

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 31 MAY 2021

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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

Nil.

2. *CONFIRMATION OF MINUTES****RECOMMENDATION:**

That the Minutes of the Council Meeting held on 10 May 2021, 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
Budget ANZAC Park Pavilion	17 May
Finalisation of Budget Dog Management Policy Consultation Feedback	24 May

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.

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

The General Manager provides the following answers to Questions taken on Notice from members of the public at previous Council Meetings.

At Council's Meeting of 10 May 2021 Mr David Griggs of Risdon Vale asked the following question.

LANTANA ROAD

Half of the road surface in front of 64 Lantana Road has been suffered major damage due to a contractor who was engaged to put in a pipeline along the back of houses along Risdon Vale Rivulet damaging it and not repairing the damage.

The work was done at the end of 2020 and left like it.

The contractor was engaged by the developer of Olive Grove subdivision off Sugarloaf Road, Risdon Vale as requirement of a Clarence Council Planning Permit and Approval.

Can the road surface be repaired or reinstated?

/ contd on Page 9...

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE /contd...**ANSWER**

Council's staff have inspected the area of Lantana Road and discussed this matter with a TasWater representative. Contractors have used this area on a number of occasions to upgrade TasWater infrastructure for upstream development. TasWater has advised they are currently planning additional works which will require access via this road.

A recent inspection by Council staff confirmed while the road surface is worn, the reinstatement of the road is satisfactory. In readiness for the new project, Council's staff will have a site visit with TasWater's engineers and make assessment for the proposed works and consider future reinstatement or resurfacing requirements.

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
SEALING SCHOOL ROAD, SANDFORD**

In accordance with Notice given, Alderman Mulder intends to move the following motion:

“That Council considers including the sealing of School Road in the 2022-23 Capital Expenditure program.”

EXPLANATORY NOTES

Sealing of School Road was factored into headwork charges paid by one developer with the balance to come from future development. This subsequent development has not, and is unlikely to, proceed in the short term. Furthermore, traffic from this future development is more likely to use the alternative access roads.

Maintaining the gravel service costs around \$12,000 pa, which will be substantially reduced once sealed.

A previous decision (18 March 2019) to upgrade the gravel surface as an alternative to sealing School Road was taken at a time when Council’s budgeted revenue was at risk (not for profit rates exemption). This situation has not resulted in the anticipated risk to revenue.

T Mulder
ALDERMAN

GENERAL MANAGER’S COMMENTS

At the 18 March 2019 meeting, council considered options to upgrade the gravel section of School Road, Sandford and adopted:

“That Council resolves to upgrade the existing gravel section of School Road, Sandford to a minimum standard 5m width gravel surface, with minor drainage improvement and removal of roadside hazards.”

The report explained:

- *the safety implications of the gravel road at that time;*
- *anticipated growth and traffic generation;*
- *implications of not receiving future headworks charges; and*
- *two options to address the road safety issues.*

With the upgrade works complete, information on current vehicle numbers, maintenance costs, headworks charges and a cost benefit analysis of sealing the road can be prepared for Aldermen to evaluate the appropriate service level of the road for the local community.

A matter for council.

**9.2 NOTICE OF MOTION - ALD WALKER
PERFORMANCE BUDGETING**

In accordance with Notice given, Alderman Walker intends to move the following motion:

“That council investigate performance budgeting principles to assist development of future council budgets and hold a workshop before the end of the current year to consider options for inclusion in the 2022/23 budget process”.

EXPLANATORY NOTES

Councils are monopoly service providers of infrastructure and a range of services funded largely via rates revenue. It is important for Council to demonstrate that it is providing ratepayers with good value for rates received. Information on performance can be a useful tool for demonstrating value and can help Council evaluate its performance.

The provision of performance information can demonstrate whether Councils' programmes and services are doing what is required of them efficiently and effectively. It can help encourage councils to compare their performance with their peers and identify opportunities for improvement.

In budget setting alderman are required to weigh up priorities such as expenditure control as well as improve allocation and efficient use of funds.

The motion provides enough time to consider how to better use what information is already collected as well as further information that might be useful prior to holding the workshop on performance budgeting.

J Walker
ALDERMAN

GENERAL MANAGER'S COMMENTS

Council contributes data to a Consolidated Data Collection (CDC) process coordinated by KPMG on behalf of the local government sector. The CDC process provides publicly available local government performance reporting. Council also participates in continuous reporting improvement initiatives within the local government sector. Council also undertakes internal performance reporting via quarterly and annual reports. There is merit in investigating what further improvements can be made.

A matter for council.

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

The Copping Refuse Disposal Site Joint Authority has distributed the Quarterly Summaries of its Meetings for the period ending 18 February 2021 (refer Attachment 1) and 8 May 2021 (refer Attachment 2).

The Copping Refuse Disposal Site Joint Authority has also distributed its Quarterly Reports for the period ending 31 December 2020 and 31 March 2021.

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the Reports will be tabled in Closed Meeting.

Representative Reporting

- **TASWATER CORPORATION**

TasWater Corporation has distributed its Quarterly Report to Owners' Representatives for the period 1 January to 31 March 2021 (refer Attachment 3)

- **GREATER HOBART COMMITTEE**

10.2 *REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**



Copping Refuse Disposal Site Joint Authority

18 February 2021

Mr Ian Nelson
General Manager
Clarence City Council
PO Box 96
ROSNY PARK 7018

Mr Robert Higgins
General Manager
Sorell Council
P O Box 126
SORELL 7072

Mr Gary Arnold
General Manager
Kingborough Council
Locked Bag 1
KINGSTON 7050

Ms Kim Hossack
General Manager
Tasman Council
1713 Main Road
NUBEENA 7184

Dear General Manager

COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY REPORTS

Participating Councils and the Director, Local Government agreed to establish consistent reporting arrangements for the Authority. The following advice regarding matters discussed at recent Authority and Board meetings is now provided for inclusion in your routine report to your Council.

Authority meeting held on 11 February 2021

Material matters addressed in the **open** meeting:

- Attended a workshop on the potential FOGO/composting business opportunity before the general meeting and, at the meeting, agreed to continue to investigate the opportunity
- Received the December 2020 Quarterly Report
- Approved repayment of Clarence City Council's overpaid Gate Fee for \$112,679.25 for the period from November – December 2020
- More directly identified the Authority's proxy/ies to the C Cell Trust Unitholders' Meeting(s) for the forthcoming meeting
- An update on activities of the Boards of Southern Waste Solutions and C Cell Pty Ltd provided by the Board Chair.

The December 2020 Quarterly Report is attached.

In closed meeting, the Authority appointed Ms Elspeth Moroni as a director of Southern Waste Solutions with effect from 19 March 2021.

Copping Refuse Disposal Site Joint Authority trading as **SOUTHERN WASTE SOLUTIONS**

PO Box 216, New Town, Tasmania 7008

Mobile: +61 0408 253 770 Email: swstas@me.com

ABN: 87 928 486 460

SWS Board Meeting held on 28 October 2020

Material matters addressed:

- Agreed the terms to be included in the five year extension of the lease at Lutana site
- Agreed to recommend that the Authority initiates the offer to purchase Lutana waste transfer station site from Hobart and Glenorchy City Councils
- Approved capital expenditure to purchase an open-top trailer
- Approved the Directors' statement to Tascorp for year ended 30.6.20
- Reviewed the outcomes of the workshops facilitated by MRA to identify future opportunities
- Reviewed the minutes from the September Audit & Risk Committee
- Endorsed the draft report from the Authority's risk appetite workshop
- Endorsed the September 2020 Quarterly Report to the Authority
- Noted SWS's Monthly Operational Overview and Financial Report for the month of June 2020
- Endorsed the C Cell management report for the month of June 2020

SWS Board Meeting held on 25 November 2020

Material matters addressed:

- Considered the initial outline of the composting opportunity
- Approved the revised Environment Policy
- Reviewed the Relationship Management and Communications Plan prepared by SWS's PR advisors
- Endorsed the C Cell Management Report for the month of July 2020
- Noted SWS's Monthly Operational Overview and Financial Report for the month of July 2020

Matters addressed in the SWS Board Meeting held on 30 December 2020 will be reported in next Report as minutes are adopted and tabled with the Authority

Matters addressed in the C Cell Pty Ltd Board meeting held on 28 October 2020 will be reported in the next Report once the minutes are adopted and tabled with the Authority.

Note: As minutes of meetings of the Southern Waste Solutions Board and C Cell Pty Ltd Board are commercial in confidence, it is requested that these be held on file for perusal by Aldermen / Councillors but not tabled at Council meetings.

Yours sincerely



Carolyn Pillans
Secretary

Attachment 1: Quarterly Report to the Authority December 2020



Copping Refuse Disposal Site Joint Authority

18 May 2021

Mr Ian Nelson
General Manager
Clarence City Council
PO Box 96
ROSNY PARK 7018

Mr Robert Higgins
General Manager
Sorell Council
P O Box 126
SORELL 7072

Mr Gary Arnold
General Manager
Kingborough Council
Locked Bag 1
KINGSTON 7050

Ms Kim Hossack
General Manager
Tasman Council
1713 Main Road
NUBEENA 7184

Dear General Manager

COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY REPORTS

Participating Councils and the Director, Local Government agreed to establish consistent reporting arrangements for the Authority. The following advice regarding matters discussed at recent Authority and Board meetings is now provided for inclusion in your routine report to your Council.

Authority meeting held on 13 May 2021

Material matters addressed in the open meeting:

- Received the March 2021 Quarterly Report
- Approved repayment of Clarence City Council's overpaid Gate Fee for \$151, 531.78 for the period from January - March 2021
- Adopted the Strategic Plan 2021/2 – 2025/26
- Adopted the Business Plan 2021/22 – 2023/24 including the Annual Budget 2021/22
- Agreed SWS CEO and the four Participating Councils' finance managers develop a model for moving to commercial gate fees, taking into account the new dividend policy
- Agreed to proceed with the Early Contractor Involvement (ECI) contract with COVA+ at a cost of \$1.233M with the Board to pursue Liberal Party's election commitment funding for a feasibility study on organics collection and reprocessing in the southern Tasmania
- Endorsed the Board's report on compliance with the Authority's legal and contractual obligations in 2019/20 for distribution to Participating Councils
- An update on activities of the Boards of Southern Waste Solutions and C Cell Pty Ltd provided by newly-appointed Board Chair, Dr Christine Mucha.

The March 2021 Quarterly Report is attached, along with the Board's report to the Authority on compliance with legal and contractual obligations 2019/20 as required under the Rules.

There were no items considered in closed meeting of the Authority.

Copping Refuse Disposal Site Joint Authority trading as **SOUTHERN WASTE SOLUTIONS**

PO Box 216, New Town, Tasmania 7008

Mobile: +61 0408 253 770 Email: swstas@me.com

ABN: 87 928 486 460

SWS Board Meeting held on 16 December 2020

Material matters addressed:

- Continued efforts to secure the lease and purchase of the Lutana site
- Approved capital expenditure to purchase GPS hardware and software for an excavator
- Finalised the CEO's Performance Review 2020
- Noted SWS's Monthly Operational Overview and Financial Report for the month of November 2020
- Endorsed the C Cell management report for the month of November 2020

A meeting of the Board's Audit & Risk Committee was also held in December.

SWS Board Meeting held electronically in January 2021

Material matters addressed:

- Endorsed the C Cell Management Report for the month of December 2020
- Endorsed the Quarterly Report to the Authority for December 2020
- Reviewed the Balanced Scorecard Report for six months to 31 December 2020
- Noted SWS's Monthly Operational Overview and Financial Report for the month of December 2020

Strategic Planning Workshop 16 February 2021

The Board undertook a review of its current strategic plan with an external facilitator. Outgoing, continuing and incoming directors of SWS attended, along with the Deputy Authority Chair, CEO and Authority Secretary.

SWS Board Meeting held on 24 February 2021

Material matters addressed:

- Reviewed the progress on the outcomes and agreed actions from the business opportunity workshops facilitated by Mike Ritchie and Associates
- Received the results of the annual customer survey for 2020
- Endorsed the C Cell Management Report for the month of January 2021
- Noted SWS's Monthly Operational Overview and Financial Report for the month of January 2021

SWS Board Meeting held on 18 March 2021 (unscheduled)

Material matters addressed:

- Approved a cost sharing agreement with Dulverton Waste Management to enable access its due diligence, probity and tender process documentation in relation to its organics processing facility.

Given the imminent transition of Board members, the meeting was attended outgoing, continuing and incoming directors of Southern Waste Solutions.

SWS Board Meeting held on 31 March 2021

Material matters addressed:

- Considered the preliminary business case, prepared by MRA, for the composting business opportunity
- Received an update on the progress of the Relationship Management and Communications Plan
- Noted the indicative budget 2021/22 provided to Participating Councils for feedback
- Endorsed the C Cell Management Report for the month of February 2021
- Noted SWS's Monthly Operational Overview and Financial Report for the month of February 2021
- Noted the responses to the Waste and Resource Recovery Bill submitted by the Authority and the Waste Management and Resource Recovery Association (WMRR)

A meeting of the Board's Audit & Risk Committee was also held in March.

SWS Board Meeting held on 12 April 2021 (unscheduled)

Material matters addressed:

- Approved the financial model and pricing options for SWS's Clinical Waste Tender submission
- Approved the draft Strategic Plan 2021/22 – 2025/26

Material matters considered by the Board at its meeting on 28 April 2021 will be included in the next Report to Authority members.

Note: As minutes of meetings of the Southern Waste Solutions Board and C Cell Pty Ltd Board are commercial in confidence, it is requested that these be held on file for perusal by Aldermen / Councillors but not tabled at Council meetings.

Yours sincerely



Carolyn Pillans
Secretary

Attachment 1: Quarterly Report to the Authority March 2021

Attachment 2: Compliance with Legal and Contractual Obligations 2019/20



Quarterly Report to Owners' Representatives

Progress update to 31 March 2021



Document Approval and Issue Notice

This is a managed document. For identification of amendments each page contains a release number and a page number.

Changes will only be issued as a complete replacement document. Recipients should remove superseded versions from circulation. This document is authorised for release once all signatures have been obtained.

PREPARED: (For release)	Jonathon Bellette, Department Manager Business Performance	Date: 30 April 2021
ENDORSED: (For release)	Kendall Mahnken, Acting Chief Financial Officer	Date: 10 May 2021
APPROVED: (For acceptance)	Michael Brewster, Chief Executive Officer	Date: 13 May 2021

Build Status:

Version	Date	Author	Reason	Sections
1.0	13 May 2021	Davide Palermo	Approved for Release by CEO	All

Amendments in this release:

Section Title	Section Number	Amendment Summary

Distribution:

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1. Introduction

TasWater is pleased to present its third quarter (Q3) FY2020–21 Quarterly Report to Owners' Representatives in accordance with the requirements of the Shareholders' Letter of Expectations.

Outlined within the report are key aspects of TasWater's performance for the quarter ended 31 March 2021. This includes performance against key performance indicators outlined in the FY2021-25 Corporate Plan as well as financial performance compared to the FY2020–21 Budget.

The report also includes a dedicated section outlining TasWater's performance against a range of operational key performance indicators, as agreed with Owners as part of the development of the FY2021-25 Corporate Plan.

2. Executive Summary

2.1 Operating performance

Key points to note for the quarter include:

- Profit is significantly ahead of budget
- The full-year productivity savings target of \$3.4M is on track to be achieved
- Most recent brand research results show further improvement in overall customer satisfaction
- Capital expenditure is forecast to reach \$172.5M at the end of the financial year with a number of projects expected to be delivered earlier than previously forecast
- Three Lost Time Injuries (LTIs) occurred during the quarter, putting the total number of LTIs above the year-end target.

2.2 Innovations

W-Lab Program

TasWater is currently participating in a four-year program (W-Lab) being run in partnership with the Water Services Association of Australia (WSAA), Isle Utilities, Think Place and over 35 water utilities across Australia and New Zealand. The objective of the program is to provide a specialist network to leverage emerging technologies and innovations in the ongoing transformation of the water industry.

Bryn Estyn - 3D Modelling Tool

As part of the ongoing focus on leveraging new technology to drive better outcomes through the capital investment program, a 3D modelling tool has been used as part of the planning for the Bryn Estyn Upgrade project. As shown in Figure 1 below, the tool provides a 3D visual representation of large assets such as treatment plants and is likely to be of benefit for future large projects. A demonstration of the tool will be provided at the June 2021 Owners meeting.

Figure 1: Bryn Estyn 3D Snapshot



3. Performance Results for the Quarter

3.1 Strategic performance summary

Customer priorities	Key performance indicators	RESULT	TARGET	RESULT
Customer and Community – Deliver a positive customer experience to you		FY2019-20	FY2020-21	Q3 FY2020-21
Identify and close critical customer service gaps	Customer satisfaction percentage	62%	66%	66% ¹
	Brand perception percentage	54%	58%	56% ¹
Improve our community engagement and understanding	Community and stakeholder satisfaction percentage	62%	62%	62%
Commercial and Economic – Give you value for money		FY2019-20	FY2020-21	Q3 FY2020-21
Deliver Price and Service Plan commitments	Capital Expenditure	\$128.8M	\$193.3M	\$106.4M ²
Achieve further efficiencies	EBITDA ³	\$138.3M	\$103.5M	\$120.7M
	Interest cover ratio	1.7	0.5	3.6
Water and Environment – Provide you with safe drinking water and responsibly manage your sewage		FY2019-20	FY2020-21	Q3 FY2020-21
Meet agreed regulatory compliance targets	Customers supplied by drinking water systems meeting best practice risk mitigation (per cent) ⁴	4.4%	4.6%	4.1% ⁵
	Number of dams above the ANCOLD LOT	4	3	4 ⁶
Optimise system performance	Number of critically notifiable spills (less than or equal to)	8	5	8 ⁷
	Treated waste water compliant with EPA requirements (flow-weighted)	90.8%	90.0%	88.7%
People and Culture – Build culture and skills for the long-term benefits of Tasmania		FY2019-20	FY2020-21	Q3 FY2020-21
Enhance workforce capability and culture	Fifty per cent constructive leadership styles by 2023	Material improvement in pulse cultural survey results	Material improvement in pulse cultural survey results	Material improvement in pulse cultural survey results
Relentless focus on safety (Zero Harm)	Total Recordable Injury Frequency Rate (TRIFR)	18.2	12	12.2

¹ These two metrics reflect the most recent brand research results received in February 2021. The metrics are updated twice per year.

² Refer to section 3.5 for further information on the capital program.

³ Earnings before interest, taxation, depreciation and amortisation.

⁴ Whilst all drinking water systems are compliant with the Australian Drinking Water Guidelines, this KPI measures the extent to which drinking water systems meet best-practice risk mitigation principles.

⁵ The December 2021 result of 4.4 per cent was incorrectly calculated and has been adjusted for this quarter. Projects to be delivered during the June quarter are expected to result in the target being met.

⁶ This KPI is now considered 'at risk' due to the expected timing of the appeals process for the Waratah Dam decommissioning. Further detail is provided in section 3.7.

⁷ This KPI was incorrectly reported in the December quarter report. Seven spills occurred to 31 December 2021 and one spill occurred in January 2021 at the McKinley Street SPS at Midway Point.

3.2 Operational performance summary

Key performance indicators	RESULT	TARGET	RESULT
Customer and Community – Deliver a positive customer experience to you	FY2019-20	FY2020-21	Q3 FY2020-21
Total complaints	1,138	1,100	786
First point resolution percentage for calls	91.6%	90%	95.0%
Percentage of calls answered by an operator within 30 seconds	83.0%	85%	92.7%
Percentage of response times within 60 minutes to attend priority 1 bursts and leaks	92.3%	90%	88.9%
Commercial and Economic – Give you value for money	FY2019-20	FY2020-21	Q3 FY2020-21
Productivity - savings realised	\$4.1M	\$3.4M	\$3.0M
Productivity - Increased revenue initiatives	\$8.8M	\$6.5M	\$7.6M
Total overdue debtors as a percentage of revenue at end of year	5.0%	19.0%	4.0%
Water and Environment – Provide you with safe drinking water and responsibility manage your sewage	FY2019-20	FY2020-21	Q3 FY2020-21
Number of BWAs and DNCs throughout the year	1	1	1 ⁸
Percentage of customers where microbiological compliance has been achieved	100%	100%	100%
Percentage of trade waste volume covered by a meaningful agreement	45%	85%	52% ⁹
Number of industrial customers on a long term agreement	10%	20%	13% ⁹
People and Culture – Build culture and skills for the long-term benefits of Tasmania	FY2019-20	FY2020-21	Q3 FY2020-21
Lost-time injury frequency rate (LTIFR)	2.9	2.4	3.8 ¹⁰
Number of lost-time injuries (LTIs)	10	6	7
Number of notifiable incidents	5	3	4 ¹¹
Number of full time equivalent (FTE) ¹²	869	866	891 ¹³

⁸ One BWA was applied to the Adventure Bay store for a period of one day.

⁹ Due to a recent restructure and the movement of some key personnel, there has not been appropriate resource to be able to progress trade waste contracts. As a result, the full-year targets are not expected to be met.

¹⁰ Two lost-time injuries (LTIs) were experienced in January 2021 and a further LTI occurred in March 2021. Accordingly, achievement of the full-year target remains at risk.

¹¹ An additional notifiable incident was experienced during the quarter. The KPI result has now exceeded year-end target.

¹² Includes TasWater FTEs in the Capital Delivery Office.

¹³ Increased Electrical and SCADA contractors (22 FTEs) were not accounted for in initial targets.

3.3 Financial Performance

Table 2: Financial summary

KPI	FY2019-20	FY2020-21		YTD Variance	EOY Target
	Actual Result	YTD Result	YTD Target		
Capital Expenditure (\$ Million)	128.8	106.4	134.8	(28.4)	193.3
Debt (\$ Million)	579.6	588.7	652.4	63.7	687.0
Gearing ratio	40.0%	39.1%	44.2%	5.1%	47.1%
Interest cover ratio (times)	1.7	3.6	1.0	2.6	0.5

As at 31 March 2021, TasWater recorded a net profit of \$38.8 million, which is \$35.9 million favourable to budget. The year to date underlying net profit of \$15.9M¹⁴ is \$26.8M above budget.

The year to date net profit result continues to be driven, in part, by the reduction of the small business rebate provision (\$5.7 million) and a favourable variance in development revenue (\$10.1 million). Whilst a significant reduction in developer activity was forecast due to the uncertainties associated with COVID-19, this reduction has yet to occur. This is a non-cash revenue stream that is excluded from the underlying results.

Bad and doubtful debt expenses are \$16.8M lower than budget and, as shown in Section 3.2, overdue debt as a percentage of revenue was 4.0 per cent as at 31 March 2021. This was favourable to the YTD forecast of 19.0 per cent, which anticipated a significant deterioration due to the impacts of COVID-19. With customer debt and portfolio performance remaining largely in line with pre-pandemic levels, no increase in bad debt provision has been provided for since October 2020 (a \$15.1M increase was budgeted).

The level of provisioning will be reassessed over the June quarter for any evidence of change with the easing of financial support relating to COVID-19. The approach to provisioning will seek to balance the current positive debtor experience and local COVID-19 status, with any remaining uncertainty that exists in connection with future outbreaks. This uncertainty is highlighted by the current overseas COVID-19 experience and the various restrictions imposed across Australia during the March quarter.

An interim dividend of \$5.0M was paid to Owners on 15 February 2021. The Board will consider an additional dividend payment of \$5.0M later in the June quarter should this be supported by underlying financial performance.

Capital expenditure accelerated significantly during the March quarter to \$106.4 million with a forecast end of year result of \$172.5M compared with a budget of \$193.3M. While the forecast result is below target, if realised it represents a 34 percent increase from last financial year. Further information on the capital program is provided in Section 3.5.

As at 31 March 2021, total debt was \$63.7 million lower than budget. This is predominantly due to the timing of capital expenditure compared with the profiled amounts, and higher level of receipts from customers paying their accounts.

¹⁴ Underlying net profit is the net profit/(loss) adjusted for contributed asset revenue.

3.4 Significant incidents

Coronavirus (COVID-19) pandemic

While the risk of a COVID-19 outbreak in Tasmania has remained low since the start of 2021, the business continues to operate in accordance with COVID-safe guidelines by maintaining appropriate physical distancing measures and hygiene and cleaning protocols at its sites.

Oyster Shutdowns

On 5 January 2021, a sewage overflow occurred at McKinly St Sewage Pumping Station (SPS) in Midway Point. The SCADA data collected showed the overflow was caused by pumps not being able to pump at their normal flow rate. As no SCADA alarms were triggered during the overflow period, the alarm systems have been reviewed and are now expected to detect any future similar faults. A SCADA review of all SPS in shellfish areas has also been initiated.

A project is currently being progressed for an emergency SPS storage upgrade at four high-risk shellfish areas in Dunalley and Midway Point, including the McKinly St SPS.

Ridgeway Dam

Ridgeway Dam remains at four metres below its full supply level to reduce the safety risk associated with the dam. Silt curtains were installed during the quarter and evidence to date indicates that they are assisting in managing turbidity within the reservoir. The curtains will be further optimised over coming months and preparation of tender documentation is also underway to procure a designer and civil contractor to implement the permanent erosion works.

During the quarter, the results of a detailed dam structural undertaken by SMEC Holdings (SMEC) was provided for internal consideration. The SMEC review identified some inconsistencies in the existing structural model and analysis. The structural model is being updated to address these inconsistencies and further analysis will be undertaken to develop a more accurate prediction of the behaviour of the dam. This work is expected to be completed during the June quarter and will facilitate a final decision on the scope of any upgrade works required.

Risdon Vale Wet Weather Overflows

As outlined in the December quarter report, the suburb of Risdon Vale has had historical issues with stormwater infiltration which, combined with recent growth, resulted in raw sewage discharging to the Grass Tree Rivulet during heavy rain events on 5 October 2020.

Blockages downstream of the overflow were cleared in November 2020 and ongoing monitoring for surcharge during rainfall events has occurred since this time. However, heavy rainfall in February 2021 led to further raw sewage discharge.

A flow monitoring survey is now being scoped for implementation over the winter months to inform inflow and infiltration remedial works. Design work to expand wet weather storage and controlled overflow structures will commence shortly and is expected to be completed by late 2021.

Yolla High Manganese Levels

On 4 March 2021 an incident was initiated in Yolla due to an exceedance of Australian Drinking Water Guidelines manganese guideline recommended values. Manganese is naturally found in raw water but can become an issue particularly in raw water storages in summer and autumn periods due to thermal stratification and turnover of water.

As a result of this incident, work is underway to better understand how manganese affects the performance of drinking water systems by exploring the development of an enhanced sampling program for raw water storages.

3.5 Capital expenditure

Summary

Significant progress was made on major projects during the March quarter, with three projects moving into the project delivery phase and a number of other projects expected to be delivered earlier than forecast in the December quarter report.

As previously advised to Owners, a decision was taken in December 2020 to split the responsibility for delivering capital projects between the CDO (for medium to large projects) and TasWater (for low-risk projects). For FY2020/21, we are forecasting \$140.0M for major capital infrastructure upgrades to be delivered by the CDO and \$32.5M of minor upgrades, IT upgrades, fleet replacement and facility improvements to be delivered by TasWater.

The relationship with the Civil Constructors Federation (CCF) has continued to improve. Direct feedback from the market in relation to the increasing amount of works being provided to the market has been positive, with many contractors pleased to see the increased stream of work to bid upon. This has been re-emphasised with a positive meeting with members of the CCF Board and their willingness to promote positive stories of TasWater and the CDO in their members' newsletter.

The Bryn Estyn Water Treatment Plant (WTP) upgrade is proceeding well with various tenders being let and awarded on schedule. Progress also continues to be made on the Launceston Sewerage Improvement Program (LSIP), including a review of river crossing options, release of a tender for flow monitoring and liaison with the Environment Protection Authority on discharge requirements and containment standards.

The current status of the Top 25 projects by total project budget are shown in Table 2 below. The table outlines changes in project budget estimates and completion dates since the December quarter report, including for projects that have reached the Target Out-turn Cost (TOC) stage.

Table 2: Status updates - Top 25 by total project budget

No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
1	Bryn Estyn Water Treatment Plant Major Upgrade	Project Delivery	Jan-24	226,372 243,944	The project is on track in terms of time and approved budget. Note the approved project budget has not changed since that approved at the October 2020 Board meeting. The change in this report reflects a correction wherein the number quoted in the report is the TOC value, rather than the total budget which includes risk, contingency and out of scope activities retained by TasWater.
2	Northern Midlands Sewerage Improvement Plan - Longford Sewage Treatment Plant Upgrade	Project Delivery	Sep-21	33,672	On track
3	Whitemark raw water storage upgrade - Hendersons Dam raising	Project Delivery	Jul-21 Sep-21	11,686	Project delayed due to existing dam being in significantly worse condition than first anticipated. Further information provided in Section 3.7 of the Report
4	Mikany Dam Upgrade	Project Delivery	Jun-22 May-22	20,067	On track
5	Latrobe Sewerage System - Network Upgrade and Augmentation	Project Delivery	Aug-21 Jun-21	6,184	On track

No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
6	Davis St Smithton SPS Upgrade	Planning and Investigation	Jun-22 Aug-22	17,628	Minor delay due to approvals.
7	Booth Avenue Sewer Main Upgrade Stage 2	Project Delivery	Aug-21 Jun-21	3,800 3,043	On track
8	Bushy Park Waste Stream	Planning and Investigation	Feb-23 Apr-23	1,500	On track
9	Blackstone Rd SPS Upgrade	Project Development Project Delivery	Jul-21	3,230	On track
10	Wellington St SPS upgrade	Project Delivery	Feb-21 Apr-21	2,123	Minor delay associated with construction delays, but has now been completed.
11	Turriff Lodge STP Upgrade	Project Development	Jan-22 Jun-22	2,225	Delay associated with the development of the Business Case schedule and potential approvals required
12	RTWSP Stage 4 - WP4 (Dowlings Creek/Yolla, Manuka River/Strahan, Glen Huon, Westbury, St Helens, Scottsdale, Bridport, Deloraine, Longford, Bracknell)	Project Development	May-23	5,067	On track
13	UV Program - Stage 2 - (Campbell Town/Ross, Fingal, Queenstown, South Esk, Swansea, Triabunna, Tullah, West Tamar and Zeehan)	Project Development	May-23	8,513	On track
14	STP AS4024 Machine Safety Audit and Upgrade	Project Development Project Delivery	Nov-21 Jun-21	Not yet approved	Earlier than expected delivery reflects reduction in scope associated with previous upgrades
15	Bicheno STP	Project Development	May-24	Not yet approved	On track
16	Upper Reservoir Dam Upgrade	Target Out turn Cost/Project Budget Estimate Project Delivery	Jan-22 Sep-21	4,150	On track
17	UV Program - Stage 1 - Phase 1 (Burnie, Distillery Creek, North Esk)	Project Development	Nov-24	5,032	On track
18	Pioneer Water Supply	Project Development	Jun-23 May 23	Not yet approved	Last quarter's forecast completion date was incorrect, it has now subsequently been corrected to match public commitment
19	Scottsdale STP	Project Development	May-24	Not yet approved	On track. Budget still being developed
20	Tasman Highway, Orford - Trunk main	Project Delivery	Sep-22 Dec-22	2,358	Project on hold as we wait for the Solis development between Orford and Triabunna to progress
21	Geeveston STP Upgrade	Project Development	Dec-23 Jun-23	3,238	Project date brought forward after detailed review of schedule

No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
22	Rosebery Additional Treated Water Storage Project	Target Out-turn Cost/Project Budget Estimate	Oct-22	Not yet approved	On track
23	Bridport Water Supply Improvements	Project Development	Aug-24 Sep-24	Not yet approved	Minor delay by one month
24	Ulverstone STP Upgrade	Project Development Target Out-turn Cost/Project Budget Estimate	Oct-23	7,620	On track
25	Queenstown STP remediation	Target Out-turn Cost/Project Budget Estimate	Jul-22 Aug-22	1,144	Minor delay by one month

FY2021/22 Capital Works Program

Planning for the FY2021/22 Capital Works Program is progressing well with most projects already having approved budgets. This is facilitating more accurate communications of the forward works program with the market, generating confidence for proponents to invest in the space and providing greater value for money for customers.

At \$229.9M, our forecast capital expenditure for FY2021/22 is approximately 33 per cent higher than our forecast full-year expenditure for FY2020/21. This is considered to be an achievable forecast, recognising that a number of projects are in the later stages of their lifecycle. A major portion of this expenditure is targeted towards improving water quality, including \$93.8M for the Bryn Estyn WTP upgrade. The forecast spend includes \$190.9M by the CDO and \$39.0M by TasWater.

3.6 Externally funded major projects

Macquarie Point STP funding and relocation

During the quarter, TasWater and the State Government executed an interim funding deed for \$3.5M that supports the preliminary investigation and design works for the relocation. Feedback was also provided to the Department of Treasury and Finance on a draft deed relating to the remainder of funding for the project. The main deed will be provided to the Owners for consideration following receipt of Ministerial approval and TasWater Board consideration of the deed.

More broadly, the scope and budget estimate for the Project Development phase of the project has now been finalised for internal approval. The scope for this phase includes three main objectives: to further develop the master planning and design of an augmentation at the Selfs Point site, to prepare the Detailed Business Case (inclusive of project plan, schedule and refined cost estimate) and to receive primary approvals for the project including the major Environmental Impact Statement.

The technical scope of work for master-planning, optioneering, and design development has been released to the market, with the tender closing on 14 May 2021. Preliminary work is also underway to finalise the location and design of the new pump station and overflow storage at Macquarie Point that will transfer sewage to the upgraded Selfs Point site. This work is being progressed in parallel with the detailed design work to realign the existing trunk main through the Macquarie Point Development Corporation site.

Tamar Estuary River Health Action Plan (TERHAP)

TasWater and the State Government have signed an interim Grant Deed that provides funding for the investigation, design and approval activities to be undertaken as part of the Target Out-turn Cost (TOC) phase of works. It is expected that a funding deed covering the full extent of the works will be developed after completion of the TOC phase.

During the quarter, contracts were awarded for the TOC design services which includes preparation of the engineering design, development of the construction methodology and a scheduling and risk assessment. The CDO has also awarded contracts in the local market to commence geotechnical investigations and survey/service location works. Meetings have also been held with City of Launceston and the Environment Protection Authority to continue progression of approvals.

3.7 Matters of public and key stakeholder interest

Waratah Dam

The decision to decommission the Waratah Dam reflects a range of factors, including the cost of repair work, the redundancy of the dam as an asset and the competing number of water and sewerage infrastructure priorities across Tasmania. However, it is recognised that some community members remain concerned by the decommissioning.

As previously advised, if a viable alternative was available to transfer ownership of the dam (and associated financial obligations), this would be considered by TasWater. In this regard, discussions continued during the quarter with a potential proponent for ownership of the dam. At this stage, the potential proponent's project is in an early stage and has a significant number of issues to resolve before they can consider taking ownership of the dam. The proponent has also advised that they do not require the existing dam as it is likely they would build their own in an alternative location.

In the absence of a viable alternative, TasWater's application to decommission the dam was submitted to the Department of Primary Industries, Parks, Water and Environment (DPIPWE) in January 2021. Following the required 12-week assessment period, DPIPWE approved this application subject to a 14-day appeal period. One appeal has been submitted and, as at 30 April 2021, the validity of the appeal remained under consideration.

Water supply security

Above average rainfall was recorded over summer for most of the north of the State, with average conditions experienced in the south due partly to the presence of La Nina conditions in the Pacific Ocean. Temperatures were close to average over the same period.

These conditions contributed towards close to average consumption for most supplies without major raw water constraints. In particular, no major demand-related issues were experienced in the Hobart system, although the system still requires careful stewardship due to production constraints at the Bryn Estyn WTP, the need to maintain levels in Ridgeway Dam at four metres below full supply level and high seasonal irrigation demand.

More broadly, Stage 1 water restrictions were implemented for Bridport due to the expected seasonal influx of tourists, typically low summer river flows and treatment capacity constraints. Restrictions were lifted on 10 February 2021 (ahead of the original planned date of 30 March 2021) due to good river flows and lower demand. The business case for improving supply to Bridport is expected to be delivered within the coming months.

On Flinders Island, the auxiliary spillway at Henderson Dam was damaged during the quarter as a result of unexpected heavy rainfall. This has delayed the construction of the Henderson Dam upgrade to enable repair works to be completed and for the dam to drain. Stage 2 water restrictions were introduced in the area on 4 January 2021 to help reduce water use and are expected to assist in managing reduced water storages during the construction period.

The annual water conservation campaign that complements TasWater's water supply security efforts was launched in November 2020 and concluded on 6 February 2021. The most recent brand research results demonstrate that the campaign had a positive impact on both overall sentiment and word of mouth. Importantly, there was a continued shift in the perception of TasWater being seen to be mainly responsible for water conservation to it being seen as a mutual responsibility shared by individuals, governments and TasWater.

Legislative Council Select Committee investigation into TasWater's operations

Malcolm Eastley (Trade Waste), Jim Collier (Tamar Estuary), Tim Slade (Pioneer), Paul Eckman (Trade Waste), Mount Rumney Water Scheme (Asset transfer/service introduction) and the Hon Michael Ferguson MP appeared before the Select Committee between 1-2 February 2021. Mr Graeme Gilmour of Beach Retreat Tourist Park Wynyard appeared on 5 March 2021 and a second hearing was held in camera with the Civil Contractors Federation.

TasWater appeared on 18 February 2021 represented by the Chair, CEO, CFO and the GM Project Delivery. Evidence was given on a range of matters with key focus areas being the CDO, TERHAP, the Launceston Sewerage Improvement Plan, dividends, Macquarie Point and Pioneer.

Following the announcement of the 2021 State Election, the State Government entered caretaker mode and all Legislative Council committees were formally dissolved. TasWater understands that the Select Committee intends to re-form after the State Election and that all evidence given to date would remain valid should this occur.

Closure of TasWater shop fronts

On 19 March 2020, the COVID-19 pandemic resulted in the closure of TasWater's three shop fronts located at Moonah, Launceston and Devonport. Since the lifting of restrictions, TasWater has decided to close the shop fronts permanently. This decision reflects a steady decline in customer demand for face-to-face services and increased demand for other communication channels.

The initial closure period provided the opportunity to consider the extent to which customers' needs were being met through alternative channels. Only seven per cent of customer interactions were attributed to shop fronts during FY2019/20 as opposed to the main communication channels of phone (62 per cent) and e-mail (23 per cent). It is worth noting that the two other major Tasmanian utilities in Aurora Energy and TasGas, do not have face to face services for their customers.

TasWater has communicated this change to its customers and key stakeholders, including contacting each customer who accessed a shop front in the twelve months prior March 2020 to make sure they are aware of alternative options. Customers can continue to access TasWater's services via the web, email, Messenger or phone and pay their bills using direct debit, BPAY, online banking and mail. Those who prefer to pay bills in-person can do so at Australia Post and Service Tasmania outlets.

The use of the shop front spaces as automated visitor check-in centres was made permanent during March 2021.

4. Key policy, risk and strategy matters

4.1 Price and Services Plan 4 update

The preparation of Price and Services Plan 4 (PSP4) is nearing completion and is due to be submitted to the Tasmanian Economic Regulator by 30 June 2021. PSP4 will set out the customer outcomes and prices to be delivered over the period 1 July 2022 to 30 June 2026.

Engagement with key stakeholders on major aspects of the proposal has now been finalised and quality assurance reviews are being undertaken to ensure that the proposal is accurate and provides sufficient justification for our proposed positions. Preparations have also continued to ensure that we can adequately support the Regulator's investigation of our proposal during FY2021/22.

4.2 Rural Water Use Strategy

As outlined in the December quarter report, TasWater raised a number of concerns with the draft Rural Water Use Strategy released by DPIPWE in October 2020.

A final version of the Strategy was released in March 2021 that included additional information relating to items outside of the scope of the Strategy that fall under other legislative and policy frameworks, including catchment management, water quality management and urban water supply security. These latest amendments are currently being considered by TasWater officers. Feedback will be provided to DPIPWE in due course.

4.3 State Government 'Headworks Holiday'

As part of its 2021 State Election commitments the State Government announced that, if re-elected, it will fund the waiving of headworks charges from TasWater and TasNetworks. As more detail becomes available, the impacts on TasWater will be assessed.

The State Government has also announced a 'no permit required' pathway for landowners to construct small self-contained 'ancillary' dwellings, additional to the primary home on a property. It is expected that further detail on these policy announcements will be forthcoming post the state election.

5. Responses to queries from prior updates

Date	Region	Issue	Raised by	Response
24 September 2020	All	Provide further information regarding: - Proportions of CDO costs relating to labour and/or infrastructure - CDO costs and value	Gary Arnold (Kingborough Council)	Will be addressed at the ORG General Meeting (Planning)
24 September 2020	All	Consider whether politicisation of pricing will be noted as a key strategic risk	Mayor Kristie Johnston (Glenorchy City Council)	Will be addressed at the ORG General Meeting (Planning)
24 September 2020	All	Provide insight into the review of the Long Term Strategic Plan (LTSP)	Mayor Wayne Johnston (Meander Valley Council)	Will be addressed at the ORG General Meeting (Planning)



Quarterly Report to Owners' Representatives

Progress update to 31 March 2021

11. REPORTS OF OFFICERS**11.1 ***WEEKLY BRIEFING REPORTS**

The Weekly Briefing Reports of 10, 17 and 24 May 2021 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 10, 17 and 24 May 2021 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

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-2021/016792 – 48
ENCHANTRESS STREET, ROKEBY - DWELLING****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 48 Enchantress Street, Rokeby.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Stormwater Management Code, Parking and Access Code and the North East Droughty Point Specific Area Plan, 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.

Council is required to exercise a discretion within the statutory 42-day period which has been extended to 2 June 2021.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and one representation was received raising the issue of visual amenity.

RECOMMENDATION:

- A. That the Development Application for a Dwelling at 48 Enchantress Street, Rokeby (Cl Ref PDPLANPMTD-2021/016792) be refused for the following reasons.
 - 1. The proposal does not comply with Clause 10.4.2 P2 as the proposed dwelling is not compatible with the existing front setbacks of dwellings within Enchantress Street.
 - 2. The proposal does not comply with Clause 10.4.2 P3 due to the proposed dwelling having detrimental impacts on the visual amenity.
- 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-2021/016792 - 48 ENCHANTRESS STREET, ROKEBY - DWELLING /contd...

ASSOCIATED REPORT**1. BACKGROUND**

The lot was created as part of a 251-lot subdivision approved in 2008.

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 the Acceptable Solutions under the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zone;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code; and
- Part F7.0 – North East Droughty Point Specific Area Plan.

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 635m² lot located in a recently created subdivision of Rokeby, surrounded by a mix of recently constructed dwellings and several vacant lots. The site is located on the upper side of Enchantress Street, with a moderate slope of approximately 15% rising upwards to the west away from the street. The lot is vacant and clear of significant vegetation.

3.2. The Proposal

The proposal is to construct a single-storey dwelling set high on the lot by way of steel piers. The dwelling would have a total floor area of 237m², would be 7m at the highest point above natural ground level and setback 3.6m from the front boundary. The undercroft would be the dominant visual element impacting the streetscape when viewed from the road.

Parking would be provided on the driveway along the side of the dwelling.

4. PLANNING ASSESSMENT**4.1. Compliance with Applicable Standards [Section 7.5]**

“7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code.

7.5.3 Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard.”

4.2. 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.

4.3. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone and Stormwater Management, Parking and Access Codes and the North East Droughty Point Specific Area Plan with the exception of the following.

General Residential Zone

- **Clause 10.4.2 A1** – the standard setback is 4.5m from a frontage, whereas the proposed dwelling would be setback 3.6m from the front boundary.

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

Clause	Performance Criteria	Assessment
10.4.2 P1	<i>“A dwelling must:</i> <i>(a) have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints; and</i>	The proposed dwelling would be setback 3.6m from the front boundary, whereas the other existing dwellings along the street comply with the required 4.5m front setback. The setbacks along the street range from 11.5m and 9.5m at 32 and 26 Enchantress Street respectively to 4.5m at 27 and 37 Enchantress Street respectively. Therefore, to be compatible with the streetscape the proposed setback of the dwelling would need to be at least 4.5m from the front boundary. The planning scheme only provides for a variation to this performance criteria if there are some kind of topographical constraints on the site that would require the dwelling to be built within the front setback. While the subject lot slopes downward towards Enchantress Street, this slope levels out slightly towards the rear of the site, which would allow the dwelling to be setback further into the site to achieve the 4.5m front setback.

		The applicant was contacted during the assessment period to discuss the front setback and the negative impacts this reduced setback would have on the streetscape. From these discussions the applicant was advised by their client not to move the dwelling further back into the lot as the 4m rear setback is a required space for the owner's dog. Due to the dwelling not being compatible with the existing streetscape, and the topography of the site not limiting the dwelling to be set further back towards the rear, this proposal does not meet the front setback performance criteria.
	(b) <i>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>	Not applicable.

- Clause 10.4.2 A3 (building envelope)** – The front setback of 3.6m will result in the front part of the dwelling encroaching out of the building envelope.

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

Clause	Performance Criteria	Assessment
10.4.2 P3	<i>“The siting and scale of a dwelling must:</i> (a) <i>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> (ii) <i>overshadowing the private open space of a dwelling on an adjoining lot; or</i> (iii) <i>overshadowing of an adjoining vacant lot; or</i> (iv) <i>visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	The subject property would have potential to reduce sunlight to the adjoining property at 50 Enchantress Street, due to being located to the north of this dwelling. The shadow diagrams provided by the applicant show that the proposed dwelling will cause minor loss of sunlight at 9am to the north facing dining room window. This shadow cast will only cast a shadow to the dining room window until around 10am. This overshadowing is not considered unreasonable due to the dwelling receiving adequate sunlight throughout the greater part of the day. The shadow diagrams provided show similar shadowing to the private open space as the northern elevation, as discussed above. The shadow cast over the open space will be during the morning between 9am and 10am. This amount of overshadowing is not considered to have an unreasonable loss of amenity on the adjoining property to the south. Not applicable - there are no adjoining vacant lots. The proposed dwelling will be setback 3.6m from the front boundary, and at this setback the floor level of the dwelling will be elevated to 3.6m above natural ground level, held up by steel piers, which will be the main focus when the dwelling is viewed from the adjoining dwellings across the street. This elevated height set close to the front boundary will result in the adjoining properties on the lower slopes and people within the streetscape to have a view predominately of the under-floor area of the dwelling.
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		A view of the proposed dwelling from the street is demonstrated in Attachment 4. As can be seen from the attached image, the proposed dwelling height above natural ground level and the reduced front setback will have a detrimental impact on the apparent scale and proportions of the proposed dwelling, especially when viewed from the lower slopes and the adjoining properties across the road. The proposed dwelling has not been designed or sited to reduce any of the visual impact, and therefore will be visually dominant and not in accordance with the performance criteria. The proposed dwelling is setback from adjoining lots by 4m to the south side boundary and 5.8m to the north side boundary, which is consistent with the setback of the surrounding dwellings along Enchantress Street.
	<i>(b) Provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area."</i>	

- Clause 10.4.3 A2** – the standard for private open space is to have a minimum horizontal dimension of not less than 4m and only located between the dwelling and frontage if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north.

The proposed private open space would have a minimal horizontal dimension of 2.4m on the front deck and orientated due east.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause 10.4.3 as follows.

Clause	Performance Criteria	Assessment
10.4.3 P2	<i>“A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and is:</i> <i>(a) conveniently located in relation to a living area of the dwelling; and</i> <i>(b) orientated to take advantage of sunlight.”</i>	The proposed deck will run around the front and side of the dwelling and is conveniently located off the open plan living area. Therefore, is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play. The front deck is orientated to take advantage of the northern sun and 30m² of this deck will receive direct northern sun.

Parking and Access Code

- **Clause E6.7.5 A1** – the proposed car parking will be on a single car width driveway running along the side of the dwelling in a jockey parking formation. Cars parked one behind the other does not meet the layout of car parking spaces with Section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with Clause 5.3 “Headroom” of the same Standard.

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

Clause	Performance Criteria	Assessment
E6.7.5	<i>“The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site.”</i>	The parking arrangement proposed on the site is two spaces in a jockey arrangement. The design of the access and driveway is considered to be acceptable for safe access, egress and circulation on the site. Council’s Development Engineer did not raise any concerns regarding the design.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and one representation was received. The following issue was raised by the representor.

5.1. Visual Impacts

The representor is concerned the proposal will cause undue visual impact from the road and adjoining properties, as the view of the property will be of the steel frame underneath, and without adequate screening, this will consist of bare earth, a lot of steel columns and the sewerage line coming from the kitchen.

- Comment**

The visual impacts of the proposed dwelling have been discussed in the assessment section above, and this assessment supports the representor’s concerns that the visual impacts would be unreasonable and would result in a loss of amenity in the residential streetscape.

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 2021-2031 or any other relevant council Policy.

9. CONCLUSION

The proposal for the development of a dwelling at 48 Enchantress Street, Rokeby is not considered to meet the front setback requirements of the Scheme and would be a detriment to the visual amenity of Enchantress Street and therefore is recommended for refusal.

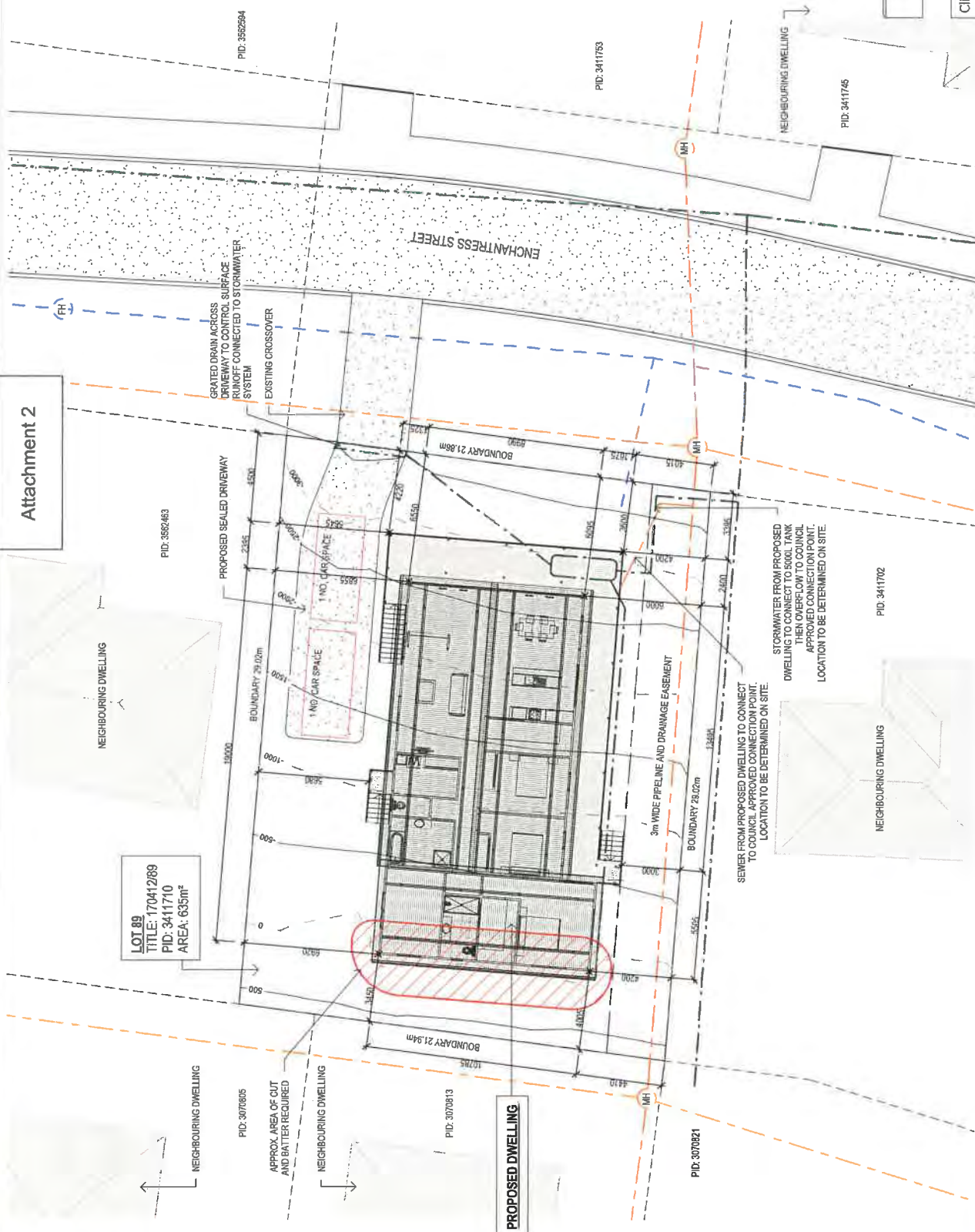
Attachments: 1. Location Plan (1)
2. Proposal Plan (6)
3. Site Photo (1)
4. Street View Image (1)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1



Attachment 2



SITE PLAN
SCALE 1:200

					Date Drawn: 04.02.21
					Drawn: I. Basir
					Checked: C. Parry
					Approved: J. Pfeiffer
					Scale: As Shown @ A3
B	MINOR UPDATES	31.03.21	I.B.	Accredited Building Designer	
A	ISSUED FOR APPROVAL	08.02.21	I.B.	Designer Name: J.Pfeiffer	
D	Amendment*	Date:		Accreditation No: CC22	

tasbuilthomes
Your Complete Building Solutions



FLOOR COVERINGS	
	CARPET
	CONCRETE
	TREATED PINE TIMBER DECKING
	TILE
	VINYL TIMBER FLOORING

SMOKE ALARMS
PROVIDE AND INSTALL SMOKE ALARMS & HARD WIRE TO BUILDING POWER SUPPLY TO AS 3786, CEILING MOUNTED WITH 9VDC ALKALINE BATTERY BACKUP TO LOCATIONS INDICATED ON PLAN AND IN ACCORDANCE WITH NCC PART 3.7.5.2

Ⓢ - DENOTES INTERCONNECTED SMOKE DETECTORS

FLOOR PLAN
SCALE 1:100

ISSUED FOR APPROVAL

Copyright ©

Client: **J. & S. KING**
Project: **PROPOSED DWELLING**
Address: **48 ENCHANTRESS STREET, ROKEBY**
Mobile: 0417 362 793 or 0417 545 813
Email: info@engineeringplus.com.au
ENGINEERING PLUS

Date Drawn:	04.02.21
Drawn:	I. Basir
Checked:	C. Parry
Approved:	J. Pfeiffer
Scale:	As Shown @ A3
Accredited Building Designer	
Designer Name:	J. Pfeiffer
Accreditation No:	CC2211T

Area Schedule (Gross Building)		
Name	Area	Area (sq)
DECK	57.36 m²	6.17
PROPOSED DWELLING	179.08 m²	19.26
LAUNDRY LANDING	1.44 m²	0.16
	237.88 m²	25.61

Rev:	Amendment:	Date:	Int:
B	MINOR UPDATES	31.03.21	I.B
A	ISSUED FOR APPROVAL	08.02.21	I.B

Drawing No:	1302020	A04	Rev
		B	B

SUB FLOOR VENTILATION. BCA VOLUME 2 PART 3.4.1.

- A MINIMUM OF 150 MM OF SUB FLOOR CLEARANCE IS TO BE PROVIDED BETWEEN FINISHED SURFACE LEVEL & THE UNDERSIDE OF THE FLOOR BEARER.
- A MINIMUM OF 6000 MM² PER METRE OF SUB FLOOR VENTILATION IS TO BE UNIFORMLY DISTRIBUTED AROUND THE EXTERNAL AND INTERNAL WALLS OF THE BUILDING.
- VENTS TO BE LOCATED NO GREATER THAN 600 MM FROM AN INTERNAL OR EXTERNAL CORNER.

PRYDA 230x75 - 52 HOLE VENT MAXIMUM SPACING 1050 MM ALONG WALL OR
PRYDA 230x165 - 117 HOLE VENT MAXIMUM SPACING 2350 MM ALONG WALL

ADDITIONAL VENTILATION PROVISIONS TO BE INSTALLED WHERE OBSTRUCTIONS SUCH AS
CONCRETE VERANDAH'S, DECKS, PATIOS AND PAVING ARE INSTALLED & OBSTRUCT VENTILATION.

