

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.

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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

(File No. 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 10 April 2017, as circulated, be taken as read and confirmed.

3. MAYOR'S COMMUNICATION

Nil

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
Legal Matters	
10 Year Financial Plan	
Building Compliance Issues	
Lauderdale Feasibility Study	
Local Government Act Review	19 April
Budget	26 April

RECOMMENDATION:

That Council notes the workshops conducted.

5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE (File No)

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

(File No. 10/03/12)

(Petitions received by Aldermen may be tabled at the next ordinary Meeting of the Council or forwarded to the General Manager within seven (7) 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.

The General Manager will table the following petitions which comply with the Act requirements:

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.

Questions on notice and their answers will be included in the minutes.

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

Nil.

7.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

(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)

PART A – Public Participation Segment

In accordance with the Council Meeting Procedures Policy the public participation segment is provided on the following basis:

- The segment is for a maximum of 15 minutes;
- Up to 5 persons can make a statement to the Council; and
- Each statement is not to exceed 3 minutes.

(Speakers to be confirmed)

PART B – Other Deputations

In accordance with the Council Meeting Procedures Policy deputations are:

- not to exceed three persons; and
- not to address the meeting for a period longer than fifteen minutes.

The Mayor in response to requests received has invited the following deputations:

1. **Deputation:** Mr Michael Figg;
Mr T Dourias; and
Mr J Dourias.

Subject: Lauderdale Urban Expansion Feasibility Study

2. **Deputation:** Ms Joan Carr;
Ms Kylie Cooper; and
Mr Thomas Moore.

Subject: Lauderdale Urban Expansion Feasibility Study

9. MOTIONS ON NOTICE

Nil.

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.

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald Jock Campbell
(Ald James Walker, Deputy Representative)

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

- **SOUTHERN WASTE STRATEGY AUTHORITY**

Representative: Ald Richard James
(Ald Sharyn von Bertouch, Proxy)

Quarterly Reports

September, December and March Quarterly Reports pending.

Representative Reporting

- **TASWATER CORPORATION**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**BICYCLE STEERING COMMITTEE – QUARTERLY REPORT**

(File No)

Chairperson's Report – Alderman S von Bertouch

Report to Council for the 3 month period 1 January 2017 to 31 March 2017.

1. PRINCIPAL OBJECTIVES AND GOALS

The Committee's prime objectives are to:

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

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

2. CAPITAL WORKS PROJECTS**2.1. Cambridge Road – Cambridge Village to Roundabout - Painted Bike Lanes**

A Parking survey recorded 15% parking density along this section of Cambridge Road. The line marking design was completed and a contractor engaged following a quotation process. Line marking is to commence in April/May 2017 and due for completion in the same quarter.

2.2. Cambridge Road, Mornington – Painted Bike Lines

Kerb and gutter works have commenced. Following the completion of this work the line marking for the bike lanes can be undertaken.

2.3. Mornington Roundabout Pedestrian/Cycling Underpass

Pitt and Sherry have submitted a report for this project. Further investigation and assessment is required before proceeding.

2.4. Rosny Hill Road – Overpass to City View Motel

Construction is complete.

3. RECURRENT INITIATIVES

Nil.

4. DESIGN AND INVESTIGATION WORK IN PROGRESS

Clarence Street Safety Assessment Report

Planning for community consultation is almost complete. Consultation is scheduled after Easter 2017, closing on Friday, 19 May 2017.

Clarence Foreshore Trail – Simmons Park to Anzac Park

Design is underway.

Tasman Highway – Extension from Tasman Bridge to Montagu Bay Road

Shared funding is being sought from Department of State Growth. Project deferred until funding arrangements have been agreed.

Howrah and Tranmere Roads – Investigation of Bike Infrastructure

The consultant's report is complete. Staff is currently working through the list of the recommended outcomes.

Clarence Foreshore Track – Marana Avenue to Montagu Bay Park

The first section from Marana Avenue has been upgraded to 2.5m wide concrete path. Design for a realigned path around Montagu Bay Primary School is underway. Negotiations with Montagu Bay Primary School relating to land tenure for the foreshore track is progressing.

5. GOVERNANCE MATTERS.

Committee Meeting

The Committee held 2 meetings during the quarter held on 16 January 2017 and 6 February 2017.

6. EXTERNAL LIAISON

CyclingSouth Meeting was held on 22 February 2017.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Attachments: Nil.

Ald Sharyn von Bertouch
CHAIRPERSON

TRACKS AND TRAILS ADVISORY COMMITTEE

(File No 07-06-09)

Chairperson's Report – Alderman R James

Report to Council for the 3 month period for 1 January 2017 to 31 March 2017.

1. PRINCIPAL OBJECTIVES AND GOALS

The Committee's prime objectives are to:

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

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

2. CAPITAL WORKS PROJECT**Kangaroo Bay Rivulet Track**

A new walking track alongside the Kangaroo Bay Rivulet between Rosny Farm and Gordons Hill Road is complete and open for use.

Blessington Track

The coastal walking track was extended to Fort Beach and now provides a continuous walk from South Arm war memorial carpark to Pot Beach.

Mortimer Bay Coastal Track Extension

The track was extended to connect to a fire trail near Palana Court.

Betsy Mack Track

A new track has been constructed in Glebe Hill Reserve between the main Glebe Hill Track and the Betsy Mack entrance.

Merindah Track

A missing section of the Merindah Track in Glebe Hill Reserve has been constructed to link up with the main Glebe Hill Track.

3. RECURRENT INITIATIVES – MAINTENANCE AND UPGRADES**Tangara Trail at Five Ways, Acton**

Unauthorised dirt jumps have been removed and a new Landcare group has been formed to rehabilitate the area.

Clarence Coastal Trail between Seven Mile Beach and Roches Beach

Work has been carried out to improve the surface of this popular track.

4. DESIGN AND INVESTIGATION WORK IN PROGRESS**Clarence Plains Rivulet Track**

The track alignment has been finalised and approval has been given to construct the southern section of track across Education Department property.

Meehan Range – Kerosene Hill Track

Site visits have been held with Hansens Quarry to finalise the alignment of the Kerosene Hill Track.

Rokeby to Lauderdale Track

A consultant has investigated the feasibility of a footway along the northern side of South Arm Road. Another consultant has provided a report on developing a track along the Crown Land Foreshore of Ralphs Bay. This was reported to Council's Meeting of 10 April 2017.

5. GOVERNANCE MATTERS.

Committee Meetings

One committee meeting was held on 9 February 2017.

6. EXTERNAL LIAISON

Nil.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Attachments: Nil.

Ald R James

CHAIRPERSON

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 10 and 24 April 2017 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 10 and 24 April 2017 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

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 D-2017/63/SD-2017/3 – 31 BEACH STREET, 57 AND 61 CLARENCE STREET, BELLERIVE – BOUNDARY ADJUSTMENT RETAINING THE 2 EXISTING SINGLE DWELLINGS AND CREATION OF A LARGER LOT FOR 9 MULTIPLE DWELLINGS

(File Nos D-2017/63; SD-2017/3)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider an application for a boundary adjustment retaining the 2 existing Single Dwellings and creation of a larger lot for 9 Multiple Dwellings at 31 Beach Street, 57 and 61 Clarence Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and is subject to the Road and Rail 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.

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 3 May 2017 as agreed with the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 2 representations were received. The representations raised the following issues:

- loss of privacy;
- dwelling density;
- overshadowing;
- impact on property values; and
- lack of detail on external materials.

RECOMMENDATION:

- A. That the Development Application for a boundary adjustment retaining the 2 existing Single Dwellings and creation of a larger lot for 9 Multiple Dwellings at 31 Beach Street, 57 and 61 Clarence Street, Bellerive (CI Ref D-2017/63 and SD-2017/3) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLANS [(a) screening along the northern elevation of the upper level deck associated with House 6 to a height of 1.7m above the finished surface level and with a uniform transparency of no more than 25%; (b) screening along the western elevation of the upper level deck associated with House 4 and returning for a distance of 1m along the southern elevation of the deck to a height of 1.7m above the finished surface level and with a uniform transparency of no more than 25%; (c) the west facing dining room window of House 9 must have a sill height of at least 1.7m above the floor level or have fixed obscure glazing extending to a height of at least 1.7m above the floor level of this window; and (d) the relocation of the bin storage areas outside of the garages to an area for the exclusive use of each dwelling with a minimum area of 1.5m² and excluding the area in front of the dwelling.
 3. Prior to the issue of a Building Permit for the proposed Multiple Dwelling development, the Final Plan of Survey for the boundary adjustment for SD-2017/3 must be sealed by Council so that the unit development is contained on the one title.
 4. ENG A2 – CROSSOVER CHANGE [TSD-R09][5.5m WIDE].
 5. ENG A5 – SEALED CAR PARKING.
 6. ENG A7 – REDUNDANT CROSSOVER.
 7. ENG S1 – INFRASTRUCTURE REPAIR.
 8. ENG S2 – SERVICES.
 9. ENG S4 – STORMWATER CONNECTION.
 10. ENG M1 – DESIGNS DA.
 11. ENG M3 – GARBAGE FACILITIES.
 12. ENG M8 –EASEMENTS.

13. All stormwater run-off from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council's Group Manager Asset Management for approval prior to the issue of a building or plumbing permit. This report is to include the maintenance management regime/replacement requirements for the treatment facility.
 14. The development must meet all required Conditions of Approval specified by TasWater notice dated 21 March 2017 (TWDA 2017/00283-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

A planning permit was granted for the construction of 2 Multiple Dwellings on 57 Clarence Street on 6 February 2013. The planning permit was extended for 2 years and subsequently expired on 6 February 2017.

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 prescribed in the General Residential Zone, Road and Rail Assets Code, Parking and Access Code and the Stormwater Management Code.
- 2.3. The relevant parts of the Planning Scheme are:
 - Section 8.10 – Determining Applications;
 - Section 10.4 – General Residential Zone;
 - Section E5.0 – Road and Rail 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 includes 3 properties known as 31 Beach Street, 57 and 61 Clarence Street, Bellerive. No 31 Beach Street is a 1,050m² “L” shaped allotment with frontage onto Beach Street. The lot contained a dilapidated weatherboard dwelling which received demolition approval in 2017. No 57 Clarence Street is an 817m² rectangular shaped allotment within frontage onto Clarence Street. The lot is developed with a single storey dwelling and numerous outbuildings to the rear. Lastly, 61 Clarence Street is a 2,162m² irregular shaped lot with frontage onto Clarence Street. The lot contains a single storey dwelling and outbuilding near the road frontage and contains a large undeveloped area to the rear which adjoins 31 Beach Street.

The surrounding area is similarly zoned General Residential containing a number of Single and Multiple Dwelling developments. Bellerive Oval is located approximately 60m to the west of the site.

3.2. The Proposal

Boundary Adjustment

The proposal involves 2 parts. Firstly, it is proposed to undertake a boundary adjustment between all 3 properties so as to create a large lot to support the Multiple Dwelling proposal on 31 Beach Street. The boundary adjustment will involve the transfer of 354m² from 57 Clarence Street to 31 Beach Street along with 1,639m² being transferred from 61 Clarence Street to 31 Beach Street. In order to facilitate the boundary adjustment, the existing sheds located to the rear of 57 and 61 Clarence Street would be demolished.

The boundary adjustment will increase the land area of 31 Beach Street from 1,050m² to 3,090m². The lot size complies with the maximum lot size requirements of the zone in that the lot has been designated for a Multiple Dwelling development.

Nine Multiple Dwellings

The second component of the application involves the construction of 9 new Multiple Dwellings within the modified boundaries of 31 Beach Street.

The multiple dwellings would be accessed via a shared driveway extending from Beach Street and would be arranged around the perimeter of the site with access provided via a centrally located shared carriageway diverting to the north to provide access to House 4 and 9.

The multiple dwellings would vary in design with the exception of House 1 and 2 and House 4, 5 and 6 which have identical floor layouts. All 9 Multiple Dwellings would be 2 storey with the ground level providing bedroom and garage facilities and the upper levels providing open plan living space. All would be clad with rendered blockwork, “Scyon stria” cement sheeting and “Designer onyx” cladding. House 1 and 2 would have flat roof profiles.

Proposed House 1 and 2 would have a floor area of 210m² and would reach a maximum height of 5.73m above natural ground level.

House 3 would have a floor area of 210m² and would reach a maximum height of 6.2m above natural ground level. A 6m long by 1.8m wide upper level deck is proposed to extend from the southern elevation of the building.

House 4, 5 and 6 would have a floor area of 198m² and would reach a maximum height of 6.3m above natural ground level. A 6m long by 1.8m wide upper level deck is proposed to extend from the southern elevation of the House 4 and from the western elevation of House 5 and 6.

House 7 would have a floor area of 245m² and would reach a maximum height of 6.93m above natural ground level. A small upper level deck is proposed to extend from the south-western elevation of the building.

House 8 would have a floor area of 210m² and would reach a maximum height of 6.59m above natural ground level. A small upper level deck is proposed to extend from the south-western elevation of the building.

House 9 would have a floor area of 212m² and would reach a maximum height of 7.001m above natural ground level. A 4m long by 2.1m wide upper level deck is proposed to extend from the southern elevation of the building.

New front fencing is proposed along the Beach Street road frontage and would consist of 1.2m high masonry fence with timber slats extending to a height of 1.8m offering a transparency of 30%. An automatic gate inset 5.5m from the front boundary would provide secure access to the site.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by ss51(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”.

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes – Boundary Adjustment and Existing Single Dwellings

The proposal involves an adjustment between the boundaries of 31 Beach Street and 57 and 61 Clarence Street to provide a large developable lot. The boundary adjustment would result in a significant change to the relative size and shape of each of the lots therefore is not capable of consideration as a permitted boundary adjustment under Clause 9.3.1.

The boundary adjustment is therefore required to be assessed under the subdivision standards applicable to the General Residential Zone.

The proposed boundary adjustment meets the Scheme's relevant Acceptable Solutions of the General Residential Zone, Road and Rail Access Code, Parking and Access Code and Stormwater Codes with the exception of the following.

General Residential Zone – Subdivision Standards

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.6.3 A1	Public open space	No acceptable solution	The provision of physical public open space or the payment of cash-in-lieu of the provision of physical public open space is not proposed as the proposal would not result in any increase in the number of lots.

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

Performance Criteria	Comment
<i>“P1 The arrangement of ways and public open space within a subdivision must satisfy all of the following:</i>	See below
<i>a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</i>	The provision of physical open space is not proposed, meaning that (a) to (g) inclusive and (i) are not relevant; and

b) <i>connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</i>	Not applicable
c) <i>connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</i>	Not applicable
d) <i>convenient access to local shops, community facilities, public open space and public transport routes is provided;</i>	Not applicable
e) <i>new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</i>	Not applicable
f) <i>provides for a legible movement network;</i>	Not applicable
g) <i>the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;</i>	Not applicable
h) <i>Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.</i>	No new lots are proposed therefore the demand for public open space would not increase as a result of the proposal. Council's Public Open Space Policy recognises this approach.
i) <i>new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</i> (i) <i>the width of the way;</i> (ii) <i>the length of the way;</i> (iii) <i>landscaping within the way;</i> (iv) <i>lighting;</i> (v) <i>provision of opportunities for 'loitering';</i> (vi) <i>the shape of the way (avoiding bends, corners or other opportunities for concealment)".</i>	Not applicable

General Residential Zone – Development Standards

Clause	Standard	Acceptable Solution	Proposed
10.4.2 A3	Building Envelope – Side and Rear Building Setbacks	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p>	<p>Complies</p> <p>Complies</p> <p>The proposed boundary adjustment between 57 Clarence Street and 31 Beach Street would result in the new boundary separating these 2 properties being located 0.4m directly to the south of the existing outbuilding which is intended to be retained. The outbuilding exceeds 2.4m in height therefore is not excluded from the building envelope requirement.</p> <p>Not applicable</p>

		(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).	
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The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.2 as follows.

Performance Criteria	Comment
“P3 <i>The siting and scale of a dwelling must:</i> <i>(a) not cause unreasonable loss of amenity:</i>	See below
<i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i>	The proposed outbuilding on 57 Clarence Street has a short wall length adjoining the newly formed boundary with 31 Beach Street and maintains a low roofing profile. The outbuilding would be located to the north of the ground level garage associated with proposed House 9 and with all main habitable room windows located on the upper level. The proximity of the existing outbuilding to the adjusted property boundary is therefore not expected to result in any overshadowing impacts to the habitable room windows associated with House 9 to the south.
<i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i>	The private open space associated with proposed House 9 is off-set to the west of the existing outbuilding therefore is not expected to cause any unreasonable loss of sunlight to the private open space associated with the proposed adjoining dwelling.
<i>(iii) overshadowing of an adjoining vacant lot; or</i>	Not applicable
<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	The outbuilding is not expected to have any negative visual impacts given it is presently existing and maintains a low height profile.

<i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i>	Not applicable – the proposed outbuilding forms a standalone structure detached from the dwelling. Nevertheless, the proposed outbuilding would maintain a comparable setback to other outbuildings in the surrounding area contained within the rear setback.
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4.3. Compliance with Zone and Codes – Multiple Dwelling Development

The proposed boundary adjustment meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone, Road and Rail Access Code, Parking and Access Code and Stormwater Codes with the exception of the following.

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.2 A3	Building Envelope – Side and Rear Building Setbacks	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p>	<p>Non-compliance - The proposed multiple dwelling development results in the following building envelope variations as shown on the plans in Attachment 2:</p> <p>House 1: The northern elevation of the upper level of the dwelling and roof space would encroach the building envelope for a distance of 1.2m. The northern elevation of the dwelling would be located 1.4m from the northern side property boundary.</p> <p>House 2: The northern elevation of the upper level of the dwelling and roof space would encroach the building envelope for a distance of 1.2m. The northern elevation of the dwelling would be located 1.8m from the northern side property boundary.</p>

		<p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>House 4: The western elevation of the upper level of the dwelling and roof space would encroach the building envelope for 0.5m.</p> <p>In addition, the eastern elevation of the dwelling and roof space would encroach the building envelope for a distance of 2.1m. The dwelling would maintain a 2.75m setback from the western side property boundary and a 4m setback from the eastern rear property boundary.</p> <p>House 5: The eastern elevation of the upper level of the dwelling and roof space would encroach the building envelope for 0.9m. The eastern elevation of the dwelling would maintain a 6m separation from the eastern rear property boundary.</p> <p>House 6: The eastern elevation of the upper level of the dwelling and roof space would encroach the building envelope for 3m. The eastern elevation of the dwelling would maintain a 4m setback from the eastern rear property boundary.</p> <p>House 8: The western elevation of the upper level of the dwelling and roof space would encroach the building envelope for 1.1m.</p>
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			<p>The western elevation of the dwelling would maintain a 3.42m setback from the western side property boundary.</p> <p>House 9: The western elevation of the upper level of the dwelling and roof space would encroach the building envelope for a distance of 1.5m. The western elevation of the dwelling would maintain a 0.3m setback from the western side property boundary.</p> <p>Lastly, House 1 being located 1.4m from the northern side property boundary and having a wall length in excess of 9m, would not comply with A3(b).</p>
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The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.2 as follows.

Performance Criteria	Comment
<p><i>“P3</i> <i>The siting and scale of a dwelling must:</i> <i>(a) not cause unreasonable loss of amenity:</i></p>	See below
<p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p>	<p>The building envelope encroachment associated with Houses 1 and 2 would not cause any loss of sunlight to the habitable room windows of a dwelling on an adjoining lot as both of these units are located directly to the south of the adjoining dwelling located upon 33 Beach Street.</p>

	<p>The building envelope encroachment associated with the western elevation of House 4 would not cause any loss of sunlight to the habitable room windows of the adjoining dwelling to the west as this adjoining dwelling is off-set to the north of the proposed unit. The building envelope encroachment associated with the eastern elevation of House 4 would not impact upon solar access to habitable room windows of a dwelling on the property to the east as that property is vacant.</p> <p>The building envelope encroachment associated with House 5 would not impact upon solar access to habitable room windows as the adjoining lot to the east is vacant.</p> <p>The building envelope encroachment associated with House 6 would not impact upon solar access to habitable room windows as the adjoining lot to the east is vacant.</p> <p>The building envelope encroachment associated with House 8 would not cause any loss of sunlight to the habitable room windows associated with the adjoining residence to the west at 29 Beach Street as both buildings would be off-set in excess of 30m.</p> <p>The building envelope encroachment associated with House 9 would not cause any unreasonable loss of sunlight to the habitable room windows associated with the adjoining residential properties to the east at 33 Beach Street and 55 Clarence Street due to the generous building separation and in the case of 55 Clarence Street, the location of the new building would be directly to the south.</p>
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<p>(ii) <i>overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>The building envelope encroachment associated with Houses 1 and 2 would not cause any loss of sunlight to the private open space of the adjoining dwelling on the adjoining lot to the north as the units are located directly to the south of the adjoining private open space associated with 33 Beach Street.</p> <p>The building envelope encroachment associated with the western elevation of House 4 would not unreasonably overshadow the private open space of the adjoining residence to the west as a large outbuilding separates the proposed unit from the usable private open space.</p> <p>Similarly, the encroachment associated with the eastern elevation of House 4 adjoins a vacant lot therefore would not impact upon solar access to private open space as it does not yet exist.</p> <p>The building envelope encroachment associated with House 5 would not impact upon solar access to private open space as the adjoining lot to the east is vacant.</p> <p>The building envelope encroachment associated with House 6 would not impact upon solar access to private open space as the adjoining lot to the east is vacant.</p> <p>The building envelope encroachment associated with House 8 is minor (1.1m of roof space) and part of which could be exempt as it forms an eave overhang. The proposed building is not likely to cause any unreasonable loss of sunlight to the immediately adjoining private open space associated with the adjoining dwelling to the west as the private open space is large and the more utilised area (containing a swimming pool) is located in excess of 10m from the proposed dwelling.</p>
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	<p>The building envelope encroachment associated with western elevation of House 9 is minor (0.3m) therefore is not expected to cause any unreasonable loss of sunlight to the private open space associated with the adjoining residential properties at 33 Beach Street and 55 Clarence Street when compared against a compliant building envelope location.</p>
<p><i>(iii) overshadowing of an adjoining vacant lot; or</i></p>	<p>The building envelope encroachment associated with the eastern elevation of Houses 4, 5 and 6 arises as this boundary is required to be treated as the rear boundary of modified 31 Beach Street. In reality, this boundary forms a side boundary to the adjoining vacant lot to the east known as 63a Clarence Street.</p> <p>If this boundary were treated as a side boundary, Houses 4, 5 and 6 would sit comfortably within the building envelope. The adjoining vacant lot is large and sufficiently wide to accommodate a multiple dwelling development alongside the eastern boundary as opposed to the western to optimise available sunlight. The location of Houses, 4, 5 and 6 is therefore not expected to result in any unreasonable loss of sunlight to the adjoining vacant lot.</p>
<p><i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i></p>	<p>The building envelope encroachments associated with Houses 1, 2, 8 and 9 are generally minor therefore would not give rise to the perception of excessive visual bulk when viewed from the adjoining properties. The most significant building envelope encroachments relate to the eastern elevations of Houses 4, 5 and 6 as the eastern boundary is treated as a rear boundary as opposed to a side boundary. In reality, this eastern boundary acts as a side boundary to 63a Clarence Street and the proposed setback would not appear excessively bulky for a side boundary.</p>

<p>(b) <i>provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i></p>	<p>The proposed boundary offsets are in keeping with the setbacks offered by the adjoining row of multiple dwelling developments to the south at 4 and 6 South Street and maintain a comparable side setback to the surrounding single dwelling developments. In this case the eastern property boundary associated with 61 Clarence Street forms the rear boundary of the site. The location of Units 4, 5 and 6 do not maintain the required rear setback however they do maintain consistency with the side setback offered by the adjoining properties to the north and south.</p>
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General Residential Zone

[illegible]

		<p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p> <p>(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and</p> <p>(f) has a gradient not steeper than 1 in 10; and</p> <p>(g) is not used for vehicle access or parking.</p>	<p>Houses 7 and 8 do not comply as the private open space is not directly accessible from a habitable room (other than a bedroom).</p> <p>House 8 does not comply as a portion of the private open space is located to the south-west of the dwelling.</p> <p>The private open space allocated to House 1 would be located between the dwelling and the frontage. The frontage is oriented 85 degrees west of north.</p> <p>Complies</p> <p>Complies</p>
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The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause 10.4.3 as follows.

