was 17 December 2015.

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 26 February 2020.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and five representations were received raising the following issues:

- traffic impacts;
- on-site parking;
- visual impact;
- privacy;
- use;
- adjacent walkway;
- quality of assessments;
- retaining walls;
- inaccuracy of plans;
- environmental impact;
- vulnerability of site;
- stormwater drainage;
- loss of right-of-way;

- loss of, and responsibility for open space;
- lack of residential accommodation; and
- difficulty viewing advertised plans.

RECOMMENDATION:

A. That the Development Application for Visitor Accommodation (10 accommodation units) at 15 Howrah Road, Howrah (CI Ref PDPLANPMTD-2019/005682) be approved subject to the following conditions and advice:

1. GEN AP1 – ENDORSED PLANS.
2. The development is approved as short-stay visitor accommodation and must not be used for residential purposes.
3. ENG M1 – DESIGNS DA.
4. ENG A5 – SEALED CAR PARKING.
5. All design and construction works are to be completed in accordance with the Coastal Vulnerability Report, prepared by GES for 15 Howrah Road and dated November 2019, submitted with the planning application. This requires special consideration to be given to foundations of structures and retaining wall design by suitability qualified engineer with coastal experience.
6. ENG S11 – SEALING OF SERVICES.
7. ENG S1 – INFRASTRUCTURE REPAIR.
8. ENG M5 – EROSION CONTROL.
9. GEN AM7 – OUTDOOR LIGHTING.
10. A landscape plan must be submitted to and approved by Council's Manager City Planning prior to the commencement of the use/prior to the issue of a certificate of likely compliance (CLC) for building works, (whichever occurs first). The plan must be to a standard scale, provide the designer's contact details and be legible when reproduced at A3.

The landscape plan must clearly document the following:

- a north point;
- existing property information such as building footprints, boundary lines, outdoor structures, garden beds and fences;
- existing contours, relevant finished floor levels and any proposed rearrangement to ground levels;
- existing trees identified as to be retained or removed;
- areas of proposed landscape hard work treatments such as driveways, paths, buildings, car parking, retaining walls, edging and fencing;

- areas of proposed landscape soft work treatments including garden beds and lawns;
- proposed planting design with locations of individual plants at intended spacing and clearly identified species (use of symbols with a legend or direct labelling of plants preferred);
- a table listing selected species botanical names, mature height, mature width, pot size and total quantities;
- details of proposed irrigation system (if required);
- details of proposed drainage system (if required); and
- estimate of cost for the installation of landscape works.

All landscaping works must be completed and verified as being completed by Council prior to the commencement of the use.

All landscape works must be maintained:

- in perpetuity by the existing and future owners/occupiers of the property;
- in a healthy state; and
- in accordance with the approved landscape plan.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died, or which was removed.

Installed landscape works (soft and hard) will be inspected for adherence to the approved landscape plan and for quality of workmanship. In order for a landscape bond to be released the works must be deemed satisfactory by Council's Landscape Design Officer. Trade standard will be the minimum quality benchmark that all landscape works will be assessed against.

11. GEN S7 – SIGN MAINTENANCE.

12. The development must meet all required Conditions of Approval specified by TasWater notice dated 12 February 2020 (TWDA 2020/00172-CCC).

ADVICE

Advice should be sought from a Building Surveyor as to the proposed building classification of the buildings as part of the Building Permit application process. The communal laundry and four car parking spaces under Unit 1 has potential to impact upon the building classification and hence potential fire separation requirements for that classification. The works may also require a performance solution and your Building Surveyor will be able to provide you the appropriate advice.

B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

**DEVELOPMENT APPLICATION PDPLANPMTD-2019/005682 – 15 HOWRAH ROAD, HOWRAH - VISITOR ACCOMMODATION (10 ACCOMMODATION UNITS)
/contd...**

ASSOCIATED REPORT**1. BACKGROUND**

The subject property supports an existing dwelling constructed in 1946, and associated outbuildings. There have been no recent planning permits granted for the site.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned General Residential and Open Space under the Scheme.

2.2. The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10.0 – General Residential Zone;
- Section 19.0 – Open Space Zone;
- Section E5.0 – Road and Railway Assets Code;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code;
- Section E11.0 – Waterway and Coastal Protection Code;
- Section E15.0 – Inundation Prone Areas Code;
- Section E16.0 – Coastal Erosion Hazard Code;
- Section E17.0 – Signs Code.

- 2.4.** The Waterway and Coastal Protection Code applies to the site. Clause E11.4.1 (p) of the Code provides, however, the proposed development is exempt from the Code on the basis that the development is to occur on land that is connected to and serviced by piped sewerage and stormwater collection systems operated and maintained by a water or municipal authority.
- 2.5.** The Signs Code applies to the development. Clause E17.4.1 provides that signs listed in Table E17.1 are exempt from requiring a permit provided that certain criteria are met in relation to historic buildings, compliance with the use and development standards for signage and that the sign is on or affixed to the land to which it relates. The sign proposed meets these criteria, meaning that the development is exempt from the provision of the Code.
- 2.6.** Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site has an area of 1942m² and is divided into two zones, with areas of 1627m² within the General Residential Zone and 315m² in the Open Space Zone. The site is separated from a Council-owned lot (CT 87223/2) over which access works exist and further works will be required, to provide a frontage of 13.13m to Howrah Road. A request for landowner consent was provided as part of the application and granted by Council on 24 December 2019.

The site supports an existing single dwelling and associated outbuildings, and landscaped gardens. The site is generally level, adjoined to the north by land within the Local Business Zone and used for commercial purposes, and adjoined by a Council-owned lot zoned Open Space to the south-east that provides access to Howrah Beach. A burdening easement to provide a right of way (unused) adjacent to the northern boundary exists over the site, and an underground stormwater main exists over the eastern part of the site.

The site is located at the base of a catchment area and acts as a part of the flow path for this upstream catchment to the north-east. Upstream of the site flow paths are directed to a headwall which focusses flow beneath Howrah Road and within an easement burdening the subject property to an existing stormwater outlet at Howrah Beach.

The location of the site is shown in the attachments.

3.2. The Proposal

The proposal is for the development of 10 visitor accommodation units on the site. The development is comprised of ten serviced apartments for short stay accommodation to be constructed over three levels and would necessitate the demolition of the existing dwelling and outbuildings and removal of the mature poplar and gum trees within the site boundaries. No works are proposed within the portion of the site zoned Open Space.

Nine of the 10 proposed accommodation units would be two-bedroom, and 1 would be accessible and have a single bedroom with lift and an all ability car parking space. No on-site management is proposed.

The gross floor of the proposed building would be 1280m², with a total site coverage of 716m². The building would be setback 3.16m from the northern (side) boundary, 4.56m from the south-eastern (side) boundary, 5.12m from the eastern (front) boundary, 5.5m from the western (rear) and 6.45m from the zone boundary, to the rear of the site.

The majority of the building would not exceed 8.5m above natural ground level at its highest point and would be clad using a combination of materials being cement sheet, timber cladding, block and Colorbond. A lift shaft with a height of 9.4m above natural ground level would extend above this height. A single parking space per apartment is proposed, with driveway access to follow the northern and western property boundaries to provide for access and on-site manoeuvring.

A single sign is proposed to install a street number on the proposed brick fence at the property frontage to Howrah Road. The sign would have an area not exceeding 0.5m². A 1.5m high timber fence is also proposed for the south-eastern property boundary, for the length of the portion of the site within the General Residential Zone.

A retaining wall is proposed for the western property boundary, with metal mesh fencing above. The retaining wall would be 1.5m in height at its highest point above natural ground level.

The proposal plans are included in the attachments.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by s51(2) of the Act, take into consideration:

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act,*

but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.

References to these principles are contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of Planning Directive 6, the General Residential Zone and Road and Railway Assets, Inundation Prone Areas, Coastal Erosion Hazard, Signs, Parking and Access and Stormwater Management Codes Codes with the exception of the following.

Planning Directive 6

- **Clause 3.1 (e)** – it is proposed to accommodate guests in a new building, and the gross floor area would have a gross floor area of 1280m² which exceeds the 200m² floor area per lot prescribed by the acceptable solution.

Performance Criteria	Proposal
<i>“Visitor accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:</i> <i>(a) The privacy of adjoining properties;</i> <i>(b) Any likely increase in noise to adjoining properties;</i> <i>(c) The scale of the use and its compatibility with the surrounding character and uses in the area;</i> <i>(d) Retaining the primary residential function of an area;</i> <i>(e) The impact on the safety and efficiency of the local road network; and</i> <i>(f) Any impact on the owners and users rights-of-way”.</i>	See below The proposed building would be separated from adjoining residential development by a distance in excess of 40m to the east of the site, and 25m to the south (separated by the accessway to Howrah Beach). Upper level residential use exists on the adjacent property to the north. Noise impacts associated with the proposal are likely to be low, and comparable to existing residential noise levels in the vicinity of the site. The residential function of the area would not be adversely affected by the proposal, in that the traffic impact assessment submitted concludes that daily vehicle trips amounting to 26 per day are likely, and such movements would not create excessive noise and similarly would be absorbed with no impact upon the efficiency of the road network. There are no existing rights of way in use on the site that would be compromised by the proposal. The proposed site layout addresses the existing right of way adjacent to the northern property boundary by providing an internal driveway and boundary landscaping in response. For the reasons provided it is considered that the requirements of this performance criterion are met.

General Residential Zone

- **Clause 10.3.1 A2** – measurements of noise levels were not submitted, meaning that the application cannot be assessed against the acceptable solution.

Performance Criteria	Proposal
<i>“Noise emissions measured at the boundary of the site must not cause environmental harm”.</i>	The applicant has submitted that the noise likely to be produced by the development would be comparable to residential use. The building would be separated by in excess of 4.5m from property boundaries and have reasonable separation from nearby residential land use, noting that commercial use adjoins the site to the north. It is reasonable to form the view that the likely noise emissions would be comparable to residential use and therefore unlikely to cause environmental harm as required by the performance criterion.

General Residential Zone

- **Clause 10.3.1 A3** – it is proposed that lighting of parking and access areas would occur (in winter) beyond the 6pm restriction imposed by the acceptable solution.

Performance Criteria	Proposal
<i>“External lighting must not adversely affect existing or future residential amenity, having regard to all of the following:</i> <i>(a) level of illumination and duration of lighting;</i> <i>(b) distance to habitable rooms in an adjacent dwelling”.</i>	The proposal plans show low level security lighting of parking and access areas as part of the development. The level of illumination is low and would be provided on a timer for hours when access to the apartments would be likely. There is a distance proposed in excess of 15m from the nearest residential land use (to the north, being upper level), and separated from the residential component of the development by a parking area.

	The proposed lighting configuration is unlikely to affect residential amenity on this basis, and it is reasonable to include a condition to require that the lighting be baffled to ensure it doesn't emit beyond the site boundaries. Such a condition has been included in the recommended conditions, above.
--	---

General Residential Zone

- **Clause 10.3.1 A4** – it is proposed that the apartments would be serviced between visitors, and that this may occur on weekends and public holidays as required, which is beyond the hours prescribed by the acceptable solution.

Performance Criteria	Proposal
<i>“Commercial vehicle movements, (including loading and unloading and garbage removal) must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</i> <i>(a) the time and duration of commercial vehicle movements;</i> <i>(b) the number and frequency of commercial vehicle movements;</i> <i>(c) the size of commercial vehicles involved;</i> <i>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</i> <i>(e) noise reducing structures between vehicle movement areas and dwellings;</i> <i>(f) the level of traffic on the road;</i> <i>(g) the potential for conflicts with other traffic”.</i>	See below. The application submits that the proposed apartments would largely be serviced during business hours. That said, it is reasonable that some cleaning activities may be required over weekends and public holidays. The nature of the movements likely would be a single contractor B99 sized vehicle (such as a small van) for cleaning purposes, with a limited number of visits and frequency. The proposed service vehicle parking space is located beneath the southern part of the building and would provide for appropriate on-site turning and manoeuvring areas. This is supported by the traffic impact assessment (TIA) submitted with the application. The TIA has considered the level of traffic and risk of conflict and forms the view that the proposal would not create any operational or safety issues.

	It is therefore considered that the proposal satisfactorily addresses this performance criteria.
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General Residential Zone

- **Clause 10.4.7 A1** – it is proposed that a portion of the south-eastern (side) boundary fence where within 4.5m of the front boundary would be 1.5m in height and solid, being 300mm higher than prescribed by the acceptable solution.

Performance Criteria	Proposal
<i>“A fence (including a free-standing wall) within 4.5m of a frontage must:</i> (a) <i>Provide for the security and privacy of residents, while allowing for mutual passive surveillance between the road and the dwelling; and</i> (b) <i>Be compatible with the height and transparency of fences in the street, taking into account the:</i> <i>i. Topography of the site; and</i> <i>ii. Traffic volumes on the adjoining road”.</i>	The proposed south-eastern boundary fence where shared with the accessway to Howrah Beach would be constructed using timber, to a height of 1.5m. The purpose of this fence is to provide for privacy between the subject site and the adjacent parking area. Being over three levels, the proposed development and living levels on the first level would provide for passive surveillance of this space. A range of fencing styles and materials exist within the vicinity of the site. Sites within close proximity of the site largely exceed 1.2m and given that the proposed frontage wall would be 1.2m as required by the acceptable solution, the portion of side boundary fence is considered a reasonable response to the need for privacy and security, whilst remaining consistent with the nature of surrounding development. The submitted TIA observes that Howrah Road is a connector road with recorded volumes not exceeding 800 vehicles in both the morning and afternoon peaks. The proposed fence would not obstruct sight lines and is considered to satisfy the requirements of this performance criterion.

General Residential Zone

- **Clause 10.5.1 A1** – the proposed development does not comply with the acceptable solutions of Clause 10.4.2 A3 in relation to balcony screens, railings, lift shaft and eaves of 800mm protruding beyond the prescribed building envelope.

Performance Criteria	Proposal
<i>“The siting and scale of a dwelling must:</i> <i>(a) not cause unreasonable loss of amenity by:</i> <i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i>	See below. The proposal plans show the location of the building envelope in relation to the proposed development and identify the extent of the parts outside the prescribed building envelope. Diagrams illustrating the extent of shadows likely to be cast at winter solstice were provided with the application and included in the advertised plans. The submitted diagrams satisfactorily demonstrate that there would not be a reduction in sunlight to a habitable room of a dwelling on an adjoining lot. The only adjacent property likely to be affected and with residential development is to the south, being 19 Howrah Road which is separated from the site by the Council-owned accessway to the beach, and is provided with in excess of three hours of sunlight at winter solstice as demonstrated by the shadow diagrams provided. The site to the north is unaffected by overshadowing. On the basis of the assessment above and shadow diagrams submitted, the impact is therefore considered to be reasonable.
<i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i>	The site to the north provides an upper level residence only, with no overshadowing impacts to occur based on the location as north of the site. The private open space associated with the development to the south (beyond the beach accessway) known as 19 Howrah Road would not be compromised by the proposal, at Winter Solstice.

<i>(iii) overshadowing of an adjoining vacant lot; or</i>	Land to the north-west of the development site is developed as the Howrah Community Centre. A portion of this land comprised of revegetated dunes is affected by overshadowing, as illustrated by the submitted diagrams. This impact is not, however, unreasonable, in that it clearly provides for in excess of three hours of sunlight to this space at Winter Solstice.
<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	Given the gradient of the land in the area surrounding the site, development is generally over multiple levels. Nearby development is typically oriented to the south to obtain views of the river and mountain. The visual impact of the proposed development is considered reasonable, in that the building height at its highest point would be 8.5m above natural ground level and largely consistent with the prescribed building envelope. While the lift shaft exceeds this height, the overall building height is as stated and the lift itself represents a small portion of the overall building bulk. While to be constructed over three levels, the proposed building has been designed in an L-shape with setbacks in excess of 4.5m from the nearest boundaries. The proposal utilises a combination of materials and colours, which would provide detailing to soften and minimise possible visual impacts associated with the proposed building. Some landscaping on site would additionally remain, and the development proposes the extensive landscaping of the site. A condition has been included in the recommended conditions to formalise the consideration and application of this plan to the proposal. Neighbouring residential development is largely orientated toward the west to the mountain and river and has existing established landscaped gardens. The bulk and scale of the proposal would be consistent with the adjacent development to the north, and the nature of the unit development to the south.

	The proposed development would be clad using materials that would be consistent both with the range of dwelling (and other building) styles within the vicinity of the site. It is considered that the variation to the building envelope is a reasonable response to the irregular shape and constraints of the site. For the above reasons, it is therefore considered that the proposal would not cause a loss of amenity to the adjoining properties through visual bulk and scale of the development.
<i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i>	The adjoining lot to the north, at 13 Howrah Road, is the only residential land use to the site. The separation proposed between the proposed building and the adjacent building to the boundary is consistent with or in excess of the side boundary setback in the surrounding area. The performance criteria are therefore addressed.

Road and Railway Assets Code

- **Clause E5.5.1 A3** – the proposed development will generate an increase in vehicle movements by more than 20% than existing movements associated with the site, as prescribed by the acceptable solution.

Performance Criteria	Proposal
<i>“Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</i>	See below.
<i>(a) The increase in traffic caused by the use;</i>	A traffic impact assessment (TIA) was submitted in support of the proposal. The assessment concludes that the development would generate in the order of 26 vehicle movements per day. The assessment concludes that the existing road and traffic environment in the vicinity of the site is capable of absorbing the number of movements associated with the proposal, and that the level of activity would not create any operational issues at the development site’s driveway access onto Howrah Road.

<i>(b) The nature of the traffic generated by the use;</i>	The proposed movements would primarily be non-commercial vehicles, and the TIA submits that the nature of movements would be similar in nature to residential land use.
<i>(c) The nature and efficiency of the access or the junction;</i>	The TIA submits that while the traffic volumes to and from the site would be relatively low, that it is proposed to provide a 6.0m wide driveway to allow for two-way traffic movements, and therefore limit impacts on Howrah Road.
<i>(d) The nature and category of the road;</i>	Howrah Road is a collector road with relatively low movement numbers in the vicinity of the site. The TIA concludes that the proposal is appropriately sited, that sight distances satisfy the relevant distance requirements for the access and would meet the relevant Australian Standards for parking and access.
<i>(e) The speed limit and traffic flow of the road;</i>	The TIA concludes that the access to the development site would operate without creating any significant queuing or delay on Howrah Road, on the basis of anticipated traffic activity and peak trip generation from the site.
<i>(g) The need for the use;</i>	The proposal relates to visitor accommodation, and the proposed “serviced apartment” style provides an alternative style of accommodation the applicant submits is sought after by visitors to the state.
<i>(h) Any traffic impact assessment; and</i>	The conclusions of the TIA are that the proposed development would not create any adverse operational or safety issues and it is supported on traffic grounds.
<i>(i) Any written advice received from the road authority”.</i>	Council’s development engineer is satisfied with the analysis and conclusions of the TIA, and appropriate conditions have been included in the recommended conditions in relation to road access and engineering designs for the development.

Parking and Access Code

- **Clause E6.7.7 A1** – the development does not propose lighting of parking areas in accordance with the requirements of the relevant Australian Standard, on the basis that the parking areas are private areas.

Performance Criteria	Proposal
<i>“Parking and vehicle circulation roadways and pedestrian paths used outside daylight hours must be provided with lighting to a standard which satisfies all of the following:</i>	See below.
<i>(a) Enables easy and efficient use of the area;</i>	The submitted TIA has assessed the parking area design and concludes in relation to lighting that the Australian Standard AS 1185 referred to by the acceptable solution is applicable to public roads and places, and that the proposed private parking area can be provided with a lower level of lighting consistent with the nature of the proposal, and its location within proximity of residential development.
<i>(b) minimises potential for conflicts involving pedestrians, cyclists and vehicles;</i>	It is proposed that the lighting for the development would comply with the Building Code of Australia requirements, which would provide for safe access for pedestrians, cyclists and vehicles and would also ensure privacy for adjacent properties.
<i>(c) Reduces opportunities for crime or anti-social behaviour by supporting passive surveillance and clear sight lines and treating the risk from concealment or entrapment points;</i>	The lighting proposed would limit risks associated with antisocial behaviour by providing low level security lighting of the driveway and parking spaces.
<i>(d) Prevents unreasonable impact on the amenity of adjoining users through light overspill;</i>	The proposed condition, above, would limit light overspill by ensuring lighting is low level, consistent with the requirements of the Building Code of Australia.
<i>(e) Is appropriate to the hours of operation of the use”.</i>	Lighting is proposed during likely active hours for visitors, with low level lighting overnight as required for security.

Inundation Prone Areas Code

- **Clause E15.7.2 A1** – the development proposes a habitable building within the medium risk area, for which there is no acceptable solution.

Performance Criteria	Proposal
<i>“A new habitable building must satisfy all of the following:</i>	See below.
<i>(a) floor level of habitable rooms, and rooms associated with habitable buildings (other than a dwelling) that are either publicly accessible, used frequently or used for extended periods, must be no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1;</i>	Table 15.1 requires the provision of a finished floor level for habitable rooms of 3.1m AHD for Howrah. The proposed development shows parking and non-habitable spaces only on the ground floor level, thus satisfying this requirement.
<i>(b) risk to users of the site, adjoining or nearby land is acceptable;</i>	A coastal vulnerability assessment was submitted in support of the proposal, which concludes that the risk from inundation is acceptable and low, within the lifetime of the proposed structure. A concept services report was also submitted which confirms that the risk would be appropriately managed through the infrastructure design.
<i>(c) risk to adjoining or nearby property or public infrastructure is acceptable;</i>	The assessment concludes that the risk to nearby property or infrastructure is low. Council’s development engineer accepts this position.
<i>(d) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;</i>	The assessment includes recommendations in relation to the details of the development. As such, a condition has been included in the recommended conditions above to ensure the development is constructed in accordance with the recommendations of the assessment. This includes a requirement that the proposed development is to be founded within the stable foundation zone, in particular in relation to the proposed retaining wall.
<i>(e) need for future remediation works is minimised;</i>	The proposal does not exacerbate existing conditions in relation to retention of the coastal boundary of the site.
<i>(f) access to the site will not be lost or substantially compromised by expected future sea level rise either on or off-site;</i>	The assessment concludes that access to the site would not be lost or compromised as a result of the proposal and associated with sea level rise.

<i>(g) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works;</i> <i>except if it is development dependent on a coastal locationR1”.</i>	There are no requirements for coastal protection works to facilitate the proposal. A developer contribution is therefore not required.
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Inundation Prone Areas Code

- **Clause E15.7.3 A1** – the development proposes a habitable building within the low risk area, for which there is no acceptable solution.

Performance Criteria	Proposal
<i>“A new habitable building must satisfy all of the following:</i>	See below.
<i>a) risk to users of the site, adjoining or nearby land is acceptable;</i>	A coastal vulnerability assessment was submitted in support of the proposal, which concludes that the risk from inundation is acceptable and low, within the lifetime of the proposed structure.
<i>b) risk to adjoining or nearby property or public infrastructure is acceptable;</i>	The assessment concludes that the risk to nearby property or infrastructure is low. Council’s development engineer accepts this position.
<i>c) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;</i>	The assessment includes recommendations in relation to the details of the development. As such, a condition has been included in the recommended conditions above to ensure the development is constructed in accordance with the recommendations of the assessment. This includes a requirement that the proposed development is to be founded within the stable foundation zone, in particular in relation to the proposed coastal retaining wall.
<i>d) need for future remediation works is minimised;</i>	The proposal does not exacerbate existing conditions, in relation to retention of the coastal boundary of the site.
<i>e) access to the site will not be lost or substantially compromised by expected future sea level rise either on or off-site;</i>	The assessment concludes that access to the site would not be lost or compromised as a result of the proposal and associated with sea level rise.
<i>f) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works”.</i>	There are no requirements for coastal protection works to facilitate the proposal. A developer contribution is therefore not required.

Inundation Prone Areas Code

- **Clause E15.7.4 A1** – the development proposes a habitable building within a riverine inundation hazard area, with a floor (parking) level at 2.4m AHD, being below the 1% AEP (100 year ARI) storm event plus 300mm prescribed by the acceptable solution.

Performance Criteria	Proposal
<i>“A new habitable building must have a floor level that satisfies all of the following:</i>	See below.
<i>(a) risk to users of the site, adjoining or nearby land is acceptable;</i>	The submitted coastal vulnerability assessment concludes that the risk from the location of the site is acceptable and low, within the lifetime of the proposed structure.
<i>(b) risk to adjoining or nearby property or public infrastructure is acceptable;</i>	The assessment concludes that the risk to nearby property or infrastructure is low. Council’s development engineer accepts this position.
<i>(c) risk to buildings and other works arising from riverine flooding is adequately mitigated through siting, structural or design methods;</i>	The assessment includes recommendations in relation to the construction of the development. As such, a condition has been included in the recommended conditions above to ensure the development is constructed in accordance with the recommendations of the assessment. This includes a requirement that the proposed development is to be founded within the stable foundation zone, in particular in relation to the proposed retaining wall. The concept services report considers flood risk and concludes that flow depths and velocities for the site are shown to be below the acceptable levels prescribed by floodway guidelines for safety. The development does not increase flood flows or velocities from adjacent or nearby land.

(d) <i>need for future remediation works is minimised;</i>	The concept services report concludes that the area of the site inundated during severe storm events would be comprised of a combination of hardstand paving, landscaping and accessways. No remediation works are likely for the hardstand and stair access areas and landscaping design would need to address the impacts of possible flooding. This is a cost borne by the developer.
(e) <i>provision of any developer contribution required pursuant to policy adopted by Council for riverine flooding protection works”.</i>	There are no requirements for coastal protection works to facilitate the proposal. A developer contribution is therefore not required.

Inundation Prone Areas Code

- **Clause E15.7.5 A1** – the development proposes cut and fill to extend beyond a length of 5m and a depth of 0.5m in some areas as prescribed by the acceptable solution.

Performance Criteria	Proposal
<i>“Landfill, or solid walls greater than 5 m in length and 0.5m in height, must satisfy all of the following:</i> (a) <i>no adverse effect on flood flow over other property through displacement of overland flows;</i> (b) <i>the rate of stormwater discharge from the property must not increase;</i> (c) <i>stormwater quality must not be reduced from pre-development levels”.</i>	There is a low risk to flood flow given the watercourse relevant to the site would not be obstructed as a result of the proposed works. There would be no change to the rate of stormwater discharge from the site. This is assessed by both the submitted coastal vulnerability assessment and the proposed concept services layout. The proposed cut and fill works would not compromise stormwater quality from pre-development levels. Council’s development engineer confirms this position in relation to permeable pavement and driveway areas being appropriately treated for stormwater management purposes, and as required by the engineering designs condition included in the recommended conditions.

Coastal Erosion Hazard Code

- **Clause E16.7.1 A1** – there is no acceptable solution for works proposed within the Coastal Erosion Hazard area that affects the site.