PROVIDE ROOF VENTILATION IN
ACCORDANCE WITH TASMANIAN DESIGNERS
GUIDELINES - CONDENSATION IN BUILDINGS

JAMES HARDIE AXON CLADDING
COLOUR: TO OWNER'S SPECIFICATIONS

COLORBOND CUSTOM ORB ROOFING
COLOUR: TO OWNER'S SPECIFICATIONS

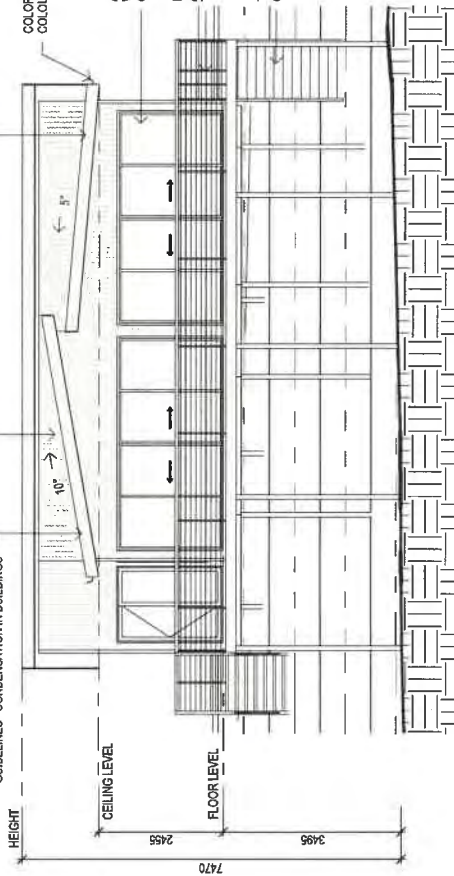
COLORBOND FASCIA & GUTTER
COLOUR: TO OWNER'S SPECIFICATIONS

ALUMINIUM FRAMED SLIDING DOOR UNIT
WITH TOUGHENED SAFETY GLASS
COLOUR: TO OWNER'S SPECIFICATIONS

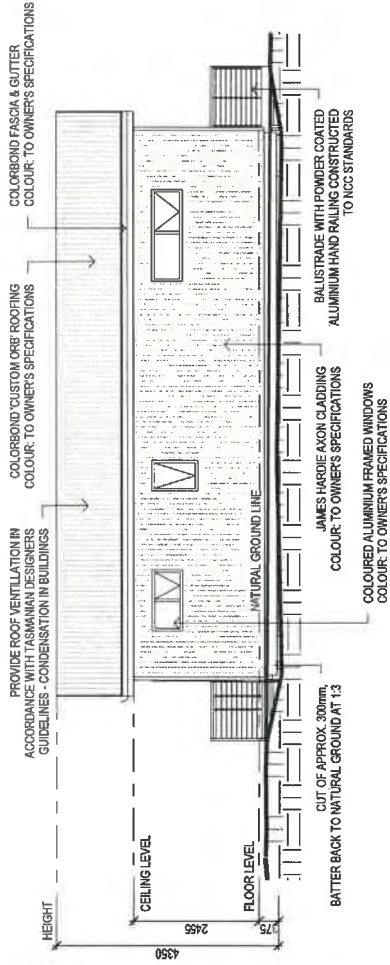
BALUSTRADE WITH POWDER COATED
ALUMINIUM HAND RAILING CONSTRUCTED
TO NCC STANDARDS

TREATED PINE STAIRS
CONSTRUCTED TO NCC STANDARDS

EAST ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100



STAIR CONSTRUCTION. BCA VOLUME 2 PART 3.9

- TREADS: 240 MM
- RISERS: 180 MM
- TREATED PINE THIRER STAIR MATERIAL TO ASI684.
- TREATMENT LEVELS H4 FOR INGROUND USE & H3 FOR ABOVE GROUND USE.
- ALL FIXINGS FITTING BRACKETS AND CONNECTORS TO BE GALVANISED.
- STRINGER: 300x50 F5 TREATED PINE
- TREADS: 240x45 F5 TREATED PINE MAXIMUM TREAD SPAN 1000

ISSUED FOR APPROVAL

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Client: J. & S. KING

Project: PROPOSED DWELLING

Address: 48 ENCHANTRESS STREET,
ROKEBY

ENGINEERING
PLUS

Mob: 0417 362 783 or 0417 545 813
j.s.king@engineeringplus.com.au
t.king@engineeringplus.com.au

Date Drawn: 04.02.21

Drawn: I. Basir

Checked: C. Parry

Approved: J. Pfeiffer

Scale: As Shown @ A3

Accredited Building Designer

Designer Name: J. Pfeiffer

Accreditation No: CC21117

Date: 31.03.21

Int: I.B

Date: 08.02.21

Int: I.B

B MINOR UPDATES

A ISSUED FOR APPROVAL

Rev: Amendment:

Date: 31.03.21

Int: I.B

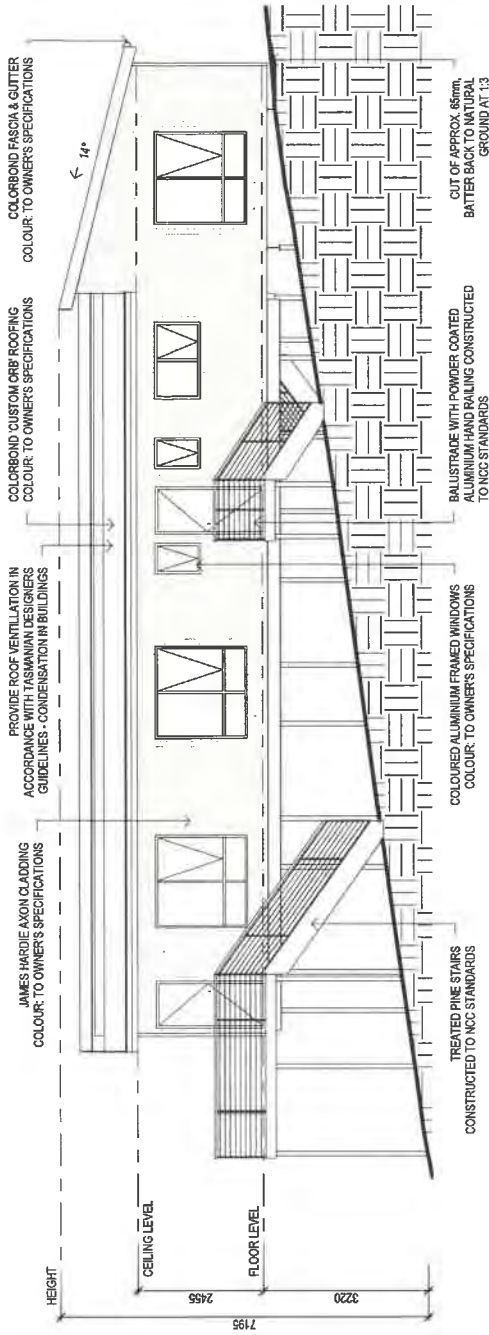
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Your Complete Building Solutions

Tasbuilthomes Pty Ltd
P.O. Box 274, Deception Bay, Victoria 3207
Ph: 05 6593 1013
admin@tasbuilthomes.com.au

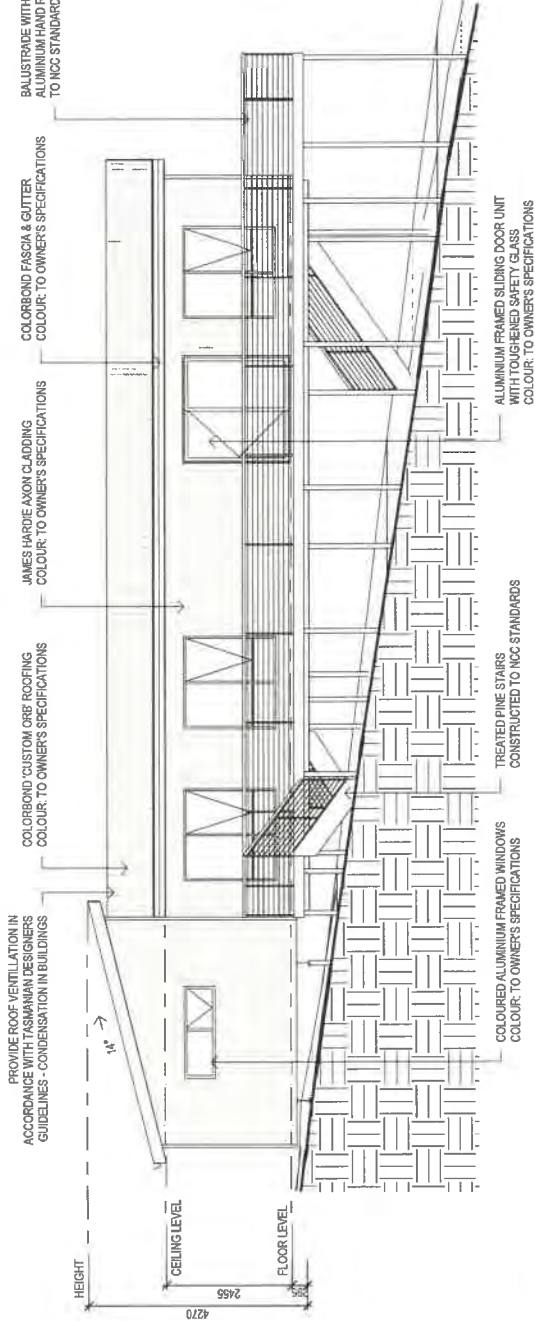
EAVE & SOFFIT CONSTRUCTION BCA VOLUME 2 PART 3.5.3.5
EAVE WIDTH - 300MM

SOFFIT / EAVE LINED WITH 'HARDIFLEX' CEMENT SHEETING

- TRIMMERS LOCATED WITHIN 1200 MM OF EXTERNAL CORNERS TO BE SPACED @ 500 MM CENTERS, REMAINDER OF SHEET - 700 MM CENTERS
- FASTENER / FIXINGS WITHIN 1200 MM OF EXTERNAL CORNERS @ 200 MM CENTERS, REMAINDER OF SHEET - 300 MM CENTERS



NORTH ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100

SELECTED ALUMINIUM FRAMED WINDOWS - BCA VOLUME 2 PART 3.6
POWDER COATED ALUMINIUM WINDOW & DOOR FRAMES, UNLESS OTHERWISE NOTED.
TASMANIAN OAK REVEALS AND TRIMS. ALL FLASHING AND FIXINGS TO MANUFACTURERS SPECIFICATIONS.

GLAZING & FRAME CONSTRUCTION TO AS 2047 & AS 1288
ALL FIXINGS AND FLASHINGS TO MANUFACTURERS REQUIREMENTS

- WIND CLASSIFICATION AS4055 WIND DESIGN: N3 41M/S
- TERRAIN CATEGORY: T2 (NO SHIELDING)
- SERVICEABILITY DESIGN & WIND PRESSURE: 1000
- WATER RESISTANCE: 150

ISSUED FOR APPROVAL

Copyright ©

Client: **J. & S. KING**

Project: **PROPOSED DWELLING**

Address: **48 ENCHANTRESS STREET,**

ROKEBY

ENGINEERING PLUS
Web: 0417 362 783 or 0417 545 813
joe@engineeringplus.com.au
tim@engineeringplus.com.au

Date Drawn: **04.02.21**

Drawn: **I. Basir**

Checked: **C. Parry**

Approved: **J. Pfeiffer**

Scale: **As Shown @ A3**

Accredited Building Designer

Designer Name: **J. Pfeiffer**

Accreditation No: **CC22117**

31.03.21 I.B

08.02.21 I.B

Date: Int:

Rev: Amendment:

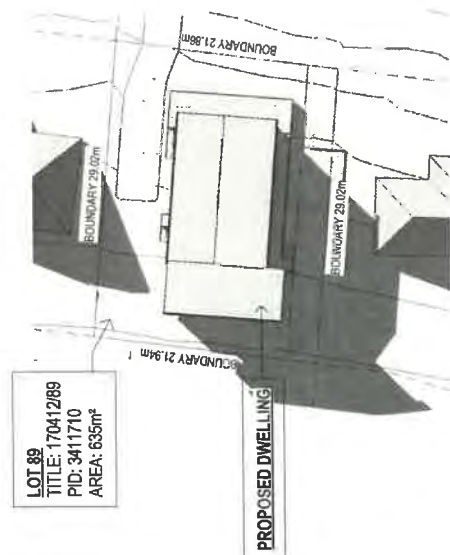
B MINOR UPDATES

A ISSUED FOR APPROVAL

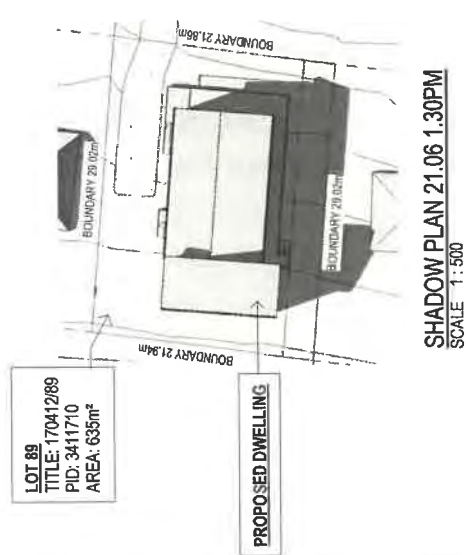
Rev: Amendment:

tasbuildthomes
New Complete Building Solutions
Trabuilt Manufactured Homes & Cabins
P.O. Box 274, Deloraine Tasmania 7504
Ph: 03 6393 1013
admin@tasbuildthomes.com.au

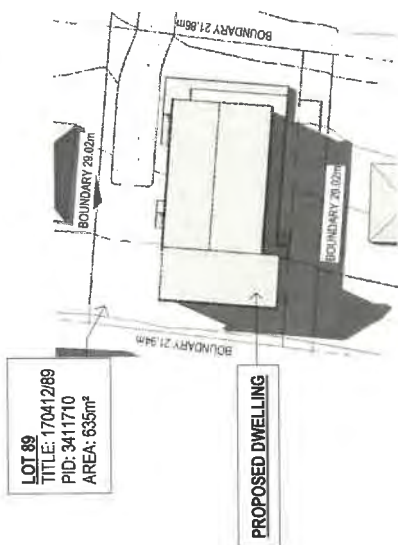
Agenda Attachments - 48 Enchantress Street, Rokeby Page 5 of 9



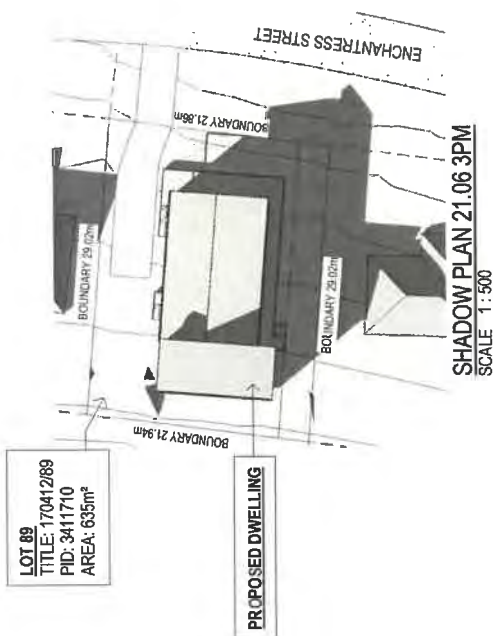
SHADOW PLAN 21.06 9AM
SCALE 1:500



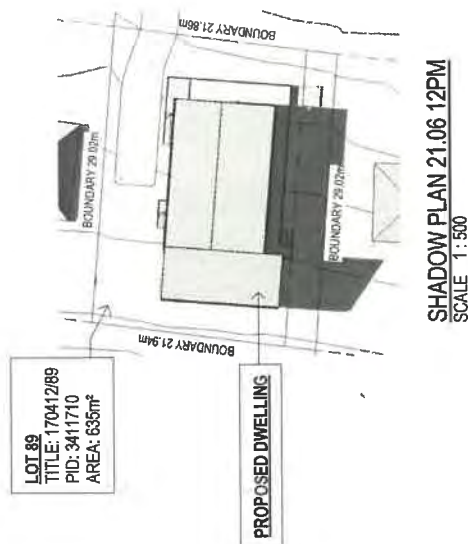
SHADOW PLAN 21.06 1.30PM
SCALE 1:500



SHADOW PLAN 21.06 10.30AM
SCALE 1:500



SHADOW PLAN 21.06 3PM
SCALE 1:500



SHADOW PLAN 21.06 12PM
SCALE 1:500

ISSUED FOR APPROVAL

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Client: J. & S. KING

Project: PROPOSED DWELLING

ROKEYA

ENGINEERING

545 813

Mob 0417 362 783 or 0417

Accredited Building Designer

Designer Name: J.Pfeiffer

Drawing No:

302020

Rev

A18 B

Agenda Attachments - 48 Enchantress Street, Rokeby Page 7 of 9

Attachment 3



48 Enchantress Street - view of property looking west

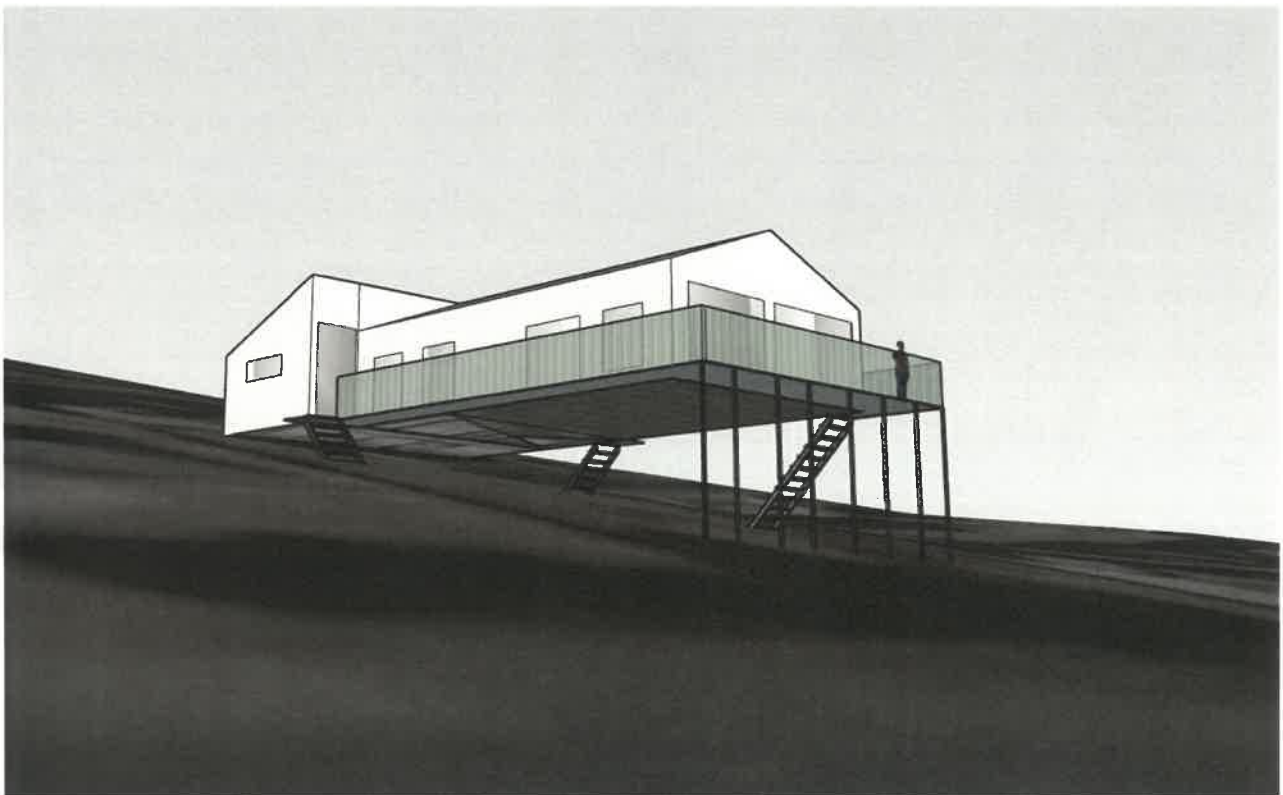


48 Enchantress Street - view of property looking south west

Attachment 4



48 Enchantress Street - view of the proposed dwelling when standing on the street looking up at the property



48 Enchantress Street - view of the proposed dwelling when standing on the street looking north west.

11.3.2 DEVELOPMENT APPLICATION PDPLANPMTD-2021/016854 - 23B SEABROOK STREET, SEVEN MILE BEACH - DWELLING**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 23B Seabrook Street, Seven Mile Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Parking and Access, Stormwater Management, Waterway and Coastal Protection and Inundation Prone Areas 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.

Council is required to exercise a discretion within the statutory 42-day period which expires on 6 June 2021.

CONSULTATION

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

- Inundation/Coastal Inundation/Flooding/Climate Change Risks;
- swimming pool;
- impact on residential and/or visual amenity;
- environmental impacts;
- privacy;
- noise;
- building height;
- setback;
- incorrectly advertised/inadequate/incorrect plans;
- motion passed by council; and
- property value.

RECOMMENDATION:

A. That the Development Application for Dwelling at 23B Seabrook Street, Seven Mile Beach (Cl Ref PDPLANPMTD-2021/016854) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLAN [the sill height of the upper storey windows on the southern elevation increased to a minimum of 1.7m above finished floor level].
3. ENG M5 – EROSION CONTROL.
4. A plan for the management of construction works must be submitted and approved by council’s Manager City Planning prior to the issue of a building permit or a certificate of likely compliance (CLC) for building works. The plan must outline the proposed demolition and construction practices in relation to:
 - weed hygiene methods to prevent the spread of weeds and soil-based pathogens to and from the property during construction;
 - procedures to prevent soil and debris being carried into Acton Creek;
 - methods for the storage and removal of materials handled on-site; and
 - how works would be undertaken generally in accordance with “Wetlands and Waterways Works Manual” (DPIWE, 2003) and “Tasmanian Coastal Works Manual” (DPIPWE, Page and Thorp, 2010)].

ADVICE: The proposed works are located within a mapped flood prone area and as such, attention should be given to ensure that the works comply with the requirements of the Building Regulations 2014 s15 (d).

- 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 lot was created as part of subdivision SD-1996/501.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Village 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 16 – Village Zone;
- 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; and
- Section E23.0 – On-Site Wastewater Management Code.

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 1421m² vacant internal lot with vehicle access from Seabrook Street. There is no remaining native vegetation on the site. The site contains some existing fill which was required as part of the subdivision approval. Acton Creek is adjacent to the rear boundary (Attachment 1).

3.2. The Proposal

The proposal is to construct a dwelling, pool and install an on-site wastewater system. The dwelling would be two storey with the upper level being less than half the floor area of the lower level (Attachment 2).

The lower floor would contain a double garage, two bedrooms, a bathroom, laundry, and an open plan kitchen/dining/living area. The upper level would contain a master bedroom with ensuite and walk in robe and a studio.

The exterior of the dwelling would be a mix of materials including rendered block work in the colour of “Surfmist” and “Basalt”, wall cladding in the colour of “Jasper” and stacked stone cladding.

The pool would be a 10m x 5m in ground pool, with depths varying from 1.0m – 1.8m and would be accessible from the dwelling via the proposed deck/patio.

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards [Section 7.5]

“7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code.

7.5.3 Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard.”

4.2. 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.

4.3. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the Village Zone and Parking and Access, Stormwater Management, Waterway and Coastal Protection and Inundation Prone Areas Codes except for the following.

Village Zone

- **Clause 16.4.2 (A2)** – the garage is setback 1m from the southern boundary which is less than the required 2m and the upper storey is setback 2.5m to the southern boundary which is less than the required 2.95m.

The proposed variation must be considered pursuant to the Performance Criteria (P2) of Clause 16.4.2 as follows.

Clause	Performance Criteria	Assessment
16.4.2	<i>“Building setback from side and rear boundaries must satisfy all of the following:</i> <i>(a) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i> <i>(i) overlooking and loss of privacy;</i>	The garage is single storey with two windows located 1.5m above floor level. Given that the floor level of the garage is located a maximum of 0.5m above natural ground level and will be separated from the neighbouring property by an existing boundary fence, there will no loss of privacy to the adjoining property as a result of the variation to the setback. The upper level contains two “studio” windows with a sill height of 1.5m. As these windows will overlook the private open space of the dwelling to the south at 25 Seabrook Street, it is recommended that a condition be included that requires the sill height to be increased to a minimum of 1.7m from the floor level to ensure that the privacy of the adjoining property is maintained.

	(ii) <i>overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00am and 5.00pm on 21 June or further decrease sunlight hours if already less than 3 hours;</i> (iii) <i>visual impact, when viewed from adjoining lots, through building bulk and massing;</i> <i>taking into account aspect and slope.”</i>	The adjacent dwelling at 25 Seabrook Street is orientated with the living areas facing the boundary to 23B Seabrook Street. The applicant did not include shadow diagrams as part of the proposal. Council shadow modelling has indicated there would be some overshadowing to the windows and private open space of the dwelling (attachment 4). The overshadowing of the private open space would not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21 June. The overshadowing would not be unreasonable given the availability of natural light through other windows to the habitable rooms of the adjacent dwelling. The proposed dwelling is considered modest in scale. The dwelling would be partial two-storey, with the double storey at the rear of the dwelling. The low-profile skillion roof and mix of external materials would lessen the appearance of bulk. The proposed dwelling is not considered out of character for the surrounding area and appropriate scale for residential use. Overall, the proposal is considered consistent with the surrounding area and an appropriate residential scale use on the site.
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Waterway and Coastal Protection Code

- **E11.7.1 Buildings and Works A1**– the proposal would not be in a building area shown on a subdivision plan.

The proposed variation must be considered pursuant to the Performance Criteria (P5) of Clause E11.7.1 as follows.

Clause	Performance Criteria	Assessment
E11.7.1	<i>“PI</i> <i>Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</i> <i>(a) avoid or mitigate impact on natural values;</i>	The rear boundary is adjacent to Acton Creek and there is some vegetation adjacent to the boundary. The subject property has no remaining native vegetation in the areas of the proposed development. No vegetation is proposed for removal and there is existing fill on the site required by the subdivision. Impacts on environmental values have been minimised by the selected location for the proposed dwelling, pool and land application areas which provide a minimum separation from the rear boundary, adjoining Acton Creek, of 15m.
	<i>(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;</i>	The proposed development is located to minimise potential impacts on the vegetation and the creek. However, it is recommended that a permit condition be included to require a construction management plan to ensure that erosion, sedimentation, and runoff impacts is managed appropriately.

	<i>(c) avoid or mitigate impacts on riparian or littoral vegetation;</i>	As above.
	<i>(d) maintain natural streambank and streambed condition, (where it exists);</i>	No development is proposed within the waterway so there will not be any impacts to (d), (e), (f) or (g).
	<i>(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</i>	As above.
	<i>(f) avoid significantly impeding natural flow and drainage;</i>	As above.
	<i>(g) maintain fish passage (where applicable);</i>	As above.
	<i>(h) avoid landfilling of wetlands;</i>	No development is proposed in a wetland.
	<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>	A permit condition is recommended for any permit issued to undertake works in accordance with "Wetlands and Waterways Works Manual" (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010)".

Inundation Prone Areas Code

- **Clause E15.7.2 Coastal Inundation Medium Hazard Areas** – For a new habitable building there is no Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause E15.7.2 as follows.

Clause	Performance Criteria	Assessment
E15.7.2	<i>“PI</i> <i>A new habitable building must satisfy all of the following:</i> <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>	The floor level of the proposed dwelling meets the height requirements of Table E15.1.
	<i>(b) risk to users of the site, adjoining or nearby land is acceptable;</i>	Council’s Development Engineer has assessed the proposal and has determined the proposed dwelling would not produce unacceptable risk to nearby or adjoining land, nearby and adjoining property or public infrastructure.
	<i>(c) risk to adjoining or nearby property or public infrastructure is acceptable;</i>	As above.
	<i>(d) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;</i>	As above.
	<i>(e) need for future remediation works is minimised;</i>	Council’s Development Engineer has assessed the risks associated with wave run-up and has determined it is unlikely given the location of the lot and any risk is effectively mitigated through siting and design methods.
	<i>The proposed works are located within a mapped flood prone area and as such attention should be taken to ensure that the works comply with the requirements of the Building Regulations 2014 s15 (d).</i>	The need for future remediation has been minimised by the placement of fill required at subdivision stage.

	<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>	Access to the site is not expected to be compromised by coastal inundation as the driveway was constructed in accordance with engineering drawings approved by council.
	<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 location.”</i>	No developer contribution is required in this instance.

Inundation Prone Areas Code

- **Clause E15.7.5 A1 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas** – For landfill, or solid walls greater than 5m in length and 0.5m in height, there is no acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause E15.7.5 as follows.

Clause	Performance Criteria	Assessment
E15.7.5 A1	<i>“P1</i> <i>Landfill, or solid walls greater than 5m in length and 0.5m in height, must satisfy all of the following:</i> <i>(a) no adverse affect on flood flow over other property through displacement of overland flows;</i>	Council’s Engineer is satisfied that the proposal will not result in an adverse impact to adjoining properties through overland flood flow. Stormwater would be directed to the existing outlet to Acton Creek.
	<i>(b) the rate of stormwater discharge from the property must not increase</i>	Council’s Engineers are satisfied that the rate of stormwater discharge will not increase as a result of the development.

		The stormwater will be managed via on-site wastewater management and will be contained within the property.
	<i>(c) stormwater quality must not be reduced from pre-development levels.”</i>	Council’s Development Engineer has determined the quality of stormwater would not be altered from the existing situation and the impervious area would not result in adverse impacts due to stormwater concentration or flow. The subdivision approval required stormwater connection to council’s stormwater main.

Inundation Prone Areas Code

- **Clause E15.7.5 A2 Riverine, Coastal Investigation Area, Low, Medium, High Inundation Hazard Areas** – no acceptable solution.

The proposed variation must be considered pursuant to the Performance Criteria (P2) of Clause E15.7.5 as follows.

Clause	Performance Criteria	Assessment
E15.7.5 A2	“P2 <i>Mitigation measures, if required, must satisfy all of the following:</i> <i>(a) be sufficient to ensure habitable rooms will be protected from flooding and will be able to adapt as sea levels rise;</i>	Mitigation measures are not required as this was addressed by the fill provided at subdivision stage.
	<i>(b) not have a significant effect on flood flow.”</i>	Not applicable as mitigation measures are not required.

On-Site Wastewater Code

- **Clause E23.10.1 Land Application Areas A5**– the proposal would not have a vertical separation distance between groundwater and a land application area of no less than 1.5m. This would not comply with the requirement of the Acceptable Solution.

The proposed variation must be considered pursuant to the Performance Criteria (P5) of Clause E23.10.1 as follows.

Clause	Performance Criteria	Assessment
E23.10.1	<i>“P5</i> <i>Vertical separation distance between groundwater and a land application area must satisfy all of the following:</i> <i>(a) effluent must be no less than secondary treated effluent standard and applied through a subsurface land application system;</i>	A wastewater report was undertaken by a suitably qualified scientist which assessed the development and considered that the proposal complies. Council’s Environmental Health Officer has determined the report has adequately addressed the performance criteria.
	<i>(b) vertical separation distance must be no less than 0.5m, (whether 'in ground' or by use of a raised bed).”</i>	The vertical separation is a minimum of 0.5m so therefore complies.

On-Site Wastewater Code

- Clause E23.10.1 Land Application Areas A6**– the proposal would have a setback of 1m from the southern side boundary. This would not comply with the requirement that a side setback should be either half the height of the wall of the building, or, 2m whichever is the greater of the two. As the wall height along part of the southern elevation is 4m, a setback of 2m would be required to comply with the Acceptable Solution. Additionally, the double storey section of the dwelling would require a setback of 3.5m but is setback 2m – 3m.

The proposed variation must be considered pursuant to the Performance Criteria (P2) of Clause 16.4.2 as follows.

Clause	Performance Criteria	Assessment
E23.10.1	<i>“P6</i> <i>Vertical separation distance between a limiting layer and a land application area must satisfy all of the following:</i> <i>(a) effluent must be no less than secondary treated effluent standard and applied through a subsurface land application system;</i>	A wastewater report was undertaken by a suitably qualified scientist which assessed the development and considered that the proposal complies. Council’s Environmental Health Officer has assessed the contents of the report and has determined the report has adequately addressed the performance criteria. A permit condition is recommended for any permit issued based on the recommendations provided in the report in relation to erosion control measures.
	<i>(b) vertical separation distance must be no less than 0.5m, (whether 'in ground' or by use of a raised bed).”</i>	The vertical separation is a minimum of 0.5m so therefore complies.

5. REPRESENTATION ISSUES

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

5.1. Inundation/Coastal Inundation/Flooding/Climate Change Risks

Inundation, coastal inundation, flooding, and climate change risks were raised by all representors. Concern was raised that the proposal would increase flood risk to adjacent properties and council infrastructure and that the site was not suitable for construction.

- **Comment**

Inundation prone areas, riverine and coastal inundation were addressed at subdivision stage and have been assessed by Council's Development Engineers. The proposal has met all the necessary requirements including raising floor level to adequately mitigate for potential future inundation/flooding. It is not considered the construction of the dwelling and/or pool will impact on neighbouring or surrounding properties. In relation to the pool specifically, council's Development Engineer has determined the presence of a swimming pool should not increase the risk of flooding to nearby properties, for extreme flooding events the soil is at saturation point so the surface is basically impermeable for such events, so reducing the "green space" will make negligible difference to surrounding properties.

5.2. Swimming Pool

The swimming pool was raised as a concern by three representors. The representors were concerned the pool would impact on absorption, drainage, remove a lot of soil and impact on groundwater and subsurface flow.

- **Comment**

The proposal has been assessed by council's Development Engineers and Environmental Health Officer, there has been no issue with the depth/location/size/design of the pool raised. As discussed above the pool is not expected to produce any undue impacts on surrounding properties.

5.3. Impact on Residential and/or Visual Amenity

Impact on residential and/or visual amenity was raised by three representors. One raised concern for potential overlooking, loss of privacy and the other raised issue with various things including the location of the pool pump, loss of sightline, impacts on privacy and overlooking.

- **Comment**

Visual amenity was addressed under the performance criteria of clause 16.4.2 discussed in the report. The proposal met the requirements of the performance criteria for this clause. The other items raised under this heading have either been addressed with other representations such as privacy, setback, noise and property value or are not able to be considered as they are not relevant to a clause in the scheme.

5.4. Environmental Impacts

Environmental Impacts was raised by one representor in relation to the impact of construction on Acton Creek.

- **Comment**

A condition has been recommended for any permit issued to ensure site works do not impact on adjacent properties, including the creek, in line with recommendations included in the Geo-Environmental Assessment Report, January 2018 by GES.

5.5. Privacy

Privacy was raised by three representors in relation to overlooking based on the dwelling being constructed on the existing fill.

- **Comment**

The proposal has met all the scheme requirements in relation to privacy.

5.6. Noise

Noise was raised as a concern by one representor. There was no clarification of the potential cause of the noise.

- **Comment**

Noise is a consideration only for non-residential use in the Village zone. This issue therefore has no determining weight.

5.7. Building Height

Building height was raised by two representors who were concerned the building height was over 8.5m.

- **Comment**

Plans submitted show the proposed building height of 7.08m. The applicant has confirmed the maximum height is taken from natural ground level (under the existing fill). The proposed height meets the requirements of the Scheme's acceptable solutions of Clause 16.4.1 which requires the height be less than 8.5m.

5.8. Setback

Setback was raised by two representors. The representors raised various concerns regarding the dwelling and pool setbacks from side boundaries. They have issue with the distance not meeting the acceptable solutions of the scheme.

- **Comment**

The proposal was assessed against the performance criteria as discussed above and determined to adequately address the performance criteria of the Scheme. This is discussed in the report in detail [see Clause 16.4.2 (A2)].

5.9. Incorrectly Advertised/Incorrect/Inadequate Plans

Incorrectly advertised was raised by one representor in relation to the documents advertised. Incorrect/inadequate plans were raised by three representors.

- **Comment**

The application was advertised in accordance with Section 57 (3) of the Land Use Planning and Approvals Act 1993. The plans submitted by the applicant provided all the information required to enable assessment against the relevant Clauses of the Scheme.

All documentation, including the wastewater report, was available to be viewed if requested and was listed on the plans on the council website.

5.10. Motion Passed by Council

Concern was raised that a structure plan has not been undertaken in accordance with the decision made by council at its meeting on 2 December 2019, on an application on a 49 lot subdivision at 20 Regal Court, Seven Mile Beach (SD-2019/10), and on this basis the proposal should be refused.

- **Comment**

At its meeting of 2 December 2019, council decided to refuse an application for subdivision at 20 Regal Court, Seven Mile Beach. One of the reasons was “...due to various current and projected geotechnical, flora/fauna, traffic, social and sporting/recreation facilities and stormwater/drainage/inundation issues, a long term structure plan for the Seven Mile Beach Township should be developed to guide the delivery of a quality urban environment before any further residential development is approved [emphasis added]”.

Use of the above reason to refuse the current application would be ultra vires. It would purport to put a hold on all development in the village until a structure plan is completed, whereas the LUPAA requires the planning authority to determine an application within the statutory timeframe and the planning scheme requires that it must do so having regard only to its provisions (see Sections 4.1 and 4.2 of this report), which do not include a relevant deferral standard.

Accordingly, this issue has no determining weight.

5.11. Property Value

One representor raised issue with potential impact on their property value.

- **Comment**

There is no relevant Clause in the Scheme to consider property values. This issue therefore has no determining weight.

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 2021-2031 or any other relevant council policy.

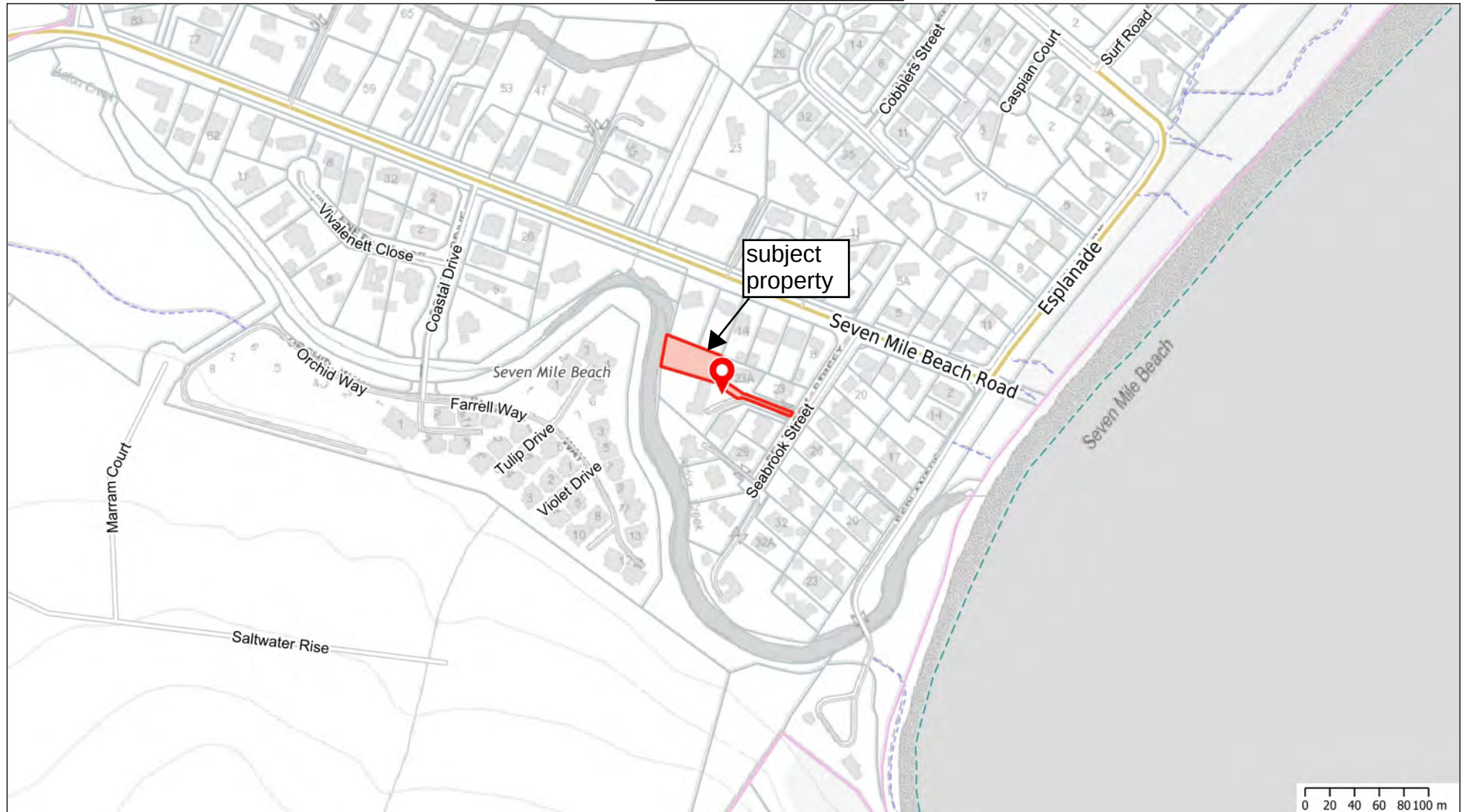
9. CONCLUSION

The proposal is recommended for approval, subject to conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plans (5)
3. Site Photo (1)
4. Floorplan and Council Shadow Diagrams (2)

Ross Lovell
MANAGER CITY PLANNING

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.

5/17/2021

1:4514



GENERAL NOTES:

1. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SMEEKES DRAFTING PTY LTD STANDARD BUILDING NOTES, SHEETS STANDARD-001 TO 008.
2. WRITTEN DIMENSIONS TO TAKE PRECEDENCE OVER SCALE.
3. BUILDER TO VERIFY ALL BOUNDARY CLEARANCES AND SITE SET-OUT DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
4. ALL CONSTRUCTION WORK SHALL BE UNDERTAKEN IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS.
5. TIMBER FRAMING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF AS 1684.2 "TIMBER FRAMED CONSTRUCTION". T.P. DECK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PUBLICATION FROM THE TIMBER PROMOTION COUNCIL "TIMBER DECKS - DESIGN AND CONSTRUCTION MANUAL".
6. FOOTINGS AND SLABS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF AS 2870 "RESIDENTIAL SLABS AND FOOTINGS".
7. PLUMBING AND DRAINAGE SHALL BE IN ACCORDANCE WITH AS 3500.2 AND AS 3500.3 "THE NATIONAL PLUMBING AND DRAINAGE CODE". FIT ADJUSTABLE TEMPERING VALVES TO ALL BATHROOMS IN ACCORDANCE WITH AS 1529 "CODE OF PRACTICE OF HOUSEHOLD TYPE HOT WATER SUPPLY SYSTEMS".
8. WATER PROOFING OF WET AREAS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF AS 3740 "WATERPROOFING OF WET AREAS IN RESIDENTIAL BUILDINGS".
9. ELECTRICAL INSTALLATION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF AS/NZS 3000 "WIRING RULES". SMOKE ALARMS SHALL BE INSTALLED IN ACCORDANCE WITH TASMANIAN FIRE SERVICE AND AS 3786 "SMOKE ALARMS".
10. GLAZING SHALL BE IN ACCORDANCE WITH AS 1288 "GLASS IN BUILDINGS - SELECTION AND INSTALLATION", WINDOWS TO COMPLY WITH AS 2047 "WINDOWS IN BUILDINGS - SELECTION AND INSTALLATION".
11. MIN. R6.0 INSULATION TO CEILING. MIN. R2.5 INSULATION TO ALL EXTERNAL WALLS.
12. ALL STEELWORK SHALL BE IN ACCORDANCE WITH AS 4100 "STEEL STRUCTURES".

SITE DATA:

LAND TITLE REF. No. : PART OF LOT 4 ON SEALED PLAN 158403
CLIMATE ZONE : ZONE 7
DESIGN WIND SPEED : 'N3'
SOIL CLASSIFICATION : 'S' (SEE GEO-ENVIRONMENTAL ASSESSMENT, '23B SEABROOK STREET, SEVEN MILE BEACH, JANUARY 2018' BY GEO-ENVIRONMENTAL SOLUTIONS)
BAL RATING : BAL-LOW

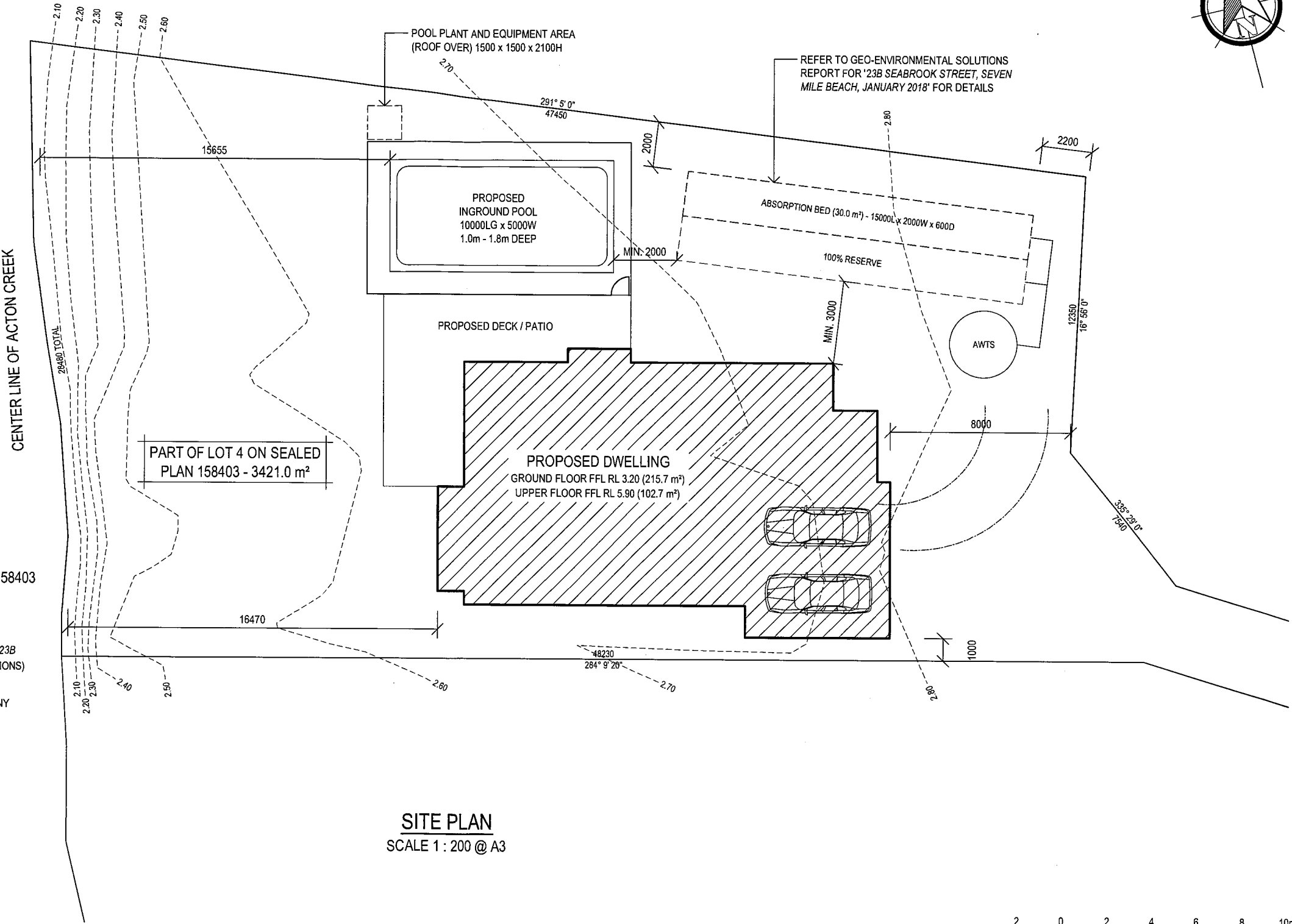
THE RISK IS CONSIDERED TO BE VERY LOW (THERE IS INSUFFICIENT RISK TO WARRANT ANY SPECIFIC CONSTRUCTION REQUIREMENTS BUT THERE IS STILL SOME RISK.)

PROPOSED BUILDING AREAS:

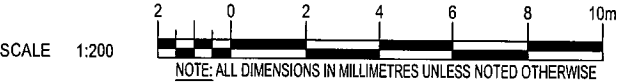
GROUND FLOOR : 215.7 m²
UPPER FLOOR : 102.7 m²
BALCONY & DECK : 60.6 m²

SITE COVERAGE:

LOT SIZE (EXISTING TITLE) : 3421.0 m²
TOTAL FOOTPRINT : 266.7 m²
SITE COVERAGE (EXISTING TITLE) : 7.8 %



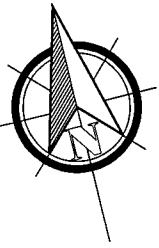
SITE PLAN
SCALE 1 : 200 @ A3



REV.	DESCRIPTION	REFERENCE	DRN / DES	R. SMEEKES	CLIENT	TITLE	DRG No.	SHT.	SCALE	A3
0	ISSUED FOR CLIENT REVIEW. 5-3-2018	SITE PLAN GROUND FLOOR PLAN UPPER FLOOR PLAN ELEVATIONS 1 OF 2 ELEVATIONS 2 OF 2 SLAB PLAN STRUCTURAL PLAN 1 OF 3 STRUCTURAL PLAN 2 OF 3 STRUCTURAL PLAN 3 OF 3 SECTIONAL DETAILS 1 OF 4 SECTIONAL DETAILS 2 OF 4 SECTIONAL DETAILS 3 OF 4	COOLEY-001 SECTIONAL DETAILS 4 OF 4 COOLEY-002 SECTIONAL ELEVATION COOLEY-003 BRACING PLAN 1 OF 2 COOLEY-004 BRACING PLAN 2 OF 2 COOLEY-005 ELECTRICAL PLAN 1 OF 2 COOLEY-006 ELECTRICAL PLAN 2 OF 2 COOLEY-007 PLUMBING PLAN 1 OF 2 COOLEY-008 PLUMBING PLAN 2 OF 2 COOLEY-009 ENERGY EFFICIENCY COOLEY-010 POOL PLAN & DETAILS COOLEY-011 POOL SECTION COOLEY-012	COOLEY-013 COOLEY-014 COOLEY-015 COOLEY-016 COOLEY-017 COOLEY-018 COOLEY-019 COOLEY-020 COOLEY-021 COOLEY-022 COOLEY-023	SMEEKES DRAFTING PTY LTD 12 Warwick Street, Hobart, TAS 7000 Office Phone: (03) 6234 6185 Email: admin@smeekesdrafting.com Website: www.smeekesdrafting.com Building Designer Licence Nos. CC4900A & CC6621	G. & K. COOLEY PROPOSED DWELLING 23B SEABROOK STREET, SEVEN MILE BEACH, TAS 7170 SITE PLAN	COOLEY	001	1:200	A3

STAIRS / HANDRAIL NOTES:

1. CLOSED TIMBER STAIRS CONSTRUCTED IN ACCORDANCE WITH BCA PART 3.9.1
2. TREADS MUST HAVE A SLIP-RESISTANT FINISH OF A SUITABLE NON-SKID STRIP NEAR THE EDGE OF THE NOSINGS.
3. RISER AND GOING DIMENSIONS IN ACCORDANCE WITH BCA PART 3.9.1.4.
RISER (R) MAX. 190 - MIN. 115
GOING (G) MAX. 355 - MIN. 240
SLOPE RELATIONSHIP
2R + G MAX. 700 - MIN. 550
4. INSTALL HANDRAIL TO ONE SIDE OF FLIGHT IN ACCORDANCE WITH BCA PART 3.9.2.4.



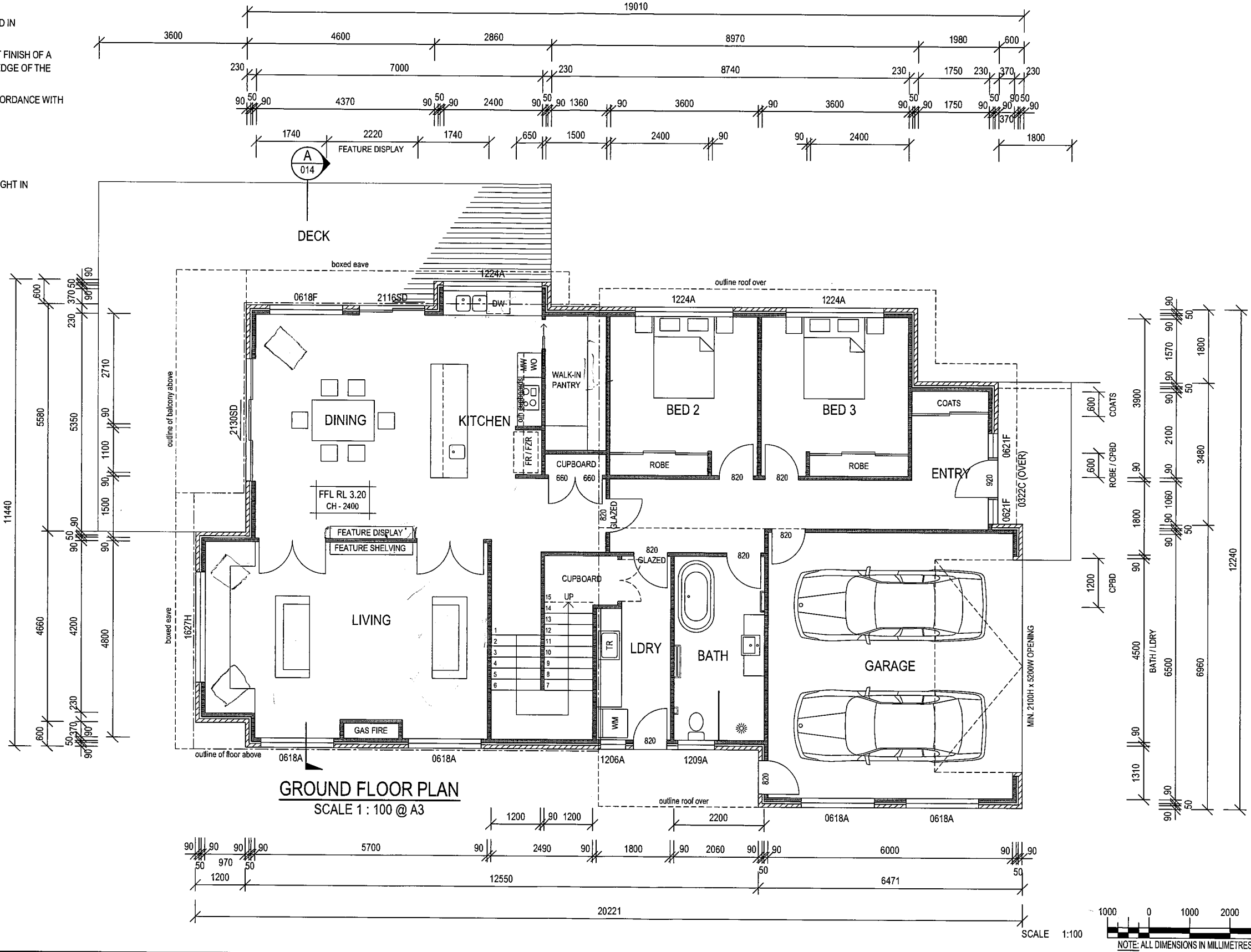
FLOOR FINISHES LEGEND:

- C - CARPET
- CT - CERAMIC TILES
- NC - NATURAL CONCRETE
- TFB - TIMBER FLOOR BOARDS

WINDOW LEGEND:

15 09 A
TYPE
WIDTH (900)
HEIGHT (1500)

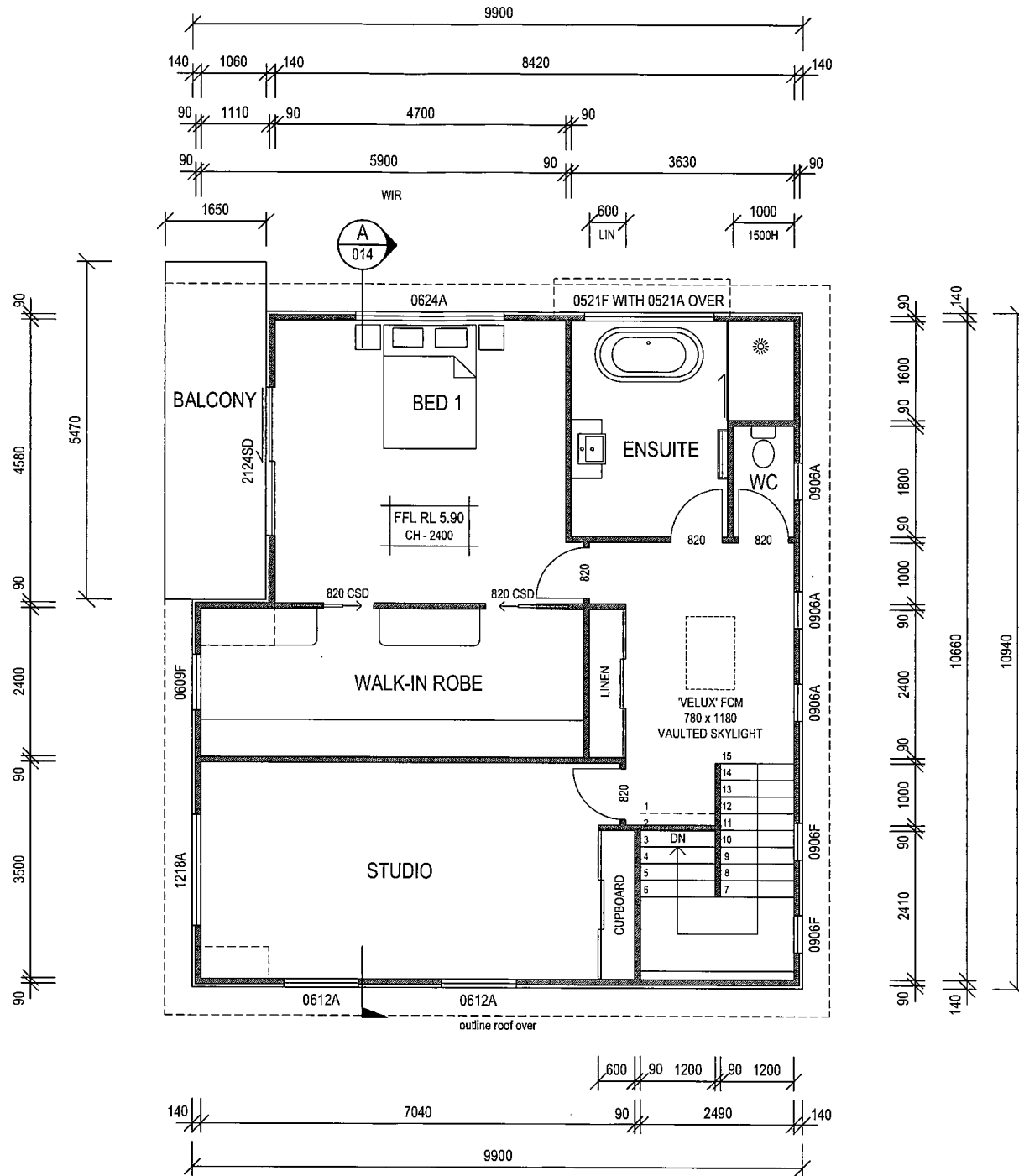
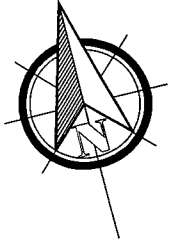
- A - AWNING
- BF - BIFOLD DOOR
- C - CUSTOM (BUTTED)
- F - FIXED
- FR - FROSTED GLAZING
- GB - GLASS BRICK
- H - HINGED
- S - SLIDING
- SD - SLIDING DOOR
- STKSD - STACKING TYPE SLIDING DOOR



REV.	DESCRIPTION	REFERENCE	DRN / DES	R. SMEEKES	SMEEKES DRAFTING PTY LTD	CLIENT
0	ISSUED FOR CLIENT REVIEW. 5-3-2018	SITE PLAN GROUND FLOOR PLAN UPPER FLOOR PLAN ELEVATIONS 1 OF 2 ELEVATIONS 2 OF 2 SLAB PLAN STRUCTURAL PLAN 1 OF 3 STRUCTURAL PLAN 2 OF 3 STRUCTURAL PLAN 3 OF 3 SECTIONAL DETAILS 1 OF 4 SECTIONAL DETAILS 2 OF 4 SECTIONAL DETAILS 3 OF 4	COOLEY-001 SECTIONAL DETAILS 4 OF 4 COOLEY-002 SECTIONAL ELEVATION COOLEY-003 BRACING PLAN 1 OF 2 COOLEY-004 BRACING PLAN 2 OF 2 COOLEY-005 ELECTRICAL PLAN 1 OF 2 COOLEY-006 ELECTRICAL PLAN 2 OF 2 COOLEY-007 PLUMBING PLAN 1 OF 2 COOLEY-008 PLUMBING PLAN 2 OF 2 COOLEY-009 ENERGY EFFICIENCY COOLEY-010 POOL PLAN & DETAILS COOLEY-011 POOL SECTION COOLEY-012	COOLEY-013 COOLEY-014 COOLEY-015 COOLEY-016 COOLEY-017 COOLEY-018 COOLEY-019 COOLEY-020 COOLEY-021 COOLEY-022 COOLEY-023	ABN 89 056 706 640 12 Warwick Street, Hobart, TAS 7000 Office Phone: (03) 6234 5185 Email: admin@smeekestdrafting.com Website: www.smeekestdrafting.com	G. & K. COOLEY PROPOSED DWELLING 23B SEABROOK STREET, SEVEN MILE BEACH, TAS 7170 GROUND FLOOR PLAN
BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA						DRG No. COOLEY
Building Designer Licence Nos. CC4900A & CC6621						SHT. 002
SCALE 1:100						A3

STAIRS / HANDRAIL NOTES:

1. CLOSED TIMBER STAIRS CONSTRUCTED IN ACCORDANCE WITH BCA PART 3.9.1
2. TREADS MUST HAVE A SLIP-RESISTANT FINISH OF A SUITABLE NON-SKID STRIP NEAR THE EDGE OF THE NOSINGS.
3. RISER AND GOING DIMENSIONS IN ACCORDANCE WITH BCA PART 3.9.1.4.
RISER (R) MAX. 190 - MIN. 115
GOING (G) MAX. 355 - MIN. 240
SLOPE RELATIONSHIP
2R + G MAX. 700 - MIN. 550
4. INSTALL HANDRAIL TO ONE SIDE OF FLIGHT IN ACCORDANCE WITH BCA PART 3.9.2.4.