Performance Criteria	
<p>“P2</p> <p><i>A dwelling must have private open space that:</i></p> <p><i>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</i></p>	See below

<p>(i) <i>conveniently located in relation to a living area of the dwelling; and</i></p>	<p>Houses 7 and 8 are each provided with upper level west facing decks of usable proportions to facilitate outdoor dining and entertaining in a directly accessible manner from the living space.</p> <p>Access to the ground level private open space (grassed/landscaped areas) would be accessible from the living area via a stairway and hallway room which is considered reasonable to facilitate access to outdoor services such as clothes drying facilities.</p> <p>The private open space is designed to wrap around the southern, western and northern elevations of these units with dimensions varying between 3-4m which is sufficiently wide to facilitate outdoor recreation including children's play.</p>
<p>(ii) <i>orientated to take advantage of sunlight</i>".</p>	<p>The decks and private open space for House 1, House 8 and House 9 will be capable of receiving morning and afternoon sunlight as a result of the compliant dwelling separation arrangement. The private open space has therefore been designed to take advantage of sunlight.</p>

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.4 A1	Sunlight and Overshadowing – Dwelling on Same Site	A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north.	The upper level living room windows associated with Houses 5 and 6 are oriented 82 degrees east of north.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.4 as follows.

Performance Criteria	Comment
<i>“P1 – A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom)”.</i>	The upper level living room windows are west facing and will be capable of receiving direct sunlight from 12pm on 21 June (Winter Solstice). The windows have therefore been designed to take advantage of available sunlight.

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.6 A1	Privacy for all dwellings	<p>A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m:</p>	<p>The upper level south facing deck associated with House 4 is located 4.5m from the private open space associated with House 3.</p> <p>The west facing upper level deck associated with House 6 is located 2m from the south facing living room window associated with House 5 located to the north.</p> <p>Screening along the northern elevation of the deck is proposed to a height of 2m above the finished surface level of the deck however the transparency details for the screening have not been detailed.</p>

		<p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</p>	
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The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.6 as follows.

Performance Criteria	Comment
<i>“P1- A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed to minimise overlooking of:</i>	See below
<i>(a) A dwelling on an adjoining lot or its private open space; or</i>	The discretions relate to the protection of privacy internally as opposed to externally.
<i>(b) Another dwelling on the same site or its private open space; or</i>	<p>The location of the upper level deck associated with House 4 would be within a close proximity to, and elevated above the private open space associated with House 3.</p> <p>In the interests of protecting the privacy of the adjoining private open space, it is considered necessary to require screening along the full length of the western elevation of the deck and returning for a distance of 1m along the southern elevation of the deck. This will obstruct views from the south-western corner of the deck to the adjoining private open space.</p>

	In the interests of protecting the privacy of the living space associated with House 5, it is considered necessary to require the screen along the northern elevation of the upper level deck of House 6 to have a uniform transparency of no more than 25% to a height of 1.7m above the finished surface level of the deck.
(c) <i>An adjoining vacant residential lot</i> ".	Not applicable

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.6 A2	Privacy for all dwellings	<p>A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1 m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b):</p> <p>(a) The window or glazed door:</p> <p>(i) is to have a setback of at least 3m from a side boundary; and</p> <p>(ii) is to have a setback of at least 4m from a rear boundary; and</p> <p>(iii) if the dwelling is a multiple dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</p> <p>(iv) if the dwelling is a multiple dwelling, is to be at least 6m from the private open space of another dwelling on the same site.</p>	<p>The west facing upper level dining room window of House 9 is located 2.4m from the western side boundary with 33 Beach Street.</p> <p>In addition, the west facing upper level kitchen window of House 7 would be located 4m from the lower level east facing bedroom window of House 8.</p>

		<p>(b) The window or glazed door:</p> <p>(i) is to be off-set, in the horizontal plane, at least 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; or</p> <p>(ii) is to have a sill height of at least 1.7m above the floor level or has fixed obscure glazing extending to a height of at least 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of at least 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	
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The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause 10.4.6 as follows.

Performance Criteria	Comment
<i>“P1- A window or glazed door, to a habitable room of a dwelling, that has a floor level more than 1m above the natural ground level, must be screened, or otherwise located or designed, to minimise direct views to:</i>	See below

(a) <i>Window or glazed door, to a habitable room of another dwelling; and</i>	The applicant has designed the kitchen and bedroom windows facing one another for Houses 7 and 8 such that the bedroom window includes obscure glazing. This is a deliberate design response to minimise direct views between these 2 windows.
(b) <i>The private open space of another dwelling; and</i>	The west facing upper level dining room window of House 9 has the potential to overlook the private open space of 33 Beach Street. It is considered necessary for this window to be modified to prevent direct overlooking into the private open space of this adjoining residential property through the use of obscure glazing to a height of at least 1.7m above the floor level of this window.
(c) <i>An adjoining vacant residential lot”.</i>	Not applicable

Road and Railway Asset Code

Clause	Standard	Acceptable Solution	Proposed
E5.5.1 A3	Existing road accesses and junctions	The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.	The proposal is for 9 new units which will generate 90 vehicle movements per day.

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

Performance Criteria	Comment
<p><i>“P3 - Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</i></p> <p><i>(a) the increase in traffic caused by the use;</i></p> <p><i>(b) the nature of the traffic generated by the use;</i></p> <p><i>(c) the nature and efficiency of the access or the junction;</i></p> <p><i>(d) the nature and category of the road;</i></p> <p><i>(e) the speed limit and traffic flow of the road;</i></p> <p><i>(f) any alternative access to a road;</i></p> <p><i>(g) the need for the use;</i></p> <p><i>(h) any traffic impact assessment; and</i></p> <p><i>(i) any written advice received from the road authority”.</i></p>	<p>Council’s Development Engineers have assessed the access arrangements for the site and consider that the development will meet all relevant Australian Standards for the location and design of the access which will ensure that the development will not have an unreasonable impact on the efficiency of the road.</p>

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. Loss of Privacy

Concern is raised that the design of the windows and decks associated with House 1, House 2 and House 9 will result in the overlooking of the private open space (backyard) associated with the directly adjoining residential property to the north known as 33 Beach Street.

- **Comment**

The habitable room windows and decks associated with House 1 and 2 have been designed to comply with the privacy standards associated with Acceptable Solution 10.4.6 A1 and A2 of the Scheme. The design of these buildings is therefore not expected to result in any unacceptable overlooking effect.

House 9 includes a west facing upper level dining room window within 3m of the side boundary with 33 Beach Street. It has been acknowledged earlier in this report that this window will require redesigning to prevent direct overlooking into the private open space of the adjoining residential property through the use of obscure glazing to a height of at least 1.7m above the floor level of this window.

5.2. Dwelling Density

Concern was raised that the density of the proposed units is too high and not in accordance with the prevailing character in the surrounding area.

- **Comment**

The development meets the Acceptable Solution of the Scheme regarding density as a site area of 343m² per multiple dwelling is proposed. Accordingly, the issue cannot have determining weight.

5.3. Overshadowing

Concern was raised that the development will result in overshadowing to the adjoining properties.

- **Comment**

The overshadowing impacts of the proposed development have been considered previously within this report whereby it was considered that the proposal would not result in any unreasonable overshadowing impacts upon the habitable room windows or private open space of adjoining dwellings and adjoining vacant lots.

5.4. Impact on Property Values

Concern was raised that the development will result in a loss of property values in the area.

- **Comment**

This issue is not a relevant planning consideration.

5.5. Lack of Detail on External Materials

Concern was raised that the plans do not include details on the composition and finish of the units.

- **Comment**

The elevation plans include dimensions and details on the various external cladding materials.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

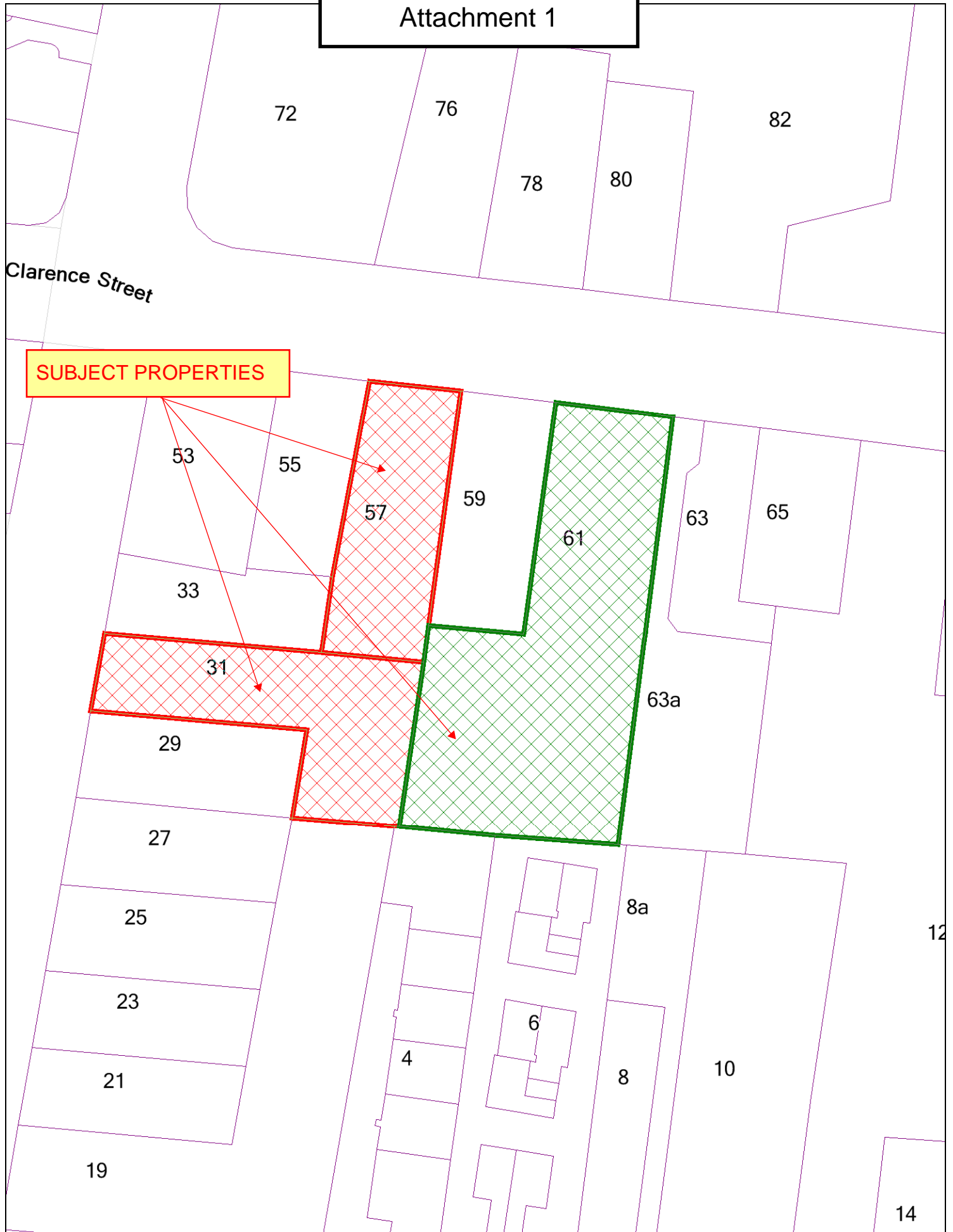
9. CONCLUSION

The proposal seeks approval for a boundary adjustment retaining the 2 existing single dwellings and creation of a larger lot for 9 Multiple Dwellings at 31 Beach Street, 57 and 61 Clarence Street, Bellerive. The application meets the relevant acceptable solutions and performance criteria of the Scheme and is accordingly recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plan (27)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1




Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 6 April 2017 **Scale:** 1:834.9 @A4

PLANNING APPLICATION

TOTAL LAND AREA: 3090m²
PROPOSED HOUSE AREA: 1914m²

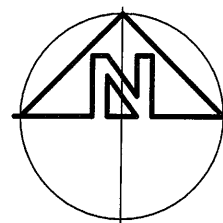
TOTAL SITE COVERAGE: 1339m²
PLOT RATIO: 43%

 DALLAS WILSON DESIGN DRAFTING	SCALE:	PAGE 1 OF 23 PAGES	PROPOSED HOUSES 31 BEACH ST BELERIVE For KINGLOC HOLDINGS
	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 14/2/17	DWG No: COOP-B-05	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			

AREAS FREE FROM IMPERVIOUS SURFACES

56 CLARENCE ST	111.8m ²
61 CLARENCE ST	134m ²
HOUSE 1	70m ²
HOUSE 2	129m ²
HOUSE 3	95m ²
HOUSE 4	136m ²
HOUSE 5	85m ²
HOUSE 6	154m ²
HOUSE 7	162m ²
HOUSE 8	136m ²
HOUSE 9	128m ²

TOTAL 1341.8m²



SITE PLAN

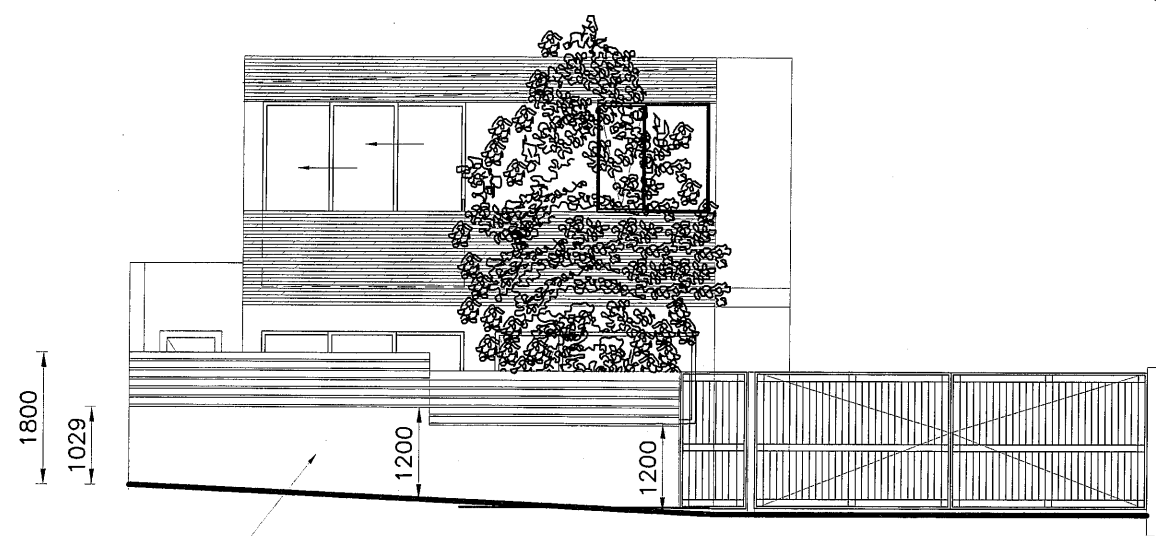
1:500

BEACH ST
LETTERBOXES

BALANCE OF CT 76759/2
ALAN & JANENE DAVIS
OWNERS 463m²

BALANCE OF
61 CLARENCE ST
CT 33598/3
PETER JACKMAN OWNER
523m²

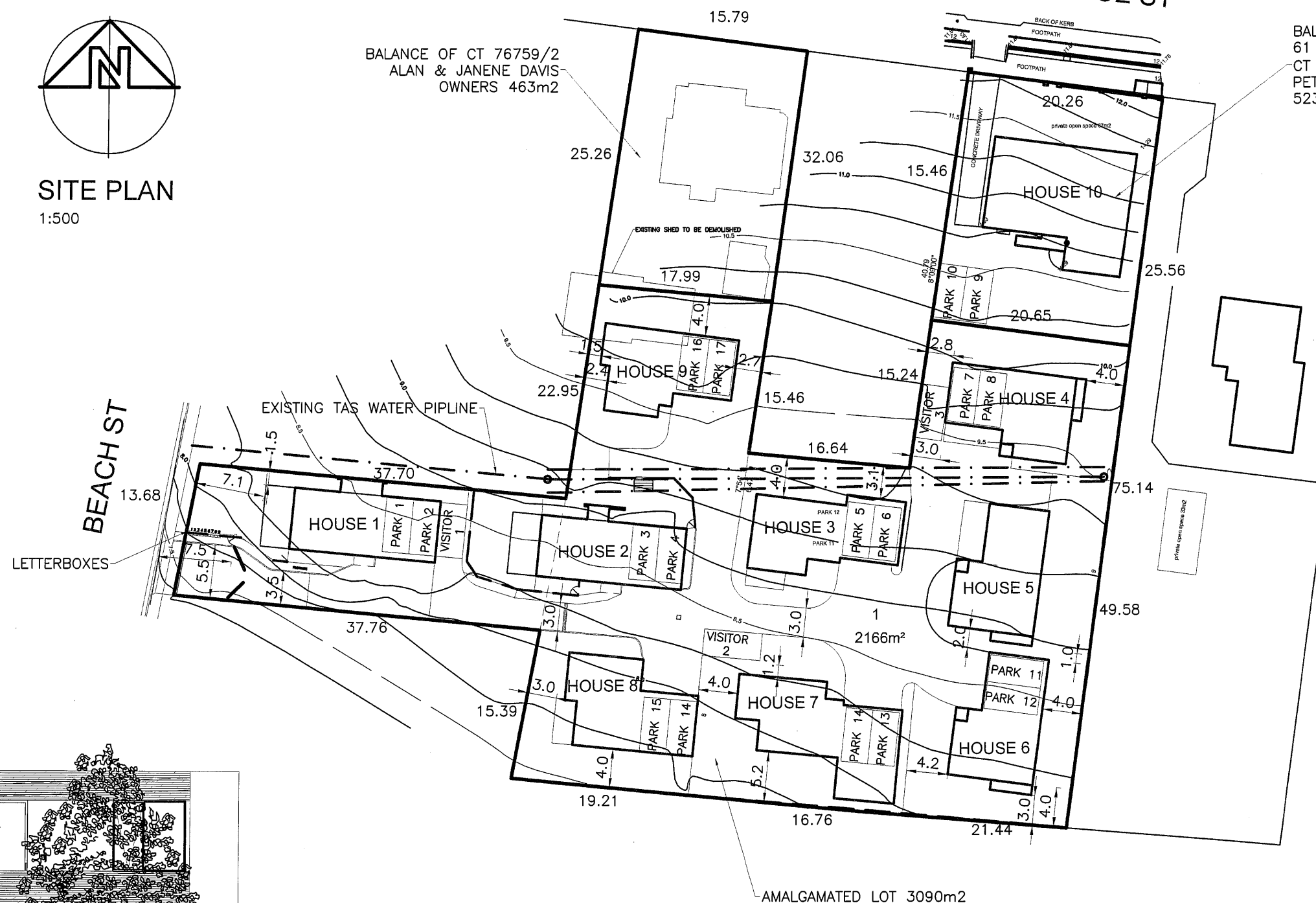
CLARENCE ST



MASONRY FENCE TO
1200 HIGH, SLATS ABOVE
30% TRANSPARENCY.

STREET VIEW

1:100



DALLAS WILSON DESIGN DRAFTING

SCALE:

DESIGNED: DALLAS WILSON

DATE: 14/2/17

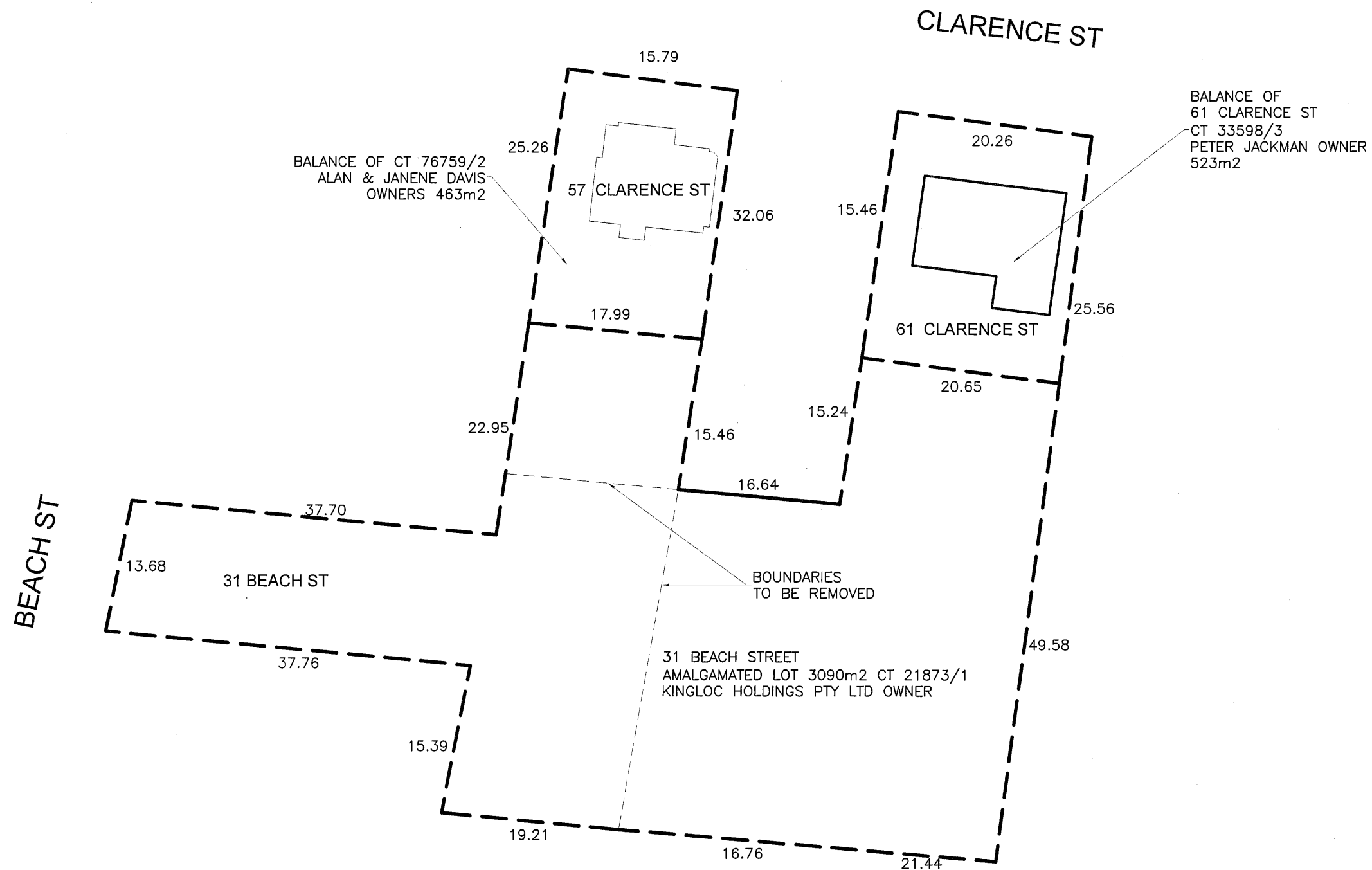
PAGE 3 OF 23 PAGES

DRAWN: DALLAS WILSON


DWG No: COOP-B-05

PROPOSED HOUSES
31 BEACH ST
BELERIVE
For KINGLOC HOLDINGS

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

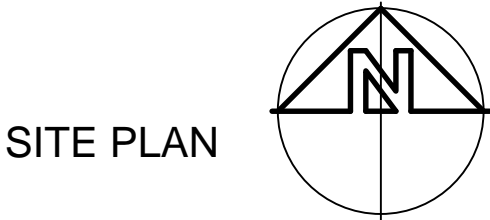


PROPOSED BOUNDARY ADJUSTMENT

 DALLAS WILSON DESIGN DRAFTING	SCALE:	PAGE 1 OF 1 PAGE	56 & 61 CLARENCE ST & 31 BEACH ST BELERIVE For A & J DAVIS. P.JACKMAN & KINGLOC HOLDINGS PTY LTD
	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 25/2/17	DWG No: COOP-B-05 D	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			

<p>LEVEL DATUM ARBITRARY ALL BOUNDARIES & ADJACENT OFFSETS ARE SUBJECT TO ON-SITE CONFIRMATION BY A LICENCED SURVEYOR</p> <p>ALL WORK TO BE CONSTRUCTED IN ACCORDANCE WITH AUSTRALIAN STANDARDS AND ANY BY-LAWS THAT MAY APPLY.</p> <p>CONTRACTORS TO CONFIRM WITH DESIGNER ALL AREAS & DIMENSIONS & LEVELS PRIOR TO COMMENCING ANY WORK.</p> <p>THESE PLANS HAVE BEEN PREPARED FOR THE PURPOSE OF OBTAINING APPROVAL FROM THE RELEVANT AUTHORITIES AND ARE SUBJECT TO THAT APPROVAL.</p> <p>DO NOT SCALE.</p> <p>SMOKE ALARMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA</p> <p>ALL GLAZING TO COMPLY WITH AUSTRALIAN STANDARDS. A.S.1288</p> <p>STAIRS ARE TO CONFORM TO THE B.C.A..</p> <p>ALL EXTERNAL DOORS & WINDOWS TO COMPLY WITH BCA 3.12.3.3</p>		
REV	DATE	DETAIL
-	-	-