Performance Criteria	Proposal
<i>“Buildings and works must satisfy all of the following:</i>	See below.
<i>(a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;</i>	The submitted coastal vulnerability assessment concludes that the risk from the location of the site is acceptable and low to both nearby properties or public infrastructure, within the lifetime of the proposed structure.
<i>(b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;</i>	The proposed development is to be founded within the stable foundation zone. This is included in the recommendations of the assessment, and an appropriate condition included in the recommended conditions.
<i>(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;</i>	The submitted assessment concludes that there is a low risk of erosion as a result of the proposal, and therefore is a low likelihood of there being any hazards not identified by the assessment.
<i>(d) need for future remediation works is minimised;</i>	The proposal does not exacerbate existing conditions, in relation to retention of the coastal boundary of the site.
<i>(e) health and safety of people is not placed at risk;</i>	Council’s development engineer is satisfied that there would be no risk to health and safety, and construction in accordance with the recommendations of the assessment will ensure this occurs.
<i>(f) important natural features are adequately protected;</i>	There are no important natural features that require protection as part of the proposal.
<i>(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;</i>	There would be no loss of public access or foreshore access as a result of the proposal. The adjacent Council-owned accessway would not be compromised.
<i>(h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;</i>	The assessment concludes that access to the site would not be lost or compromised as a result of the proposal and associated with coastal recession.

(i) <i>provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</i>	There are no requirements for coastal protection works to facilitate the proposal. A developer contribution is therefore not required.
(j) <i>not be located on an actively mobile landform”.</i>	The assessment concludes that the development would not be located on an actively mobile landform, and that the adjacent sand dunes are stabilised by existing vegetation.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and five representations were received. The following issues were raised by the representors.

5.1. Traffic Impacts

Concern is raised by the representations in relation to traffic and safety impacts associated with the proposal. The proximity of the site to a nearby school, adjacent bus stop and mechanical workshop is a concern in terms of compounding traffic impacts, and safety for pedestrians and cyclists in the area are also raised.

- **Comment**

The proposal satisfies the relevant acceptable solutions and performance criteria of the Scheme in relation to access to the site. The submitted traffic impact assessment concludes that *the proposed development would not give rise to any adverse operation or safety impacts and is supported on traffic grounds* and this position is supported by Council's engineers, in relation to their assessment of the proposal.

The access to the site complies with the sight distance requirements of the relevant Australian Standard, and the access meets the relevant requirements for access to a collector road for the development proposed. This issue is therefore not of determining weight.

5.2. On-site Parking

One representation is concerned with the lack of adequate on-site parking provision for the development. It is submitted that there should be two parking spaces provided per apartment.

- **Comment**

The Parking and Access Code requires the provision of one parking space for each serviced apartment proposed. The proposal provides the required number of spaces (and associated on-site turning areas), meaning that there is no scope for additional on-site parking to be required under the Code, and as part of any planning permit granted.

5.3. Visual Impact

Concerns are raised by the representations in relation to the visual impact of the proposed development and obstruction of views given the height of the proposed building. One representation submits that the reduction in the total number of units by three would minimise visual impact and reduce other impacts (such as traffic) in relation to the proposal.

- **Comment**

The proposal is considered to satisfy the performance criteria of Clause 10.4.2 (A3) in relation to building envelope for the reasons provided in Section 4 of this assessment. While it is acknowledged that the development is proposed over three levels, the L-shaped design of the building coupled with the setbacks proposed and the combination of materials and colours would provide detailing to soften and minimise possible visual impacts associated with the proposed building. Some existing vegetation on site would remain, and the development proposes the extensive landscaping of the site to be formalised by a condition included in the recommended condition.

5.4. Privacy

The representations raise the lack of landscaping as a concern in relation to privacy for nearby residential development.

- **Comment**

Clause 10.5.1 prescribes that the privacy requirements of Clause 10.4.6 do not apply to the proposal, being for non-dwelling development. That said, a landscaping plan has been submitted as part of the application documentation which shows extensive landscaping of the site. This would ensure privacy for both visitors to the site and neighbours alike, and a condition has been included in the recommended conditions to require the formal consideration and approval of the landscaping plan prior to commencement of works.

5.5. Use

Concern is raised by the representations that the proposed development could be used for a combination of short and long-term stays, more closely aligned to residential use rather than visitor accommodation.

- **Comment**

The proposal the subject of this assessment is an application for the development of 10 serviced apartments, being a permitted use as visitor accommodation within the General Residential Zone. A supporting condition has been included in the recommended conditions to provide confirmation of the use, if approved.

5.6. Adjacent Walkway

The representations raise concern that the adjacent Council-owned accessway to Howrah Beach would be compromised as a result of the proposal. The concern relates to wind effects and overshadowing, which would affect users of this area.

- **Comment**

The Scheme requires consideration of overshadowing impact associated with habitable rooms and outdoor living areas associated with adjacent residential development. The proposal satisfies the relevant performance criteria of the Scheme in relation to building envelope, as discussed above.

It is acknowledged that there would be some overshadowing of the accessway as a result of the proposal, however the submitted shadow diagrams show that at Winter Solstice this area would still achieve in excess of 3 hours sunlight between 9am and 12pm. This is considered a reasonable impact when assessing solar access under the Scheme.

The impact of the proposal in terms of creating a ‘wind tunnel’ is not a relevant consideration under the Scheme and has not been assessed as part of this application.

5.7. Quality of Assessments

The representations raise the age of the data relied upon as part of the coastal vulnerability assessment as being of concern, in that it is submitted that the data is out of date.

- **Comment**

The coastal vulnerability assessment was prepared by a suitably qualified expert and a range of sources relied upon as part of the formulation of the expert opinion and recommendations. The references relied upon are provided within the assessment as an appendix and the report, its finding and recommendations are accepted in response to the provisions of the relevant codes of the Scheme. In assessing the documentation Council’s development engineer considered the age and quality of the data as appropriate for the purposes of assessing the proposal and demonstrating compliance with the relevant requirements of the Scheme.

5.8. Retaining Walls

The representations raise the lifespan of the proposed retaining wall structures as being a concern, in that the representor submits that a 15-year lifespan is referenced by the coastal vulnerability assessment and that is inadequate.

- **Comment**

The coastal vulnerability assessment makes a series of recommendations in relation to the development. While it concludes that further investigation may provide for an extended life span for the proposal, Council's Engineers are satisfied that the conditions imposed are a reasonable response to the issue raised and ensure compliance with the relevant requirements of the Scheme. A condition has been included in the recommended conditions to require that the works are undertaken in accordance with the recommendations of the assessment.

5.9. Inaccuracy of Plans

Concern is raised that the boundary images provided in the application documentation are inaccurate and do not clearly show the location of adjacent development.

- **Comment**

The application documentation includes the Certificate of Title for the site, the proposal plans which accurately reflect the title boundaries and various photographs and plans to show the detail of the development proposed. The application documentation shows that the site plan is based on a site survey undertaken in December 2017 and is accurate. The location of adjacent development is reflected by the aerial imagery and is accurate for the purposes of assessment of the proposal under the Scheme. This issue is therefore not of determining weight.

5.10. Environmental Impact

The environmental impact of the proposal has been raised by the representations as a concern in relation to the removal of the existing trees, in that there would be a loss of habitat to local wildlife and to further act as a soil stabiliser for the site.

- **Comment**

The site is not affected by the Natural Assets Code under the Scheme, meaning that there are no identified natural values associated with the site. TASVEG Live (August 2014) further shows the whole of the site as FUR (Future Urban), which is referenced as modified land.

The development does, however, propose to retain several existing eucalypts adjacent the south-eastern property boundary. Extensive landscaping of the site is also proposed by the application and is reflected by the recommended conditions.

5.11. Vulnerability of Site

The representations received include concerns that the site is vulnerable to coastal erosion and inundation, and the development should not be approved on that basis.

- **Comment**

The site is subject to the Coastal Erosion Hazard, Waterway and Coastal Protection and Inundation Prone Areas Codes under the Scheme. The proposal was supported by coastal vulnerability and concept services assessments which satisfactorily demonstrate that the requirements of the relevant performance criteria are met. A condition has been included in the recommended conditions to require that the works are undertaken in accordance with the recommendations of the assessment.

5.12. Stormwater Drainage

Concern is raised by the representations that the existing stormwater drainage outfall on Howrah Beach and to the west of the site requires upgrading.

- **Comment**

A concept services plan was provided as part of this proposal, which demonstrates to the satisfaction of both Council and TasWater that the relevant infrastructure requirements associated with the proposal are met and appropriate consideration has been given to the site's location at the base of an identified catchment area.

5.13. Loss of Right-of-Way

The representations include a concern that the existing right-of-way on the northern part of the site would be lost as a result of the proposal.

- **Comment**

The existing right of way benefits a single property only being the adjacent property to the north at 13 Howrah Road, which would be maintained as part of the proposal. The proposed site access and driveway location have been designed to provide for the right-of-way and to ensure that access, if required at a future time, is provided for, and is not a relevant consideration under the Scheme or to the representations.

5.14. Loss of, and Responsibility for Open Space

The representations include a submission that the portion of the site zoned Open Space should be made the responsibility of "Coast Care" via a reserve activity plan, and that the land would ideally be transferred to Council for future use as public land.

- **Comment**

The Scheme does not require the provision of open space for the development of visitor accommodation. The land is privately owned, and it cannot be obtained by Council as part of this development.

5.15. Lack of Residential Accommodation

Concern is raised by one representation in that the existing dwelling should be retained and the development not be approved by Council, on the basis that there is a known lack of residential accommodation in the Greater Hobart area.

- **Comment**

The development is proposed for land within the General Residential Zone. The Visitor Accommodation Use Class is a permitted use class within the zone and the demolition of the existing is necessary to facilitate the proposal. A lack of available residential accommodation is not a relevant consideration under the Scheme.

5.16. Difficulty Viewing Advertised Plans

One representation raised the use of Council's website to view the plans as an issue, in relation to the preparing and submitting a representation in relation to the proposal. The concern raised is that it is difficult to view the plans and reports on a computer.

- **Comment**

Section 9 of the Land Use Planning and Approvals Regulations 2014 requires that the planning authority must notify of an application for a permit to be:

- “a) advertised in a daily newspaper circulating generally in the area relevant to the application; and*
- b) displayed at the planning authority's office; and*
- c) given to the owners and occupiers of all properties adjoining the land that is the subject of the application; and*
- d) displayed on the land that is the subject of the application”.*

These requirements were met. Council's notification of the proposal includes the ability to view the advertised plans during the notification period on Council's website, which is a service in addition to the statutory requirements.

6. EXTERNAL REFERRALS

The proposal was referred to TasWater, which has provided a number of conditions to be included on the planning permit if granted.

7. STATE POLICIES AND ACT OBJECTIVES

7.1. The proposal is consistent with the outcomes of the State Policies, including those of the State Coastal Policy.

7.2. The proposal is consistent with the objectives of Schedule 1 of LUPAA.

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

9. CONCLUSION

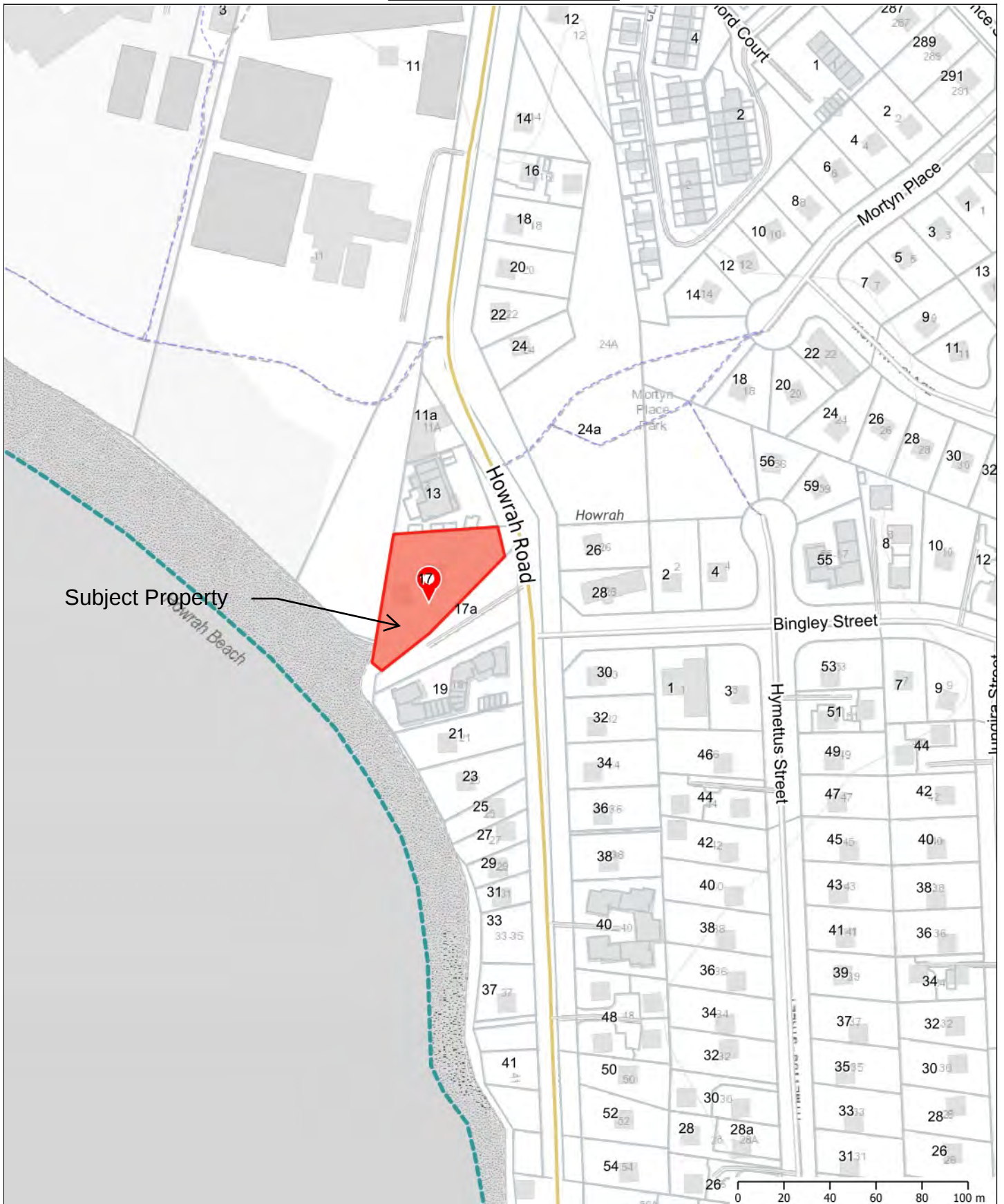
The proposal is for the development of 10 visitor accommodation units on the site. The proposal satisfies the relevant requirements of the Scheme and is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plan (13)
3. Site Photo (3)

Ross Lovell
MANAGER CITY PLANNING

Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

Attachment 1



This map has been produced by Clarence City Council using data from a range of agencies. The City bears no responsibility for the accuracy of this information and accepts no liability for its use by other parties.

12/02/2020

1:2257





1 Location Plan
1 : 1000

Howrah Visitor Accommodation Development

15 Howrah Road, Howrah
Nov 2019
Yanz International Pty Ltd

**PLANNING
APPLICATION**

Drawing Schedule

1751	A000	H	Cover Sheet
1751	A101	H	Site Plan
1751	A201	H	Ground Floor /Car park
1751	A202	H	First Floor
1751	A203	H	Second Floor
1751	A204	H	Roof Plan
1751	A301	H	Elevations
1751	A302	H	Elevations - Planning Envelope
1751	A701	H	Shadow Diagram
1751	A702	H	Shadow 3d Diagram

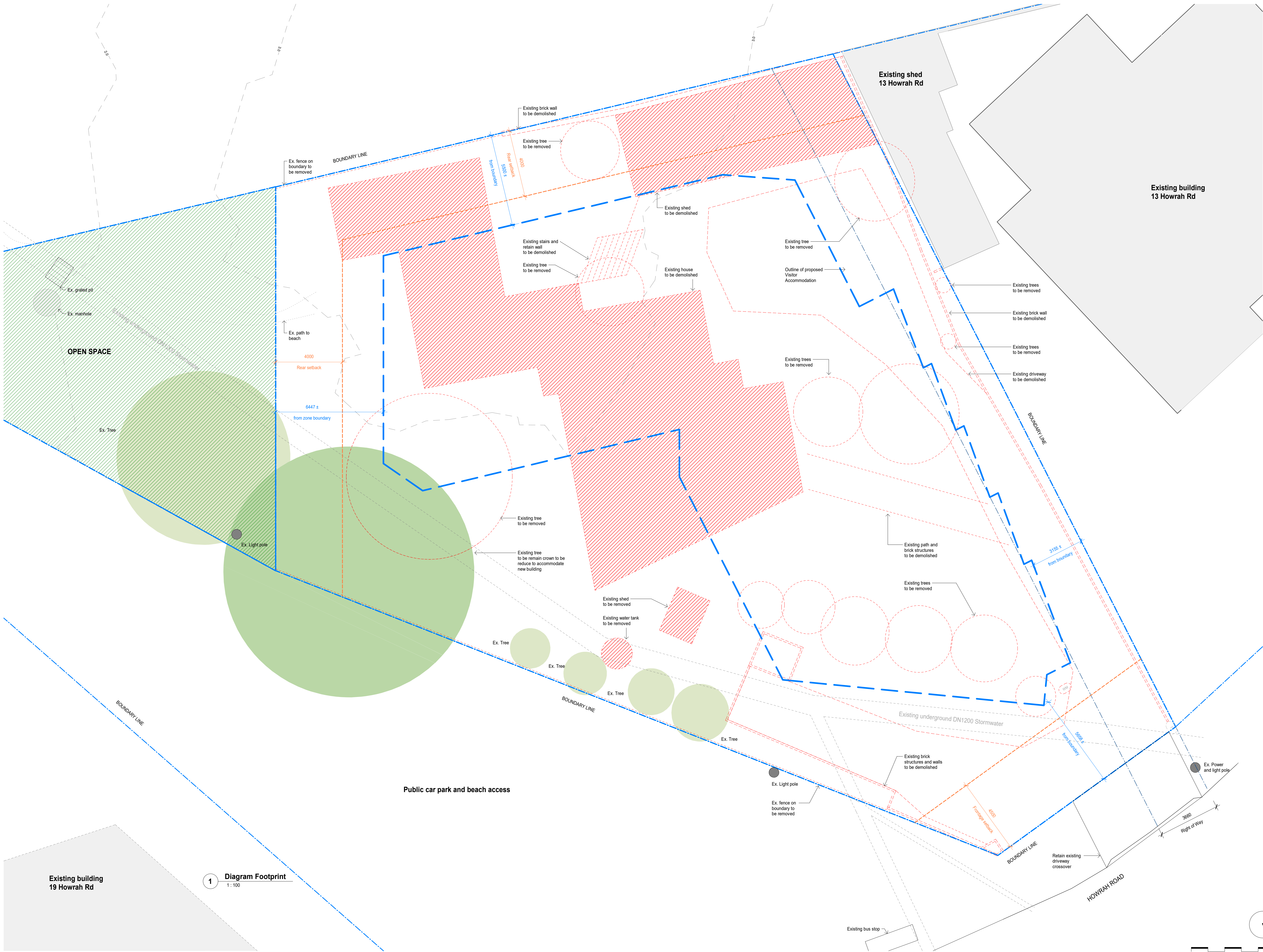


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- Drawing Key**
- Boundary line
 - Contour line
 - Existing path
 - Existing underground pipe
 - Outline of demolition works
 - Outline of proposed works
 - Right of way boundary line
 - Setback line

PLANNING APPLICATION

REVISIONS	General Revision
E 13/10/2019	General Revision
F 22/10/2019	Planning Application
H 22/10/2019	General Revision

DRAWING
Site Plan

PROJECT TITLE
Howrah Visitor Accommodation Development
PRINCIPAL
Yanz International Pty Ltd

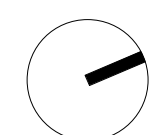
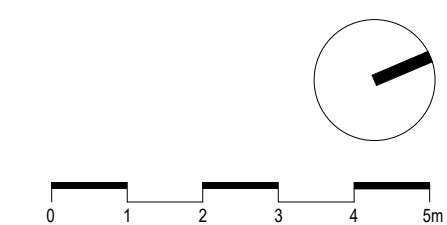
PROJECT ADDRESS
15 Howrah Road, Howrah

JOB NUMBER 1751	DATE Nov 2019
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A101 H

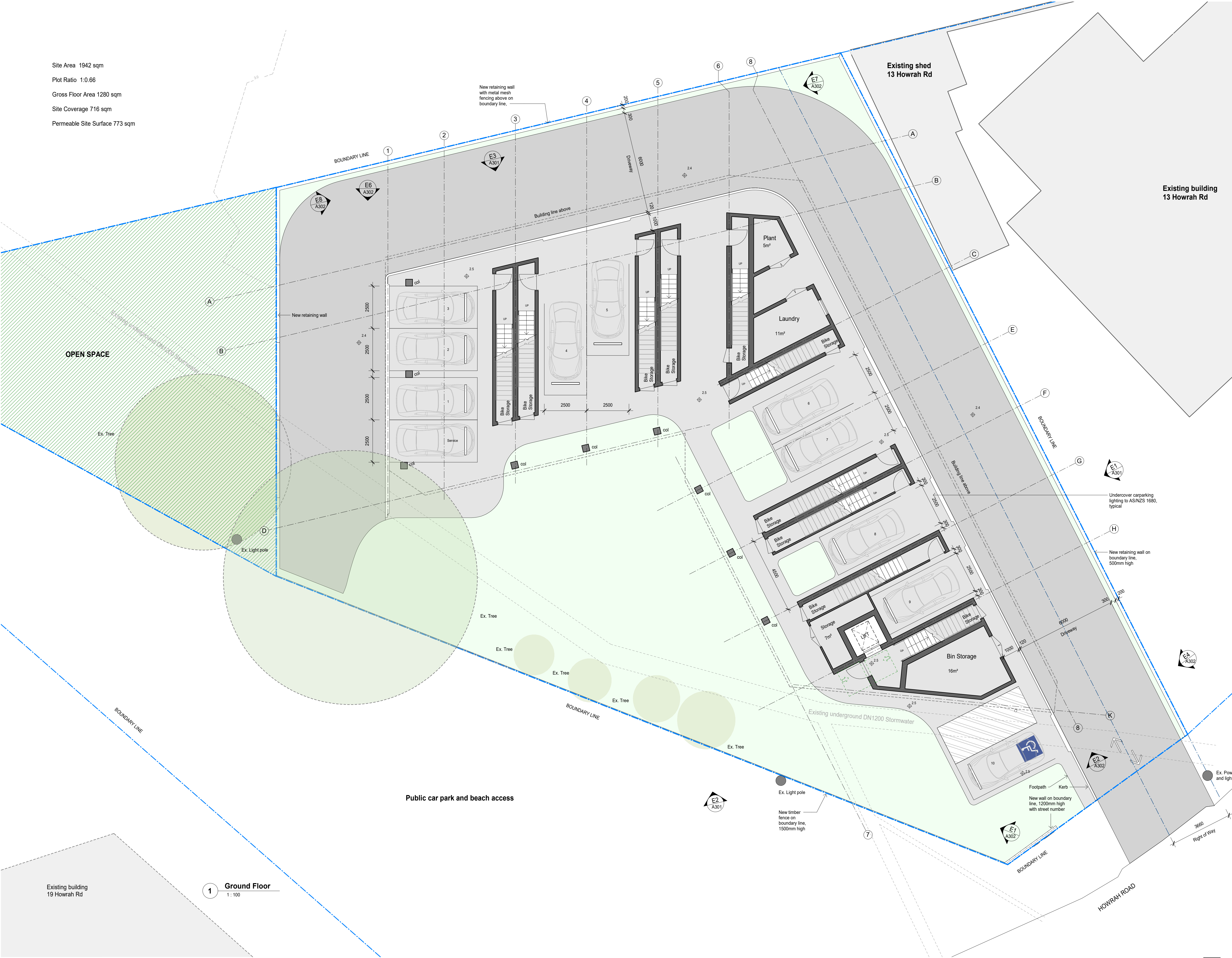


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0 1 2 3 4 5m

Site Area 1942 sqm
Plot Ratio 1:0.66
Gross Floor Area 1280 sqm
Site Coverage 716 sqm
Permeable Site Surface 773 sqm



1 Ground Floor
1:100

PLANNING APPLICATION

REVISIONS	
A	14/02/2019 General Revision
B	05/03/2019 Visitor Accommodation Option
C	20/03/2019 Visitor Accommodation Option 2
D	30/03/2019 WSP
E	17/12/2019 General Revision
F	22/12/2019 Planning Application
G	19/12/2019 General Revision
H	22/12/2019 General Revision

DRAWING
Ground Floor /Car park

PROJECT TITLE
Howrah Visitor Accommodation Development
PRINCIPAL
Yanz International Pty Ltd

PROJECT ADDRESS
15 Howrah Road, Howrah

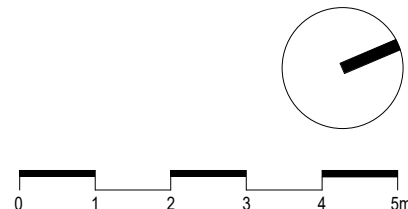
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DATE
Nov 2019

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PS
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Existing building
19 Howrah Rd

1 First Floor
1:100

PLANNING APPLICATION

REVISIONS	
A	14/02/2019 General Revision
B	05/05/2019 Visitor Accommodation Option
C	22/05/2019 Visitor Accommodation Option 2
E	17/10/2019 General Revision
F	22/12/2019 Planning Application
H	22/12/2019 General Revision

DRAWING
First Floor

PROJECT TITLE
Howrah Visitor
Accommodation
Development
PRINCIPAL
Yanz International Pty Ltd