FLOOR FINISHES LEGEND:

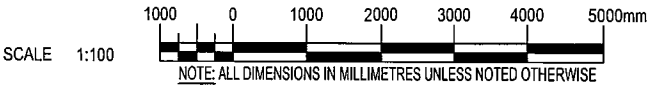
C	- CARPET
CT	- CERAMIC TILES
NC	- NATURAL CONCRETE
TFB	- TIMBER FLOOR BOARDS

WINDOW LEGEND:

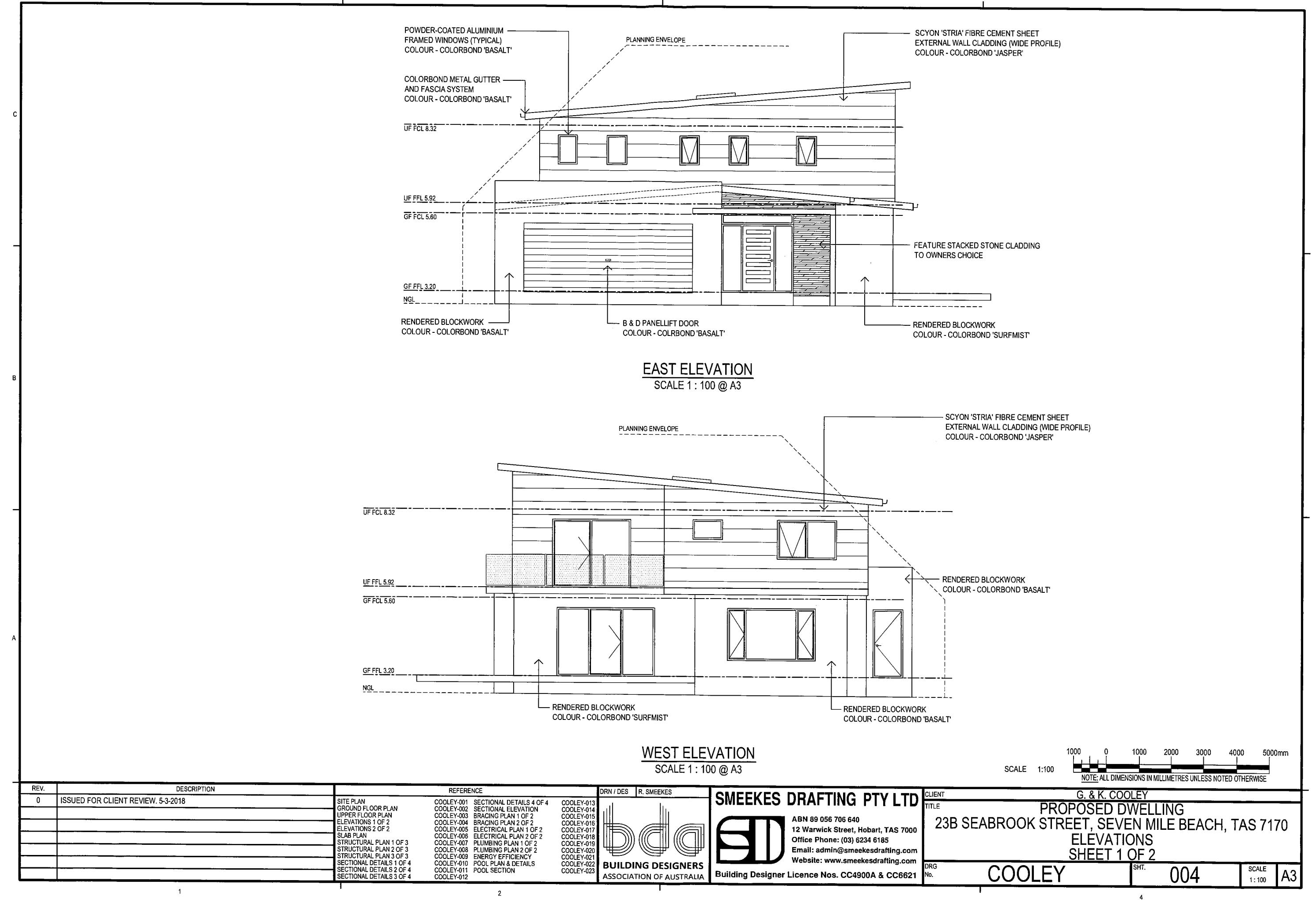
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1509A	WIDTH (900)
1509A	HEIGHT (1500)

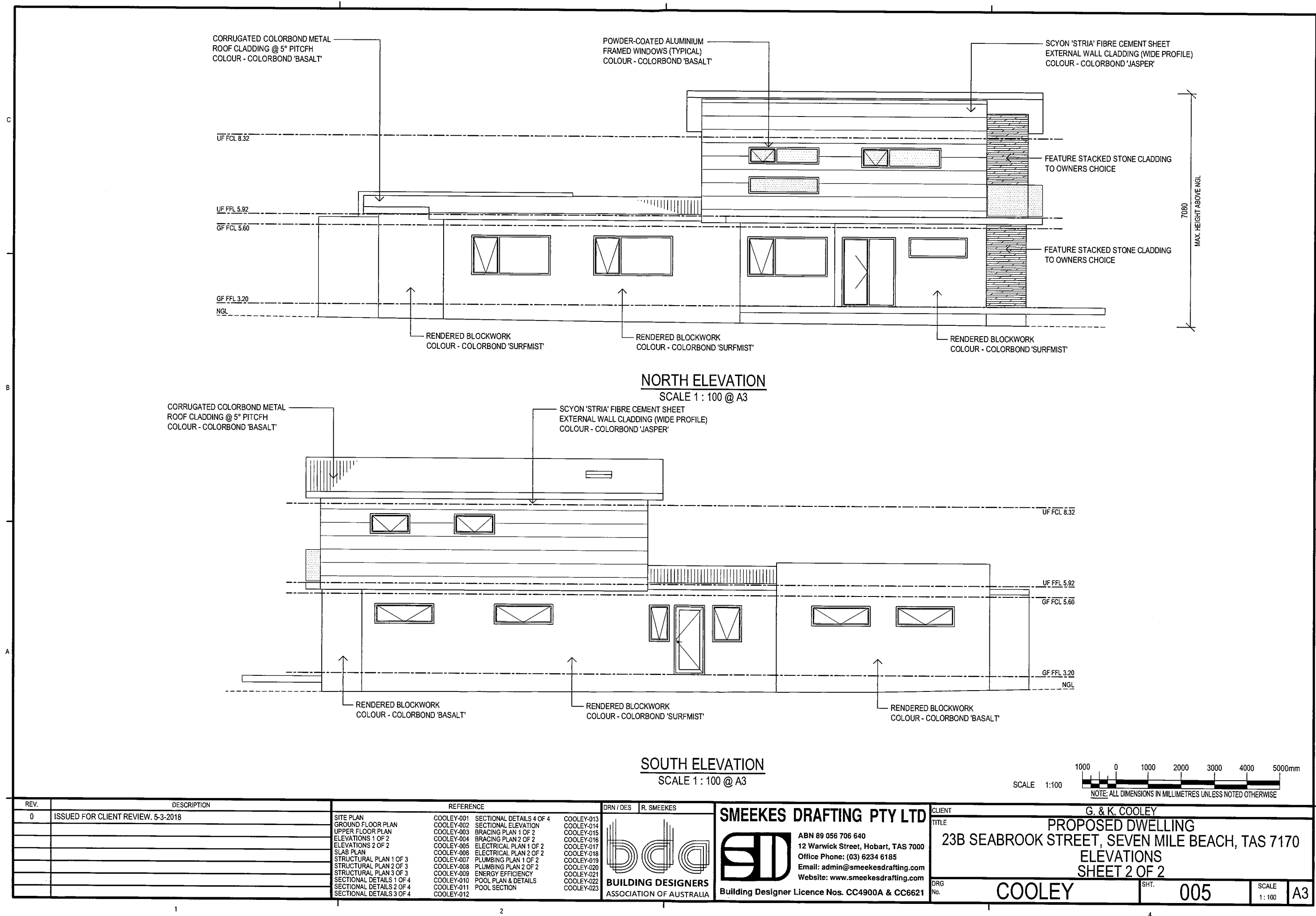
A	- AWNING
BF	- BIFOLD DOOR
C	- CUSTOM (BUTTED)
F	- FIXED
FR	- FROSTED GLAZING
GB	- GLASS BRICK
H	- HINGED
S	- SLIDING
SD	- SLIDING DOOR
STKSD	- STACKING TYPE SLIDING DOOR

UPPER FLOOR PLAN
SCALE 1 : 100 @ A3



REV.	DESCRIPTION	REFERENCE	DRN / DES	R. SMEEKES	SMEEKES DRAFTING PTY LTD		CLIENT	G. & K. COOLEY						
0	ISSUED FOR CLIENT REVIEW. 5-3-2018	SITE PLAN GROUND FLOOR PLAN UPPER FLOOR PLAN ELEVATIONS 1 OF 2 ELEVATIONS 2 OF 2 SLAB PLAN STRUCTURAL PLAN 1 OF 3 STRUCTURAL PLAN 2 OF 3 STRUCTURAL PLAN 3 OF 3 SECTIONAL DETAILS 1 OF 4 SECTIONAL DETAILS 2 OF 4 SECTIONAL DETAILS 3 OF 4	COOLEY-001 COOLEY-002 COOLEY-003 COOLEY-004 COOLEY-005 COOLEY-006 COOLEY-007 COOLEY-008 COOLEY-009 COOLEY-010 COOLEY-011 COOLEY-012	SECTIONAL DETAILS 4 OF 4 SECTIONAL ELEVATION BRACING PLAN 1 OF 2 BRACING PLAN 2 OF 2 ELECTRICAL PLAN 1 OF 2 ELECTRICAL PLAN 2 OF 2 PLUMBING PLAN 1 OF 2 PLUMBING PLAN 2 OF 2 ENERGY EFFICIENCY POOL PLAN & DETAILS POOL SECTION	COOLEY-013 COOLEY-014 COOLEY-015 COOLEY-016 COOLEY-017 COOLEY-018 COOLEY-019 COOLEY-020 COOLEY-021 COOLEY-022 COOLEY-023	 BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA	 ABN 89 056 706 640 12 Warwick Street, Hobart, TAS 7000 Office Phone: (03) 6234 6185 Email: admin@smeekesdrafting.com Website: www.smeekesdrafting.com Building Designer Licence Nos. CC4900A & CC6621	TITLE PROPOSED DWELLING 23B SEABROOK STREET, SEVEN MILE BEACH, TAS 7170 UPPER FLOOR PLAN	DRG No.	COOLEY	SHT.	003	SCALE 1:100	A3





Attachment 3 Site Plan (internal lot)



Attachment 4

Floor plan (25 Seabrook) & council shadow diagrams



Figure 1: Floor plan 25 Seabrook from domain.com.



Figure 2; 9am 21 June

Attachment 4 -
Floor plan (25 Seabrook) & council shadow diagrams



Figure 3: Noon 21 June.



Figure 4: 3pm 21 June.

11.3.3 DEVELOPMENT APPLICATION PDPLANPMTD-2021/017732 – 97 SHELOMITH DRIVE, ACTON PARK - EXTEND TRADING HOURS OF BOARDING KENNEL**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made to Extend Trading Hours of Boarding Kennel at 97 Shelomith Drive, Acton Park.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living 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 2 June 2021.

CONSULTATION

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

- noise; and
- Saturday opening time.

RECOMMENDATION:

A. That the Development Application to Extended Trading Hours of Boarding Kennel at 97 Shelomith Drive, Acton Park (Cl Ref PDPLANPMTD-2021/017732) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Trading hours must be within the following hours:

Monday – Friday	7.00am to 6.00pm;
Saturday	7.00am to 4.00pm;
Sunday	10.00am to 5.00pm;
Public Holidays	10.00am to 5.00pm.

- 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 subject property has been operating as a dog boarding business for a number of years. There are two relevant permits that were issued for the site, D-11/85 and D-13/81. The permits both relate to the dog boarding kennel, with the current hours open to the public being approved as 9.00am - 4.00pm, 7 days a week.

There is an existing residence on the site which continues to be a dwelling.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Rural Living 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; and
- Section 13 – Rural Living Zone.

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 4.7ha lot on the north-eastern side of Acton Park. There is an existing dwelling

3.2. The Proposal

The proposal is to extend the hours the boarding kennel is open to the public to 7.00am - 6.00pm Monday to Friday, 7.00am - 4.00pm Saturdays, and 10.00am- 5.00pm Sundays and Public Holidays. This extension is to allow for more practical pick up and drop off of pets, particularly for customers flying to/from the state from the nearby airport.

4. PLANNING ASSESSMENT**4.1. Compliance with Applicable Standards [Section 7.5]**

“7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code.

7.5.3 Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard.”

4.2. 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.

4.3. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the Rural Living Zone with the exception of the following.

Rural Living Zone

- **Clause 13.3.1 A1 (Opening Hours)** – the proposal seeks hours open to the public of 7.00am - 6.00pm Monday to Friday, 7.00am - 4.00pm Saturdays, and 10.00am - 5.00pm Sundays and Public Holidays.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of Clause 13.3.1 as follows.

Clause	Performance Criteria	Assessment
P1	<i>“Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.”</i>	The application seeks to extend the hours during which customers may visit the site. Obviously, a boarding Kennel is a 24 hour operation. The use is not proposed to be intensified; the business has approval from the original 1980’s permits for a capacity of 100 dogs. This number is not proposed to be increased. Therefore, any additional noise generated by the extension to public hours would only be from customer vehicles at pick up/drop off. The application does not seek to increase the hours within which commercial vehicles may visit the site (being any vehicle including and larger than a light truck). The kennels are located approximately 100m from the nearest neighbouring dwelling, and there is established vegetation around the perimeter of the site. This landscaping was a requirement of the original permit to assist with screening from the kennels. The proposed hours would not cause an unreasonable impact upon the amenity of residences nearby as customer numbers and therefore vehicle movement numbers will not change. The additional two hours in the morning will have negligible impact on traffic noise within the area.

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. Noise

Concern was raised by two representors that the resultant noise from the dogs would be unreasonable.

- **Comment**

As detailed above, the increase to opening hours should not cause unreasonable impact upon amenity with respect to noise, as the number of dogs staying on-site is not changing. The only additional noise generated would be from customer vehicles going to the site, which would have negligible effect.

5.2. Saturday Opening Time

Concern was raised by one representor with respect to the opening time on Saturdays being too early and should not as other kennels do, open until 9am on Saturdays.

- **Comment**

As detailed above, the increase to opening hours is not considered to cause unreasonable impact upon residential amenity due to traffic noise or customers picking up/dropping off pets.

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 2021-2031 or any other relevant council Policy.

9. CONCLUSION

The proposal is recommended for approval. The application for an extension of opening hours would not cause an unreasonable loss of residential amenity.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Cambridge

Subject Property

Acton Park

Shelomith Drive

Estate Drive

Rotary Place

Acton Road

0 20 40 60 80 100 m



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.

5/19/2021

1:4514



Proposed hours open to public:

Attachment 2

Mon - Fri 7AM - 6pm
SAT - 7AM - 4pm
pub / Sun - 10AM - 5pm



Attachment 3



View of the site from the access, kennels to the rear of the site



View of the site from the road front (C) Google

11.3.4 DEVELOPMENT APPLICATION PDPLANPMTD-2020/014033 – 3 PARK ROAD, LINDISFARNE - 3 MULTIPLE DWELLINGS (1 EXISTING + 2 NEW)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 Multiple Dwellings (1 existing + 2 new) at 3 Park Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Road and Railway Assets, 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.

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 2 June 2021.

CONSULTATION

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

- privacy;
- retention of trees; and
- overshadowing.

RECOMMENDATION:

A. That the Development Application for 3 Multiple Dwellings (1 existing + 2 new) at 3 Park Road, Lindisfarne (C1 Ref PDPLANPMTD-2020/014033) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [obscure glazing to a minimum height of 1.7m above the driveway surface level for the south-facing kitchen window of the existing dwelling].
3. ENG M1 – DESIGNS DA.
4. ENG A2 – CROSSOVER CHANGE.
5. ENG A5 – SEALED CAR PARKING.
6. ENG S1 – INFRASTRUCTURE REPAIR.

7. ENG S3B – WATER SENSITIVE URBAN DESIGN PRINCIPLES – BODY CORPORATE.

8. The development must meet all required Conditions of Approval specified by TasWater notice dated 19 November 2020 (TWDA 2020/01927-CCC).

ADVICE

- The existing stormwater lot connection and line is not suitable for the proposed development. A new lot connection to the piped stormwater main on Park Road will be required to be constructed by the developer at the developer's cost and must be reflected by the engineering designs required by Condition 3.

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 10.0 – General Residential Zone;
- Section E5.0 – Road and Railway Assets Code;
- Section E6.0 – Parking and Access Code; and
- Section E7.0 – Stormwater Management Code.

- 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 1113m² ordinary lot with access and frontage to Park Road and is located within an established residential area at Lindisfarne. The site is generally level, is serviced and developed with a dwelling and associated landscaped gardens. Existing parking areas are located at the eastern part of the site.

The site is located opposite ANZAC Park, and the area is characterised by a number of single-storey, single dwellings on larger lots, a number of internal lots also supporting single-storey, single dwellings with there being multiple dwellings to the north and north-east of the site. The location of the site is shown in the Attachments.

3.2. The Proposal

The proposal is for the development of 3 Multiple Dwellings (1 existing, 2 new) on the site.

The proposed dwellings would each be 2-storey, would be accessed from an existing driveway to be extended past the existing dwelling, and would be setback 1.85m from the northern (side) boundary, 1.5m from the southern (side) boundary, and 4.06m from the eastern (rear) boundary. The dwellings would not exceed 6.85m above natural ground level at their highest point, would each contain 3 bedrooms and a double car garage.

The development would have a total site coverage of 330m² and would include provision for parking of seven vehicles. It is proposed that the visitor space for the development would be located between the existing dwelling and the first of the proposed new dwelling units in the centre of the site.

It is proposed to demolish a series of outbuildings located across the site as part of the development, and to retain the existing picket fence as part of this proposal. The proposed plans are provided in the Attachments.

4. PLANNING ASSESSMENT

4.1. Compliance with Applicable Standards [Section 7.5]

“7.5.1 A use or development must comply with each applicable standard in a zone, specific area plan or code.

7.5.3 Compliance for the purposes of subclause 7.5.1 consists of complying with the acceptable solution or the performance criterion for that standard.”

4.2. 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.

4.3. Compliance with Zone and Codes

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

General Residential Zone

- **Clause 10.4.2 (A3) Setbacks and Building Envelope for all Dwellings**
 - it is proposed that House 1 would protrude beyond the building envelope prescribed by the acceptable solution by 600mm where adjacent to the northern boundary, and that House 2 would protrude beyond the prescribed building envelope by 3.3m where relative to the eastern (rear) boundary.

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

Performance Criteria	Proposal
<i>“P3 - 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> <i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i>	See below. The adjoining sites at 1 Park Road and 3 Ford Parade are located to the south of the development site. The shadow diagrams provided by the applicant (included in the Attachments) show that the development would have only minimal impact upon solar access to the dwelling at 1 Park Road early in the morning at Winter Solstice, and no impact upon the dwelling at 3 Ford Parade at Winter Solstice. The impact is therefore not considered unreasonable and meets this test of the performance criteria in that all habitable areas of both dwellings would have in excess of three hours of sunlight at Winter Solstice. The proposal will cause overshadowing to parts of the ground level private open space at the rear of the sites at 1 Park Road, 3 and 4 Ford Parade, and 4 Wellington Road throughout the day at Winter Solstice. Shadow diagrams were provided as part of the application documentation and included in the advertised plans. The diagrams show that the impacted area at 1 Park Road is limited to early morning at Winter Solstice, meaning that the extent of the overshadowing impact likely as part of this proposal to the outdoor living areas associated with that dwelling are not unreasonable, in that in excess of three hours of sunlight would be available to these areas.

	The impact to the open space at 3 and 4 Ford Parade and 4 Wellington Road is limited to a portion of the site only for the afternoon at Winter Solstice, leaving well in excess of the minimum area required under the Scheme as private open space associated to a dwelling entirely uncompromised at Winter Solstice. For these reasons it is therefore considered to meet this test of the Scheme in that the impact is not unreasonable.
(iii) <i>overshadowing of an adjoining vacant lot; or</i>	Not relevant.
(iv) <i>visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	The proposed dwelling units are 2-storey and would have a maximum height above natural ground level that would not exceed 6.85m at their highest point above natural ground level. The proposed dwelling units would have setbacks ranging from 1.5m to 4.06m providing for separation consistent with the surrounding area. Though the immediate area is characterised by single-storey development, the proposed dwelling units would provide setback distances from boundaries that limit the visual impact in terms of bulk and proportion, when viewed from adjacent lots. On this basis, the development is not considered to have an unreasonable visual impact on the adjoining properties.
(b) <i>provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area."</i>	There are many examples in the surrounding area where dwellings are located in proximity to the rear and side boundaries of lots and on this basis, the separation between the proposed dwellings is considered compatible with that prevailing in the surrounding area.

General Residential Zone

- Clause 10.4.6 (A3) privacy for all dwellings** – it is proposed that the shared driveway would be located within 1m of the south-facing kitchen window of the existing dwelling, as prescribed by the acceptable solution.

The proposed variation must therefore be considered pursuant to the Performance Criteria (P3) of Clause 10.4.6 as follows.

Performance Criteria	Proposal
<i>“P3 - A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.”</i>	The applicant has proposed the inclusion of obscure glass on the lower part of the south-facing kitchen window, where facing the proposed shared driveway. This window is a relatively small window and without direct views into the main living areas or bedrooms of the existing dwelling. It is considered that the obscure glazing should be required of the applicant by a condition of approval, which would satisfactorily address the requirements of this performance criterion, in terms of minimising impacts associated with the proposed driveway on residential amenity for the occupants of the existing dwelling.

General Residential Zone

- Clause 10.4.8 (A1) waste storage for multiple dwellings** – it is proposed that the waste storage area for House 2 would be located between the dwelling and frontage, which does not comply with the acceptable solution. Both the existing dwelling and proposed House 2 comply with the acceptable solution in that both spaces are for exclusive use of each dwelling and not located between the dwelling and frontage.

The proposed variation must therefore be considered pursuant to the Performance Criteria (P1) of Clause 10.4.8 as follows.

Performance Criteria	Proposal
<i>“P1 - A multiple dwelling must have storage for waste and recycling bins that is:</i> <i>(a) capable of storing the number of bins required for the site;</i>	See below assessment. The proposed bin storage area for House 2 would be adjacent the proposed garage and would provide sufficient area for the two bins required.

(b) <i>screened from the frontage and dwellings; and</i>	A screen is proposed to screen the bin storage area from both the existing dwelling and House 1. This is shown on the proposal plans and would be to a height consistent with the bins themselves, thus satisfying this test of the Scheme.
(c) <i>if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.”</i>	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. Privacy

Concern is raised by the representations that privacy would be compromised by the proposed development, specifically in relation to the proposed upper level decks and privacy impacts associated with overlooking. The concerns relate to both habitable rooms of dwellings and private open space areas. It is submitted that amended plans should be provided to show an alternative design to properly address impacts of the proposal in terms of privacy, and residential amenity.

- **Comment**

The proposal meets the requirements of the Scheme in relation to privacy, as articulated by the acceptable solutions of Clause 10.4.6 (A1) and (A2). The measures utilised by the design to achieve compliance include use of obscure glazing, offset windows from neighbouring habitable room windows, and setbacks from the proposed decks of 3.0m relative to the northern boundary for House 2 and in excess of 3m for House 1. On the basis that the relevant acceptable solutions are met by the proposal, there is no power to require amended plans to alter the location of the proposed decks. This issue is therefore not of determining weight.

5.2. Retention of Trees

The representations submit that existing vegetation on the eastern part of the site should be retained as part of the development to provide for privacy.

- **Comment**

The proposal satisfies those acceptable solutions of the Scheme relevant to privacy for adjacent properties, as described by Clause 10.4.6 (A1) and (A2) and discussed above. Being that the acceptable solutions are met, there are no applicable controls to require a condition requiring retention of vegetation or replacement landscaping as conditions of approval.

5.3. Overshadowing

Concern was raised by representations that the proposal would cause an unreasonable loss of amenity in relation to overshadowing of living areas, both indoor and outdoor, in winter months.

- **Comment**

Clause 10.4.2 (A3) prescribes the building envelope requirements, and the proposal does not comply with the acceptable solutions. It does, for the reasons discussed in Section 4 of this assessment, satisfy the associated performance criteria, P3, in that there would be in excess of three hours of sunlight at Winter Solstice available to the habitable areas and outdoor living areas of the adjacent dwelling. While it is acknowledged that the development would have some impact upon solar access at Winter Solstice, this impact is not considered an unreasonable impact in terms of the tests of the Scheme, and therefore does not justify refusal of the proposal.

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 2021-2031 or any other relevant council Policy.

9. CONCLUSION

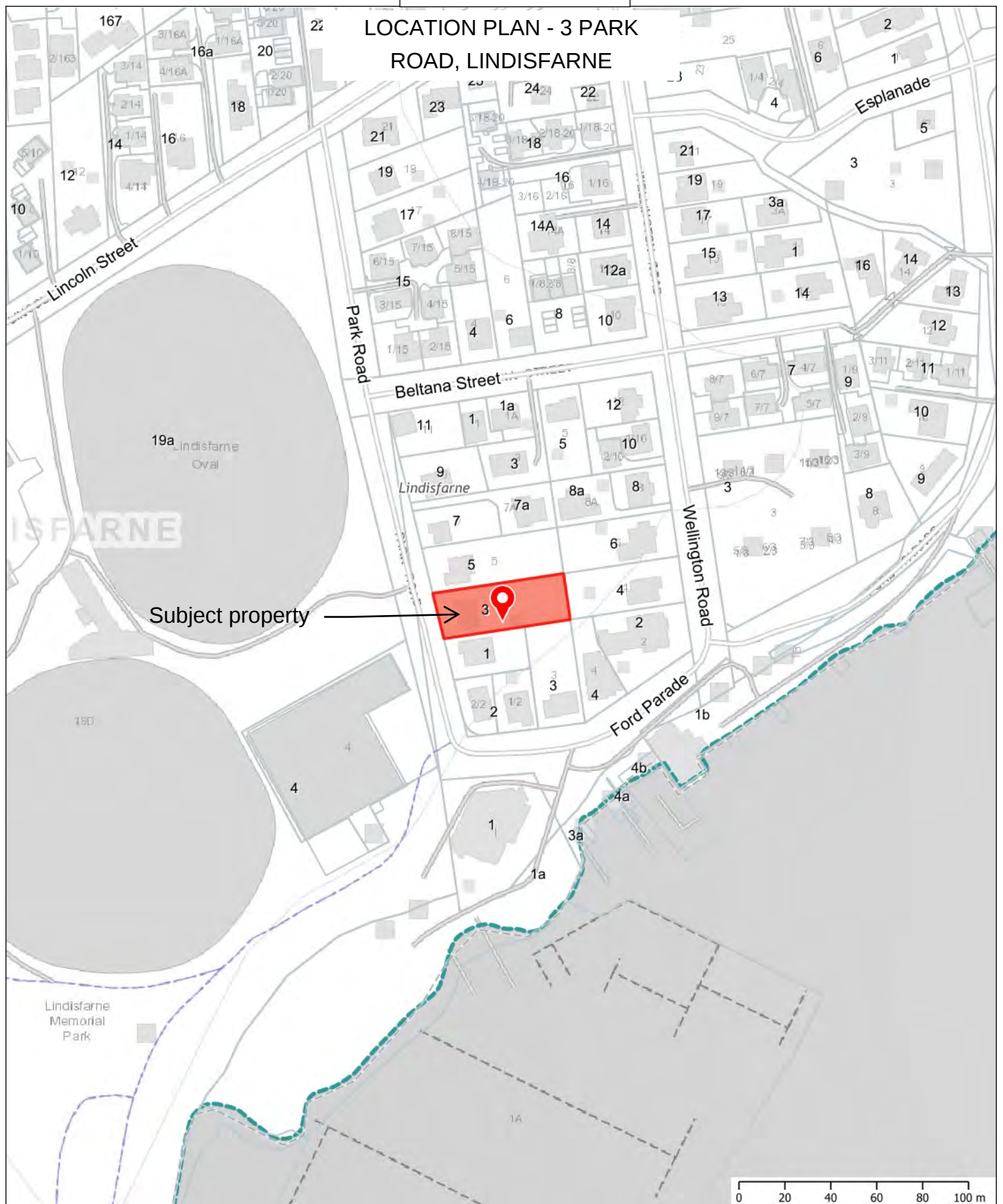
The proposal is for the development of 3 multiple dwellings (1 existing, 2 new) at 3 Park Road, Lindisfarne. The proposal satisfies the relevant requirements of the Scheme and is recommended for approval subject to conditions.

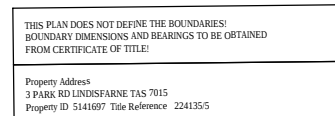
Attachments: 1. Location Plan (1)
2. Proposal Plan (12)
3. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING

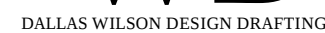
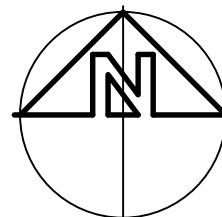
Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

Attachment 1

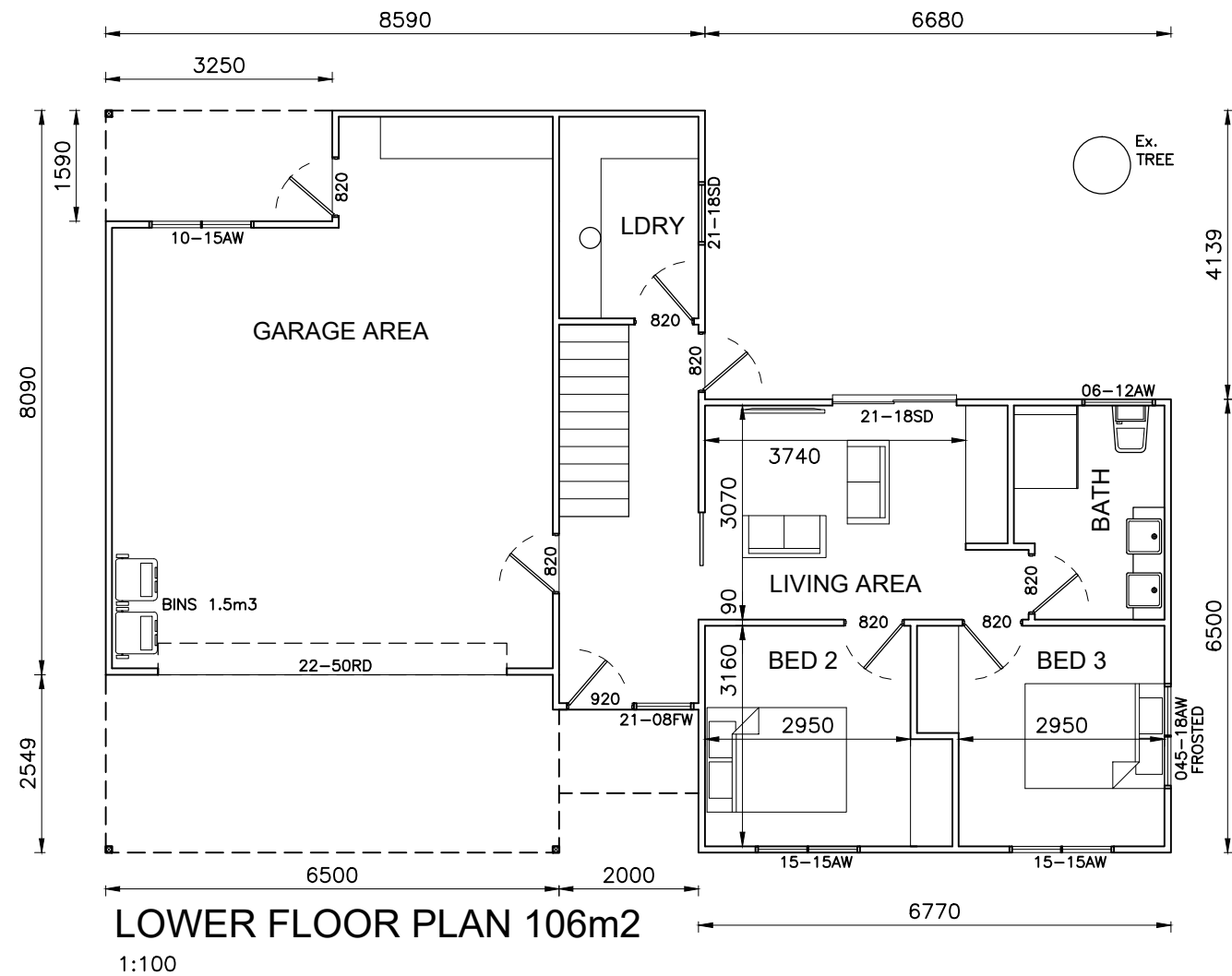




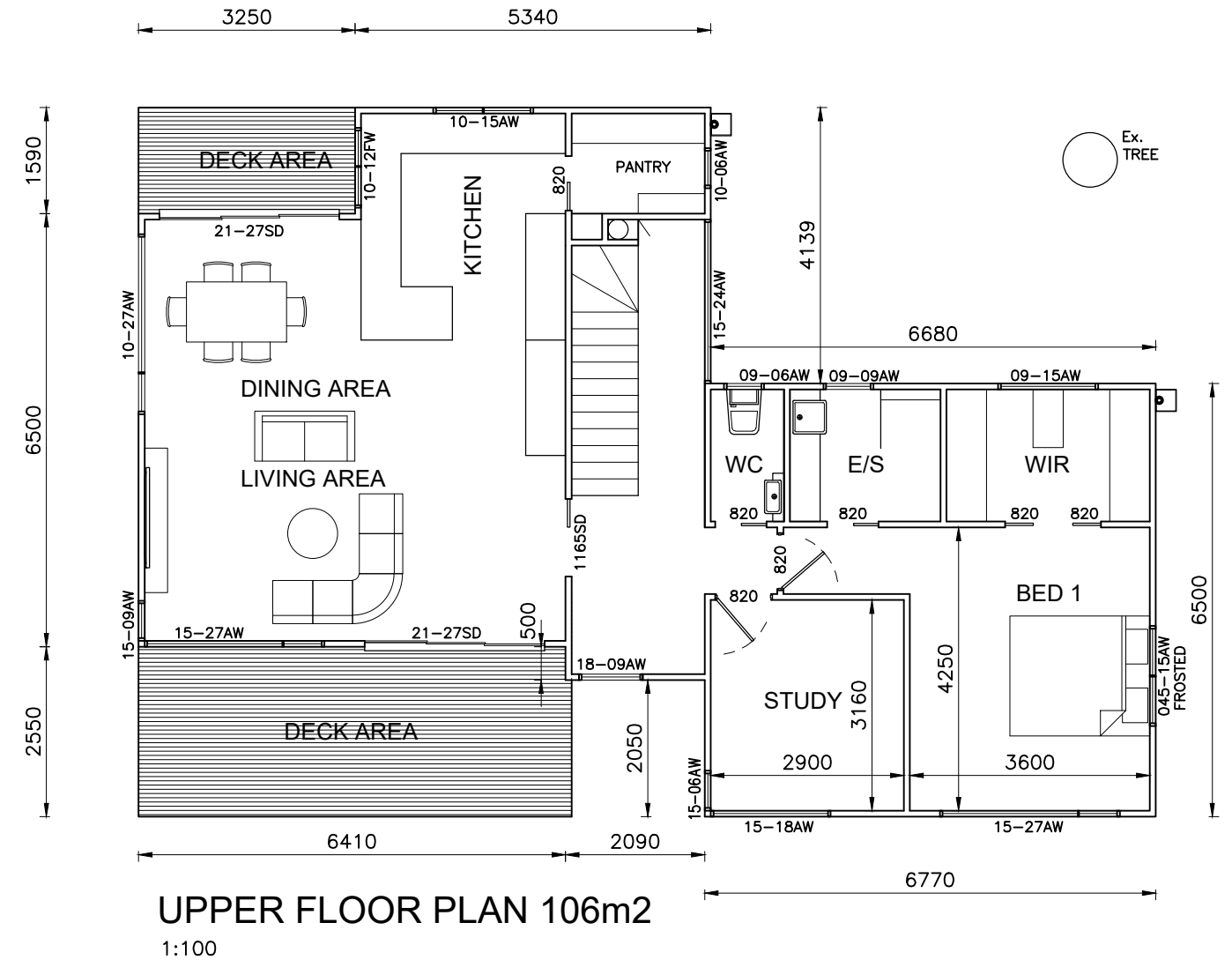
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AREA: XXX.XXm²



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HOUSE 1 FLOOR PLAN
1:100

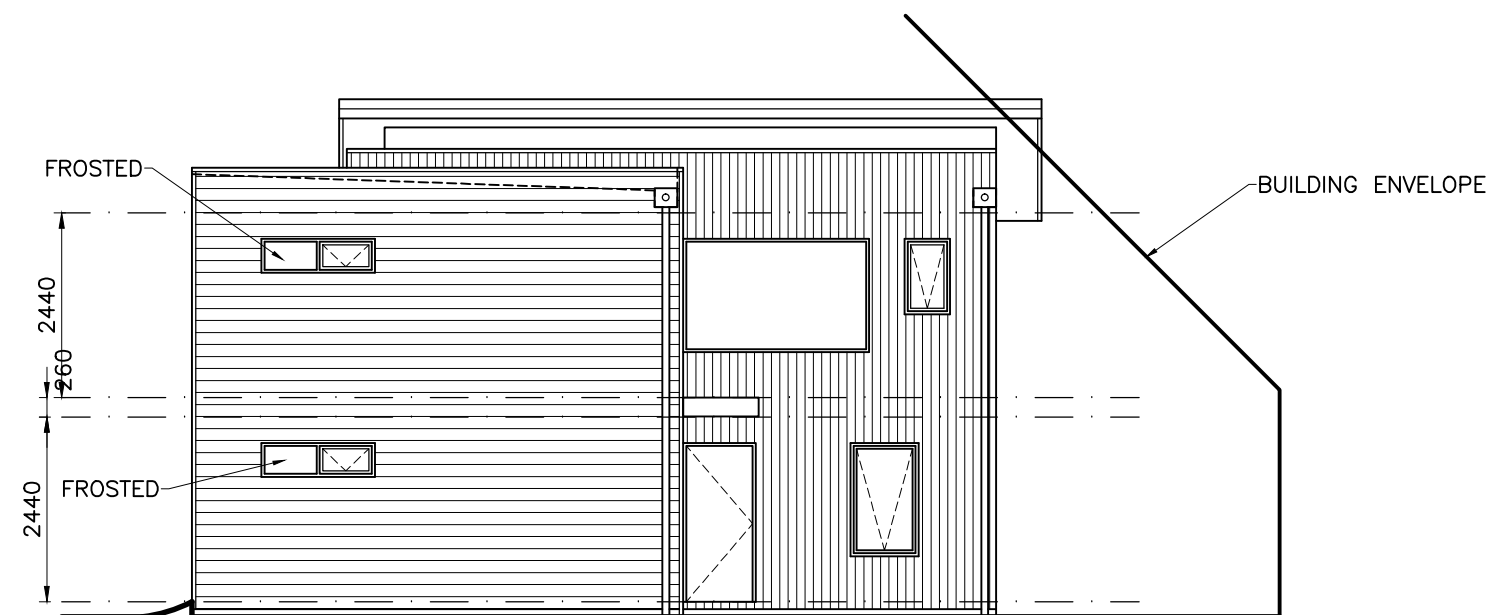


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NORTH ELEVATION

1:100



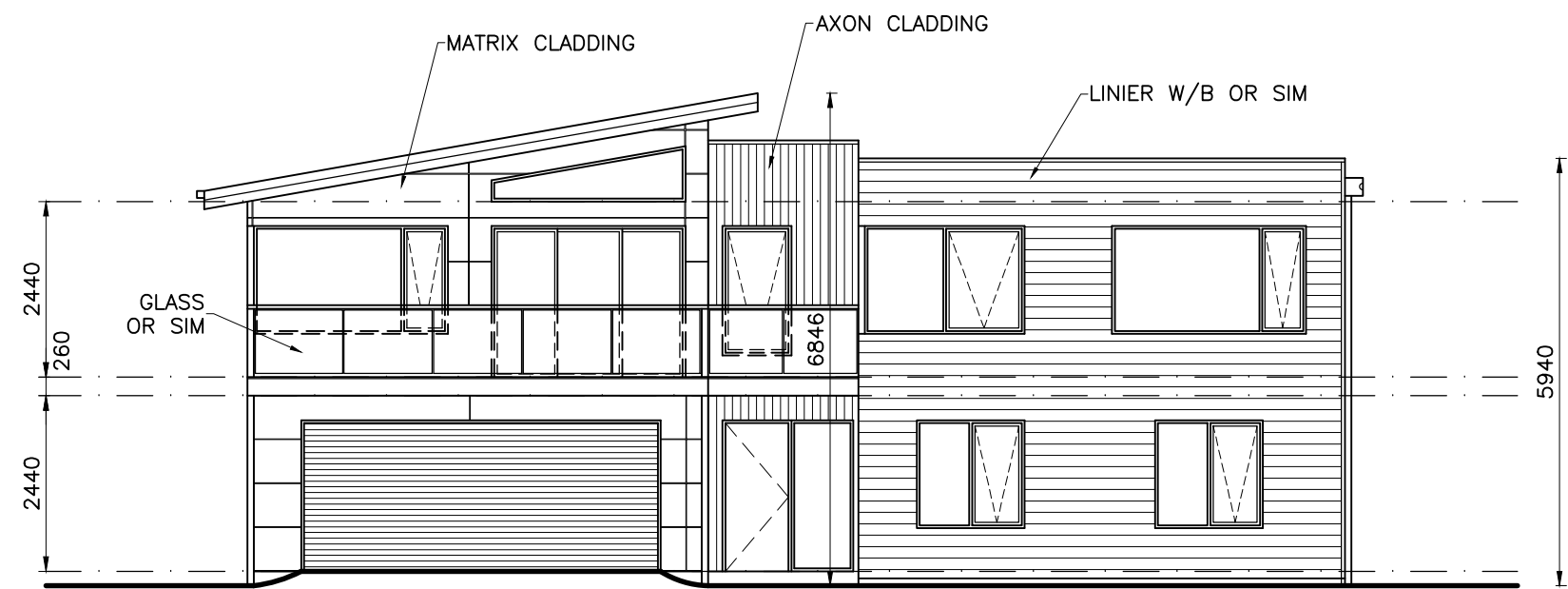
EAST ELEVATION

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HOUSE 1 ELEVATIONS

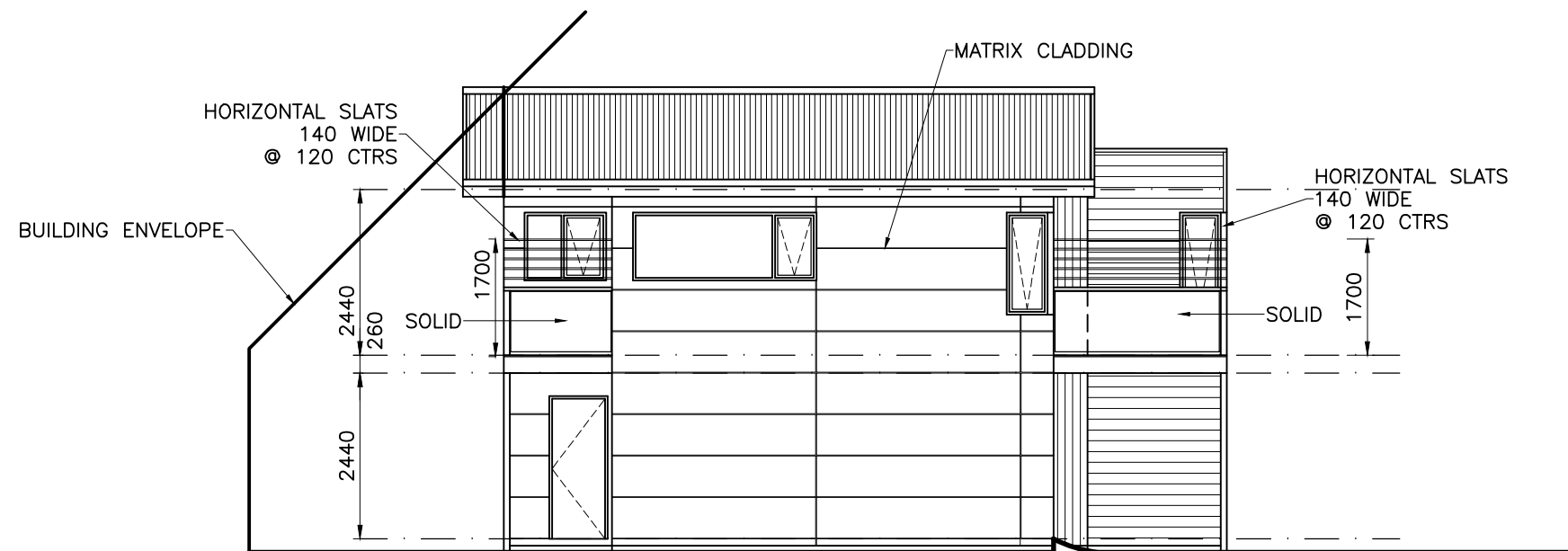
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SOUTH ELEVATION

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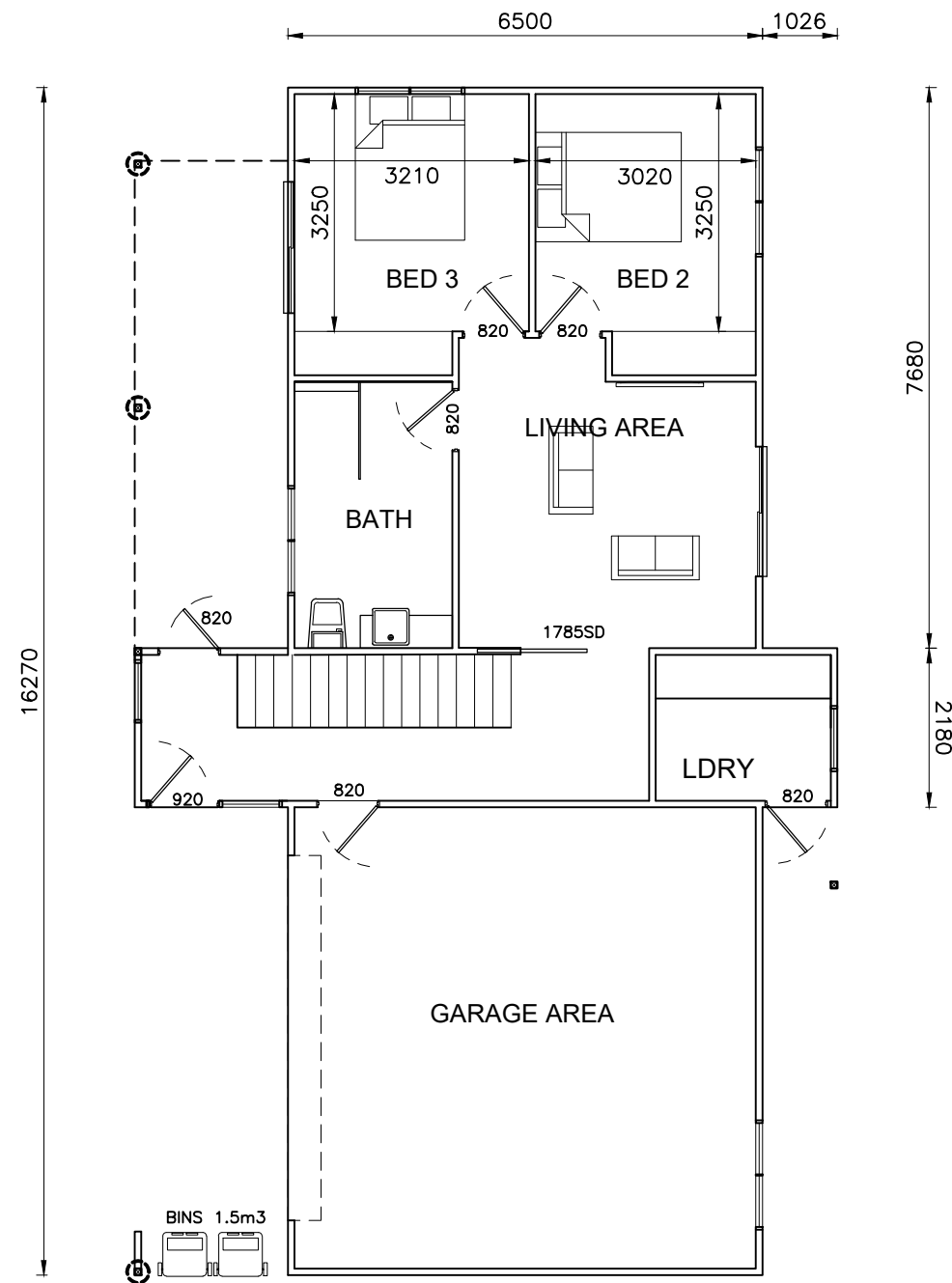
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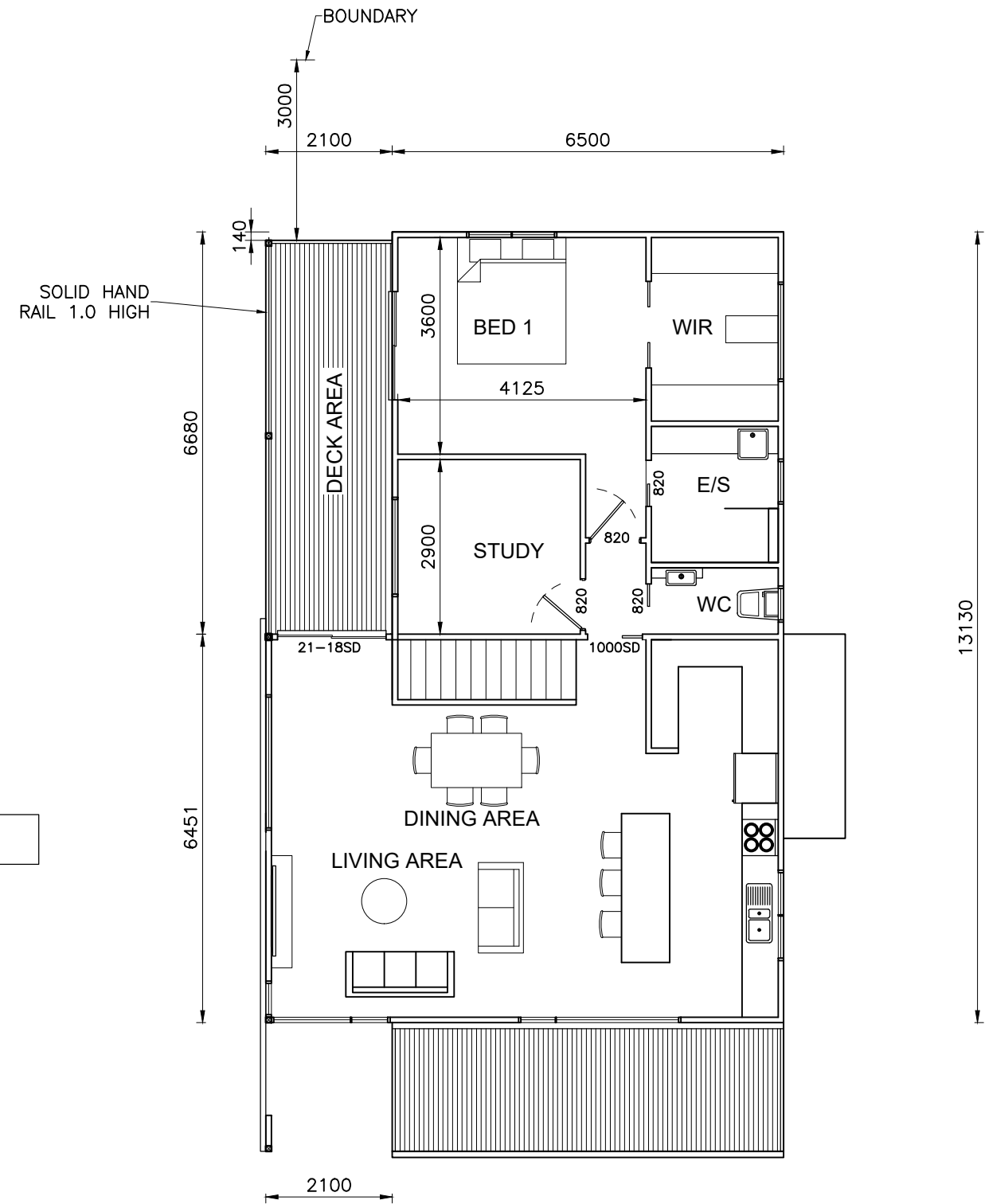
HOUSE 1 ELEVATIONS

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LOWER FLOOR PLAN 111m2
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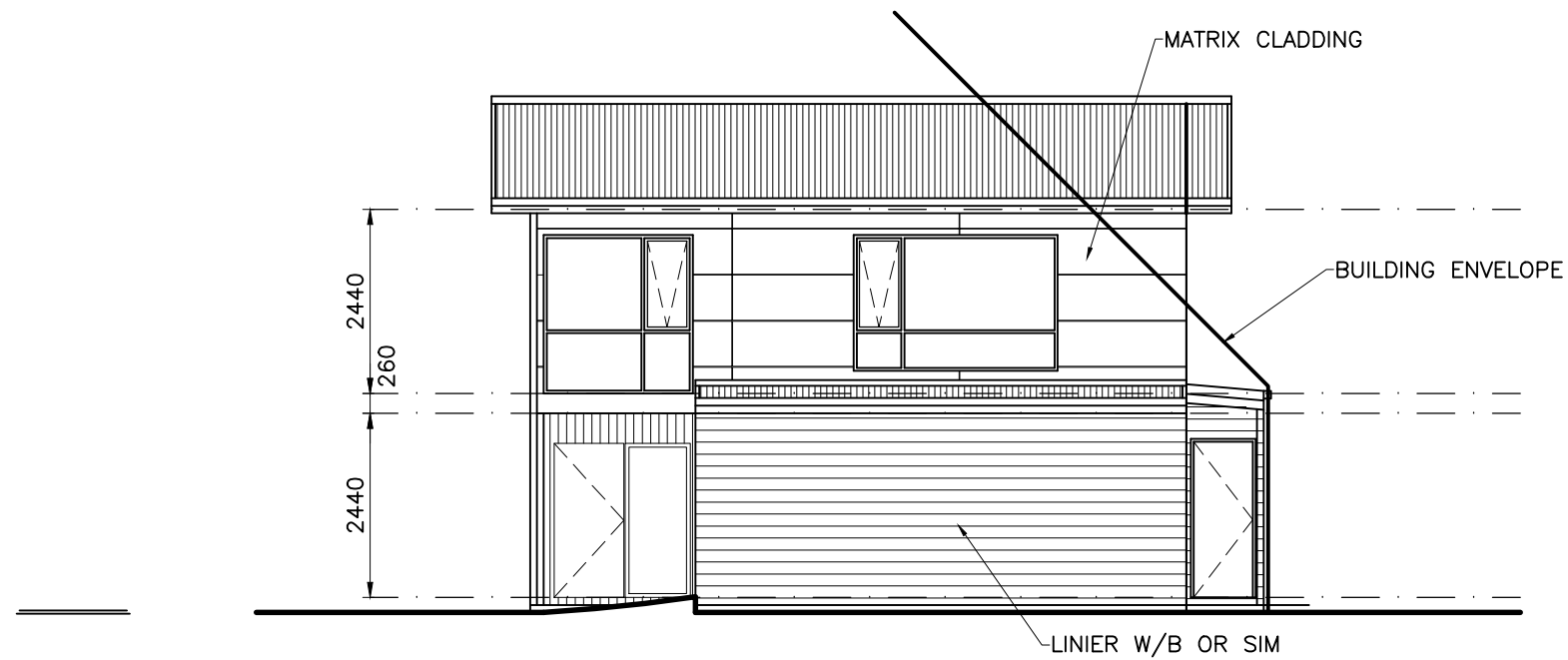


UPPER FLOOR PLAN 99m2
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HOUSE 2 FLOOR PLAN

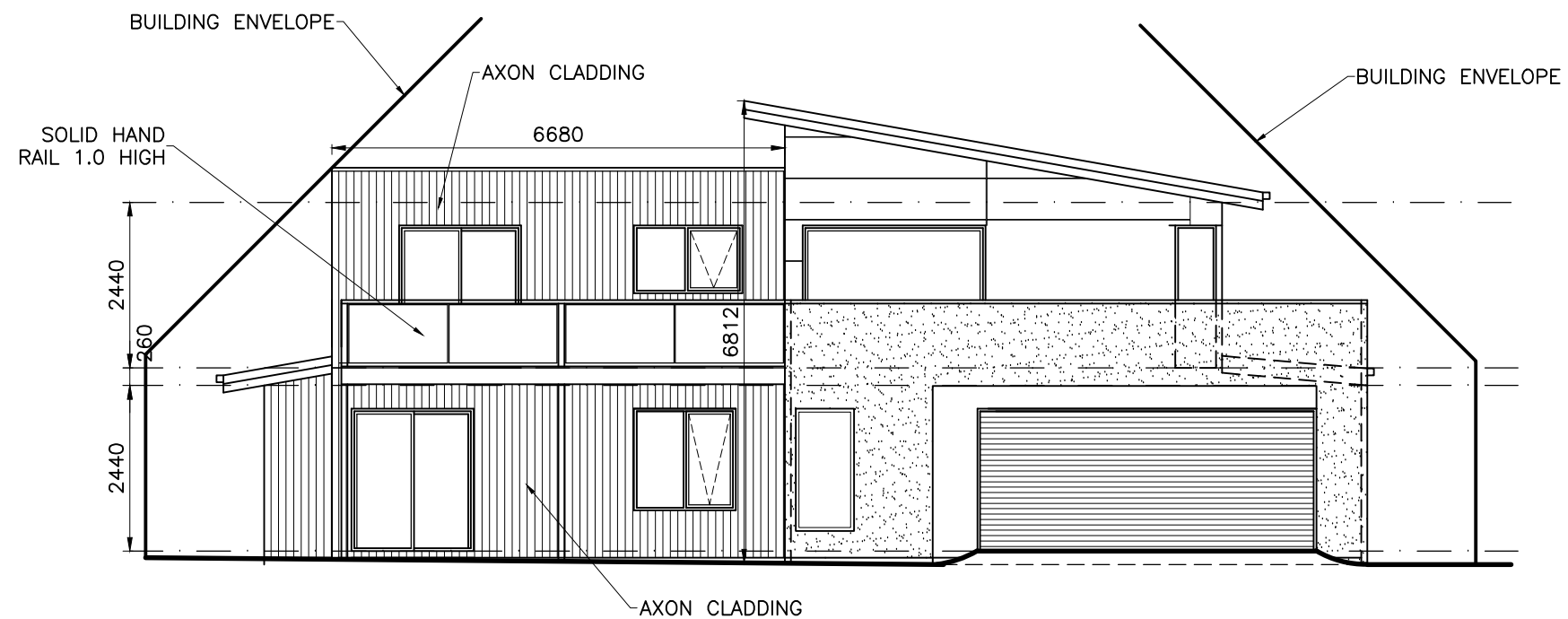
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SOUTH ELEVATION