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



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

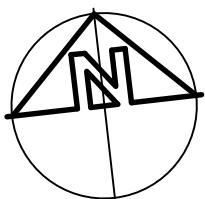
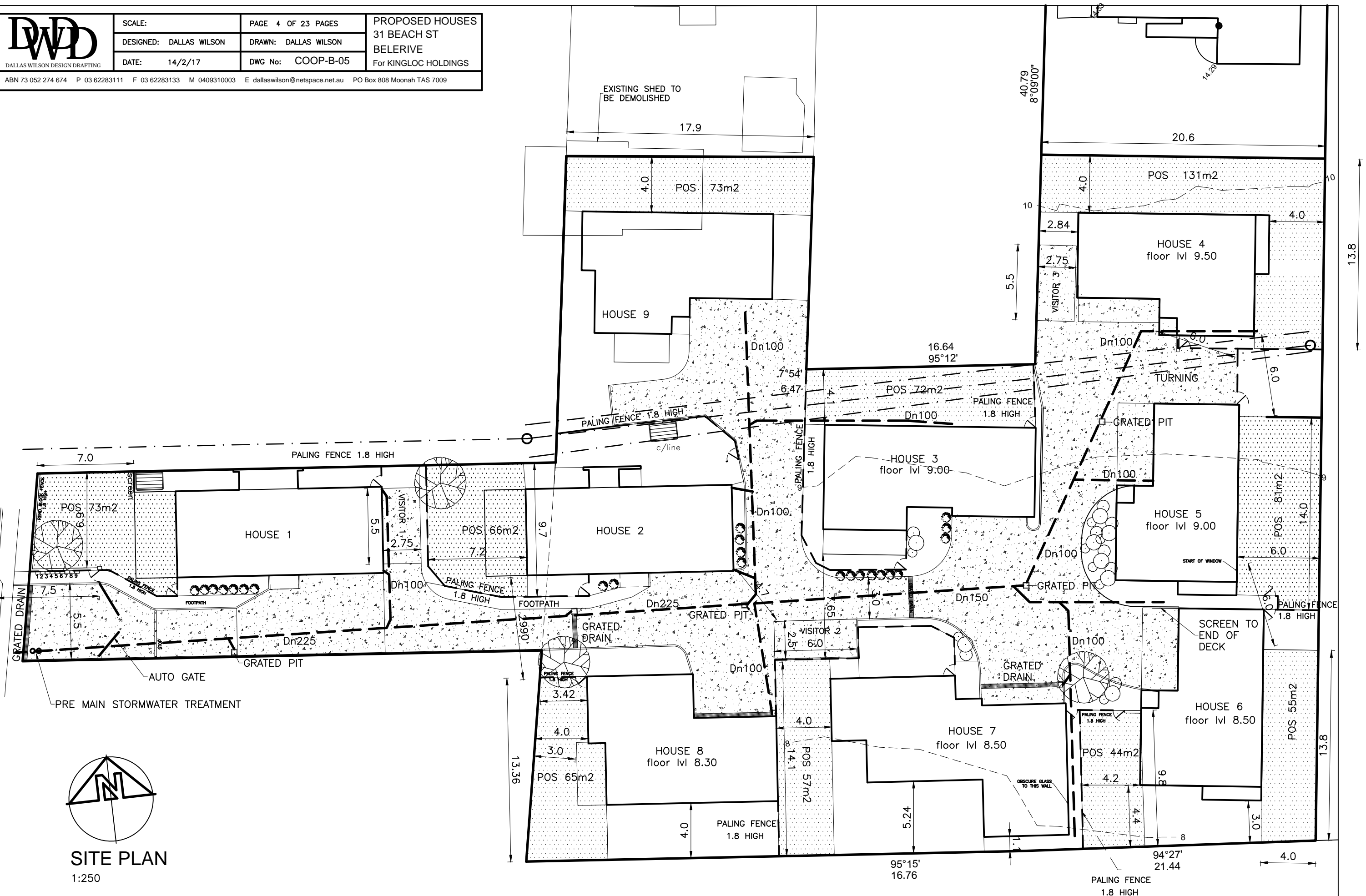
SCALE:	PAGE 2 OF 23 PAGES
DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON
DATE: 14/2/17	DWG No: COOP-B-05

PROPOSED HOUSES
31 BEACH ST
BELERIVE
For KINGLOC HOLDINGS



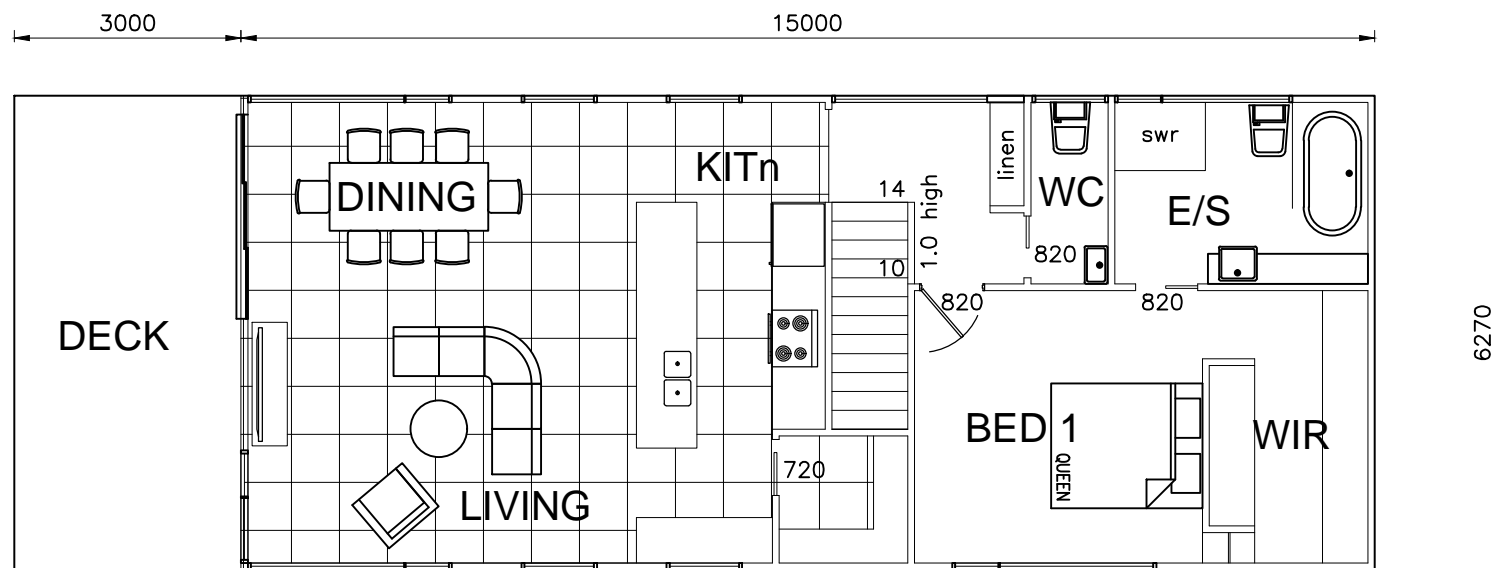
SCALE:	PAGE 4 OF 23 PAGES	PROPOSED HOUSES
DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	31 BEACH ST
DATE: 14/2/17	DWG No: COOP-B-05	BELERIVE
		For KINGLOC HOLDINGS

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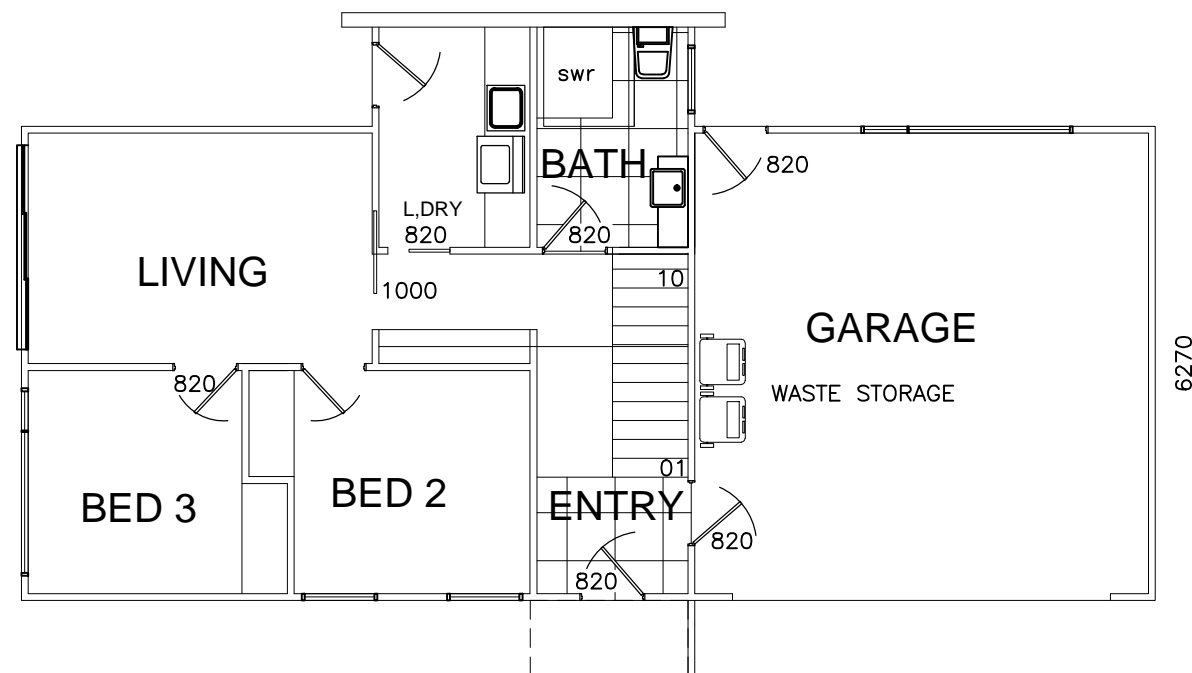
SITE PLAN

1:250



UPPER FLOOR PLAN 112m2


1:100

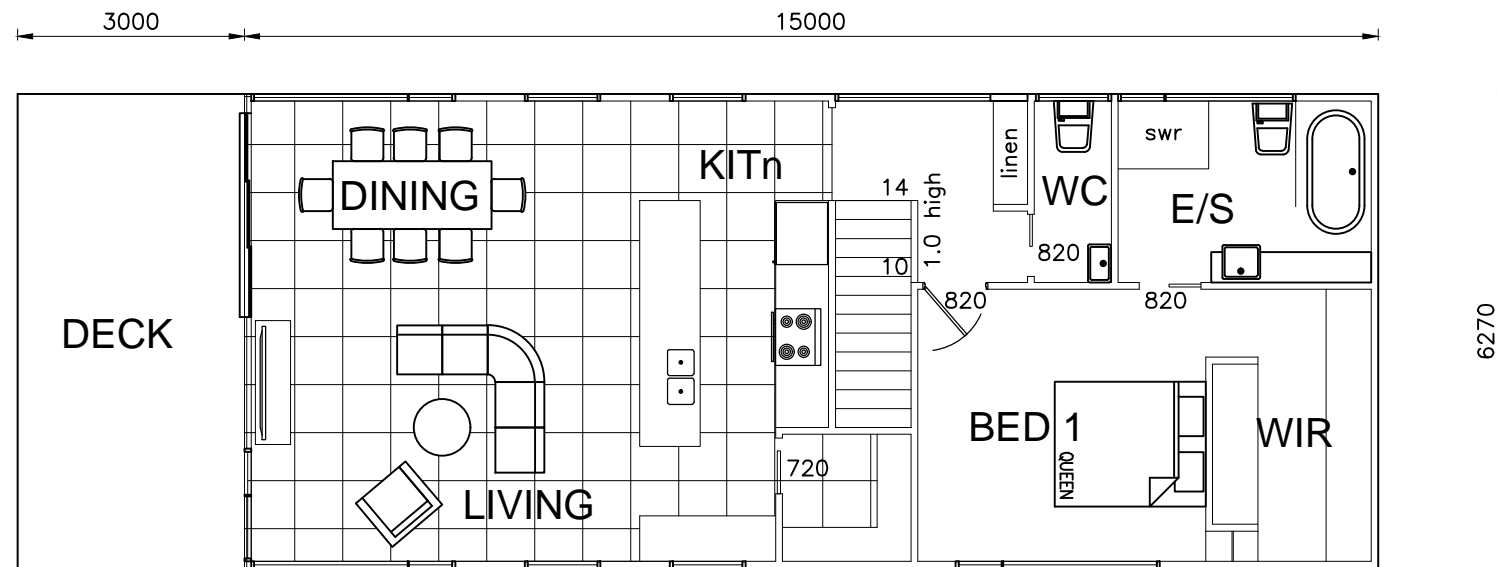


LOWER FLOOR PLAN 98m2

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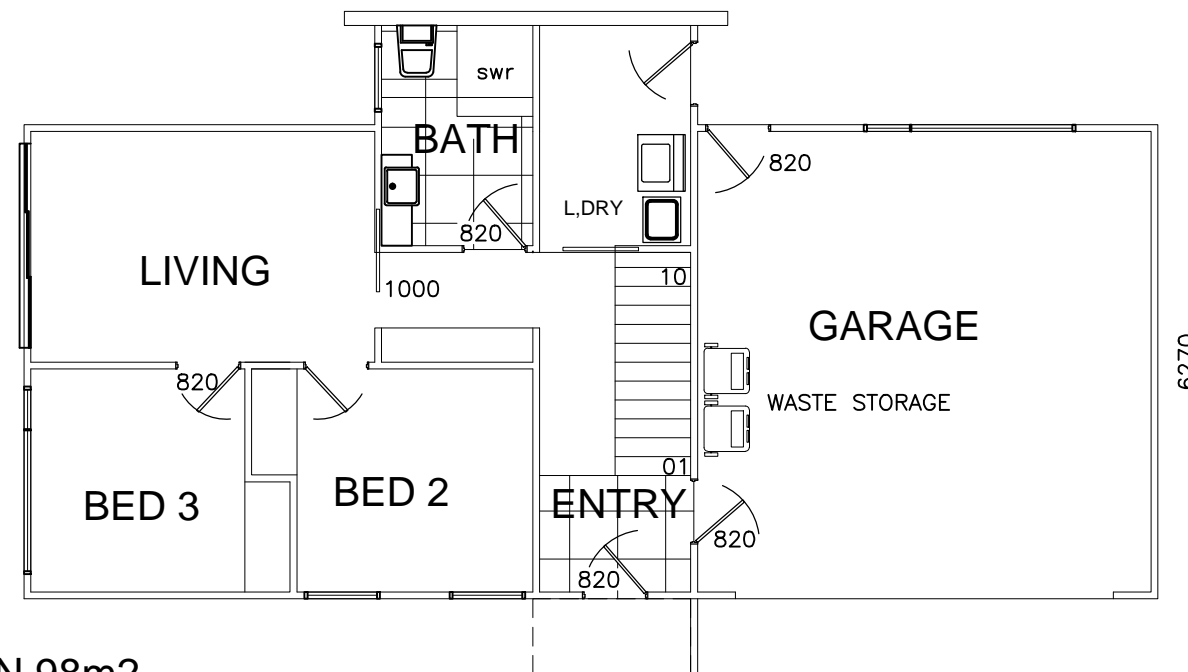
HOUSE 1

 DALLAS WILSON DESIGN DRAFTING	SCALE:	PAGE 5 OF 23 PAGES	PROPOSED HOUSES 31 BEACH ST BELERIVE For KINGLOC HOLDINGS
	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 14/2/17	DWG No: COOP-B-05	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			



UPPER FLOOR PLAN 112m2


1:100

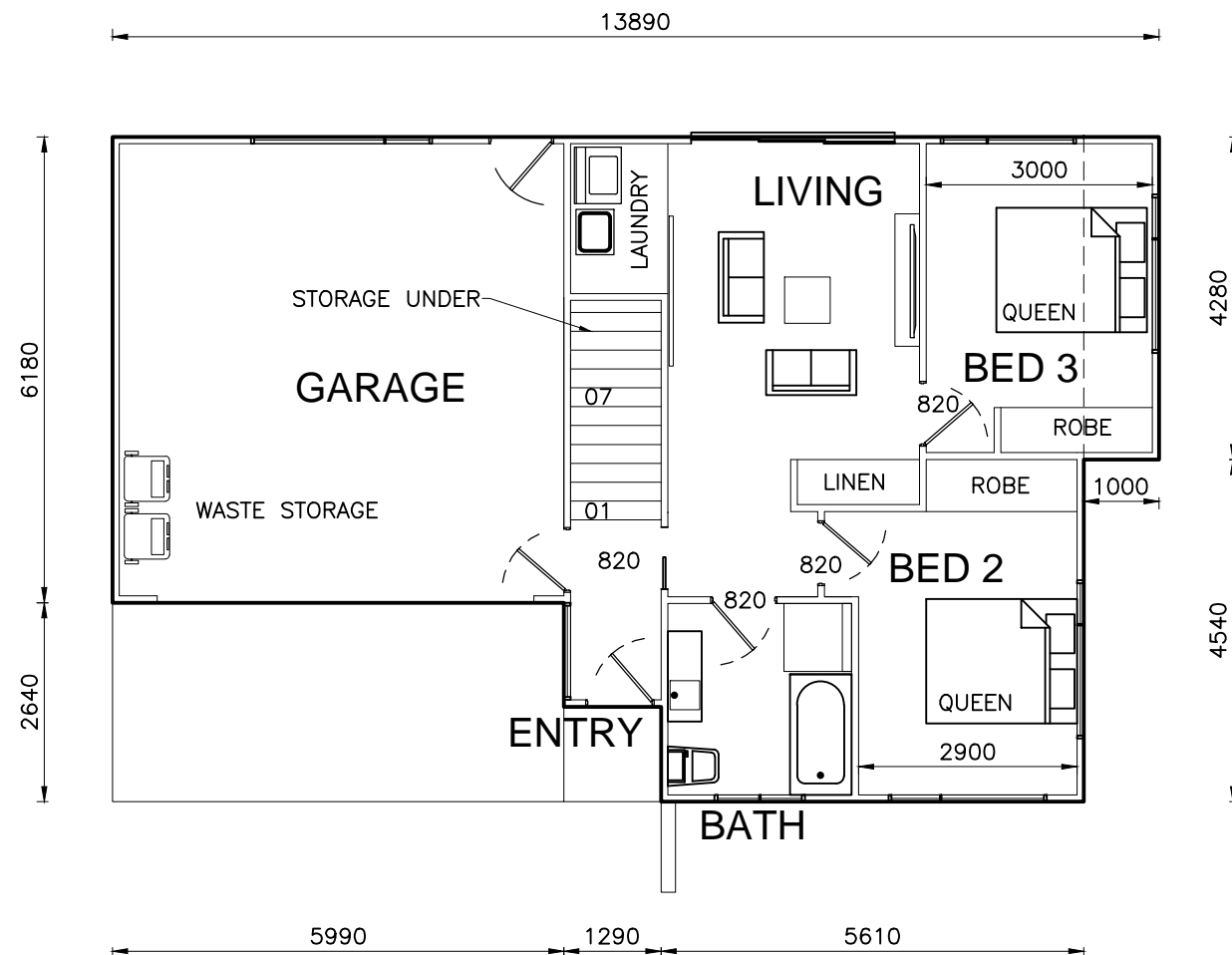


LOWER FLOOR PLAN 98m2

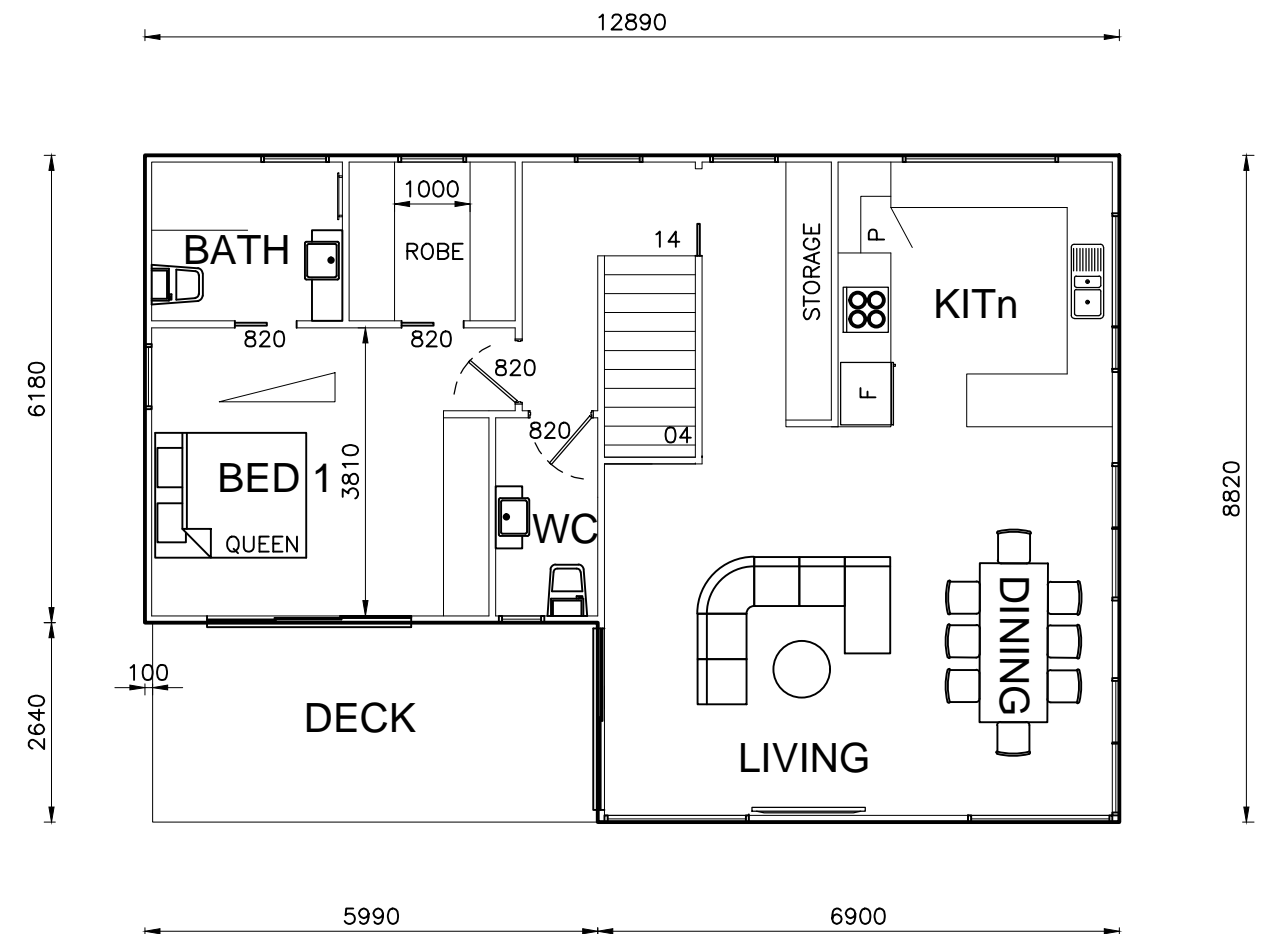
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HOUSE 2

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	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 14/2/17	DWG No: COOP-B-05	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			