PROJECT ADDRESS
15 Howrah Road, Howrah

JOB NUMBER
1751
SCALE @ A1
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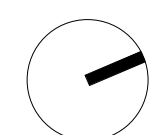
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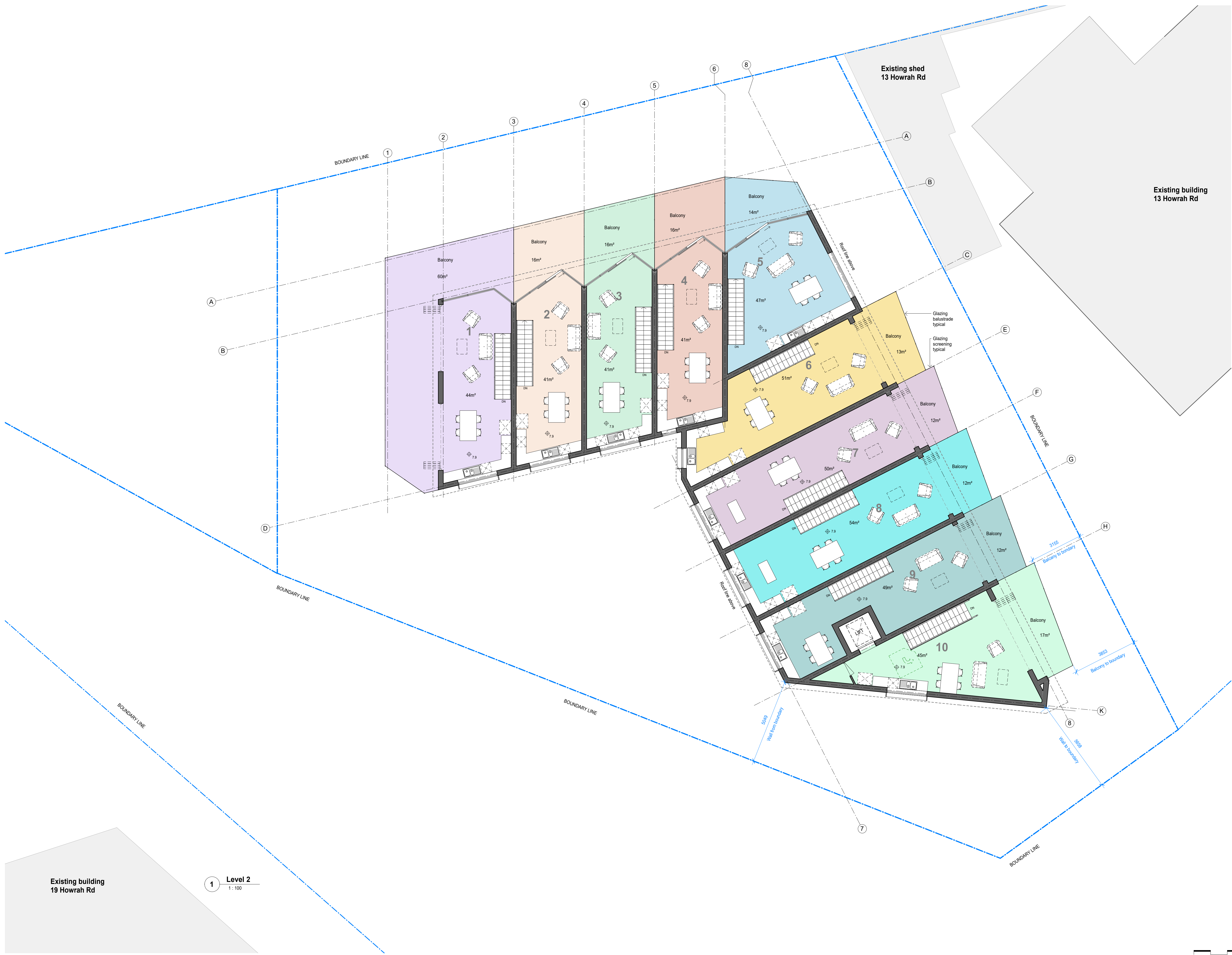
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A202 H



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PLANNING APPLICATION

REVISIONS	
A	14/02/2019 General Revision
B	05/05/2019 Visitor Accommodation Option
C	22/05/2019 Visitor Accommodation Option 2
E	17/10/2019 General Revision
F	22/12/2019 Planning Application
H	22/12/2019 General Revision

DRAWING
Second Floor

PROJECT TITLE
Howrah Visitor Accommodation Development
PRINCIPAL
Yanz International Pty Ltd

PROJECT ADDRESS
15 Howrah Road, Howrah

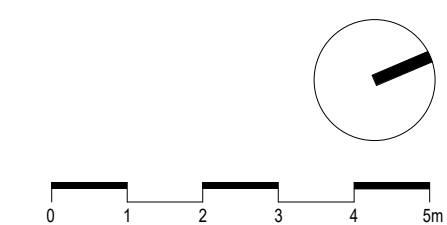
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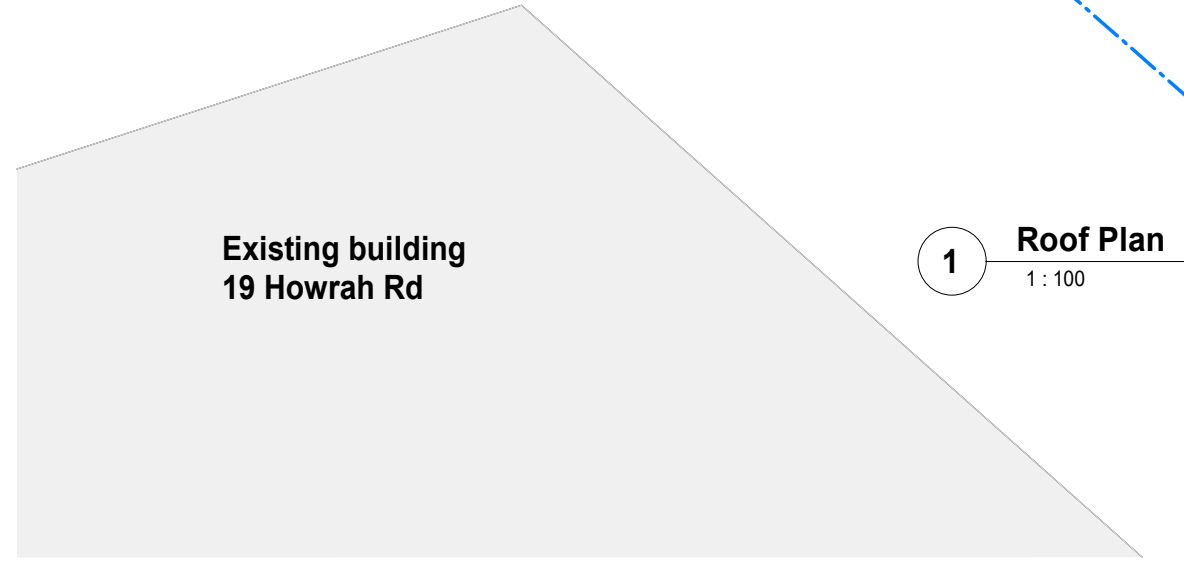
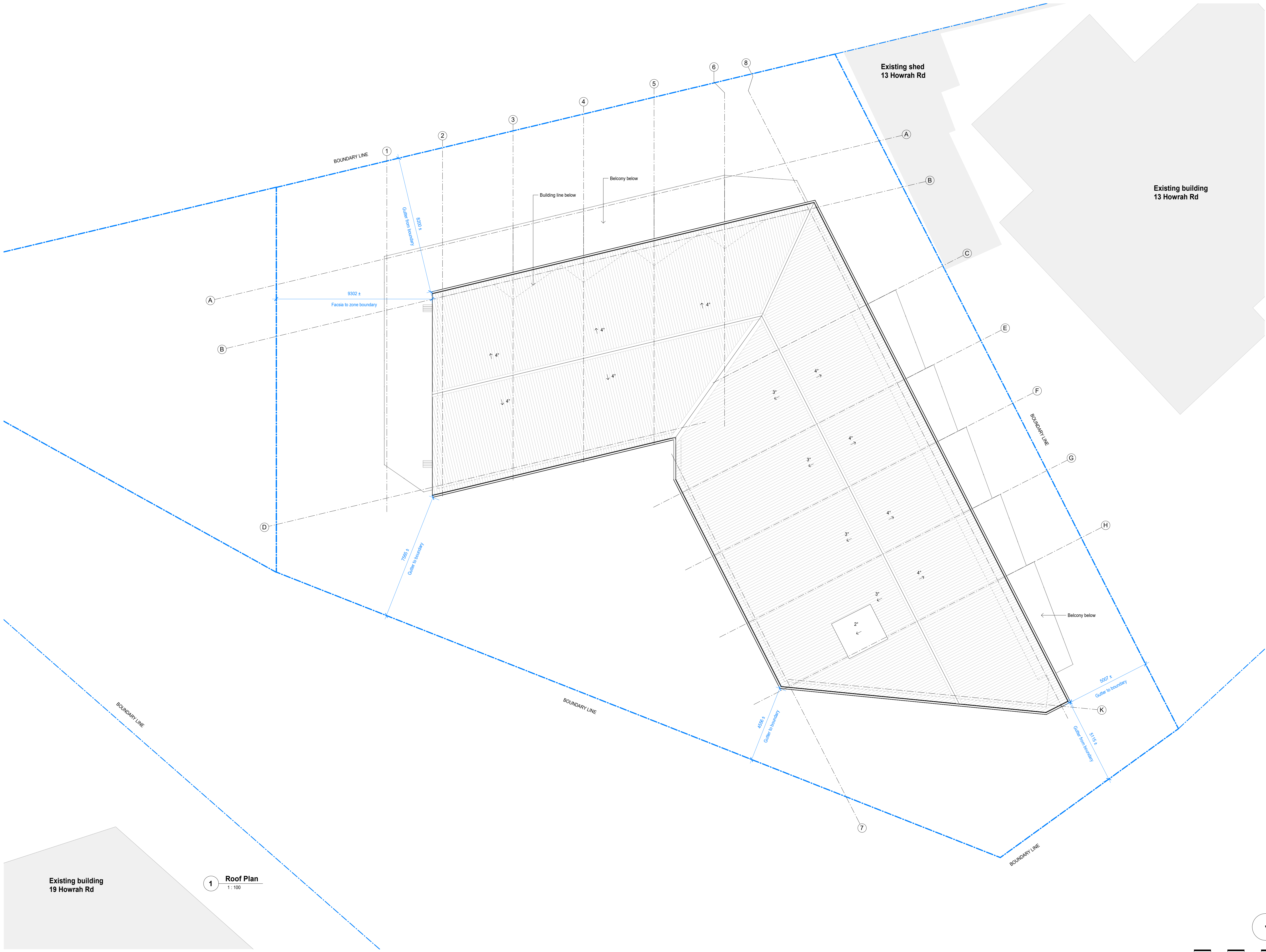
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DATE
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1 Roof Plan
1 : 100

PLANNING APPLICATION

REVISIONS	
E	13/10/2019 General Revision
F	22/10/2019 Planning Application
H	22/11/2019 General Revision

DRAWING
Roof Plan

PROJECT TITLE
Howrah Visitor Accommodation Development
PRINCIPAL
Yanz International Pty Ltd

PROJECT ADDRESS
15 Howrah Road, Howrah

JOB NUMBER
1751
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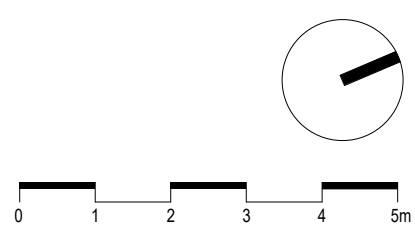
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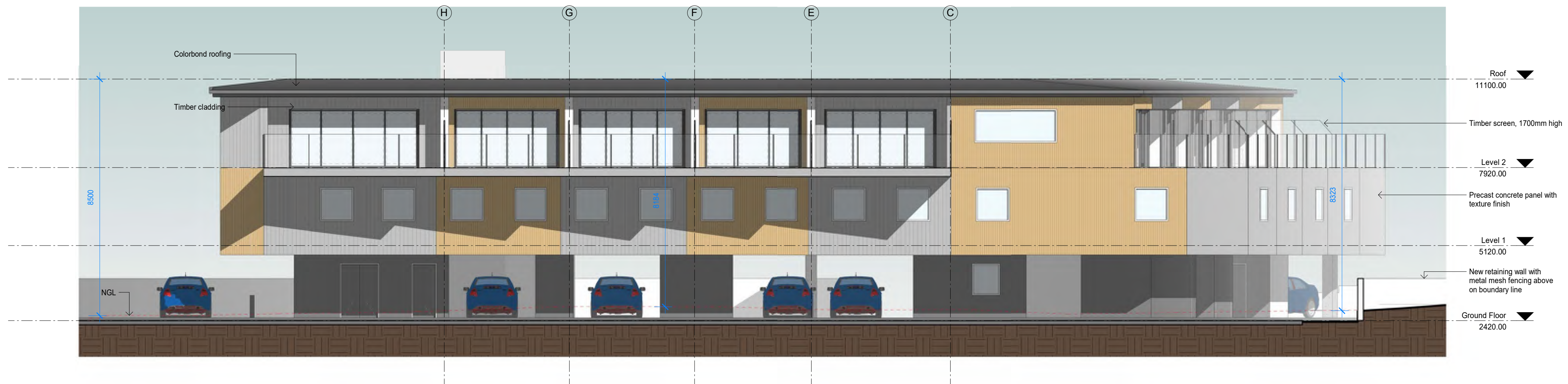
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A204_H



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1 North Elevation
1 : 100



2 East Elevation
1 : 100



3 West Elevation
1 : 100

PLANNING APPLICATION

REVISIONS	General Revision
E 01/10/2019	General Revision
F 22/10/2019	Planning Application
H 22/10/2019	General Revision

DRAWING
Elevations

PROJECT TITLE
Howrah Visitor Accommodation Development

PRINCIPAL
Yanz International Pty Ltd

PROJECT ADDRESS
15 Howrah Road, Howrah

JOB NUMBER
1751

DATE
Nov 2019

SCALE @ A1
1 : 100

DRAWN
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PS

A301_H



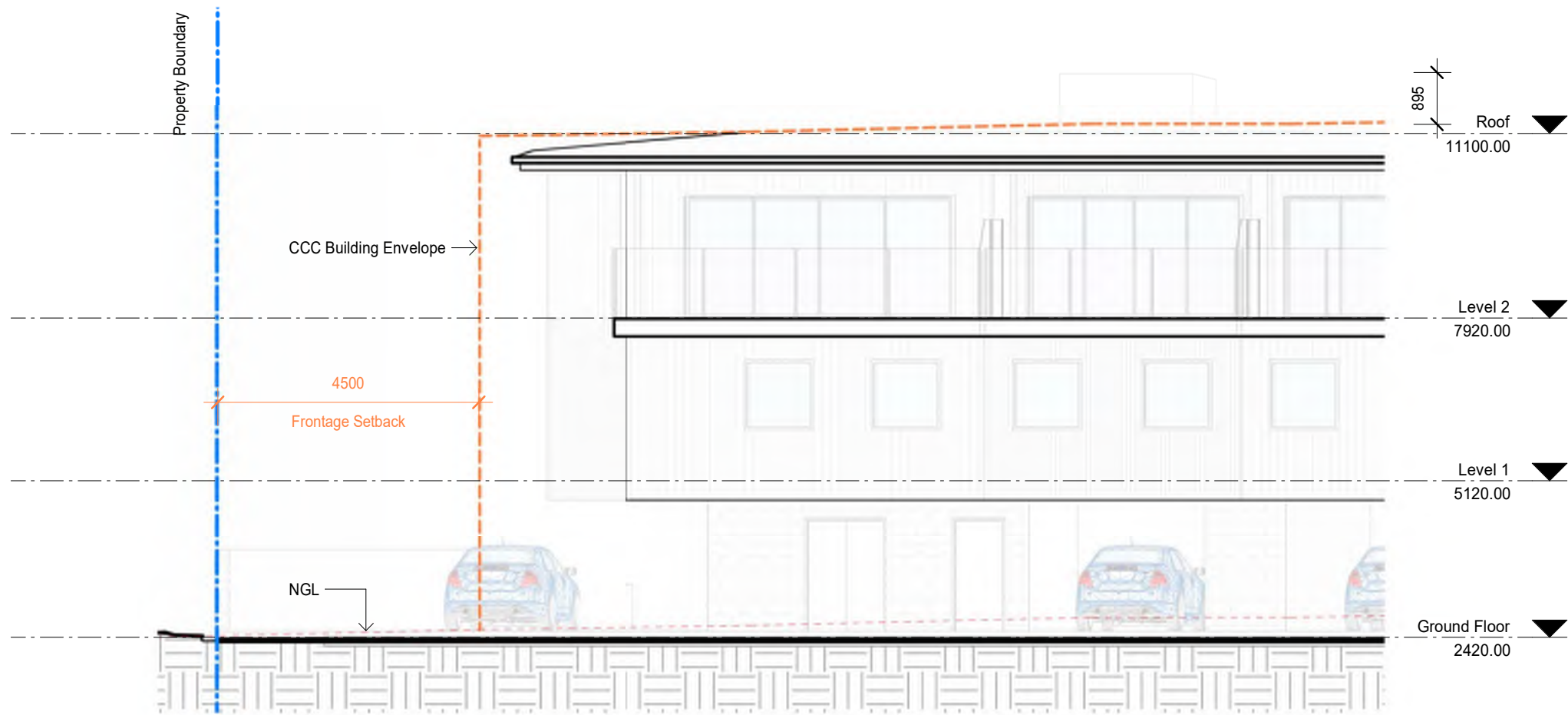
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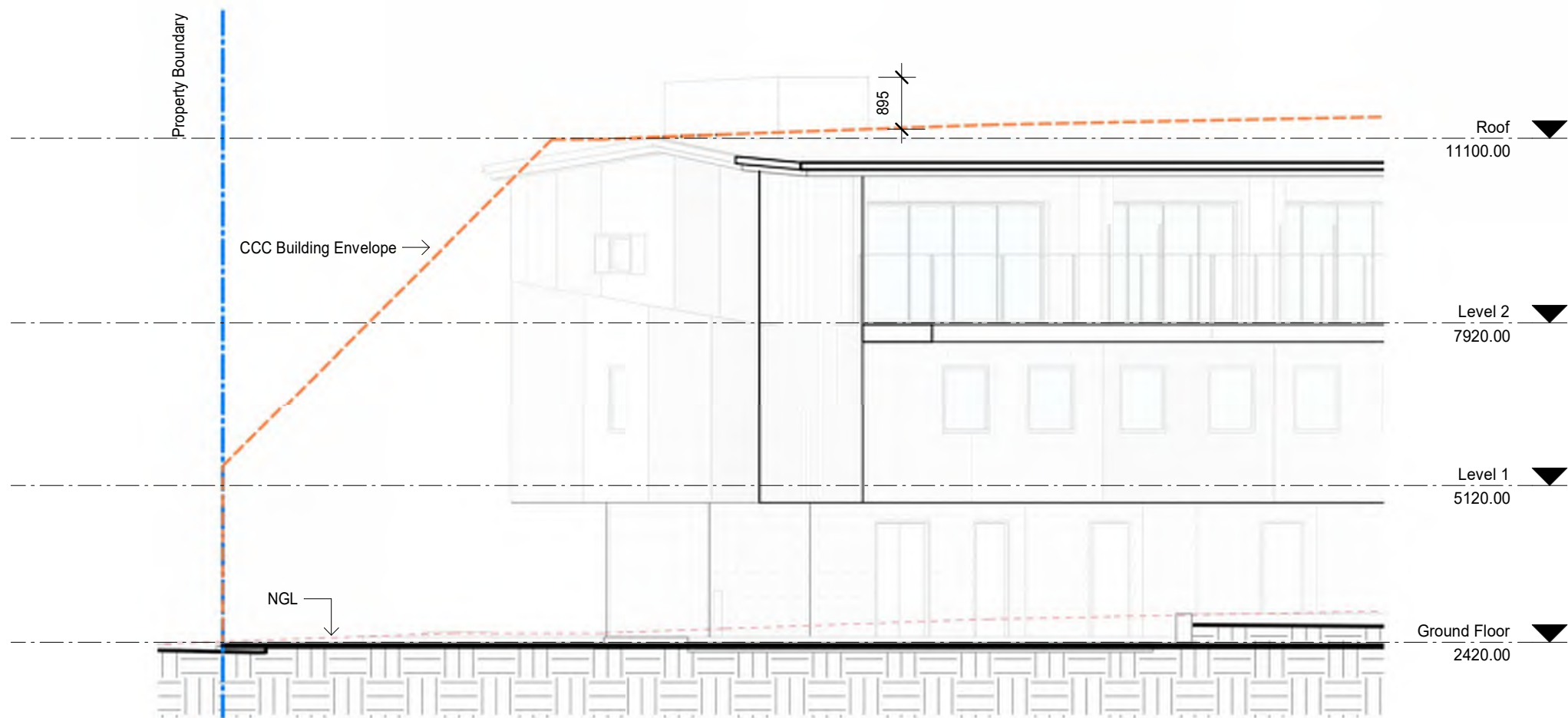
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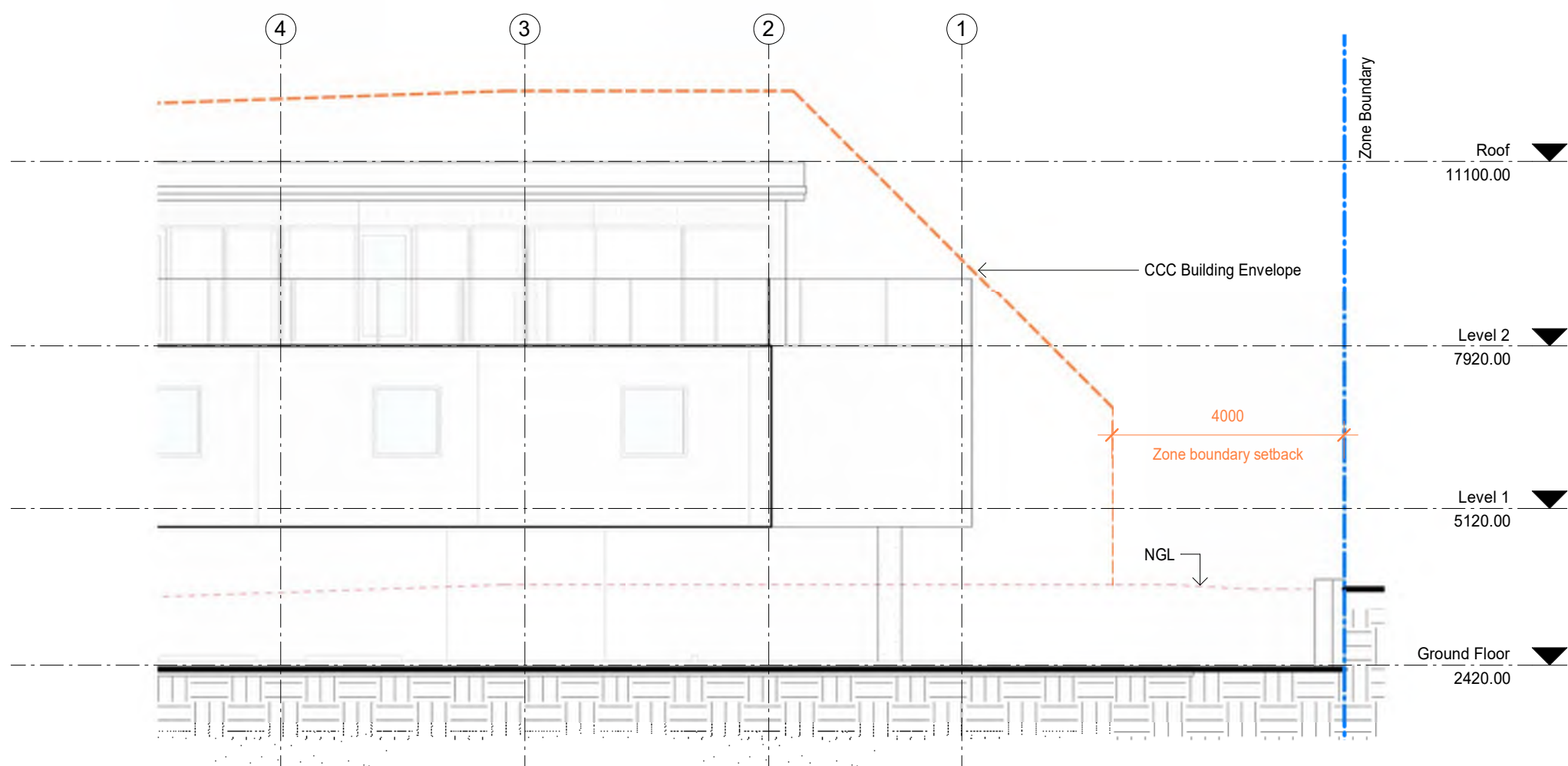
4 Elevation - Street Setback Boundary
1 : 100

This elevation is perpendicular to site boundary of 15 Howrah Road and Howrah Road



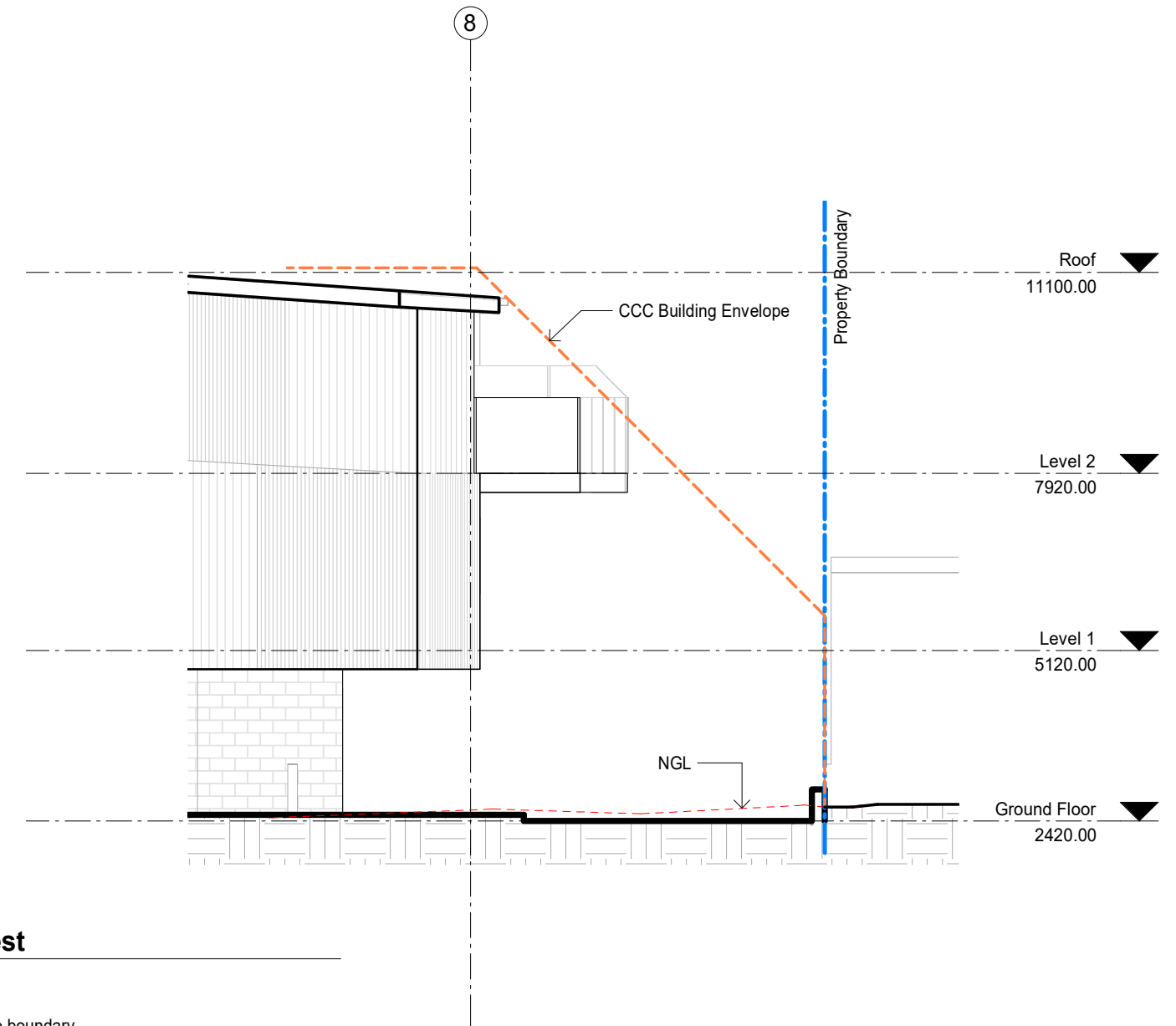
1 Elevation - Public Car Park Boundary
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This elevation is perpendicular to site boundary of 15 Howrah Road and Public Carpark