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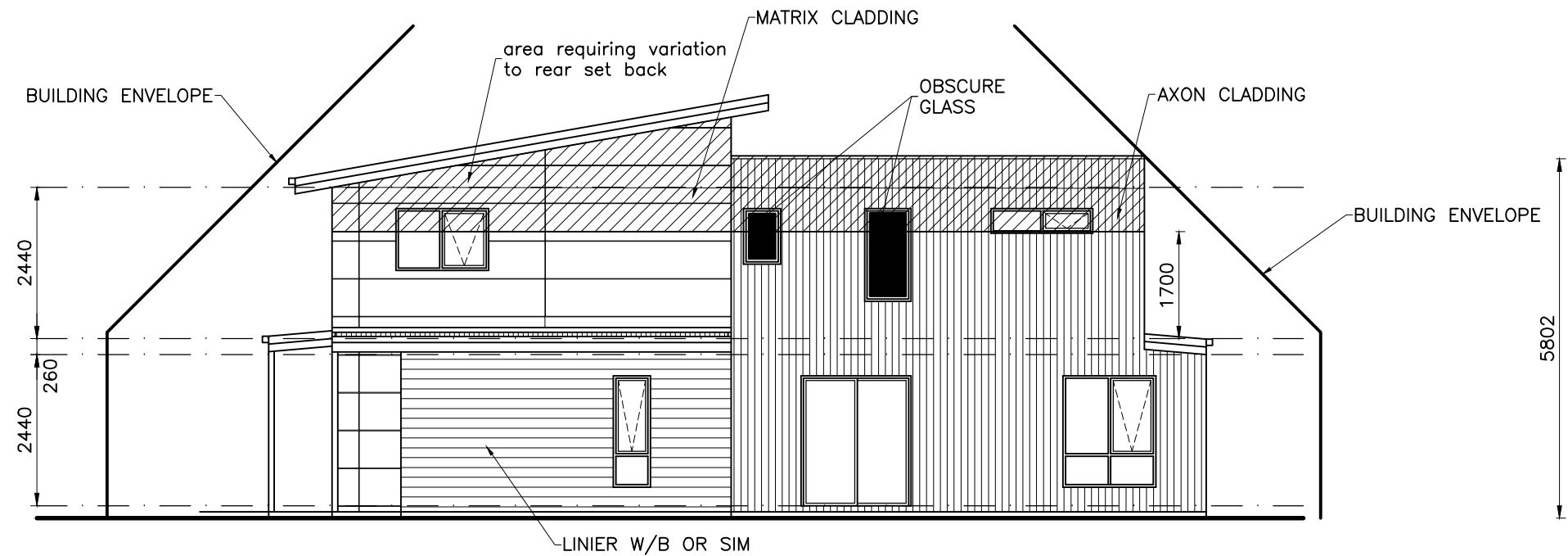
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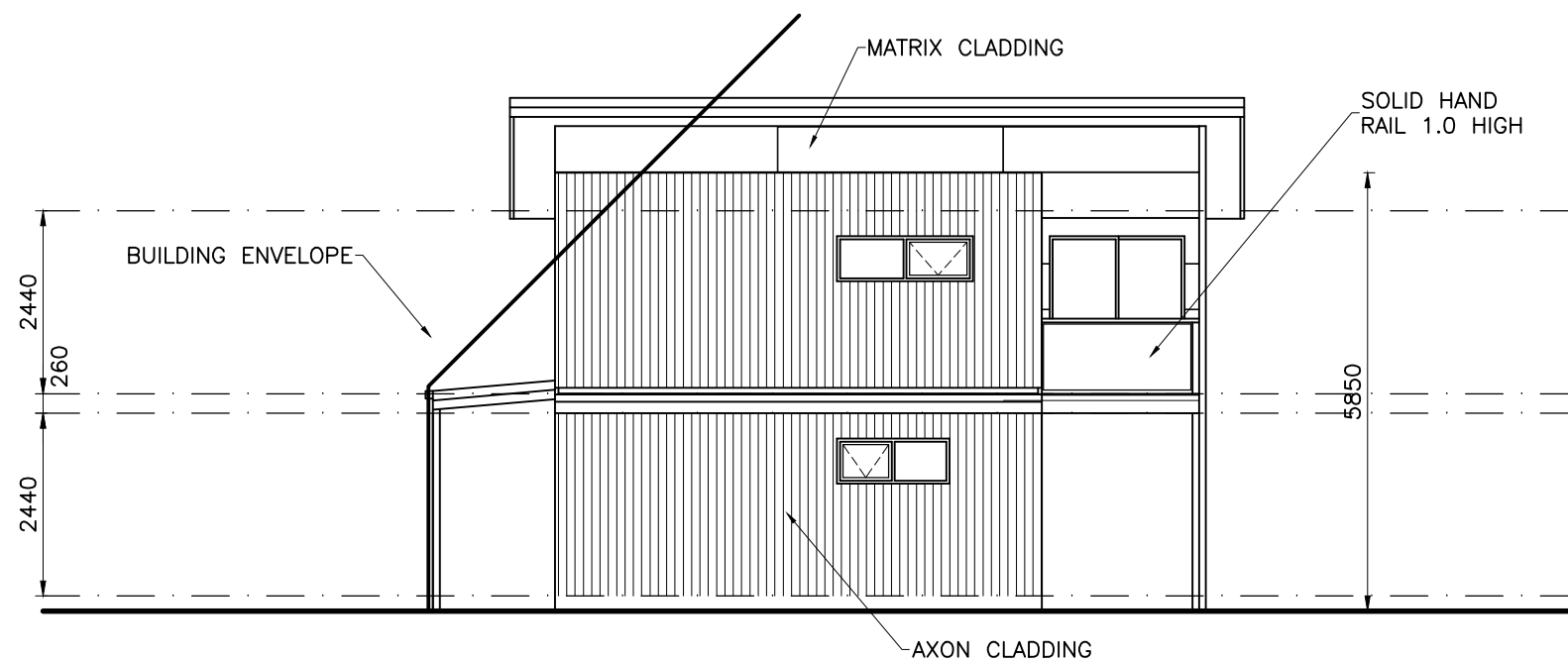
HOUSE 2 ELEVATIONS

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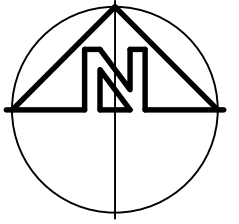
EAST ELEVATION
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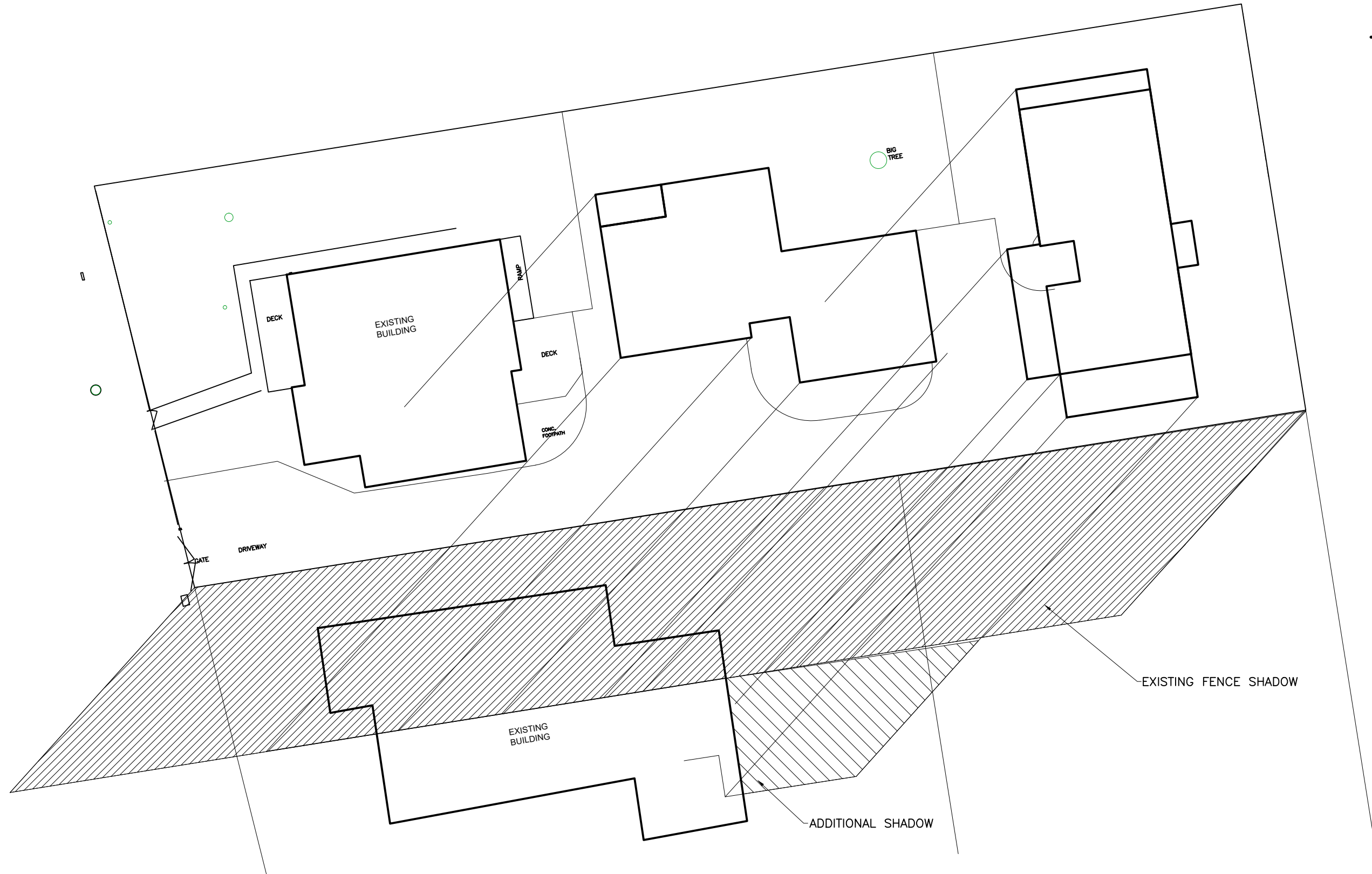
NORTH ELEVATION
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HOUSE 2 ELEVATIONS
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SITE PLAN
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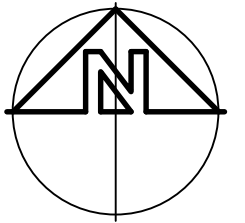


OVERSHADOWING 21-JUNE 9.00AM

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DALLAS WILSON DESIGN DRAFTING

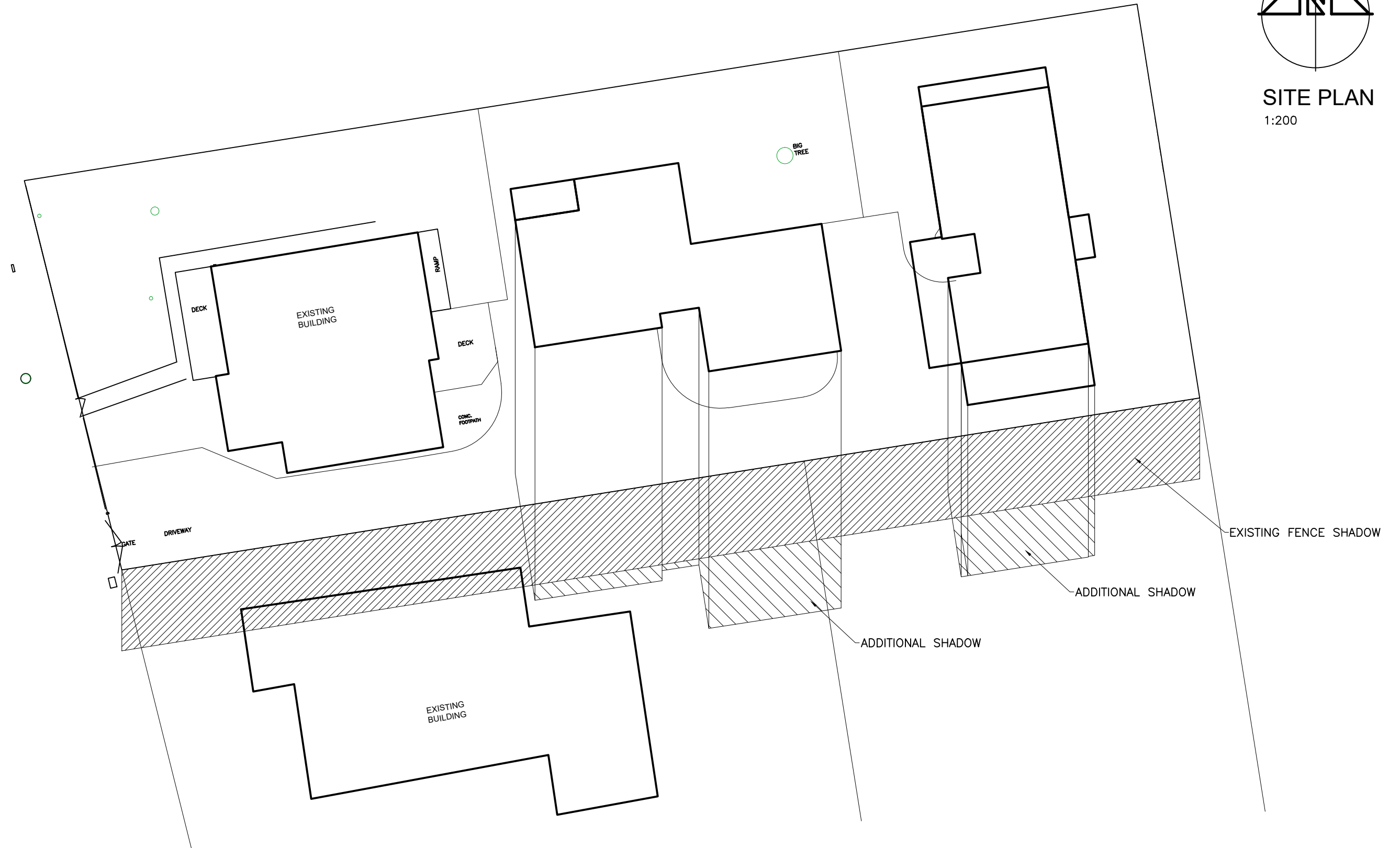
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SITE PLAN

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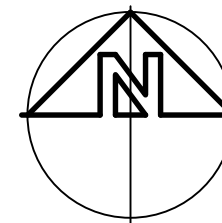
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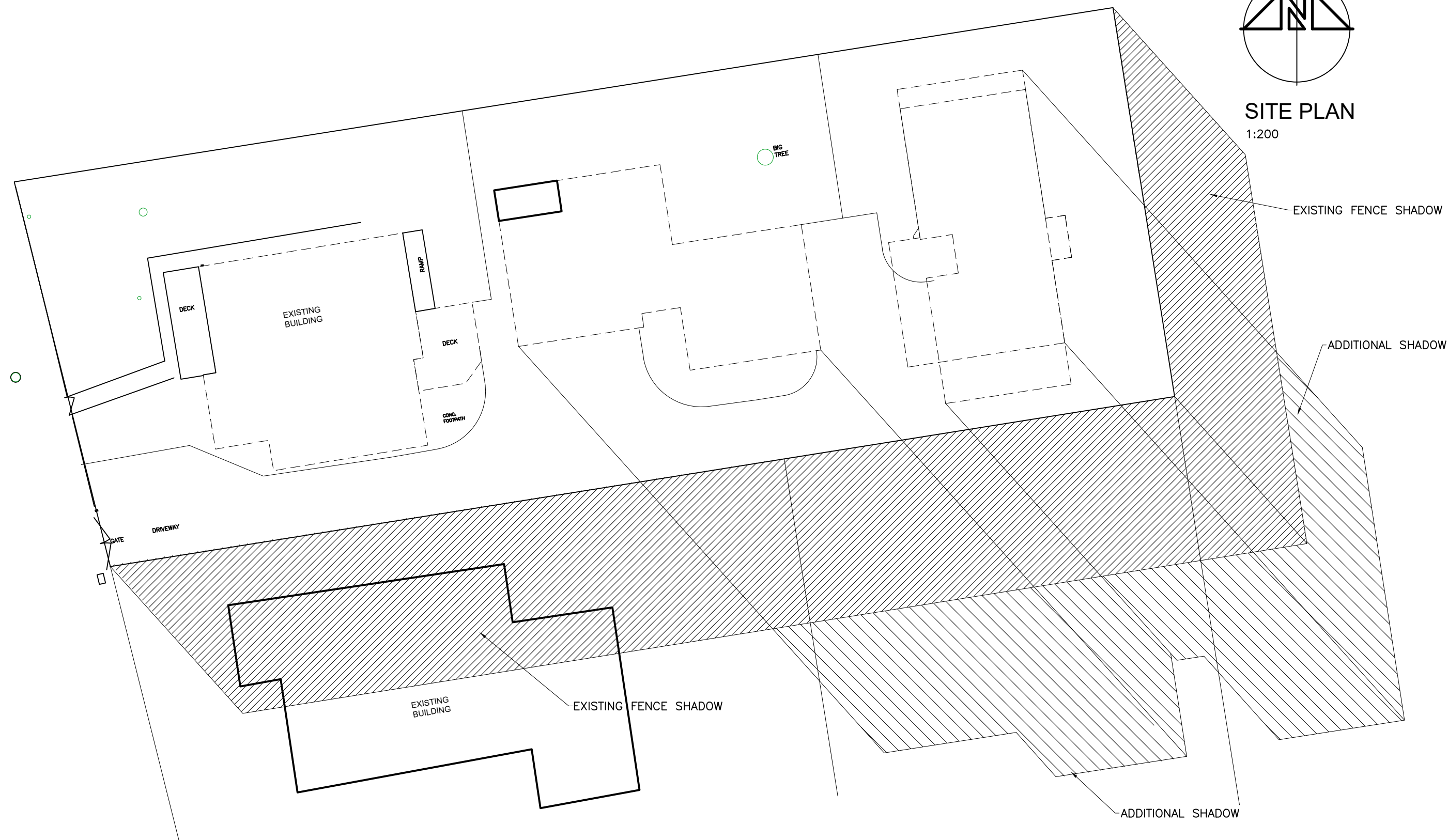
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SITE PLAN

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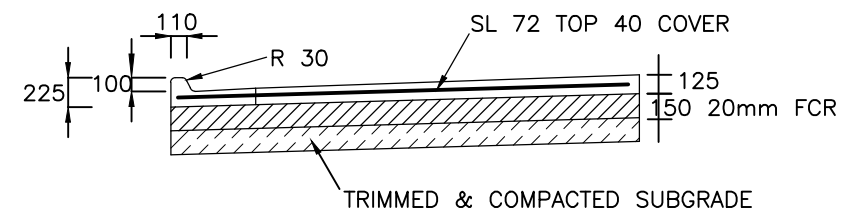
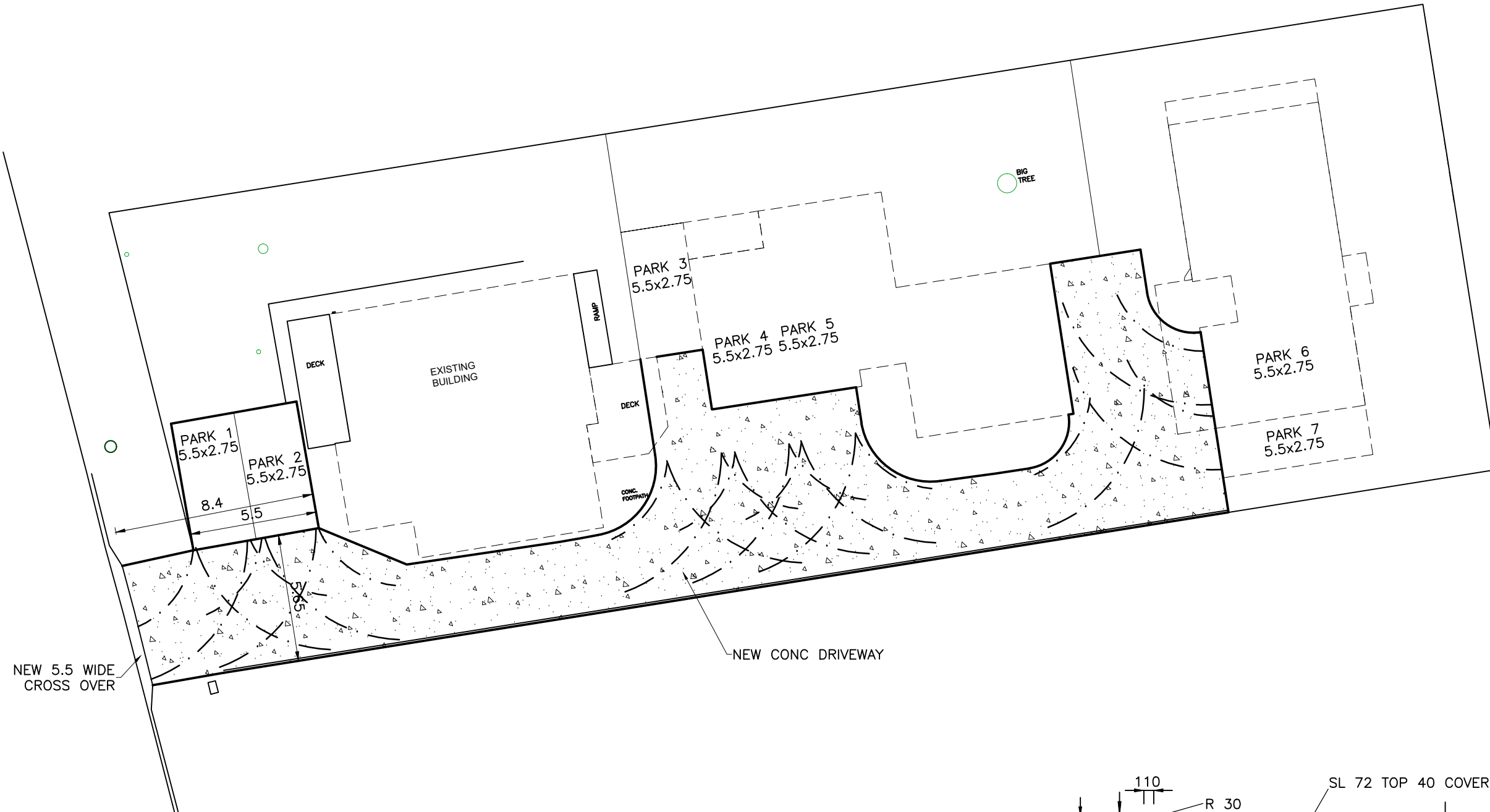
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TYPICAL DRIVEWAY SECTION
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DRIVEWAY PLAN

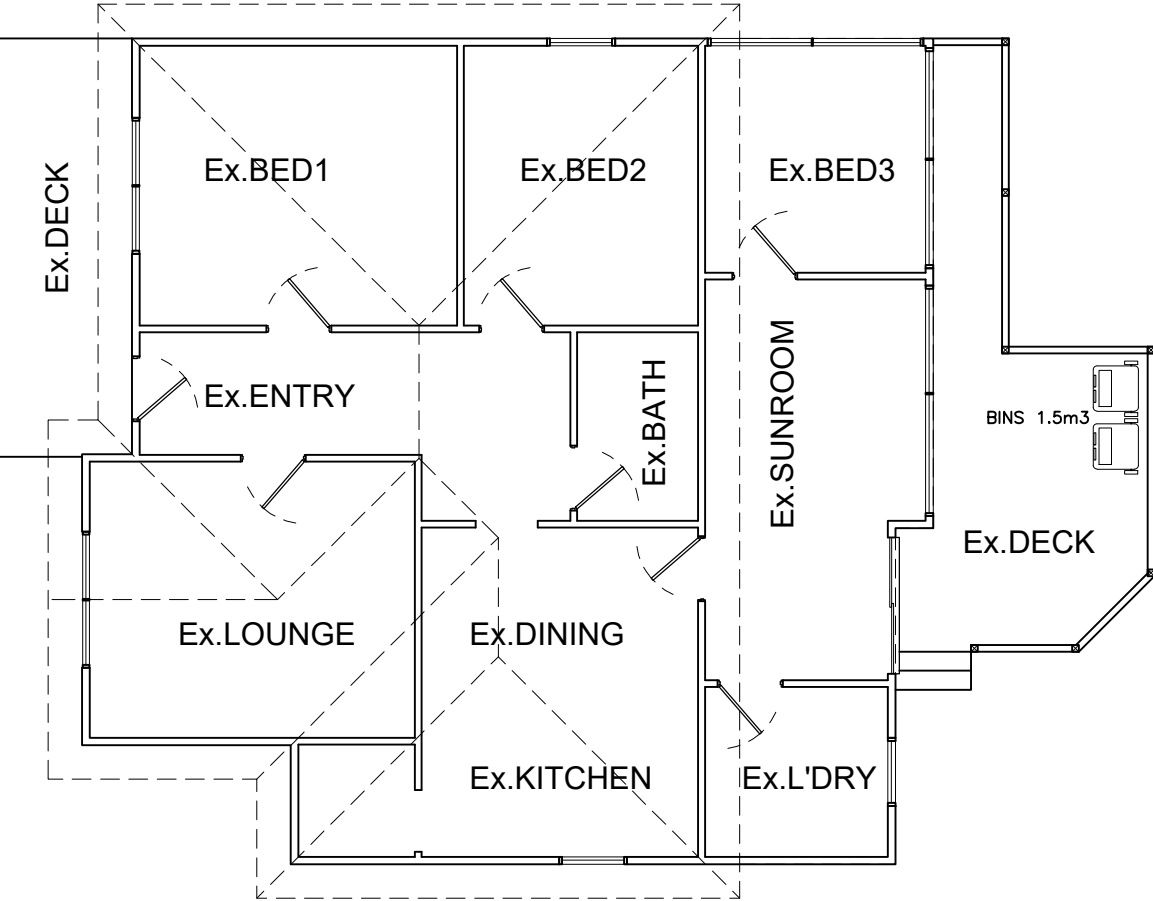
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Ex. FLOOR PLAN 113m2

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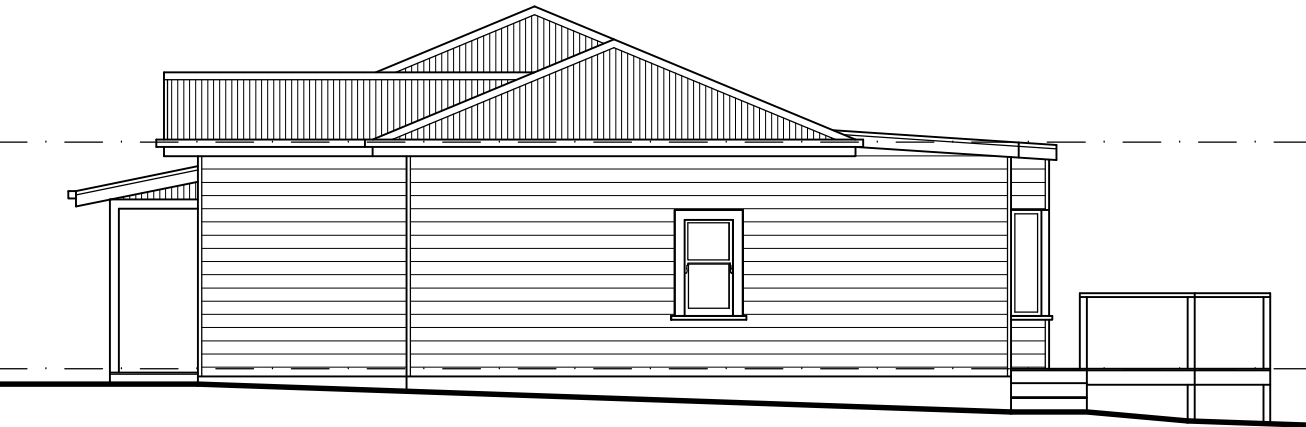
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Ex. EAST ELEVATION

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Ex. SOUTH ELEVATION

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Ex. WEST ELEVATION

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DESIGNED: DALLAS WILSON

DATE: 12/04/21

PAGE 15 OF 44 PAGES

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DWG No: Smit-J-03

Proposed Houses
3 Park Rd
Lindisfarne
For J.Smith

ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009

Attachment 3

3 PARK ROAD, LINDISFARNE



Photo 1: Site viewed from Park Road, looking east.



Photo 2: Site viewed from Park Road, looking southeast.



Photo 3: Site viewed from adjacent western boundary, looking east.



Photo 4: Site viewed from rear of existing dwelling, looking eastp.

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 BRIGHTON COUNCIL - REQUEST TO AMEND THE URBAN GROWTH BOUNDARY AT 69 BRIGHTON ROAD, BRIGHTON****EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a referral from Brighton Council seeking council's endorsement for an amendment to the Southern Tasmania Regional Land Use Strategy (STRLUS) to extend the Urban Growth Boundary (UGB) to approximately 11.27ha of land at 69 Brighton Road, Brighton.

RELATION TO PLANNING PROVISIONS

The land at 69 Brighton Road, Brighton is currently zoned Rural Resource under the Brighton Interim Planning Scheme 2015. It is outside and abutting the southern extent of the STRLUS UGB.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Brighton Council advised that the Minister for Planning has requested that they seek endorsement from all councils within the southern region for a proposal to extend the UGB to include 11.27ha of land at 69 Brighton Road, Brighton.

RECOMMENDATION:

A. That the Minister for Planning be advised that:

1. Council does not oppose the request to extend the Southern Tasmanian Regional Land Use Strategy's Urban Growth Boundary to include 69 Brighton Road, Brighton because it is unlikely to have significant direct impacts on Clarence.
2. Council is nevertheless concerned that continued ad hoc expansion of the Urban Growth Boundary around the region will adversely impact the sustainable development of the region, including the efficient and equitable supply of infrastructure and services. Accordingly, Council requests urgent action by the State Government on the review of the Southern Tasmanian Regional Land Use Strategy.

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.

BRIGHTON COUNCIL - REQUEST TO AMEND THE URBAN GROWTH BOUNDARY AT 69 BRIGHTON ROAD, BRIGHTON /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1** The land at 69 Brighton Road, Brighton is a 24.59ha lot currently zoned Rural Resource under the Brighton Interim Planning Scheme 2015. It is outside and abutting the southern extent of the STRLUS UGB.
- 1.2** At its January Ordinary Council Meeting, Brighton Council determined to amend the Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS) to extend the Urban Growth Boundary (UGB) to include an approximately 11.27ha portion of land at 69 Brighton Road, Brighton.
- 1.3** The Brighton Council's planning authority report identifies that the potential dwelling yield from this land is likely to be between 120 and 170 dwellings. Based on the figures in the report by suburb, Brighton's average combined greenfield and infill growth rate is approximately 50 dwellings/annum. Accordingly, the proposed expansion would provide an additional three years' supply to the existing residential stock.
- 1.4** A copy of the Brighton Council's planning authority report is included in the attachments.

2. STATUTORY IMPLICATIONS

- 2.1.** Under Section 30C(3) of LUPAA, the Minister for Planning may declare a regional land use strategy.
- 2.2.** Section 30C(4) specifies that the Minister must keep all regional land use strategies under regular and periodic review. There is no formal statutory process for individuals or planning authorities to apply to amend the STRLUS.

- 2.3.** There are no statutory requirements, timeframes or considerations relevant to council for the consideration and response to this referral.

3. REVIEWING AND AMENDING THE REGIONAL LAND USE STRATEGIES

- 3.1.** Despite LUPAA specifying that the Minister must keep all regional land use strategies under regular and periodic review [S.30C(4)], with the exception of several relatively minor ad hoc changes to the UGB, a thorough review of the STRLUS has not yet commenced. However, it may be noted that the metropolitan councils are working with the State Government on the “MetroPlan”, which will contribute to the STRLUS review.

- 3.2.** There is no formal statutory mechanism for either individuals or planning authorities to apply to amend a regional land use strategy.

- 3.3.** In recognition of the above the Minister for Planning has initiated two different methods to facilitate urban expansion beyond the current UGB:

- The Department of Justice’s Planning Policy Unit (PPU) Information Sheet RLUS 1; and
- a proposed draft amendment to the STRLUS that introduces a new policy enabling the consideration of proposals for urban zoning beyond the UGB in limited circumstances without requiring an amendment to the STRLUS.

Each of these processes has been described in detail in previous council reports.

- 3.4.** The proposed amendment to the STRLUS enabling the consideration of urban zoning beyond the UGB was the subject of a recent Council Workshop and considered at council’s meeting of 9 February 2021. This mechanism is currently in draft form and not an avenue available at this time. However, it is noted that should the amendment to the STRLUS be approved, the magnitude of the proposed 11.27ha UGB expansion is beyond the scope of that envisaged through this mechanism.

Accordingly, the 11.27ha UGB expansion is submitted as being consistent with the requirements and considerations provided for in the PPU's Information Sheet RLUS 1.

- 3.5.** RLUS 1 requires that amendments to the STRLUS must demonstrate that they:
- further the Schedule 1 Objectives of LUPAA;
 - are in accordance with State Policies made under section 11 of the State Policies and Projects Act;
 - are consistent with the Tasmanian Planning Policies, once they are made; and
 - meet the overarching strategic directions and related policies in the regional land use strategy.

Brighton Council has considered each of these requirements and considers the proposal is capable of meeting them, however, it is ultimately the Minister who will determine whether the requirements of RLUS 1 are satisfied.

4. THE SITE

The subject site is 69 Brighton Road, Brighton, a 24.59ha lot abutting the southern fringe of the existing UGB. It is located approximately 400m to the south of Elderslie Road, to the west of Brighton Road and to the north of the Brighton Industrial Estate. A Location Plan is included in the attachments as is a STRLUS UGB – Map 10 extract which also assists to establish its context.

5. THE PROPOSAL

It is requested that the Minister for Planning amend the STRLUS by expanding the UGB on Map 10 by including an approximately 11.27ha portion of the site. According to the report, the expansion is requested to account for a 10ha parcel of land that was compulsorily acquired by the Department of Education (DoE) to build the new Brighton High School.

The land at 1 Elderslie Road has been acquired by DoE. It is within the UGB, zoned General Residential and abuts the subject property. This land was previously earmarked by Brighton Council for future residential development and according to Brighton was required to meet residential growth forecasts. It is submitted that the loss of 10ha of residential land will place significant pressure on local land supply.

The Brighton Council report confirms that no planning scheme amendment, subdivision or development applications are proposed at this time. However, it is understood a masterplan is being prepared for 69 Brighton Road and the surrounding South Brighton Development Precinct.

6. PLANNING ASSESSMENT

The STRLUS's primary objective is to provide a framework for the delivery of an integrated sustainable settlement across the region. The strategic directions, policies and actions provide certainty to the broader community, infrastructure providers and governments assisting to inform medium and long-term investment decisions.

The STRLUS prescribes a UGB and is one of the most important tools in land use planning for ensuring the rational and efficient growth of the region.

There is no formal statutory process for individuals or planning authorities to apply to amend the STRLUS. There have been no substantial changes to the UGB since it was declared and only five relatively minor amendments in Clarence, Hobart and Sorell.

The UGB is often misconstrued as a residential growth boundary, the UGB provides for more than residential uses and SRD 2.4 of the STRLUS specifically states:

“Recognise that the UGB includes vacant land suitable for land release as greenfield development though residential rezoning as well as land suitable for other urban purposes including, commercial, industrial, public parks, sporting and recreational facilities, hospitals, schools, major infrastructure etc.”

Accordingly, under the STRLUS it is appropriate that DoE establish new schools within the UGB, which is the case in this instance. It does not follow that establishing a new school within the UGB will necessarily displace or result in the need for additional residential land. They are both urban uses and each equally appropriate to be located within the UGB. For this reason, it is incorrect to say that the acquisition of 1 Elderslie Road for a future school requires an equivalent expansion of the UGB. The case for an additional 11.27ha of residential land in this location must be demonstrated on a holistic residential supply and demand basis, if the STRLUS and RLUS1 are to be satisfied.

The Brighton Council report contains a section at 8.2.1 on Brighton land supply. The analysis identifies that there is sufficient supply to meet the 20-year Treasury projections, but this would require all infill development opportunities to proceed and is well short of the Brighton Structure Plan scenario. On that basis it is submitted that there is inadequate land within the existing UGB to accommodate Brighton's long-term housing needs and that *“the loss of 10ha of General Residential land for the use of the Brighton High School has put significant pressure on the land supply within the Brighton township. However, this can be logically replaced on the adjoining land at 69 Brighton Road if the UGB is extended.”*

The Brighton Structure Plan, whilst aspirational, is not a statutory document and cannot over-ride the STRLUS. Therefore, it would seem that the Brighton Structure Plan's role should be considered as part of a broader review of the STRLUS, which would give it regional context. Such an approach might allow broader settlement considerations such as the impact of activity centres, employment centres, the proximity of the industrial area, schools, services, transport hub and railway and conversely their reliance on the need for a larger residential catchment.

Land supply at the regional level can only be fully understood through a comprehensive review of the STRLUS and associated settlement strategies. Continued pressure at the fringes experienced by all councils within the region highlights the need for urgent review. However, whether the case for residential land in this location is warranted at this time will ultimately be a matter for the Minister for Planning.

If in view of the concerns expressed by the above-mentioned councils, the requested amendment is not approved by the Minister, Brighton may wish to review the matter in terms of any broader strategic opportunities, perhaps as part of the STRLUS review. Such considerations might explore whether more self-contained residential growth can be sustained through factors such as growth of the industrial estate and its role as an employment generator; whether the rail services can be better utilised to support industrial activity and public transport; educational opportunities associated with the school when built; and any other economic attractors.

7. CONSULTATION

Brighton has advised that the Minister for Planning has requested that they seek endorsement from all councils within the southern region for a proposal to extend the UGB to include 11.27ha of land at 69 Brighton Road, Brighton.

Given the location of the site and its connection to Hobart as the major employment and activity centre, the potential expansion of the Brighton UGB will likely impact the City of Hobart and City of Glenorchy more so than Clarence. As Clarence is working closely with those councils on the development of the MetroPlan, it is relevant to acknowledge their views on the proposal.

The City of Hobart considered the matter at its meeting of 10 May and resolved:

- “1. Should the Minister for Planning agree to determine the proposal for an amendment to the Southern Tasmania Regional Land Use Strategy 2010-2035 to extend the Urban Growth Boundary to include 11.27ha of land at 69 Brighton Road, Brighton, at this time, then the following considerations be taken into account:*
 - a. Potential impacts of the proposal in light of the MetroPlan project;*
 - b. The wider potential impact of the proposal on traffic into other Municipal Areas, particularly the Hobart CBD;*
 - c. The potential cumulative impacts of extensions to the Urban Growth Boundary in regional centres and the need for new social and physical infrastructure to accommodate that growth;*
- 2. Given the increased requests relating to the Urban Growth Boundary review and the demands for dwellings, the Council seek urgent action by the State Government to fast track review of the Southern Tasmanian Regional Land Use Strategy Review.”*

It has been advised that the City of Glenorchy also advised the Minister it is concerned that expansion of UGB has the potential to compromise planned densification in strategic locations such as the transit corridor; the cumulative impact of UGB expansion is not being monitored and the increasing number of requests to amend the UGB demonstrates the urgent need for a review; and the development the Metroplan, presents an opportune time for a comprehensive review of the UGB.

8. STRATEGIC PLAN/POLICY IMPLICATIONS

The most significant strategic considerations relating to the potential expansion of the UGB are the strategies within the STRLUS and in particular those that relate to metropolitan settlement strategy discussed above.

The State Policies are:

- State Policy on the Protection of Agricultural Land 2009;
- State Policy on Water Quality Management 1997; and
- Tasmanian State Coastal Policy 1996.

The relevant considerations under each of these policies must be considered on a case by case basis and in this instance a matter for both the Brighton Council and the TPC.

9. CONCLUSION

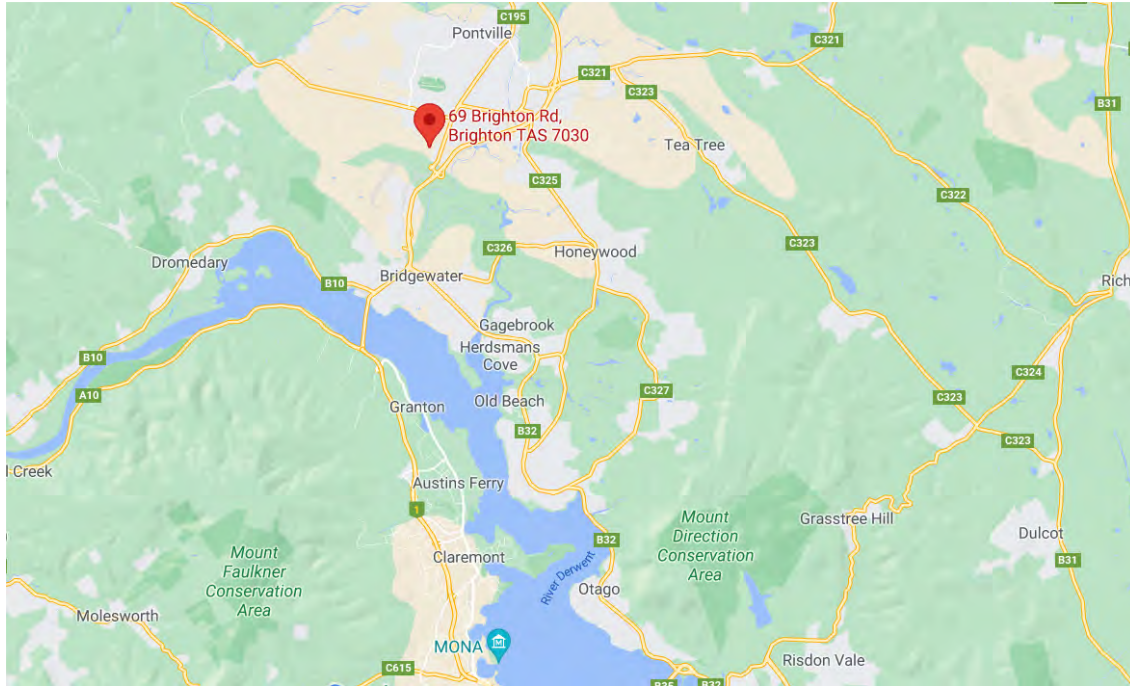
This report has outlined issues associated with Brighton's request for Clarence City Council's comments on its proposed 11.27ha UGB expansion at 69 Brighton Road, Brighton. The proposal may have limited direct impact on Clarence, such decisions may have broad implications for the region and this highlights the need for an urgent and comprehensive review of the STRLUS.

Attachments: 1. Location Plan [Greater Hobart and Brighton Aerial Photograph] (1)
2. Location Plan [STRLUS UGB – Map 10 Extract] (1)
3. Brighton Council Report Minutes dated 19 January 2021 (57)

Ian Nelson
GENERAL MANAGER

Attachment 1

Location Plan – 69 Brighton Road, Brighton (Greater Hobart)



Location Plan - 69 Brighton Road, Brighton (Aerial photograph)



Source: Google Maps (<https://www.google.com/maps/> 17 May 2021)

Southern Tasmanian Regional Land Use Strategy –
Urban Growth Boundary (Map 10 Extract)



Source: All Urban Planning (letter to Brighton Council - 27 April 2020)



Brighton Council

**EXTRACT OF MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD IN THE
COUNCIL CHAMBERS, COUNCIL OFFICES, OLD BEACH
AT 5.30 P.M. ON TUESDAY,
19th JANUARY 2021**

PRESENT: Cr Foster (Mayor); Cr Curran (Deputy Mayor); Cr Garlick;
Cr Geard; Cr Gray; Cr Jeffries; Cr Murtagh; Cr Owen and
Cr Whelan.

IN ATTENDANCE: Mr J Dryburgh (General Manager); Mrs J Banks
(Governance Manager); Mr D Allingham (Manager
Development Services); Mrs G Browne (Corporate
Executive) and Mr P Carroll (Senior Planner).

1. ACKNOWLEDGEMENT OF COUNTRY:

2. CONFIRMATION OF MINUTES:

**2.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING
OF 15 DECEMBER 2020:**

*Cr Jeffries moved, Cr Geard seconded that the Minutes of the Ordinary Council meeting of
15th December 2020, be confirmed.*

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

3. APPLICATIONS FOR LEAVE OF ABSENCE:

All members were present.

4. PUBLIC QUESTION TIME AND DEPUTATIONS:

- * Ms Banks addressed Council in relation to Council's policy on kennel licences and the impending application and process for Boarding Kennels in Tea Tree.

5. DECLARATION OF INTEREST:

In accordance with Part 5, Section 48 of the *Local Government Act 1993*, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have an interest in any item on the agenda; and

Part 2 Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2015, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

Accordingly, Councillors are requested to advise of any interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2015.

There were no declarations of interest

11. COUNCIL ACTING AS PLANNING AUTHORITY:

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, the intention of the Council to act as a Planning Authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 11 on this agenda, inclusive of any supplementary items.

11.4 SOUTHERN TASMANIA REGIONAL LAND USE STRATEGY – EXTENSION OF URBAN GROWTH BOUNDARY AT 69 BRIGHTON ROAD, BRIGHTON:

Type of Report	Planning Authority
Address:	69 Brighton Road, Brighton
Requested by:	Brighton Council
Proposal:	Amend the Regional Land Use Strategy to extend the Urban growth Boundary over part of 69 Brighton Road
Zone:	Rural Resource Zone

Author: Manager Development Services (David Allingham) & Senior Planner (Patrick Carroll)

1. Executive Summary

- 1.1. The purpose of this report is to consider a request to amend the Southern Tasmanian Regional Land Use Strategy (STRLUS) 2010-2035 to extend the Urban Growth Boundary (UGB) the part of 69 Brighton Road that is not covered by the Attenuation Area overlay (approximately 11.27ha).
- 1.2. Largely, the request is a result of the Department of Education (DoE) compulsorily acquiring 10ha of General Residential zoned land at 33 Elderslie Road that was earmarked for residential development for a new Brighton High School
- 1.3. The existing Jordan River Learning Federation (JRLF) school farm site was Council's preferred site for the new Brighton High School as it was already owned by DoE and all other proposed sites were needed to accommodate residential or recreation growth for the municipality.
- 1.4. STRLUS and the UGB has not had a significant review since it was first gazetted in 2011. In the subsequent 10 years, rapid growth has put significant pressure on land supply in the municipality, particularly in Brighton.
- 1.5. State treasury has forecast that the Brighton municipality is predicted to be the fastest growing municipality in Tasmania to 2032 with most of the growth to be located within Brighton. The loss of 10ha of general residential land puts significant pressure on land supply in the Brighton township.
- 1.6. A land supply analysis predicts that all remaining infill development opportunities will need to be completed to accommodate the growth, which is unrealistic.
- 1.7. The extension of the UGB over 11.27ha over 69 Brighton Rd is urgently needed and a logical extension of the Brighton township and will effectively replace the 10ha of land compulsorily acquired by DoE.
- 1.8. In partnership with DoE, Brighton Council have engaged a consultant to prepare a Master Plan over the South Brighton area, which includes 69 Brighton Road. The Master Plan will ensure a thorough planning process and that the new high school development is appropriately integrated into the surrounding residential area.
- 1.9. To proceed, the request must be considered and supported by the Planning Authority. If supported, a letter will be sent to the Minister for

Planning to request a STRLUS amendment to extend the UGB.

1.10. The proposal is recommended to be supported.

2. Legislative & Policy Content

- 2.1. The Southern Tasmanian Regional Land Use Strategy (STRLUS) was approved by the Minister for Planning on 27 October 2011. The STRLUS was subsequently amended on 1 October 2013, 14 September 2016, 9 May 2018, and 19 February 2020. Most of the amendments to the STRLUS were to provide for minor expansions of the Urban Growth Boundary.
- 2.2. Under Section 5A of the *Land Use Planning and Approvals Act 1993* (LUPAA), the Minister must undertake regular and periodic reviews of regional strategies. To date, no broad review has taken place, nor has the process for a review begun.
- 2.3. The Tasmanian Planning Commission (TPC) has advised it cannot consider planning scheme amendments that propose to rezone land for suburban densities that is located outside the UGB as shown in STRLUS.
- 2.4. Since the STRLUS was declared in 2011, Brighton has experienced significant growth. The municipality is starting to experience increasing development pressure on the fringes of Brighton's township, and there have been substantial changes in terms of housing, employment and education. As such, the STRLUS is in urgent need of review.
- 2.5. Currently, there is no statutory mechanism for either individuals or Planning Authorities to apply to amend the STRLUS.
- 2.6. The purpose of this report is to enable the Planning Authority to determine whether to support an amendment to the STRLUS.
- 2.7. The relevant legislation is the *Land Use Planning and Approvals Act 1993* (the Act).

- 2.8. In the context of land use planning, the STRLUS sets the broad strategic direction for the region as a whole.
- 2.9. The provisions of the Act specifically require all planning schemes to be – as far as practicable – consistent with the relevant Regional Land Use Strategy. Specifically, pursuant to Section 32(ea) of the Act, before certifying and publicly exhibiting a draft planning scheme amendment, the Planning Authority must be satisfied that the draft amendment is consistent with the Regional Land Use Strategy. Further, pursuant to Section 30O(1) of the Act, the Tasmanian Planning Commission must also be satisfied that a draft amendment is consistent with the Regional Land Use Strategy before approving the amendment.
- 2.10. As the land at 69 Brighton Road is outside the existing Urban Growth Boundary within the STRLUS, any application to rezone the land to an urban zoning would be inconsistent with the STRLUS, and as such, a planning scheme amendment of this nature could not be approved.

3. Reviewing and Amending the Regional Land Use Strategies

- 3.1. As no thorough review of STRLUS has commenced and there is no statutory mechanism for it to be amended by an individual or planning authority, the Planning Policy Unit has prepared an Information Sheet¹ (see Attachment A), which provides guidance on when and under what circumstances the regional land use strategies are reviewed and amended. It also provides information on the requirements and process for reviewing and considering amendments to the regional land use strategies.
- 3.2. The Information Sheet specifies the following minimum information requirements to support an amendment request:
 - All requests for an amendment to a regional land use strategy should first be directed to the relevant local planning authority or regional body representing the local planning authorities in the region.
 - All draft amendments to a regional land use strategy should be submitted in writing to the Minister for Planning by the relevant local planning authority or regional body representing the local planning authorities in the region.
 - The supporting documentation should include details on why the amendment is being sought to the regional land use strategy.

¹ Department of Justice (2019) *Information Sheet RLUS 1 – Reviewing and Amending the Regional Land Use Strategies*. Hobart, Tasmania.

https://www.planningreform.tas.gov.au/_data/assets/pdf_file/0004/456961/Information-Sheet-RLUS-1-Reviewing-and-amending-the-Regional-Land-Use-....pdf

- The supporting documentation should include appropriate justification for any strategic or policy changes being sought and demonstrate how the proposed amendment:
 - (a) furthers the Schedule 1 objectives of LUPAA;
 - (b) is in accordance with State Policies made under section 11 of the State Policies and Project Act 1993;
 - (c) is consistent with the Tasmanian Planning Policies, once they are made; and
 - (d) meets the overarching strategic directions and related policies in the regional land use strategy.
- 3.3. The Information Sheet also recommends that written endorsement for the proposed change is sought from all planning authorities in the relevant region as well as all relevant State Service agencies.
- 3.4. Where an amendment seeks to modify an UGB the following additional supporting information should also be required:
 1. Justification for any additional land being required beyond that already provided for under the existing regional land use strategy. This analysis should include the current population growth projections prepared by the Department of Treasury and Finance.
 2. Analysis and justification of the potential dwelling yield for the proposed additional area of land.
 3. Analysis of land consumption (i.e. land taken up for development) since the regional land use strategy was declared.
 4. Justification for any additional land being located in the proposed area, considering the suitability of the area in terms of access to existing physical infrastructure, public transport, and activity centres that provide social services, retail and employment opportunities.
 5. Consideration of appropriate sequencing of land release within the local area and region.
 6. Consideration of any targets for infill development required by the regional land use strategy.
 7. Potential for land use conflicts with use and development on adjacent land that might arise from the proposed amendment.
- 3.5. Additionally, the following matters must be considered if an amendment is proposed to a regional land use strategy to develop 'greenfield' land:

1. How the amendment accords with the other strategic directions and policies in the relevant regional land use strategy.
 2. Impacts on natural values, such as threatened native vegetation communities, threatened flora and fauna species, wetland and waterway values, and coastal values.
 3. Impacts on cultural values, such as historic heritage values, Aboriginal heritage values and scenic values.
 4. The potential loss of agricultural land from Tasmania's agricultural estate (including but not limited to prime agricultural land and land within irrigation districts) or land for other resource-based industries (e.g. extractive industries).
 5. The potential for land use conflicts with adjoining land, such as agricultural land and nearby agricultural activities, other resource-based industries (e.g. forestry and extractive industries) and industrial land taking into account future demand for this land.
 6. Risks from natural hazards, such as bushfire, flooding, coastal erosion and coastal inundation, and landslip hazards.
 7. Risks associated with potential land contamination.
 8. The potential for impacts on the efficiency of the State and local road networks (including potential impacts/compatibility with public transport and linkages with pedestrian and cycle ways), and the rail network (where applicable).
- 3.6. The following sections address the matters that are covered by the above-mentioned legislative requirement.

4. Risk & Implications

- 4.1. Approval or refusal of this request will have no direct financial implications for the Planning Authority.
- 4.2. As noted in the body of the report, refusing the request may result in a shortage of appropriately zoned residential land in the medium to long term.

5. Site Detail

- 5.1. The proposed area to be added to the Urban Growth Boundary is the northern portion of 69 Brighton Road, Brighton. The area encompasses all land to the north of the existing Bridgewater Industrial Precinct Attenuation Area.

- 5.2. The total area of 69 Brighton Road measures 24.59ha. However, the area proposed to be relocated within the Urban Growth Boundary (i.e. the area shown in red in Figure 1) measures approximately 11.27ha.
- 5.3. The site sits approximately 388m to the south of Elderslie Road, and immediately to the west of Brighton Road.
- 5.4. The site is within close proximity to the Brighton commercial precinct and Brighton Industrial Estate and is located on an existing bus route along Brighton Rd.
- 5.5. The adjoining property at 1 Elderslie Road has recently been sold to the Department of Education. 1 Elderslie Road has been announced as the location of the future Brighton High School site, which is due to open in 2025.
- 5.6. 69 Brighton Road is currently zoned Rural Resource under the *Brighton Interim Planning Scheme 2015*. The site is immediately adjacent to both 1 Elderslie Road and 33 Elderslie Road, both of which sit within the Urban Growth Boundary.
- 5.7. 1 Elderslie Road has an area of 10ha, and is shown in yellow on Figure 1 below.

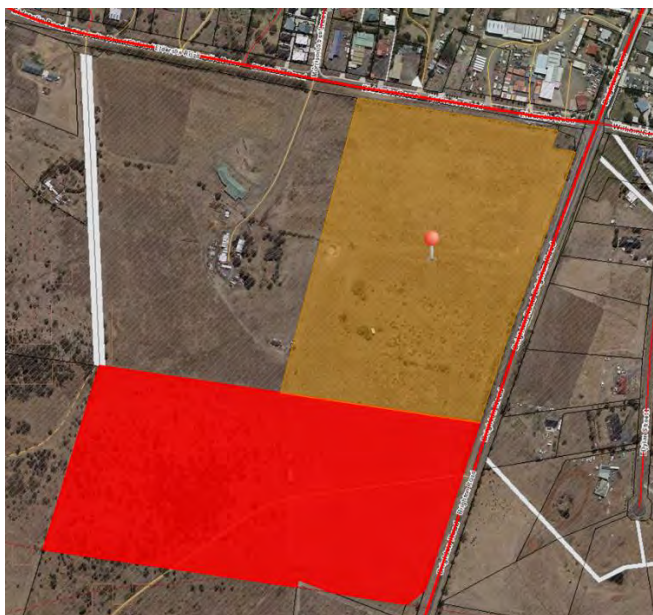


Figure 1: 69 Brighton Rd is shown in red and 1 Elderslie Rd shown in yellow.

- 5.8. 1 Elderslie Road is currently situated within the Urban Growth Boundary. However, as the land has been sold to the Department of Education and nominated as the future high school site, this 10ha parcel will now be unavailable for future residential development.

6. Proposal

- 6.1. The existing UGB is shown on Map 10 of the STRLUS and the area over Brighton is reproduced in Figure 2.