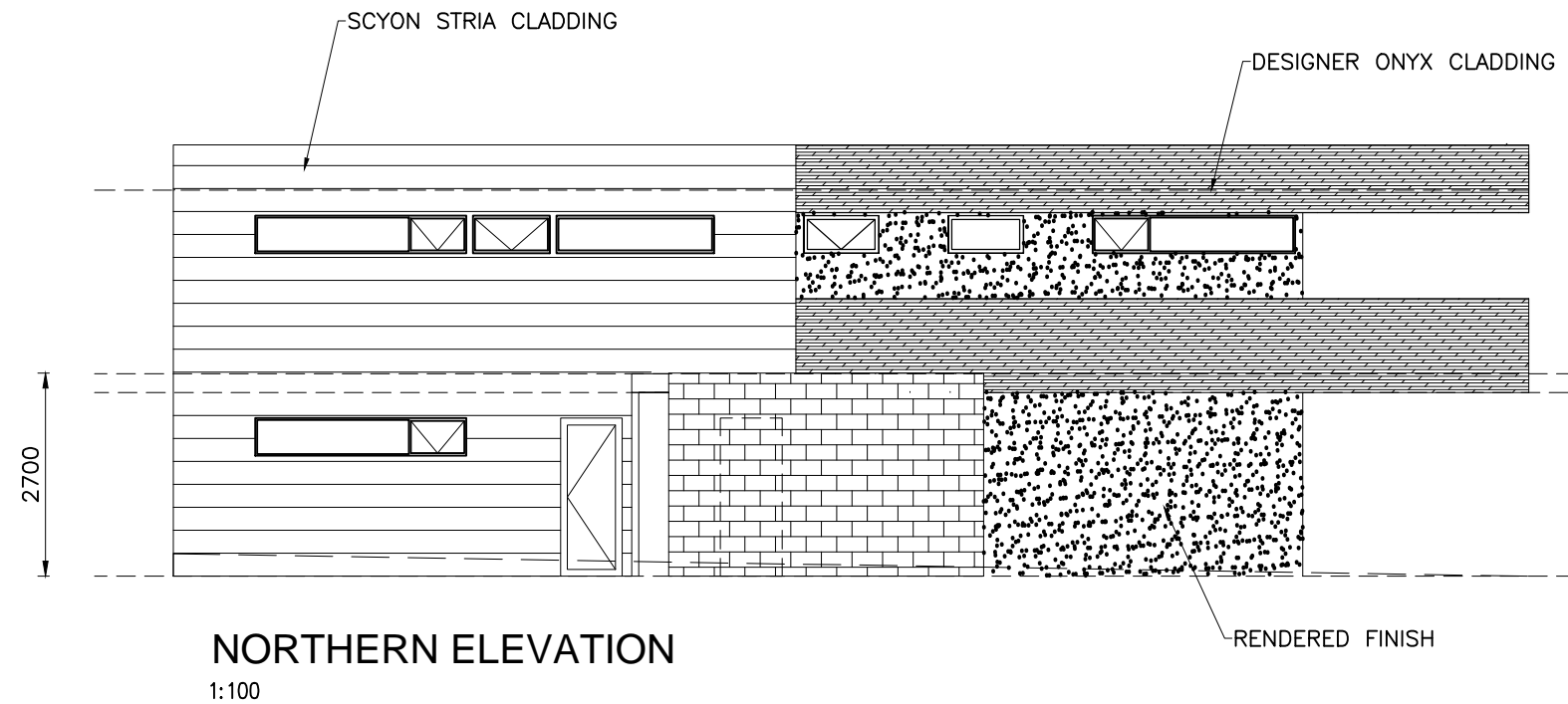
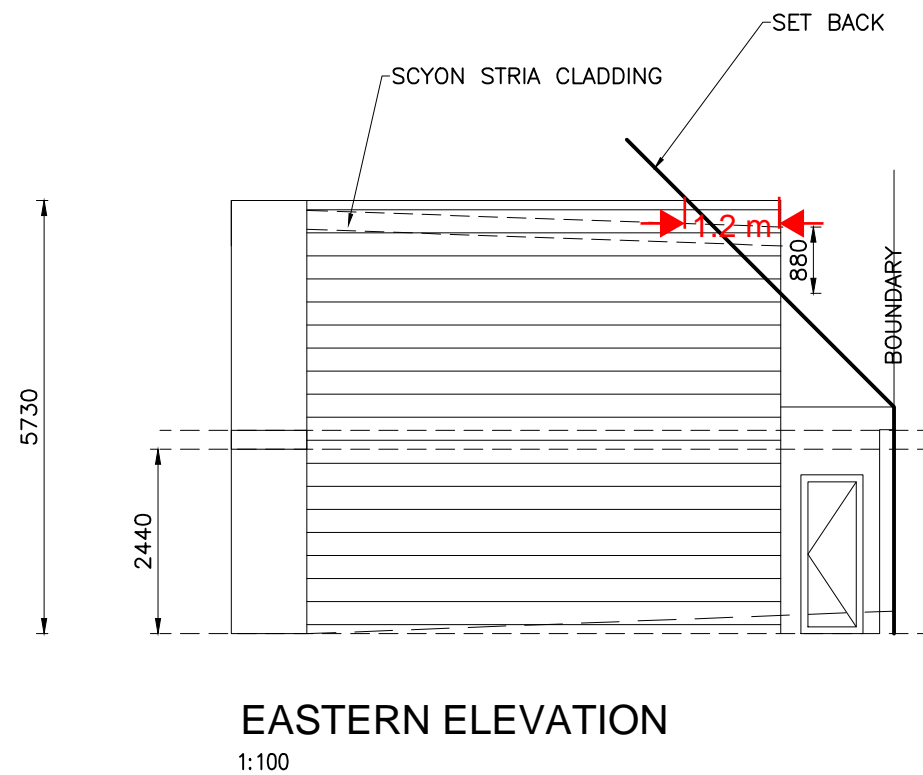
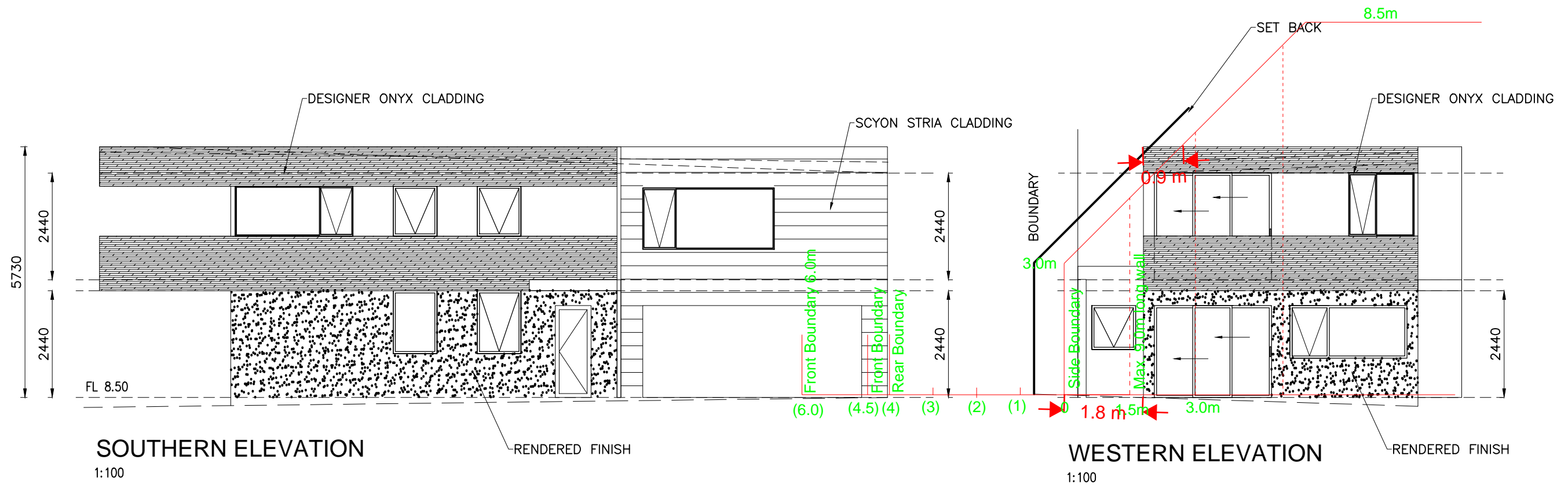
LOWER FLOOR PLAN 100m2
1:100




UPPER FLOOR PLAN 98m2
1:100

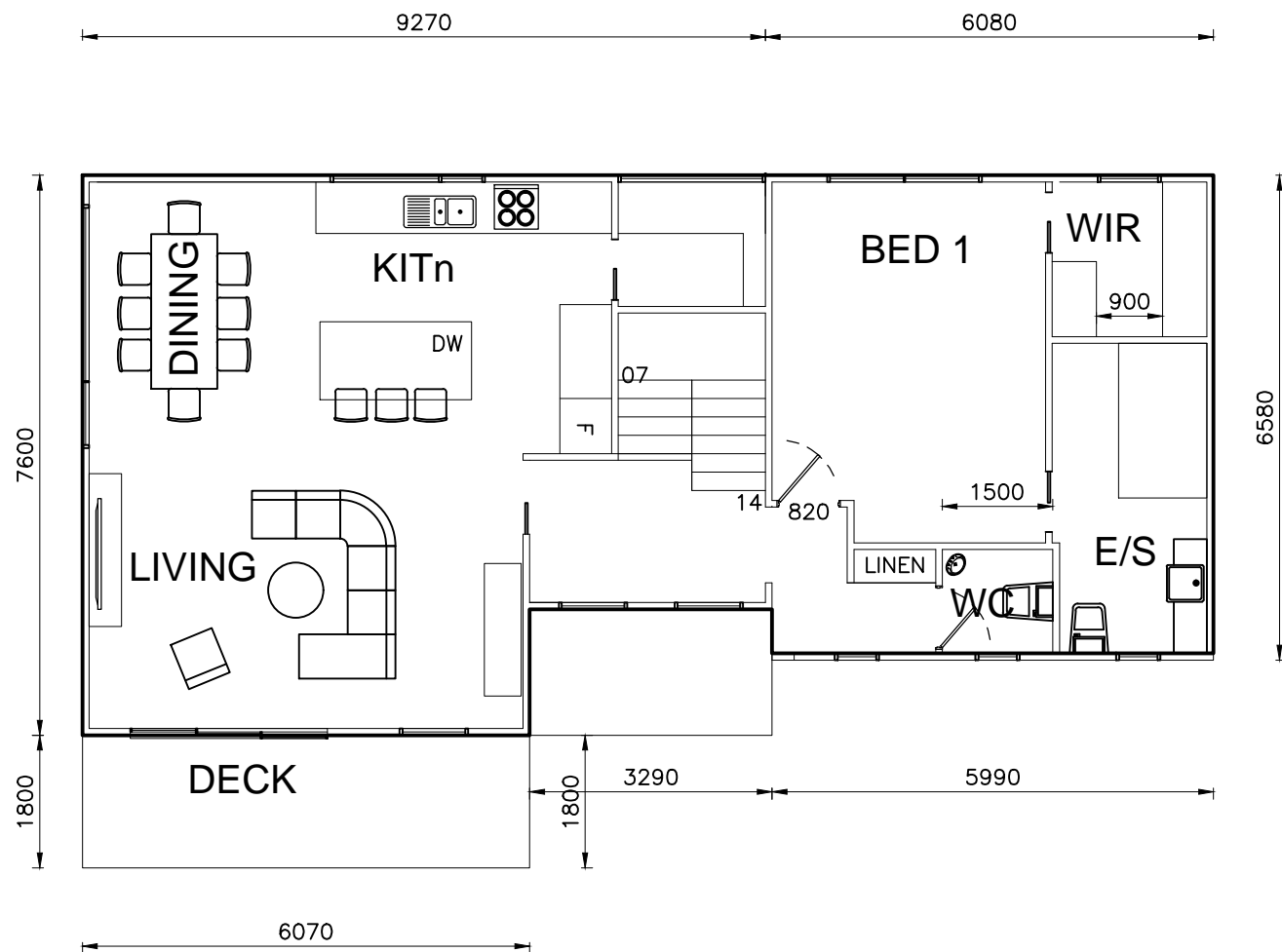
HOUSE 4

 DALLAS WILSON DESIGN DRAFTING	SCALE:	PAGE 11 OF 23 PAGES	PROPOSED HOUSES 31 BEACH ST BELERIVE For KINGLOC HOLDINGS
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	DATE: 14/2/17	DWG No: COOP-B-05	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			

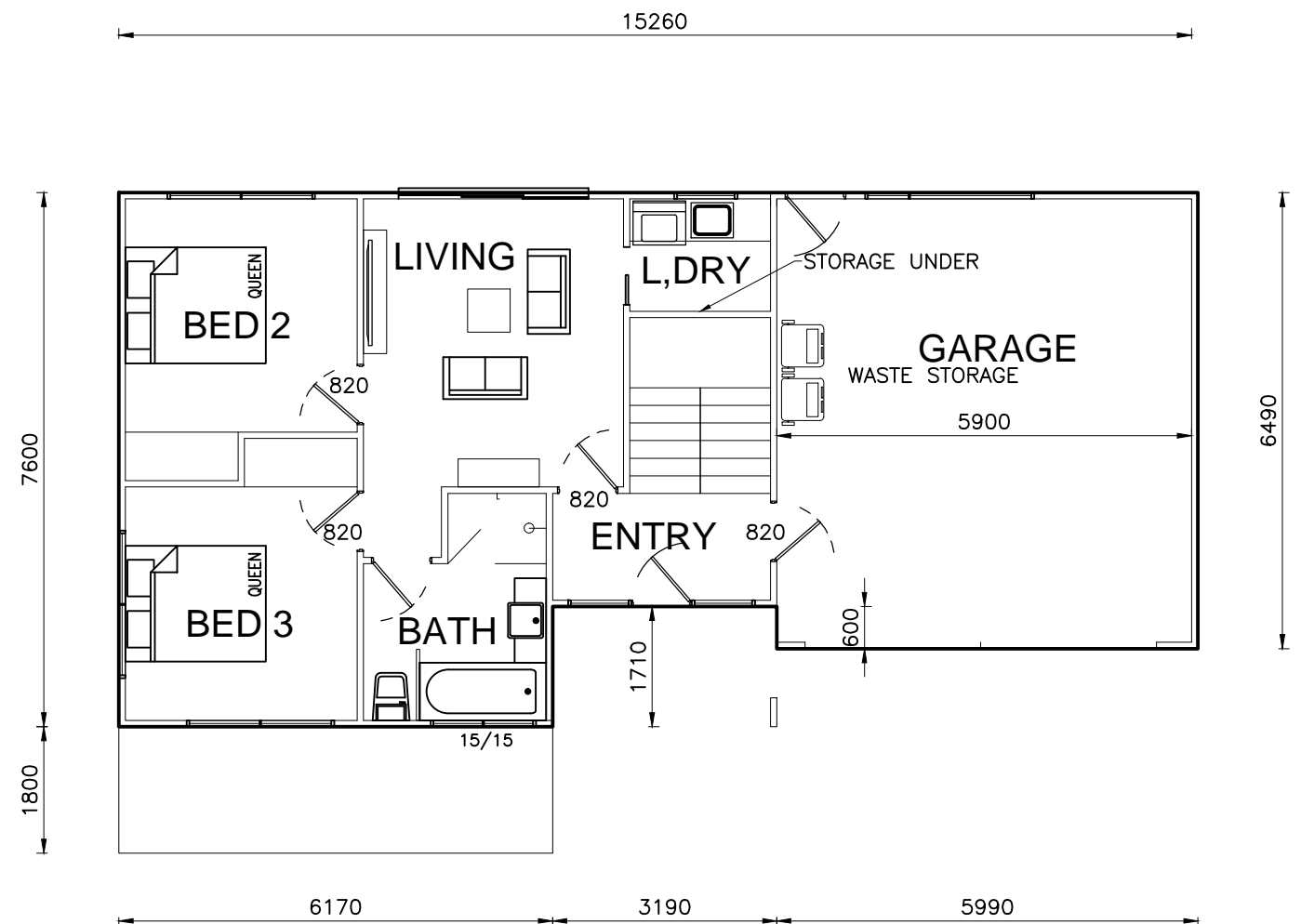


HOUSE 2

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	DATE: 14/2/17	DWG No: COOP-B-05	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			



UPPER FLOOR PLAN 105m2
1:100



LOWER FLOOR PLAN 105m2
1:100

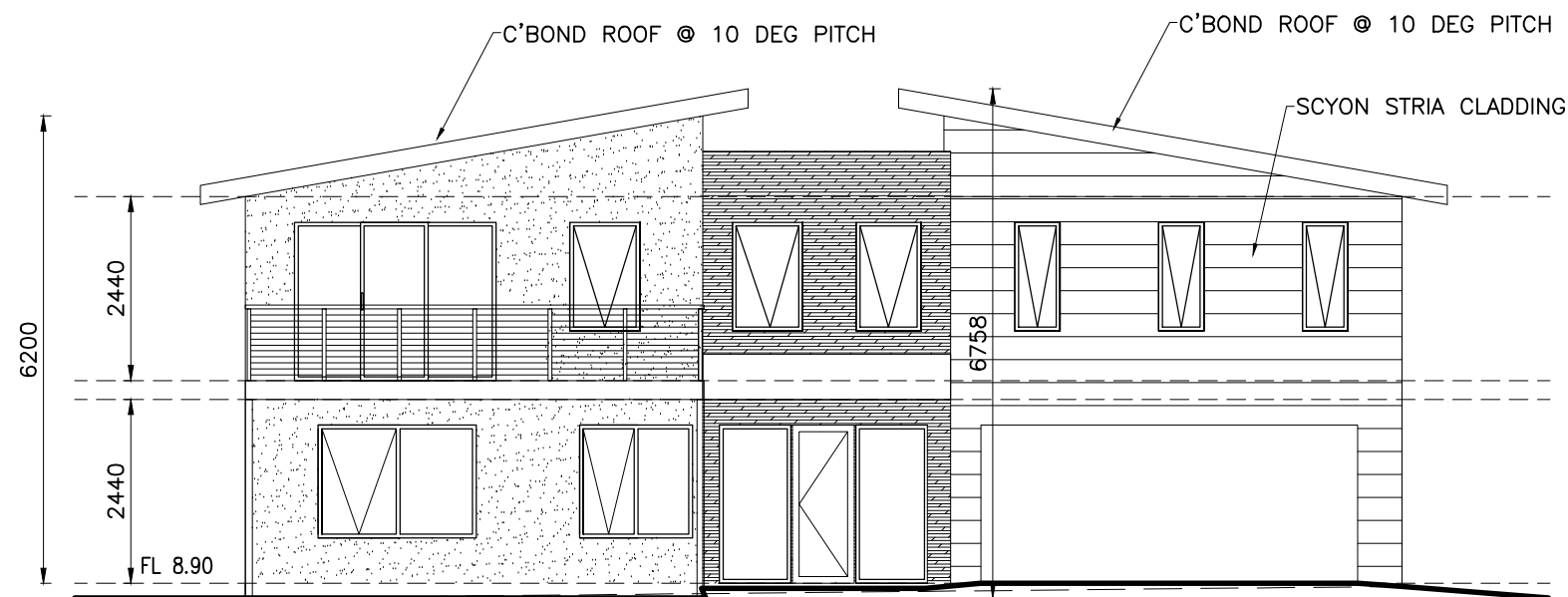
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DALLAS WILSON DESIGN DRAFTING

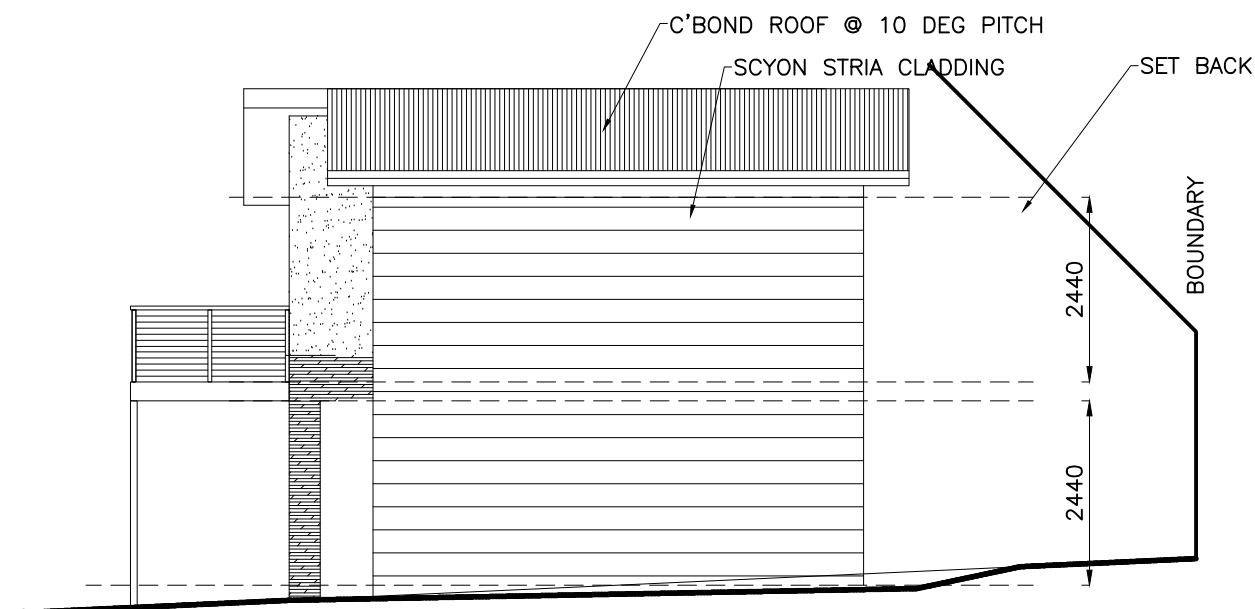
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DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
DATE: 14/2/17	DWG No: COOP-B-05	

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



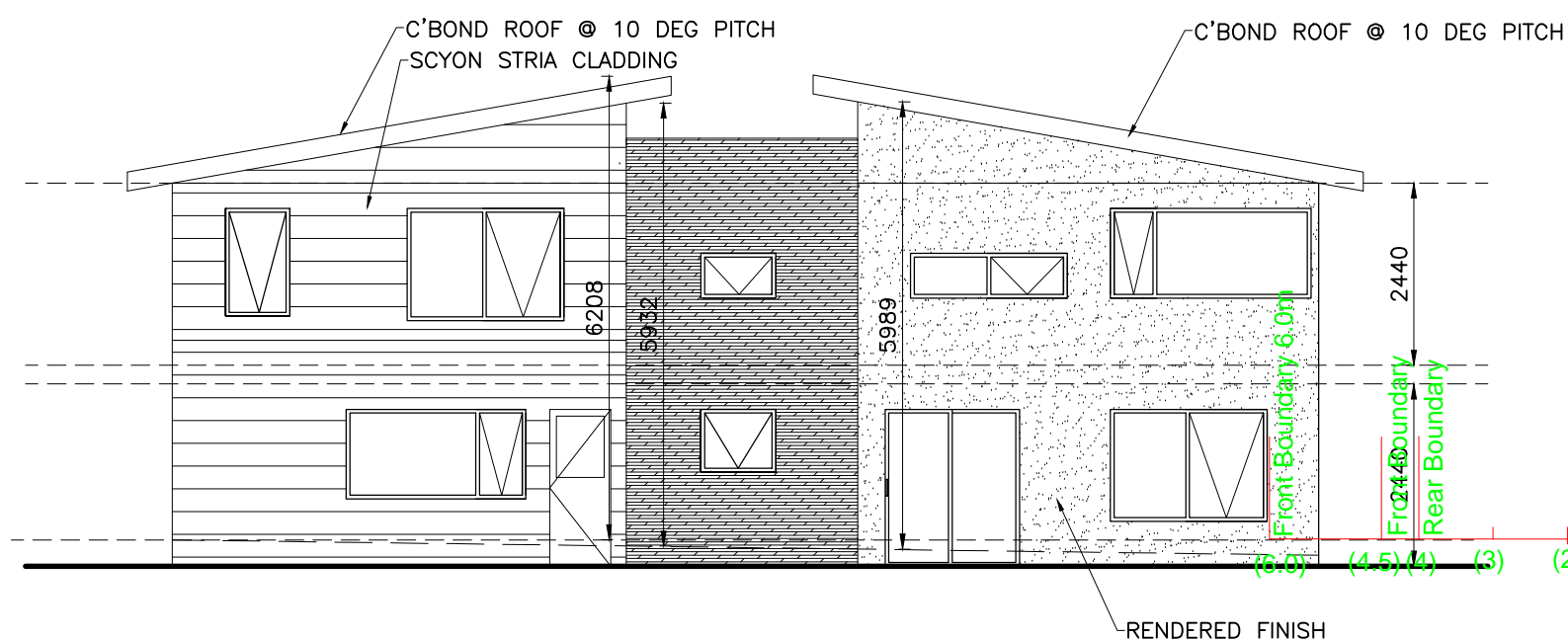
SOUTHERN ELEVATION

1:100



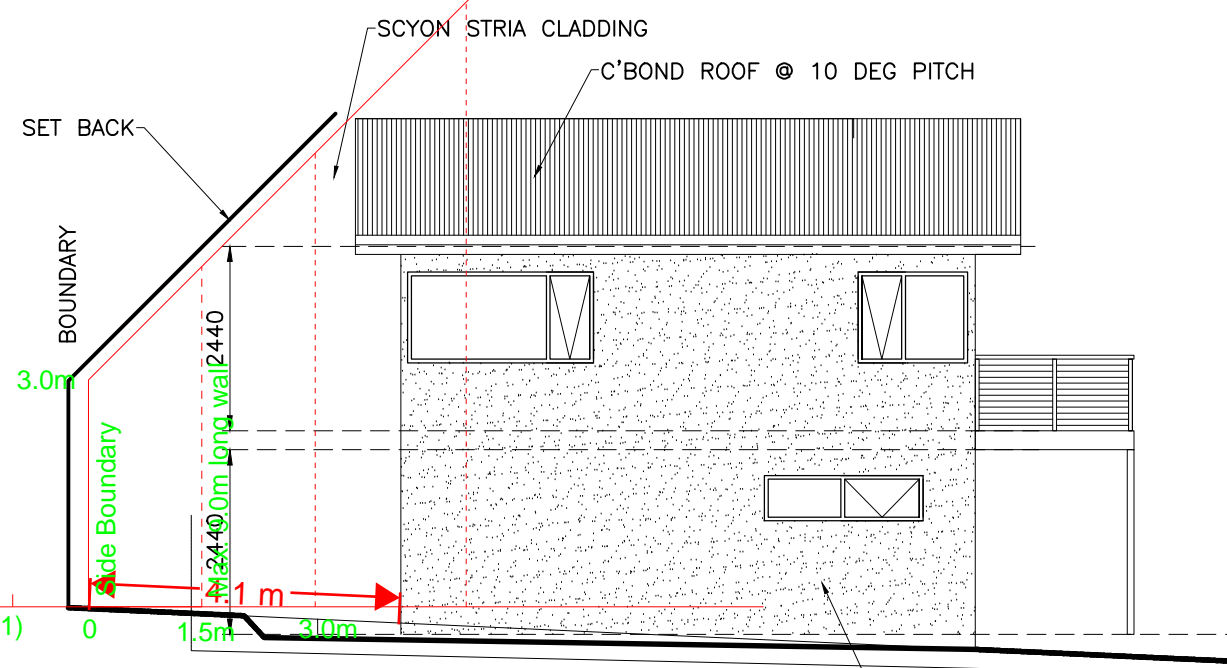
EASTERN ELEVATION

1:100



NORTHERN ELEVATION

1:100



WESTERN ELEVATION

1:100

HOUSE 3



DALLAS WILSON DESIGN DRAFTING

SCALE:

DESIGNED: DALLAS WILSON

DATE: 14/2/17

PAGE 10 OF 23 PAGES

DRAWN: DALLAS WILSON

DWG No: COOP-B-05

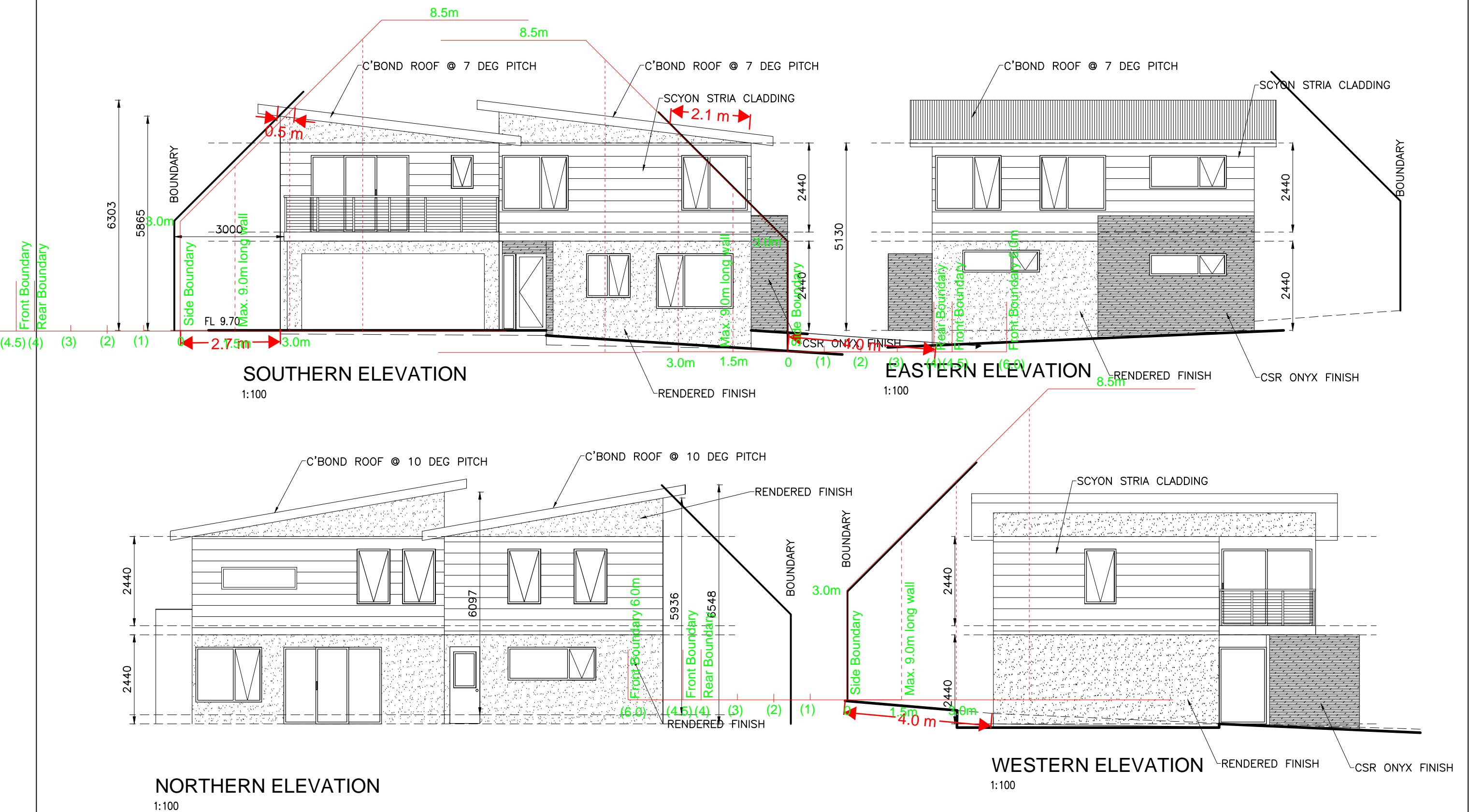
PROPOSED HOUSES

31 BEACH ST


BELERIVE

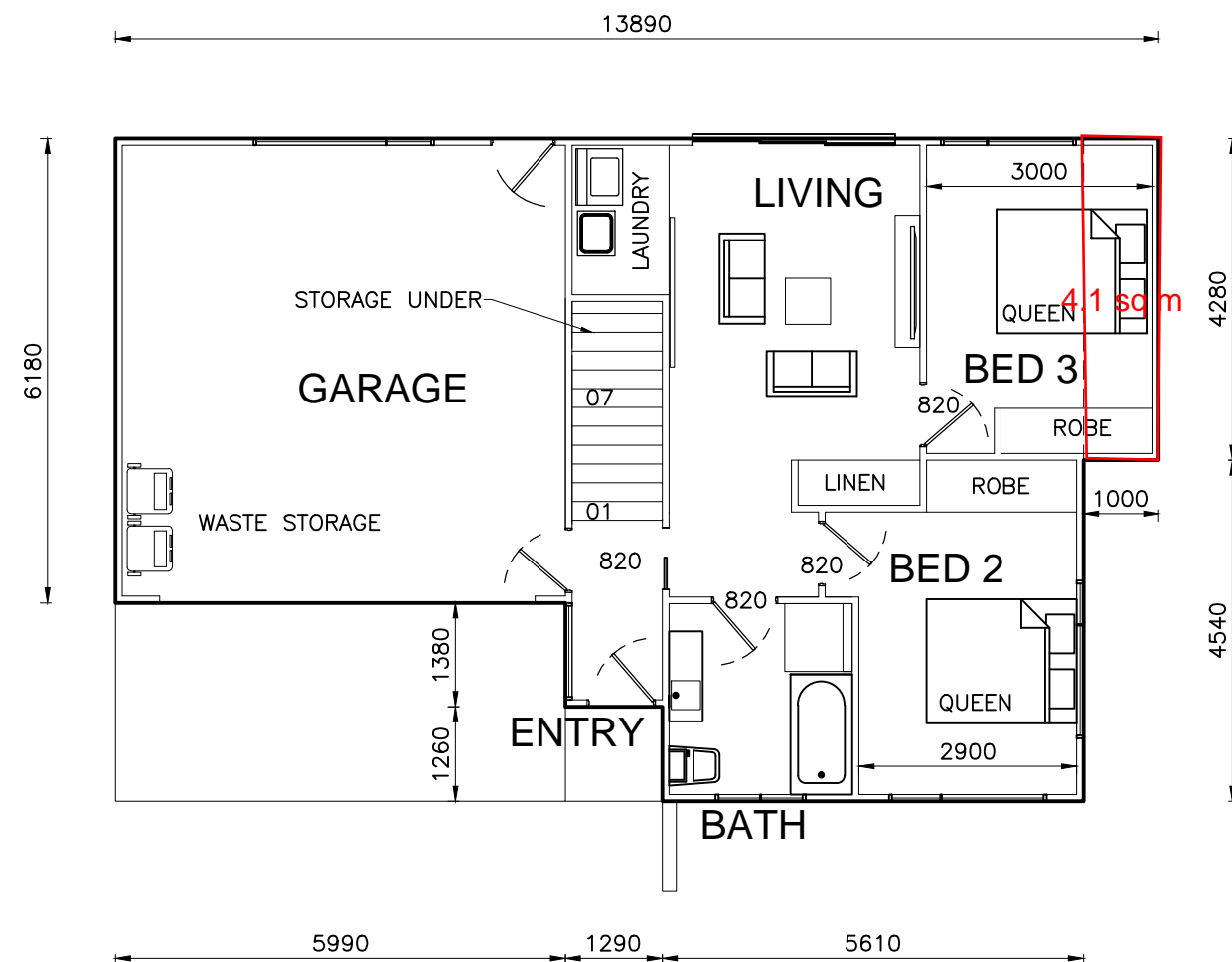
For KINGLOC HOLDINGS

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



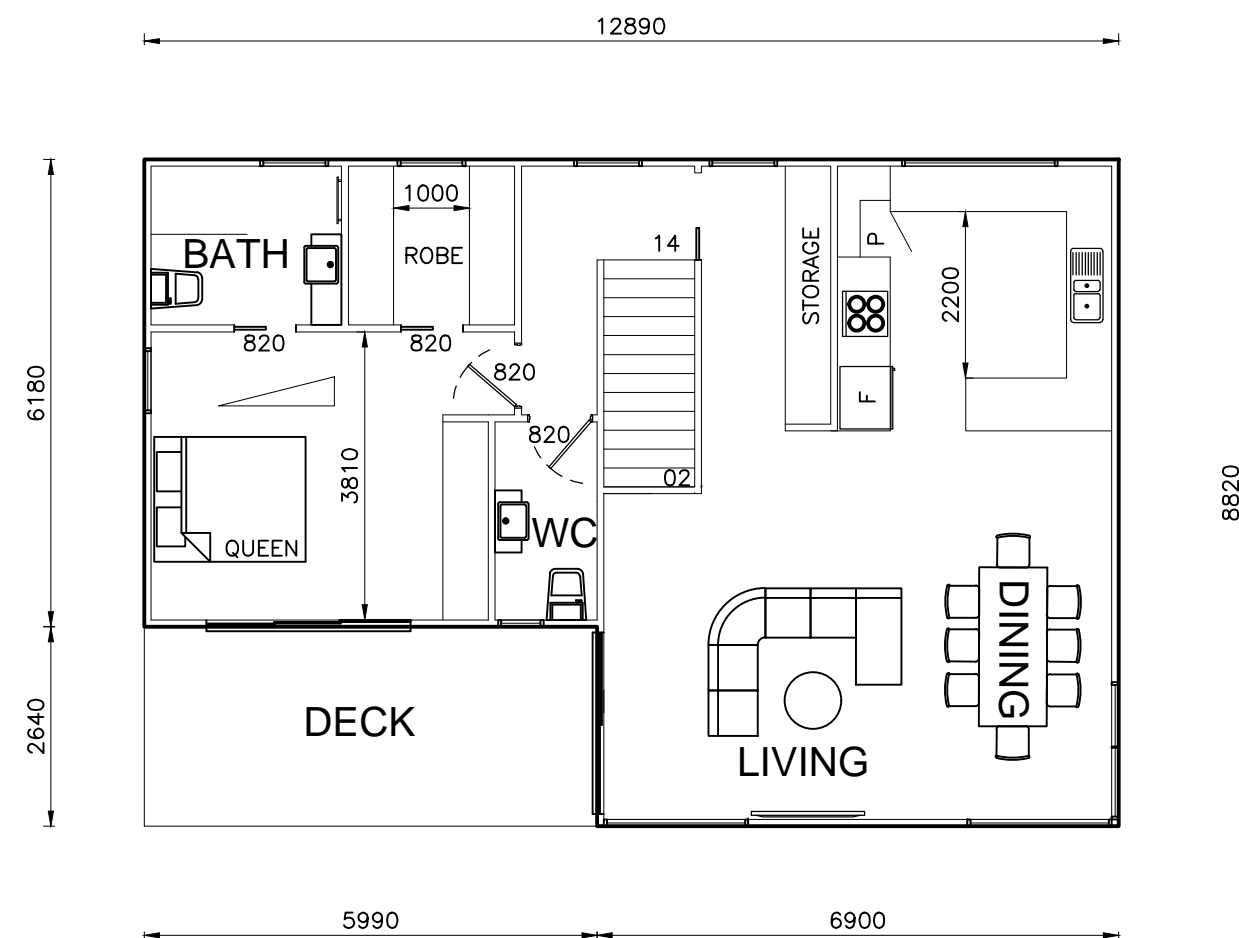
HOUSE 4

 DALLAS WILSON DESIGN DRAFTING	SCALE:	PAGE 12 OF 23 PAGES	PROPOSED HOUSES 31 BEACH ST BELERIVE For KINGLOC HOLDINGS
	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 14/2/17	DWG No: COOP-B-05	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			



LOWER FLOOR PLAN 100m2


1:100

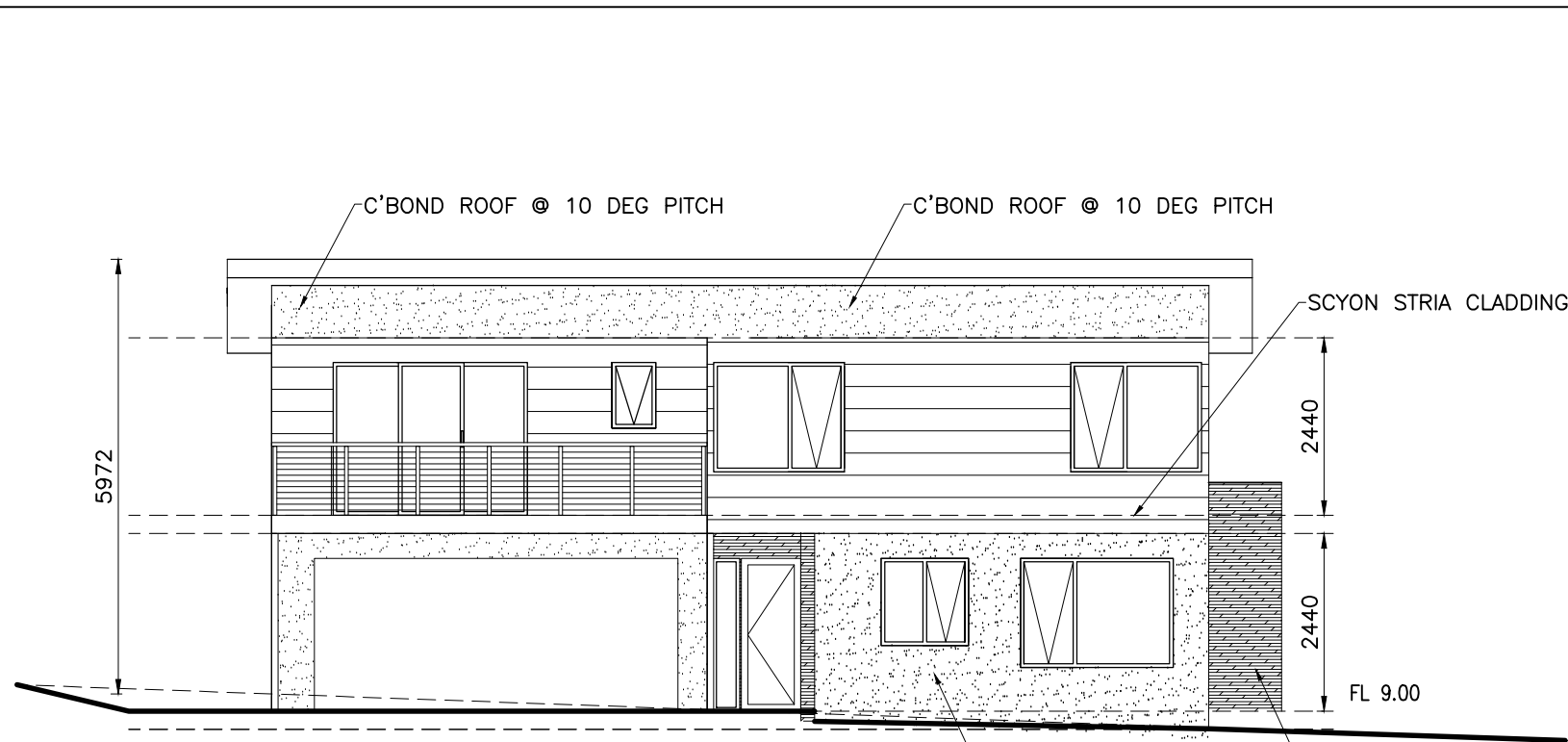


UPPER FLOOR PLAN 98m2

1:100

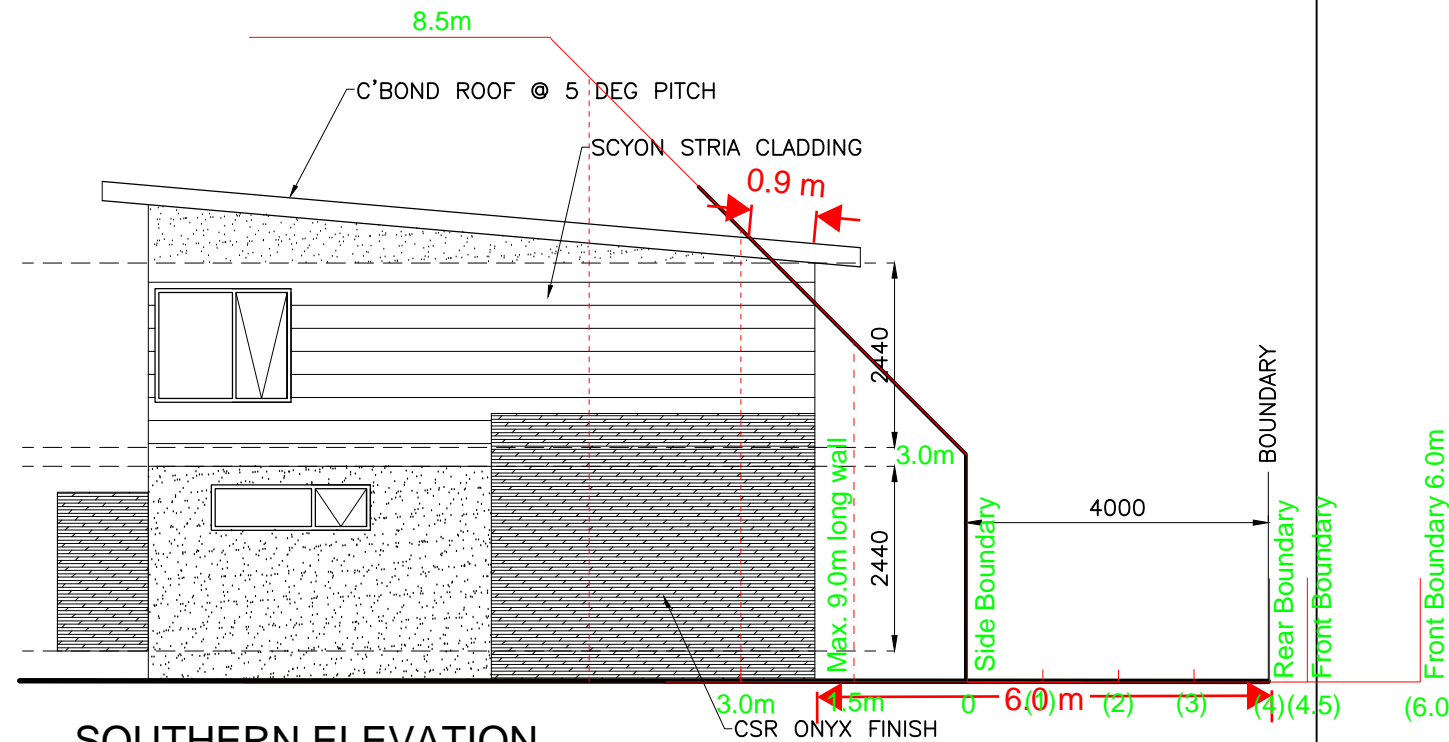
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 DALLAS WILSON DESIGN DRAFTING	SCALE:	PAGE 13 OF 23 PAGES	PROPOSED HOUSES 31 BEACH ST BELERIVE For KINGLOC HOLDINGS
	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 14/2/17	DWG No: COOP-B-05	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			