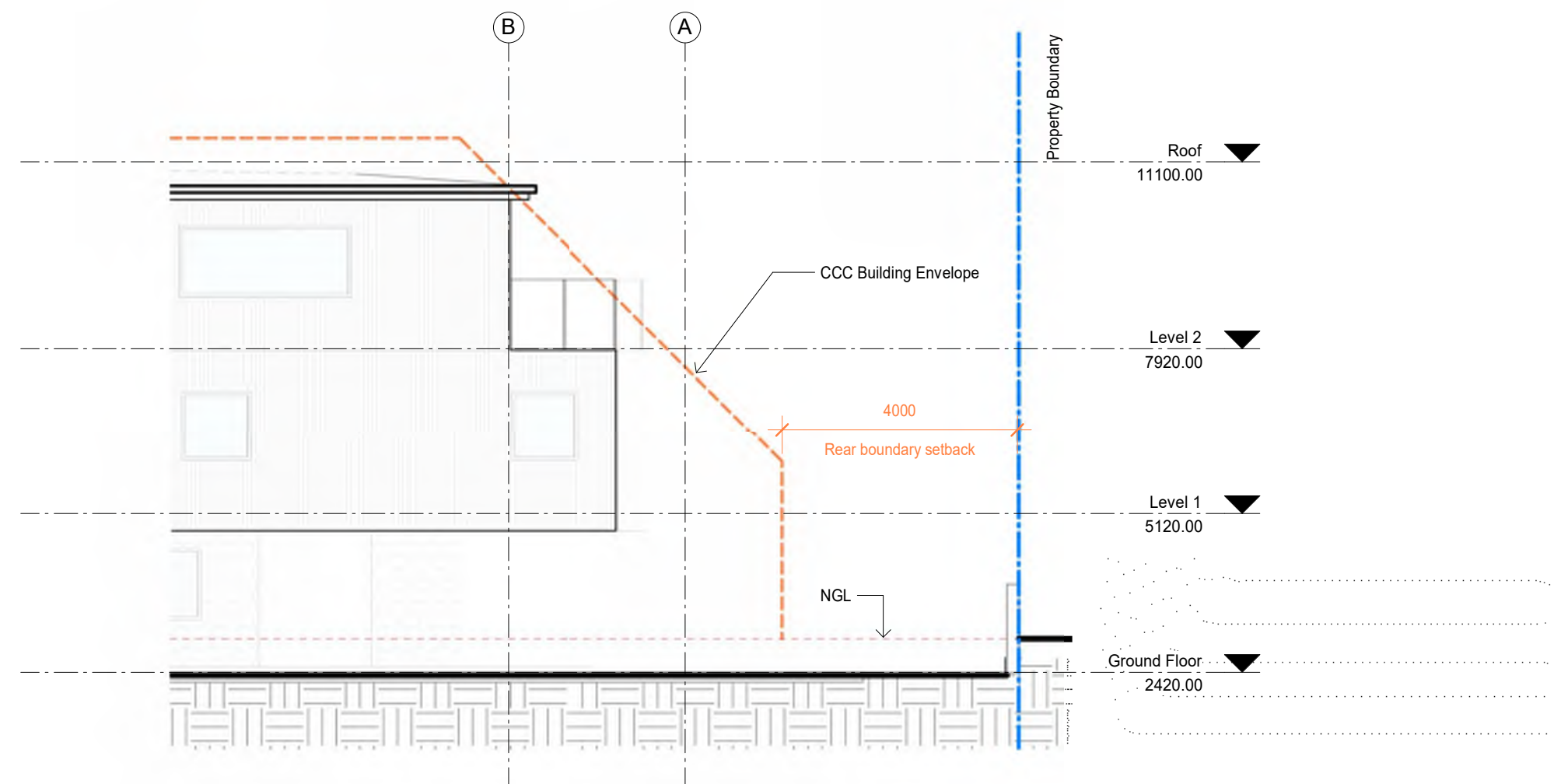
6 Elevation - Open Space Boundary
1 : 100

This elevation is perpendicular to site boundary of 15 Howrah Road and Open space



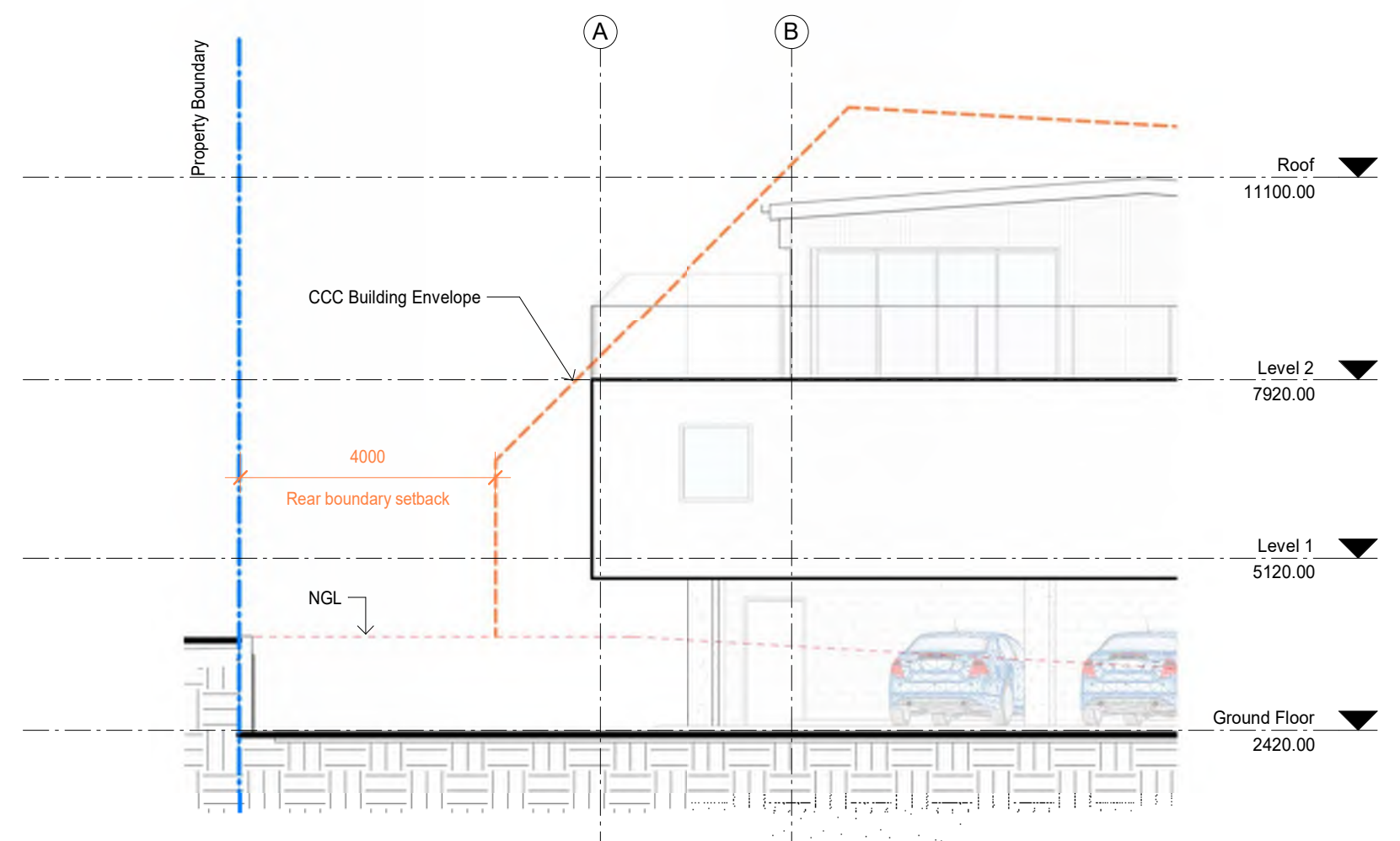
2 Elevation - West
1 : 100

This elevation is perpendicular to site boundary of 13 and 15 Howrah Road



7 Elevation - North
1 : 100

This elevation is perpendicular to site boundary of 15 Howrah Road and Beach



8 Elevation - South
1 : 100

This elevation is perpendicular to site boundary of 15 Howrah Road and Beach

PLANNING APPLICATION

REVISIONS
E 13/10/2019 General Revision
F 22/10/2019 Planning Application
H 22/10/2019 General Revision

DRAWING
Elevations - Planning Envelope

PROJECT TITLE
Howrah Visitor Accommodation Development
PRINCIPAL
Yanz International Pty Ltd

PROJECT ADDRESS
15 Howrah Road, Howrah

JOB NUMBER
1751

SCALE @ A1
1 : 100

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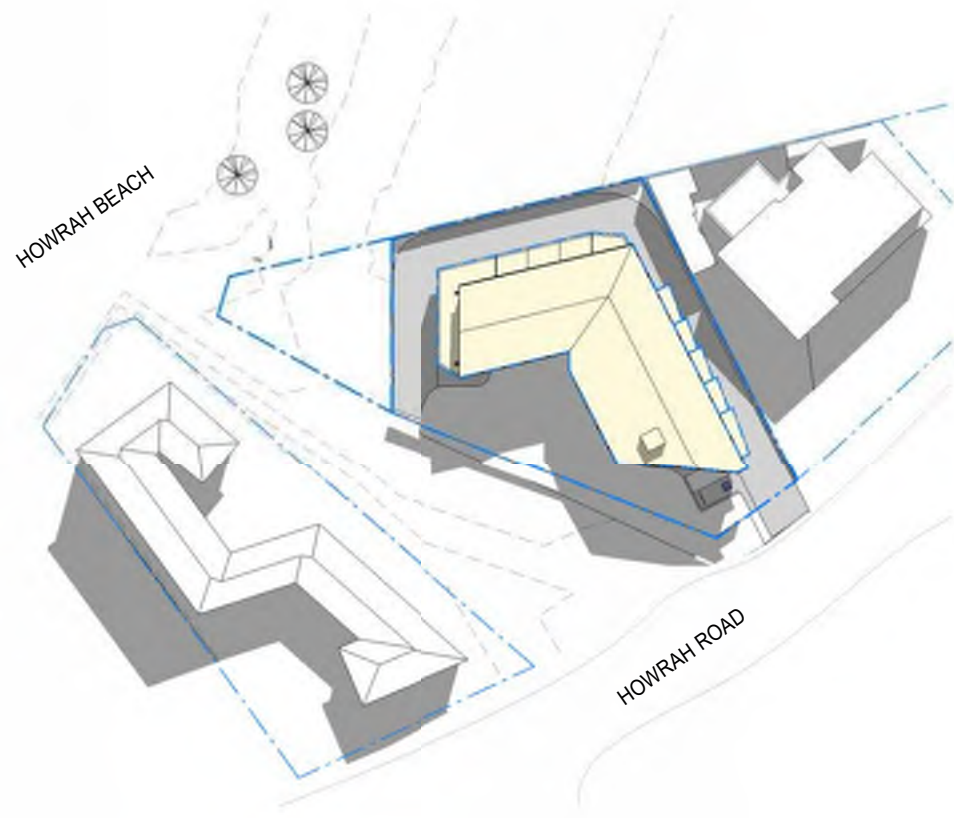
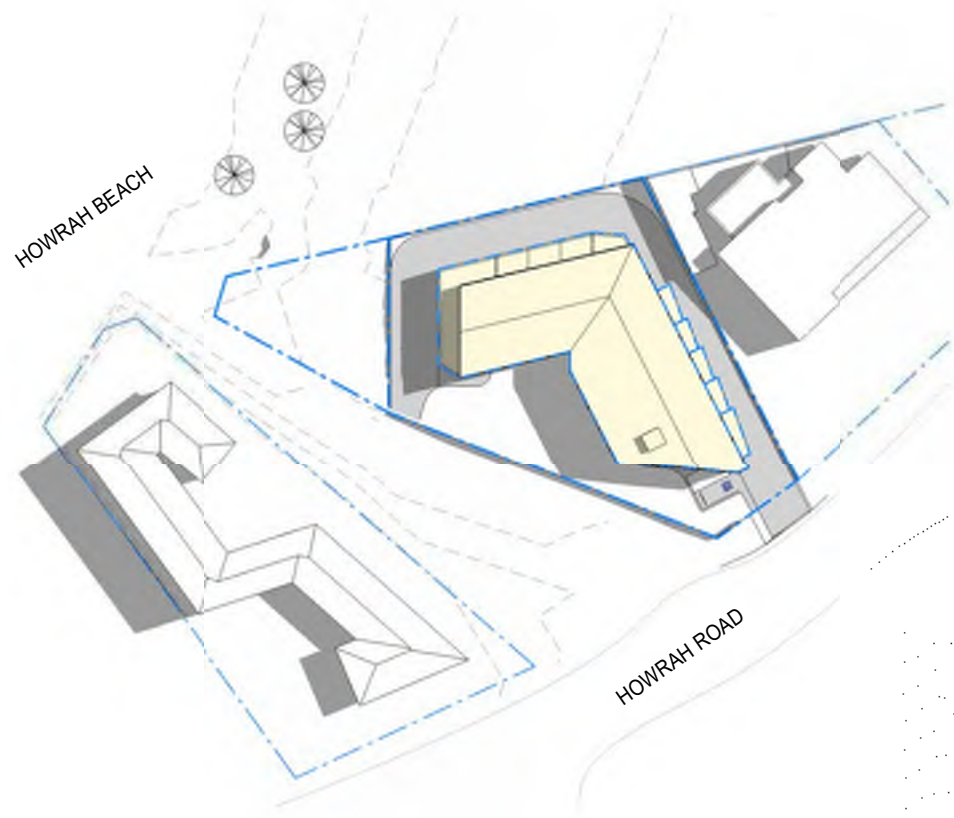
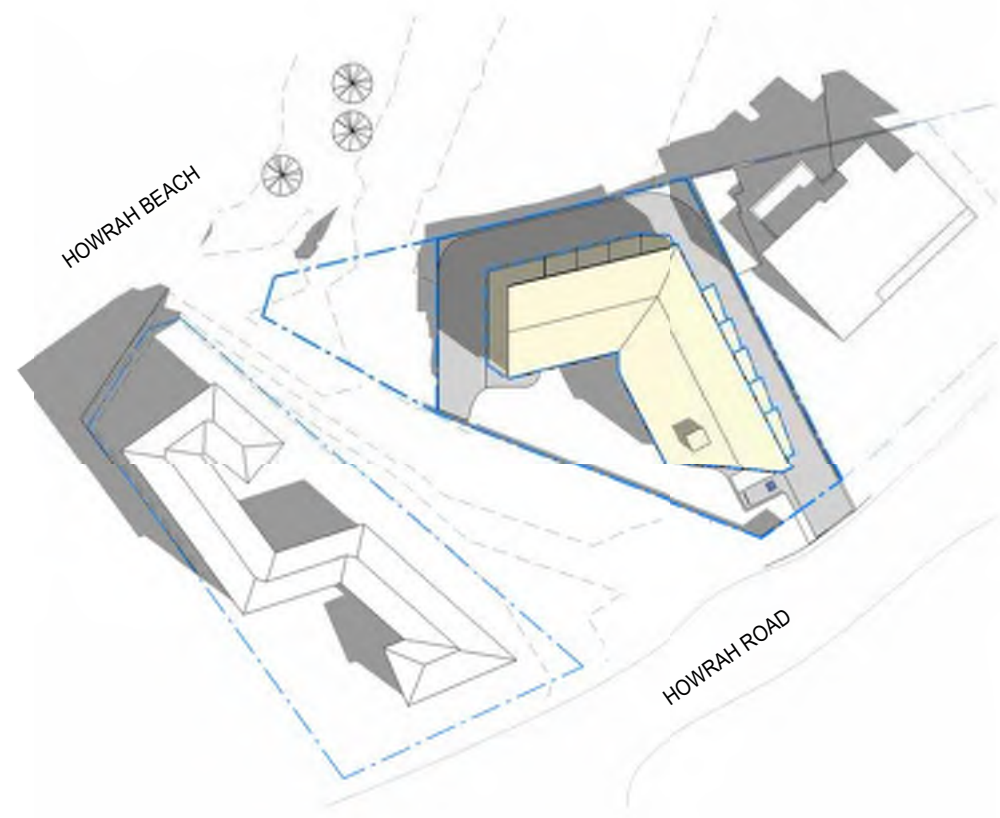
DATE
Nov 2019

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0 1 2 3 4 5m

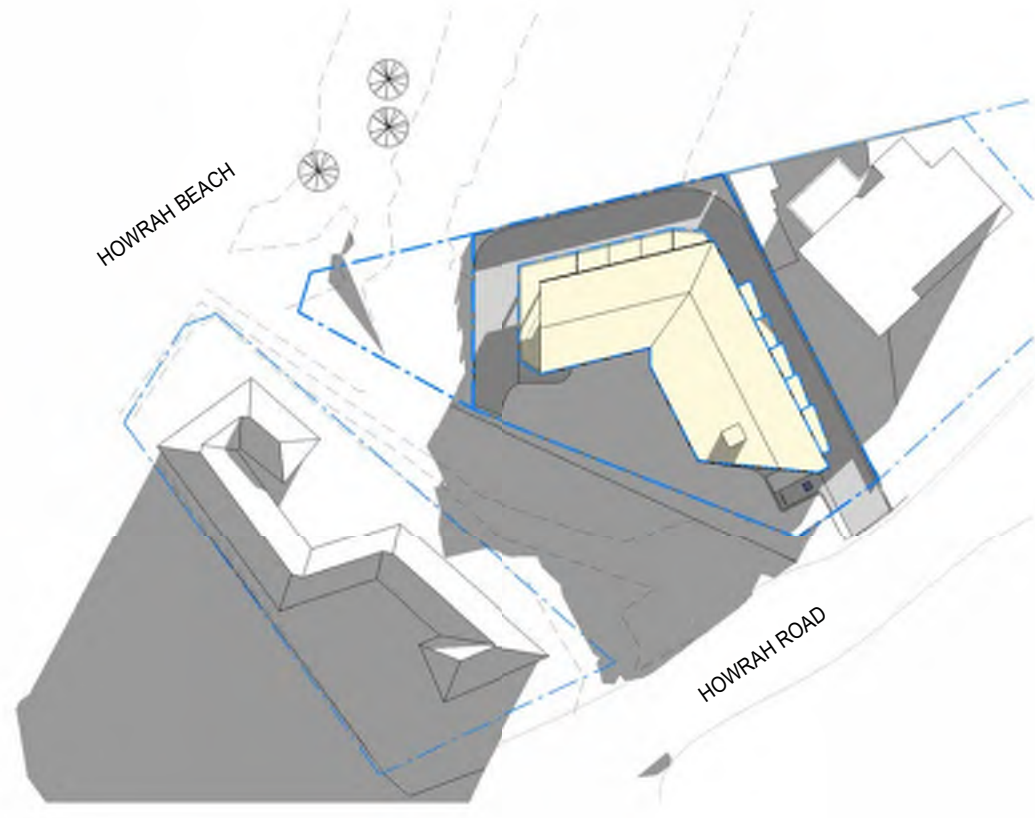
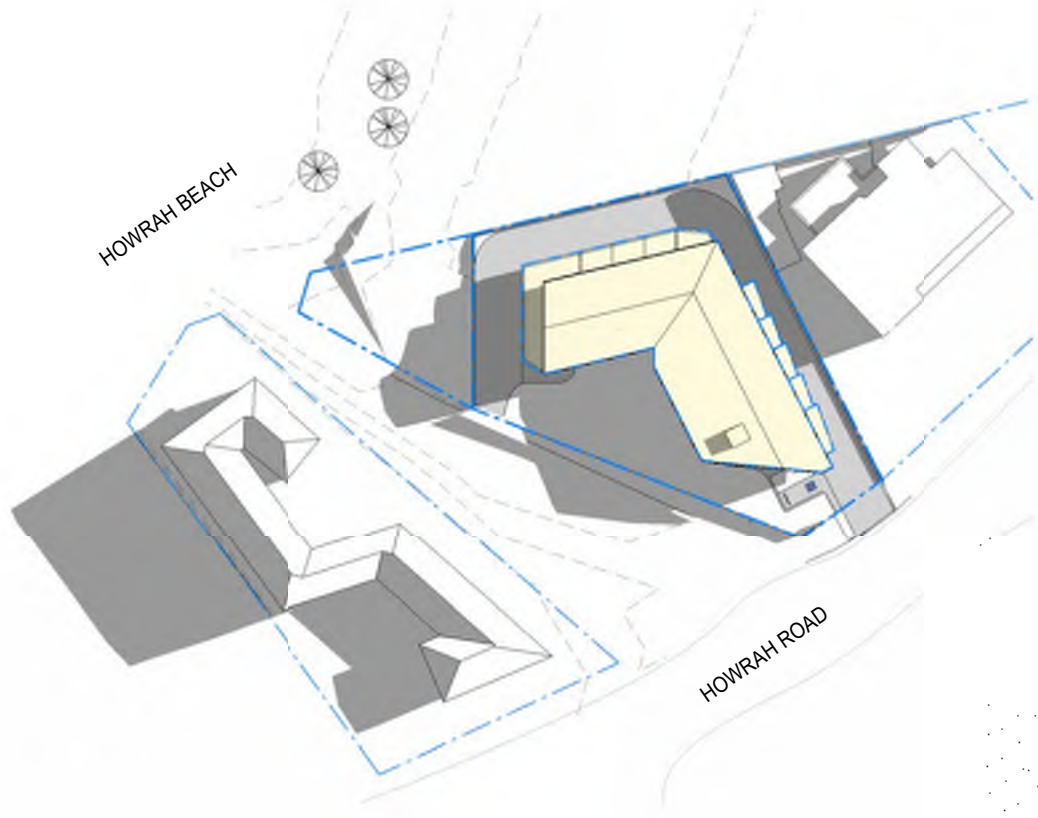
Agenda Attachments - 15 Howrah Road, Howrah Page 9 of 11