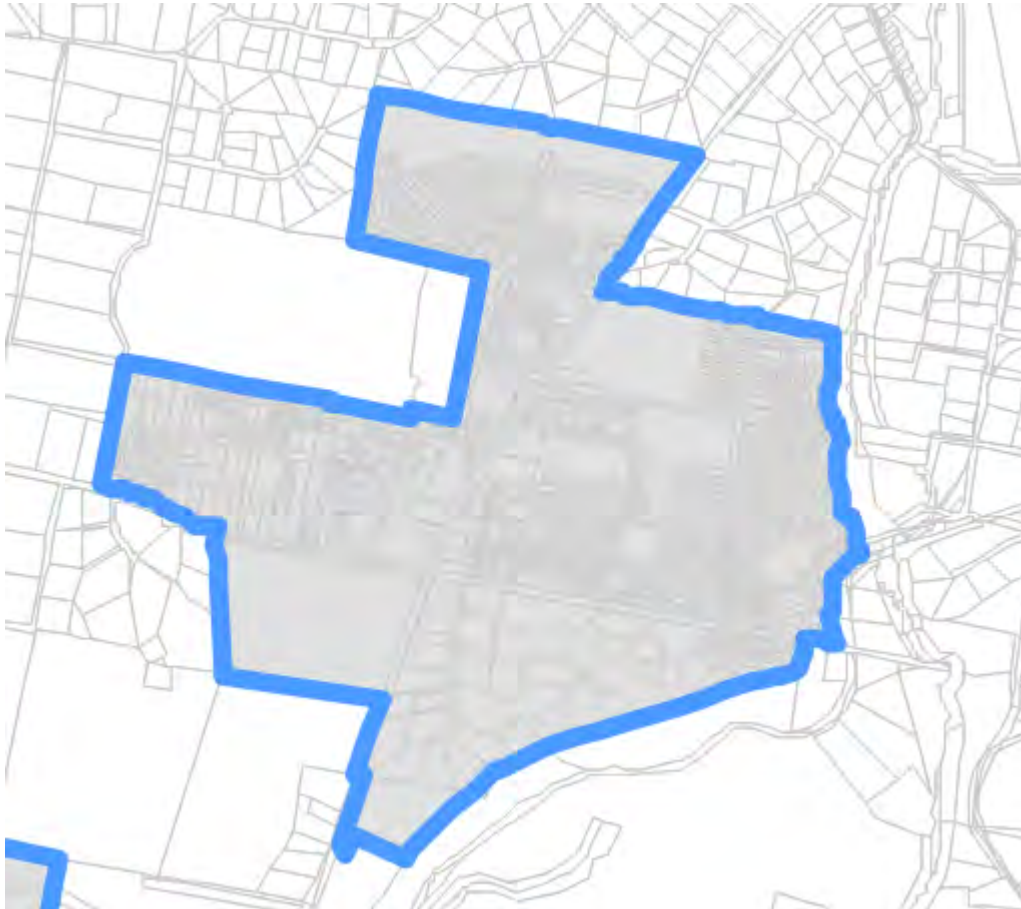


Figure 2: Existing UGB over Brighton

- 6.2. It is proposed that the STRLUS be amended by expanding the UGB by approximately 11.27ha to include part of 69 Brighton Road. The proposed area to be added to the UGB is shown bound in red in Figure 3.
- 6.3. No planning scheme amendment, subdivision or development applications are requested at this time. However, a Master Plan is being prepared for 69 Brighton Rd and the surrounding South Brighton Development Precinct.
- 6.4. The landowner has provided a consent for the UGB expansion (Attachment B)

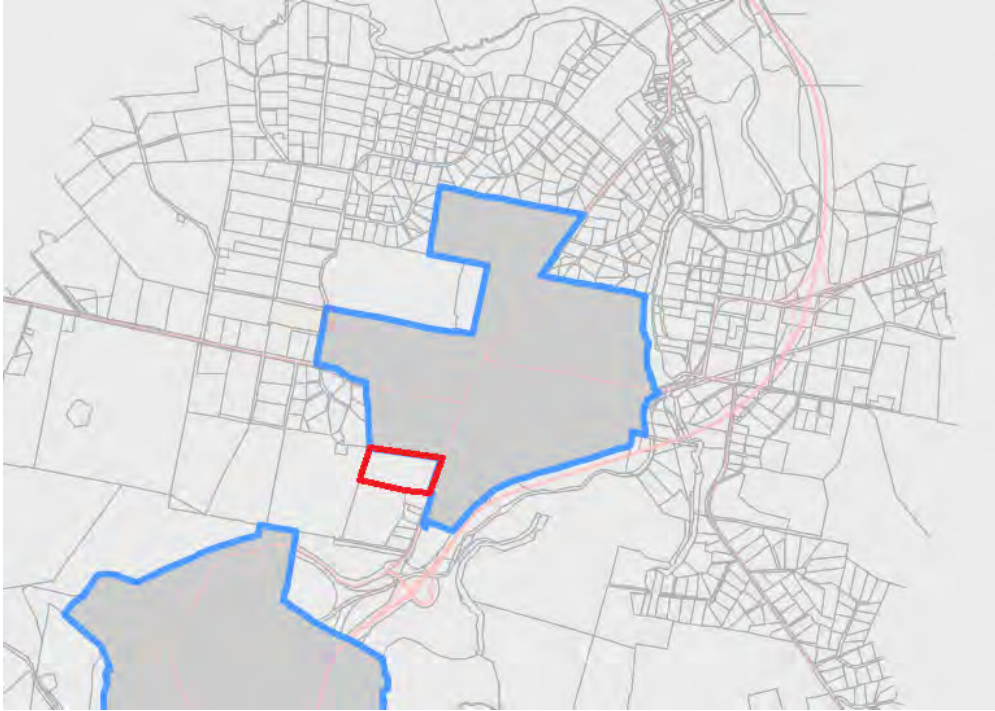


Figure 3: The red border depicts the proposed extension of the UGB over 69 Brighton Rd.

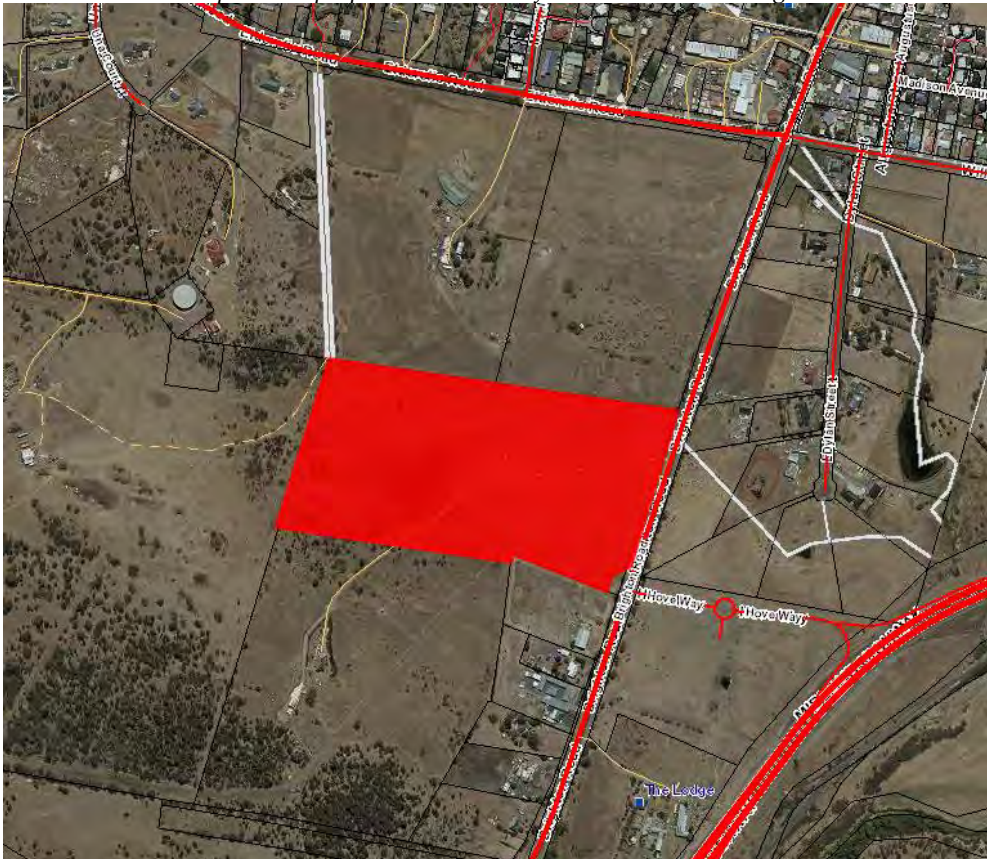


Figure 4: The proposed extension UGB extension over 69 Brighton Rd is shown in red.

7. Relevant Background

- 7.1. South Brighton has long been earmarked as a residential growth option and is identified as a Greenfield Development Precinct in the STRLUS and the Brighton Local Area Plan 2012 (BLAP 2012). A key action in the BLAP 2012 is to prepare a Specific Area Plan for the South Brighton Greenfield Development Precinct ("the Development Precinct") in the short/medium term.
- 7.2. In early 2020, the Department of Education (DoE) announced that a new \$30 million high school will be built in Brighton, providing state of the art learning facilities for Years 7-12. The site chosen for the Brighton High School is 10 hectares of land within the Greenfield Development Precinct on the corner of Elderslie and Brighton Road (now 1 Elderslie Rd).
- 7.3. Prior to the announcement, Brighton Council advocated for the Brighton High School to be located on the existing DoE owned Jordan river Learning federation school farm site in central Brighton as all other potential sites were needed to accommodate residential or recreation growth for the municipality.
- 7.4. The loss of 10 hectares of land within the Greenfield Development Precinct puts significant pressure on land supply in the Brighton township.
- 7.5. The extension of the UGB over 11.27ha over 69 Brighton Rd will effectively replace the 10ha of land compulsorily acquired by DoE and is a logical extension of the Brighton township.
- 7.6. In June 2020, Brighton Council, in partnership with DoE, have engaged a consultant to prepare a Master Plan for the South Brighton Development Precinct, which includes the land at 69 Brighton Road (See Figure 5 below). The objective of the Master Plan is:

"To develop a comprehensive Master Plan for South Brighton which will guide the development of an attractive gateway neighbourhood which seamlessly integrates the new Brighton High School."

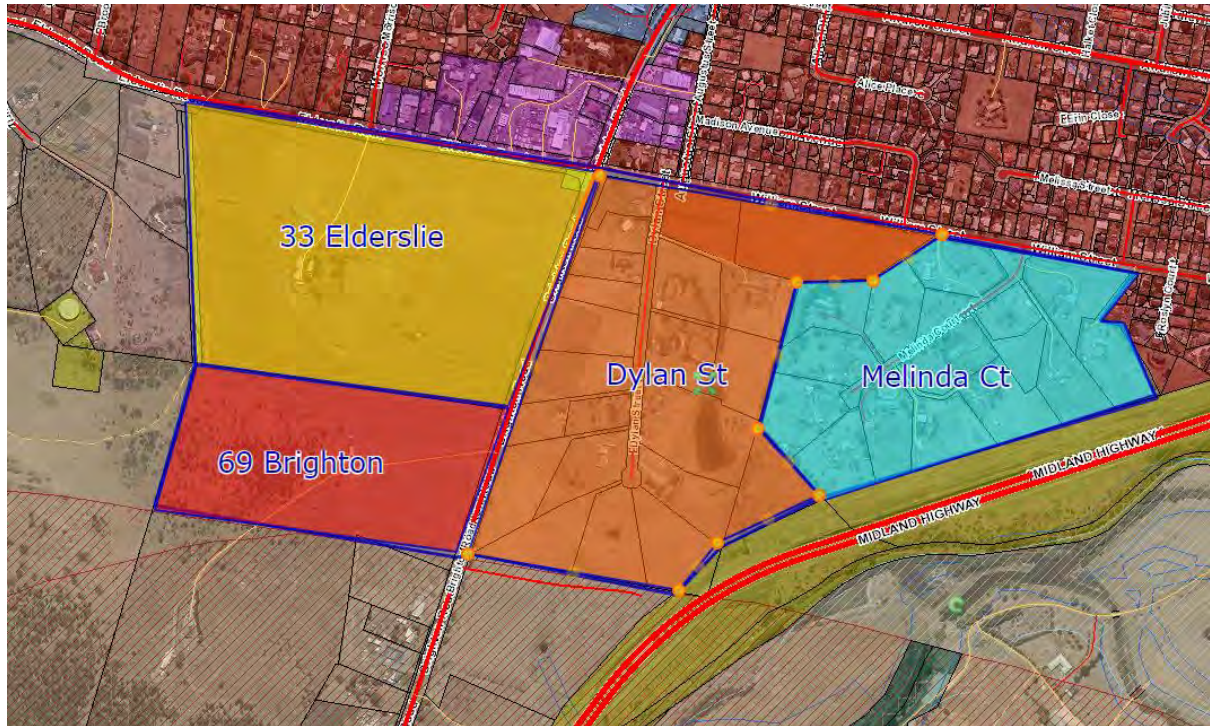


Figure 5: The South Brighton Development Precinct Master Plan area.

- 7.7. At the time of writing, the consultant had completed an infrastructure feasibility for the area and aboriginal heritage surveys and natural values assessments had been commissioned.

8. Planning Assessment

8.1. Southern Tasmanian Regional Land Use Strategy

8.1.1 Greater Hobart Residential Strategy

STRLUS provides for a Greater Hobart Residential Strategy to provide for greater efficiency in the use of land through balancing the ratio of greenfield to infill development.

While there are sufficient infill opportunities within existing residential areas in Greater Hobart to accommodate forecast demand, there are many barriers to overcome if a 100% infill policy would be adopted.

The Strategy proceeds based on a 50/50 ratio of greenfield to infill scenario with a minimum net density of 15 dwelling per hectare. Residential growth will be primarily managed through an UGB that will set the physical extent for a 20-year supply of residential land for the metropolitan area.

Also, to be included within the UGB is land for other urban purposes (i.e. commercial and industrial development) as well as pockets of open space and recreational land that assist in providing urban amenity.

8.1.2 Brighton Context

Figure 6 shows how the UGB is applied in the Brighton municipality.

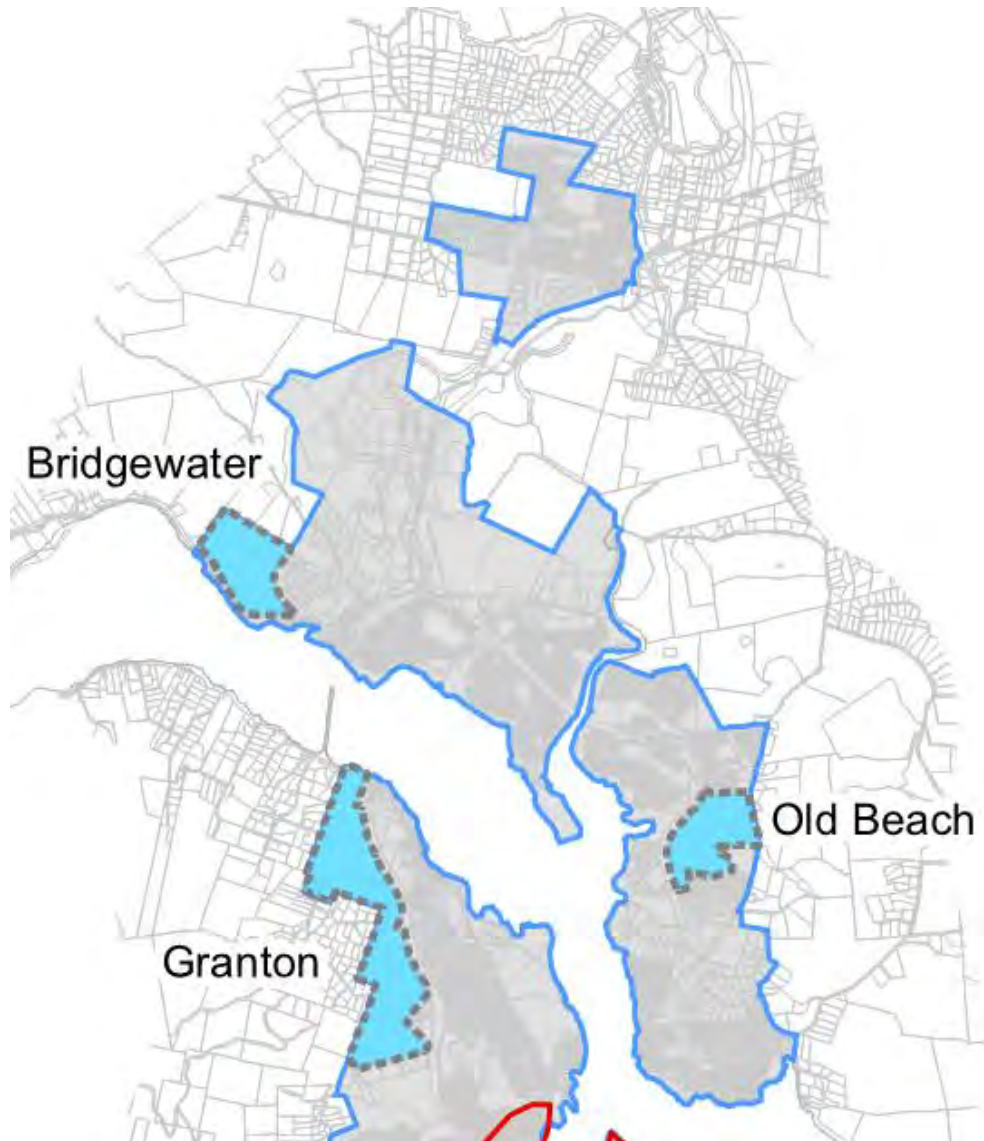


Figure 6: The STRLUS UGB over the Brighton municipality.

Policy SRD 2.3 provides greenfield land for residential purposes across nine Greenfield Development Precincts within the greater Hobart area. Three of these are within the Brighton municipality:

- Bridgewater North
- Brighton South
- Gagebrook/Old Beach

The Brighton South Greenfield Development Precinct was annotated Map 10 in the 2011 gazetted version of STRLUS, but the annotation was removed in the amended 2013 version for unknown reasons.

Regardless, the Brighton South Greenfield Development Precinct at 33 Elderslie Road was zoned to residential in 2009 but has never been developed. 10ha of this land has now been acquired by DoE for the Brighton High School.

The majority of the Gagebrook/Old Beach Greenfield Development Precinct has now been rezoned to General Residential with the Tivoli Green Specific Area Plan overlay which provides for 566 lots. There is a further 15.4ha of land across three parcels that is still zoned Future Urban.

The Bridgewater North Precinct is also zoned Future Urban, but is considered to be poorly located and has poor access to services. In regard to the Bridgewater North Precinct, the BSP 2018 states:

Given that it is currently isolated from other residential zoning development, its development for urban purposes may only be a long term prospect if land to the east is developed for similar purposes.

The potential development of a light rail stop at Bridgewater would provide a catalyst for development. Given that it represents the only viable growth direction for Bridgewater, its zoning should be retained.

Policy SRD 2.7 requires residential infill growth to be distributed across the existing urban areas for the 25 year planning period, with 15%, or 1987 dwellings, to be accommodated within the Brighton municipality UGB.

- 8.2** *Justification for any additional land being required beyond that already provided for under the existing regional land use strategy. This analysis should include the current population growth projections prepared by the Department of Treasury and Finance.*

8.2.1 Brighton Land supply

A review of current lot supply in Brighton was undertaken in December 2020 (see attachment C). The review is comprised of the most significant subdivisions/land holdings and is completed to provide an indication of residential land availability. It does not account for all available lots or minor infill subdivision and on this basis underrepresents the number lots actually available, or readily subdividable within the UGB. However, the STRLUS acknowledges that there are many barriers to infill development and that is why it uses a 50/50 ratio of greenfield to infill development.

In summary, there are currently 1,499 potential infill lots that are already zoned General Residential. This includes 726 lots that are located within the Gagebrook/Old Beach and South Brighton Greenfield Development Precincts that have already been rezoned. It does not include the 10ha acquired for the new Brighton High School.

There is also potential for 735 greenfield lots within the Bridgewater North and Gagebrook/Old Beach Greenfield Development Precincts that is currently zoned Future Urban. Although, as noted above, the Bridgewater North Precinct is isolated and remains a long-term prospect.

Accordingly, **there are a total of 2,234 lots** in Brighton municipality (1,499 infill and 735 greenfield) that are either approved or could be approved and able to be released in coming years. **Only 599 of these are within the Brighton township.**

The Tasmanian Department of Treasury and Finance (Treasury) population projections in 2019 expect Brighton Local Government Area (LGA) to be the fastest growing LGA in Tasmania in percentage terms with an expected population gain of 33.4%, or 5,754 people, by 2042. This is an average growth rate of 1.18% per annum.

Analysis undertaken for the Brighton Structure Plan 2018 (BSP 2018) predicts considerably stronger population growth of 7,040 people by 2033 (Based on a 2% growth scenario).

The BSP predicts that 43% of the growth will be accommodated within the suburbs of Brighton and Pontville at a growth rate of 2.7% per annum, or an increase of 3,040 people by 2033 (or 2,465 people by 2042 under the Treasury scenario).

Using ABS data of 2.6 people per household this equates to a demand of 2,213 dwellings by 2042 under the Treasury scenario and 2,708 dwellings by 2033 under the BSP scenario.

This existing supply just satisfies the 20 year supply from Treasury the Treasury projections, but would require ALL infill development opportunities to proceed. The existing supply is well short of the BSP scenario.

Under the BSP scenario for 43% of growth to be accommodated in Brighton township, there will be a shortage of 351 dwellings under the Treasury scenario or 565 dwellings under the BSP scenario.

Of further concern is the release of land in Brighton municipality has generally been slow. Only 309 of potential lots are currently approved and this includes 77 lot subdivision at Plymouth Rd, Gagebrook which hasn't sold a single lot since it was approved in 2006.

Brighton township is expected to accommodate the most growth, but there are only 99 approved lots, 64 of which are in the Army Camp and are likely to be released in early 2021.

A further issue is the isolated location of the Bridgewater North Precinct (approximately 600 lots) and whether the General Residential Zone would even be appropriate in this area.

The loss of 10ha of General Residential land for the use of the Brighton High School has put significant pressure on the land supply within the Brighton township. However, this can be logically replaced on the adjoining land at 69 Brighton Road if the UGB is extended.

8.2.2 Brighton Structure Plan 2018

In addition to Council's own lot supply analysis is that undertaken in the BSP 2018.

Whilst the BSP is not a legislative requirement under the Act, it does represent orderly and sound strategic planning direction for the Brighton municipal area.

The BSP acts as a guide for major changes to land use, built form and public spaces that together can achieve identified economic, social and environmental objectives for Brighton.

Strategy 1 from the BSP is relevant to this proposal:

Strategy 1: Review the Urban Growth Boundary.

Based on an analysis of land availability and projected population growth for Brighton, the Structure Plan states that there is inadequate land within the existing Urban Growth Boundary to accommodate Brighton's long term housing needs.

The Structure Plan identifies that 58.2ha of additional land will be needed to meet the required demand within the life of the Structure Plan. It should be noted that the Structure Plan was written in 2018, prior to the Department of Education announcing its plans to develop a high school on the 10ha parcel at 1 Elderslie Road. As noted above, the 10ha of land sits immediately to the north of 69 Brighton Road, and within the existing Urban Growth Boundary.

By removing the 10ha of land acquired by the Department of Education from land to be developed at urban densities, essentially Brighton needs 68.2 ha of additional urban land to meet the projected demand.

The proposed extension of the Urban Growth Boundary would provide for 11.27ha of the 68.2ha, should the land be rezoned and developed in the future.

The Structure Plan recommends that 69 Brighton Road be considered as a primary urban growth option (p.53). It also recommends the Urban Growth

Boundary be extended to encompass new greenfield development precincts – i.e. the land at 69 Brighton Road (p.44).

The proposed amendment is considered to be consistent with the relevant strategies and actions from the Structure Plan.

8.3 *Analysis and justification of the potential dwelling yield for the proposed additional area of land.*

Council in partnership with DoE has engaged a consultant to undertake an infrastructure feasibility and prepare a Master Plan for the South Brighton Development Precinct.

Figure 7 shows an early concept sketch for 69 Brighton Rd and how it might be developed. The concept sketch shows a dwelling yield of approximately 123.

If the land was developed at 15 dwelling per hectare, as required for greenfield developments under STRLUS, then the dwelling yield will be approximately 169. However, a threatened vegetation community has been identified on the upper western slope and this area may not be developable.

In summary, it is likely that the dwelling yield on 69 Brighton Road will be between 120 and 170 dwellings.

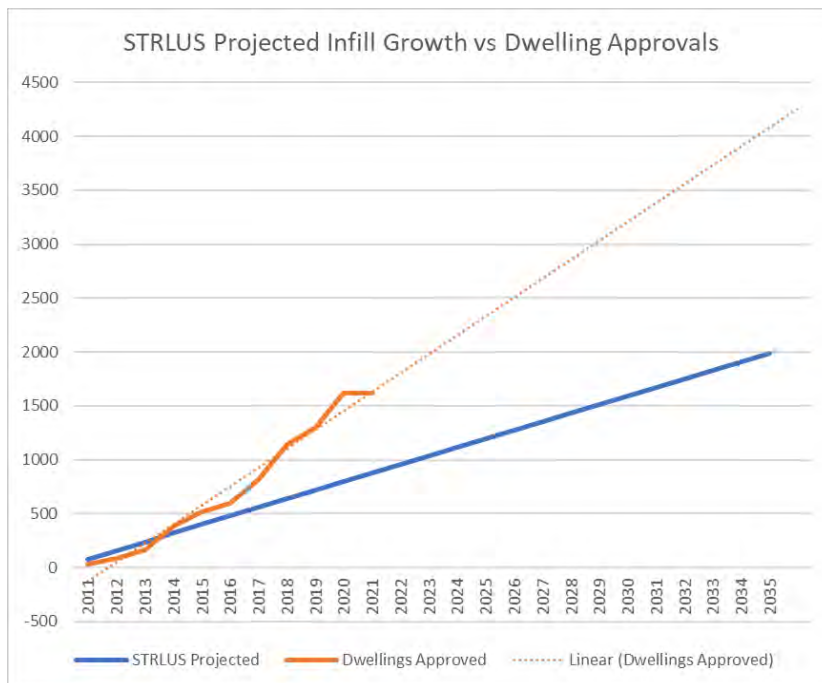


Figure 7: Concept sketch for 69 Brighton Rd (Source: GHD, 2019)

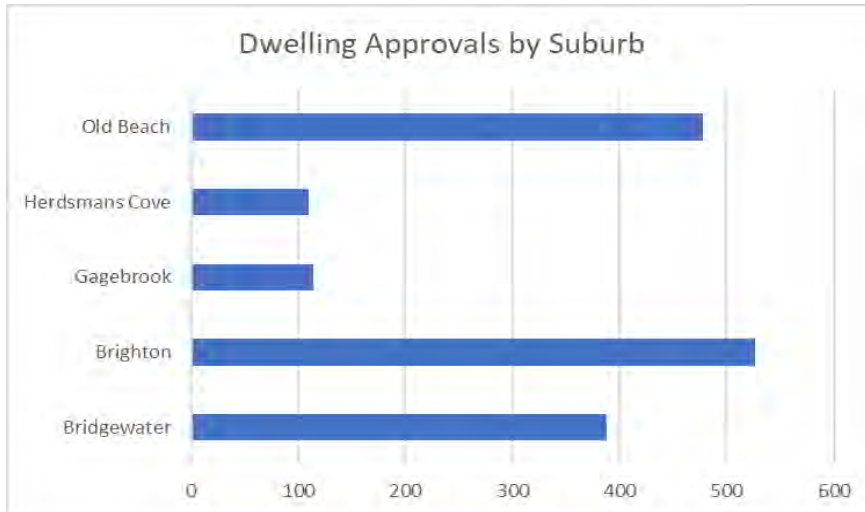
8.4 Analysis of land consumption (i.e. land taken up for development) since the regional land use strategy was declared.

STRLUS identifies that 1,987 dwellings should be accommodated as infill growth within the Brighton municipality over the 25 year planning period. Using Council's development approvals database, it has been estimated that approximately 1,618 dwellings have been constructed on brownfield sites since the STRLUS was gazetted in 27 October 2011. The results have been filtered to ensure that only dwelling approvals within the UGB (excluding Greenfield Development Precincts) have been included.

It is only 10 years into 25 year planning period and the Brighton Council has already achieved 81% of its infill target (see Graph 1). Graph 2 confirms that the strongest growth is within the Brighton township.



Graph 1: STRLUS projected infill growth vs actual development approvals.



Graph 2: Dwelling approvals within UGB by suburb since 27 October 2011.

Additionally, DoE compulsorily acquired 10ha of General Residential zoned land at 33 Elderslie Rd, Brighton (now 1 Elderslie Rd) for the new Brighton High School.

It is acknowledged that land within the UGB will include land for urban purposes, however 33 Elderslie Road has always been earmarked for residential development. For this reason, Brighton Council's preferred high school site was on the existing JRLF school farm site which was already owned by DoE and zoned appropriately. Arguably a school farm is not an urban use and does not belong in the UGB.

STRLUS identified three greenfield sites within Brighton. Two of these have now been rezoned and the other with poor proximity to services and a long term prospect.

Other than 15ha balance of the Old Beach Greenfield Development Precinct (6ha of which is waterway), there is effectively no well-located greenfield land remaining in the Brighton municipality. Of particular concern is the lack of land available within the Brighton township.

8.5 *Justification for any additional land being located in the proposed area, considering the suitability of the area in terms of access to existing physical infrastructure, public transport, and activity centres that provide social services, retail and employment opportunities.*

As previously mentioned, 69 Brighton Road has been included in a master planning process being undertaken on behalf of Brighton and DoE.

The site will obviously have excellent access to the adjoining high school facility and the master planning process will ensure that there is strong connectivity to the surrounding neighbourhood.

The site has excellent frontage to Brighton Road which is an existing public transport corridor and there is an opportunity to provide a new bus stop once the land is developed. Footpaths and bike lanes will be extended from the corner of Elderslie Road along Brighton Rd to the roundabout to the south. This will provide excellent connectivity to the Brighton township activity centre to the north and the Brighton Industrial Estate to the south.

The Brighton activity centre provides a range of social services and employment opportunities. The Industrial Estate is also a major employer in the municipality and has significant growth potential. The Highway Services Precinct at 40 Brighton Road (opposite 69 Brighton Road) provides further employment opportunities. An extension of the Brighton activity centre into the Master Plan area is also being considered.

There are some major infrastructure upgrades required, however the consultants have prepared a draft infrastructure feasibility study to ensure the most cost-effective outcomes can be achieved.

8.6 *Consideration of appropriate sequencing of land release within the local area and region.*

As noted above, the supply of land in the Brighton local area is unlikely to meet forecast demand even with the extension of the UGB over 69 Brighton Road. The Master Plan process will look at the staged release of land in the area.

8.7 *Consideration of any targets for infill development required by the regional land use strategy.*

See section 8.4 above. Brighton is likely to achieve its infill development target well before the 25 year planning period.

8.8 *Potential for land use conflicts with use and development on adjacent land that might arise from the proposed amendment.*

The proposal is to extend the UGB over 69 Brighton Road to the edge of the Boral Quarry and Industrial Precinct Attenuation areas. As the land is located outside the Attenuation Areas, the land is not subject to the controls of the Attenuation Code. Regardless, Council has received a letter of support from Mineral Resources Tasmania (MRT) for the extension of the UGB to the edge of the buffer (see attached).

The land to the north and west are zoned for residential use and no land use conflicts are likely to occur. Land to the south is zoned Rural Resource, but these are smaller lots established by residential use and is a pseudo rural-living area. The land to the west is zoned Rural Resource and used for dryland grazing. A buffer to this land can be incorporated into the Master Plan and may be required anyway due to threatened vegetation.

8.9 How the amendment accords with the other strategic directions and policies in the relevant regional land use strategy.

The relevant STRLUS strategic policies and corresponding comments demonstrating how the proposal is consistent with STRLUS are listed in the table below.

Policy	Comment
BNV 1.1 Manage and protect significant native vegetation at the earliest possible stage of the land use planning process. Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are to be recognised and protected by the planning scheme.	See section 8.10 below
BNV 2.1 Avoid the clearance of threatened native vegetation communities except: a. where the long-term social and economic benefit arising from the use and development facilitated by the clearance outweigh the environmental benefit of retention; and b. where the clearance will not significantly detract from the conservation of that threatened native vegetation community.	See section 8.10 below

BNV 2.2 Minimise clearance of native vegetation communities that provide habitat for threatened species.	See section 8.10 below
BNV 2.3 Advise potential applicants of the requirements of the Threatened Species Protection Act 1995 and their responsibilities under the Environmental Protection and Biodiversity Conservation Act 1999	See section 8.10 below
MRH 1.1 Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.	See section 8.14 below
CV 1.3 Avoid the allocation of land use growth opportunities in areas where Aboriginal cultural heritage values are known to exist.	See section 8.11 below
ROS 1.5 Provide for residential areas, open spaces and other community destinations that are well connected with a network of high quality walking and cycling routes.	Open space and connectivity to the site will be considered through the master planning process for the site and surrounds.

SI 1.2 Match location and delivery of social infrastructure with the needs of the community and, where relevant, in sequence with residential land release.	The need for social infrastructure will be considered through the master planning process for the site and surrounds.
SI 1.3 Provide social infrastructure that is well located and accessible in relation to residential development, public transport services, employment and education opportunities.	See section 8.5 above
SI 1.4 Identify and protect sites for social infrastructure, particularly in high social dependency areas, targeted urban growth areas (both infill and greenfield) and in identified Activity Centres.	The need for the UGB expansion is a result of identifying the need for a high school on residential land.
SI 1.6 Co-locate and integrate community facilities and services to improve service delivery, and form accessible hubs and focus points for community activity, in a manner consistent with the Activity Centre hierarchy.	The need for social infrastructure will be considered through the master planning process for the site and surrounds. Opportunities for partnerships with the new High School will also be considered.
SI 1.8 Provide for the aged to continue living within their communities, and with their families, for as long as possible by providing appropriate options and flexibility within the planning scheme.	The owner of the site has indicated they are interested in providing aged care on the site and this will be considered as part of the master planning process.

PI 1.1 Preference growth that utilises under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of Greater Hobart.	New infrastructure (e.g. sewer pump station) is already required to service much of the South Brighton Development Precinct. 69 Brighton Road will be able to utilise this infrastructure making it more efficient.
PI 2 Plan, coordinate and deliver physical infrastructure and servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.	A draft Infrastructure Feasibility Study has been prepared for the South Brighton Development Precinct Area to ensure that infrastructure is delivered in a coordinated and efficient manner.
LUTI 1.1 Give preference to urban expansion that is in physical proximity to existing transport corridors and the higher order Activity Centres rather than Urban Satellites or dormitory suburbs.	69 Brighton Rd is on a public transport corridor and within 700m of the Brighton Activity centre.
LUTI 1.4 Consolidate residential development outside of Greater Hobart into key settlements where the daily and weekly needs of residents are met.	See above comment
LUTI 1.6 Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.	Maximising road connectivity is being considered as part of the master planning process.

LUTI 1.11 Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.	See section 8.5 above.
PR 1.2 Avoid potential for further fettering from residential development by setting an acceptable solution buffer distance of 200 metres from the boundary of the Agriculture Zone, within which the planning scheme is to manage potential for land use conflict.	See section 8.12 below
IA 1.2 Locate new industrial areas away from sensitive land uses such as residentially zoned land.	See section 8.8 above.
SRD 1.1 Implement the Regional Settlement Strategy and associated growth management strategies through the planning scheme.	See sections 8.1 & 8.2 above
SRD 1.2 Manage residential growth in District Centres, District Towns and Townships through a hierarchy of planning processes as follows: 1. Strategy (regional function & growth scenario);	The proposal to extend the UGB is addressing point 1 and the master planning process that has commenced for the site and surrounds addresses point 2.

2. Settlement Structure Plans (including identification of settlement boundaries); 3. Subdivision Permit; 4. Use and Development Permit.	
SRD 1.5 Encourage land zoned General Residential to be developed at a minimum of 15 dwellings per hectare (net density).	15 dwellings/ha will be the aim for 69 Brighton Rd.
SRD 2 Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.	See Sections 8.1 – 8.7.

8.10 *Impacts on natural values, such as threatened native vegetation communities, threatened flora and fauna species, wetland and waterway values, and coastal values.*

A flora and fauna, desktop assessment and site visit have been undertaken for the site. No state-listed threatened native vegetation communities (under the *Nature Conservation Act 2002*) are mapped as occurring on the site. However, a patch of Lowland grassland complex (GCL) occurs (see Figure 8) and are critically endangered ecological community listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA).



Figure 8: Map showing location of Lowland grassland complex (GCL) (Source: GHD Flora & Fauna Assessment)

The landowner has engaged a consultant to undertake a more thorough site assessment in coming months so that the grassland communities can be more thoroughly mapped. The more detailed study will inform the Master Planning process and be provided as any future rezoning proposal.

8.11 *Impacts on cultural values, such as historic heritage values, Aboriginal heritage values and scenic values.*

An aboriginal heritage consultant has been engaged as part of the master planning process and is expected to have a report completed by March 2021.

An initial Dial-Before-You-Dig did not identify any registered Aboriginal relics or apparent risks of impacting Aboriginal relics.

8.12 *The potential loss of agricultural land from Tasmania's agricultural estate (including but not limited to prime agricultural land and land within irrigation districts) or land for other resource-based industries (e.g. extractive industries).*

The agricultural potential was reviewed as part of the preparation of the Brighton draft Local Provisions Schedule (LPS). The following comments were provided by the agricultural consultant in regard to 69 Brighton Rd and surrounds:

Rural Zone is appropriate for these titles. Most of the titles west of Brighton Rd have existing dwellings on them. While the largest title is 25ha in area, it has an existing dwelling, is steeply sloped, has a relatively poor Land Capability, no irrigation resources and is poorly connected to land that it would likely be farmed in conjunction with. To the north of these titles is land zoned General Residential. While the title to the west is zoned Rural Resource and is around 30ha in area, it has an existing dwelling and also appears to have limited ag potential due to Land Capability, slope and adjacent constraints.

69 Brighton Road is not significant agricultural land.

- 8.13** *The potential for land use conflicts with adjoining land, such as agricultural land and nearby agricultural activities, other resource-based industries (e.g. forestry and extractive industries) and industrial land taking into account future demand for this land.*

See Section 8.8 above.

- 8.14** *Risks from natural hazards, such as bushfire, flooding, coastal erosion and coastal inundation, and landslip hazards.*

The only applicable land use hazard is bushfire and the land is within the bushfire overlay. The bushfire risk will be considered as part of the Master Planning process.

- 8.15** *Risks associated with potential land contamination.*

There is no land contamination risk.

- 8.16** *The potential for impacts on the efficiency of the State and local road networks (including potential impacts/compatibility with public transport and linkages with pedestrian and cycle ways), and the rail network (where applicable).*

A feasibility study has been prepared as part of the Master planning process. The study identifies that roundabouts are likely to be required at the Brighton Rd/Elderslie Rd/William St intersection and the Brighton Rd/Hove Way intersection with a new connection to 69 Brighton Rd.

Pedestrian cycling linkages will need to be constructed along Brighton Rd and throughout the development and a new bus stop along the Brighton Rd frontage can be accommodated.

- 8.17** **RMPS Objectives**

The objectives of the Resource Management and Planning System must be furthered by the rezoning request.

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*

The request will provide for the sustainable development of a compact township and the master planning process will consider how best to manage an identified threatened vegetation community.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water; and*

The request continues to provide for fair, orderly and sustainable use and development of air, land and water.

- (c) *to encourage public involvement in resource management and planning; and*

There is no formal public exhibition process for requests of this nature. However, the public has had significant involvement in resource management and planning within Brighton over the last five years, through the public consultation for the *Brighton Interim Planning Scheme 2015*, the preparation of the *Brighton Structure Plan 2018*, and through the public consultation periods for the preparation of Brighton's Local Provisions Schedule for the *Tasmanian Planning Scheme*.

The request is for a minor expansion of the Urban Growth Boundary, and is considered to be relatively minor.

Once the STRLUS is formally reviewed in full, the public will again have the opportunity to provide additional comment, demonstrating public involvement through the Resource Management and Planning System in Tasmania.

- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*

The request, if successful, will help facilitate future amendments of the planning scheme to urban densities. Assuming the land is rezoned at some point in the future, there will likely be substantial urban development, which will stimulate the construction economy.

- (e) *to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

The proposed request will require the consideration of the Brighton's Planning Authority, all other southern region Planning Authorities and of the Minister for Planning, which will include the involvement of and consultation with various sections and agencies of the Tasmanian Government.

Other local planning authorities within the region will also be formally consulted with as part of the process.

The proposed Planning Scheme Amendment as it relates to the Objectives

of Part 2 of Schedule 1 of LUPAA is discussed below:

- (a) *to require sound strategic planning and co-ordinated action by State and local government;*

The report demonstrates that the proposal is consistent with the *Southern Tasmania Regional Land Use Strategy 2010-2035*, *Brighton Structure Plan 2018* and the *Brighton Council Strategic Plan 2015-2025*.

- (b) *to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.*

The proposal has been submitted in accordance with “Information Sheet RLUS 1 – Reviewing and amending the Regional Land Use Strategies”.

- (c) *to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and*

See section 8.10 and 8.5 of this report.

- (d) *to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and*

The proposal does not conflict with this objective and is consistent with State, regional and local planning policies and strategies.

- (e) *to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and*

This objective is not directly relevant to the current matter.

- (f) *to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and*

The site forms part of a broader master planning process which will provide the necessary planning controls to provide for a liveable neighbourhood.

- (g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and*

The site and adjoining land are not known to contain any items or places of scientific, aesthetic, architectural or historic interest.

- (h) *to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and*

An Infrastructure Feasibility study is being prepared to provide for co-ordinated delivery of public utilities.

- (i) *to provide a planning framework which fully considers land capability.*

See section 8.12 of this report.

8.18 State Policies

8.18.1 State Coastal Policy 1996

The *State Coastal Policy 1996* applies to land within 1 km of the high-water mark. The subject land is more than 1km from the high-water mark and this policy does not apply.

8.18.2 State Policy on the Protection of Agricultural Land 2009

The *State Policy on the Protection of Agricultural Land 2009* protects Prime Agricultural Land (Land Capability Classes 1, 2, and 3). The land is not considered to be Prime Agricultural Land.

8.18.3 The State Policy on Water Quality Management 1997

The *State Policy on Water Quality Management 1997* applies but is more relevant to individual developments.

8.19 Tasmanian Planning Policies

The Tasmanian Planning Policies have not been made.

8.20 Brighton Council Strategic Plan 2019-2029

The proposed amendment is consistent with the below relevant strategies from the *Brighton Council Strategic Plan 2019-2029*²:

- *S1.2: Create Housing/Employment/Play/Education (Liveability)*
- *S1.5: Build a resilient community and environmentally sustainable future.*
- *S2.1: A focus on Agriculture/Horticulture/Aquaculture – (Food)*
- *S3.1: Support 30% Growth Target*
- *S4.4: Long-term thinking & evidence-based*

The proposed amendment does not conflict with any of Council's strategies.

² Brighton Council (2019) *Brighton Council Strategic Plan 2019-2029*. <https://www.brighton.tas.gov.au/wp-content/uploads/2019/08/Brighton-Strategy-on-a-page-2019-29.pdf>

8.21 Southern Tasmania Regional Land Use Strategy 2010-2035

As required under s.32(1)(ea) the proposed amendment must be, as far as practicable, consistent with regional land use strategies. In southern Tasmania, the relevant regional land use strategy is the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS).

Consistency with STRLUS is demonstrated at section 8.9 of this report.

9 Consultation

9.1 Technical Reference Group

Council has advised the Southern Technical Reference Group (TRG), which is a regional body representing the local planning authorities in the Southern Region, of its intention to pursue the amendment of the STRLUS. Senior Strategic Planners from all southern region Councils sit on TRG. Informally, members of the group were asked if it were likely that their Council would object to the proposed amendment. Whilst no objections were made, one member stated that the decision would be referred to their planning authority.

Should Council determine to support the recommendation, it is understood that the Minister for Planning will formally contact all Councils within the region for their comment on the proposal.

9.2 Planning Policy Unit

Council has consulted with the Planning Policy Unit regarding the proposed amendment.

9.3 Public Exhibition

The request to amend the Regional Land Use Strategy has not been publicly exhibited. There is no statutory requirement to do so.

9.4 Other

9.4.1 Council has obtained letters of support from the Department of State Growth, Mineral Resources Tasmania, and a planning consultant acting on behalf of the previous land owner.

9.4.2 Consultants have prepared a draft Infrastructure Feasibility study for the South Brighton Development Precinct and have engaged with infrastructure providers throughout this process to gain an understanding of the infrastructure needs for the area.

CONCLUSION:

The proposal to amend STRLUS to extend the UGB over 69 Brighton Road has become critical since 10ha of land at 1 Elderslie Rd earmarked for residential development was compulsorily acquired by DoE for the new Brighton High School.

This report demonstrates that the rapid growth in the Brighton municipality since STRLUS was gazetted in 2011 has strained land supply, particularly in the Brighton township.

Treasury population projections predict that Brighton will be the fastest growing municipality to 2042 and the land supply analysis predicts that there is insufficient land in the Brighton municipality to accommodate the growth.

The extension of the UGB to 69 Brighton Rd is urgently required to meet the future need of Greater Hobart and is a logical extension of the Brighton township and adjoins the new high school site. The site is in good proximity to the Brighton activity centre and Brighton Industrial Estate and provides excellent access to social services and employment opportunities.

The site is already being considered in the master planning process for the South Brighton Development Precinct to ensure it is part of an attractive, well planned neighbourhood which integrates with the new Brighton High School.

On this basis, the proposed amendment to STRLUS to expand the UGB over 11.27ha of 69 Brighton Road is recommended for approval.

RECOMMENDATION:

That Council resolve to request the Minister for Planning to amend the Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS) to extend the Urban Growth Boundary over the part of 69 Brighton Road that is not covered by the Attenuation Area overlay.

DECISION:

Cr Foster moved, Cr Curran seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour

Cr Curran
Cr Foster
Cr Garlick
Cr Geard
Cr Gray
Cr Jeffries
Cr Owen

Against

Cr Murtagh
Cr Whelan

Mayor Foster resumed the Chair

Ordinary Council Meeting

19/01/2021

The meeting closed 6.32pm

ATTACHMENTS FOR ITEM 11.4

REVIEWING AND AMENDING THE REGIONAL LAND USE STRATEGIES

Purpose

This information sheet is issued by the Department of Justice, Planning Policy Unit and provides information on when and under what circumstances the regional land use strategies are reviewed and amended. It also provides information on the requirements and processes for reviewing and considering amendments to the regional land use strategies.

Background

The *Land Use Planning and Approvals Act 1993* (LUPAA) provides for the preparation and declaration of regional land use strategies, which provide an important high-level component of the planning system. Essentially, the regional land use strategies provide the linkage between the Schedule 1 objectives of LUPAA, State Policies established under the *State Policies and Projects Act 1993*, and the future Tasmanian Planning Policies with the current interim and future Tasmanian planning schemes. They provide the mechanism by which the strategic directions of the State and each region are implemented through the land use planning system.

The regional land use strategies set out the key agreed strategic directions for a region over the medium to longer-term. They aim to provide certainty and predictability for Government, local councils, developers and the community on where, when and what type of development will proceed.

Three regional land use strategies are currently in place in Tasmania. The Minister for Planning¹ originally declared the Cradle Coast, Northern and Southern regional land use strategies on 27 October 2011².

The three regional land use strategies provide the strategic direction for future land use and development in each region over a 25-year time horizon. The strategic directions, policies and actions contained within the regional land use strategies aim to deliver sustainable settlements that are integrated across each region, integrated with services and infrastructure, and complemented

¹ Minister for Planning, the Hon Bryan Green MP.

² The three regional land use strategies are: Living on the Coast – The Cradle Coast Regional Land Use Planning Framework; Northern Tasmania Regional Land Use Strategy; and Southern Tasmania Regional Land Use Strategy 2010-2035.

by built and open space environments. They also provide directions, policies and actions to protect Tasmania's agricultural estate and other resource-based industries and protect the State's cultural and natural environments.

Regional land use strategies may also incorporate or reference specific local strategic documents for the purposes of reflecting the application of each strategy within a particular municipal area or sub-regional area.³

Since their declaration, a number of subsequent amendments have been made to both the northern and southern regional land use strategies. The amendments range from minor revisions and refinements to improve consistency and revisions to align with the latest planning reforms, through to broader reviews to implement more strategic changes, such as the review of the Northern Tasmania Regional Land Use Strategy to allow for components of the Greater Launceston Plan.

The regional land use strategies are currently implemented in the land use planning system through statutory zoning and planning provisions in interim planning schemes. They are a key consideration when amendments to the interim planning schemes and other existing planning schemes are being assessed. The regional land use strategies will similarly be implemented through the Local Provisions Schedules (LPSs) that form part of the Tasmanian Planning Scheme.

Legislative context

The regional land use strategies are given legal effect through section 5A of LUPAA.

The Minister for Planning may declare a regional land use strategy for a regional area. Amendments to a regional land use strategy may also be made by the Minister declaring an amended strategy and the Minister is also responsible for keeping the strategies under regular and periodic review.

In addition, comprehensive reviews of all three regional land use strategies will be undertaken following the implementation of the future Tasmanian Planning Policies.

When declaring a regional land use strategy under section 5A of LUPAA, the Minister must first consult with the:

- Tasmanian Planning Commission;
- planning authorities; and
- relevant State Service Agencies and State authorities.

LUPAA specifically requires all planning schemes and any amendments to a planning scheme to be, as far as practicable, consistent with the relevant regional land use strategy.

Before certifying and publicly exhibiting a draft planning scheme amendment, a local council, acting as a planning authority, needs to be satisfied that the draft amendment is consistent with the relevant regional land use strategy.

³ Before being incorporated into (or referenced in) a regional land use strategy, local strategic documents would need to be based on verifiable evidence, supported by Government and demonstrate how they reflect the strategic application of a relevant strategy.

Equally, the Tasmanian Planning Commission must be satisfied that a draft planning scheme amendment is consistent with the relevant regional land use strategy before approving the amendment. Similar legislative requirements apply to all future LPSs, and amendments to LPSs that will be in place under the Tasmanian Planning Scheme.

Reviewing and amending the regional land use strategies

Regional land use strategies have a significant role to play in setting the medium to longer-term strategic directions for each region. Therefore, it is important that the strategic directions, policies and actions contained within each strategy appropriately address both current and emerging land use planning issues. To achieve this, the Minister for Planning is committed to regularly and periodically reviewing the strategies.

Amendments to regional land use strategies will need to be considered over time for a number of reasons. Importantly, amendments to the strategies will generally occur as part of the reviews that are conducted by the Minister for Planning. The Minister for Planning may consider an amendment to a strategy outside the normal review periods under exceptional circumstances.

Any amendment to a regional land use strategy that is requested by an individual or a planning authority would need to be supported by documentation that identified and justified the need for the amendment. Moreover, as the regional land use strategies are a regional plan, it would require the general support from all councils within the region.

The request would also be subject to a rigorous assessment process to ensure that the agreed medium and longer-term strategic directions contained in the relevant strategy are not undermined. This is necessary to ensure that any site-specific amendments to a regional land use strategy do not lead to unintended regional planning outcomes.

An amendment to a regional land use strategy may need to be considered for purposes such as:

- implementing broader legislative reform or overarching State policies or strategies (e.g. the future Tasmanian Planning Policies);
- implementing any revised background analysis of issues in response to changes such as demographics, emerging planning issues, housing supply and demand, or population growth projections;
- incorporating or referring to local or sub-regional strategy planning work that is based on verifiable and agreed evidence and reflects the application of a regional land use strategy in a municipal area or sub-regional area;
- incorporating contemporary community expectations; or
- making minor refinements to correct errors or clarify the operation of a strategy.

It is also important to consider that amending a regional land use strategy is not always the most appropriate course of action to facilitate use and development within a region. This is because the strategies represent the agreed and approved strategic directions for each ‘entire’ region and provide certainty to the broad community, infrastructure providers and governments as to medium and long-term investment decisions. Consequently, use and development should be directed in the first instance to those agreed areas identified in the relevant strategy.⁴

Information requirements to support an amendment request

The information requirements for considering a request to amend a regional land use strategy will be dependent on the nature of the proposed amendment.

Before an individual or a planning authority considers whether or not to make a request to amend a regional land use strategy, it is recommended that early discussions take place with the Planning Policy Unit within the Department of Justice to determine if specific information requirements will be required to enable the consideration of the proposed amendment.

All requests to amend a regional land use strategy should include, as a minimum, the following information.

Minimum information requirements to support an amendment request

1. All requests for an amendment to a regional land use strategy should first be directed to the **relevant local planning authority** or **regional body representing the local planning authorities in the region**.
2. All draft amendments to a regional land use strategy should be submitted in writing to the Minister for Planning by the **relevant local planning authority** or **regional body representing the local planning authorities in the region**.
3. The supporting documentation should include details on why the amendment is being sought to the regional land use strategy.
4. The supporting documentation should include appropriate justification for any strategic or policy changes being sought and demonstrate how the proposed amendment:
 - (a) furthers the Schedule 1 objectives of LUPAA;
 - (b) is in accordance with State Policies made under section 11 of the *State Policies and Project Act 1993*;
 - (c) is consistent with the Tasmanian Planning Policies, once they are made; and
 - (d) meets the overarching strategic directions and related policies in the regional land use strategy.

⁴ For example, the Northern Tasmania Regional Land Use Strategy and Southern Tasmania Regional Land Use Strategy 2010-2035 direct residential development in areas within a relevant Urban Growth Boundary or growth corridors.

As the regional land use strategies represent the agreed and approved strategic directions for the planning authorities that are located in a particular region and the State, any proposed amendments need to consider the impacts on these entities and should be based on an agreed position.

To assist with the consideration of an amendment to a regional land use strategy, it is strongly recommended that written endorsement for the proposed change is sought from all the planning authorities in the relevant region.

It is also strongly recommended that consultation with relevant State Service agencies, State authorities and other infrastructure providers be undertaken before making a request for an amendment to ensure that any significant issues are avoided when the Minister for Planning consults as part of considering the merits of the amendment request.

In addition, amendments that seek to modify an urban growth boundary (or equivalent), settlement growth management strategies, or seek other modifications to a regional settlement strategy, will usually require additional supporting information such as an analysis of current residential land supply and demand, using accepted contemporary and verifiable data sources, that considers the region in its entirety.

The following additional supporting information should also be included.

1. Justification for any additional land being required beyond that already provided for under the existing regional land use strategy. This analysis should include the current population growth projections prepared by the Department of Treasury and Finance.
2. Analysis and justification of the potential dwelling yield for the proposed additional area of land.
3. Analysis of land consumption (i.e. land taken up for development) since the regional land use strategy was declared.
4. Justification for any additional land being located in the proposed area, considering the suitability of the area in terms of access to existing physical infrastructure, public transport, and activity centres that provide social services, retail and employment opportunities.
5. Consideration of appropriate sequencing of land release within the local area and region.
6. Consideration of any targets for infill development required by the regional land use strategy.
7. Potential for land use conflicts with use and development on adjacent land that might arise from the proposed amendment.

The following matters must be considered if an amendment is proposed to a regional land use strategy to develop ‘greenfield’ land⁵. These matters may also need to be considered for amendments relating to some infill development (such as ‘brownfield’ and ‘greyfield’ development⁶).

The following matters should be considered.

1. How the amendment accords with the other strategic directions and policies in the relevant regional land use strategy.
2. Impacts on natural values, such as threatened native vegetation communities, threatened flora and fauna species, wetland and waterway values, and coastal values.
3. Impacts on cultural values, such as historic heritage values, Aboriginal heritage values and scenic values.
4. The potential loss of agricultural land from Tasmania’s agricultural estate (including but not limited to prime agricultural land and land within irrigation districts) or land for other resource-based industries (e.g. extractive industries).
5. The potential for land use conflicts with adjoining land, such as agricultural land and nearby agricultural activities, other resource-based industries (e.g. forestry and extractive industries) and industrial land taking into account future demand for this land.
6. Risks from natural hazards, such as bushfire, flooding, coastal erosion and coastal inundation, and landslip hazards.
7. Risks associated with potential land contamination.
8. The potential for impacts on the efficiency of the State and local road networks (including potential impacts/compatibility with public transport and linkages with pedestrian and cycle ways), and the rail network (where applicable).

Process for considering an amendment request

The process for considering an amendment request to a regional land use strategy will depend on the nature and scope of the request and the adequacy of the supporting documentation.

As a minimum, the Minister for Planning is required to consult with the Tasmanian Planning Commission, planning authorities, and relevant State Service agencies (e.g. Department of State

⁵ Greenfield land is generally former agricultural or undeveloped natural land on the periphery of towns and cities that has been identified for urban development

⁶ Brownfield sites are underutilised or former industrial or commercial sites in an urban environment characterised by the presence of potential site contamination. Greyfield sites are underutilised, derelict or vacant residential or commercial sites in an urban environment that are not contaminated.

Growth) and State authorities (e.g. TasNetworks) on all amendments to regional land use strategies).

The Minister will consult with these relevant entities for a period of at least 5 weeks. The Minister may also need to consult with other infrastructure providers, where relevant, such as TasWater and TasGas.

For amendments seeking to incorporate broader strategic changes to a regional land use strategy, the Minister for Planning is also likely to seek public input through a formal public exhibition process during this 5 week consultation period. Broader strategic changes have the potential to affect property rights and the community should be afforded natural justice before the Minister declares an amended strategy.

The Minister for Planning will also require all planning authorities in the relevant region to agree to the proposed amendment.

Following the consultation period, the Minister for Planning will consider any submissions received and seek advice from the Department of Justice, Planning Policy Unit before determining whether or not to declare an amended regional land use strategy and whether any modifications are required to the amendment prior to declaration. Procedural fairness will be afforded to all parties prior to making a decision on the amendment request.

Where can I get more information?

General enquiries about the requirements and process for considering amendments to the regional land use strategies should be directed to:

Planning Policy Unit
Department of Justice
GPO Box 825
HOBART TAS 7001

Telephone (03) 6166 1429
Email: planning.unit@justice.tas.gov.au

January 2019

David Allingham

From:
Sent: Wednesday, 9 December 2020 8:55 AM
To: David Allingham
Cc: Patrick Carroll; Delta Pi Pi
Subject: Re: 69 Brighton Rd UGB extension
Attachments: 3200146_Dylan Street Brighton Land Use Advice (FINAL 11 June 2020) - Amended 4 December 2020 (for latest plans) (1).pdf

Dear David,

I am a Director of 69 Brighton Rd Pty Ltd, the entity owner of 69 Brighton Rd, Brighton.

We fully support this application for the UGB to cover our site.

I also have a report attached that we prepared to help Council show our intentions of our site at 69 Brighton Rd and our Dylan St blocks (12, 15 ,16 & 17).

If you have any further questions, please don't hesitate to contact us.

Kind Regards,

Tony Dourias Jnr

Joint Managing Director 69 Brighton Rd Pty Ltd

On Tue, 8 Dec 2020 at 14:25, David Allingham <David.Allingham@brighton.tas.gov.au> wrote:

Hi Tony

Could you please provide a letter or email with landowner consent from 69 Brighton Rd Pty Ltd that you support the extension of the Urban growth Boundary over 69 Brighton Rd as per below image?

If possible, it would be great to get it by lunchtime tomorrow (Wed 9/12).