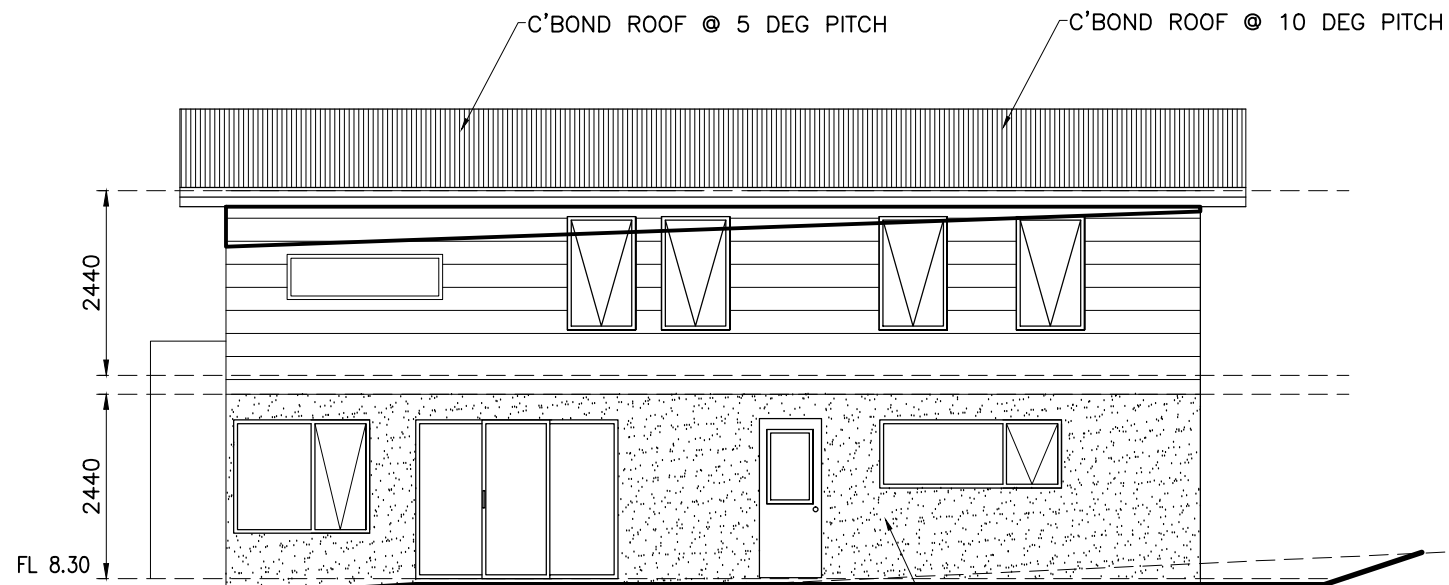
WESTERN ELEVATION

1:100



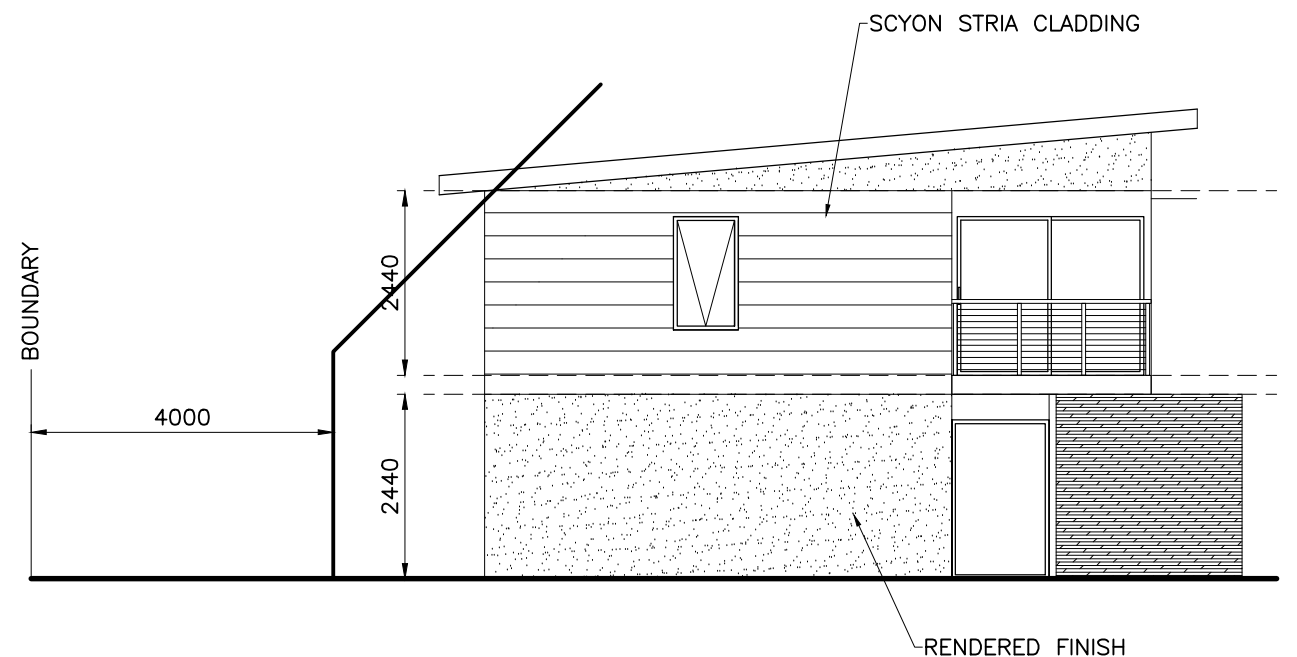
SOUTHERN ELEVATION

1:100



EASTERN ELEVATION


1:100

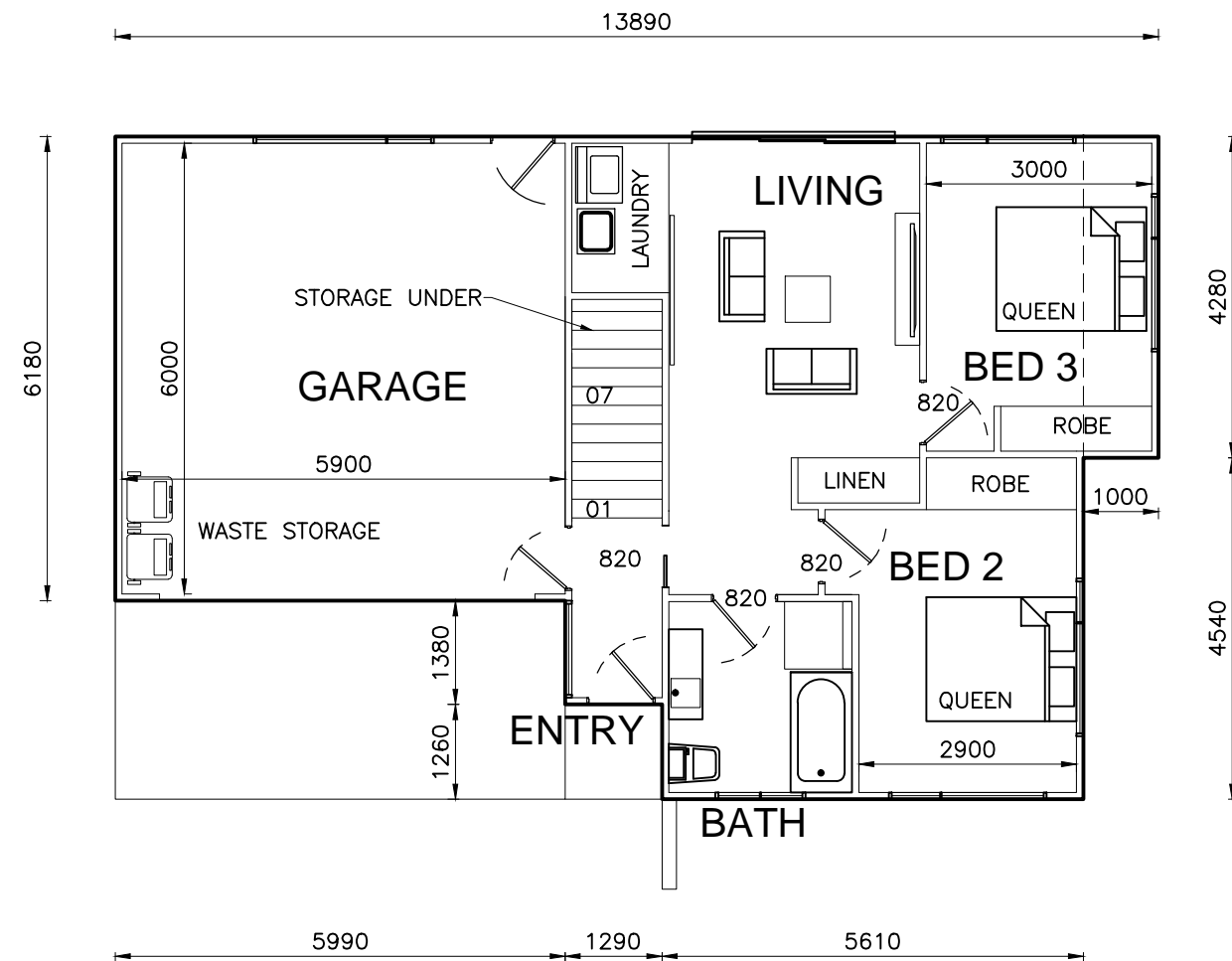


NORTHERN ELEVATION

1:100

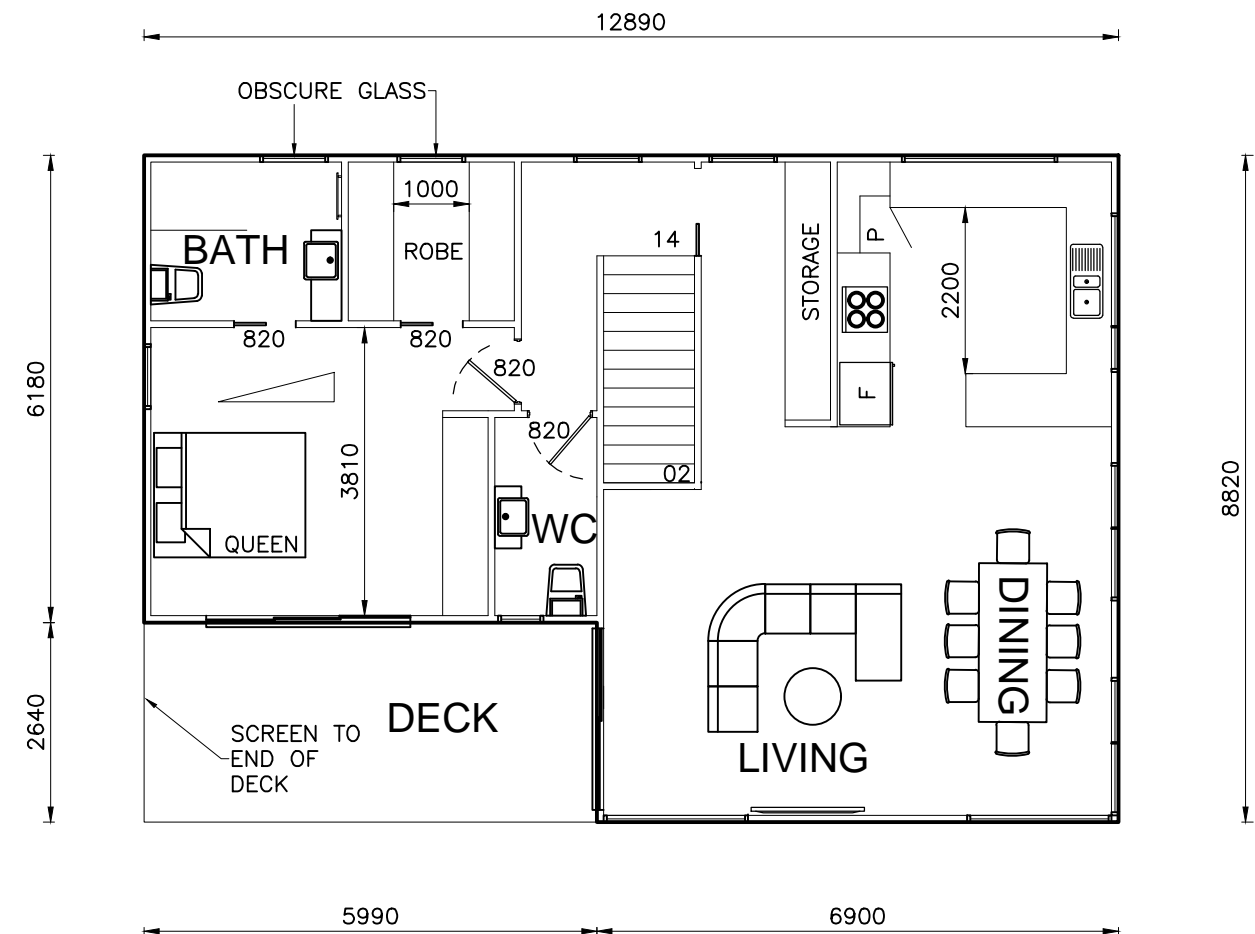
HOUSE 5

 DALLAS WILSON DESIGN DRAFTING	SCALE:	PAGE 14 OF 23 PAGES	PROPOSED HOUSES 31 BEACH ST BELERIVE For KINGLOC HOLDINGS
	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 14/2/17	DWG No: COOP-B-05	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			



LOWER FLOOR PLAN 100m2


1:100

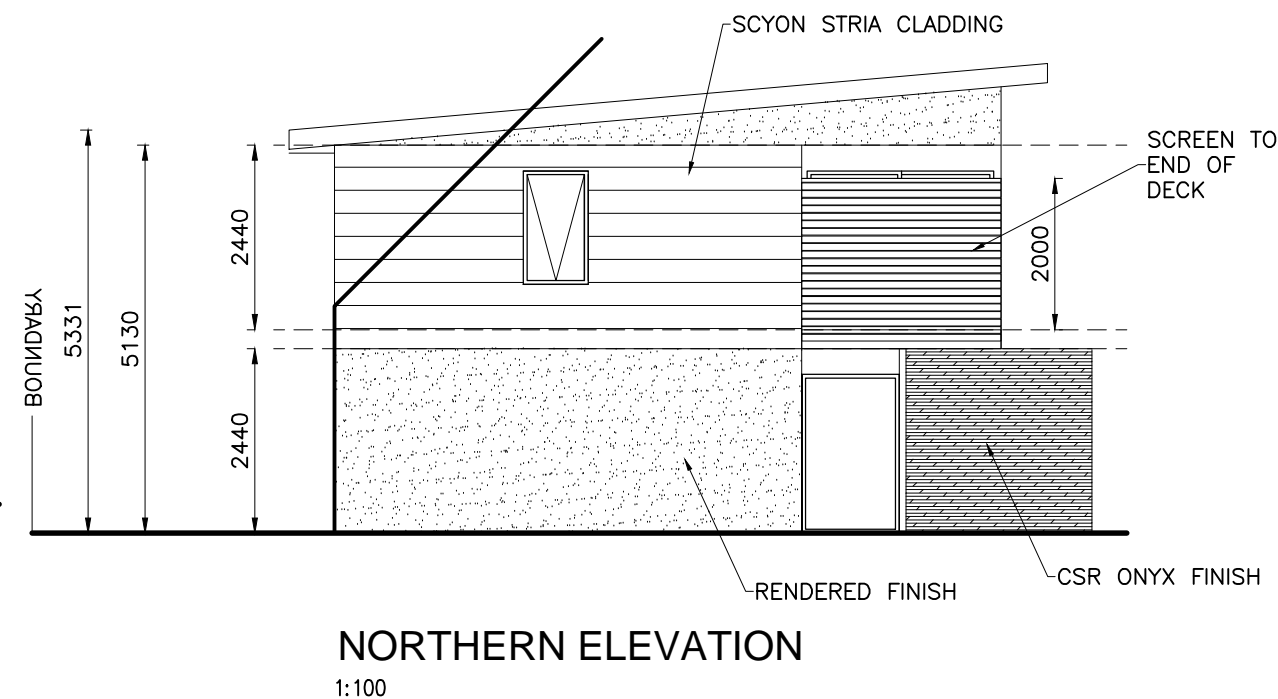
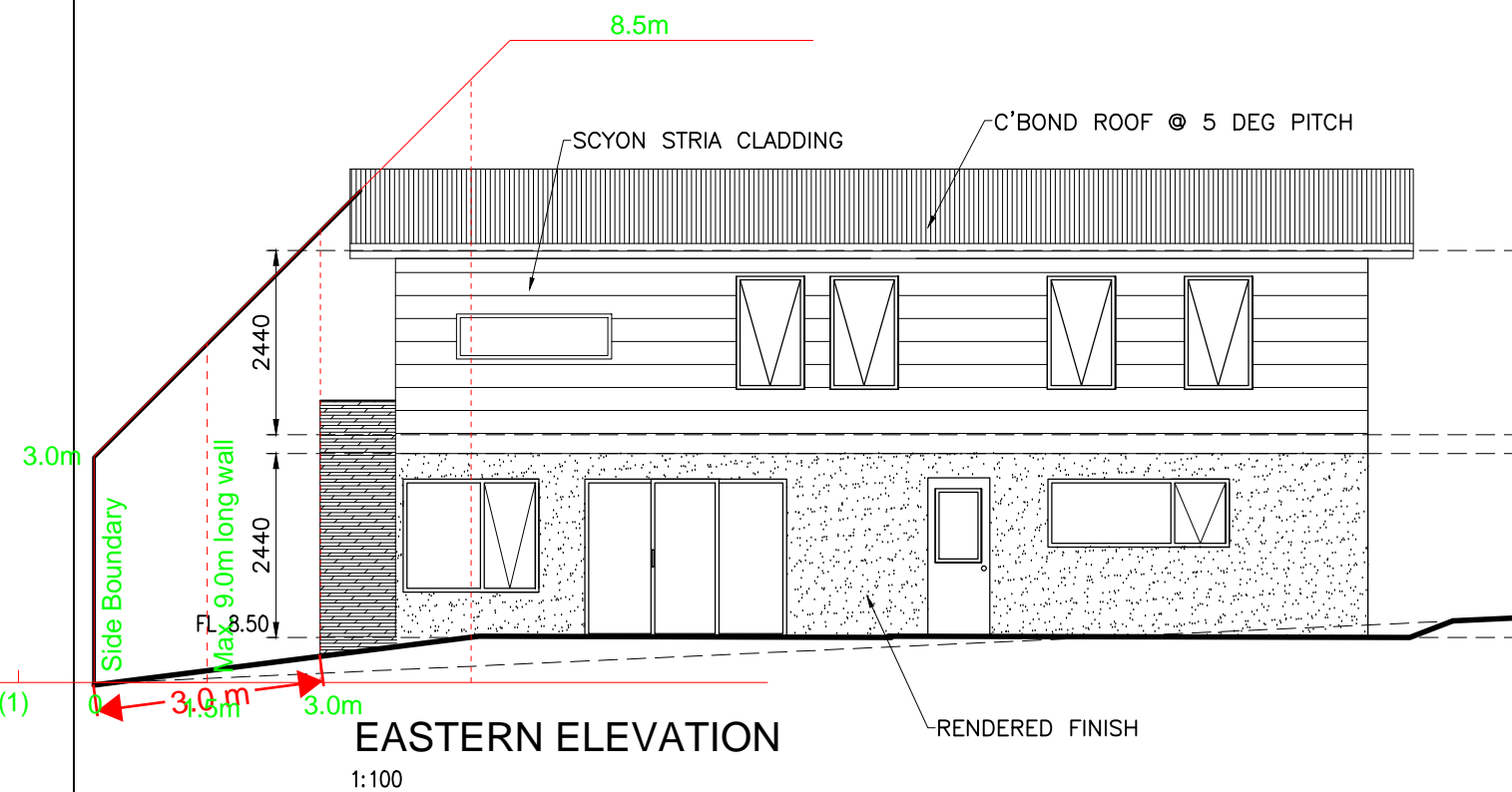
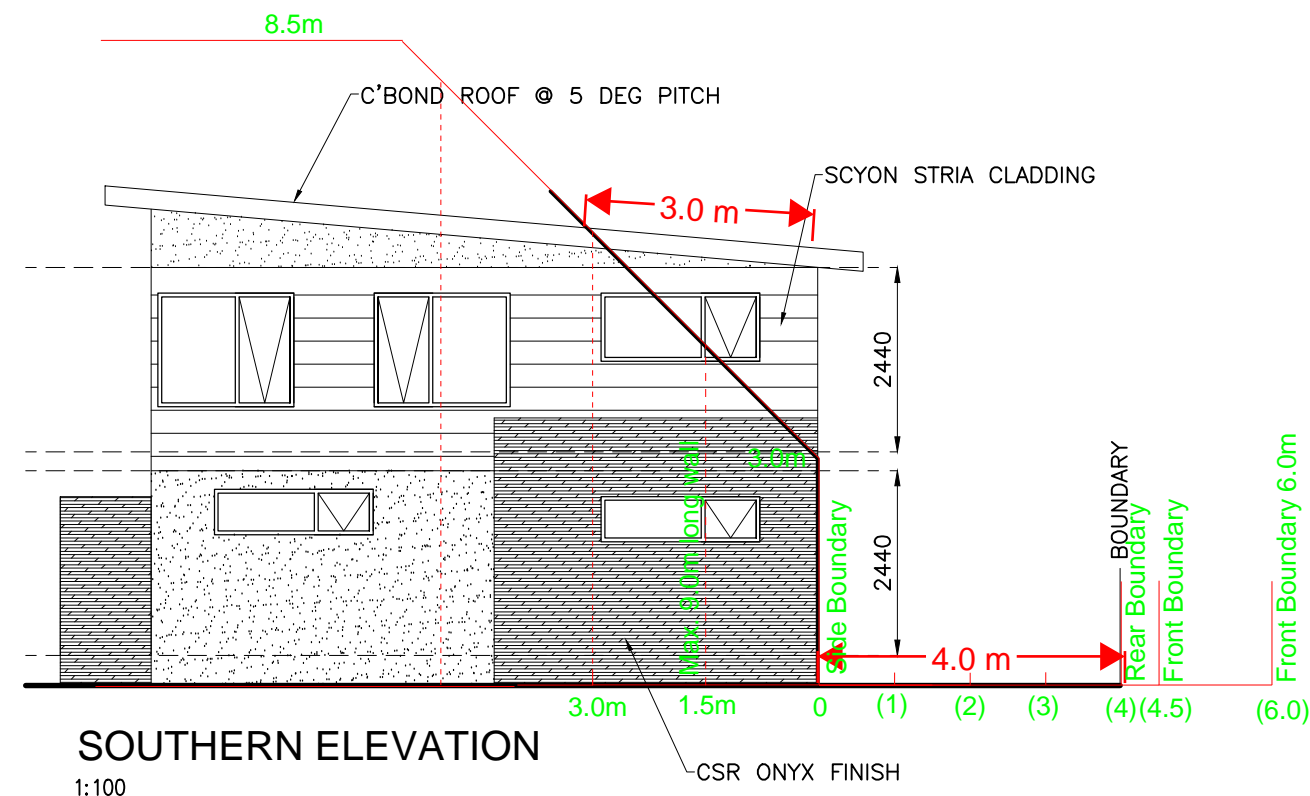
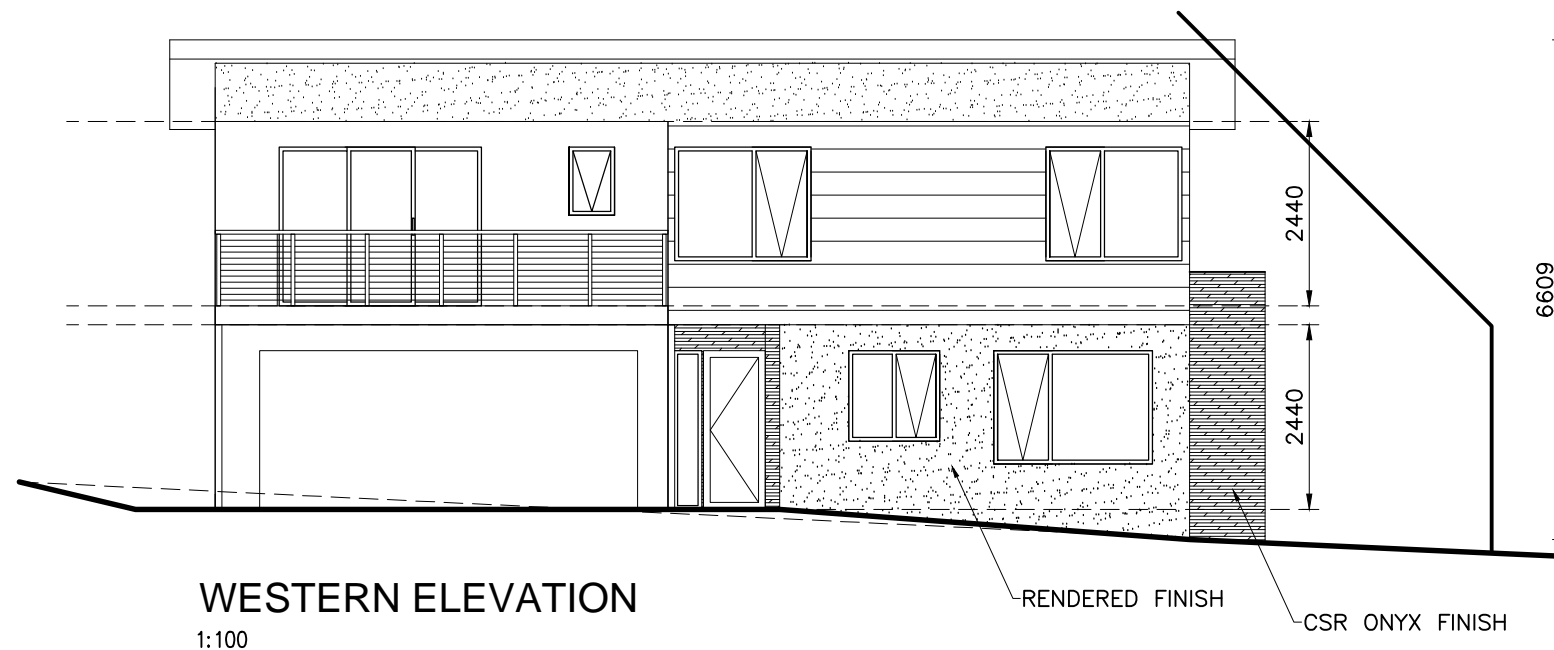


UPPER FLOOR PLAN 98m2


1:100

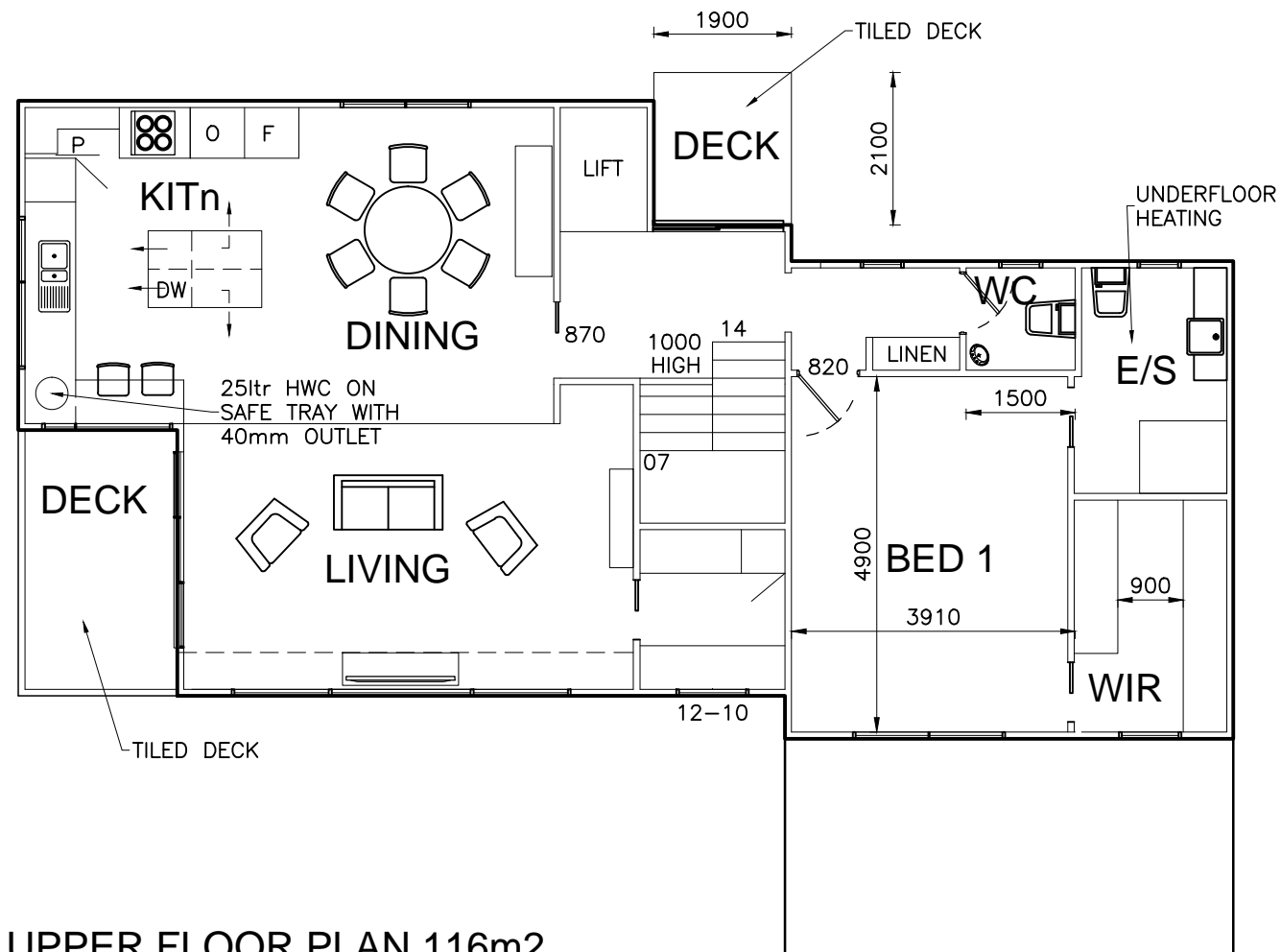
HOUSE 6

 DALLAS WILSON DESIGN DRAFTING	SCALE:	PAGE 15 OF 23 PAGES	PROPOSED HOUSES 31 BEACH ST BELERIVE For KINGLOC HOLDINGS
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	DATE: 14/2/17	DWG No: COOP-B-05	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			