1 Solar Diagram - 21 March 9AM
1:1000

2 Solar Diagram - 21 March 12PM
1:1000

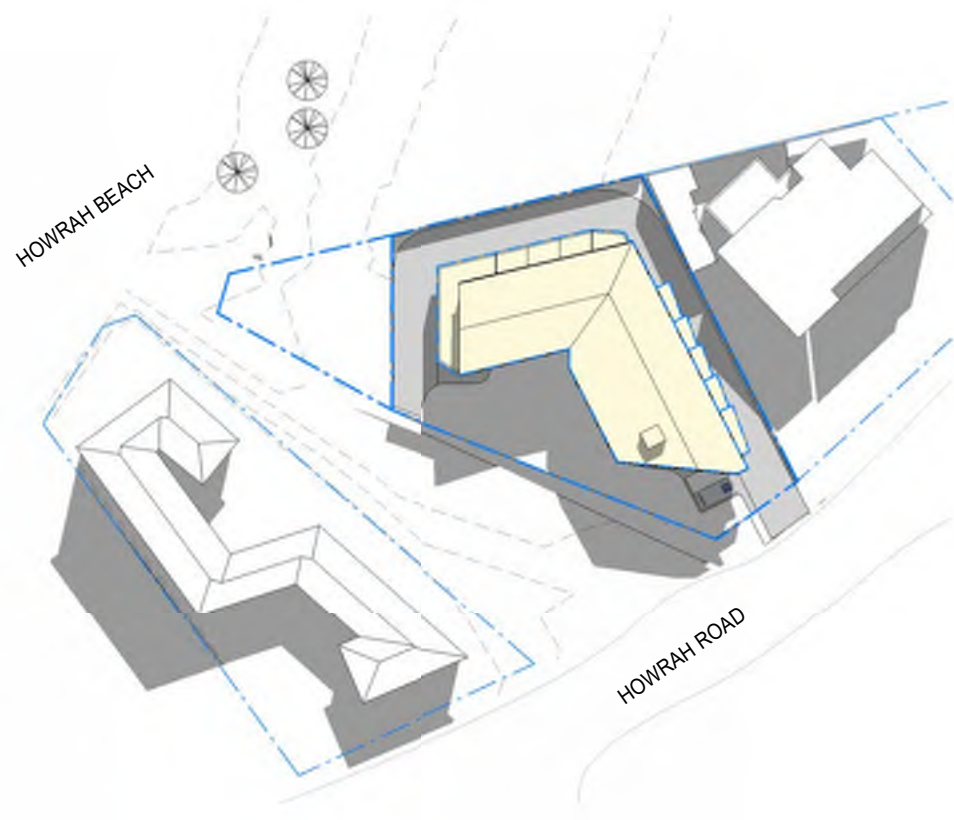
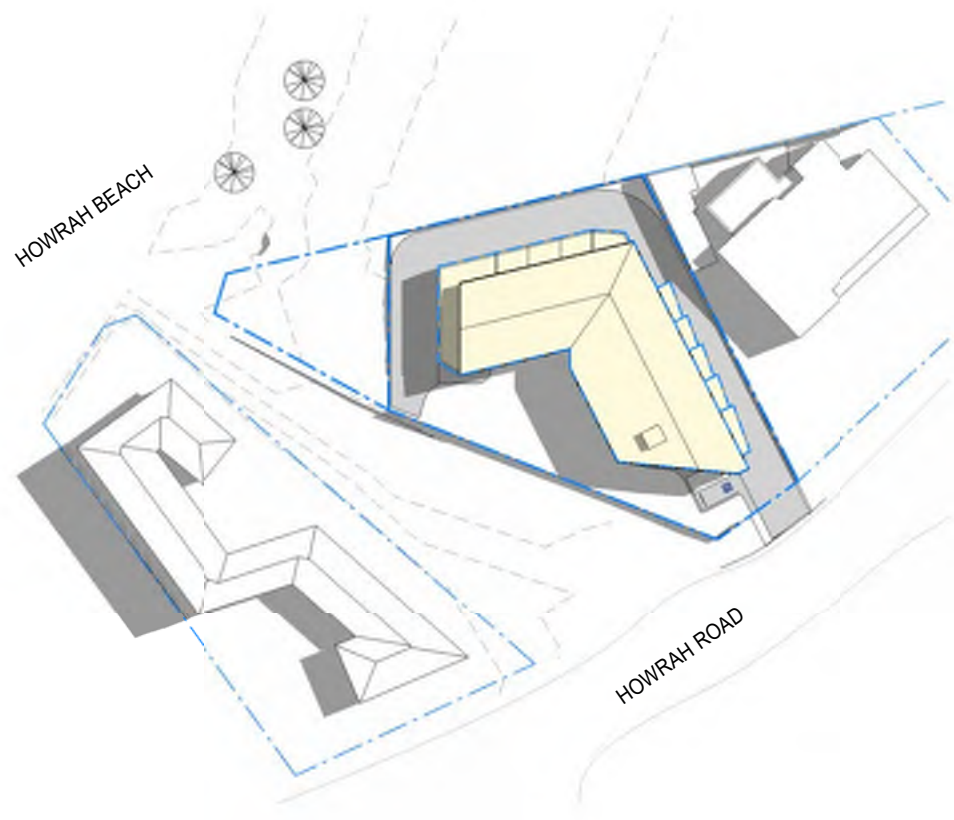
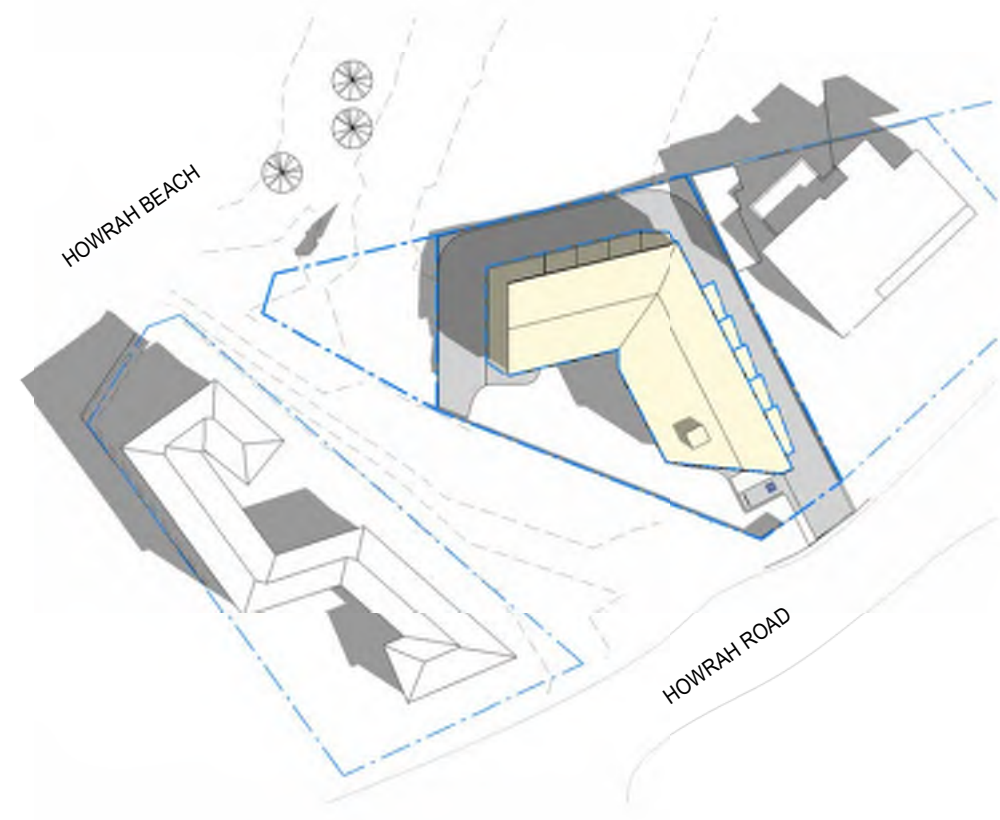
3 Solar Diagram - 21 March 3PM
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4 Solar Diagram - 21 June 9AM
1:1000

5 Solar Diagram - 21 June 12PM
1:1000

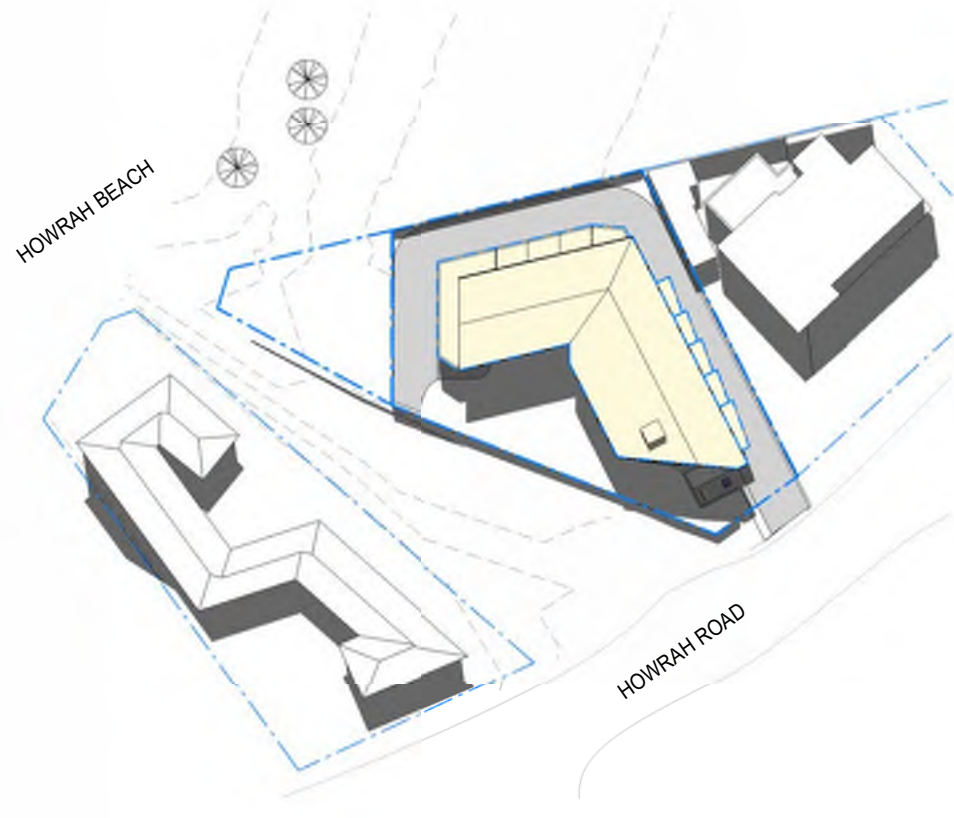
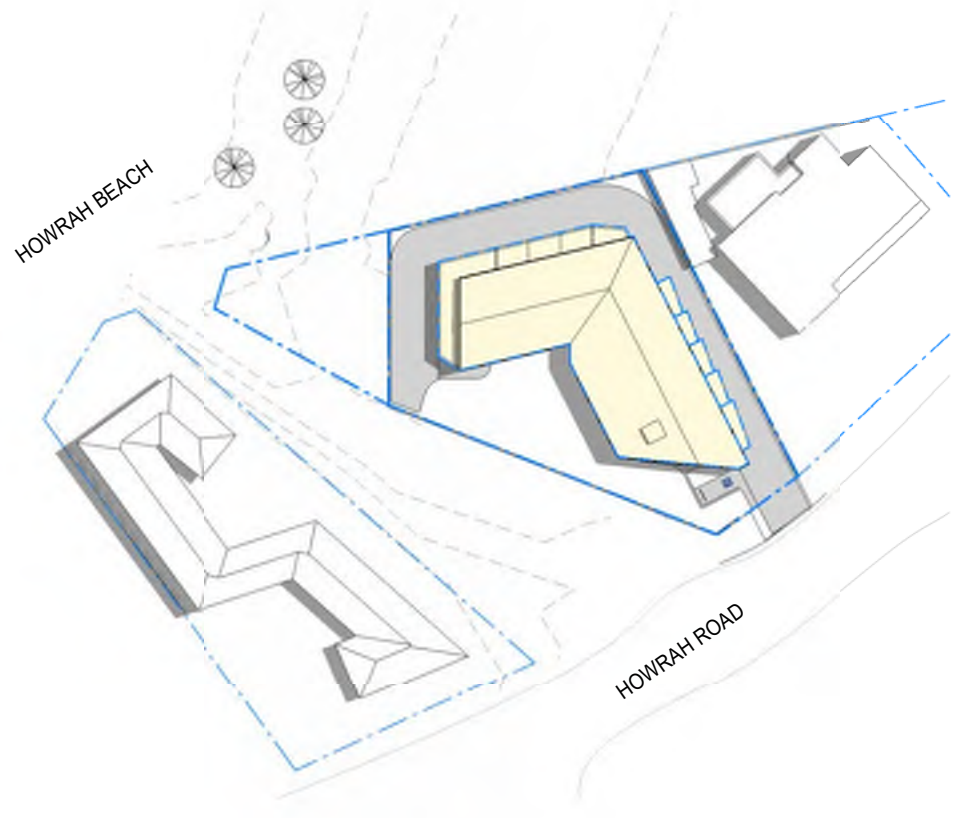
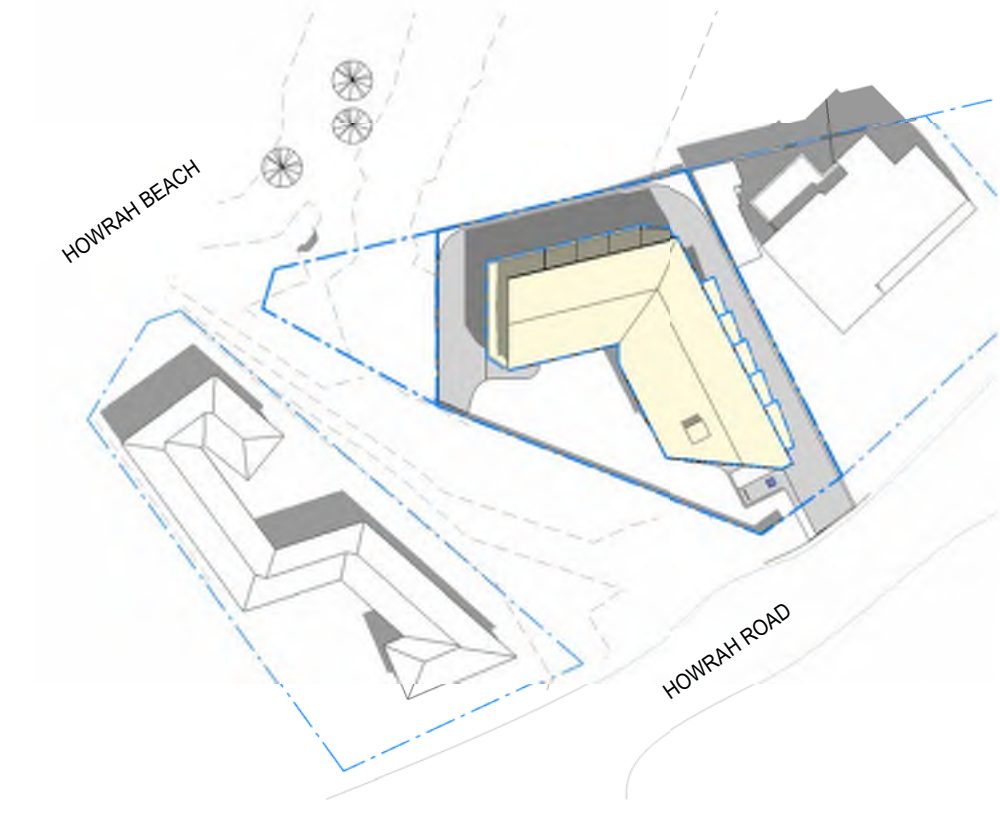
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1:1000



7 Solar Diagram - 21 September 9AM
1:1000

8 Solar Diagram - 21 September 12PM
1:1000

9 Solar Diagram - 21 September 3PM
1:1000



10 Solar Diagram - 21 December 9AM
1:1000

11 Solar Diagram - 21 December 12PM
1:1000

12 Solar Diagram - 21 December 3PM
1:1000

PLANNING APPLICATION

REVISIONS
E 13/10/2019 General Revision
F 22/10/2019 Planning Application
H 22/11/2019 General Revision

DRAWING
Shadow Diagram

PROJECT TITLE
Howrah Visitor
Accommodation
Development
PRINCIPAL
Yanz International Pty Ltd

PROJECT ADDRESS
15 Howrah Road, Howrah

JOB NUMBER
1751
SCALE @ A1
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DATE
Nov 2019