Brighton Subdivision and Residential Land Supply

Zoned Land (within UGB)

Location/Suburb	Description	# of lots possible/		# lots remaining	Comment
		Subdivision per approved	sealed lots		
Old Beach	72 Churinga Waters	Nil	20	0	20 Estimate based on draft subdivision plan
	110 Fouche	SA2013/12	38	12	26
	10 Alanah	SA2017/6	10	0	10
	15 Shelmore	Nil	6	0	6 Estimate based on 800m2 lots and constraints
	12 Shelmore	Nil	10	0	10 Estimate based on 1000m2 lots
	38A Jetty	Nil	22	0	22 Estimate based on 15 dwelling/ha
	24A Jetty	Nil	12	0	12 Estimate based on 15 dwelling/ha
	8 Jetty	Nil	8	0	8 Estimate based on 1000m2 lots
	Tivoli Green	SA2018/40	45	0	45
	Tivoli Green balance	Nil	521	0	521 Based on SAP layout
		Sub Total		680	
Herdsmans Cove	105 Fisher Ave	DA2020/93	40	0	40 Not approved - 10 lot sub & 30 units
	Lot 615 Lamprill Circle	Nil	50	0	50 Strata - based on centacare concept
	119 Lamprill	DA2020/391	10	0	10 Strata - not approved.
		Sub Total		100	
Gagebrook	1 Plymouth	SA2006/37	77	0	77 some roads built = substanitally commenced.
		Sub Total		77	
Bridgewater	22A Killarney	Nil	15	0	15 Based on 500m2 lot (21 units approved in 2008 - permit lapsed)
	Lot 974 & 975 Scott Rd	Nil	7	0	7 Based on lapsed Permit (SA2013-18-RZ)
	Cheswick Cres	Nil	9	0	9 Based on lapsed Permit (SA2013-15-RZ)
	Dinosaur Park	SA2019/26	43	0	43
	1 Hayfield Place	Nil	15	0	15 1.8ha, but constrained by coastal overlays. Estimate rough.
		Sub total		89	
Brighton	1 Elderslie Road	Nil	0	0	0 Compulsirlay acquired by DoE for High School
	33 Elderslie Road	nil	160	0	160 Estimated 10.7ha at 15dwellings/ha
	1 Dylan	SA2015/11	9	0	9
	27 William	Nil	37	0	37 Estimated 2.5ha at 15 dwelling/ha
	85 Andrew St	nil	20	0	20 Estimated 1.7 ha at 15 dwelling/ha minus 5 lots for roads and floodpath
	39 Andrew St	Nil	12	0	12 Estimated based on similar cul-de-sac head at Erin Close
	48 Andrew St	Nil	6	0	6 Estimated on Halket Close sub
	12A Andrew	Nil	40	0	40 Estimated on 14 dwellings/ha
	3 Racecourse	SA2018/43	21	0	21
	Army Camp	SA2011/35	102	38	64
	2 Brooke St	SA2020/20	5	0	5 Decision pending
	15 & 19 Burrows, 54 & 60 Elderslie	Nil	50	0	50 Estimate based on concept sub plans.
	15 Morrison St	Nil	5	0	5 Estimated on adjoining land to south layout.
	10 Burrows	Nil	4	0	4 As above
	10 Brooke	Nil	8	0	8 Estimated on layout to north.
	42 Elderslie	DA2018/81	9	0	9 Units only
	Other Eldeslie "long lots"	Nil	35	0	35 Estimate based on 7 units/lot for 5 lots (44, 52, 64, 72 & 74 Elderslie)
	Burrows Long lots	Nil	28	0	28 Estimate based on 7 units/lot for 4 lots (11, 21, 23 & 25)
	8A Brooke	Nil	4	0	4 500m2/block
	64 Racecourse	Nil	8	0	8 Unserviced

72 Racecourse	Nil	12	0	12 Unserviced
28, 30 Burrows & 66, 68, 70 Racecourse	Nil	16	0	16 Unserviced
		Sub-total		553
		TOTAL		1499
		Total approve		309

Greenfield sites (within STRLUS UGB & zoned Future Urban)

Location	Area (m2)	Lot yield	Comment
Tivoli Green (203, 205 & 223	154337	135	at 15 dwellings/ha - Approximately 6.3ha subject to waterways and flooding
Boyer Road	580000	600	Isolated from other residential development.Long term prospect if land to east is consolidated. Constrained by NV on upper slopes
Total		735	

Department of State Growth

Salamanca Building, Parliament Square
 4 Salamanca Place, Hobart TAS 7000
 GPO Box 536, Hobart TAS 7001 Australia
 Phone 1800 030 688 Fax (03) 6233 5800
 Email info@stategrowth.tas.gov.au Web www.stategrowth.tas.gov.au
 Your Ref: / Our Ref: D20/80635/3



Mr Ron Sanderson
 General Manager
 Brighton Council
 1 Tivoli Road
 OLD BEACH TAS 7017

By email: development@brighton.tas.gov.au

Dear Mr Sanderson

Thank you for your letter of 2 April 2020 regarding a proposal to extend the Southern Tasmanian Regional Land Use Strategy (STRLUS) Urban Growth Boundary (UGB) at 69 Brighton Road, Brighton and the Old Beach quarry site.

The Department of State Growth (the Department) understands that this is an initial notification of Council's proposal to amend the UGB, and that the Minister for Planning (the Minister) will make a final determination on the proposal. The Department understands that it will be consulted by the Minister as part of the assessment process.

At this time, consistent with the Department's portfolio interests, issues the Department would wish to see addressed if the proposal were to proceed and the sites were subsequently rezoned to residential use, include the following:

69 Brighton Road, Brighton

While this property is adjacent to an existing bus route, the centre of the site is approximately 850 metres from the nearest existing bus stop. This distance is further than the distance people are generally willing to walk to access a bus service (i.e. 400 metres). Council should encourage future developers to work with bus service providers to explore the feasibility of establishing better situated and new bus stops adjoining, and within, the redeveloped site. Any future subdivision design should cater for bus access and movements.

Currently, there is no footpath along Brighton Road, connecting the site to public transport or to the Brighton town centre. Pedestrian linkages to the Brighton town centre will significantly improve local accessibility for residents of the site, and should be explored as part of the site development plan. The provision of pedestrian access through the new, Brighton High School site, located to the north of the site, provides an alternative option.

Old Beach quarry

The centre of the site is located approximately 780 metres, via the existing pedestrian and road network, to the nearest bus stop.

While there is a good pedestrian network in the area, it is noted that the elevation does increase from the East Derwent Highway to Alanah Court. This could pose a barrier for future residents to use this bus stop.

Due to the existing bus route and existing road network north of the East Derwent Highway, it is unlikely any bus routes would penetrate into this residential area.

Road network impacts

While neither site is immediately adjacent to the State Road network, State Roads considers that the level of development generated once the land is rezoned is significant enough to warrant a Traffic Impact Assessment.

Of the two sites, State Roads considers the rezoning of the Old Beach Quarry the more likely to result in the need for an intersection upgrade of some form (it may involve benching and improved signage or something more substantial). State Roads has no current commitment to undertake any upgrades to this intersection and the developer would be responsible for any upgrades.

I am advised that Mineral Resources Tasmania (MRT) has responded to you separately and that while MRT has no objection to the proposed extensions of the UGB at 69 Brighton Road or the Old Beach quarry site, MRT does not support re-zoning of the quarry site until rehabilitation of the site is complete.

Please contact Lucy Thorne, A/G Manager Planning Policy, by email at Lucy.Thorne@stategrowth.tas.gov.au or telephone on 0429 698 118 for further information.

Yours sincerely



Kim Evans
Secretary

// May 2020

Cc: david.allingham@brighton.tas.gov.au

David Allingham

From: Siggins, Clint <Clint.Siggins@stategrowth.tas.gov.au>
Sent: Thursday, 23 April 2020 2:11 PM
To: David Allingham; Info, MRT
Cc: Ron Sanderson; James Dryburgh; Thorne, Lucy; Enman, Simon
Subject: RE: Brighton Council - urban growth boundary extension
Attachments: Brighton Council UGB extension - letter to MRT.PDF

Hello David,

MRT have completed a reviewed of the attached letter from Brighton Council's on a proposed application for extensions of the Urban Growth Boundary (UGB).

As part of the review process MRT has consulted with both lessees potentially affected by the proposal, Boral Construction Materials Group Ltd and Baskerville Quarries Pty Ltd. Boral have indicated they have no direct concerns with the proposed extension of the UGB at 69 Brighton Rd, as it sits outside the 1000m attenuation buffer for their Bridgewater Quarry. Baskerville Quarries advised the have no significant objections to the proposed extension of the UGB containing the Old Beach Quarry, providing it does not include a re-zoning of the land until such time that the rehabilitation of the quarry has been completed.

MRT understands that at this point in time (from discussions with David Allingham) the proposed application for extensions to the UGB do not include a request to change the underlying zone, that being from Rural Resource for both sites to General Residential or similar. Whilst MRT has no objection to future re-zoning of 69 Brighton Road, MRT would not support re-zoning of Old Beach Quarry until such time as the site had ceased operation and completed rehabilitation. The lessee proposes to have completed the rehabilitation by December 2022, noting it is highly likely the rehabilitation will be completed within twelve months. Any change to the current Rural Resource zoning have the potential to introduce sensitive use and potentially result in unwanted conflict.

Based on the comments above, MRT has no objection to the proposed extensions of the UGB at 69 Brighton Road or the Old Beach Quarry, noting the comments provided above with respect to not supporting re-zoning of the Old Beach Quarry site until such time as the rehabilitation of the quarry is completed.

Kind regards, Clint

Clint Siggins | Manager Scientific Services
 Mineral Resources Tasmania | Department of State Growth
 30 Gordons Hill Road Rosny Park Tasmania | PO Box 56, Rosny Park, Tasmania, 7018
 Phone: (03) 6165 4739 | Mobile: 0417 017 426 | (03) 6173 0222
clint.siggins@stategrowth.tas.gov.au | www.mrt.tas.gov.au | www.stategrowth.tas.gov.au

DEPARTMENT OF STATE GROWTH COURAGE TO MAKE A DIFFERENCE THROUGH:



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No representation or warranty is made as to the accuracy, reliability, relevance or completeness of any information in this email. The Crown in Right of Tasmania, its officers, employees and agents do not accept any liability however arising (including, without limitation, for negligence) for any loss (including any indirect consequential loss) arising out of any use of, or reliance upon, any information in this email.

27 April 2020

David Allingham
Manager Development Services
1 Tivoli Road
OLD BEACH 7017

Dear David

69 Brighton Road, Extension to Urban Growth Boundary – Southern Tasmania Regional Land Use Strategy

All Urban Planning Pty Ltd has been engaged by Pamela Clark, the owner of 69 Brighton Road, to prepare the following submission in support of Brighton Council's proposal to amend the Urban Growth Boundary under the Southern Tasmania Regional Land Use Strategy (STRLUS) in the vicinity of and including 69 Brighton Road.

Urban Growth Boundary

The existing Urban Growth Boundary is shown as the blue line in Figure 1 below and 69 Brighton Road shown in red.

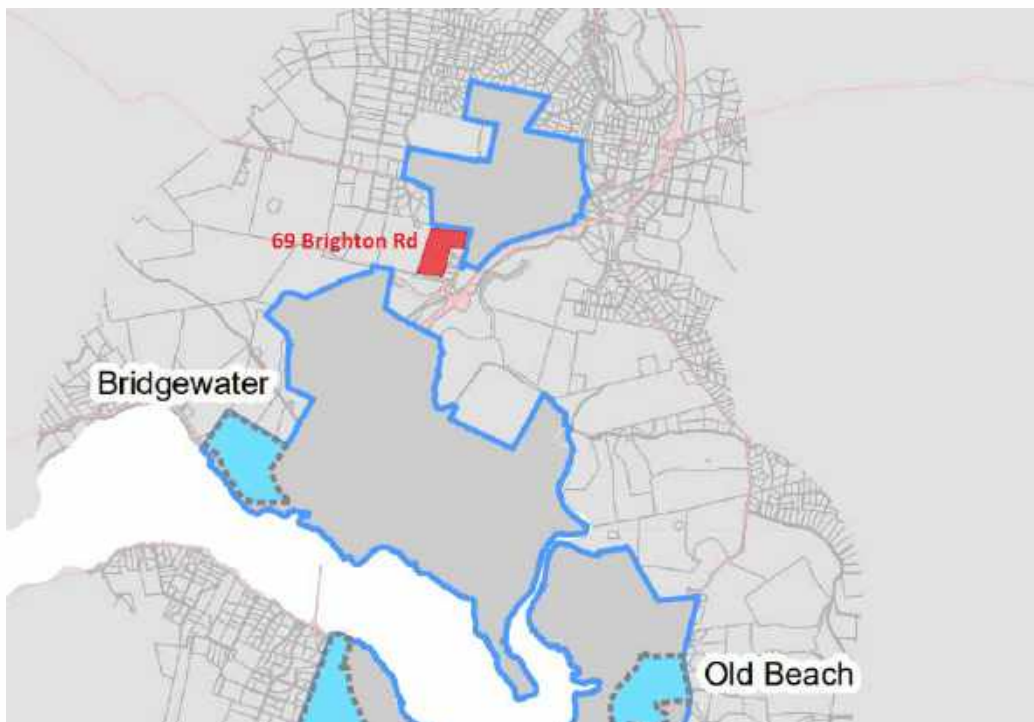


Figure 1 - Attachment 1, Map 10 to Urban Growth Boundary, Southern Tasmania Regional Land Use Strategy

69 Brighton Road

69 Brighton Road (Figure 2) is an existing 24ha Rural Resource zoned title (CT 107930/1) located to the south of Elderslie Road and adjacent to the announced new 10ha Brighton high school site.

The subject site exists with a single dwelling set well back from the Brighton Road frontage. The title has a 260m frontage to Brighton Road and a fee simple access strip of approximately 7m to Elderslie Road.

The site is located between the two Urban Growth Boundary areas of Brighton and Bridgewater. It is directly adjacent to the southern extent of the Brighton township and is surrounded by areas of Rural Living zoning to east at Dylan Street and north west at Una Court. The approved Brighton Highway Service Centre is under construction on the opposite side of Brighton Road to the east.

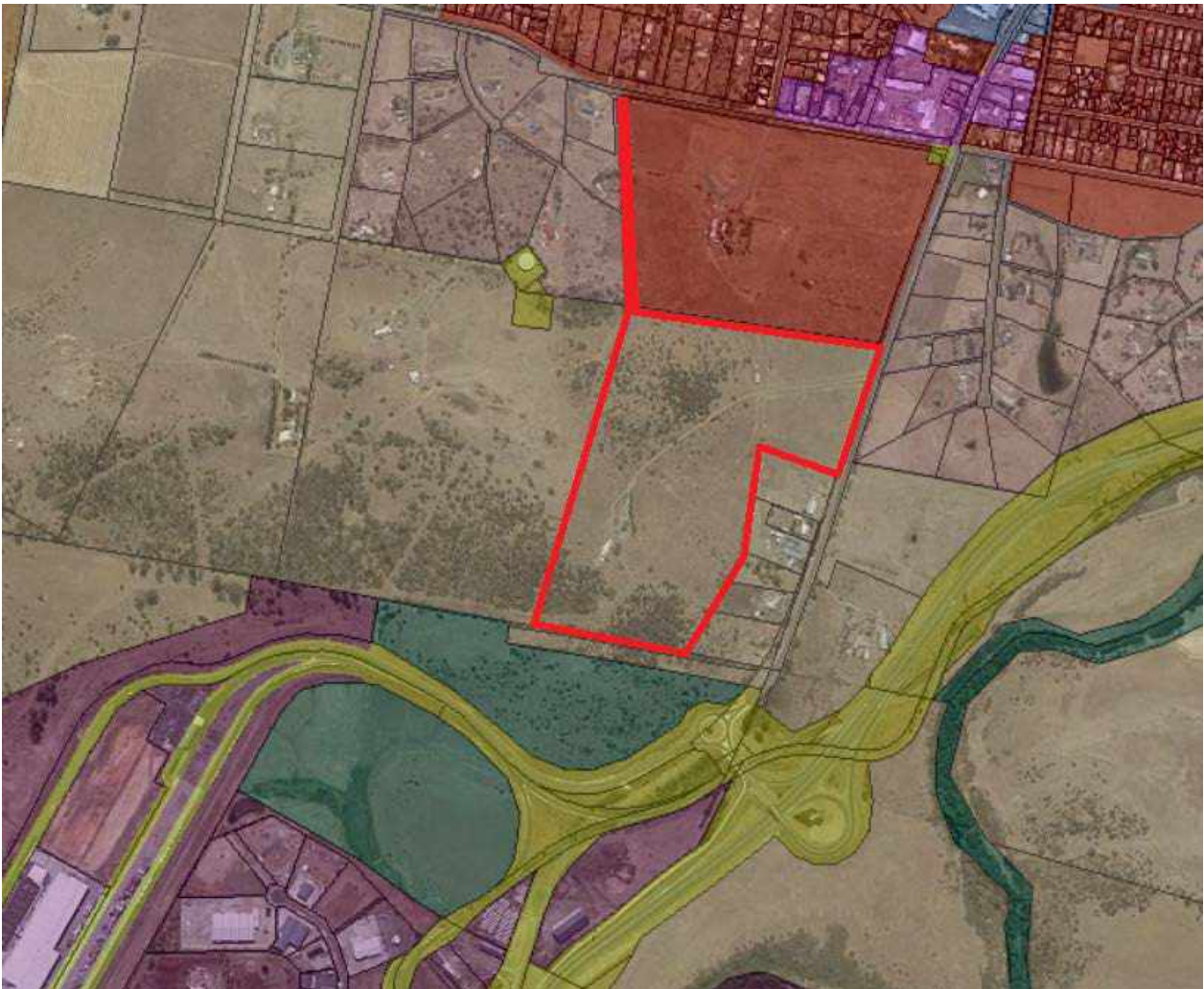


Figure 2 - Site Location Plan (Source: annotated from theList)

Background to the Southern Regional Land Use Strategy and Urban Growth Boundary

LUPAA provides for the preparation and declaration of regional land use strategies, which provide an important high-level component of the planning system. The STRLUS provides the link between the Schedule 1 objectives of LUPAA, State Policies established under the State Policies and Projects Act 1993, and the future Tasmanian Planning Policies with the current interim and future Tasmanian planning schemes.

It provides the strategic direction for the region to be implemented through the land use planning system.

LUPAA specifically requires all planning schemes and any amendments to a planning scheme to be, as far as practicable, consistent with the relevant regional land use strategy.

Regional land use strategies have a significant role to play in setting the medium to longer-term strategic directions for each region. Therefore, it is important that the strategic directions, policies and actions contained within each strategy appropriately address both current and emerging land use planning issues. To achieve this, it is understood that the Minister for Planning is committed to regularly and periodically reviewing the strategies.¹

In this case, Brighton Council has prepared significant strategic planning work since the STRLUS was prepared that identifies a need for additional greenfield development land at Brighton. In my opinion the STRLUS warrants some review and update in light of this work.

Brighton Structure Plan 2018

With the majority of the recommended actions from the Brighton Structure Plan 2012 implemented, and with continued population growth forecast, Brighton Council begun to prepare an updated Structure Plan in 2017.

The Brighton Structure Plan 2018 (BSP 2018) was developed in consultation with the local community and infrastructure providers including TasWater and Department of State Growth.

The BSP 2018 identifies (Strategy 1: Review the urban growth boundary) that 582 additional greenfield lots are required in the North region (including Brighton/Pontville) in the next 15 years to meet the estimated demand and the STRLUS assumptions of a 50/50 infill vs greenfield ratio. This equates to need for approximately 58.2ha of additional land.²

The BSP 2018 investigated potential growth options to the north, south and west of the urban area of the Brighton township noting that the presence of the Midland Highway and the Jordan River to the east negate the ability to expand in this direction.

The subject site, 69 Brighton Road (Site 17) is specifically identified as a primary urban growth option subject to resolution of access to sewer.

Since the finalization of the BSP 2018, the Government's announcement of its intention to acquire 10ha of land for the new high school site (suitable for approximately 150 dwellings at 15 dwellings per ha), has effectively increased the demand for an addition 10ha of greenfield land, from 58 to 68 ha.

Information requirements to support an amendment request

It is understood that an amendment to the Urban Growth Boundary can be considered if the land predominantly adjoins land within the Urban Growth Boundary and it:

- a) only provides for a minor and logical extension to land for urban development and does not constitute a significant increase in land zoned for urban development in that locality;

Comment

69 Brighton Road is directly adjacent to the UGB and would represent a minor and logical extension to the UGB as identified in the Brighton Structure Plan 2018.

- b) will not significantly increase the potential for land use conflicts with other land uses in the immediate area;

¹ Information Sheet RLUS1 – Reviewing and Amending the Regional Land Use Strategies.

² P33, Brighton Structure Plan 2018, Ecelon

Comment

The northern extent of 69 Brighton Road that runs west from the Brighton Road frontage is located outside the 1km buffer from the Brighton Industrial Precinct and is well clear of the attenuation Area for the Brighton Waste Water Treatment Plant.

- c) will not result in the unnecessary conversion of agricultural land;

Comment

The subject site is a small area of Class 5, Rural Resource zoned land on the southern fringe of the Brighton township. It is in close proximity to existing and planned residential development and the site does not have significant agricultural potential.

- d) does not unreasonably impact on the safety and efficiency of the State road and rail networks, local road networks, or electricity transmission infrastructure;

Comment

The site is clear of electricity infrastructure including approximately 1300m north of the Waddamana to Risdon Vale Electricity Transmission line. Other impacts on the local and State road network have been considered in the BSP 2018 and the proposal is not considered to impact on existing or planned infrastructure.

- e) can demonstrate appropriate connectivity with existing and planned road, pedestrian, cycling and public transport networks;

Comment

The site is located on the Brighton Road frontage and is well located for appropriate connectivity to the planned transport networks including the option for a light rail path and potential Transit - Oriented Mixed Use Urban Renewal Precinct as shown on Figure 26 of the BSP 2018 (Figure 3 below).

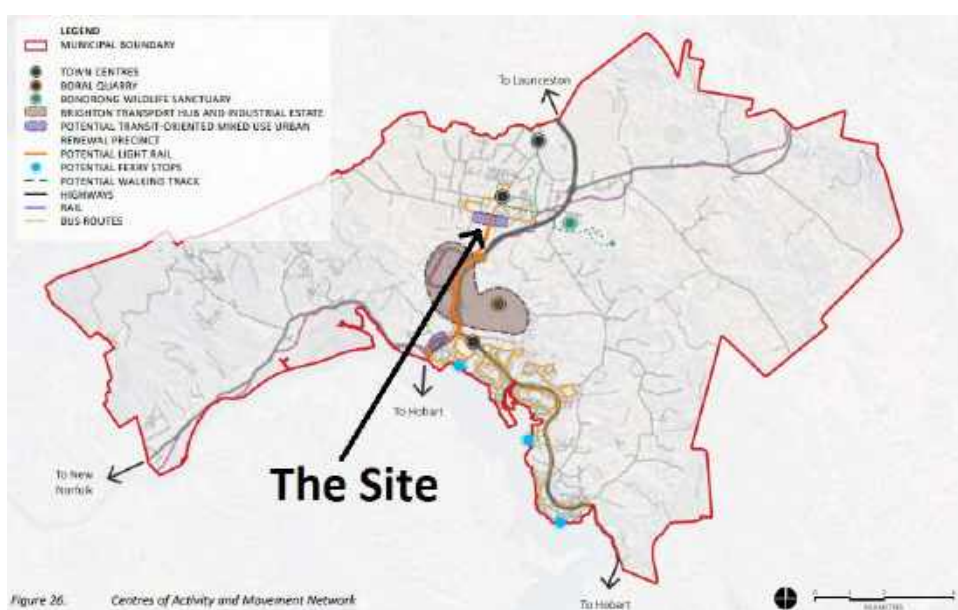


Figure 3 - Centres of Activity and Movement Network (Source: Figure 26, Brighton Structure Plan, 2018)

- f) is able to be appropriately serviced with water, sewerage, electricity and telecommunications infrastructure;

Comment

The site is well located to make best use of existing water, electricity and telecommunications infrastructure. It is expected that infrastructure planning to accommodate the needs of the future high school as well as existing and proposed residential development of already zoned land at the southern edge of Brighton will require an appropriate sewer solution that would logically cater for this site also. It is expected that Council and the Department of Education will progress these investigations in partnership with TasWater.

- g) minimises impacts on natural values such as threatened native vegetation communities, threatened flora and fauna species, wetland and waterway values, and coastal values;

Comment

The site exists as cleared pasture and there are no known natural values.

- h) minimises impacts on cultural values, such as historic heritage values, Aboriginal heritage values, and scenic values;

Comment

The proposal will not have any impacts on historic heritage or scenic values.

- i) will not be subject to unreasonable risks from natural hazards, such as bushfire, flooding, coastal erosion and coastal inundation, and landslip hazards; and

Comment

The site includes an area of Low Landslide Hazard and will require appropriate geotechnical and engineering advice to be incorporated for any future proposals involving Major Works under the Landslide Hazard Code. The controls of this Code and the Bushfire Hazard Management Code will ensure that identified hazards are considered in any future use and development of the site.

- j) addresses the other relevant strategic directions and policies in this strategy.

Comment

The proposal furthers the relevant strategic directions and policies of the STRLUS to the extent that the proposal is consistent with the BSP 2018 that has been prepared to fulfil the relevant strategic directions of the STRLUS.

Conclusion

The site is allocated adjacent to existing General Residential zoned land at the southern fringe of the Brighton township and is close to the proposed new high school site. The land has been named in the Brighton Structure Plan 2018 as appropriate to contribute to the identified need for 58ha of additional greenfield development land at Brighton.

I confirm that the landowners would be pleased to support Council's proposal to extend the Urban Growth Boundary of the Southern Tasmania Regional Land Use Strategy to include 69 Brighton Road.

Regards



Frazer Read

Principal

AllUrbanPlanning PTY LTD

m 0400109582

e frazer@allurbanplanning.com.au

11.7.2 WARRANE MORNINGTON NEIGHBOURHOOD CENTRE – LEASE OF PUBLIC LAND – 18 HEEMSKIRK STREET, WARRANE**EXECUTIVE SUMMARY****PURPOSE**

To consider entering into a new lease agreement with Warrane Mornington Neighbourhood Centre for a community garden at 18 Heemskirk Street, Warrane.

RELATION TO EXISTING POLICY/PLANS

Council's Leased Facilities Pricing and Term of Lease Policy and the Recreation Needs Analysis 2019 are applicable.

LEGISLATIVE REQUIREMENTS

Section 177 of the Local Government Act 1993 is applicable.

CONSULTATION

Consultation has occurred between council and Neighbourhood Centre officers.

FINANCIAL IMPLICATIONS

The Recommendation has no direct implication on council's Annual Plan.

RECOMMENDATION:

- A. That in accordance with Section 177 of the Local Government Act 1993, council gives notice of intention to lease public land at 18 Heemskirk Street, Warrane to Warrane Mornington Neighbourhood Centre Inc.
- B. That provided the notice of intention process to lease is finalised and no objections are received, council authorises the General Manager to enter into a new lease agreement with Warrane Mornington Neighbourhood Centre for a term of 10 years in accordance with council's Leased Facilities Pricing and Term of Lease Policy.
- C. That the annual rental for the term of the lease is to be at a nominal amount of \$1.00 per annum (if requested).
- D. That, in the alternative to Recommendation B above, should objections be received, the proposed lease be referred to a future meeting of council for consideration.

NB: An Absolute Majority is required for a decision on this item.

WARRANE MORNINGTON NEIGHBOURHOOD CENTRE – LEASE OF PUBLIC LAND – 18 HEEMSKIRK STREET, WARRANE /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Warrane Mornington Neighbourhood Centre has leased council land at 18 Heemskirk Street, Warrane since 2016 for development of a community garden.
- 1.2.** The lease is due to expire on 31 December 2021 and the Centre has applied to council for a new lease for a further term of 10 years.

2. REPORT IN DETAIL

- 2.1.** Council owns land at 18 Heemskirk Street, Warrane.
- 2.2.** On 7 November 2016, council approval was granted to enter into a five year lease with the centre to develop a community garden on the vacant land.
- 2.3.** The lease commenced on 1 January 2017 and is due to expire on 31 December 2021.
- 2.4.** Since 2017, the centre has constructed boundary fencing, garden shed, water tank, raised garden beds, toilet and barbecue on the council land.
- 2.5.** The centre has advised that the garden has progressed a great deal in the past two years, and indeed since the lease was signed in 2017. The community garden is now a vibrant and inviting community space with the day to day management undertaken by community members including a garden team. The centre has employed a part time garden co-ordinator.

2.6. As with all community projects the success depends on community engagement, finding ways for as many people as possible to be involved while ensuring volunteers are not overwhelmed with administrative tasks involved with large projects.

2.7. The centre has requested a further lease of 10 years that is to reflect more accurately the current function and aims of the garden and to allow a set amount of community events at the garden each year.

2.8. A Notice of Intention to Lease public land is required in accordance with Section 177 of the Local Government Act, 1993.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Consultation has occurred between council and representatives from the centre.

3.4. Further Community Consultation

In accordance with Section 177 of the Local Government Act 1993, council must advertise its intention to lease the land, invite feedback from the community and consider any objections before finalising any lease.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Nil.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

In accordance with the Local Government Act, 1993 a Notice of Intention to lease public land will be required.

7. FINANCIAL IMPLICATIONS

There is no direct financial implication on council's Annual Plan.

8. ANY OTHER UNIQUE ISSUES

None identified.

9. CONCLUSION

9.1. Council, in 2016 approved entering a lease with Warrane Mornington Neighbourhood Centre to develop a community garden on the vacant council land at 18 Heemskirk Street, Warrane.

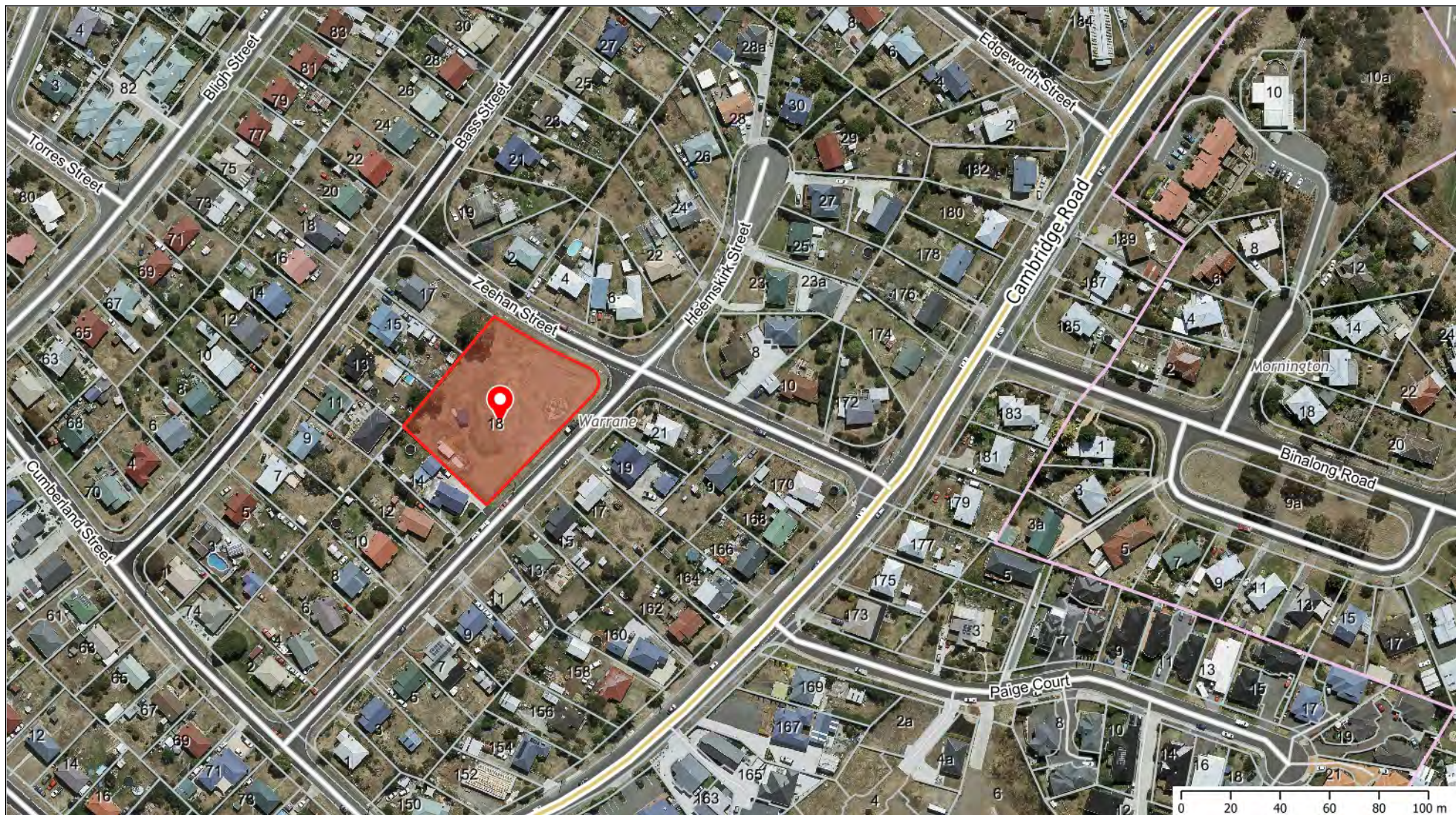
9.2. Since 2016, the centre has constructed fencing, raised garden beds, storage shed with water tank, toilets and barbecue facilities.

9.3. The centre has a garden team with an employed garden co-ordinator to manage the day to day activities.

9.4. The new lease term will provide security for the centre to continue working with the community, volunteers, staff and reflect the current function and aims of the garden.

Attachments: 1. Aerial photograph showing location (1)

Ian Nelson
GENERAL MANAGER



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.

5/24/2021

1:2257



11.7.3 COPPING REFUSE DISPOSAL SITE – PROPOSED MODIFICATION TO TASNETWORKS EASEMENT**EXECUTIVE SUMMARY****PURPOSE**

To consider a modification to an existing easement, proposed by and in favour of TasNetworks, situated at the Copping Refuse Disposal Site (“CRDS”), Blue Hills Road, Copping, for the renewable energy facility expansion project.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

The Land Titles Act 1980 (Tas) is relevant.

CONSULTATION

The Tasman and Sorell Councils must also approve the easement. The easement modification information has been provided to Tasman and Sorell for consideration and approval. Following approval by each of the three member councils, the easement will be registered on the property title Certificate of Title 126073 Folio 1.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

- A. That council consents to the easement modification proposed by TasNetworks.
- B. That the General Manager is delegated to do all things necessary to formalise the easement, including to execute and to apply the council seal to all documentation necessary to enable the registration of the easement on the Title.

ASSOCIATED REPORT**1. BACKGROUND**

Clarence City Council, Tasman Council and Sorell Council (collectively “the Owner Councils”) jointly own the Copping Refuse Disposal Site (“CRDS”) and are each registered on the property titles as landowners. Council leases the land to the Copping Refuse Disposal Site Joint Authority (“Authority”) on a long-term lease.

The Authority comprises four Participating Councils – the three Owner Councils plus Kingborough Council. In addition to the terms of the lease, the Authority operates the CRDS in accordance with the Copping Refuse Disposal Site Joint Authority Rules (“Rules”).

2. REPORT IN DETAIL

- 2.1.** Southern Waste Solutions has requested permission from the Owner Councils to register a modification to the existing easement with TasNetworks as part of the works to install a second generator for the expansion of the Copping Landfill renewable energy facility.
- 2.2.** Refer to Attachment 1, letter from Southern Waste Solutions and Attachment 2 a copy of the TasNetworks Drawing Plan AS-31299 which shows the easement. The proposed easements represent a modification to allow for a replacement high voltage switchgear for the station expansion.
- 2.3.** The proposed easement will be registered over the property title Certificate of Title 126073 Folio 1 which forms part of the CRDS.
- 2.4.** TasNetworks has provided each Owner Council with an Easement Deed for signing to approve the easement in principle. At a later date an easement will be formally registered on the property title.

3. CONSULTATION

3.1. Community Consultation Undertaken

No community consultation is required.

3.2. State/Local Government Protocol

Tasman Council and Sorell Council, as Owner Councils, must also consent to the proposed easement. Consent will be sought from each council at their next scheduled Council Meeting.

3.3. Other

Nil.

3.4. Further Community Consultation

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Nil.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

6.1. Once the Easement Deed is executed, the land will be surveyed, and a formal easement will be registered on the property title. TasNetworks will be responsible for installing the required electrical infrastructure, which is likely to occur prior to finalisation of the easement on the Title.

6.2. The formal easement will be in accordance with the standard wayleave easement terms which provide TasNetworks with the ability to maintain the easement and operate electricity infrastructure.

7. FINANCIAL IMPLICATIONS

TasNetworks will bear the costs of registering the formal easement on the property title.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

It is necessary for a modification to a TasNetworks easement for the installation of a second generator as part of the Copping Landfill expansion of its renewable energy facility.

Attachments: 1. Southern Waste Solutions Letter advising of the need to modify an existing TasNetworks Easement 18 May 2021 (31)
2. Copping – Blue Hills Road SOSGI – LMS Energy Overhead and Underground Mains Plan Drawing No AS-31299 (1)

Ian Nelson
GENERAL MANAGER

Attachment 1



18 May 2021

Mr Ross Graham
Lease Administrator
Copping Refuse Disposal Site Joint Authority Lease
Clarence City Council

By email: rgraham@ccc.tas.gov.au
clarence@ccc.tas.gov.au

Dear Mr Graham

Copping Landfill Expansion of Renewable Energy Facility

LMS Energy has been contracted by the Authority to own and operate its gas management and utilisation infrastructure. The Authority receives revenue from LMS in relation to royalties for the sale of carbon credits and electricity arising from operation of this infrastructure.

LMS is in the process of installing a second generator at the landfill, and as part of these works requires modification to the existing easements with TasNetworks. This requires landowner permission. LMS advises that it needs this permission before the end of May 2021.

Relevant documents are attached as follows:

1. Email from LMS;
2. Drawing detailing the easement;
3. Easement Deed Clarence City Council;
4. Easement Deed Sorell Council;
5. Easement Deed Tasman Council; and
6. Documents relating to the original easement deeds.

Would you please facilitate execution of the deeds as soon as possible? Please contact me on 0408 253 770 or swstas@me.com if you have any queries or require any additional information about this matter.

Yours sincerely

Christine Bell
Chief Executive Officer

Attachment 1

Attachment 1

Fiona Lambert
Easement Deed(s) - Tasman Council, Sorrell Council, Clarence City Council
18 May 2021 at 3:33 pm
Copping 30031

Hi Christine,

Thanks for your time on the phone today, I write with regard to the expansion of LME Renewable Energy Facility at the Copping Landfill. As part of these works TasNetworks require an updated easement. The original easement was signed by each of the Joint Authority Council's back in 2019.

The attached easements represent a modification to allow for a replacement HV switchgear to cater for the station expansion. The attached drawing (AS-31299) shows the electrical Overhead and Underground Mains Plan with the proposed Easement highlighted in purple.

Could you please arrange for each of these documents to be executed and returned to LMS for submission to TasNetworks. Please be aware that signing of these deeds is an integral part of LMS being able to accept the Offer to Connect provided by TasNetworks, and forms part of the contract documents. Unfortunately we are working to very tight timeframes imposed by TasNetworks and if we don't provide the necessary documents in time, the offer is automatically withdrawn and LMS will be forced to recommence the connection process again.

We are therefore respectfully hoping for a very quick turnaround of documents. LMS ideal scenario, working backwards from site works notification periods required, would be to receive the signed Easements by the end of May 2021.

Please don't hesitate to contact me if you have any queries.

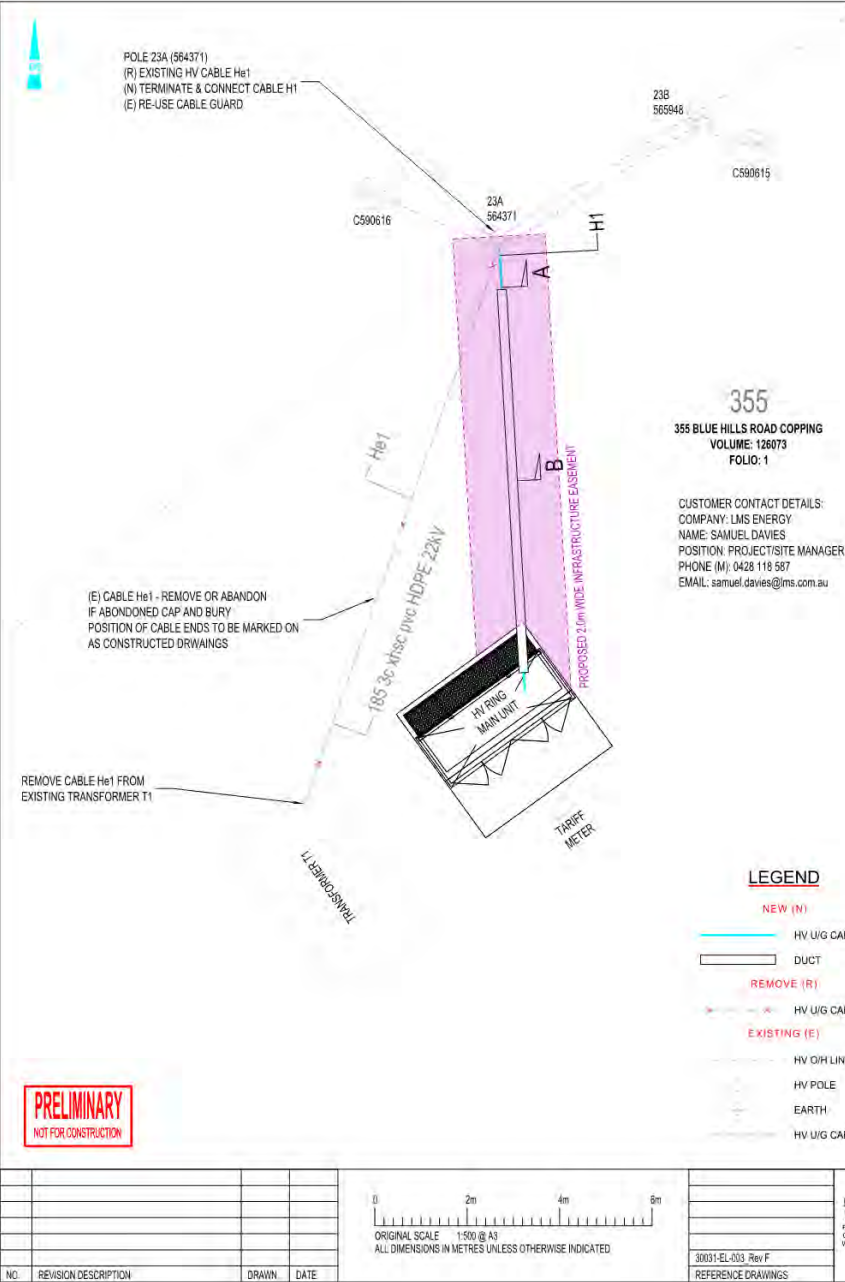
Kind Regards, Fiona Lambert

FIONA LAMBERT | Project Development & Compliance Group Manager
LMS ENERGY Pty Ltd



Attachment 1

Attachment 2



UNDERGROUND NOTES

1. TASNETWORKS EMERGENCY CONTACT - 13 20 04 (24 HRS).
2. ALL CABLES MUST BE INSTALLED IN ACCORDANCE WITH TASNETWORKS UNDERGROUND DESIGN & CONSTRUCTION STANDARDS.
3. CABLE ROUTES SHOWN ON THIS DRAWING ARE APPROXIMATE ONLY AND MAY VARY SUBJECT TO SITE CONDITIONS ENCOUNTERED DURING INSTALLATION WORKS.
4. ADVICE SHOULD BE SOUGHT FROM TASNETWORKS FOR ACCURACY OF CABLE ROUTES.
5. NOTIFY TASNETWORKS JOB MANAGER DAILY WHEN CABLE WORK IS IN PROGRESS.
6. ALL UNDERGROUND SERVICES TO BE LOCATED PRIOR TO ANY EXCAVATIONS DIAL 1100 "DIAL BEFORE YOU DIG" TO ARRANGE LOCATIONS.
7. ALL EXCAVATIONS WITHIN 1.0m OF TASNETWORKS CABLES AND EQUIPMENT MUST BE UNDERTAKEN BY TASNETWORKS PERSONNEL OR THEIR AUTHORISED CONTRACTORS.
8. ADVICE MUST BE SOUGHT FROM TASNETWORKS FOR ANY EXCAVATIONS WITHIN 3.0m OF POLES OR STAYS.

TRENCH NOTES:

1. HV CABLE DEPTH OF COVER SHALL BE MIN. 900mm.
2. TRENCH WIDTH SHALL ALLOW FOR A MINIMUM CLEARANCE OF 75mm EACH SIDE OF THE CABLE OR CONDUIT.
3. SEPARATION BETWEEN CABLES AND SERVICES TO BE AS PER TASNETWORKS AND OTHER RELEVANT UTILITY STANDARDS.
4. CABLE COVERS SHALL BE 300mm WIDE AND 5mm THICK POLYMERIC CABLE COVER STRIPS, COMPLIANT WITH AS4702 AND SHALL EXTEND MIN. 60mm PAST THE CABLE OR CONDUIT ON BOTH SIDES.
5. WARNING MARKER TAPE TO BE COMPLIANT WITH AS/NZS 2648.1.
6. *ALL CABLE BEDDING MATERIAL TO BE WELL-GRADED FINE SAND TO TASNETWORKS CONSTRUCTION SPECIFICATIONS.
7. TRENCH BACKFILL SHALL MEET TASNETWORKS AND ROAD AUTHORITY SPECIFICATIONS AS APPLICABLE.
8. CIVIL CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS FROM COUNCIL AND OTHER AUTHORITIES PRIOR TO COMMENCING WORKS.
9. DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.

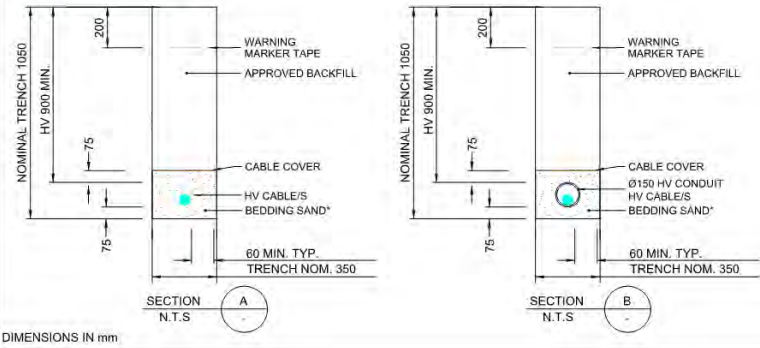
IDENTIFICATION OF CABLES

1. ALL CABLES SHALL BE LABELLED WITH THEIR DESTINATION POINTS IN THE SYSTEM.
2. THE LABEL SHALL BE PERMANENT TYPE AND INSTALLED ON THE RELEVANT CABLE, SWITCH, FUSE, CIRCUIT BREAKER, ETC.
3. LABELS MAY BE CABLE TIED TO THE LV CABLES INSIDE STREET FURNITURE (TURRETS, CABINETS, ETC)

OVERHEAD NOTES

1. ALL WORK MUST BE IN ACCORDANCE WITH TASNETWORKS DISTRIBUTION OVERHEAD LINE DESIGN AND CONSTRUCTION STANDARDS.
2. EXISTING POLES ARE APPROXIMATELY LOCATED (ABOVE 1m ACCURACY).
3. IF ANY ALTERATIONS ARE REQUIRED TO THIS DESIGN, APPROVAL IS REQUIRED FROM THE DESIGN OFFICER.

TRENCH SECTIONS



AS BUILT RECORDS

CONSTRUCTED TO DESIGN	NAME	SIGNED	DATE
CIVIL CONTRACTOR REPRESENTATIVE			
TASNETWORKS WORKS TEAM LEADER ADVISED			
TASNETWORKS CONSTRUCTION CREW			
TASNETWORKS WORKS TEAM LEADER			
AS-BUILTS ATTACHED IN WASP			

CABLE SCHEDULE

CABLE	95mm ²	185mm ²	240mm ²	CABLE TYPE
H1		25m		a 3/c xshc pvc hdpe 22kV
TOTAL		25m		a 3/c xshc pvc hdpe 22kV

DESIGNED: A. HALL	DATE: 07.05.2021
DRAWN: A. HALL	DATE: 07.05.2021
CHECKED: C. SYMONDS	DATE: 11.05.2021
APPROVED:	DATE:
FILE: SAPV...DESIGN_N 003493 AS-31299	

TASMANIAN NETWORKS PTY LTD

TITLE: COPPING - BLUE HILLS ROAD
SOSGI - LMS ENERGY 355 BLUE HILLS ROAD
OVERHEAD & UNDERGROUND MAINS PLAN

DRAWING NO.	AS-31299
SHEET NO. 1 OF 1	SIZE: A3 SCALE: 1:100
PROJECT	N/003483
REVISION	A

NB: ALL DRAWINGS TO BE PRINTED IN COLOUR

Attachment 1

EASEMENT DEED



Customer Project: N/003483 Copping Landfill Generator CS18-7410

Tasmanian Networks Pty Ltd ("TasNetworks") requires an easement to ensure it can operate and maintain its electricity infrastructure on private land.

This form is a legal document used to obtain your consent as owner of the property below to granting an easement to TasNetworks so that it can install, operate and maintain its electricity infrastructure on your property.

Please ensure all the relevant grey shaded boxes are completed.

An Electricity Easement is required on the following property title(s):

Name of owner on Title	Clarence City Council		
Certificate of Title(s) (Volume N ^o)	126073	Folio(s)	1
Property Address	Blue Hills Road Copping TAS 7174		
Property Name (if applicable)	Copping Tip		
Where is the Property Title held? (Name of Bank or Solicitor etc)			

Company Owner Information (complete if Owner(s) company)

Name of Company	
Country of incorporation or formation	
ACN and ABN	
Overseas entity registration number (for foreign companies)	

Attachment 1

Primary Contact Person for Property Title :

Surname:	Other Names:
Title:	
Daytime Phone No.:	Mobile Phone No.:
Email:	Fax No.:
Current Postal Address:	
Future Postal Address:	

Is the Owner acting as a Trustee ? Yes ☐ No ☐

If 'Yes' please complete table below

Trust Name	
Type of Trust	

Electricity Infrastructure to be Installed

Subject to you completing and returning this form, TasNetworks plans to install new electricity infrastructure on your property as shown on attached plan AS-31299 (the Work).

Easement

A 2 metre wide infrastructure easement is required to be registered on your property's title as shown on the attached plan.

Conditions and restrictions applicable to the infrastructure easement are enclosed for your reference as Attachment B

Final Transfer Of Easement

At the completion of the work, the electricity infrastructure installed on the properties will be surveyed. Our legal representative will then contact you, to organise the completion of formal documents and the registration of the easement on the affected property title(s)

If you have any questions please contact the Customer Supply Team at TasNetworks:
Phone 03 6324 7583 networkcustomersupply@tasnetworks.com.au

Attachment 1

Signatures: Local Council

To Provide Your Consent:

Please complete and sign the following boxes to provide your consent to the Work and the granting of the Easement to TasNetworks over your property.

Authority to Sign:

- Where a property owner is a Local Council, please execute this Easement Deed by placing the Council Seal in the box below and signing by an Authorised person.

By signing this Easement Deed, you acknowledge that:

1. You warrant that the Council is the owner of the property identified on page 1 of this Deed.
2. You consent to TasNetworks doing the Work.
3. You warrant that you have read and understood the enclosed electricity infrastructure easement or wayleave easement conditions and restrictions and agree to grant TasNetworks the easement on these terms.
4. You agree to enter into, and execute all documentation necessary to enable the registration of an electricity infrastructure easement or wayleave easement, whichever is necessary in the opinion of TasNetworks, on the property's certificate of title(s).
5. In the event that you fail to sign the formal documentation sent after completion of the work and survey, you irrevocably appoint the TasNetworks Company Secretary to be your power of attorney pursuant to the Powers of Attorney Act 2000, to do on your behalf the following:
 - to execute memorandum of transfer(s) pursuant to section 58 of the Land Titles Act;
 - to grant the easement(s) referred to in this Easement Deed; and
 - to execute conveyances to grant and convey the easement(s) referred to in this Easement Deed.
6. Until the easement is registered, prior to transferring ownership of the property you will obtain from the transferee a signed easement deed on the same terms and conditions as this Deed.

Executed as a Deed

The COMMON SEAL of CLARENCE CITY COUNCIL has been hereunto affixed in accordance with Section 19(3) & (5) of the <i>Local Government Act 1993</i> (Tas)	
Authorised Signature:	Authorised Signature:
Date:	Date:
Name:	Name:
Position:	Position:

Please return completed forms to the Landowner requesting the work, who will forward them to TasNetworks.

Attachment 1

Attachment B

ELECTRICITY INFRASTRUCTURE EASEMENT

(Example only. Do not sign) – This is an example of the formal documentation that will be sent for signing after construction and survey to allow registration of an electricity infrastructure easement).

Electricity Infrastructure Easement with the benefit of a restriction as to user of land means:

FIRSTLY all the full and free right and liberty for Tasmanian Networks Pty Ltd and its successors and its and their servants agents and contractors (hereinafter called "TasNetworks") at all times hereafter:

- a) **TO** maintain, lay, erect and install anything used for, or in connection with the generation, transmission or distribution of electricity including powerlines (overhead or underground), substations for converting electricity, substations for transforming or controlling electricity and equipment for metering, monitoring or controlling electricity (hereinafter called "electricity infrastructure") of such materials and type as TasNetworks may determine above, on or under the land respectively marked "ELECTRICITY INFRASTRUCTURE EASEMENT" on the Plan annexed hereto (hereinafter called the "servient land");
- b) **TO** enter into and upon the servient land for the purpose of examining, operating, maintaining, repairing, modifying, adding to or replacing electricity infrastructure without doing unnecessary damage to the said servient land and making good all damage occasioned thereby;
- c) **TO** erect fencing, signs, barriers or other protective structures upon the servient land if in the opinion of TasNetworks these are necessary for reasons of safety;
- d) **TO** cause or permit electrical energy to flow or be transmitted or distributed through the said electricity infrastructure;
- e) **TO** enter into and upon the servient land for all or any of the above purposes with or without all necessary plant equipment and machinery and the means of transporting the same and if necessary to cross the remainder of the said land in consultation with the registered proprietor/s for the purpose of access and regress to and from the servient land;
- f) **NOTHING** herein contained shall prevent the registered proprietor/s for themselves and their successors in title from using the servient land **PROVIDED THAT** such use does not derogate from this grant or, in the opinion of TasNetworks compromise the safe operation of TasNetworks electricity infrastructure located on, above or under the servient land.

SECONDLY the benefit of a covenant for TasNetworks and its successors with the registered proprietor/s for themselves and their successors in title of the servient land not to erect any buildings or place any structures, objects, or vegetation within the said easement without the prior written consent of TasNetworks to the intent that the burden of the covenant may run with and bind the servient land and every part thereof and that the benefit thereof may be annexed to the easement hereinbefore described.

SIGNED by the Transferor

NOTE:- Every annexed page shall be signed by the parties to the dealing, or where the party is a corporate body, be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Attachment 1

EASEMENT DEED



Customer Project: N/003483 Copping Landfill Generator CS18-7410

Tasmanian Networks Pty Ltd ("TasNetworks") requires an easement to ensure it can operate and maintain its electricity infrastructure on private land.

This form is a legal document used to obtain your consent as owner of the property below to granting an easement to TasNetworks so that it can install, operate and maintain its electricity infrastructure on your property.

Please ensure all the relevant grey shaded boxes are completed.

An Electricity Easement is required on the following property title(s):

Name of owner on Title	Sorell Council		
Certificate of Title(s) (Volume N ^o)	126073	Folio(s)	1
Property Address	Blue Hills Road Copping TAS 7174		
Property Name (if applicable)	Copping Tip		
Where is the Property Title held? (Name of Bank or Solicitor etc)			

Company Owner Information (complete if Owner(s) company)

Name of Company	
Country of incorporation or formation	
ACN and ABN	
Overseas entity registration number (for foreign companies)	

Attachment 1

Primary Contact Person for Property Title :

Surname:	Other Names:
Title:	
Daytime Phone No.:	Mobile Phone No.:
Email:	Fax No.:
Current Postal Address:	
Future Postal Address:	

Is the Owner acting as a Trustee ? Yes ☐ No ☐

If 'Yes' please complete table below

Trust Name	
Type of Trust	

Electricity Infrastructure to be Installed

Subject to you completing and returning this form, TasNetworks plans to install new electricity infrastructure on your property as shown on attached plan AS-31299 (the Work).

Easement

A 2 metre wide infrastructure easement is required to be registered on your property's title as shown on the attached plan.

Conditions and restrictions applicable to the infrastructure easement are enclosed for your reference as Attachment B

Final Transfer Of Easement

At the completion of the work, the electricity infrastructure installed on the properties will be surveyed. Our legal representative will then contact you, to organise the completion of formal documents and the registration of the easement on the affected property title(s)

If you have any questions please contact the Customer Supply Team at TasNetworks:

Phone 03 6324 7583 networkcustomersupply@tasnetworks.com.au

Attachment 1

Signatures: Local Council

To Provide Your Consent:

Please complete and sign the following boxes to provide your consent to the Work and the granting of the Easement to TasNetworks over your property.

Authority to Sign:

- Where a property owner is a Local Council, please execute this Easement Deed by placing the Council Seal in the box below and signing by an Authorised person.

By signing this Easement Deed, you acknowledge that:

1. You warrant that the Council is the owner of the property identified on page 1 of this Deed.
2. You consent to TasNetworks doing the Work.
3. You warrant that you have read and understood the enclosed electricity infrastructure easement or wayleave easement conditions and restrictions and agree to grant TasNetworks the easement on these terms.
4. You agree to enter into, and execute all documentation necessary to enable the registration of an electricity infrastructure easement or wayleave easement, whichever is necessary in the opinion of TasNetworks, on the property's certificate of title(s).
5. In the event that you fail to sign the formal documentation sent after completion of the work and survey, you irrevocably appoint the TasNetworks Company Secretary to be your power of attorney pursuant to the Powers of Attorney Act 2000, to do on your behalf the following:
 - to execute memorandum of transfer(s) pursuant to section 58 of the Land Titles Act;
 - to grant the easement(s) referred to in this Easement Deed; and
 - to execute conveyances to grant and convey the easement(s) referred to in this Easement Deed.
6. Until the easement is registered, prior to transferring ownership of the property you will obtain from the transferee a signed easement deed on the same terms and conditions as this Deed.

Executed as a Deed

The COMMON SEAL of SORELL COUNCIL has been hereunto affixed in accordance with Section 19(3) & (5) of the <i>Local Government Act 1993</i> (Tas)	
Authorised Signature:	Authorised Signature:
Date:	Date:
Name:	Name:
Position:	Position:

Please return completed forms to the Landowner requesting the work, who will forward them to TasNetworks.

Attachment 1

Attachment B

ELECTRICITY INFRASTRUCTURE EASEMENT

(Example only. Do not sign) – This is an example of the formal documentation that will be sent for signing after construction and survey to allow registration of an electricity infrastructure easement).

Electricity Infrastructure Easement with the benefit of a restriction as to user of land means:

FIRSTLY all the full and free right and liberty for Tasmanian Networks Pty Ltd and its successors and its and their servants agents and contractors (hereinafter called "TasNetworks") at all times hereafter:

- a) **TO** maintain, lay, erect and install anything used for, or in connection with the generation, transmission or distribution of electricity including powerlines (overhead or underground), substations for converting electricity, substations for transforming or controlling electricity and equipment for metering, monitoring or controlling electricity (hereinafter called "electricity infrastructure") of such materials and type as TasNetworks may determine above, on or under the land respectively marked "ELECTRICITY INFRASTRUCTURE EASEMENT" on the Plan annexed hereto (hereinafter called the "servient land");
- b) **TO** enter into and upon the servient land for the purpose of examining, operating, maintaining, repairing, modifying, adding to or replacing electricity infrastructure without doing unnecessary damage to the said servient land and making good all damage occasioned thereby;
- c) **TO** erect fencing, signs, barriers or other protective structures upon the servient land if in the opinion of TasNetworks these are necessary for reasons of safety;
- d) **TO** cause or permit electrical energy to flow or be transmitted or distributed through the said electricity infrastructure;
- e) **TO** enter into and upon the servient land for all or any of the above purposes with or without all necessary plant equipment and machinery and the means of transporting the same and if necessary to cross the remainder of the said land in consultation with the registered proprietor/s for the purpose of access and regress to and from the servient land;
- f) **NOTHING** herein contained shall prevent the registered proprietor/s for themselves and their successors in title from using the servient land **PROVIDED THAT** such use does not derogate from this grant or, in the opinion of TasNetworks compromise the safe operation of TasNetworks electricity infrastructure located on, above or under the servient land.

SECONDLY the benefit of a covenant for TasNetworks and its successors with the registered proprietor/s for themselves and their successors in title of the servient land not to erect any buildings or place any structures, objects, or vegetation within the said easement without the prior written consent of TasNetworks to the intent that the burden of the covenant may run with and bind the servient land and every part thereof and that the benefit thereof may be annexed to the easement hereinbefore described.

SIGNED by the Transferor

NOTE:- Every annexed page shall be signed by the parties to the dealing, or where the party is a corporate body, be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Attachment 1

EASEMENT DEED



Customer Project: N/003483 Copping Landfill Generator CS18-7410

Tasmanian Networks Pty Ltd ("TasNetworks") requires an easement to ensure it can operate and maintain its electricity infrastructure on private land.