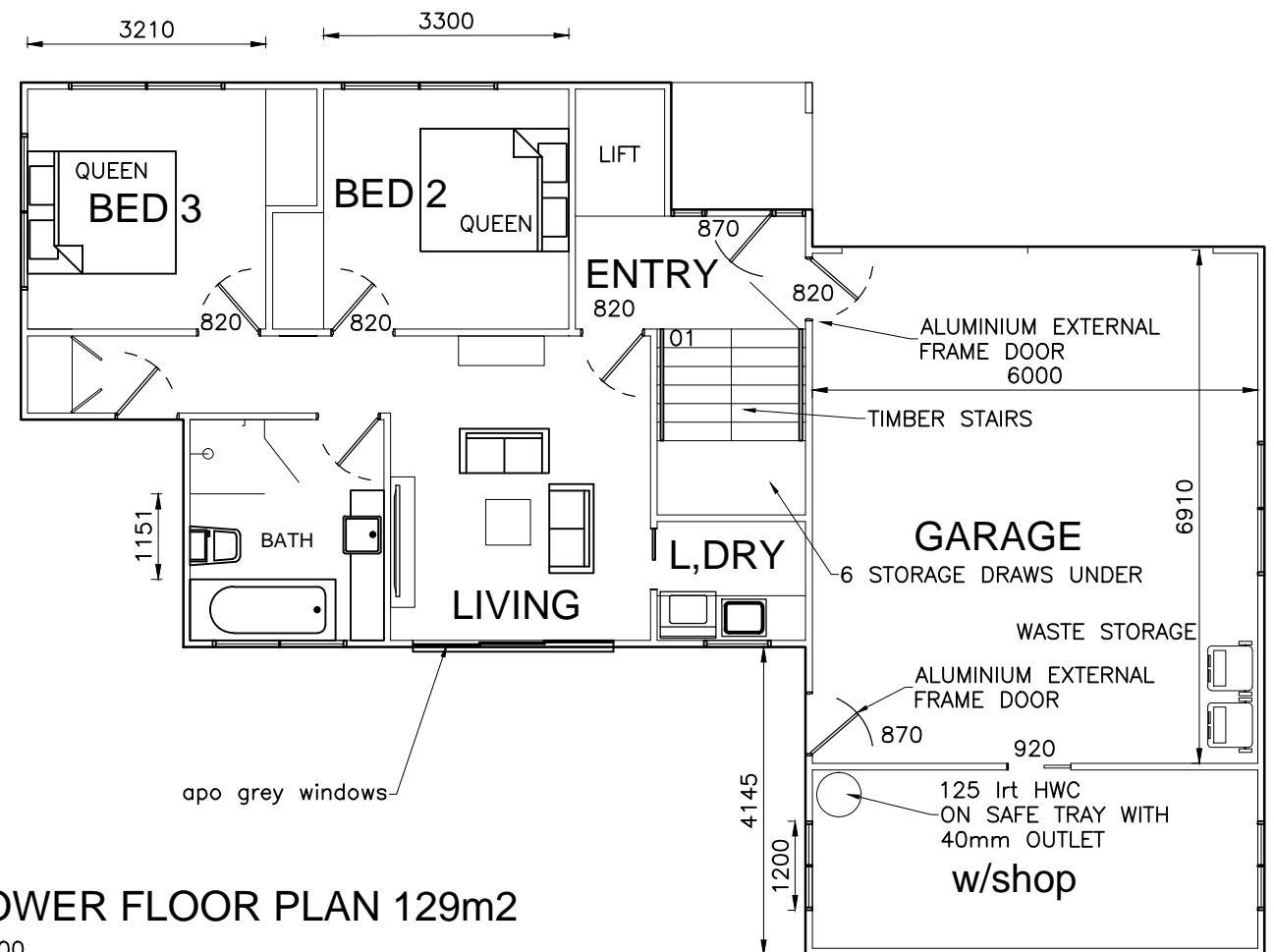


HOUSE 6

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	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 14/2/17	DWG No: COOP-B-05	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			




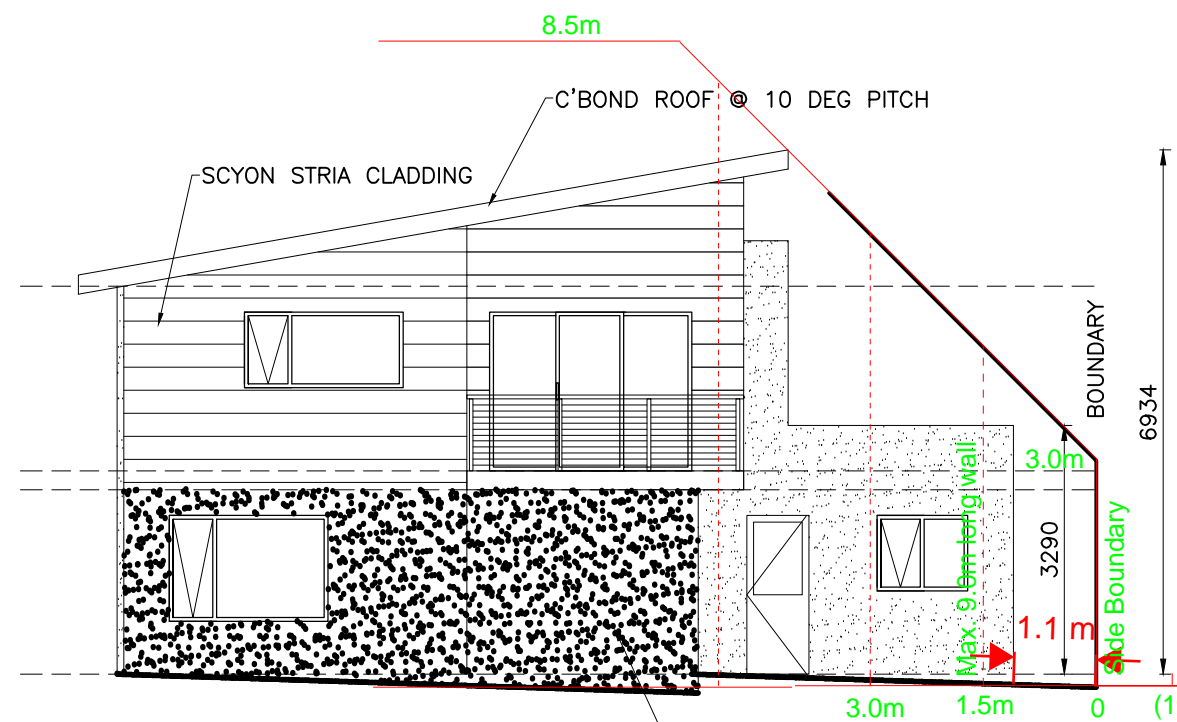
UPPER FLOOR PLAN 116m2
1:100



LOWER FLOOR PLAN 129m2
1:100

HOUSE 7

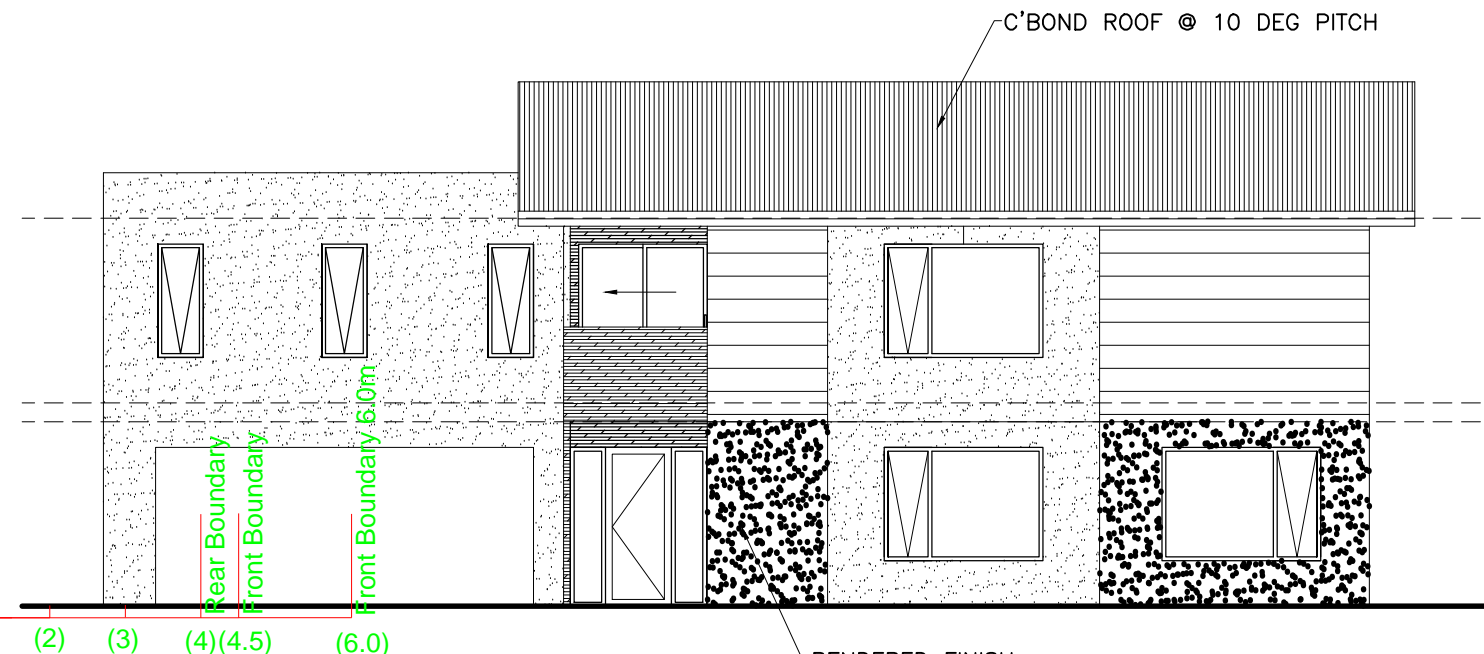
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	DATE: 14/2/17	DWG No: COOP-B-05	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			



WESTERN ELEVATION

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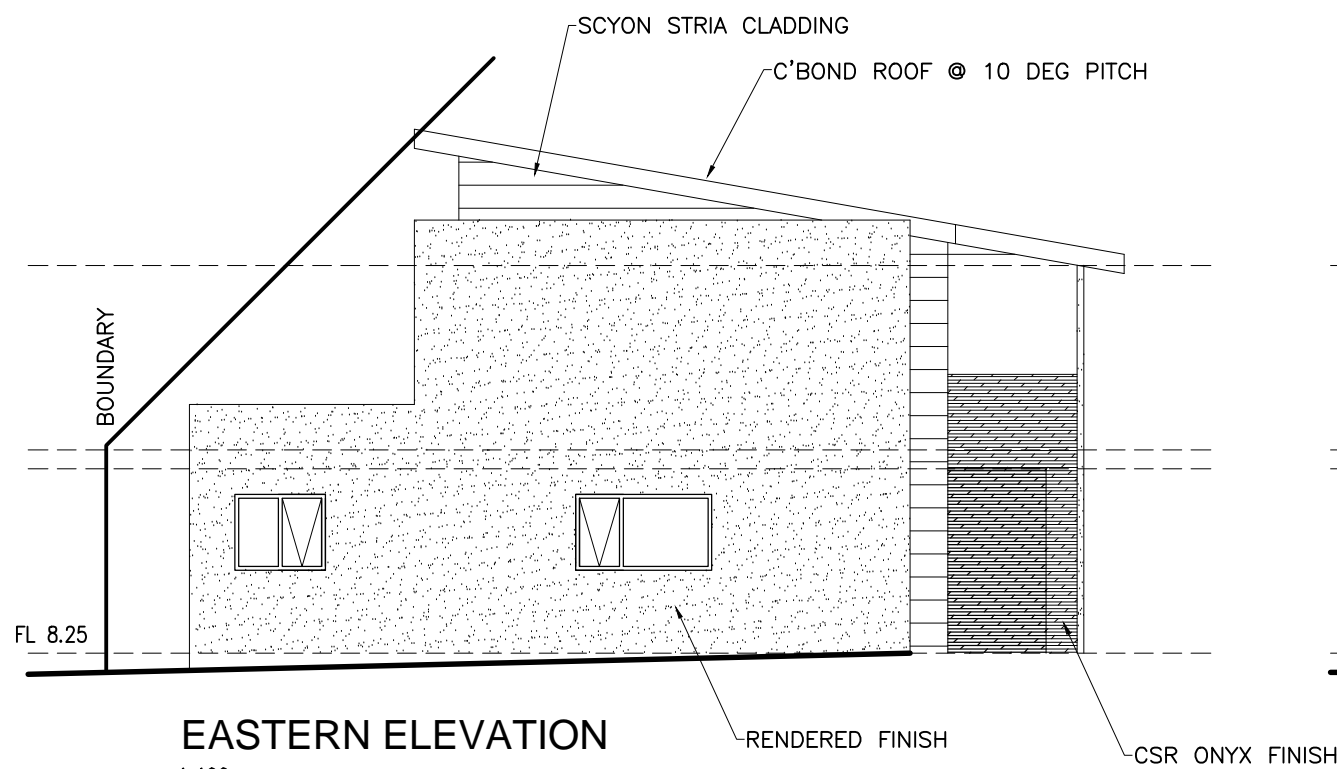
RENDERED FINISH



NORTHERN ELEVATION

1:100

RENDERED FINISH

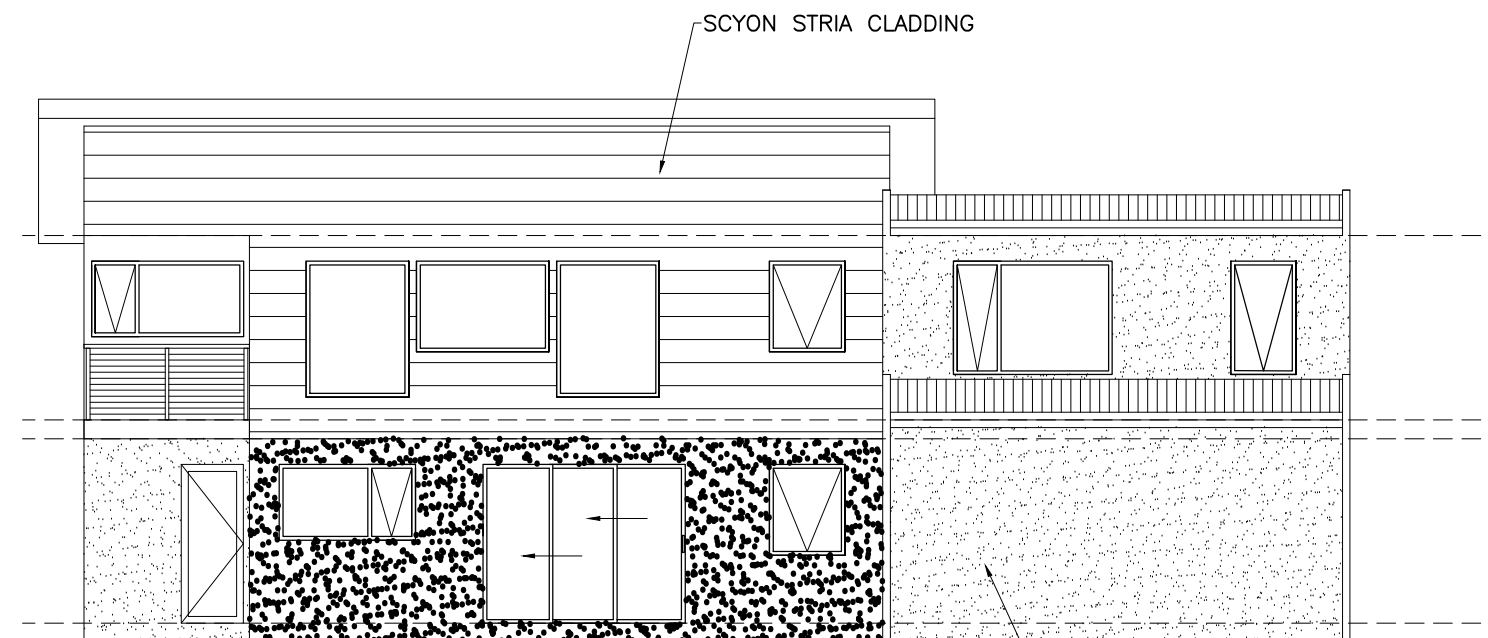


EASTERN ELEVATION

1:100

RENDERED FINISH

CSR ONYX FINISH




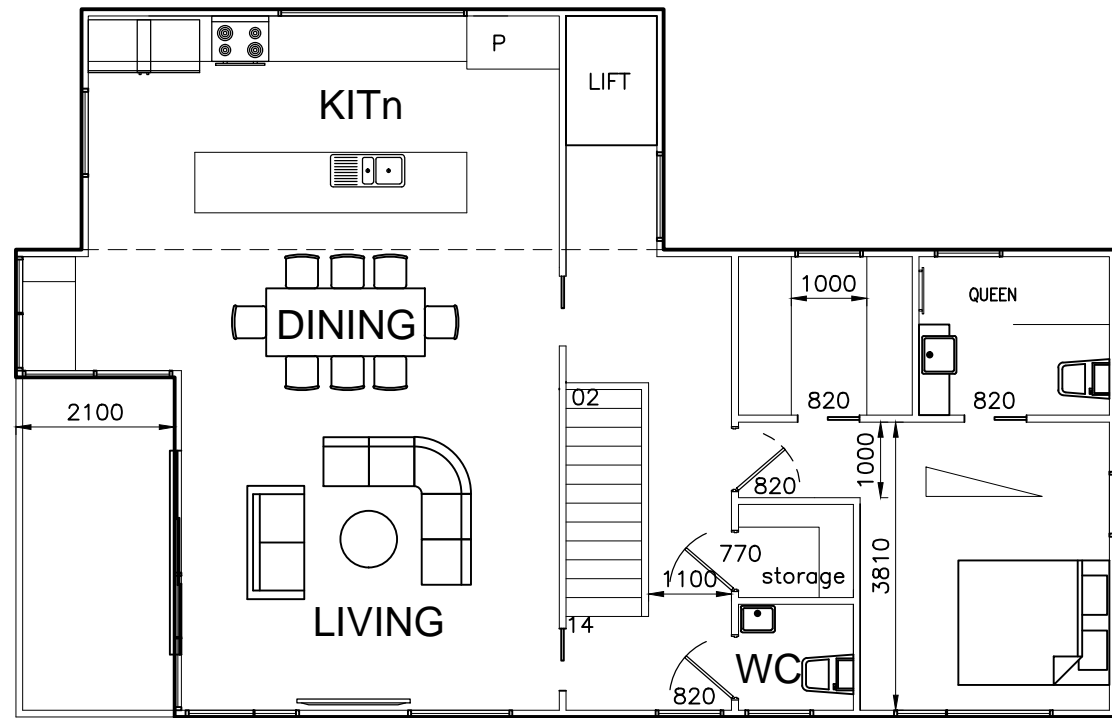
SOUTHERN ELEVATION

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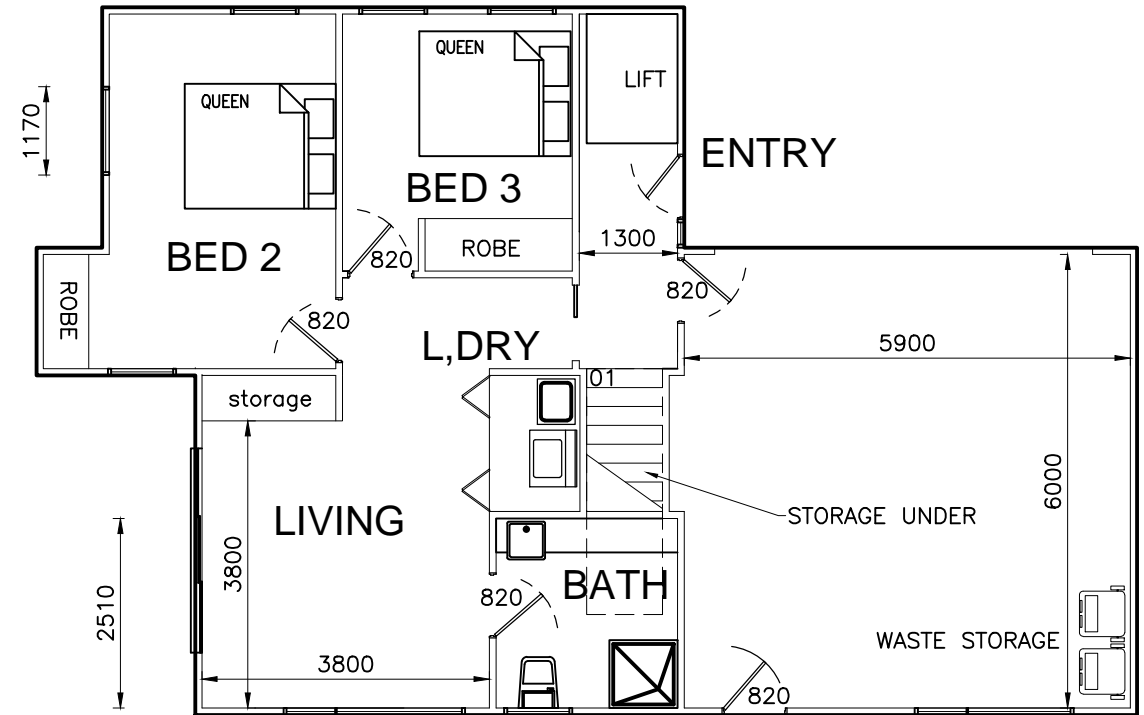
RENDERED FINISH