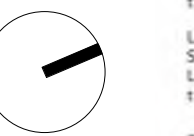
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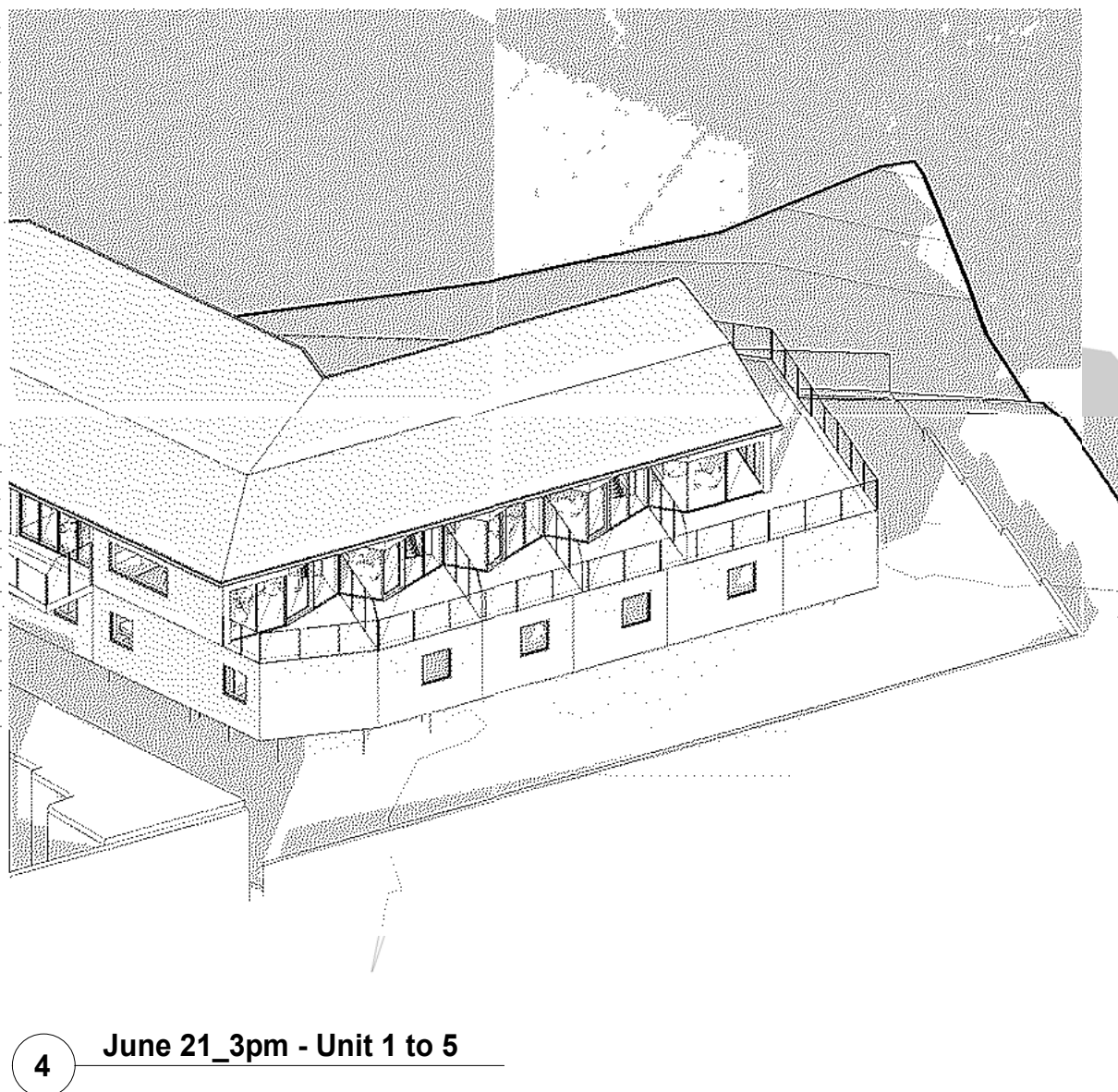
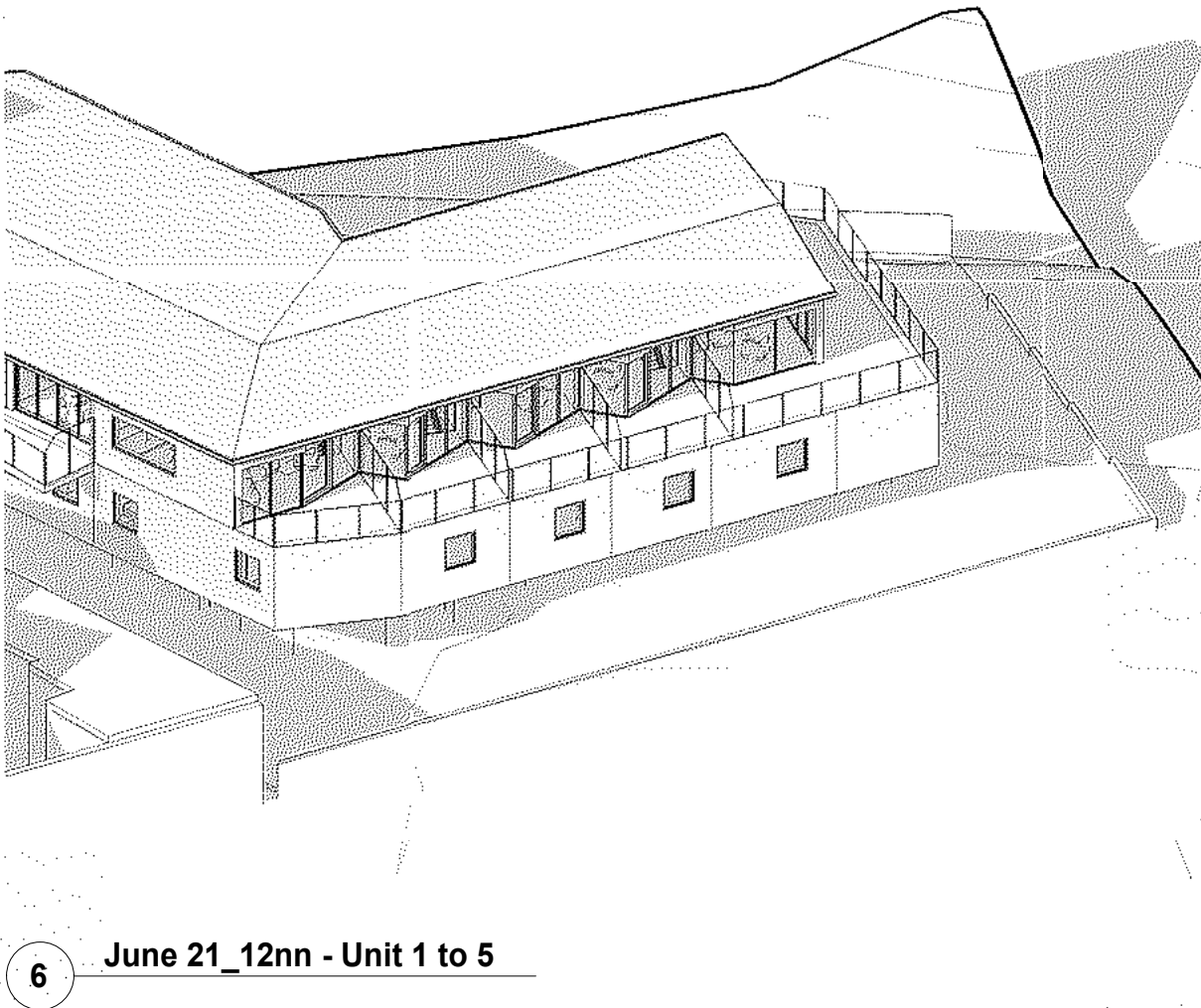
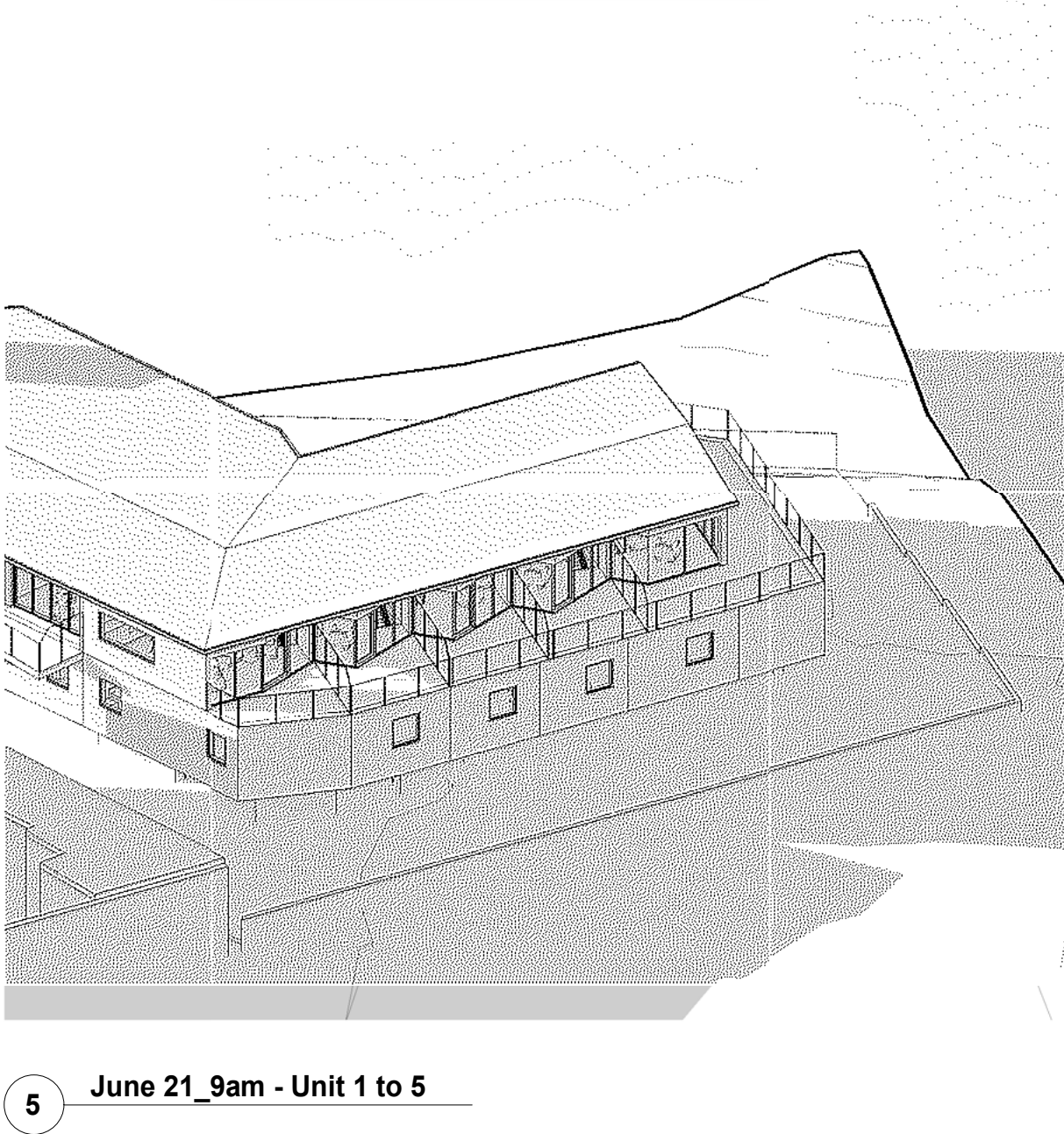
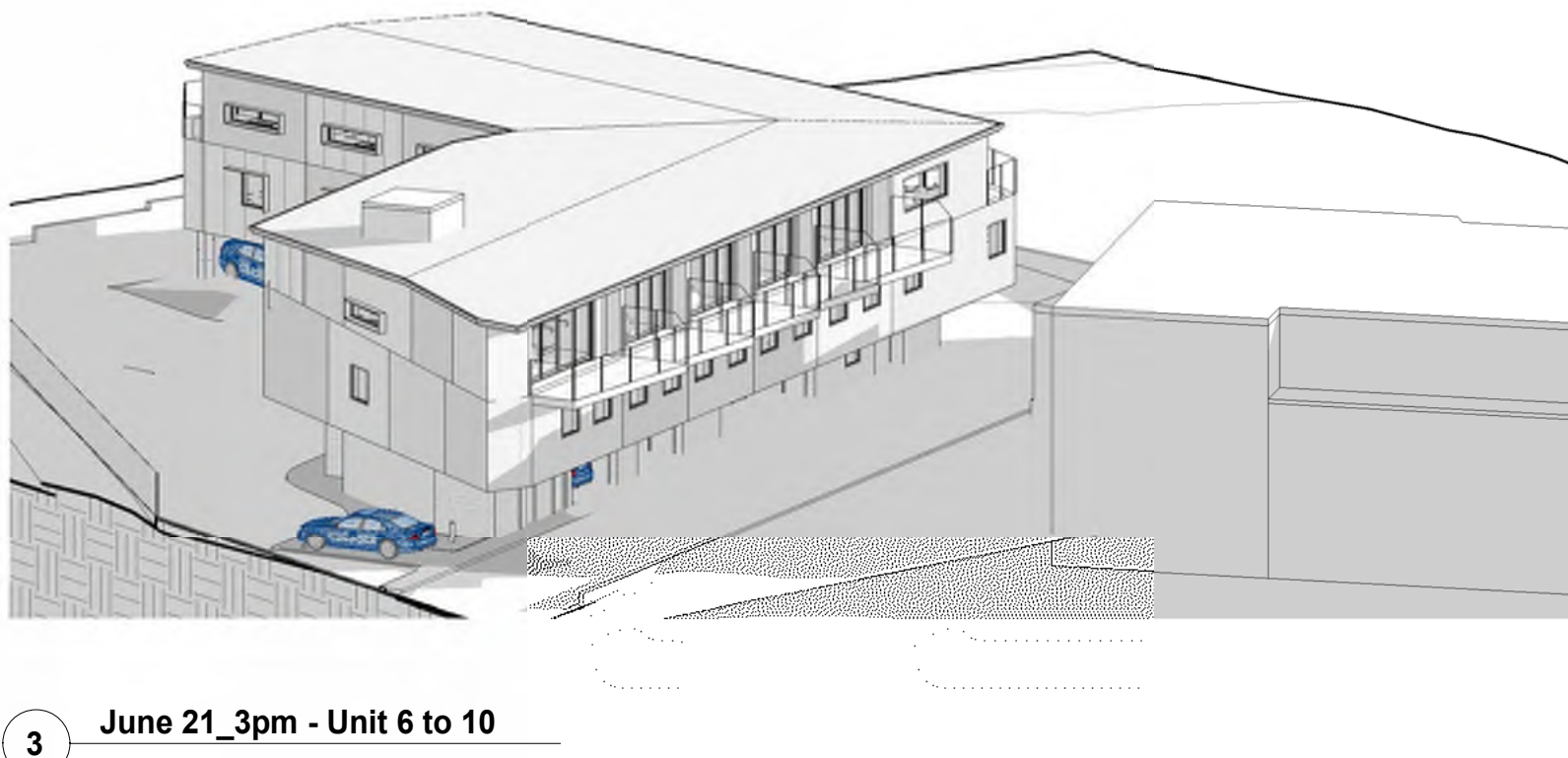
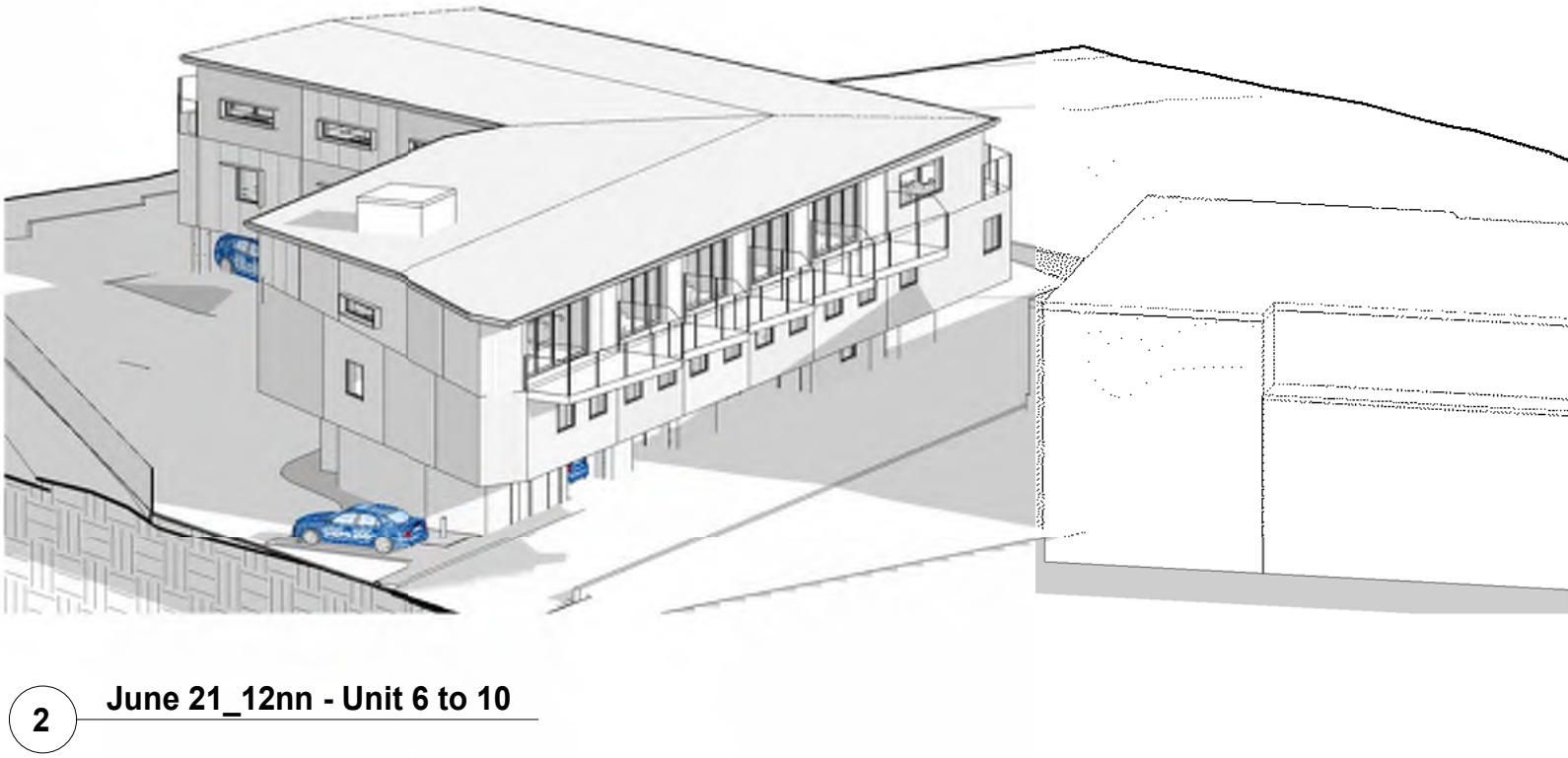
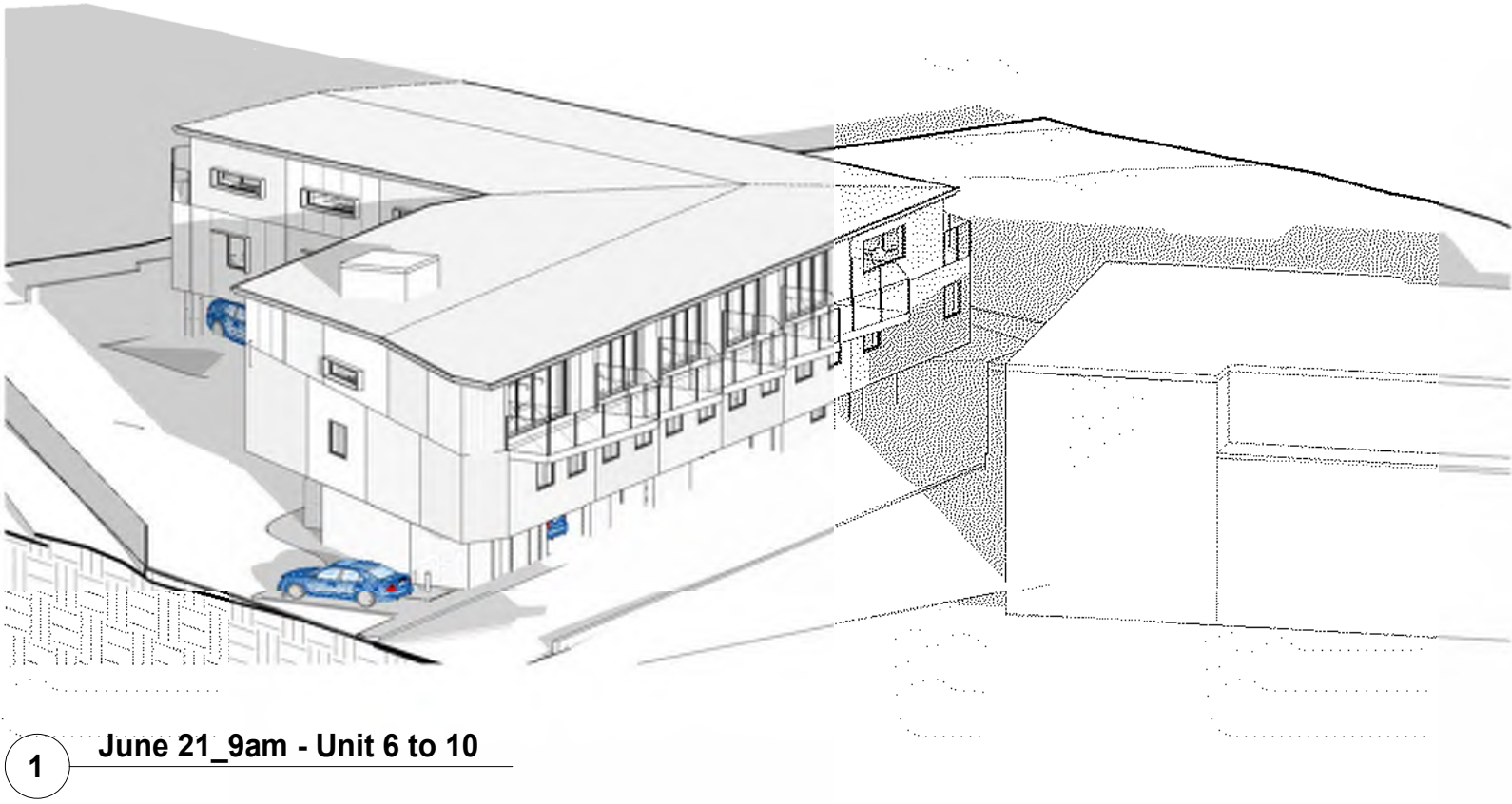
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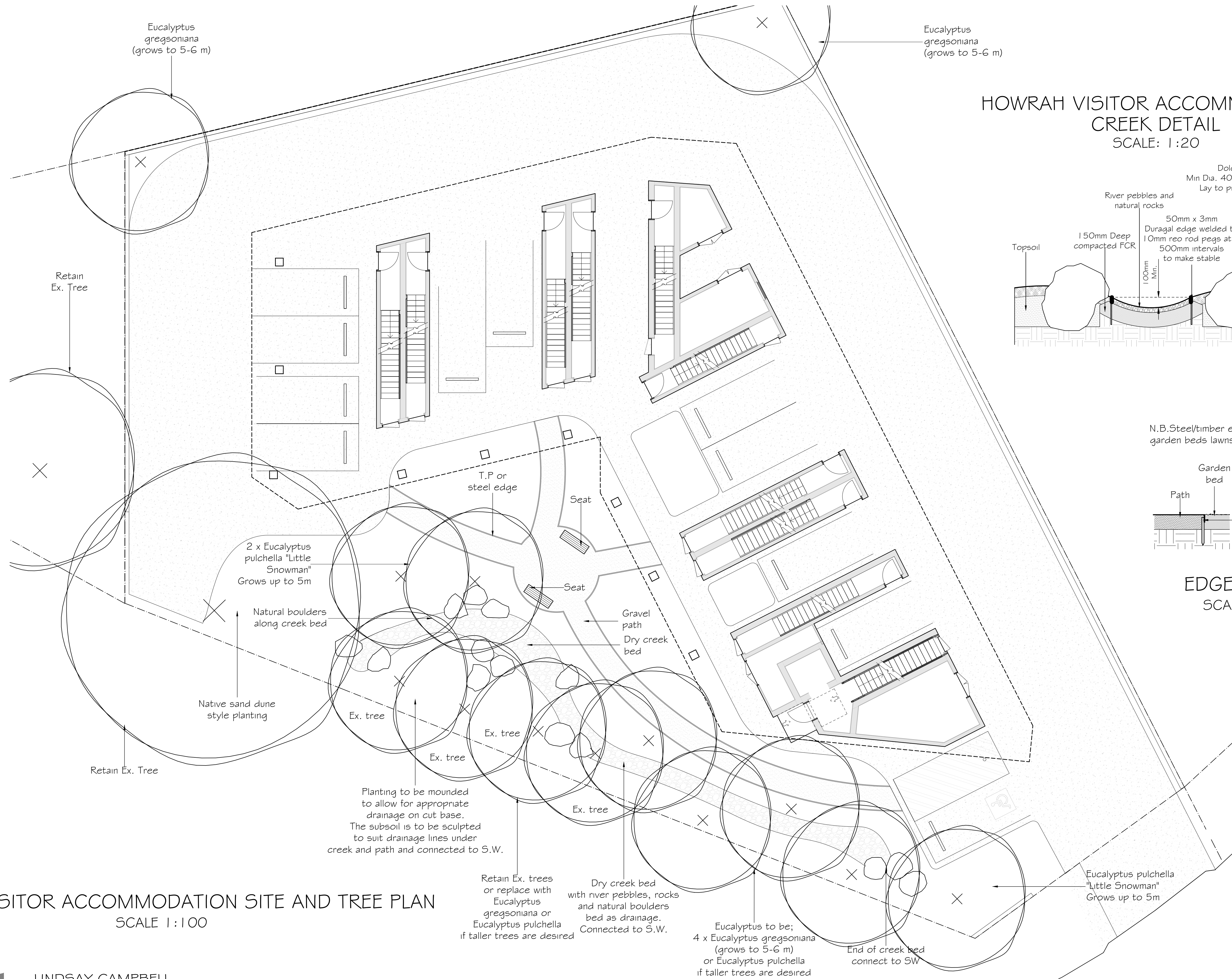
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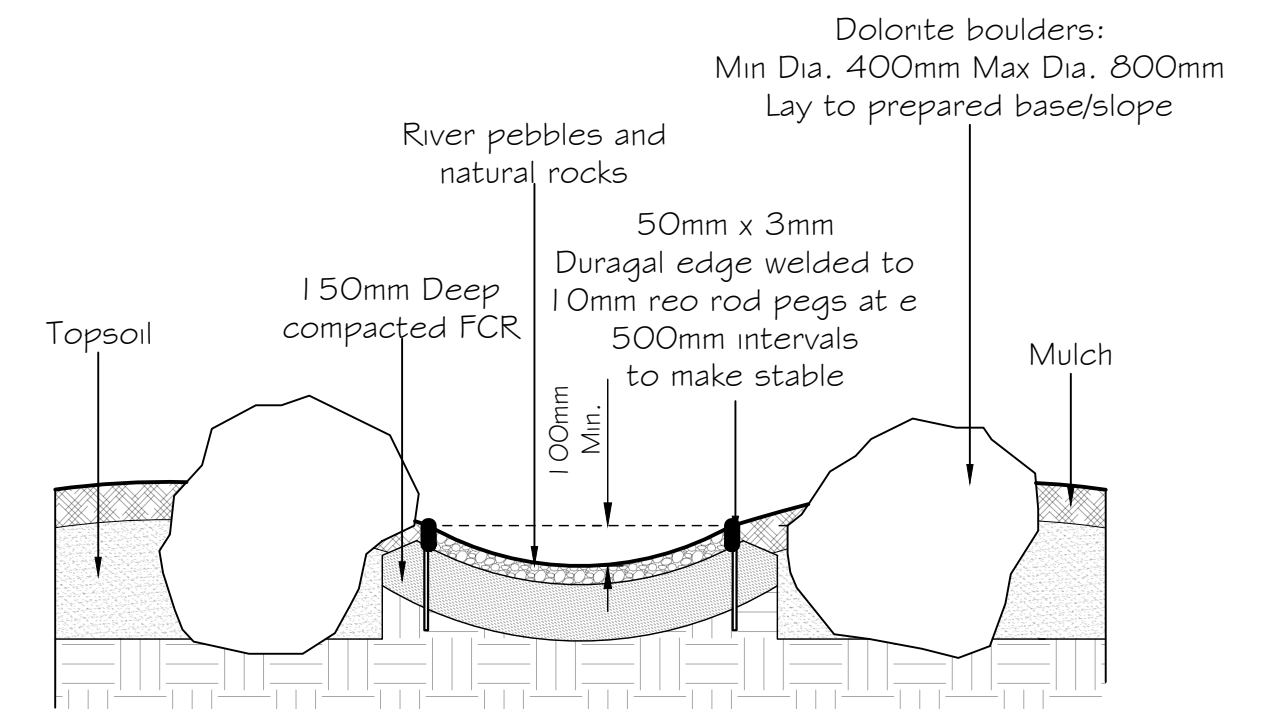


PLANNING APPLICATION

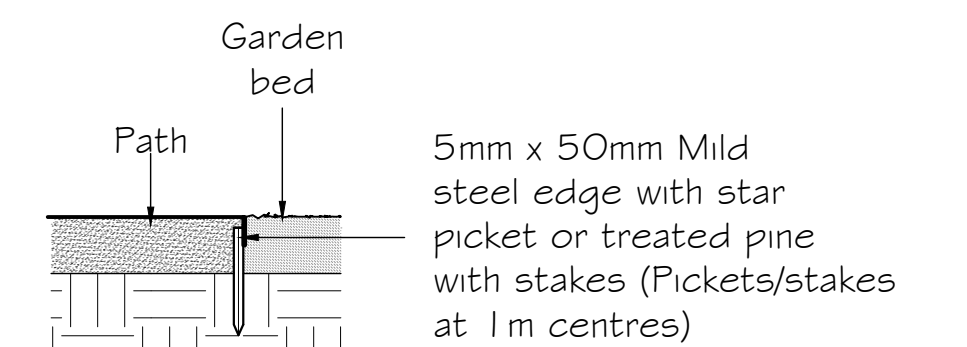
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PROJECT TITLE Howrah Visitor Accommodation Development PRINCIPAL Yanz International Pty Ltd	
PROJECT ADDRESS 15 Howrah Road, Howrah	
JOB NUMBER 1751	DATE Nov 2019
SCALE @ A1	
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HOWRAH VISITOR ACCOMMODATION
CREEK DETAIL
SCALE: 1:20



N.B. Steel/timber edge to be installed where all garden beds lawns and gravel paths join



EDGE DETAIL
SCALE 1:20

HOWRAH VISITOR ACCOMMODATION SITE AND TREE PLAN
SCALE 1:100



LINDSAY CAMPBELL
LANDSCAPE SERVICES

GARDEN DESIGN,
CONSULTATION

CONTRACT TITLE
HOWRAH VISITOR ACCOMMODATION
DRAWING TITLE
LANDSCAPE PLAN

HOWRAH VISITOR ACCOMMODATION DEVELOPMENT SITE AND TREE PLAN
15 HOWRAH ROAD HOWRAH

SCALE
1:100

SIZE
A1

SHEET
1 OF 3

DRAWING
HOWRAH VAC

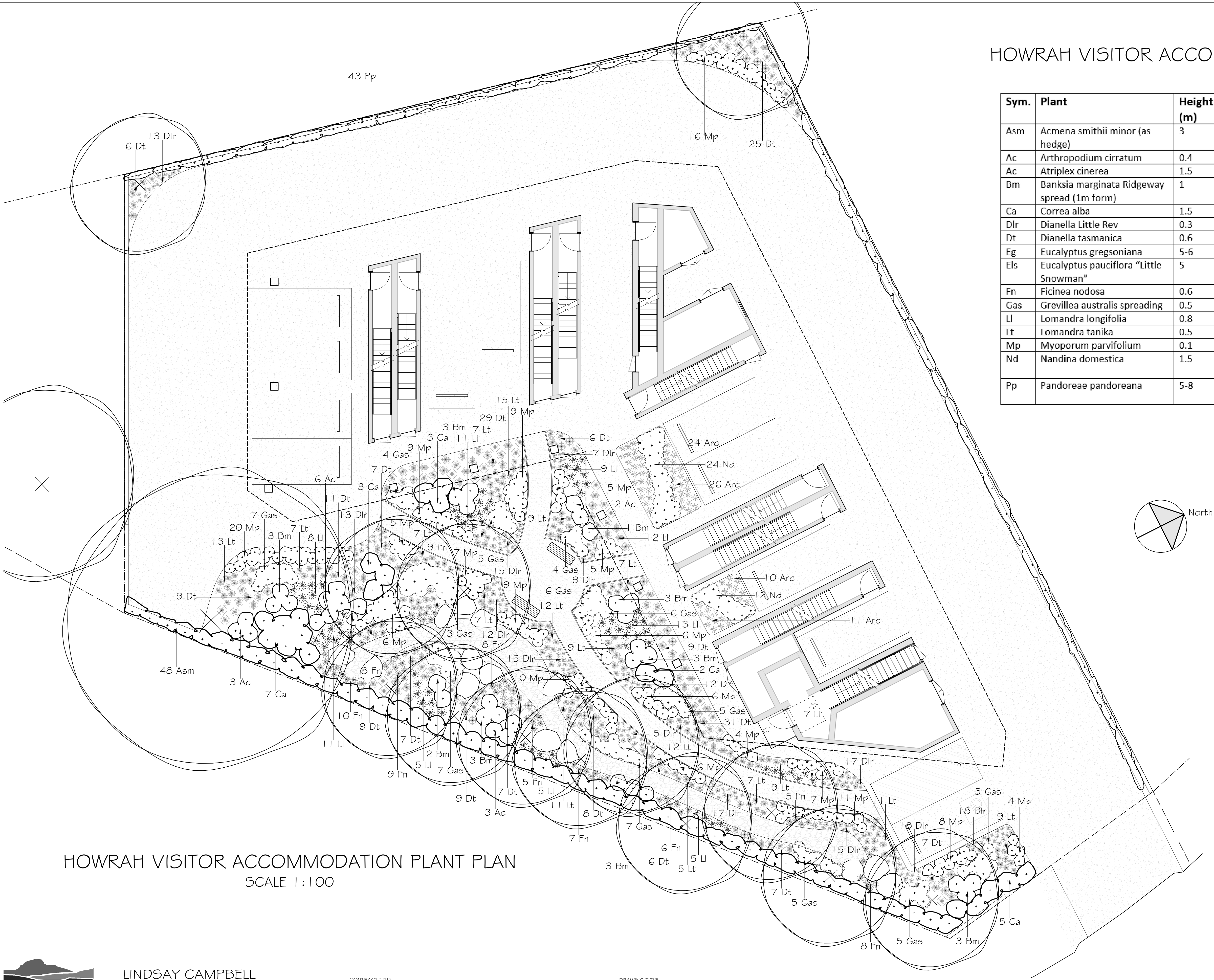
DESIGNED: LRC
DRAWN: LEF

OCTOBER 2019
OCTOBER 2019

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EMAIL: lindsay.campbell@gsstarnail.com.au

HOWRAH VISITOR ACCOMMODATION PLANT LIST

Sym.	Plant	Height (m)	Width (m)	Spacing (m)	Common name	Qty
Asm	Acmena smithii minor (as hedge)	3	1	1	Lilly pilly	48
Ac	Arthropodium cirratum	0.4	0.4	0.4	Arthropodium	71
Ac	Atriplex cinerea	1.5	1.5	0.8	Salt bush	14
Bm	Banksia marginata Ridgeway spread (1m form)	1	1.3	0.8	Banksia	24
Ca	Correa alba	1.5	1.5	1	Correa	20
Dlr	Dianella Little Rev	0.3	0.3	0.3	Dianella	196
Dt	Dianella tasmanica	0.6	0.5	0.5	Dianella	188
Eg	Eucalyptus gregsoniana	5-6	4		Dwarf gum	
Els	Eucalyptus pauciflora "Little Snowman"	5	4		Dwarf gum	
Fn	Ficinea nodosa	0.6	0.5	0.4	Pin rush	75
Gas	Grevillea australis spreading	0.5	1.2	0.6	Grevillea	78
Ll	Lomandra longifolia	0.8	0.7	0.5	Lomandra	86
Lt	Lomandra tanika	0.5	0.6	0.4	Lomandra	157
Mp	Myoporum parvifolium	0.1	1.2	0.5	Boobiala	163
Nd	Nandina domestica	1.5	0.6	0.5	Sacred bamboo	36
Pp	Pandoreae pandoreana	5-8	1.5	3	Wonga Wonga vine	43



HOWRAH VISITOR ACCOMMODATION PLANT PLAN
SCALE 1:100



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CONTRACT TITLE
HOWRAH VISITOR ACCOMMODATION LANDSCAPE PLAN

HOWRAH VISITOR ACCOMMODATION DEVELOPMENT PLANT PLAN
15 HOWRAH ROAD HOWRAH

SCALE 1:100
SIZE A1
SHEET 2 OF 3
DRAWING HOWRAH VAC
DESIGNED: LRC
DRAWN: LEF
OCTOBER 2019
OCTOBER 2019

Proposed Landscape.

• General aim

- Self-sustaining (or minimal maintenance required) once established
- Low water requirement
- Outdoor stroll, contemplation garden
- Consistent with local environment – utilising – Australian plants

• Responsibility

- This concept plan is to be developed to detailed working plans at building approval stage. This will be the responsibility of the owner.
- The owner will be responsible for the garden maintenance

Planting works

• Construction

- Control or unwanted vegetation
- Strip existing topsoil at building construction stage and store for re-use
- The garden beds are to be formed to create a naturalistic, undulating land form
- Existing plant material is to be kept where possible and appropriate
- The dry creek bed is to the low point as in order to drain the reminder of the garden
- Sculpt the sub-soil to create drainage.
- Overlay sub-soil with 300 mm of recycled local topsoil

• Planting

- Planting: Ensure the general appearance and presentation of the landscape and the quality of plant material is maintained.
- All beds to be mulched to a depth of 100mm with medium pine bark.
- Existing plant material: Maintain existing planting as required.
- Replacements: Replace failed, dead and/or damaged plants at minimum 3-week intervals as necessary

General Maintenance

• Pruning

- General: Prune as per acceptable horticultural standards.
- Specific: prune all shrub sp. X 2 rounds during the first 12 months. This is to be achieved by lightly trimming/hedging the new growth midsummer.
- Trees – prune to achieve an even, rounded canopy that is maintained at maturity at a max height of 5 – 6m. Reduce apical dominance by tip pruning the plant in the pot. As the plant grows clean stem trunks to achieve lower branch height of a minimum of 2m above ground level.

• Fertilising

- Fertilising: Generally, apply Terracottum at manufacturer’s recommended rate
- Season: Fertilise shrubs and trees in September and March according to their seasonal growth requirement.

• Stakes and ties

- Removal: If plants are robust with well-developed systems and are strong enough to no longer require support, remove stakes and ties. For trees, this may not be appropriate for 2 years & will then become the responsibility of the ongoing maintenance.

• Weeding

Weeds: Unwanted plants and grasses considered invasive to the locality.
Program:

- Trees and shrubs: As required for planted, paved and mulched areas to be weed free when observed at bi-weekly intervals.

Method: Clear and keep clear vigorous ground covers 200 mm from the base of any shrub or tree:

- Small areas: By hand.
- Large areas: Proprietary herbicides.

Herbicide application: Avoid windy days or if rain is likely to follow within 12 hours and apply:

- To the manufacturer’s instructions and material data and safety sheets.

- When the weather is humid with moderate temperatures and maximum sunlight.
- When the ground has the recommended soil moisture level.

• Rubbish removal

- Rubbish: Remove loose rubbish such as bottles, papers, and cigarette butts from the site. Execute this work regularly so that all areas are free from rubbish when observed at bi-weekly intervals.
- Leaf litter: Remove from all path and lawn areas.

• Mulched surfaces

- Mulch depth: Maintain 50 mm cover (settled mulch) and ensure weed suppression and the quality of finish.
- Ensure that mulch is kept clear of the stem throughout the maintenance period.
- Re mulching: Maintain the original ground levels around the base of plants.

NB: The planting design (growing system & plant selection) has been developed to be water efficient. It is critical that the maintenance pay close attention to watering the landscape through the first summer. It is also critical that garden is not over watered.