This form is a legal document used to obtain your consent as owner of the property below to granting an easement to TasNetworks so that it can install, operate and maintain its electricity infrastructure on your property.

Please ensure all the relevant grey shaded boxes are completed.

An Electricity Easement is required on the following property title(s):

Name of owner on Title	Tasman Council		
Certificate of Title(s) (Volume N ^o)	126073	Folio(s)	1
Property Address	Blue Hills Road Copping TAS 7174		
Property Name (if applicable)	Copping Tip		
Where is the Property Title held? (Name of Bank or Solicitor etc)			

Company Owner Information (complete if Owner(s) company)

Name of Company	
Country of incorporation or formation	
ACN and ABN	
Overseas entity registration number (for foreign companies)	

Attachment 1

Primary Contact Person for Property Title :

Surname:	Other Names:
Title:	
Daytime Phone No.:	Mobile Phone No.:
Email:	Fax No.:
Current Postal Address:	
Future Postal Address:	

Is the Owner acting as a Trustee ? Yes ☐ No ☐

If 'Yes' please complete table below

Trust Name	
Type of Trust	

Electricity Infrastructure to be Installed

Subject to you completing and returning this form, TasNetworks plans to install new electricity infrastructure on your property as shown on attached plan AS-31299 (the Work).

Easement

A 2 metre wide infrastructure easement is required to be registered on your property's title as shown on the attached plan.

Conditions and restrictions applicable to the infrastructure easement are enclosed for your reference as Attachment B

Final Transfer Of Easement

At the completion of the work, the electricity infrastructure installed on the properties will be surveyed. Our legal representative will then contact you, to organise the completion of formal documents and the registration of the easement on the affected property title(s)

If you have any questions please contact the Customer Supply Team at TasNetworks:

Phone 03 6324 7583 networkcustomersupply@tasnetworks.com.au

Attachment 1

Signatures: Local Council

To Provide Your Consent:

Please complete and sign the following boxes to provide your consent to the Work and the granting of the Easement to TasNetworks over your property.

Authority to Sign:

- Where a property owner is a Local Council, please execute this Easement Deed by placing the Council Seal in the box below and signing by an Authorised person.

By signing this Easement Deed, you acknowledge that:

1. You warrant that the Council is the owner of the property identified on page 1 of this Deed.
2. You consent to TasNetworks doing the Work.
3. You warrant that you have read and understood the enclosed electricity infrastructure easement or wayleave easement conditions and restrictions and agree to grant TasNetworks the easement on these terms.
4. You agree to enter into, and execute all documentation necessary to enable the registration of an electricity infrastructure easement or wayleave easement, whichever is necessary in the opinion of TasNetworks, on the property's certificate of title(s).
5. In the event that you fail to sign the formal documentation sent after completion of the work and survey, you irrevocably appoint the TasNetworks Company Secretary to be your power of attorney pursuant to the Powers of Attorney Act 2000, to do on your behalf the following:
 - to execute memorandum of transfer(s) pursuant to section 58 of the Land Titles Act;
 - to grant the easement(s) referred to in this Easement Deed; and
 - to execute conveyances to grant and convey the easement(s) referred to in this Easement Deed.
6. Until the easement is registered, prior to transferring ownership of the property you will obtain from the transferee a signed easement deed on the same terms and conditions as this Deed.

Executed as a Deed

The COMMON SEAL of TASMAN COUNCIL has been hereunto affixed in accordance with Section 19(3) & (5) of the <i>Local Government Act 1993</i> (Tas)	
Authorised Signature:	Authorised Signature:
Date:	Date:
Name:	Name:
Position:	Position:

Please return completed forms to the Landowner requesting the work, who will forward them to TasNetworks.

Attachment 1

Attachment B

ELECTRICITY INFRASTRUCTURE EASEMENT

(Example only. Do not sign) – This is an example of the formal documentation that will be sent for signing after construction and survey to allow registration of an electricity infrastructure easement).

Electricity Infrastructure Easement with the benefit of a restriction as to user of land means:

FIRSTLY all the full and free right and liberty for Tasmanian Networks Pty Ltd and its successors and its and their servants agents and contractors (hereinafter called "TasNetworks") at all times hereafter:

- a) **TO** maintain, lay, erect and install anything used for, or in connection with the generation, transmission or distribution of electricity including powerlines (overhead or underground), substations for converting electricity, substations for transforming or controlling electricity and equipment for metering, monitoring or controlling electricity (hereinafter called "electricity infrastructure") of such materials and type as TasNetworks may determine above, on or under the land respectively marked "ELECTRICITY INFRASTRUCTURE EASEMENT" on the Plan annexed hereto (hereinafter called the "servient land");
- b) **TO** enter into and upon the servient land for the purpose of examining, operating, maintaining, repairing, modifying, adding to or replacing electricity infrastructure without doing unnecessary damage to the said servient land and making good all damage occasioned thereby;
- c) **TO** erect fencing, signs, barriers or other protective structures upon the servient land if in the opinion of TasNetworks these are necessary for reasons of safety;
- d) **TO** cause or permit electrical energy to flow or be transmitted or distributed through the said electricity infrastructure;
- e) **TO** enter into and upon the servient land for all or any of the above purposes with or without all necessary plant equipment and machinery and the means of transporting the same and if necessary to cross the remainder of the said land in consultation with the registered proprietor/s for the purpose of access and regress to and from the servient land;
- f) **NOTHING** herein contained shall prevent the registered proprietor/s for themselves and their successors in title from using the servient land **PROVIDED THAT** such use does not derogate from this grant or, in the opinion of TasNetworks compromise the safe operation of TasNetworks electricity infrastructure located on, above or under the servient land.

SECONDLY the benefit of a covenant for TasNetworks and its successors with the registered proprietor/s for themselves and their successors in title of the servient land not to erect any buildings or place any structures, objects, or vegetation within the said easement without the prior written consent of TasNetworks to the intent that the burden of the covenant may run with and bind the servient land and every part thereof and that the benefit thereof may be annexed to the easement hereinbefore described.

SIGNED by the Transferor

NOTE:- Every annexed page shall be signed by the parties to the dealing, or where the party is a corporate body, be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Attachment 1



Attachment 6

Copping Refuse Disposal Site Joint Authority

12 March 2019

Mr Alec Eiszele
TasNetworks
PO Box 606
MOONAH TAS 7009

By email: alec.eiszele@tasnetworks.com.au

Dear Alec

EASEMENTS - COPPING LANDFILL

The Copping Refuse Disposal Site Joint Authority, trading as Southern Waste Solutions, has installed electricity generation infrastructure at the Copping landfill. The electricity infrastructure is connected to the Tasmanian Electricity Network operated by TasNetworks.

Attached are three (3) Easement Deeds. Each Easement Deed is signed by one of the three 'Owner Councils'. The Owner Councils own the Copping Landfill site.

We would appreciate it if you could commence the process for registration of the easement on the relevant land title. If you require anything further from us in regard to this process please contact me directly. I can be contacted via email at inelson@ccc.tas.gov.au or by phone (03) 6217 9521.

Yours sincerely



Ian Nelson
SECRETARY

Attachment 1

EASEMENT DEED



Customer Project: N/002263 Copping Landfill Generator CS16-2641

Tasmanian Networks Pty Ltd ("TasNetworks") requires an easement to ensure it can operate and maintain its electricity infrastructure on private land.

This form is a legal document used to obtain your consent as owner of the property below to granting an easement to TasNetworks so that it can install, operate and maintain its electricity infrastructure on your property.

Please ensure all the relevant grey shaded boxes are completed.

An Electricity Easement is required on the following property title(s):

Name of owner on Title	Clarence City Council		
Certificate of Title(s) (Volume N ^o)	126073	Folio(s)	1
Property Address	Blue Hills Road Copping TAS 7174		
Property Name (if applicable)	Copping Tip REFUSE DISPOSAL SITE		
Where is the Property Title held? (Name of Bank or Solicitor etc)	Clarence City Council		

Company Owner Information (complete if Owner(s) company)

Name of Company	Clarence City Council
Country of incorporation or formation	Australia
ACN and ABN	ABN 35 264 254 198
Overseas entity registration number (for foreign companies)	N/A

Attachment 1

Primary Contact Person for Property Title :

Surname: NELSON	Other Names: IAN ANDREW
Title: SECRETARY, COPPING JOINT AUTHORITY	
Daytime Phone No.: 6217 9521	Mobile Phone No.: 0418 990868
Email: ian@ccc.tas.gov.au	Fax No.: —
Current Postal Address: c/o CLARENCE CITY COUNCIL P.O. Box 96. Rosny Park 7018	
Future Postal Address: —	

Is the Owner acting as a Trustee ?

Yes ☐

No ☒

If 'Yes' please complete table below

Trust Name	
Type of Trust	

Electricity Infrastructure to be Installed

Subject to you completing and returning this form, TasNetworks plans to install new electricity infrastructure on your property as shown on attached plan AS 28504 (the Work).

Easement

A 2 metre wide infrastructure easement is required to be registered on your property's title as shown on the attached plan AS 28504 and the attached "Gas Utilization Facility & Locality Plan" Drawing No 20031-64-002 Rev A. Conditions and restrictions applicable to the infrastructure easement are enclosed for your reference as Attachment B.

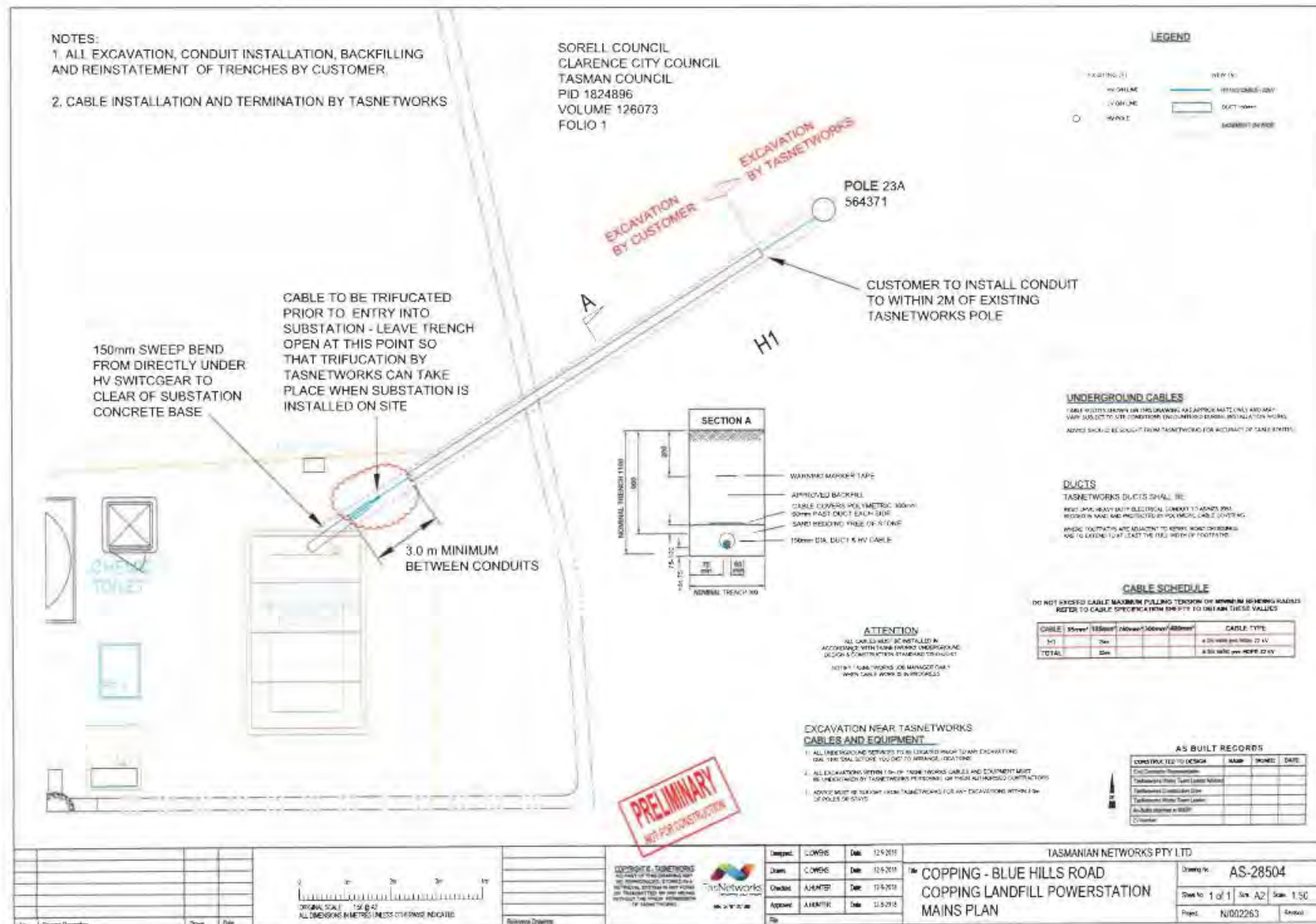
Final Transfer Of Easement

At the completion of the work, the electricity infrastructure installed on the properties will be surveyed. Our legal representative will then contact you, to organise the completion of formal documents and the registration of the easement on the affected property title(s).

If you have any questions please contact the Customer Supply Team at TasNetworks:

Phone 03 6324 7583 networkcustomersupply@tasnetworks.com.au

Attachment 1



Attachment 1

Attachment B

ELECTRICITY INFRASTRUCTURE EASEMENT

(Example only. Do not sign) – This is an example of the formal documentation that will be sent for signing after construction and survey to allow registration of an electricity infrastructure easement).

Electricity Infrastructure Easement with the benefit of a restriction as to user of land means:

FIRSTLY all the full and free right and liberty for Tasmanian Networks Pty Ltd and its successors and its and their servants agents and contractors (hereinafter called "TasNetworks") at all times hereafter:

- a) **TO** maintain, lay, erect and install anything used for, or in connection with the generation, transmission or distribution of electricity including powerlines (overhead or underground), substations for converting electricity, substations for transforming or controlling electricity and equipment for metering, monitoring or controlling electricity (hereinafter called "electricity infrastructure") of such materials and type as TasNetworks may determine above, on or under the land respectively marked "ELECTRICITY INFRASTRUCTURE EASEMENT" on the Plan annexed hereto (hereinafter called the "servient land");
- b) **TO** enter into and upon the servient land for the purpose of examining, operating, maintaining, repairing, modifying, adding to or replacing electricity infrastructure without doing unnecessary damage to the said servient land and making good all damage occasioned thereby;
- c) **TO** erect fencing, signs, barriers or other protective structures upon the servient land if in the opinion of TasNetworks these are necessary for reasons of safety;
- d) **TO** cause or permit electrical energy to flow or be transmitted or distributed through the said electricity infrastructure;
- e) **TO** enter into and upon the servient land for all or any of the above purposes with or without all necessary plant equipment and machinery and the means of transporting the same and if necessary to cross the remainder of the said land in consultation with the registered proprietor/s for the purpose of access and regress to and from the servient land;
- f) **NOTHING** herein contained shall prevent the registered proprietor/s for themselves and their successors in title from using the servient land **PROVIDED THAT** such use does not derogate from this grant or, in the opinion of TasNetworks compromise the safe operation of TasNetworks electricity infrastructure located on, above or under the servient land.

SECONDLY the benefit of a covenant for TasNetworks and its successors with the registered proprietor/s for themselves and their successors in title of the servient land not to erect any buildings or place any structures, objects, or vegetation within the said easement without the prior written consent of TasNetworks to the intent that the burden of the covenant may run with and bind the servient land and every part thereof and that the benefit thereof may be annexed to the easement hereinbefore described.

SIGNED by the Transferor

NOTE:- Every annexed page shall be signed by the parties to the dealing, or where the party is a corporate body, be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Attachment 1

Signatures: Local Council

To Provide Your Consent:

Please complete and sign the following boxes to provide your consent to the Work and the granting of the Easement to TasNetworks over your property.

Authority to Sign:

- Where a property owner is a Local Council, please execute this Easement Deed by placing the Council Seal in the box below and signing by an Authorised person.

By signing this Easement Deed, you acknowledge that:

1. You warrant that the Council is the owner of the property identified on page 1 of this Deed.
2. You consent to TasNetworks doing the Work.
3. You warrant that you have read and understood the enclosed electricity infrastructure easement or wayleave easement conditions and restrictions and agree to grant TasNetworks the easement on these terms.
4. You agree to enter into, and execute all documentation necessary to enable the registration of an electricity infrastructure easement or wayleave easement, whichever is necessary in the opinion of TasNetworks, on the property's certificate of title(s).
5. In the event that you fail to sign the formal documentation sent after completion of the work and survey, you irrevocably appoint the TasNetworks Company Secretary to be your power of attorney pursuant to the Powers of Attorney Act 2000, to do on your behalf the following:
 - to execute memorandum of transfer(s) pursuant to section 58 of the Land Titles Act;
 - to grant the easement(s) referred to in this Easement Deed; and
 - to execute conveyances to grant and convey the easement(s) referred to in this Easement Deed.
6. Until the easement is registered, prior to transferring ownership of the property you will obtain from the transferee a signed easement deed on the same terms and conditions as this Deed.

Executed as a Deed

The COMMON SEAL of CLARENCE CITY COUNCIL has been hereunto affixed in accordance with Section 19(3) & (5) of the <i>Local Government Act 1993</i> (Tas)	
Authorised Signature: 	Authorised Signature:
Date: Name: ANDREW PAUL	Date: Name:
Position: GENERAL MANAGER	Position:

Please return completed forms to the Landowner requesting the work, who will forward them to TasNetworks.

Attachment 1

EASEMENT DEED



Customer Project: N/002263 Copping Landfill Generator CS16-2641

Tasmanian Networks Pty Ltd ("TasNetworks") requires an easement to ensure it can operate and maintain its electricity infrastructure on private land.

This form is a legal document used to obtain your consent as owner of the property below to granting an easement to TasNetworks so that it can install, operate and maintain its electricity infrastructure on your property.

Please ensure all the relevant grey shaded boxes are completed.

An Electricity Easement is required on the following property title(s):

Name of owner on Title	Sorell Council		
Certificate of Title(s) (Volume N ^o)	126073	Folio(s)	1
Property Address	Blue Hills Road Copping TAS 7174		
Property Name (if applicable)	Copping Tip REFUSE DISPOSAL SITE <i>le</i>		
Where is the Property Title held? (Name of Bank or Solicitor etc)	CLARENCE CITY COUNCIL		

Company Owner Information (complete if Owner(s) company)

Name of Company	SORELL COUNCIL
Country of Incorporation or formation	Australia
ACN and ABN	ABN 12 690 767 695
Overseas entity registration number (for foreign companies)	N/A

Attachment 1

Primary Contact Person for Property Title :

Surname: NELSON	Other Names: IAN ANDREW
Title: SECRETARY, COPPING JOINT AUTHORITY	
Daytime Phone No.: 6217 9521	Mobile Phone No.: 0418990868
Email: inelson@ccc.tas.gov.au	Fax No.: —
Current Postal Address: 96 CLARENCE CITY COUNCIL P.O. BOX 96, ROSNY PARK, 7018	
Future Postal Address:	

Is the Owner acting as a Trustee ?

Yes ☐

No ☒

If 'Yes' please complete table below

Trust Name	
Type of Trust	

Electricity Infrastructure to be Installed

Subject to you completing and returning this form, TasNetworks plans to install new electricity infrastructure on your property as shown on attached plan AS 28504 (the Work).

Easement

A 2 metre wide infrastructure easement is required to be registered on your property's title as shown on the attached plan. AS 28504 AND THE ATTACHED 'GAS UTILISATION FACILITY PERIODICITY PLAN' DRAWING N° 30031 - 614-002 REV A. Conditions and restrictions applicable to the infrastructure easement are enclosed for your reference as Attachment B

Final Transfer Of Easement

At the completion of the work, the electricity infrastructure installed on the properties will be surveyed. Our legal representative will then contact you, to organise the completion of formal documents and the registration of the easement on the affected property title(s)

If you have any questions please contact the Customer Supply Team at TasNetworks:

Phone 03 6324 7583 networkcustomersupply@tasnetworks.com.au

Attachment 1

Signatures: Local Council

To Provide Your Consent:

Please complete and sign the following boxes to provide your consent to the Work and the granting of the Easement to TasNetworks over your property.

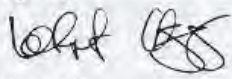
Authority to Sign:

- Where a property owner is a Local Council, please execute this Easement Deed by placing the Council Seal in the box below and signing by an Authorised person,

By signing this Easement Deed, you acknowledge that:

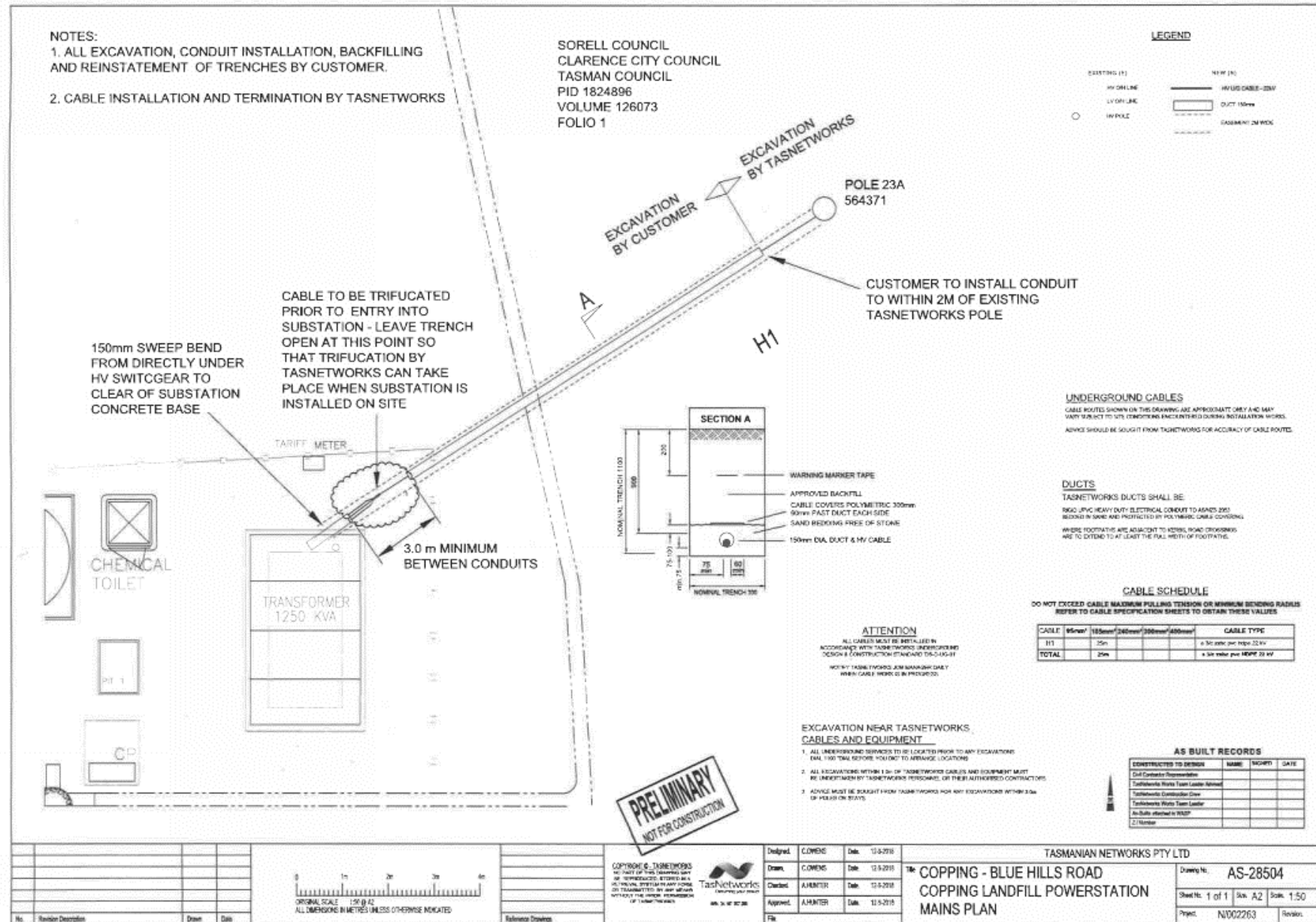
- You warrant that the Council is the owner of the property identified on page 1 of this Deed.
- You consent to TasNetworks doing the Work.
- You warrant that you have read and understood the enclosed electricity infrastructure easement or wayleave easement conditions and restrictions and agree to grant TasNetworks the easement on these terms.
- You agree to enter into, and execute all documentation necessary to enable the registration of an electricity infrastructure easement or wayleave easement, whichever is necessary in the opinion of TasNetworks, on the property's certificate of title(s).
- In the event that you fail to sign the formal documentation sent after completion of the work and survey, you irrevocably appoint the TasNetworks Company Secretary to be your power of attorney pursuant to the Powers of Attorney Act 2000, to do on your behalf the following:
 - to execute memorandum of transfer(s) pursuant to section 58 of the Land Titles Act;
 - to grant the easement(s) referred to in this Easement Deed; and
 - to execute conveyances to grant and convey the easement(s) referred to in this Easement Deed.
- Until the easement is registered, prior to transferring ownership of the property you will obtain from the transferee a signed easement deed on the same terms and conditions as this Deed.

Executed as a Deed

	
The COMMON SEAL of SORELL COUNCIL has been hereunto affixed in accordance with Section 19(3) & (5) of the <i>Local Government Act 1993</i> (Tas)	
Authorised Signature: 	Authorised Signature:
Date: 4.2.19	Date:
Name: ROBERT HIGGINS	Name:
Position: GENERAL MANAGER	Position:

Please return completed forms to the Landowner requesting the work, who will forward them to TasNetworks.

Attachment 1



Attachment 1

Attachment B

ELECTRICITY INFRASTRUCTURE EASEMENT

(Example only. Do not sign) – This is an example of the formal documentation that will be sent for signing after construction and survey to allow registration of an electricity infrastructure easement).

Electricity Infrastructure Easement with the benefit of a restriction as to user of land means:

FIRSTLY all the full and free right and liberty for Tasmanian Networks Pty Ltd and its successors and its and their servants agents and contractors (hereinafter called "TasNetworks") at all times hereafter:

- a) **TO** maintain, lay, erect and install anything used for, or in connection with the generation, transmission or distribution of electricity including powerlines (overhead or underground), substations for converting electricity, substations for transforming or controlling electricity and equipment for metering, monitoring or controlling electricity (hereinafter called "electricity infrastructure") of such materials and type as TasNetworks may determine above, on or under the land respectively marked "ELECTRICITY INFRASTRUCTURE EASEMENT" on the Plan annexed hereto (hereinafter called the "servient land");
- b) **TO** enter into and upon the servient land for the purpose of examining, operating, maintaining, repairing, modifying, adding to or replacing electricity infrastructure without doing unnecessary damage to the said servient land and making good all damage occasioned thereby;
- c) **TO** erect fencing, signs, barriers or other protective structures upon the servient land if in the opinion of TasNetworks these are necessary for reasons of safety;
- d) **TO** cause or permit electrical energy to flow, or be transmitted or distributed through the said electricity infrastructure;
- e) **TO** enter into and upon the servient land for all or any of the above purposes with or without all necessary plant equipment and machinery and the means of transporting the same and if necessary to cross the remainder of the said land in consultation with the registered proprietor/s for the purpose of access and regress to and from the servient land;
- f) **NOTHING** herein contained shall prevent the registered proprietor/s for themselves and their successors in title from using the servient land **PROVIDED THAT** such use does not derogate from this grant or, in the opinion of TasNetworks compromise the safe operation of TasNetworks electricity infrastructure located on, above or under the servient land.

SECONDLY the benefit of a covenant for TasNetworks and its successors with the registered proprietor/s for themselves and their successors in title of the servient land not to erect any buildings or place any structures, objects, or vegetation within the said easement without the prior written consent of TasNetworks to the intent that the burden of the covenant may run with and bind the servient land and every part thereof and that the benefit thereof may be annexed to the easement hereinbefore described.

SIGNED by the Transferor

NOTE:- Every annexed page shall be signed by the parties to the dealing, or where the party is a corporate body, be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Attachment 1

EASEMENT DEED



Customer Project: N/002263 Copping Landfill Generator CS16-2641

Tasmanian Networks Pty Ltd ("TasNetworks") requires an easement to ensure it can operate and maintain its electricity infrastructure on private land.

This form is a legal document used to obtain your consent as owner of the property below to granting an easement to TasNetworks so that it can install, operate and maintain its electricity infrastructure on your property.

Please ensure all the relevant grey shaded boxes are completed.

An Electricity Easement is required on the following property title(s):

Name of owner on Title	Tasman Council		
Certificate of Title(s) (Volume N ^o)	126073	Folio(s)	1
Property Address	Blue Hills Road Copping TAS 7174		
Property Name (if applicable)	Copping TIP REFUSE DISPOSAL SITE		
Where is the Property Title held? (Name of Bank or Solicitor etc)	CLARENCE CITY COUNCIL		

Company Owner Information (complete if Owner(s) company)

Name of Company	TASMAN COUNCIL
Country of incorporation or formation	Australia
ACN and ABN	ABN 63 590 070 717
Overseas entity registration number (for foreign companies)	N/A

Attachment 1

Primary Contact Person for Property Title :

Surname: NELSON	Other Names: IAN ANDREW
Title: SECRETARY, COPPING JOINT AUTHORITY	
Daytime Phone No.: 62179521	Mobile Phone No.: 0418 990868
Email: ian@ccc-tas.gov.au	Fax No.: —
Current Postal Address: c/o LAWRENCE CITY COUNCIL P.O. Box 96, ROSNY PARK 7018	
Future Postal Address: —	

Is the Owner acting as a Trustee ?

Yes ☐

No ☒

If 'Yes' please complete table below

Trust Name	
Type of Trust	

Electricity Infrastructure to be Installed

Subject to you completing and returning this form, TasNetworks plans to install new electricity infrastructure on your property as shown on attached plan AS 28504 (the Work).

Easement

A 2 metre wide infrastructure easement is required to be registered on your property's title as shown on the attached plan, AS 28504 AND THE ATTACHED GAS UTILISATION FACILITY LOCATION PLAN DRAWING N° 30031 - GA - 002 REV A. Conditions and restrictions applicable to the infrastructure easement are enclosed for your reference as Attachment B

Final Transfer Of Easement

At the completion of the work, the electricity infrastructure installed on the properties will be surveyed. Our legal representative will then contact you, to organise the completion of formal documents and the registration of the easement on the affected property title(s)

If you have any questions please contact the Customer Supply Team at TasNetworks:
Phone 03 6324 7583 networkcustomersupply@tasnetworks.com.au

Attachment 1

Signatures: Local Council

To Provide Your Consent:

Please complete and sign the following boxes to provide your consent to the Work and the granting of the Easement to TasNetworks over your property.

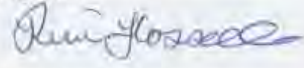
Authority to Sign:

- Where a property owner is a Local Council, please execute this Easement Deed by placing the Council Seal in the box below and signing by an Authorised person.

By signing this Easement Deed, you acknowledge that:

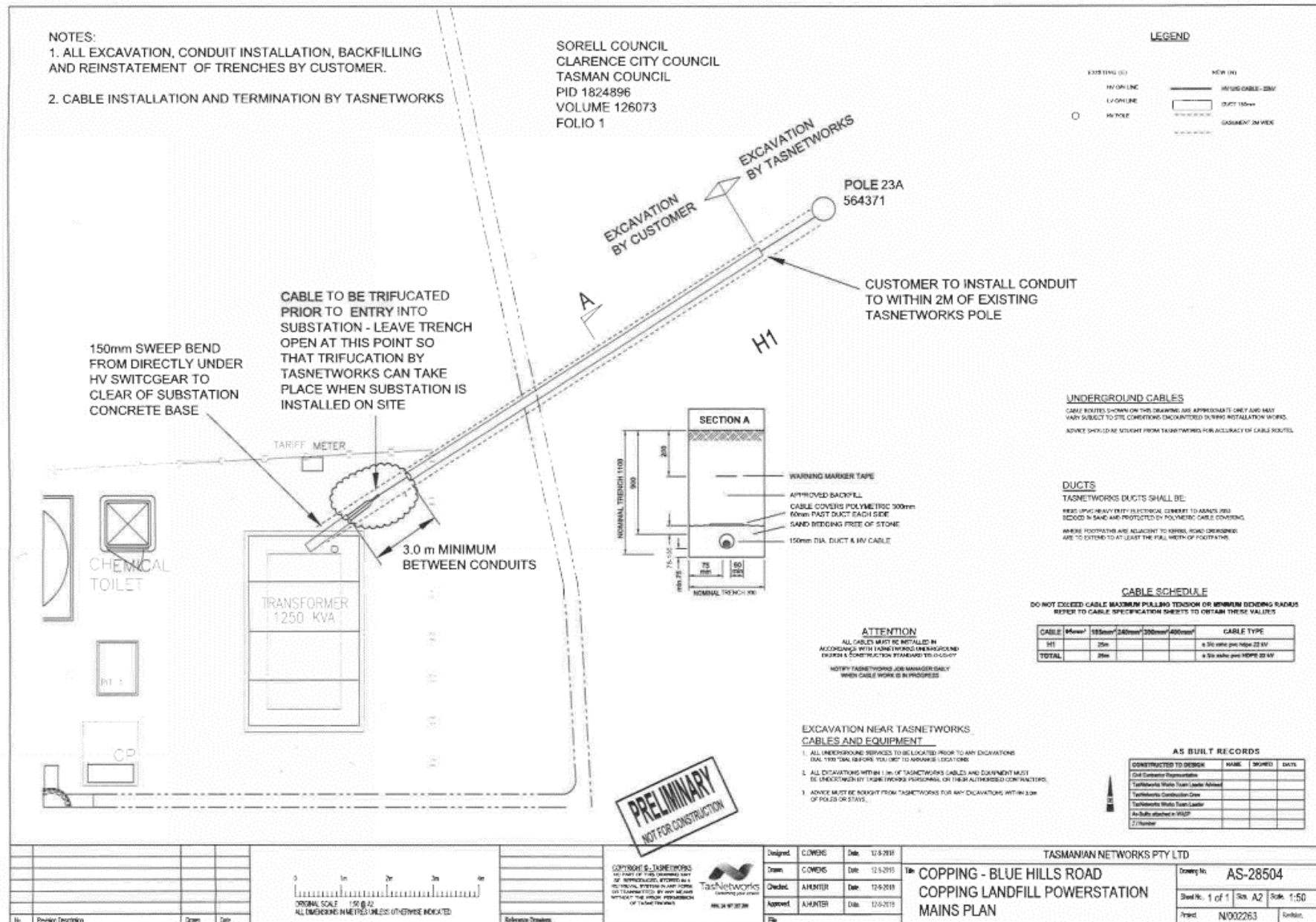
1. You warrant that the Council is the owner of the property identified on page 1 of this Deed.
2. You consent to TasNetworks doing the Work.
3. You warrant that you have read and understood the enclosed electricity infrastructure easement or wayleave easement conditions and restrictions and agree to grant TasNetworks the easement on these terms.
4. You agree to enter into, and execute all documentation necessary to enable the registration of an electricity infrastructure easement or wayleave easement, whichever is necessary in the opinion of TasNetworks, on the property's certificate of title(s).
5. In the event that you fail to sign the formal documentation sent after completion of the work and survey, you irrevocably appoint the TasNetworks Company Secretary to be your power of attorney pursuant to the Powers of Attorney Act 2000, to do on your behalf the following:
 - to execute memorandum of transfer(s) pursuant to section 58 of the Land Titles Act;
 - to grant the easement(s) referred to in this Easement Deed; and
 - to execute conveyances to grant and convey the easement(s) referred to in this Easement Deed.
6. Until the easement is registered, prior to transferring ownership of the property you will obtain from the transferee a signed easement deed on the same terms and conditions as this Deed.

Executed as a Deed

	
The COMMON SEAL of TASMAN COUNCIL has been hereunto affixed in accordance with Section 19(3) & (5) of the <i>Local Government Act 1993</i> (Tas)	
Authorised Signature: 	Authorised Signature:
Date: 5/2/2019	Date:
Name: Kim Hossack	Name:
Position: Acting General Manager	Position:

Please return completed forms to the Landowner requesting the work, who will forward them to TasNetworks.

Attachment 1



Attachment 1

Attachment B

ELECTRICITY INFRASTRUCTURE EASEMENT

(Example only. Do not sign) – This is an example of the formal documentation that will be sent for signing after construction and survey to allow registration of an electricity infrastructure easement).

Electricity Infrastructure Easement with the benefit of a restriction as to user of land means:

FIRSTLY all the full and free right and liberty for Tasmanian Networks Pty Ltd and its successors and its and their servants agents and contractors (hereinafter called "TasNetworks") at all times hereafter:

- a) **TO** maintain, lay, erect and install anything used for, or in connection with the generation, transmission or distribution of electricity including powerlines (overhead or underground), substations for converting electricity, substations for transforming or controlling electricity and equipment for metering, monitoring or controlling electricity (hereinafter called "electricity infrastructure") of such materials and type as TasNetworks may determine above, on or under the land respectively marked "ELECTRICITY INFRASTRUCTURE EASEMENT" on the Plan annexed hereto (hereinafter called the "servient land");
- b) **TO** enter into and upon the servient land for the purpose of examining, operating, maintaining, repairing, modifying, adding to or replacing electricity infrastructure without doing unnecessary damage to the said servient land and making good all damage occasioned thereby;
- c) **TO** erect fencing, signs, barriers or other protective structures upon the servient land if in the opinion of TasNetworks these are necessary for reasons of safety;
- d) **TO** cause or permit electrical energy to flow or be transmitted or distributed through the said electricity infrastructure;
- e) **TO** enter into and upon the servient land for all or any of the above purposes with or without all necessary plant equipment and machinery and the means of transporting the same and if necessary to cross the remainder of the said land in consultation with the registered proprietor/s for the purpose of access and regress to and from the servient land;
- f) **NOTHING** herein contained shall prevent the registered proprietor/s for themselves and their successors in title from using the servient land **PROVIDED THAT** such use does not derogate from this grant or, in the opinion of TasNetworks compromise the safe operation of TasNetworks electricity infrastructure located on, above or under the servient land.

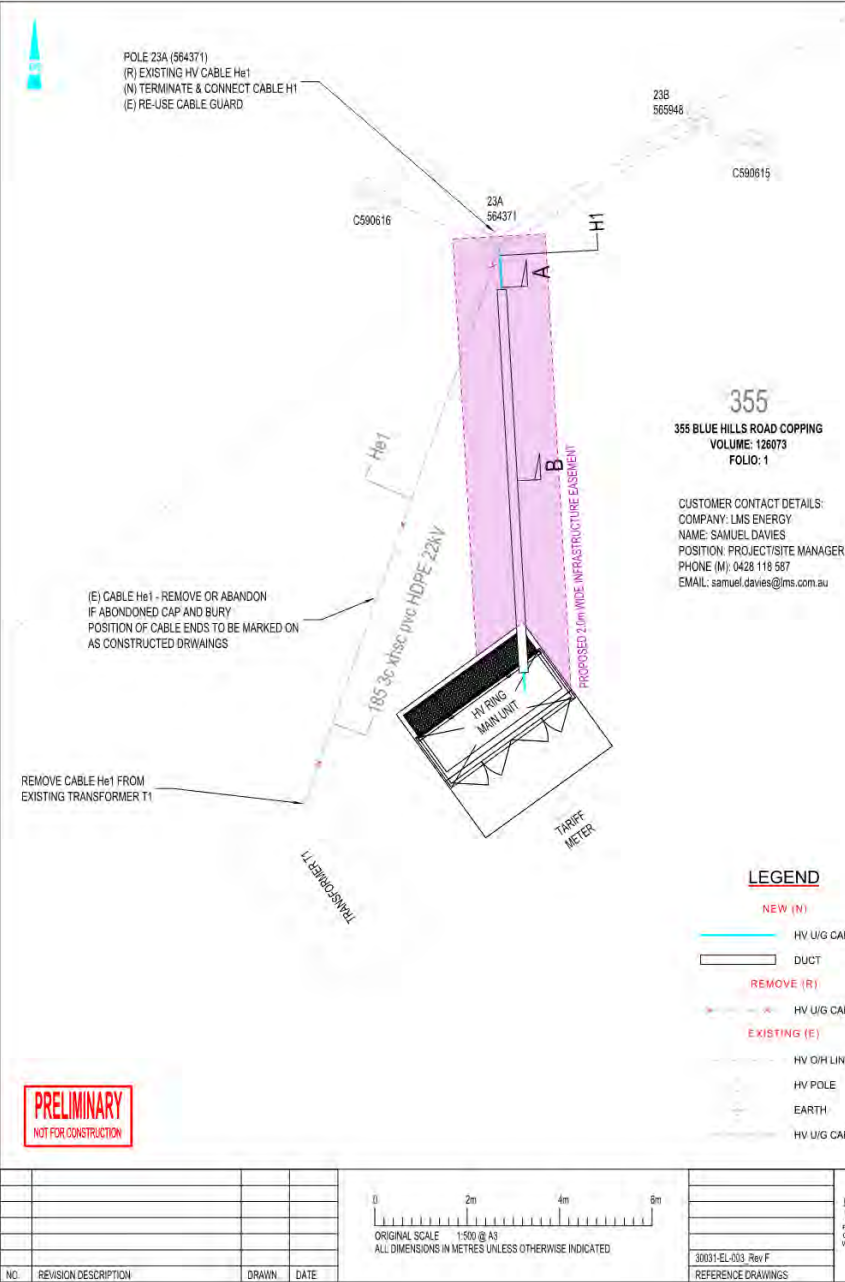
SECONDLY the benefit of a covenant for TasNetworks and its successors with the registered proprietor/s for themselves and their successors in title of the servient land not to erect any buildings or place any structures, objects, or vegetation within the said easement without the prior written consent of TasNetworks to the intent that the burden of the covenant may run with and bind the servient land and every part thereof and that the benefit thereof may be annexed to the easement hereinbefore described.

SIGNED by the Transferor

NOTE:- Every annexed page shall be signed by the parties to the dealing, or where the party is a corporate body, be signed by the persons who have attested the affixing of the seal of that body to the dealing.

Attachment 2

Attachment 2



UNDERGROUND NOTES

1. TASNETWORKS EMERGENCY CONTACT - 13 20 04 (24 HRS).
2. ALL CABLES MUST BE INSTALLED IN ACCORDANCE WITH TASNETWORKS UNDERGROUND DESIGN & CONSTRUCTION STANDARDS.
3. CABLE ROUTES SHOWN ON THIS DRAWING ARE APPROXIMATE ONLY AND MAY VARY SUBJECT TO SITE CONDITIONS ENCOUNTERED DURING INSTALLATION WORKS.
4. ADVICE SHOULD BE SOUGHT FROM TASNETWORKS FOR ACCURACY OF CABLE ROUTES.
5. NOTIFY TASNETWORKS JOB MANAGER DAILY WHEN CABLE WORK IS IN PROGRESS.
6. ALL UNDERGROUND SERVICES TO BE LOCATED PRIOR TO ANY EXCAVATIONS DIAL 1100 "DIAL BEFORE YOU DIG" TO ARRANGE LOCATIONS.
7. ALL EXCAVATIONS WITHIN 1.0m OF TASNETWORKS CABLES AND EQUIPMENT MUST BE UNDERTAKEN BY TASNETWORKS PERSONNEL OR THEIR AUTHORISED CONTRACTORS.
8. ADVICE MUST BE SOUGHT FROM TASNETWORKS FOR ANY EXCAVATIONS WITHIN 3.0m OF POLES OR STAYS.

TRENCH NOTES:

1. HV CABLE DEPTH OF COVER SHALL BE MIN. 900mm.
2. TRENCH WIDTH SHALL ALLOW FOR A MINIMUM CLEARANCE OF 75mm EACH SIDE OF THE CABLE OR CONDUIT.
3. SEPARATION BETWEEN CABLES AND SERVICES TO BE AS PER TASNETWORKS AND OTHER RELEVANT UTILITY STANDARDS.
4. CABLE COVERS SHALL BE 300mm WIDE AND 5mm THICK POLYMERIC CABLE COVER STRIPS, COMPLIANT WITH AS4702 AND SHALL EXTEND MIN. 60mm PAST THE CABLE OR CONDUIT ON BOTH SIDES.
5. WARNING MARKER TAPE TO BE COMPLIANT WITH AS/NZS 2648.1.
6. *ALL CABLE BEDDING MATERIAL TO BE WELL-GRADED FINE SAND TO TASNETWORKS CONSTRUCTION SPECIFICATIONS.
7. TRENCH BACKFILL SHALL MEET TASNETWORKS AND ROAD AUTHORITY SPECIFICATIONS AS APPLICABLE.
8. CIVIL CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS FROM COUNCIL AND OTHER AUTHORITIES PRIOR TO COMMENCING WORKS.
9. DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE.

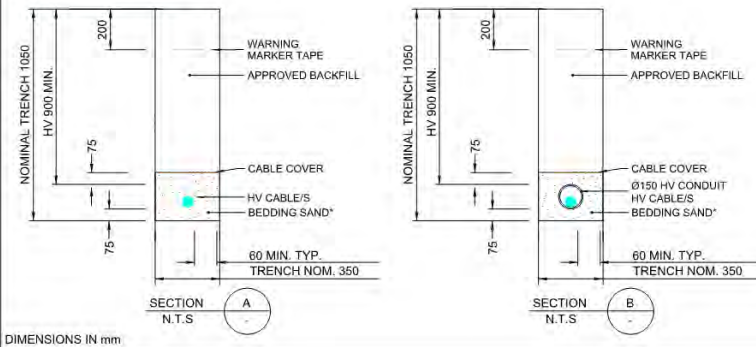
IDENTIFICATION OF CABLES

1. ALL CABLES SHALL BE LABELLED WITH THEIR DESTINATION POINTS IN THE SYSTEM.
2. THE LABEL SHALL BE PERMANENT TYPE AND INSTALLED ON THE RELEVANT CABLE, SWITCH, FUSE, CIRCUIT BREAKER, ETC.
3. LABELS MAY BE CABLE TIED TO THE LV CABLES INSIDE STREET FURNITURE (TURRETS, CABINETS, ETC)

OVERHEAD NOTES

1. ALL WORK MUST BE IN ACCORDANCE WITH TASNETWORKS DISTRIBUTION OVERHEAD LINE DESIGN AND CONSTRUCTION STANDARDS.
2. EXISTING POLES ARE APPROXIMATELY LOCATED (ABOVE 1m ACCURACY).
3. IF ANY ALTERATIONS ARE REQUIRED TO THIS DESIGN, APPROVAL IS REQUIRED FROM THE DESIGN OFFICER.

TRENCH SECTIONS



AS BUILT RECORDS

CONSTRUCTED TO DESIGN	NAME	SIGNED	DATE
CIVIL CONTRACTOR REPRESENTATIVE			
TASNETWORKS WORKS TEAM LEADER ADVISED			
TASNETWORKS CONSTRUCTION CREW			
TASNETWORKS WORKS TEAM LEADER			
AS-BUILTS ATTACHED IN WASP			

CABLE SCHEDULE

CABLE	95mm ²	185mm ²	240mm ²	CABLE TYPE
H1		25m		a 3/c xshc pvc hdpe 22kV
TOTAL		25m		a 3/c xshc pvc hdpe 22kV

DESIGNED: A. HALL	DATE: 07.05.2021
DRAWN: A. HALL	DATE: 07.05.2021
CHECKED: C. SYMONDS	DATE: 11.05.2021
APPROVED:	DATE:
FILE: SAPV...DESIGN_N 003493 AS-31299	

TASMANIAN NETWORKS PTY LTD

TITLE: COPPING - BLUE HILLS ROAD
SOSGI - LMS ENERGY 355 BLUE HILLS ROAD
OVERHEAD & UNDERGROUND MAINS PLAN

DRAWING NO.	AS-31299
SHEET NO. 1 OF 1	SIZE: A3 SCALE: 1:100
PROJECT	N/003483
REVISION	A

NB: ALL DRAWINGS TO BE PRINTED IN COLOUR

11.7.4 DOG MANAGEMENT POLICY REVIEW**EXECUTIVE SUMMARY****PURPOSE**

To obtain endorsement by Council of the draft revision of Council's Dog Management Policy 2021, including a draft Schedule of Declared Areas, and to initiate an eight-week period of public consultation.

RELATION TO EXISTING POLICY/PLANS

The Policy is consistent with Council's Strategic Plan 2021-2031 and existing policy on user pays fees and charges.

LEGISLATIVE REQUIREMENTS

The Dog Control Act 2000 requires Council to review its Dog Management Policy every five years. The policy contains a code of responsible dog ownership, a fee structure, the provision of declared areas and any other relevant matters.

CONSULTATION

A workshop was held with Aldermen in October 2020 as well as a follow-up survey with Aldermen via "Your Say" in November 2020. Discussions and meetings have been held with relevant organisations, internal stakeholders, and committees of Council. Six weeks of public consultation occurred resulting in 3,216 responses, two petitions to council and other forms of feedback.

FINANCIAL IMPLICATIONS

The fee structure contained within the policy aims to recover 70% of the costs associated with dog management.

RECOMMENDATION:

That Council:

- A. Endorses the revised draft Dog Management Policy 2021 including a draft Schedule of Declared Areas (June 2021) and authorises its release to the public for an eight-week period of statutory public consultation inviting submissions.
- B. Notes the inclusion of the revised and simplified dog fee schedule in the upcoming Annual Estimates for financial year 2021/22.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Dog Control Act 2000 requires councils to develop and implement a policy relating to dog management within its municipal area, and states that this policy must be reviewed every five years.

The Act requires councils to invite public submissions relating to the policy and to consult with appropriate organisations or bodies. Any submissions and outcomes of consultation are to be considered prior to adopting the policy.

1.2. The Dog Control Act was proclaimed on 4 April 2001, and the first Dog Management Policy was formally adopted by Council on 14 January 2002. There have been two reviews of this policy since that time which were adopted by Council on 25 February 2008 and 16 November 2015 respectively.

1.3. The current Dog Management Policy was adopted in 2015 after extensive public consultation and is now due for review.

2. REPORT IN DETAIL

2.1. The Policy is required to include:

- A code relating to responsible dog ownership;
- A fee structure;
- The provision of declared areas; and
- Any other matter.

The following changes to the Policy are proposed.

2.2. CODE

Code of Responsible Dog Ownership is a voluntary code that defines best practice principles for people considering dogs as companion animals. The code includes suggested actions pre and post purchase of a dog.

While there have been no changes to the principles outlined within Code of Responsible Dog Ownership, the code has been updated in format and language in line with the council's adopted style guide.

There were no specific questions raised in the consultation.

2.3. FEE STRUCTURE

The fee structure provides guidelines within which councils can set annual fees for dog management. This fee structure is consistent with existing policies relating to user pays fees and charges and recognises efforts that owners have taken that signify responsible dog ownership.

The current fee structure is seen as overly complicated and changes are being made to simplify and remove some historic elements of the fee schedule which are causing an impediment to the rollout of Council's new information system (OneCouncil). Simplification of the fee schedule will also provide a better outcome for dog owners

The OneCouncil implementation includes provision to enable dog owners to register their dogs online instead of needing owners to attend the council offices and the Customer Contact Group processing the registration.

The following changes are proposed to the fee structure:

- Extending the pension discount to apply to all dogs owned by a pension card holder, currently a pensioner can only get the discounted rate on one dog.
- Rationalise the categories of dogs by removing the separate fee for purebred dogs, working dogs and racing greyhounds. These dogs would be moved into either the desexed dog or entire-dog categories or moved to the Tasmanian Canine Association (TCA) Member category.
- A new category will be established called TCA Member for those owners with a current TCA membership. This category will be subject to verification annually.
- Removing the historic \$5 early payment fee which is a remnant of the 2002 policy.
- Changing the fee incentives for trained dogs by removing the one-off discount for Grade 3 trained dogs. Dogs reaching the Grade 4 (all off-lead training) will continue to receive a lifetime 50% discount.

- The 50% discount for dogs reaching 6 months of age after 1 December be discontinued.
- No fee will be charged to owners registering their dogs from 1 May to 30 June. This will apply to new dogs to the area, and dogs turning 6 months of age during that period.
- Increasing the reliance on the general rate to 30% in light of changes to service levels and increased usage of council facilities by out of area users.

There was strong public support for the simplification of the dog registration fees. It is intended to introduce the new fee structure for the 2021/2022 financial year as part of the council's annual estimates.

2.4. DECLARED AREAS

The Dog Control Act provides for 4 types of declared areas:

- Exercise areas, where dogs can be either on-lead or off-lead;
- Training areas, areas designated for training such as obedience classes;
- Prohibited areas, where dogs are excluded to protect sensitive habitat for native fauna; and
- Restricted areas, where dogs can be restricted from entering specified areas, days or seasons or at all times. These restrictions may be classified as either on or off-lead.

Changes are proposed to the declared areas as follows:

- Bushland Reserves
 - The following shared tracks and trails will have the same declaration as the Clarence Coastal Trail and the Clarence Foreshore Trail, that is they will become an on-lead dog exercise area due to the increased usage of this trail by cyclists and pedestrians. Trails include Tangara Trail, Two Rivulets Track, Mortimer Bay Coastal Track, Brinktop Reserve and Richmond Park Track, South Arm Peninsula Trail and Convict Trail.

- Council bushlands reserves and nature recreation areas as listed in the Schedule will become on-lead areas in order to protect local fauna and flora. This will include, but is not limited to, the Waverley Flora Park, Bedlam Walls and Natone Hill areas.
- An area within the Lauderdale Saltmarsh Reserve (the disused Lauderdale tip site) is to be developed into a fenced off-lead dog exercise area.
- Roscommon Reserve (including Lauderdale Wetland Reserve) will become an on-lead exercise area due to the shared usage and sporting activities in this area and to protect local flora and fauna.

The above approaches are consistent with Council's Reserve Activity Plans.

- Cambridge Dog Park (under development) is to be declared as an off-lead dog exercise area.
- A breed specific off-lead exercise area for greyhounds is to be established at 17 Goodwins Road, Clarendon Vale. Concerns were raised over Charles Hand Park and Conara Foreshore Reserve options due to their proximity to schools, roads, and playgrounds; as well as conflicting use by sporting groups and scouts. Conara Foreshore Reserve is reclaimed land and has drainage issues in wetter months, this could make the area unusable at times with increased usage by dogs. Charles Hand Park site at Rosny is part of the City Heart project and may not be compatible with future council directions. Goodwins Road received the fewest concerns and this area is located closest to the majority of greyhound owners. It is also in an area undergoing rapid residential growth.
- The South Arm Recreation Ground to be declared as an on-lead area. Currently this area is prohibited to dogs at all times due to its classification as a sporting ground. The area is no longer used for sporting events and further recreational facilities are being planned adjacent to the skate park. It is proposed to amend this classification to allow for on-lead dogs.

Areas where no changes to current arrangements are proposed:

While a number of options were canvassed in respect to beaches and parks there will be no change to the declaration for the following:

- Bellerive Beach;
- Howrah Beach;
- Roches Beach; and
- ANZAC Park.

There was strong public support to leave the current restrictions in place for the beaches and a slight majority for leaving ANZAC Park as is.

2.5. OTHER MATTERS

No changes are proposed to the existing elements of Other Matters section of the Policy, but information on impounded dogs has been added. This information had previously been included in the Code of Responsible Dog Ownership but is more appropriate in this category. There were no specific questions raised in the consultation.

3. CONSULTATION

3.1. Community Consultation Undertaken

An initial four-week period of consultation to garner public comment was held from 15 March until 12 April; it was then extended by two weeks from 21 April to 4 May.

3.2. State/Local Government Protocol

Parks and Wildlife Service were consulted as were groups within the Environmental Management branch of council and the Tracks and Trails committee. A workshop and follow-up survey were held with Aldermen in respect to the policy review.

3.3. Other

Relevant organisations including Tasmanian Canine Association, Dogs Homes of Tasmania, RSPCA, Eastern Shore Dog Club, Hobart Dog Walking Association, Birds Tasmania, RSL Tasmania, Bonorong Wildlife Park, Tasmanian Equestrian Centre, Pipeclay Coastcare and Parks and Wildlife Service were consulted. During the initial consultation phase responses have been received from Dogs Tasmania, Dogs Homes of Tasmania, Eastern Shore Dog Club, Hobart Dog Walking Association as well as the Tasmanian Dog Walking Club.

3.4. Further Community Consultation

A consultation plan has been developed for the next stage of the review process. The consultation plan is included as Attachment 4 of this report.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The Policy is consistent with existing strategic plans and financial policies.

5. EXTERNAL IMPACTS

The revised Policy, once approved, will affect dog owners within the City. The revised policy represents a responsible, practical, and balanced approach to the management of dogs in the city.

6. RISK AND LEGAL IMPLICATIONS

Council is required to review its Dog Management Policy every 5 years.

7. FINANCIAL IMPLICATIONS

Dog management is partly funded through the general rate. This is provided as a community service obligation. The policy aims to set this contribution to 30%. There will be some additional costs in relation to fencing for the Greyhound exercise area and amended signage for areas where declaration has changed.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

- 9.1.** The revised draft Dog Management Policy aims to provide a practical approach to dog management in Clarence which balances the needs of both dog and non-dog owners. Public consultation is an important part of this process to enable a considered outcome as well as being a legislative requirement.
- 9.2.** Changes have been proposed to the draft Policy, taking into account comments from the initial consultation and other stakeholders.
- 9.3.** Council will consider the submissions made in respect of the second round of public consultation when adopting a new dog management policy.

Attachments: 1. Draft of the Revised Dog Management Policy 2021 (13)
2. Draft of the Revised Schedule of Declared Areas (7)
3. Survey Results of the Public Consultation (6)
4. Consultation Plan: Dog Management Policy (4)

Ian Nelson
GENERAL MANAGER



City of Clarence



VERSION 2
Produced June 2021

DRAFT June 2021

Vision for the City of Clarence

Clarence... a vibrant, prosperous sustainable city.

Dog Management Policy

Introduction

In accordance with Section 7 of the Dog Control Act 2000 council must develop, make, and implement a policy relating to dog management within its municipal areas. The policy must be reviewed every five years and must include each of the following elements:

- code of responsible dog ownership
- fee structure
- schedule of declared areas
- any other relevant matter

Aim

To achieve a harmonious relationship between people, dogs, and the environment.

Council's role in achieving this aim

Within available resources and consistent with council service provision priorities, council will:

- Provide information for dog owners and non-dog owners of their rights and responsibilities under the Dog Control Act 2000.
- Understand that exercise areas should recognise the needs of people and dogs, as well as considering impacts on the environment including flora and fauna when planning dog exercise options.
- Appreciate the needs of dog owners and non-dog owners in the development of future recreation and urban management planning processes.
- Administer the provisions of the Dog Control Act 2000.

Direction Statements

- The importance of dog companionship is recognised.
- Benefits to the health and welfare of dogs, and benefits to the owner are recognised.
- That the value of education and promotion of responsible dog ownership is the first guiding principle for dog management issues within the City of Clarence.
- Regulatory measures are used where education has previously been provided and a subsequent offence is detected, or where a serious offence against the Dog Control Act 2000 has occurred.

Code of Responsible Dog Ownership

Purpose

To provide guidelines for dog owners and prospective owners on actions that will assist in producing healthy and happy dogs and provide a harmonious community for all residents.



Objectives

Dogs are an important part of society and we value their companionship. As with any animal there are standards of care and welfare that need to be observed. The views and concerns of neighbours and other members of the community need to be considered.

Responsible dog ownership requires accepting full responsibility for dogs in terms of their needs and the standards for dog management that are expected by the wider community.

The following code has been developed to help owners maximise

- Appropriate dog behaviours
- Understanding of dog control regulations
- The health and welfare of dogs
- Promoting adherence to the voluntary code of responsible dog ownership

Pre-Purchase Guidelines

Dogs are a valuable companion animal that require an ongoing commitment to their care. In order to fully understand the obligations and responsibilities of dog ownership, research should be taken prior to making the final decision to bring a dog into your home.

Some issues that need to be considered before acquiring a dog are:

- The breed of the dog and its suitability to the home environment.
- The number and age of family members.
- Compatibility to any other pets you own.
- The size of your yard and suitable fencing.
- Proximity of neighbours and any pets they may own.
- Access to a kennel or other shelter when outside.
- Your current lifestyle and activity levels.
- Vaccinations, desexing and microchipping before 6 months of age
- Arrangements for care if you are away or unavailable - proximity and cost of boarding kennels, pet minders or in-house sitters.
- Location and access to dog exercise areas and proximity to any prohibited or restricted areas.
- Location and access to other services such as veterinary and pet services.
- Initial and continuing costs – including but not limited to purchase or adoption costs, vaccinations, microchipping, desexing, registration costs, on-going and unexpected veterinary costs, pet insurance, dietary requirements from pup to adult, obedience classes and grooming.
- Socialisation and education of your dog and providing access to a variety of experiences.
- Familiarisation with regulations relating to dog ownership - Dog Control Act 2000, Animal Welfare Act 1993, and council's Dog Management Policy.

Post-Purchase Guidelines

Having made the decision to bring a dog into your family the following actions are recommended to ensure a healthy and happy dog:

- Microchipping and desexing before six months of age
- Registration with council at six months of age
- Annual vaccinations and veterinary checks
- Appropriate diet from puppy through to adulthood
- Puppy school and obedience training
- Opportunities for exercise, play and socialisation
- Adherence to all regulatory requirements

Consideration of Others

There are responsibilities for us all to consider the impact of our actions, and our dog's actions, on others and this includes taking actions to:

- Ensure your dog does not bark or howl excessively and cause a nuisance to others.
- Contain your dog to your property and ensuring your dog does not jump fences or wander off.
- Clean up after your pet by removing and disposing of dog waste immediately.
- Keep no more than two dogs on your property without a kennel licence or council approval.
- Make sure your dog is on lead at all times and only taken off lead in designated off-lead areas.
- When in an off-lead area keep your dog under effective control at all times. Effective control is defined as being:
 - o within line of sight
 - o in close proximity
 - o your dog being immediately responsive to your command.
- Do not allow your dog to become a nuisance to others when in a public place. Your dog's enthusiastic or playful activity such as jumping at people and rushing to other dogs might not be appreciated by other people or dogs.
- Compliance with the Dog Control Act 2000 and other regulatory requirements.
- Understanding your responsibilities as a dog owner.

Awareness

Ongoing awareness of this Code will be provided through:

- City Rangers in their daily activities
- Council staff in community events such as Dogs Day Out
- Promotion through Dog News, council's website and social media platforms
- Support of education programs in local schools and community organisations for example, those run through Dogs' Homes of Tas and Delta Dog Safe



Other Relevant Matters

Kennel Licences

The Dog Control Act 2000 provides that a kennel licence is necessary if more than two dogs over the age of six months are to be kept at a property, or in the case of working dogs, four working dogs being kept at a property. The Act does provide for a temporary exemption when a dog is being cared for a short period of time if it meets the criteria for a temporary exemption.

An application for a Kennel licence will only be considered in the following circumstances:

- The premises are in non-residential styled zoning, and
- The property has an area equal to or greater than 1 hectare

Council's assessment of a kennel licence will include consideration of issues such as zoning of the land including any adjacent residential styled zoned properties. It will also take into account the location of residential zoned buildings, local amenity, environmental health issues and animal welfare. Council will be taking into consideration the kennel standards for dogs which reflect the State Government's draft Animal Welfare Standards and Guidelines for Dogs in respect to the keeping of dogs on private premises.

A kennel licence will not be granted if the premises to which the licence relates is deemed to be unfit for the purpose for which it is to be used, if it is not in the public interest, or if it is not compatible with the principles within council's Code of Responsible Dog Ownership.

In extenuating circumstances, where the criteria outlined in the Dog Control Act 2000 cannot be met, and the property does not meet the minimum standards in terms of size and zoning, a short-term kennel licence may be sought from council. The issuing of a licence in this circumstance would be at the discretion of the General Manager and would apply for a set period and only for the dogs specified on the licence.

Lost Dogs

If your dog is missing it may have been collected by the City Rangers and taken to the Dogs' Home of Tasmania, located at 101 Scots Road in Risdon Vale.

Fee Structure

Policy

The objective of the fee schedule is to set the reliance on the general rate to 30%. This is in response to the increasing demand on Ranger Services by users of Clarence City Council facilities from other municipal areas and reflects the provision of non-dog areas and services for non-dog owners. The financial impost of providing a ranger service is to be achieved through a combination of setting appropriate fees and ensuring that all dogs are registered.

Objectives

- Maximising the level of dog registration in the City of Clarence.
- Recognising responsible dog ownership in establishing the scale of fees.
- To minimise the reliance on the general rate contribution for dog management costs.

Registration Categories

Category	Level of fees	Documents for eligibility
Entire Dog	Fee adopted each financial year by council	
Desexed Dog	30% of the Entire Dog fee	• Certificate of Sterilisation issued by a veterinary surgeon/surgery, or • other documentation which confirms that the dog is sterilised such as previous council documents or microchipping certificate, or • a signed statutory declaration
TCA Member	50% of the Entire Dog fee	• annual verification through Tasmanian Canine Association
Guide Dog (inc Hearing dogs)	No fee charged	Identification card issued by Guide Dogs Australia or Hearing Dogs
Guard Dog	2 x the Entire Dog fee	Documents may be requested by council to confirm the dog will be guarding a non-residential property
Dangerous Dog	10 x the Entire Dog fee	Formal Dangerous Dog declaration or written advice from a council that made the declaration

Guidelines for setting and payment of fees

- Kennel licence renewal fees are raised annually and will be set at the Entire Dog fee.
- The registration fees are to be paid annually and based upon the financial year 1 July to 30 June.
- Renewal notices will be sent prior to 30 June each year.
- Registration fees are due before the 1st of August each year.
- All fees will be rounded to the nearest 10 cents.
- All registration and kennel licence fees will be increased by a minimum of CPI (Hobart) for the twelve-month preceding period to the end of the March quarter.

• Reductions and Reimbursements

Pension concessions

20% discount will apply to dogs registered to a pensioner. In this policy a pensioner is defined under the meaning of the Local Government (Rates and Charges) Remissions Act 1991.

Registrations made after 30 April

A 100% reduction be applied to dogs registered after 30 April each year until 30 June of that year unless the registration is made at the direction of an authorised officer.

Obedience Trained Dogs

An ongoing 50% discount will apply to the registration fee for dogs that have received a Grade 4 training certificate which has been issued by an accredited training organisation. Grade 4 training is recognised as being all off-lead training. The principle behind this fee reduction is to encourage and support owners to have well trained dogs when in off-lead environments.

Dogs adopted from animal welfare bodies

In recognition of the valuable work undertaken in the field of animal welfare, a free first year registration will be given until 30 June (following date of purchase) if adopted from one of the following organisations:

- Dogs' Homes of Tasmania
- RSPCA
- GAP – Greyhound Adoption Program



Implementation

- Changes to the fee structure will generally come into effect on 1 July.
- Fees are to be set annually by Council in accordance with the Dog Control Act and the Local Government Act.
- Information on the fee structure is to be made available on Council's website and social media platforms, via DogNews and through the council offices.

Declared Areas

Classes of Declared Areas

The Dog Control Act 2000 defines specific classes of declared areas

Exercise Areas

Areas where a dog may be exercised subject to one of the following conditions:

- On-lead
- Off-lead

Training Areas

An area where a dog may be trained subject to any specified conditions. Dogs being exercised in these areas are not expected to be under effective control when taken off lead if their owner is actively engaged with them.

Restricted Area

Areas where dogs are restricted from entering during specified hours, days or seasons or at all times.

Prohibited Areas

Areas containing sensitive habitat for native flora or fauna where dogs are prohibited

Objectives

- To recognise the needs of people in Clarence who own dogs.
- To recognise the needs of non-dog owners in the appropriate declaration of areas.
- To provide safe and appropriate environments for the community.
- To protect sensitive areas including areas of cultural significance, native flora and fauna.
- To facilitate responsible dog ownership and support compliance to leash laws by providing a range of opportunities for dog exercise in the City of Clarence.
- To consider the provision of dog exercise areas in planning for future public recreation areas.
- To provide training areas where dog training is conducted on a formal basis.

Principles for declaration

Dogs must be on-lead when entering into and using all shared use areas, including tracks, trails, pathways, regional parks and bushland reserves unless separately declared otherwise. Under the provisions of the Dog Control Act 2000 all dogs in road or road-related areas in built up areas, are required to be on-lead. The definition of road-related area includes any footpath or track that is designed for use by cyclists or pedestrians. A built-up means an area in which:

- there are buildings on land next to the road and
- there is street lighting at intervals not over 100 metres for a distance of 500 metres or if the road is shorter than 500 metres, for the whole road.

Council is the only authority with the ability to declare areas for the exercise, restriction or prohibition of dogs under the Dog Control Act 2000. This authority will be primarily utilised on parcels of land which come under council's management.

Where it is considered appropriate, council may enter into negotiations with the owners of other parcels of land for the declaration of their land in relation to exercise, restriction or prohibition of dogs. When negotiations are conducted, discussions will also be held in relation to management, policing and appropriate signage for that land. In conducting such negotiations council will only exercise those functions over its own land, unless there is a mutual benefit in deciding otherwise.

For areas seen by the public as a single parcel of land, but under management by different authorities, a consistent pattern of use in relation to dog exercise will be maintained over the entire parcel of land, if feasible. Where this is not feasible, the separation of restrictions is to be made visually obvious.

Subject to above, areas will be declared according to the following principles:

- Recognition of the community's desire to exercise their dogs in natural areas.
- Recognition of the community's desire to exercise their dogs in beach environments.
- Delivering shared and restricted access to beaches during summer periods for all users.
- Providing a consistency of restriction provisions across contiguous parcels of land.
- Recognition of the need to retain some areas as dog free, due to the use of those areas by other groups in the community, e.g. sporting fields and perimeters, play equipment, family-oriented parks.
- Providing consistency with council's Reserve Activity Plans and other development plans recognised or endorsed by the council.
- Potential sites of future dog exercise areas be investigated in growing and developing communities.

Priorities for future exercise areas

Where possible, council will seek to provide a dog exercise area within reasonable walking distance of the majority of residences in each suburb. If it is not possible to provide an exercise area within reasonable walking distance, future plans for the development of exercise areas within suburbs will be prioritised on the basis of:

- Areas of urban consolidation and where registration levels are above the average registration level for the population of that suburb.
- Areas in which there is a high level of population growth, in which case the provision of exercise areas should be considered in relation to public open space requirements for any subdivisions.
- Lower priority will be given to those areas where there is low residential density and large lot sizes.



Criteria and level of declaration

Beaches

Where appropriate, beaches in the City of Clarence area will be subject to shared and restricted usage by dog owners. During the summer period of 1 December to 1 March, dogs will not be permitted on most council beaches between the hours of 10.00am and 6.00pm. A definitive list of shared usage and restrictions is to be clearly outlines in the Schedule of Declared Areas. At all other times of the year, effective control provisions will apply to dogs on beaches unless separately declared otherwise.

The definition of beach will include the foreshore area of the beach and approved council access ways. It does not include the dune area, or any tracks on the dunes parallel to the beach.

Multi User Pathway / Shared Tracks and Trails (including Tangara Trail)

All shared use tracks, trails, pathways will be designated as being on-lead exercise areas to support the increasing use of these areas by pedestrians and cyclists. This declaration includes areas immediately adjacent to the track, trail or path to a distance of 2 metres where fencing within 2 metres is not present.

Bushland Reserves

Dogs will be permitted only on-lead in bushland reserves where there is a need to protect natural flora, fauna and/or areas of cultural significance unless separately declared otherwise. Exercise of dogs in natural and bushland areas will be restricted to defined track areas to support Council's Reserve Activity Plans.

Parks

Under the Dogs Control Act 2000, dogs are not permitted within 10 metres of any play equipment. Due to their size, there will be some local parks where dogs will be restricted from entering as they will be in breach of this regulation or if it is not practical or is not compatible with intended use of the park. In all other regional and local parks, dogs must be on-lead at all times, unless separately declared otherwise.

Greyhounds

Council undertakes to provide for an off-lead greyhound exercise area, in an appropriately located and fenced area. This is in recognition of recent amendments to the Act which permits greyhounds to be off-lead in specified area subject to any declared conditions.

Sporting Recreation Grounds and Perimeters

In order to maintain our sporting and recreation facilities dogs will not be permitted on any of council's sporting recreation grounds and perimeters at any time.

Other Public Recreation Areas

Other public recreation areas under council control will be considered on a case by case basis having consideration to the needs of the community, and any management plans existing for the area. In areas that have not been declared, dogs must be on-lead.

Training Areas

Areas that are utilised by a recognised obedience club for formal obedience classes will be designated off-lead training areas. A dog in these areas is regarded as being under effective control of a person if they are actively engaged in training or agility or obedience trials.

Prohibited areas defined under the Dog Control Act

In addition to the prohibited areas declared by council the Dog Control Act 2000 requires the following areas be prohibited to dogs at all times:

- Any grounds of a school, preschool, crèche or other place for the reception of children without the permission of the person in charge of the place
- Any shopping centre or any shop
- The grounds of a public swimming pool
- Any playing area of a sportsground on which sport is being played
- Any area within 10 metres of a children's playground

Signage of Declared Areas

It is a requirement under the Act for council to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area.

Implementation

Following adoption of this policy, the council is required to formally notify by public notice the declaration of areas. This notice is also to include the date from which the declaration is to take effect.

A list of the areas to be declared is provided as an attachment to this policy.

Measurement Systems

Fee Structure

- Total Revenue
- Total Costs
- Revenue and Costs by cost/revenue category
- The total revenue received through registrations
- The total revenue received per registration category
- General Rate contribution to Dog Management as a percentage of total costs

Declared Areas

- Usage of declared areas (largely anecdotal)
- Number of complaints received
- Number of infringements served
- Changes in registration levels per suburb
- Cost of maintaining declared areas

General Indicators of Dog Ownership in Clarence

- Total number of registrations each year
- The total number of registrations per registration category
- Number of dwellings with registered dogs
- Registration levels per suburb
- Number of infringements issued by nature of offence
- Number of complaints by nature of complaint
- Number of dogs delivered to Dogs home

General Review

This policy when adopted will be endorsed for a period of seven years. A review of this policy will be commenced within five years of the adoption of this policy.

Schedule of Declared Areas

Land to be declared under the provisions of Section 20 of the Dog Control Act 2000

From (To be determined)
to 31 December 2028

Classes of Declared Areas

The Dog Control Act 2000 defines specific classes of declared areas

Exercise Areas

Areas where a dog may be exercised subject to one of the following conditions:

- On-lead
- Off-lead

Training Areas

An area where a dog may be trained subject to any specified conditions. Dogs being exercised in these areas are not expected to be under effective control when taken off lead if their owner is actively engaged with them.

Restricted Area

Areas where dogs are restricted from entering during specified hours, days, or seasons or at all times.

Prohibited Areas

Areas containing sensitive habitat for native flora or fauna where dogs are prohibited



On-Lead Exercise Areas

Multi-User Pathways / Shared Tracks and Trails

This declaration includes the following:

Clarence Coastal Trails	Clarence Foreshore Trails
Two Rivulets Track	Tangara Trail
Mortimer Bay Coastal Track	Brinktop Reserve & Richmond Park Track
Lauderdale Wetlands Track	

This declaration includes areas immediately adjacent to the track or trail to a distance of 2 metres where fencing within 2 metres is not present.

Bushland Reserves

Bushland Reserves and Nature Recreation Areas are on-lead to protect natural flora, fauna and/or areas of cultural significance. Exercise of dogs is restricted to the defined track areas. This approach is consistent with Council's Reserve Activity Plans.

This declaration will include the following areas:

Waverley Flora Park	Wiena Bushland Reserve
Natone Hill Bushland Reserve	Bandicoot Bushland Park
Canopus Centauri Bushland Reserve	North Warrane Bushland Reserve
Glebe Hill Bushland Reserve	Pilchers Hill Bushland Reserve
Otago Bay Lagoon Reserve	Potters Hill Bushland Reserve
Bedlam Walls Bushland Reserve	Nowra Bushland Reserve
Mortimer Bay Coastal Reserve	Rokeby Hills Bushland Reserve
Toorittya Bushland Reserve	Kuynah Bushland Reserve

Dune tracks

All access ways onto council beaches are on-lead until the dog reaches the beach proper to protect the dune systems.

Bellerive, Boardwalk Perimeter

Dogs are permitted on the perimeter only.

Bellerive, 1a Beach Street

Area immediately behind Luttrell Avenue from Beach Street through to Alexandra Esplanade.

Bellerive, Second Bluff

This declaration includes all areas on the bluff from Alexandra Esplanade to Silwood Avenue.

Howrah, Wentworth Park

Due to the family orientated focus and proximity of schools, childcare and sporting facilities.

Lauderdale, Roches Beach

From Bambra Street entrance, north to a point opposite number 11 Kirra Road (from reef to reef).

Lauderdale, Roscommon Reserve (including Lauderdale Wetland reserve)

Due to the shared usage and sporting activities in this area and to protect local flora and fauna.

Lindisfarne, Simmons Park

Due to numerous family orientated facilities in this park

Richmond, Richmond Riverbanks

This declaration extends to both sides of the bridge and river due to the resident duck population.

Rokeby, Chipmans Road

This area lies adjacent to a significant wetland area.

Rosny, Rosny Hill Nature Recreation Area

Due to the existing wildlife and future development in this area.

South Arm, South Arm Recreation Ground

This recreation area has historically been regarded as a sports ground and prohibited to dogs at all times, but now widely used by a range of community users. To be reclassified as a dog on-lead area.



Off-Lead Exercise Areas

Cambridge, Cambridge Road

Cambridge Dog Park, to be developed behind the soccer grounds

Clarendon Vale, 45 Goodwins Road

Council land between Goodwins and Reynolds Road, excluding sports oval.

Lauderdale, Lauderdale Saltmarsh reserve – to be developed

An area within the rehabilitated tip site land is to be established as dog off-lead

Lindisfarne, ANZAC Park

Lindisfarne, Natone Street

Lower area of Anzac Park adjacent to the turning circle in Natone Street

Montagu Bay, Rosny Esplanade

Conara Foreshore Reserve.

Oakdowns, Oakdowns Park

Internal area accessed from Woodleigh Drive, Oakdowns Parade, Horsham Road or Cavenor Drive. Dogs are not permitted to be within 10 metres of any play equipment.

Opossum Bay, Shelly Beach

From Bangor Road entrance east to Icehouse Bluff.

Richmond, Richmond Recreation Ground

Victoria Street, excluding the Skate Park area

Risdon Vale, 6a Sugarloaf Road

Grasstree Rivulet Reserve situated east of Sugarloaf Road, bounded by Grass Tree Hill Road.

Rosny Park, Charles Hand Park

Area bounded by Bastick Street, Riawena Road and Rosny Hill Road, excluding the Skate Park and College grounds.

Greyhound off-lead exercise area

17 Goodwins Road, Clarendon Vale



Restricted Areas

Beaches

Dogs will be restricted from entering the following beaches between the hours of 10.00am and 6.00pm during the period from 1 December to 1 March each year. At all other times dog must be under “effective control” as defined under the Dog Control Act 2000.

- Howrah Beach
- Bellerive Beach from the beach access at Beach Street access east to Second Bluff
- Cremorne Beach
- Opossum Bay Beach
- South Arm Beach
- Seven Mile Beach - council managed area from Esplanade up to Day Use Area 3

The reason for this declaration is because the above beaches are popular with families during the summer period.

Dogs will be restricted from entering the following beaches at all times:

- Little Howrah Beach due to its size and sheltered nature as well as its historical use.
- Bellerive Beach - from the beach access at Beach Street west to First Bluff to provide a dog free alternative in an area which is popular with families.

Bellerive Beach Play (Rotary) Park

Dogs will be restricted from entering the Bellerive Play Park at all times. The reason for this restriction is due to numerous family orientated facilities in this park, and the adjoining section of Bellerive Beach which is restricted to dogs at all times. However, dogs may be walked on-lead through this area on the Clarence Foreshore Trail only.

Sporting Recreation Grounds and Perimeters

Dogs will be restricted from entering all council sports grounds and perimeters at all times in order to assist in maintaining the grounds to an acceptable level.

In Kangaroo Bay, access will be allowed on-lead on council land adjacent to Rosny College for the purpose of accessing the multi-user pathway.

Village Green, Richmond

Dogs will be restricted from entering The Village Green at Richmond at all times. The reason for this restriction is that this area is used by residents and visitors to enjoy the facilities nearby and traditionally dogs have not been permitted in this area.

Bellerive Board Walk

Dogs will be restricted from entering all areas beyond the waterside perimeter of the Bellerive Boardwalk multi-user pathway at all times. The reason for this restriction is the recreation of dogs on this area is contrary to the development plans for the area and inconsistent with the use of this area for outdoor dining.

Bushland Reserves

Exercise of dogs in all Bushland Reserves and Nature Recreation areas is restricted to the defined track areas to protect natural flora, fauna and/or areas of cultural significance. This approach is consistent with Council's Reserve Activity Plans.

This declaration will include the following areas:

Waverley Flora Park	Wiena Bushland Reserve
Natone Hill Bushland Reserve	Bandicoot Bushland Park
Canopus Centauri Bushland Reserve	North Warrane Bushland Reserve
Glebe Hill Bushland Reserve	Pilchers Hill Bushland Reserve
Otago Bay Lagoon Reserve	Potters Hill Bushland Reserve
Lauderdale, Roscommon Reserve	Bedlam Walls Bushland Reserve
Nowra Bushland Reserve	Mortimer Bay Coastal Reserve
Rokeby Hills Bushland Reserve	Toorittya Bushland Reserve
Kuynah Bushland Reserve	

Greyhound exercise area

A Greyhound off-lead exercise area is to be fenced and developed next to Goodwins Road, Clarendon Vale. This area is for the sole purpose of exercising greyhounds and no other breed of dog is to be taken into this space.

Dune Access Tracks

Dogs will be restricted from entering the dune areas of a beach and any dune track that runs parallel to the foreshore at any time on any day of the year. The reason for this restriction is in order to protect the dune environment from excessive erosion, native flora and fauna.

Training Areas

South Street Reserve, Bellerive.

Prohibited Areas

Pipe Clay Lagoon

The council owned area of Pipe Clay Lagoon, from a point opposite number 91 Cremorne Avenue west to a point adjacent to number 201 Cremorne Avenue, dogs will be prohibited from entering as it provides an important habitat for resident and native migratory wading birds.

Racecourse Flats

The council owned area east of South Arm Road known as Racecourse Flats, dogs will be prohibited from entering as it provides an important habitat for resident and native migratory wading birds.

Public Areas not declared in this schedule

For public land not specifically declared under the provisions of the Dog Control Act 2000, and where land is not already defined under Section 28 of the Act as a prohibited public area, a dog is required to be under effective control. It is not intended that these areas be declared under the Dog Control Act, as this provision of the legislation is sufficient to cover their intended use.

Effective control is a term defined under Section 4 of the Dog Control Act 2000.

- For public space areas a dog is under effective control if it is on a fixed lead not exceeding 2 metres long held by a person of sufficient age and strength to control the dog.
- When in a declared off-lead a dog is under effective control if it is:
 - in line of sight
 - within close proximity
 - and immediately responsive to the person's command.
- If tethered to a fixed object by a lead not exceeding 2 metres long for no more than 30 minutes.



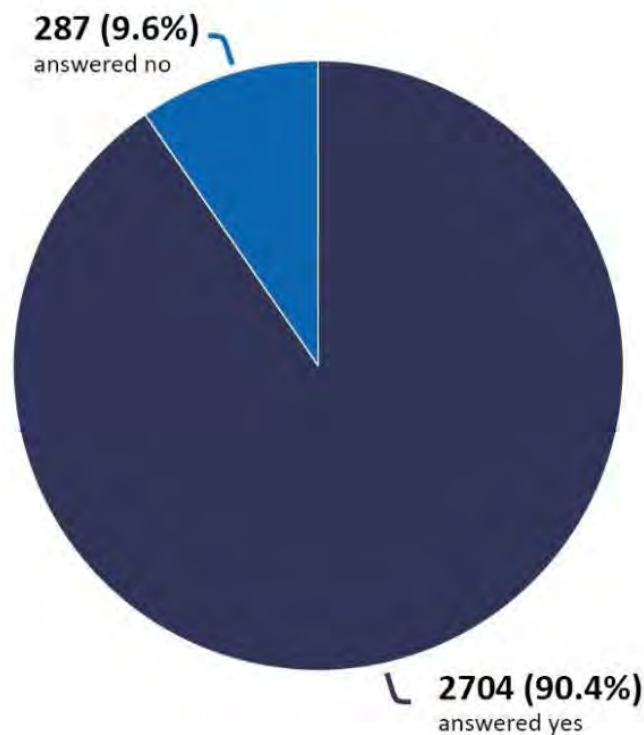
Clarence... a brighter place

2021

'Have Your Say' survey results

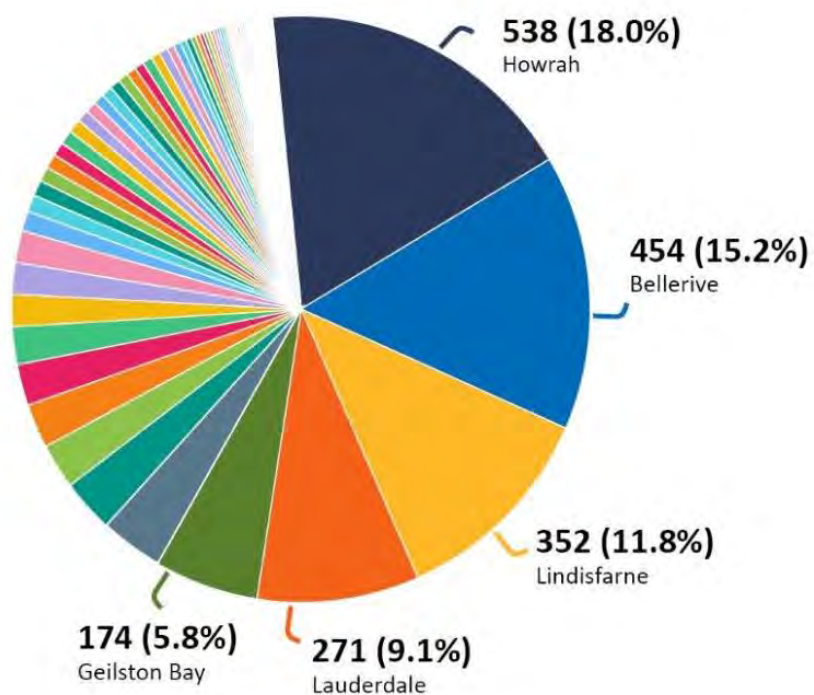
INITIAL DOG MANAGEMENT POLICY COMMUNITY
CONSULTATION PERIOD

ARE YOU A CLARENCE RESIDENT?

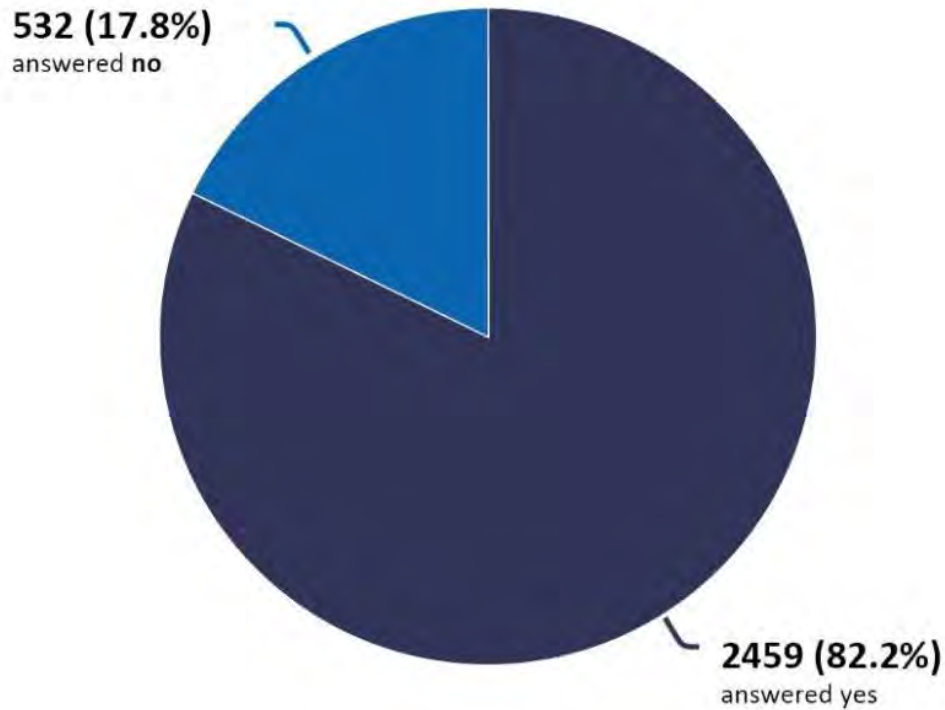


WHAT SUBURB DO YOU LIVE IN?

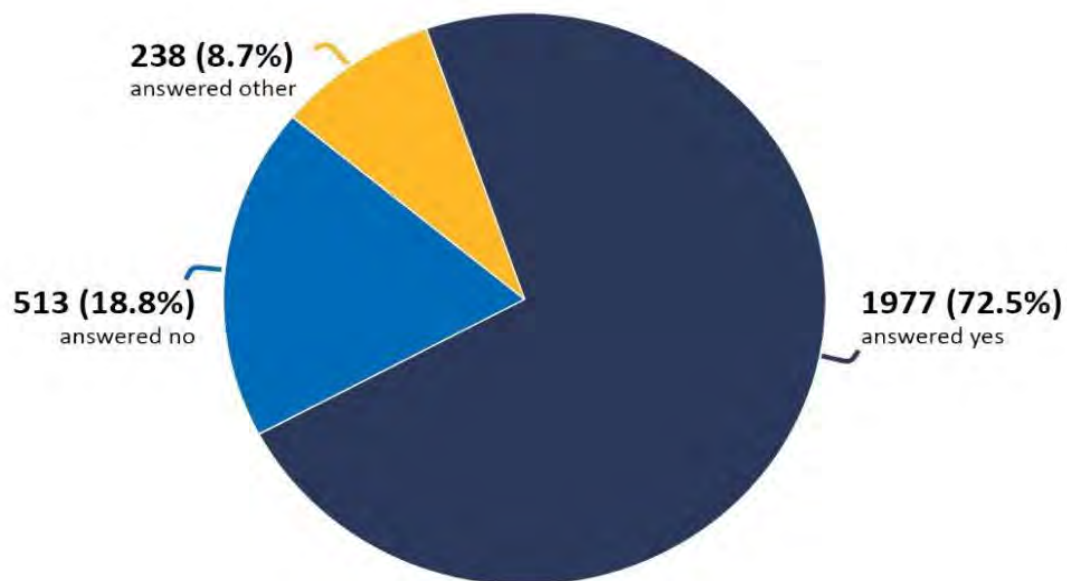
Other suburbs include:
Tranmere, Sandford,
Mornington, Acton
Park, Rokeby, Rose
Bay, Seven Mile Beach,
Rosny, Oakdowns,
Warrane, Lenah Valley,
Montagu Bay, Cremorne,
South Arm, Cambridge,
Richmond, Risdon Vale,
Clifton Beach, Old Beach,
Otago, New Town, Roches
Beach, Glenorchy, Mount
Rumney, Sandy Bay,
Hobart, Moonah, South
Hobart, Lutana, West
Hobart, Opossum Bay,
Kingston Beach, Mount
Stuart, Blackmans Bay,
Claremont.



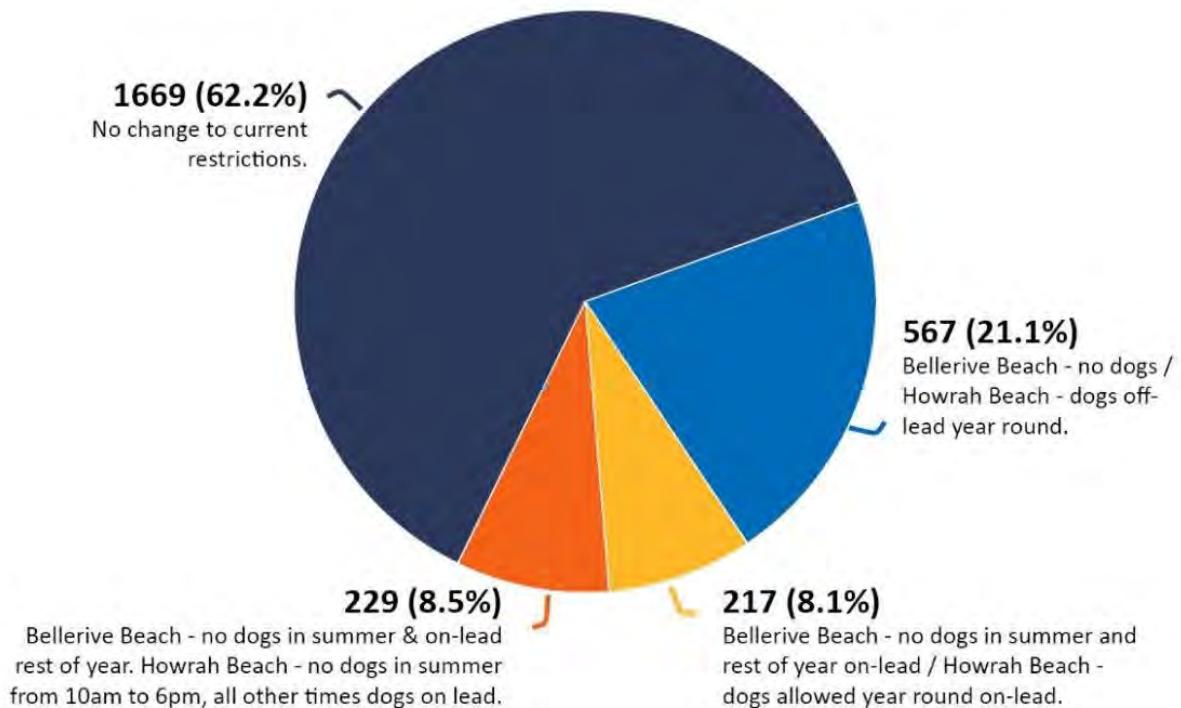
DO YOU OWN A DOG?



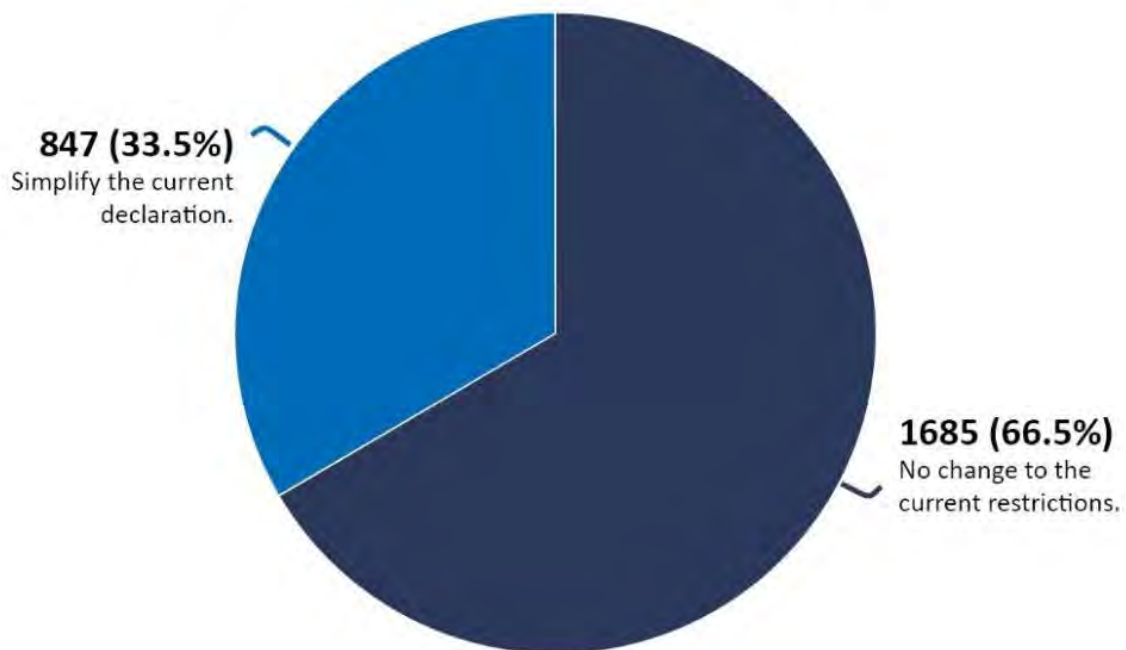
DO YOU SUPPORT SIMPLIFYING THE FEE STRUCTURE?



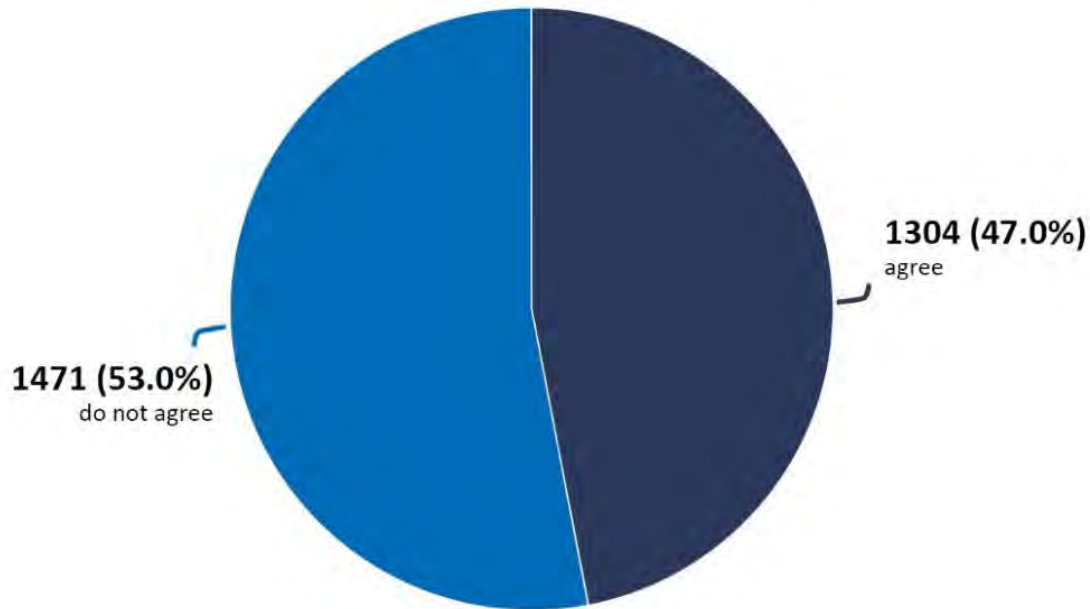
WHAT IS YOUR PREFERRED OPTION FOR BELLERIVE AND HOWRAH BEACH?



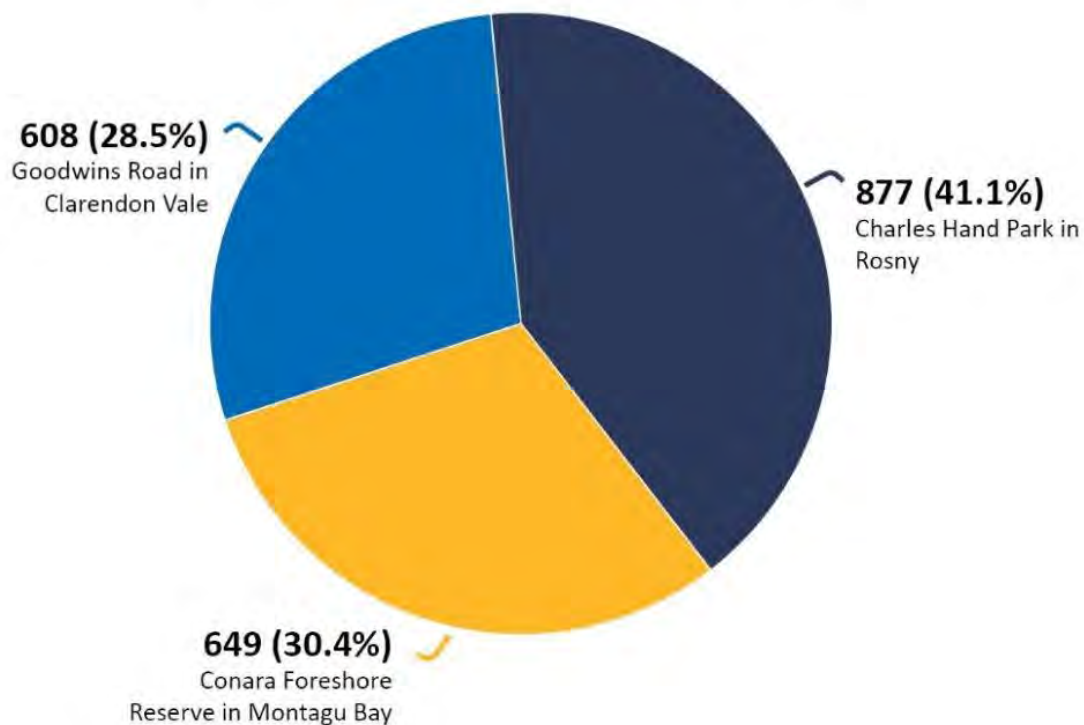
WHAT IS YOUR PREFERRED OPTION FOR ROCHES BEACH?



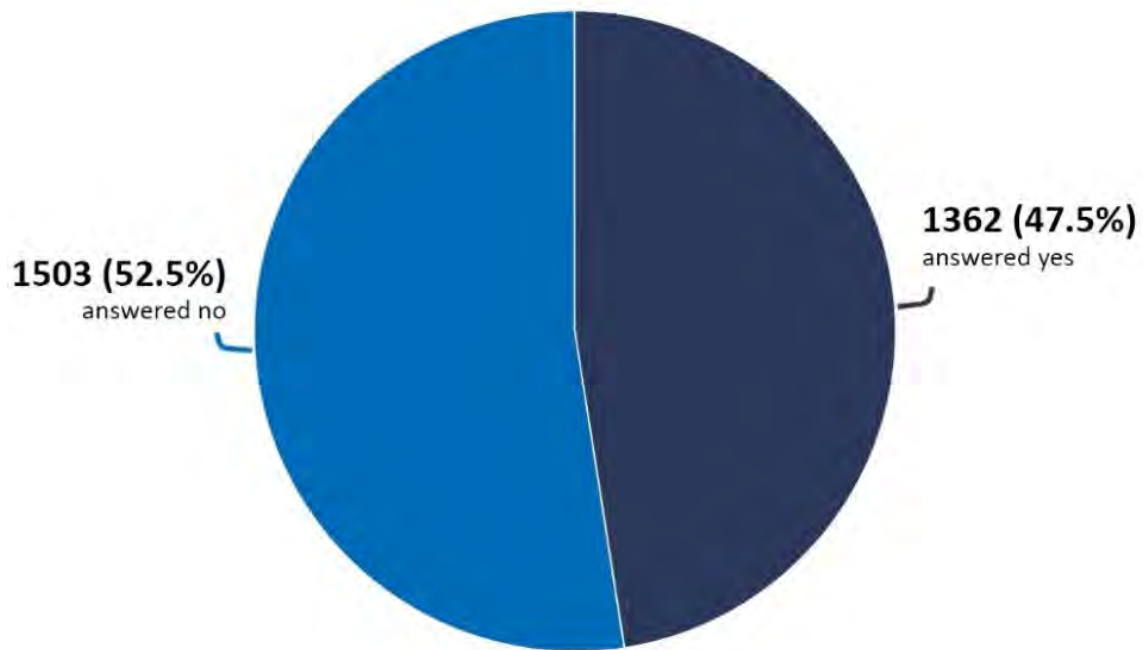
DO YOU AGREE WITH ANZAC PARK BECOMING ON-LEAD?



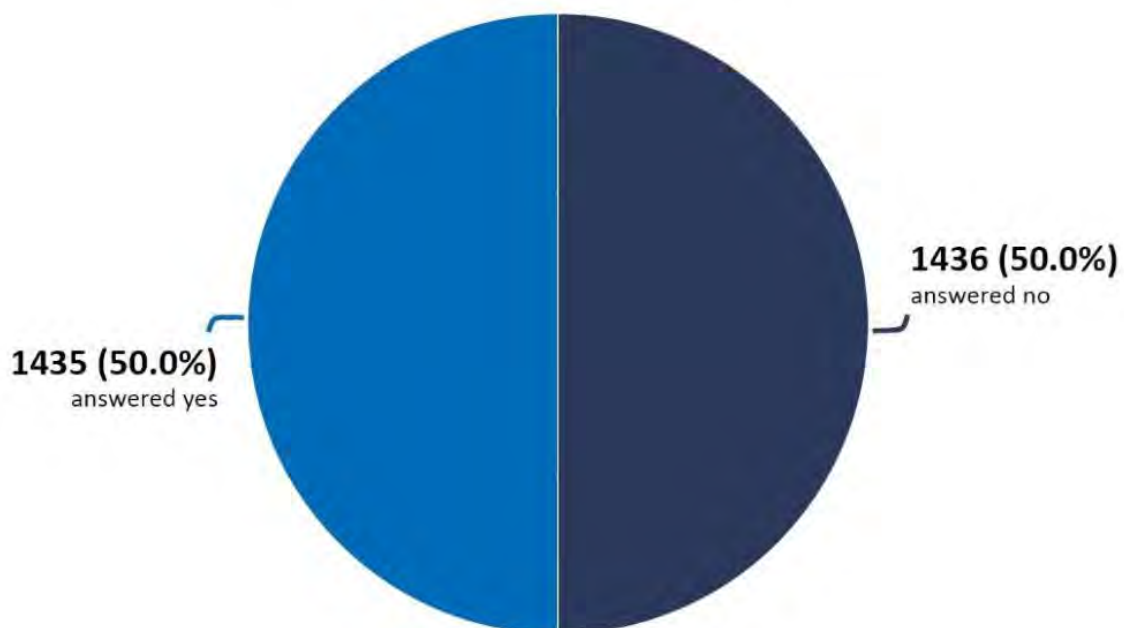
WHAT IS YOUR PREFERRED OPTION FOR A GREYHOUND DOG PARK?



DO YOU SUPPORT MULTI-USER PATHS BECOMING ON-LEAD?



DO YOU SUPPORT NATURE RESERVES BECOMING ON-LEAD?





Consultation Plan

Dog Management Policy – Stage 2

Purpose:

Inform City of Clarence residents, as well as the broader community, of the second round of consultation for council's draft Dog Management Policy.

Anticipated start date: 2 June 2021

Anticipated end date: 28 July 2021

Promotion tool	Platform	Y	N	Target audience	Proposed timeframe*	Primary comms	Follow-up comms	Statutory requirement	Comments
Media:	Media release	✓		Media release 1 – Wider community Media release 2 – Wider community Media release 3 — Wider community	MR 1 – 26 May MR 2 – 1 June MR 3 – 15 June	✓	✓		First release to give details of first consultation, second to launch the current consultation and third as a half-way reminder.
	Photo/vision opportunity	✓		Wider community	MR 2 – 1 June	✓			Opportunity for vision will accompany second media release.
	Radio interviews with ABC, Triple M	✓		Wider community	26 May – 3 June	✓			Producers will be approached directly to cover the story once the media release is out.

***NOTE:** Timeframes and start and end dates are indicative only and may be subject to change based on resourcing, publication deadlines and unforeseen external factors.

Promotion tool	Platform	Y	N	Target audience	Proposed timeframe*	Primary comms	Follow-up comms	Statutory requirement	Comments
Council publications	CCC Quarterly News	✓		Clarence rate payers	Early July		✓		This will be follow-up comms for the purpose of letting the community know the progress, reminder 2-3 weeks to go on consultation and next steps.
	Dog News	✓		Dog owners	2 June 2021	✓			Consultation open and process overview
Advertisement	Mercury	✓		Wider community	2 June 2021	✓		✓	An ad is statutorily required to be placed in the Mercury.
	Eastern Shore Sun	✓		Eastern Shore community	15 June		✓		This will be follow-up comms for the purpose of reminding the community to have their say, progress, and next steps. .
	Facebook	✓		CCC Facebook page	2 June – 29 July 2021				This ad will encourage people to have their say on the second round of consultation.
Social Media	CCC Facebook page	✓		Wider community	Weekly	✓	✓		
	Facebook groups (specify)	✓		- Geilston Bay/Lindisfarne/Rose Bay Residents - Howrah / Tranmere Residents Community Group - Bellerive Dog Park - Dog Walkers of Howrah and Bellerive	To launch 2 June. Halfway reminder, and a week before closing.	✓	✓		

				• Seven Mile Beach Community Group • Dog Walking Association of Tasmania • Bellerive/Mornington/Warrane • Oakdown Residents					
Promotion tool	Platform	Y	N	Target audience	Proposed timeframe*	Primary comms	Follow-up comms	Statutory requirement	Comments
Online	Your Say website	✓		Registered users	2 June	✓			An email will be sent out to the 200+ <i>registered</i> users that took part in the first stage of consultation.
	CCC website	✓		CCC website users	2 June	✓	✓		Front page promotion.
Signage	Corflute signage	✓		Wider community		✓			Corflute holders located throughout the city and at the entrances to Beaches.
	Promotional posters		✗						
Stakeholder engagement	Consult stakeholders	✓		Primary stakeholders and their audience – provide update on process and consultation awareness	2 June – 30 June	✓			• Dogs Tasmania • The Dogs Home of Tasmania • RSPCA • Eastern Shore Dog Club • Hobart Dog Walking Association • Birds Tasmania • RSL Tasmania • Bonorong Wildlife Park • Tasmanian Equestrian Centre • Coastcare groups and Parks and Wildlife Service.

On-site promotion	Pop up stall		✗						
Additional comments:									

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).

Nil

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil

12.3 ANSWERS TO QUESTIONS WITHOUT NOTICE – PREVIOUS COUNCIL MEETING

Ald Warren

The previous government as a core promise had the introduction of a trans Derwent ferry service. Can the General Manager update us please on where we are up to with that given that the term of that government has nearly concluded? Do we have a ferry service yet?

ANSWER

I can advise that work is underway between council staff, the Department of State Growth, the ferry operator and Bellerive Yacht Club to try to ascertain the exact arrangements for the ferry service to arrive in Kangaroo Bay and those discussions are underway. I do not have a firm plan at this point in time, there are certainly operations being discussed and explored at this point.

Question contd

Can I confirm that you just said that it would be going into Kangaroo Bay not to the Federal ferry wharf next to the Waterfront Hotel.

ANSWER

When I mentioned Kangaroo Bay, I am talking about the whole bay so yes the focus is on the Federal end of the wharf behind the new pier.

Ald James

1. In the press this very day there was a grant to Tasmania and in particular \$44 million as I understand it for the South Arm Highway upgrade. So, my question is what is the timeline with respect to us getting our hands on the \$44 million and would that entail any upgrade of the pathway between the Academy and Lauderdale Primary School or is it basically for the road itself?

ANSWER

We will have to wait until the State Government advises us in terms of what the details of the budget include.

(Mayor) First of all it is a State highway and so we won't be getting our hands on the money - it will be a state managed project. On top of that Federal money there is \$80M earmarked as part of the election campaign by the Liberal State Government so altogether that's a \$123 million project. I am not sure of the full scope of that project. We are waiting to find out.

2. Council at its meeting in February this year granted an unconditional extension of time to October 2022 for the Kangaroo Bay development matter. Has there been any response from Chambroad in relation to that confirmation letter of acknowledgement etc that they have obviously received our letter and are making good with their determination to have substantial commencement by October 2022?

ANSWER

We received a letter from Chambroad today and that it has been circulated on a confidential basis to Aldermen this afternoon.

Ald Peers

One thing I am concerned about I am getting complaints about it and I can vouch for it too. The leaves in Bayfield Street, they're horrendous at certain times they are blowing into businesses. I am copping a lot of flak and I couldn't even vote on it because I work here but the amount of leaves are just going everywhere. I am wondering if next year we can do something about it get our guys to do the leaves occasionally. Now our former General Manager assured me that when we did put trees in Bayfield Street council staff were going to remove some of the leaves but it has really got to the stage where it is ridiculous.

ANSWER

I will talk to our depot about increased level of service in the autumn period.

Ald Blomeley

I was at Howrah Community Centre last night for the Sunday night bingo and the thing that one of the regular players mentioned to me was that patrons are still restricted to 4 persons per table whereas other areas, Glenorchy was an area they referred to, have now reverted back to 6 per table and they get tables spaced as they want to be but I just wondered whether there has been a change that would permit the Clarence Football Club who run the bingo to actually increase their numbers back to what they were, not obviously to pre COVID-19 but to have 2 additional people per table so they can hopefully increase their revenue stream?

ANSWER

(Mayor) General Manager this is related to the question we were talking about earlier in regard to council meetings and when we might be able to be a bit more open to the public in a physical sense. If you could take it on notice and circulate an update on where we are with the COVID-19 rules within Tasmania and the implications for Howrah Community Centre and other venues within the city.

Question contd

If that could be communicated to the Clarence District Football Club as well that would be greatly appreciated?

[Further information] A revised and updated COVID plan has been developed for the council chambers and for community halls and venues. The updated information has been communicated to relevant clubs, associations and users. The updated plan will be available via council's website.

Ald Walker

1. Just a follow up, we around the table came pretty much to a consensus around a notice of motion I had in relation to parking shortfall payments, I think this was last year, basically saying that we were hoping to liaise in relation to the planning scheme to get some flexibility so that where contributions were made they could be staggered rather than being done in such an upfront process so could we have a progress update on where that might be or how we can speed that along?

ANSWER

Some work has been done in this area including better arrangements for timed payments. We have also been in communication with the policy planning unit about changes to the planning scheme, so I think the best thing I can do is a memo or briefing report to bring council up to date with where it's at.

2. It is good to see the growth around the Geilston Bay area, Olive Grove residential neighbourhood, the nearest shopping precinct is the Risdon Vale shops and that's my preamble to say that that pathway has been there for quite a long time and is increasing its utilisation, there have just been some reports about its state. Could I just make a request to check it a bit more regularly or keep it in good order?

[Further information] This area requires further investigation which will be undertaken by council staff. A report will be provided via the weekly briefing reports once complete.

Ald Edmunds

1. Could I have an update on the status of the Rosny Golf Course and the process going forward for the expression of interest?

ANSWER

The aim at this point is to have the expression of interest documentation finalised this week and advertised on Saturday and that will be for approximately 3 weeks to take that process through. Once we have got a shortlist of applicants then we will start the next stage which is more detailed.

2. I have had a resident send me a few photos and I know it is a bit of a bug bear for us at Rosny Hill and it was not necessarily about the mess it's more the fact that that the bins, I can see how this happens because people go to the drive through and eat their food and then it goes in the bins and then they are overflowing and just stacking up next to them. I know we are on a finite budget with people under a lot of pressure but is there a way that we could look at how regularly those bins are attended to as opposed to others in the city?

ANSWER

(Mayor) that is a matter that is of concern I have responded to some questions from The Mercury today in fact along those lines.

It has been an issue of concern I have previously given instructions for an extra bin installed up there and I believe that has been done. We have also increased the number of bin collections and inspections in the area. One of the issues is quite simply that despite the bins being there what we are also seeing is a number of people just dumping their rubbish outside their car windows so that's incredibly disappointing but we are looking at how to try and improve that circumstance.

(Mayor) We have also adjusted the collection cycle.

The collection cycle is every day of the week with the exception of Saturday at this point and there will be a full inspection on Friday afternoons to do in effect a pick-up of any rubbish ahead of Saturday. It comes down to a lot of poor behaviour unfortunately it is not the only part of the city that we see that.

Ald Ewington

To the General Manager, in light of the failure of my motion to get up tonight in relation to the concept planning development for the City Heart Project, specifically in your proposal to put forward the expression of interest documents, do you believe that the issues I have raised in my motion in relation to a precinct map.

(Mayor) I think that is a leading question and I think that it is unfair to put it to the General Manager in that sense. I don't think it's reasonable to ask him if he believes it is in his interest. He is here to report facts not give an opinion I believe.

Question contd

Do you think it is going to take longer to get through that process now without being able to add all of these issues at the beginning?

(General Manager) One of my key performance goals for this year is to have an expression of interest proposal for council to consider by mid-year. Unless council changes that, that is still my timeline.

Question contd

Are those issues I raised in my motion still valid?

(Mayor) It is not appropriate to revisit an issue we have just debated.

Ald Kennedy

Are any staff post COVID-19 or during the COVID-19 period still working from home?

ANSWER

We have in the last 3 months developed and are in the process of implementing a work from home policy. We are aiming to have a number of staff, I'll say signed up to that, it's not quite the right term, by the end of June so that we've effectively got a number of staff working from home and rotating back through the office. It's a lighter weight version than during the lockdown period and we are trying to do that on the basis that it suits those employees to do that as well as it suits the organisation. So, we are working through that at the moment.

Question contd

Is that taking some pressure off the capacity of the building to be able to accommodate staff?

ANSWER

Not significantly at the moment but we are hoping it will do. It really does depend on 2 things, those staff who are able to work from home conveniently and in an IT sense we are set up to do that quite well so it really comes to that point but also at certain times of the year certain staff need to work in the building because of their interaction they have with other staff. The end of financial year is a good example. So we need to have a very flexible approach because sometimes it is a really convenient thing to do, other times it is not convenient for staff or the organisation.

Ald Mulder

My question relates to the 87 flats that are mooted for the Kangaroo Bay boulevard. Have we received a building application at this point and if not, are we expecting one or do we have any indication of when it might arrive?

ANSWER

We are not expecting a building application we are expecting a development application. I had a meeting with the proponents about a week or so ago and we are expecting that to be completed and ready for lodgement in the next few weeks.

Question contd

Sorry it was a development application not a building application that I was referring to so thank you for that. Can I ask whether the current proposal meets the on-site parking requirements for this area?

ANSWER

I will have to take that on notice and the reason for that is that we asked the proponents to relook at the parking allocation because we had some concerns about that and in terms of the council's desire to have public parking there; because of the nature of the site it is incredibly expensive parking and I have not seen the revised plan at this point in time. [Further information] Further information has been provided by the preferred developer regarding parking at the site. That information will form part of the development application. Once lodged and landowner consent has been provided, the parking allocation will be considered in accordance with the planning scheme requirements.

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 JOINT AUTHORITY MATTER

13.3 QUOTATION Q1412-21 – KANGAROO BAY OVAL IRRIGATION DESIGN AND CONSTRUCT

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;
- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
- 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”.