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GARDEN DESIGN,
CONSULTATION

CONTRACT TITLE
HOWRAH VISITOR ACCOMMODATION

HOWRAH VISITOR ACCOMMODATION DEVELOPMENT NOTES
15 HOWRAH ROAD HOWRAH

DRAWING TITLE
LANDSCAPE PLAN

SCALE
1:100

SIZE
A1

SHEET
3 OF 3

DRAWING
HOWRAH VAC

DESIGNED: LRC
DRAWN: LEF

OCTOBER 2019
OCTOBER 2019

15 HOWRAH ROAD, HOWRAH



Photo 1: Site viewed from Howrah Road, viewed looking west towards the existing dwelling on the subject property.



Photo 2: Site of proposed development viewed from Council accessway to Howrah Beach to the southeast of the site, looking northwest to the subject property.



Photo 3: Site of proposed development viewed from Howrah Beach looking northeast towards the subject property.



Photo 4: Site of existing dwelling viewed from the Howrah Recreation Centre looking southeast towards the subject property.



Photo 5: Site of existing dwelling viewed from adjacent property to the north, looking southwest towards the subject property.

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE

11.7.1 QUARTERLY REPORT TO 31 DECEMBER 2019

EXECUTIVE SUMMARY

PURPOSE

To consider the General Manager's Quarterly Report covering the period 1 October 2019 to 31 December 2019.

RELATION TO EXISTING POLICY/PLANS

The Report uses as its base the Annual Plan adopted by Council and is consistent with Council's previously adopted Strategic Plan 2016-2026.

LEGISLATIVE REQUIREMENTS

There is no specific legislative requirement associated with regular internal reporting.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

The Quarterly Report provides details of Council's financial performance for the period.

RECOMMENDATION

That the Quarterly Report to 31 December 2019 be received.

ASSOCIATED REPORT

The Quarterly Report to 31 December 2019 has been provided under separate cover.

Ian Nelson

GENERAL MANAGER

11.7.2 ADOPTION OF COUNCIL POLICY – MEMORIALS POLICY

(ECM: 3731619)

EXECUTIVE SUMMARY**PURPOSE**

To consider the formal adoption of a Memorials Policy.

RELATION TO EXISTING POLICY/PLANS

Council currently has no policy for the placement of memorials on Council land. A policy has been developed for Council's consideration.

LEGISLATIVE REQUIREMENTS

No Legislative requirements to be addressed.

CONSULTATION

No specific public consultation has been undertaken on this matter.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of adopting this policy. Successful applicants are responsible for the design, manufacture and installation of approved memorials.

RECOMMENDATION:

That Council adopts the Memorials Policy.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council officers periodically receive requests from the community for an individual person or community event to be recognised in the form of a memorial on Council owned land. In recent times the volume of requests has significantly increased with most applications seeking new seats in foreshore locations.
- 1.2.** Requests for the placement of a memorial can be an emotional issue for the applicant. The proposed policy aims to set parameters in which memorial requests can be made and assessed.

- 1.3.** A Memorials Policy has been developed to provide a consistent and un-biased approach to the assessment of applications for new memorials and to provide a policy framework guiding the maintenance and management of existing memorials.
- 1.4.** In the development of this policy, Council officers have reviewed the policies of other southern Councils.

2. REPORT IN DETAIL

- 2.1.** The objective of the proposed policy is to provide Council with a consistent and un-biased approach to the assessment and installation of memorials on Council owned land and infrastructure. This includes:
- the management of existing memorials;
 - the assessment of requests for new memorials; and
 - the installation and maintenance of new memorials.
- 2.2.** It is proposed Council will only consider new memorials on Council owned land where the memorial commemorates:
- an individual or group that has significantly contributed to the cultural, social, environmental or political aspects of the Clarence community; or
 - important national or state events, historic events or anniversaries that resonate with the Clarence municipality; or
 - recognition of significant contributions for open space infrastructure such as via funding agreements with Government agencies or community groups.
- 2.3.** Further aspects of the proposed policy are:
- The subject of a memorial must have a clear association with or significance to the proposed location.

- The appearance and design of any memorial is to be non-intrusive and must not negatively impact on the aesthetic or environmental values of the relevant public open space.
- The applicant must meet all costs associated with the design, manufacture and installation of the memorial. The installation will be managed and carried out by Council. A one-off contribution may be requested towards maintenance costs.
- Council will endeavour to retain memorials for as long as practical, but approval is not a guarantee to retain in perpetuity.

2.4. The operation of this policy will be managed by the Environment Management team within the Engineering Services Group, in liaison with Council’s Arts and Cultural Development Co-ordinator and subject to final approval by the Group Manager Engineering Services.

2.5. Consistent with Council’s current practices this policy is subject to review every five years, or earlier if required.

3. CONSULTATION

3.1. Community Consultation

No consultation has been undertaken.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council’s Strategic Plan 2016/2026 within the Goal Area “A People City” contains the following Strategy to: *“Develop and implement a public open space network including quality public spaces, parks, reserves, and tracks and trails”*.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

In order to address risk and legal liability, each memorial must meet planning and/or building requirements, be resistant to vandalism, and manufactured and installed to Council's standards.

7. FINANCIAL IMPLICATIONS

7.1. There is no funding implication by Council adopting a Memorial Policy.

7.2. Upon approval the applicant is responsible for all costs associated with the design, manufacture and installation of the memorial.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. Council does not currently have a policy to guide assessment of requests by community members for an individual person or community event to be recognised in the form of a memorial on Council owned land.

9.2. The proposed Memorials Policy has been developed in recognition of the need for a consistent and unbiased approach to the assessment of applications for new memorials and the need to have a policy guiding the maintenance and management of existing memorials.

Attachments: 1. Draft Memorials Policy (6)

Ross Graham
GROUP MANAGER ENGINEERING SERVICES

MEMORIALS POLICY

1. OBJECTIVES

The objectives of this Policy are to provide Council with a consistent, policy guided approach to the installation of memorials on Council owned land and infrastructure. This includes:

- The management of existing memorials;
- The assessment of requests for new memorials; and
- The installation and maintenance of new memorials.

2. BACKGROUND

Clarence City Council periodically receives requests from the community for an individual person or community event to be recognised in the form of a memorial on Council owned land. The volume of requests for memorials recognising individuals has significantly increased in recent years with foreshore lands being the most popular locations. These memorials most frequently take the form of either a plaque to be placed on existing park furniture or new park furniture to be privately funded and donated with a fixed plaque. The furniture item is most commonly a park seat or bench located in public open space such as parks, bushland and foreshore areas. Community expectation is that an installed memorial is a permanent fixture.

The Memorial's Policy was developed following recognition of the need for a consistent, policy guided approach to the assessment of applications for new memorials and to provide a structured approach guiding the maintenance and management of existing memorials.

3. SCOPE

This Policy covers all memorials located on Council owned and/or managed land including all parks, reserves and bushland areas. It also addresses items often installed in conjunction with a memorial such as donated park furniture, equipment and/or fixtures.

4. RELATED COUNCIL DOCUMENTS

This Policy should be considered in conjunction with the following policies and procedures:

- Public Art Policy;
- Public Open Space Policy;
- Tracks and Trails Policy; and
- All Council adopted Plans, Master Plans, Strategic Directions and Reserve Action Plans for public open space areas.

5. DEFINITIONS

<i>Council</i>	Means the Clarence City Council.
<i>Plaque</i>	A flat tablet of metal, stone or other materials which contains text or images that commemorate a person or event. Generally affixed to an object, building or pavement. May also provide general information such as historical text or information relevant to the location.
<i>Memorial</i>	An object established in memory of a person, place or event.
<i>Public Open Space</i>	Includes all land owned and/or managed by Council including foreshore reserves, parks, playgrounds, bushland, sportsgrounds, tracks and trails.

For the purposes of this policy, the term ‘memorial’ is used to describe all plaques and memorials as well as park furniture or infrastructure donated for the purposes of memorialisation or commemoration (e.g. a park seat with an affixed plaque).

6. POLICY

6.1 EXISTING MEMORIALS

Generally, existing memorials will be retained in place for as long as practicable and maintenance works undertaken by Council in accordance with standard Council practices.

6.2 REQUESTS FOR NEW MEMORIALS

Council will only consider new memorials on Council owned land where the memorial commemorates:

- An individual or group that has significantly contributed to the cultural, social, environmental or political aspects of the Clarence community; or
- Important national or state events, historical events or anniversaries that resonate with the Clarence community; or
- Recognition of significant contributions for open space infrastructure such as via funding agreements with Government agencies or community groups. This type of recognition is usually a small plaque mounted to the relevant infrastructure.

Generally, the form and content of this type of memorial will be detailed in the funding agreement.

APPLICATION AND ASSESSMENT PROCESS

Any application for a new memorial must be submitted to Council for review and approval. Each application will be assessed on a case-by-case basis. Any existing memorial should not be regarded as a precedent for future approvals.

Applications must outline the person, group or event to be commemorated. Every application for a memorial must be supported in writing by a minimum of three third parties, one of which must be a community group with relevance in the City of Clarence. The application should outline the type of memorial, the preferred location, proposed text and/or images and any other relevant information.

Applications must demonstrate compliance to and an understanding of the 'General Conditions' for the installation and maintenance of new memorials.

Any application for a new memorial will be assessed by Council officers in the open space department and will be subject to final approval by the Group Manager of Engineering Services.

Applications should be addressed to:

Clarence City Council

PO Box 96

Rosny Park

Tasmania 7018

Or email to: clarence@ccc.tas.gov.au

Applications can also be lodged via an online form available on Councils website:
www.ccc.tas.gov.au

6.3 INSTALLATION AND MAINTENANCE OF NEW MEMORIALS

GENERAL CONDITIONS

- The placement of new memorials must be consistent with any existing Master Plans or Council decisions pertaining to the land. The location must not adversely impact on or interfere with the existing values of the land or the use of the space by the community.
- The subject of a memorial must have a clear association with or significance to the proposed memorial location.
- The subject of the memorial must not already be commemorated elsewhere in Clarence.
- The appearance, design and size of the proposed memorial is to be non-intrusive and must not negatively impact on the aesthetic or environmental values of the public space in which it is located.
- A memorial must meet all relevant planning and/or building requirements, be resistant to vandalism, and constructed using durable materials that are readily available.
- Any plaque or memorial attached to Council infrastructure (such as a park seat) must have a life span equivalent to that infrastructure and must not damage or restrict the use of the infrastructure.

- To ensure consistency and serviceability, Council may, at its discretion, select the supplier, type and style of any park furniture, fixtures or equipment to be donated as a memorial.
- Upon approval, the applicant must meet all costs associated with the design, manufacture and installation of memorials. All installation works will be managed and carried out by or on behalf of Council. Once installed, the memorial will become the property of Council and will be routinely maintained in accordance with standard Council practices. In some instances, the applicant may also be required to provide a one-off contribution towards maintenance costs. Maintenance works cannot be carried out by the general public. Should a memorial be lost or damaged beyond repair through vandalism or other event then the replacement costs will be the responsibility of the donor.
- The wording associated with all memorials must be of a positive and 'up-lifting' nature rather than wordings associated with burial or cemetery styled commemoration.
- Any memorial that incorporates an element of art or imagery must be reviewed by Council's Art and Cultural Development Coordinator and advice provided to Council.
- Memorial installations are not permanent. Council does not guarantee to retain memorials in perpetuity. Council will endeavour to retain memorials for as long as practicable. A memorial may be required to be removed in the following circumstances:
 - The site is to be updated or redeveloped; or
 - The content of the memorial has been deemed by Council to be unsuitable; or
 - Ongoing maintenance works are cost prohibitive to retention of the memorial; or
 - The infrastructure to which the memorial is attached has reached end of life.
- Council will endeavour to relocate, refurbish or replace memorials where possible. Council will consult with the original donor of the memorial regarding these works. Council retains the right to temporarily remove any memorial to allow for works to the surrounding area or maintenance.

- A register of all new memorials will be maintained following the adoption of this policy.

7. AMENDMENT

Council retains the sole discretion to vary, terminate or replace this Policy. Council will review and update the policy every 5 years or as required.

8. FURTHER INFORMATION

Questions relating to the interpretation, application or enforcement of this Policy should be directed to Council's Manager of Open Space on (03) 6217 9500.

11.7.3 COMMUNITY ENGAGEMENT POLICY**EXECUTIVE SUMMARY****PURPOSE**

To adopt the proposed Community Engagement Policy 2020.

RELATION TO EXISTING POLICY/PLANS

The Clarence City Council Strategic Plan 2016 – 2026 is relevant.

LEGISLATIVE REQUIREMENTS

The Local Government Act 1993 is relevant.

CONSULTATION

Community consultation was undertaken from October to November in 2019. Consultation with Aldermen has also been undertaken.

FINANCIAL IMPLICATIONS

There are no additional financial implications arising from this policy. Funds are currently allocated within Council's budget for consultation activities. Where additional funds are required for consultation related to specific major projects, these costs will be accounted for within the relevant project budget.

RECOMMENDATION:

That Council adopts the Community Engagement Policy 2020.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council undertook a review of the current community consultation policy to ensure it meets community expectations for contemporary community engagement and to address any areas requiring improvement or clarification.
- 1.2.** A draft community engagement policy was developed with Aldermen and then put to the community for their consideration and response.
- 1.3.** Feedback from the community consultation identified several issues to be addressed and consequently changes to the policy were made.
- 1.4.** A Council decision is sought in order to finalise the draft policy and put it into effect.

2. REPORT IN DETAIL

- 2.1.** A draft community engagement policy was developed following considerable staff input and then workshopped with Aldermen on two occasions.
- 2.2.** The policy outlines Council’s commitment and approach to community engagement to assist the Council in its decision making.
- 2.3.** Community feedback on the draft policy was sought between 31 October and 29 November 2019 to gauge community support for the policy and to identify any areas that may need further consideration and refinement.
- 2.4.** A total of 39 people provided feedback via “Your Say Clarence” and one community group wrote to Council. Two of the responses received were from staff.
- 2.5.** The demographic breakdown of respondents was as follows:
- the gender split was close to 50/50;
 - most respondents were Clarence rate payers and live in Clarence;
 - respondents’ age ranged from 29 to 79 years; and
 - 14 suburbs were represented, with the majority coming from Bellerive, Howrah and Lindisfarne.
- 2.6.** Importantly, 87% of respondents supported the draft policy. There were however several issues raised by the consultation which are summarised below:
- there was a lack of consultation on the development of the draft community engagement policy;
 - the community does not trust the Council;
 - this is just a “tick a box” exercise;

- feedback focused on the “Your Say” digital platform with essentially comments stating that there remains a need for other forms of consultation other than the digital platform;
- there is confusion in regard to the role and responsibilities of Council and those of the developer in the consultation process, taking into account the requirements of statutory consultation associated with development applications;
- that Council should give more weight to consultation feedback from more qualified community members than those that are not qualified;
- that Council should allow for community participation in the development of all consultations undertaken by Council;
- that more information on the subject of consultation was needed to educate the community at the beginning of consultations;
- Council should ensure the information loop is closed for all consultations, particularly the contributors, prior to any decision being made; and
- there is a need to explain some terms within the draft policy.

2.7. The following actions have been incorporated either directly into the draft policy or into other Council processes.

- Changes to explain what is meant by day to day operations, and Council’s role versus developers’ role and Council’s statutory consultation obligations associated with development applications are highlighted in the attached “tracked changes” draft community engagement policy (see Attachment 1).
- Changes to ensure the provision of information relating to consultations and feedback to participants has also been highlighted in the attached “tracked changes” draft community engagement policy.

- Incorporation of a change to the consultation section in the standard Council agenda item structure to include reference to a consultation plan. This will allow Council officers to discuss and identify the proposed consultation plan for a project or activity, and for Aldermen to reflect community views and have input into that consultation plan if required. This addition is consistent with the Local Government Act 1993 requirements, Sections 20(2) and 28(1).

2.8. There were several suggested changes to the draft policy that were considered and not incorporated into the policy. These suggestions and the reason(s) they were not incorporated are addressed below.

- **Incorporate the Aldermen’s Code of Conduct into the Policy**
The Alderman’s Code of Conduct is applied to Aldermen across all activities, including community consultation. It is therefore not necessary to integrate the Code of Conduct, either directly or by reference, into the policy.
- **Incorporate a Reference to Liveability, Safety, Wellbeing and Happiness of the Community and Cultural Values in the Policy**
Council’s strategic plan addresses this issue. Due to the primacy of the Strategic Plan, it is not necessary or appropriate to include the suggested words within the proposed policy.
- **Redefine the Definition of the Community**
The definition of “community: in the draft policy is considered appropriate and adequate.
- **Include Community Members in the decision making on Consultation Tools and Methods for all Consultations**
In accordance with the requirements of the Local Government Act 1993, Alderman, as the elected representatives of the community, has a statutory role in regard to community consultation.

With this in mind, the proposed changes to Council’s meeting agenda structure will provide the opportunity for Aldermen to bring community views into consultation planning process, including the amendment of consultation plans if required.

- 2.9.** A “clean” copy of the proposed policy, incorporating the suggested changes identified in Attachment 1, is included with this report (see Attachment 2).

3. CONSULTATION

3.1. Community Consultation

Community consultation was held from 31 October to 29 November 2019 with 39 responses and one letter received.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

This matter was discussed with Aldermen at its Workshops held on 24 August 2019, 14 October 2019 and 17 February 2020.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

- 4.1.** The Clarence City Council Strategic Plan 2016 – 2026 includes the following goal: *“To provide leadership and accessible, responsive, transparent and accountable governance of the City”.*

- 4.2.** The goal is supported by strategies. The following strategy is relevant:

“6.4 - Develop and implement community participation policies to provide effective and timely community and stakeholder engagement to support informed decision-making, and deliver clear, honest and timely communications through a range of communication tools and media”.

The proposed policy addresses the above strategy.

5. EXTERNAL IMPACTS

This policy will have a direct community impact through improved consultation practices, leading to better engagement with the Clarence community. The policy, incorporating the suggested changes, will provide a clear and transparent framework for community consultation and engagement.

6. RISK AND LEGAL IMPLICATIONS

The policy meets the statutory obligations of the *Local Government Act 1993* and the *Land Use Planning and Approvals Act 1993*.

7. FINANCIAL IMPLICATIONS

There are no overall financial implications to Council's current budget. Some additional costs may arise for particular projects or initiatives, where the relevant consultation plan requires expenditure to undertake those consultation and engagement activities. Those costs will be factored into the relevant budget.

8. ANY OTHER UNIQUE ISSUES

There are no other unique issues.

9. CONCLUSION

Council's approach to community engagement has been subject to discussion and consideration for some time. The proposed Community Engagement Policy 2020 seeks to address many of these concerns through the use of a variety of internationally recognised tools with clear engagement principles. The proposed policy sets out a clear statement of how Council will engage with the community and the tools that are available, while also clearly defining the roles of the various participants in community engagement activities.

Attachments: 1. Community Engagement Policy – Tracked Changes (6)
2. Community Engagement Policy – Clean – Final Version (6)

Ian Nelson
GENERAL MANAGER

COMMUNITY ENGAGEMENT POLICY 2020

1. PURPOSE

This policy outlines Clarence City Council's commitment and approach to community engagement to assist the council in its decision making.

2. POLICY STATEMENT

The purpose of this policy will be achieved by:

- Demonstrating accountability and transparency in council's community engagement practices;
- Empowering decision makers through appropriate community engagement;
- Encouraging and providing opportunities for the Clarence community and stakeholders to contribute to council information gathering and decision-making processes;
- Enhancing community knowledge about how council operates, including its decision-making process within the scope of council's various roles and functions;
- Enabling council to make appropriate decisions by considering the impacts on its communities and stakeholders, and by seeking to balance both short and long term competing interests;
- Building confidence in decisions made by council;
- Being clear when the council is the ultimate decision maker; and
- Fulfilling council's statutory and fiduciary obligations in accordance with relevant legislative requirements.

3. LEGAL REQUIREMENTS

This policy meets relevant statutory requirements and in particular:

- *Local Government Act 1993; and*
- *Land Use Planning and Approvals Act 1993.*

This policy aligns with:

- City of Clarence Strategic Plan 2016-2026 (and any successor to that plan);
- Customer Service Charter;
- Aldermen Code of Conduct;
- Privacy Policy;
- Guide to Planning and Community Engagement; and
- International Public Participation Principles.

4. DEFINITIONS

The following definitions apply to this policy.

Consultation/Engagement	Refers to how council connects with its communities and key stakeholders to exchange views, ideas and information in the development and implementation of strategies, policies, programs, projects and services.
Communication	Refers to the various ways in which council connects with its communities and key stakeholders to: • inform • exchange information and/or ideas • build better understanding of decisions and/or outcomes.
Community	A group of people united by at least one common characteristic; such as: • geography, • shared interests, • experiences, • values or attitudes and who are connected to the City of Clarence.
Stakeholder	A person, group or organisation, who may be affected by, have a specific interest in, or would like to contribute to, a council decision or issue under consideration. They may be within or external to council. This includes Special Committees of Council as prescribed under the <i>Local Government Act 1993</i> .

Statutory Consultation

Formal public consultation/engagement required by, undertaken and managed in accordance with relevant legislation. Where this relates to development applications made in accordance with, the Land Use Planning and Approvals Act 1993 (LUPAA), council will advertise and display the application for 14 days (or such longer period as agreed by the applicant) in accordance with LUPAA requirements. The additional consultation methods and options provided by this policy do not apply.

5. COMMUNITY ENGAGEMENT PRINCIPLES

Community engagement will be undertaken in accordance with the following principles. Council will:

- Communicate openly and in a timely way, in plain English;
- Have a planned approach to community engagement activities;
- Provide information and opportunities for community involvement that are meaningful, inclusive, accessible, and seek a diverse range of perspectives;
- Be clear about how much opportunity there is for stakeholders to participate through the consultation process and to contribute to a decision;
- Ensure processes conform with relevant statutory requirements;
- Ensure Aldermen have to opportunity to provide input reflecting community views and input expectations into the consultation and engagement planning process;
- Use a variety of engagement/consultation techniques to engage with relevant communities and stakeholders;
- Ensure that all relevant information relating to engagement activities is available to the community to enable informed choices and decisions;
- Keep the community and stakeholders informed, including reasons for decisions;
- Ensure that all contributors to any community engagement activity are informed of the outcomes following the completion of consultation and engagement;
- Review completed community engagements to identify opportunities to improve council community engagement practices; and
- Retain records in accordance with relevant statutory requirements.

6. EXCEPTIONS

There are times when council will not undertake community engagement. These circumstances include:

- Ordinary council operational activities and decisions, such as maintenance, repair, investigation or similar activities. However, where ordinary operational activities (such as a road reconstruction) are likely to significantly impact an identified group of people (for example, certain residents or store holders), consultation will occur;
- Where there is immediate risk of injury or harm or an emergency situation,
- Legal or commercial constraints that prevent or restrict community engagement;
- A conflict with statutory consultation requirements;
- Where an Alderman is acting on an individual basis; and
- Where council is not controlling or managing the consultation. This will happen from time to time when private enterprise or other proponents are managing the community engagement processes. Council will encourage all proponents to undertake appropriate community engagement, using council's engagement policy as a guide for best practice.

7. REVIEW

Council will review this policy within 12 months of each Tasmanian local government election.

8. CONSULTATION TOOLS

Council will utilise one or more of the following consultation tools to conduct its community engagement activities. Consultation tools will be determined based on a 'best fit' assessment.

Tool	Overview
City of Clarence website	Used to centralise information on a project and to promote consultation activities.
Direct email/letter	Used to deliver information to a targeted group. Can also be used to provide updates on a project.

Advertisement	Provides information or advises of an opportunity to engage. Types include: print (<i>Eastern Shore Sun, Mercury</i> , newsletters, etc.), radio and video (television or online).
Social media	Used to engage online through interactive social platforms such as <i>Facebook</i> . Complements other communication methods.
Signage/posters/flyers	Used to communicate information on the project. Complements other communication methods.
Media release	A written communication for the media announcing timely, newsworthy and accurate information.
Your Say Clarence (website)	Used to centralise a range of information on a project and to utilise the following online engagement tools: • Polls: Useful for getting a quick answer on a question where participants choose their answer from multiple choice. • Surveys: Used to gather feedback in a guided way. • Stories: Where participants share a story relating to the subject matter of the consultation. Useful for understanding community views and individual perspectives. • Guestbook: Where participants upload comments on a consultation/topic. • Questions: Where participants can ask questions with responses provided publicly or privately. Useful for managing issues and as a communications risk mitigation tool. • Forum: Where participants share their experiences with others, ask questions and have conversations in a safe and interactive environment. • Ideas: Where participants can add their ideas for public endorsement and comment. • Places: Where participants can provide their feedback by adding a pin on a map and adding photos and completing a quick survey.
Reply paid postcards	Used to provide information and receive feedback on a project. Seen as a more user-friendly approach than a letter.
Public display	Used to provide more information about a project. Can be used for information only or staffed for questions and answers.
Presentation	Used for face-to-face interaction to inform a specific group on a project. Groups may be made up of people representing a broad cross section of the community or with a segment or user group.
Walk and talk	A walking meeting at the site of a consultation. Used to provide information about a project. Attendees can ask questions and provide feedback.
Interviews	Used to gather individual views either on the phone or in person.

Formal submission (legislative requirement)	Used to gather written responses on a proposed decision, policy or document. The <i>Local Government Act 1993</i> indicates where there is a legislative requirement for formal submissions. The details required in a formal submission include name, contact details of the person submitting the form and the date of submission. Formal submissions are provided to council and may become publicly available information.
Public meeting	Used for face-to-face interaction to provide information and seek feedback. Useful to determine the level of interest in a project. A public meeting may also be a legislative requirement of a project. Types of public meetings include information sessions, presentations (panel, keynote), and Q&A.
Advisory committee/working groups	Council has several advisory committees and working groups that provide recommendations to council. A new committee or working group may also be created for a project. A committee or working group may be time-limited or an established/permanent function.
Workshop/focus group	Used for face-to-face interaction to gather unique insights on how the project may affect stakeholders. Workshops/focus groups involve a facilitator asking questions that participants reflect on and share their thoughts to assist with decision-making. A valuable tool for complex projects.
World Café	Used to bring people of different backgrounds together to discuss, explore, understand and problem-solve issues. A facilitator sets the context for the session and participants start a conversation about the project or a topic. Participants start at one table and move around other tables to continue the conversation with others. Participants end back at their original table and share what they have learnt. Duration can vary from one hour to several sessions depending on the complexity of the project.

This policy is supported by the operational document Guide to Planning for Community Engagement and the Working Together Structure.

[For information on this policy contact Manager Communications and Strategic Development](#)

[Ian Nelson](#)

[General Manager](#)

COMMUNITY ENGAGEMENT POLICY 2020

1. PURPOSE

This policy outlines Clarence City Council's commitment and approach to community engagement to assist the council in its decision making.

2. POLICY STATEMENT

The purpose of this policy will be achieved by:

- Demonstrating accountability and transparency in council's community engagement practices;
- Empowering decision makers through appropriate community engagement;
- Encouraging and providing opportunities for the Clarence community and stakeholders to contribute to council information gathering and decision-making processes;
- Enhancing community knowledge about how council operates, including its decision-making process within the scope of council's various roles and functions;
- Enabling council to make appropriate decisions by considering the impacts on its communities and stakeholders, and by seeking to balance both short and long term competing interests;
- Building confidence in decisions made by council;
- Being clear when the council is the ultimate decision maker; and
- Fulfilling council's statutory and fiduciary obligations in accordance with relevant legislative requirements.

3. LEGAL REQUIREMENTS

This policy meets relevant statutory requirements and in particular:

- *Local Government Act 1993; and*
- *Land Use Planning and Approvals Act 1993.*

This policy aligns with:

- City of Clarence Strategic Plan 2016-2026 (and any successor to that plan);
- Customer Service Charter;
- Aldermen Code of Conduct;
- Privacy Policy;
- Guide to Planning and Community Engagement; and
- International Public Participation Principles.

4. DEFINITIONS

The following definitions apply to this policy.

Consultation/Engagement	Refers to how council connects with its communities and key stakeholders to exchange views, ideas and information in the development and implementation of strategies, policies, programs, projects and services.
Communication	Refers to the various ways in which council connects with its communities and key stakeholders to: • inform • exchange information and/or ideas • build better understanding of decisions and/or outcomes.
Community	A group of people united by at least one common characteristic; such as: • geography, • shared interests, • experiences, • values or attitudes and who are connected to the City of Clarence.
Stakeholder	A person, group or organisation, who may be affected by, have a specific interest in, or would like to contribute to, a council decision or issue under consideration. They may be within or external to council. This includes Special Committees of Council as prescribed under the <i>Local Government Act 1993</i> .

Statutory Consultation

Formal public consultation/engagement required by, undertaken and managed in accordance with relevant legislation. Where this relates to development applications made in accordance with the *Land Use Planning and Approvals Act 1993* (LUPAA), council will advertise and display the application for 14 days (or such longer period as agreed by the applicant) in accordance with LUPAA requirements. The additional consultation methods and options provided by this policy do not apply.

5. COMMUNITY ENGAGEMENT PRINCIPLES

Community engagement will be undertaken in accordance with the following principles. Council will:

- Communicate openly and in a timely way, in plain English;
- Have a planned approach to community engagement activities;
- Provide information and opportunities for community involvement that are meaningful, inclusive, accessible, and seek a diverse range of perspectives;
- Be clear about how much opportunity there is for stakeholders to participate through the consultation process and to contribute to a decision;
- Ensure processes conform with relevant statutory requirements;
- Ensure Aldermen have to opportunity to provide input reflecting community views and expectations into the consultation and engagement planning process;
- Use a variety of engagement/consultation techniques to engage with relevant communities and stakeholders;
- Ensure that all relevant information relating to engagement activities is available to the community to enable informed choices and decisions;
- Keep the community and stakeholders informed, including reasons for decisions;
- Ensure that all contributors to any community engagement activity are informed of the outcomes following the completion of consultation and engagement;
- Review completed community engagements to identify opportunities to improve council community engagement practices; and
- Retain records in accordance with relevant statutory requirements.

6. EXCEPTIONS

There are times when council will not undertake community engagement. These circumstances include:

- Ordinary council operational activities and decisions, such as maintenance, repair, investigation or similar activities. However, where ordinary operational activities (such as a road reconstruction) are likely to significantly impact on an identified group of people (for example, certain residents or store holders), consultation will occur;
- Where there is immediate risk of injury or harm or an emergency situation,
- Legal or commercial constraints that prevent or restrict community engagement;
- A conflict with statutory consultation requirements;
- Where an Alderman is acting on an individual basis; and
- Where council is not controlling or managing the consultation. This will happen from time to time when private enterprise or other proponents are managing the community engagement processes. Council will encourage all proponents to undertake appropriate community engagement, using council's engagement policy as a guide for best practice.

7. REVIEW

Council will review this policy within 12 months of each Tasmanian local government election.

8. CONSULTATION TOOLS

Council will utilise one or more of the following consultation tools to conduct its community engagement activities. Consultation tools will be determined based on a 'best fit' assessment.

Tool	Overview
City of Clarence website	Used to centralise information on a project and to promote consultation activities.
Direct email/letter	Used to deliver information to a targeted group. Can also be used to provide updates on a project.

Advertisement	Provides information or advises of an opportunity to engage. Types include: print (<i>Eastern Shore Sun, Mercury</i> , newsletters, etc.), radio and video (television or online).
Social media	Used to engage online through interactive social platforms such as <i>Facebook</i> . Complements other communication methods.
Signage/posters/flyers	Used to communicate information on the project. Complements other communication methods.
Media release	A written communication for the media announcing timely, newsworthy and accurate information.
Your Say Clarence (website)	Used to centralise a range of information on a project and to utilise the following online engagement tools: • Polls: Useful for getting a quick answer on a question where participants choose their answer from multiple choice. • Surveys: Used to gather feedback in a guided way. • Stories: Where participants share a story relating to the subject matter of the consultation. Useful for understanding community views and individual perspectives. • Guestbook: Where participants upload comments on a consultation/topic. • Questions: Where participants can ask questions with responses provided publicly or privately. Useful for managing issues and as a communications risk mitigation tool. • Forum: Where participants share their experiences with others, ask questions and have conversations in a safe and interactive environment. • Ideas: Where participants can add their ideas for public endorsement and comment. • Places: Where participants can provide their feedback by adding a pin on a map and adding photos and completing a quick survey.
Reply paid postcards	Used to provide information and receive feedback on a project. Seen as a more user-friendly approach than a letter.
Public display	Used to provide more information about a project. Can be used for information only or staffed for questions and answers.
Presentation	Used for face-to-face interaction to inform a specific group on a project. Groups may be made up of people representing a broad cross section of the community or with a segment or user group.
Walk and talk	A walking meeting at the site of a consultation. Used to provide information about a project. Attendees can ask questions and provide feedback.
Interviews	Used to gather individual views either on the phone or in person.

Formal submission (legislative requirement)	Used to gather written responses on a proposed decision, policy or document. The <i>Local Government Act 1993</i> indicates where there is a legislative requirement for formal submissions. The details required in a formal submission include name, contact details of the person submitting the form and the date of submission. Formal submissions are provided to council and may become publicly available information.
Public meeting	Used for face-to-face interaction to provide information and seek feedback. Useful to determine the level of interest in a project. A public meeting may also be a legislative requirement of a project. Types of public meetings include information sessions, presentations (panel, keynote), and Q&A.
Advisory committee/working groups	Council has several advisory committees and working groups that provide recommendations to council. A new committee or working group may also be created for a project. A committee or working group may be time-limited or an established/permanent function.
Workshop/focus group	Used for face-to-face interaction to gather unique insights on how the project may affect stakeholders. Workshops/focus groups involve a facilitator asking questions that participants reflect on and share their thoughts to assist with decision-making. A valuable tool for complex projects.
World Café	Used to bring people of different backgrounds together to discuss, explore, understand and problem-solve issues. A facilitator sets the context for the session and participants start a conversation about the project or a topic. Participants start at one table and move around other tables to continue the conversation with others. Participants end back at their original table and share what they have learnt. Duration can vary from one hour to several sessions depending on the complexity of the project.

This policy is supported by the operational document Guide to Planning for Community Engagement and the Working Together Structure.

For information on this policy contact Manager Communications and Strategic Development

Ian Nelson

General Manager

11.7.4 CITY HEART PROJECT**EXECUTIVE SUMMARY****PURPOSE**

To initiate engagement with the community and undertake a consultation process to develop a community supported vision for the City Heart project.

RELATION TO EXISTING POLICY/PLANS

The Clarence City Council Strategic Plan 2016 – 2026.

LEGISLATIVE REQUIREMENTS

There are no legislative requirements.

CONSULTATION

This will be the first community consultation on this project. Consultation with Alderman has been undertaken.

FINANCIAL IMPLICATIONS

There are financial implications to the extent that the recommendation is requesting a reallocation of funds within the current Estimates.

RECOMMENDATION:

That Council:

- i. authorises the General Manager to initiate the City Heart project through a community engagement and concept development process; and
- ii. reallocates \$200,000 allocated for the redesign of the Council Chambers to the City Heart Project.

ASSOCIATED REPORT**1. BACKGROUND**

1.1. The City Heart Project's goal is to establish a sense of place for the City, expand and diversify the economy and create a vibrant liveable city centre. The City Heart project will encompass the land that comprises the Rosny Golf Course, Charles Hand Park, Rosny Farm, Sheoak Point, Council Chambers building and lawns. The project will also include an Urban Design Framework to guide development within the wider CBD area.

1.2. To achieve this goal some key elements must be addressed such as:

- Ensuring our natural environment plays a leading role.
- Conserving and celebrating our cultural heritage.
- Having a mix of developments that stimulates commerce, education and cultural activities at a human scale, while being conscious to avoid overdeveloping the land.
- Designing facilities, walkable streets and bicycle networks that connect people to public spaces and activities.
- Develop high quality transport systems and ensuring that transport plays an appropriate role within the CBD.

1.3. Initially the City Heart project will focus on 3 major components:

- concept planning for the Rosny Golf Course, Charles Hand Park Sheoak Point (which includes the land currently utilised by the Rosny Bowls Club) areas;
- investigations into the redevelopment or possible relocation of the Council Chambers and offices; and
- include an overarching plan for the city centre, guided by a proposed Rosny Park Urban Design Framework to ensure quality development within the area. There will be a focus on key developments including public green spaces and cultural activities.

1.4. Council is seeking to start the community engagement on concept planning for the Rosny Golf Course and Charles Hand Park area component.

1.5. It will be critical to any concept developed that the community are engaged and provided the opportunity to contribute, consistent with the proposed Community Engagement Policy 2020.

1.6. The implementation of this project will require financial resourcing over several years.

- 1.7.** A Council decision is sought in order to initiate this project and engage with the community.

2. REPORT IN DETAIL

- 2.1.** The City Heart project has been proposed as part of our on-going review and update of Council's Strategic Plan.
- 2.2.** The aim of the City Heart project is to ensure the development of the CBD and surrounding areas of the City meets the needs and expectations of the community over the next 50 years.
- 2.3.** The project aims to bring the Rosny Park, Kangaroo Bay and Bellerive areas together to develop a thriving centre and vibrant place to live, work and visit.
- 2.4.** The City Heart project will establish a sense of place for the City, expand and diversify the economy, as well as create a vibrant liveable city.
- 2.5.** To achieve this some key elements must be addressed such as:
- Ensuring our natural environment plays a leading role.
 - Conserving and celebrating our cultural heritage.
 - Having a mix of developments that stimulate commerce, education and cultural activities at a human scale, while being conscious to avoid overdeveloping the land.
 - Designing facilities, walkable streets and bicycle networks that connect people to public spaces and activities.
 - Developing high quality transport systems and ensuring that transport plays an appropriate role within the CBD.
- 2.6.** The initial components within the City Heart project are
- concept planning for the Rosny Golf Course and Charles Hand Park area, including Rosny Farm and stretching from the Tasman Highway through to Sheoak Point (see map at Attachment 1);

- investigations into the redevelopment or possible relocation of the Council Chambers and offices;
- including an overarching plan for the city centre, guided by a proposed Rosny Park Urban Design Framework to ensure quality development. There will be a focus on key developments including public green spaces and cultural activities; and
- ultimately leading to an overall master plan for the City Heart.

2.7. As a first step in this project, the development of a community supported concept for the Rosny Golf Course, Sheoak Point and Charles Hand Park is planned. There will be a focus on key public green spaces and cultural activities in the development of any concept(s).

2.8. To start the development of the concept(s) the following activities will be undertaken.

- Undertake initial research into the potential of the area and identify best practice in achieving the key elements above.
- Undertake extensive community engagement throughout the project stages.
- Develop concept(s) in an open and transparent process.

2.9. Some research has already been undertaken to develop the project to a stage where it can be formally submitted to Council to start the project. This information will underpin the community engagement process and will be shared with the community during that initial consultation process. There will then be an on-going process of engagement throughout the development of any concept(s).

2.10. The immediate focus is the implementation of a community engagement plan which is summarised below.

2.11. The community engagement plan has four stages.

Stage 1: Launch

- The launch stage encompasses Council's resolution, a media release, video on digital and social media, as well as various media interviews. The focus of this stage is on educating the public about the City Heart project and how they can be involved.

Stage 2: Listen (Your Say Clarence/ Face-to-face Interviews)

- The second stage of consultation will begin directly following the launch and will be multifaceted, including face-to-face interviews with individuals and interest groups, as well as publicly accessible mapping and idea sharing tools on Council's Your Say Clarence digital platform. The focus of this stage is to gauge initial attitudes and potential issues, as well as gain a better understanding of the key themes and principles that are of importance.

Stage 3: Discuss (Focus Groups)

- In stage 3 focus groups will be developed comprising stakeholders with diverse opinions and attitudes, as identified in stage 2. Focus group meetings will allow participants an opportunity to experience and understand different perspectives, as well as ensure individuals are aware that, despite providing their ideas and feedback, others may have differing views. The aim will be to identify common goals and ideas that can be broadly supported by the wider community.

Stage 4: Refine (Your Say Clarence/ Pop Ups)

- The final stage of consultation prior to the development of the draft concept(s) will be undertaken in two parts:
 - a Your Say Clarence online survey; and
 - pop-up information sessions within the City.

- These two approaches will inform the community of the findings in earlier stages of consultation and gauge attitudes on the narrowed down concept ideas. The pop-up information sessions will provide our community with a face to face opportunity to have their say, provide feedback and ask questions.

2.12. All stages will be promoted through a variety of means such as newspapers, social media and Council's website.

2.13. Subject to Council's guidance, it is envisaged that the key messages that will drive the community engagement are:

- The vision and concepts for the City Heart will be influenced through broad and thorough consultation with the community.
- This is the beginning of the process and there are no predetermined concept(s).
- A thorough and robust consultation process will ensure the concept(s) are a product of what the community wants and needs.
- To ensure all members of the Clarence – and broader Tasmanian – community have an opportunity to provide their input and feedback at all stages of the project.
- Encourage all members of the community to actively voice their ideas and opinions.
- This is a long-term project and any development will be informed by extensive consultation.

2.14. In order to implement the above components and processes associated with the City Heart project, there must be adequately resources allocated. The reallocation of funding from redesign of the Chambers offices to the City Heart project will allow Council to engage the required expertise and deliver the project in a timely fashion.

2.15. The timing for the completion of the concept(s) for the Rosny Golf Course, Charles Hand Park and Sheoak Point areas is August 2020.

3. CONSULTATION

3.1. Community Consultation

Community consultation will be undertaken in accordance with the proposed consultation plan outlined above and consistent with the proposed Community Engagement Policy 2020.

3.2. State/Local Government Protocol

Will be undertaken in accordance with the proposed consultation plan outlined above.

3.3. Other

This matter was discussed with Aldermen at workshops on 28 January 2020 and 11 February 2020.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The Clarence City Council Strategic Plan 2016 – 2026 includes the following five goals:

- *A people city - Clarence is a city which values diversity and encourages equity and inclusiveness, where people of all ages and abilities have the opportunity to improve their health and quality of life.*
- *A well planned liveable city - Clarence will be a well-planned liveable city with services and supporting infrastructure to meet current and future needs.*
- *A prosperous city - Clarence will develop its economy, improve prosperity, and expand both the level and equity of personal opportunity within its communities.*
- *An environmentally responsible city - Clarence is a city that values its natural environment and seeks to protect, manage, and enhance its natural assets for the long term environmental, social and economic benefit of the community.*
- *A creative and innovative city - Clarence is a city that fosters creativity, innovation and enterprise.*

The proposed City Heart project is aligned to all the goals above.

5. EXTERNAL IMPACTS

This project will have a direct community impact through the proposed community consultation process.

6. RISK AND LEGAL IMPLICATIONS

There are no risks or legal implications for Council in the engagement of the community in City Heart project concept(s) development.

7. FINANCIAL IMPLICATIONS

There are no overall financial implications to Council's current budget as the recommendation is to reallocate funding from one area of the budget (redesign of Council Chambers) to another (City Heart project). There will be a requirement for further budget allocations over a number of years as the project progresses.

8. ANY OTHER UNIQUE ISSUES

There are no other unique issues.

9. CONCLUSION

The City Heart project will be critical to the future of the city and it is paramount to allocate the appropriate resources to this project to ensure that Council has the capacity to engage with the community to develop a community supported concept(s) and ultimately a master plan for the city.

Attachments: 1. Map of Rosny Park Golf Course/Charles Hand Park area considered for Concept Planning (1)

Ian Nelson
GENERAL MANAGER

Rosny Park Golf Course & Charles Hand Park Area Plan



12. ALDERMEN'S QUESTION TIME

An Alderman may ask a question with or without notice at Council Meetings. No debate is permitted on any questions or answers.

12.1 QUESTIONS ON NOTICE

(Seven days before an ordinary Meeting, an Alderman may give written notice to the General Manager of a question in respect of which the Alderman seeks an answer at the meeting).

Ald Blomeley has given notice of the following question:

FUNDING – SPORTING FACILITIES

1. Does Council have a consistent rate charged to each sport to use Council facilities?
2. Can the General Manager inform Council on the following:
 - Council Capital expenditure towards each sport played in the municipality over the past five years.
 - An estimate of recurrent annual Council expenditure towards each sport (including in-kind).
 - An estimate of Council expenditure per player by sport.

12.2 ANSWERS TO QUESTIONS ON NOTICE**12.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING****Ald Mulder**

- My question relates to the properties that Council strategically acquired some years ago in Cambridge Road that form part of the development of Hunter, the mooted 100 apartments on the Kangaroo Bay Boulevard. My question is have these properties been on-sold to Hunter Developments?

ANSWER

No, the land has not been sold.

- So, being still owned by Council does then that put Council in the position where owner's consent would be required for any development on those titles?

ANSWER

If the land remains in Council ownership then yes, in the usual way. if they are sold as part of any arrangement to do with that site and its development then no.

By way of further information, the Preferred Developer Agreement between Council and Hunter Developments requires Council to provide landowner consent upon lodgement of a development application.

- So the assumption is that such a sale would have to occur before a development application was submitted?

ANSWER

Yes otherwise it would require consent.

By way of further information and by way of expansion on the answer provided, Council has entered into a Preferred Developer Agreement with Hunter Developments. That agreement includes provision to sell the land to Hunter Developments. Negotiation of the sale of land is to commence within four weeks of lodgement of a development application and is conditional upon a development permit being issued by Council. This means that a development application will trigger the commencement of land sale negotiations rather than the sale needing to occur before a development application is lodged.

Ald Kennedy

1. Following on from a question asked by Ald von Bertouch at the last meeting regarding bushfire management. Are we comfortable with the level of hazard reduction that is currently happening as we move into what is usually the hottest month? There has been a lot of correspondence from various people within the City on this topic of late. I know we have got a workshop coming up in March but I would just like to know that we are comfortable.

ANSWER

In terms of hazard reduction our major activities are carried out in the cooler months. We do not carry out hazard reduction during summer for obvious reasons. So at this point in time we are at a state of preparedness that we achieved earlier in the year. It is probably fair to say that there is always more that we can do but that is a question of resourcing, weather and a range of other factors at this point in time.

2. With those people who are requesting for growth to be trimmed and in some areas where there is a lot of bush building up on Council land around their properties, is that the response that we give to them?

ANSWER

We would take that as a works request and then investigate the appropriate way to deal with it and whether it can be dealt with safely at that time so it will be dealt with on a case by case basis not left to wait unless there is no other choice.

Ald Ewington

In regard to cutting down of trees and clearing of vegetation and as a follow up on a question I asked a while ago, have we identified any areas at the moment that we are working on. We have an example in an email sent to me by a resident who corresponded with Council on 10 January but has not heard back about what could potentially be done about a large tree that is only 5m from his house that the fire service were concerned could potentially burst into flames and then set his house on fire.

ANSWER

Requests for removal of trees are assessed in accordance with Council's Management of Trees on Council Land Policy. Requests are assessed by a qualified arborist and advice provided. All decisions made in accordance with this Policy are advised to the applicant and to all Aldermen. There is an opportunity for decisions to be reviewed by notice of motion within three Council meetings of a decision being made.

Ald Walker

1. In relation to an event published on the Council Facebook Page. On 2 March Happy at Work a free forum for employees, workplace managers and HR staff for well-being at work. Is this a free forum an Orwellian term for ratepayer funded event and if so how much money are we putting into something that doesn't appear to be a core Council business?

ANSWER

In addition to staff time there will be approximately \$900 spent on promotion, primarily advertising and catering. Aldermen were advised that there would expenditure associated with health promotion projects during the budget process.

Conducting this forum is consistent with the objectives and strategies in Council's Strategic Plan and in particular its Community Health and Wellbeing Plan.

This response has been further elaborated on in a memo to Ald Walker.

2. Presently there is only one dedicated facility for dog exercise in Clarence being South Street. This reserve gets utilised during bigger events at Blundstone Arena. My question is in relation to the reserve management. My understanding is that areas of it get quarantined to be regenerated and this reduces access for dog owners and then you have the actual game days when a big section of the whole area gets used for cars. Is there any ability on those days when there is going to be the site used for motor vehicles to actually use that area as well potentially to let people exercise their dogs on the basis that it is not going to harm the regeneration if it is an extra day or two here or there. There is also the aspect that the car park does not necessarily always fill up well into the game starting so whether we can look at being more rational with that space for the dog owners until the actual car park is close to full.

ANSWER

Arrangements are for the South Street car park to become available for vehicles 15 minutes before Blundstone Arena opens. The volunteer rowing club which manages the car park has advised they first open half of the car park for vehicle parking allowing the remaining half to be used for dogs. When the first half is becoming full they politely instruct owners and their dogs to exit the second area before allowing vehicles to enter.

Ald Peers

1. A ratepayer telephoned me about Nelumie Street. The street sweeper is not going through there and because of that the drains are getting blocked. I think Ald James had the same request about a year ago. Could something be done?

ANSWER

Nelumie Street is difficult for our street sweeper to enter and clean the gutters due to the number of vehicles parked in the area. Our crew attended to clean the gutters and stormwater pits on 12 February 2020.

2. Walking around Cleve Court and its very narrow footpaths I noticed that there are quite a few trees that hang over the footpath. Could that be looked at?

ANSWER

Some trees on Council land need minor attention and a works order will be issued for them to be trimmed when a crew becomes available.

Ald Blomeley

1. I note with concern that, in an article published in the Mercury Newspaper on the 26th of January, the Tasmanian Government appears to be planning to duplicate existing wharf infrastructure at Bellerive and Sullivans Cove.

Clearly, this would be at considerable cost and cause delay to a Bellerive to Sullivans Cove peak-hour passenger ferry crossing.

Given that this infrastructure already exists - on behalf of Clarence ratepayers and Tasmanian taxpayers - we all ought to be deeply concerned by this situation.

Would Council consider writing to the Premier to express concern over the reported comments - attributed to a 'Government spokesperson': 'that planning had started for landside infrastructure at Bellerive and Sullivans Cove required to realise the commencement of a passenger ferry service'?

ANSWER

The Hobart City Deal Implementation Plan at Page 11 includes details of the proposed Derwent Ferry Service. This project states that market testing was to be undertaken in 2019 and that the business case will be developed in 2020-21. Council officers are not aware of any other arrangements or commitments in respect to this project.

2. Pedestrian Safety issues in Lindisfarne Village.

Following Council's unanimous decision last year, I understand that traffic consultants have undertaken concept design work for recommended options and have prepared a final report, which has been presented to Council staff.

Can you please provide an indication as to whether Council's engineering team have had the opportunity to review this report and when Aldermen may expect to receive a briefing on the recommended actions?

ANSWER

The consultant's report was received on 31 January. Our engineers are aiming to undertake a review of the report this week and depending on the outcome of this will be presenting the findings to the Aldermen at a February or early March Workshop.

Ald Edmunds

- 1 Could Aldermen be provided with the new Audio Visual Protocols?

ANSWER

The checklists have been emailed to Aldermen.

2. With the so-called Sports Rort that is taking place in Canberra I know we had a successful application in Clarence for Risdon Vale, were there any other applications made?

ANSWER

The issue with those grants is that we may not know what grants were applied for as they may have gone directly from clubs through to the Federal Government.

Upon investigation of this matter we can confirm Council received \$200,000 from the federally funded community sport infrastructure program for the Risdon Vale change room and public toilet facility. Prior to this Council allocated \$1 million to the project.

Ald James

1. Is the General Manager or Mr Graham able to provide a timeframe for the construction of the foreshore trail or pedestrian walkway/cycleway from Bellerive Beach Park which has basically been set out along the dunes in that direction?

ANSWER

We are expecting to tender for those works in March 2020.

2. In respect to the delay in certification by the Aboriginal Land Group for the survey on the fence at ANZAC Park, is the General Manager able to provide any up to date information in regard to when the fence may be erected?

ANSWER

We are still awaiting the response from the Aboriginal Heritage Council on the assessment of the area. Following that a Development Application will need to be submitted and in the meantime we are looking at what appropriate signage should be installed as an interim measure.

Ald Warren

1. Could the General Manager give an undertaking that next time we have a meeting where there is expected to be significant public interest that have a technical expert on-site on standby for the meeting because we have had a number of technical issues at a number of these meetings and I really felt for our staff trying to sort out the problem without the necessary know how so perhaps as part of your protocol to have a technical person on standby for such meetings?

ANSWER

We are in discussions with the technical support people regarding an on-going service arrangement. I do not know what on-site support will cost so I need to obtain those details and bring them back to Council and seek Council's advice as to what expense and level of service they would be happy to accept.

2. Were you aware that there was a near drowning experience at Lauderdale beach this week and that the ambulance was unable to access the beach via the boat ramp?

ANSWER

No. However, I am aware that the ambulance service will not normally drive onto the beach due to the risk of becoming bogged. That is, unless the ambulance is a properly equipped four-wheel drive.

12.4 QUESTIONS WITHOUT NOTICE

An Alderman may ask a Question without Notice of the Chairman or another Alderman or the General Manager. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will be recorded in the following Agenda.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, an Alderman or the General Manager may decline to answer a question without notice.

13. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 TENDER T1302-19 CONCRETE – SUPPLY AND DELIVERY 2020-2021

13.3 TENDER T1343-19 – ROSNY HILL ROAD PATHWAY UPGRADE

13.4 ANNUAL FOOTPATH RECONSTRUCTION PROGRAM 2020-2021

13.5 TENDER T1321-19 OCEANA DRIVE AND CARELLA STREET – ROAD RECONSTRUCTION WORKS

These reports have been listed in the Closed Meeting section of the Council agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulation 2015 as the detail covered in the report relates to:

- contracts and tenders for the supply of goods and services;
- applications by Aldermen for a Leave of Absence.

Note: The decision to move into Closed Meeting requires an absolute majority of Council.

The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.

PROCEDURAL MOTION

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.