HOUSE 7

 DALLAS WILSON DESIGN DRAFTING	SCALE:	PAGE 18 OF 23 PAGES	PROPOSED HOUSES 31 BEACH ST BELERIVE For KINGLOC HOLDINGS
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	DATE: 14/2/17	DWG No: COOP-B-05	
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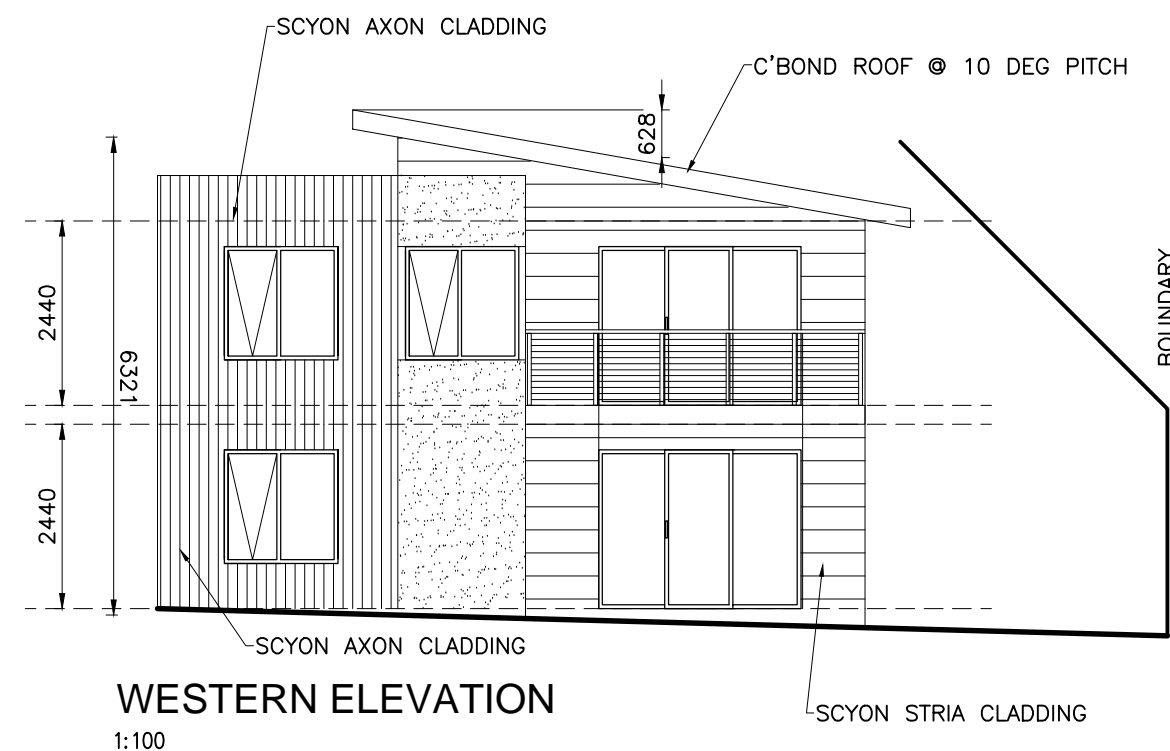
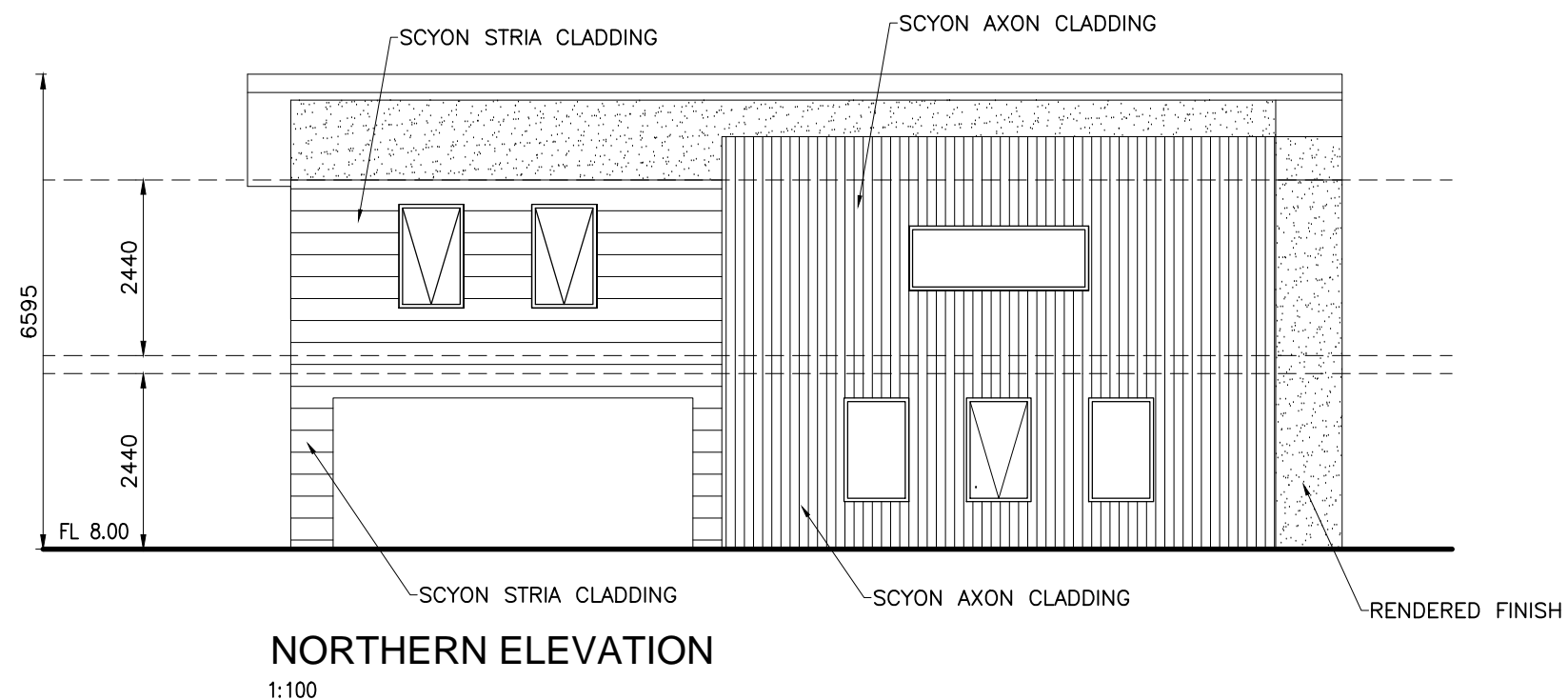
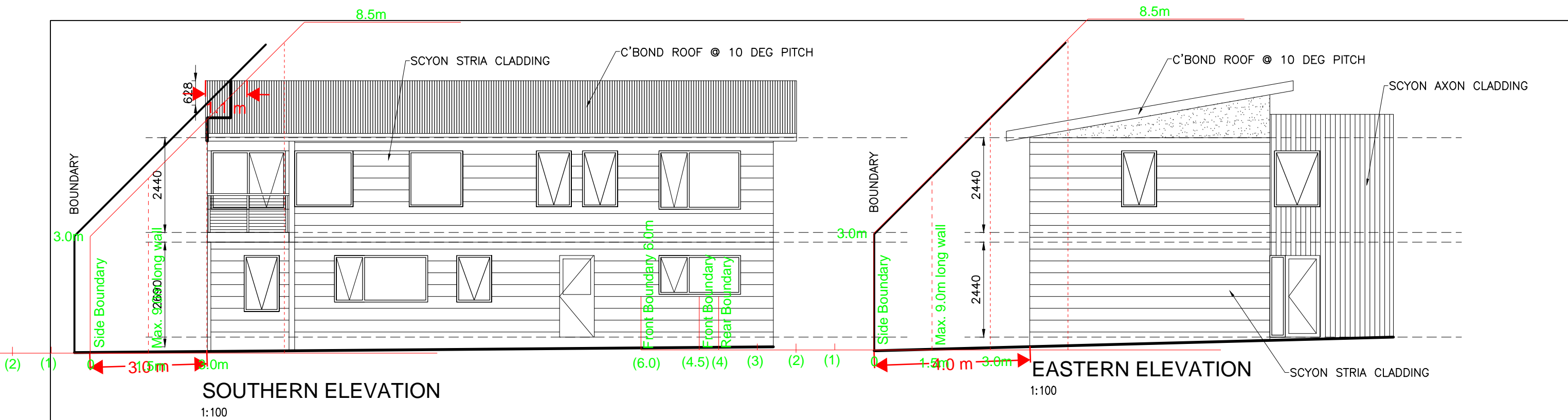
UPPER FLOOR PLAN 105m2
1:100




LOWER FLOOR PLAN 105m2
1:100

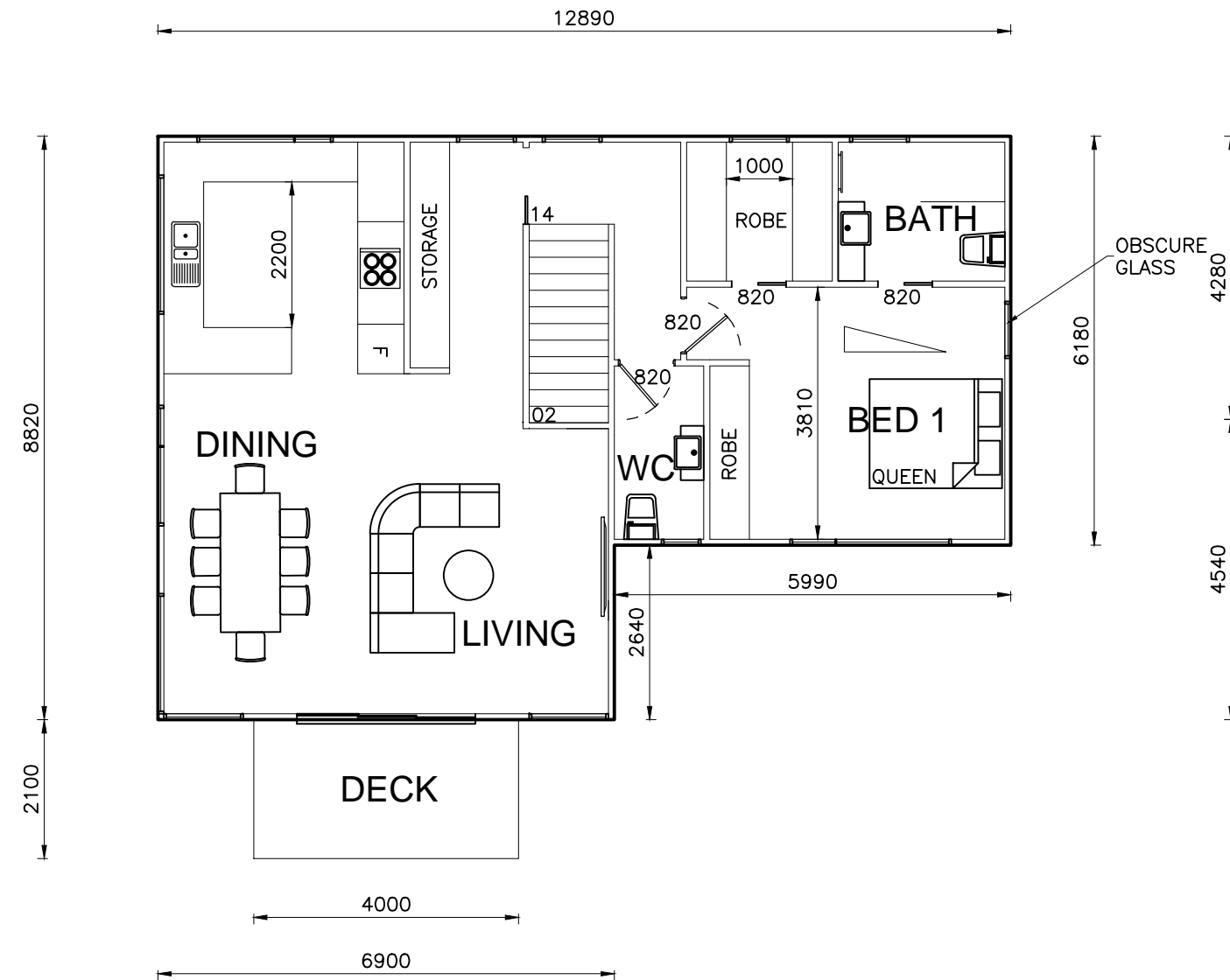
HOUSE 8

 DALLAS WILSON DESIGN DRAFTING	SCALE:	PAGE 19 OF 23 PAGES	PROPOSED HOUSES 31 BEACH ST BELERIVE For KINGLOC HOLDINGS
	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 14/2/17	DWG No: COOP-B-05	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			

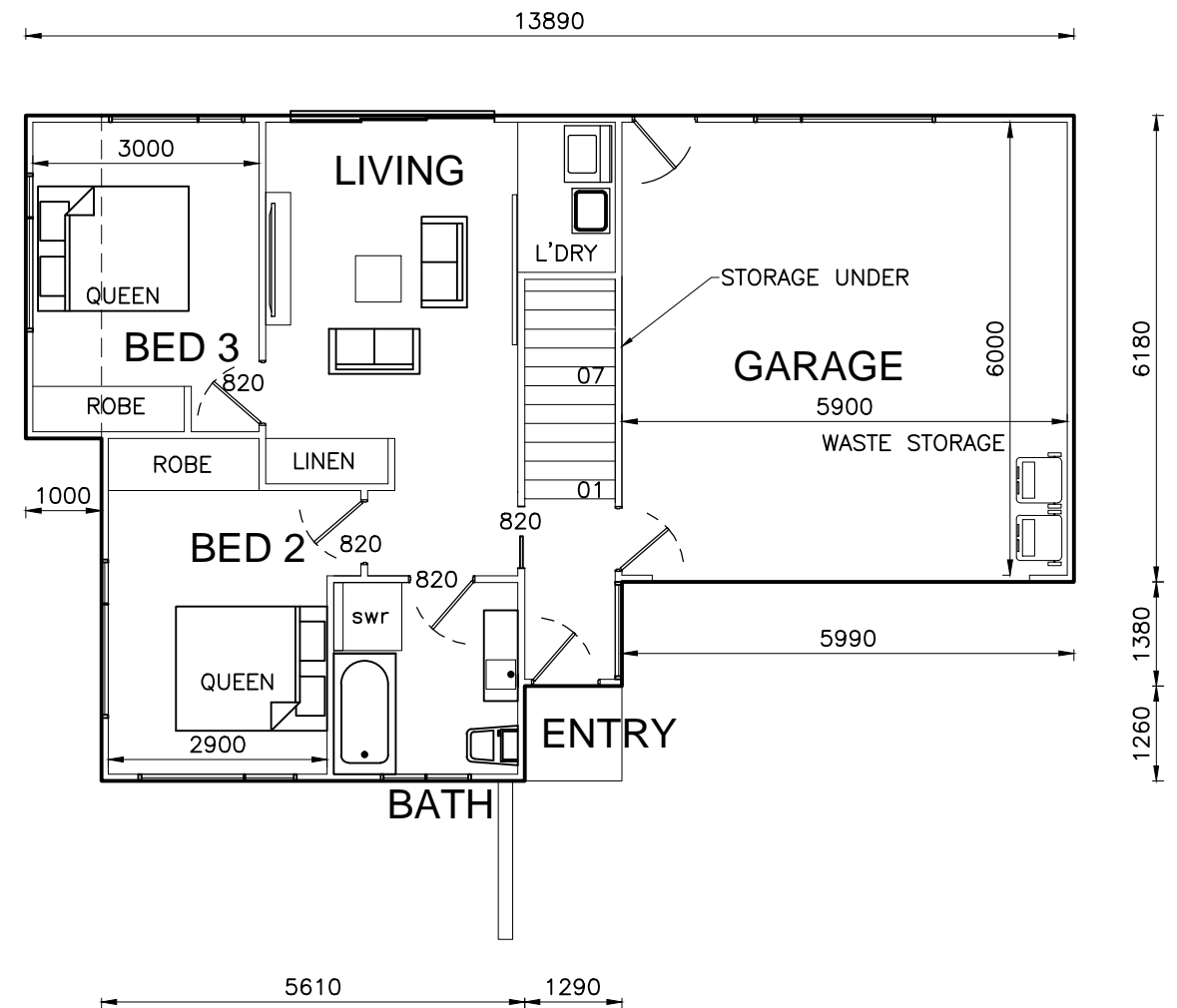


HOUSE 8

 DALLAS WILSON DESIGN DRAFTING	SCALE:	PAGE 20 OF 23 PAGES	PROPOSED HOUSES 31 BEACH ST BELERIVE For KINGLOC HOLDINGS
	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
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ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			




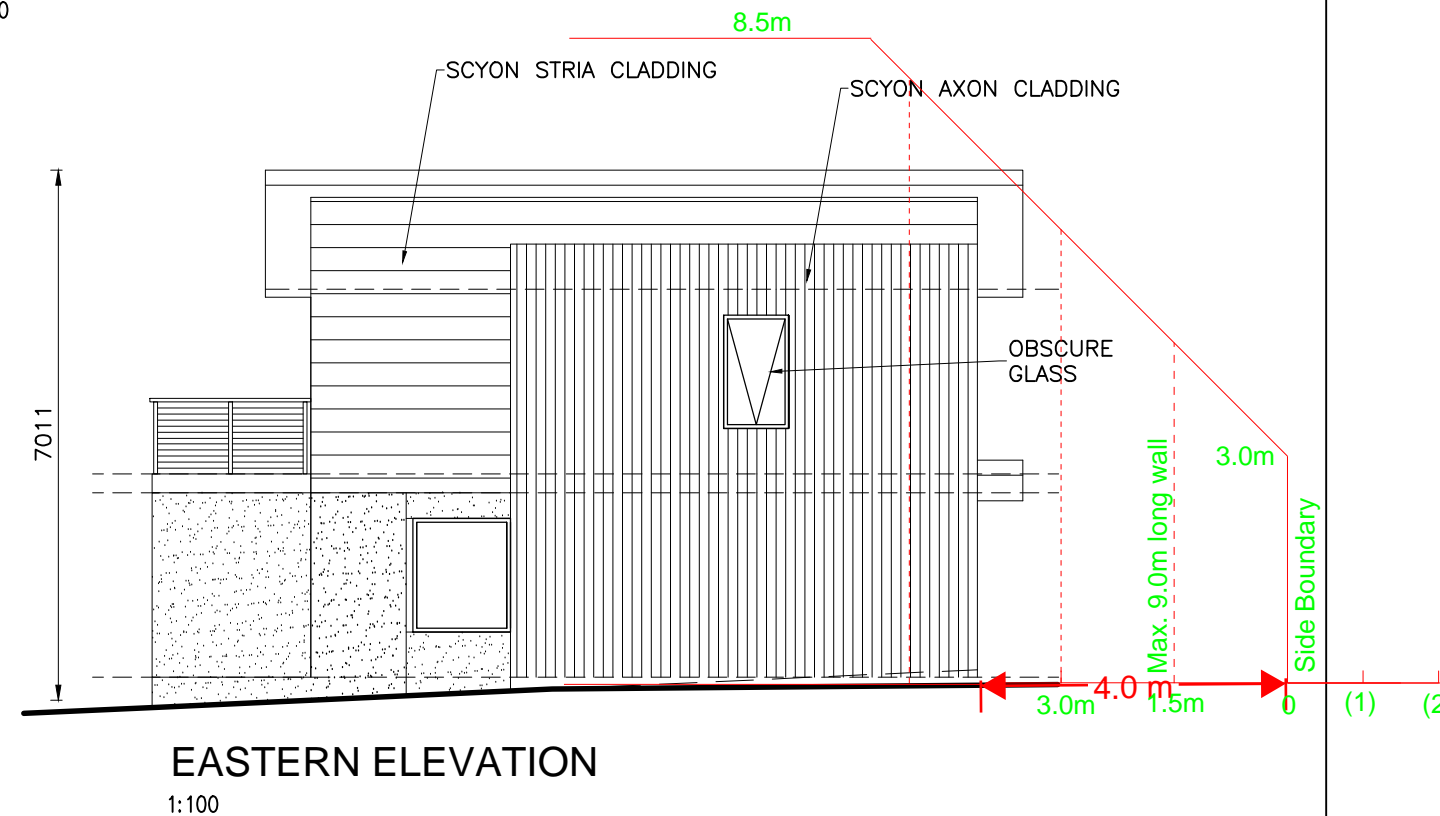
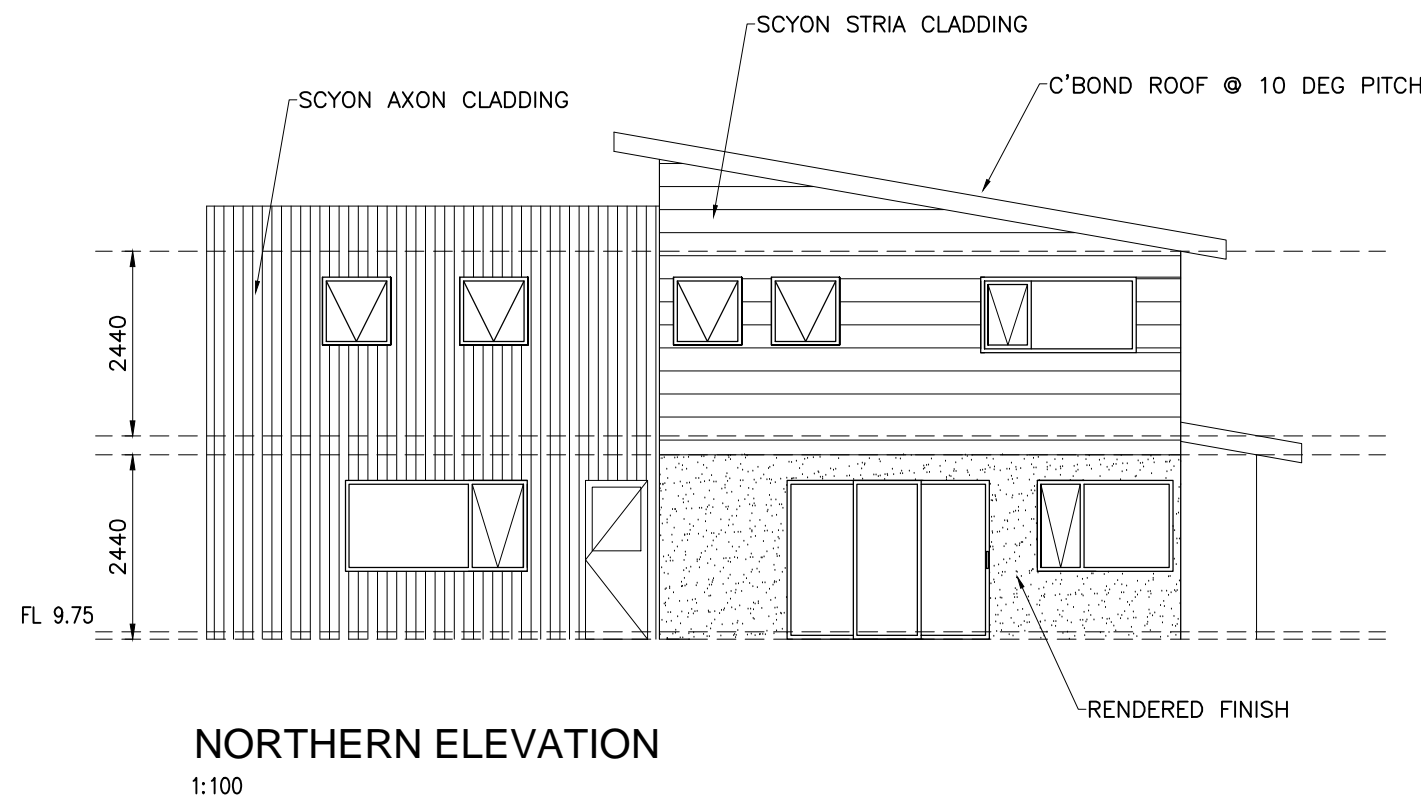
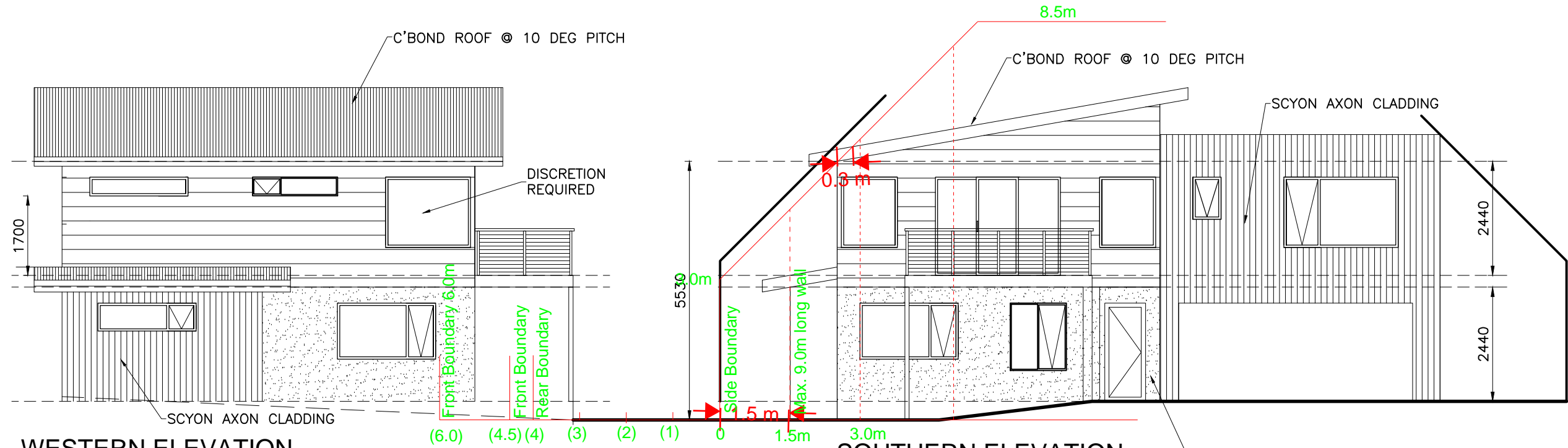
UPPER FLOOR PLAN 106m2
1:100




LOWER FLOOR PLAN 106m2
1:100

HOUSE 9

 DALLAS WILSON DESIGN DRAFTING	SCALE:	PAGE 21 OF 23 PAGES	PROPOSED HOUSES 31 BEACH ST BELERIVE For KINGLOC HOLDINGS
	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 14/2/17	DWG No: COOP-B-05	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			



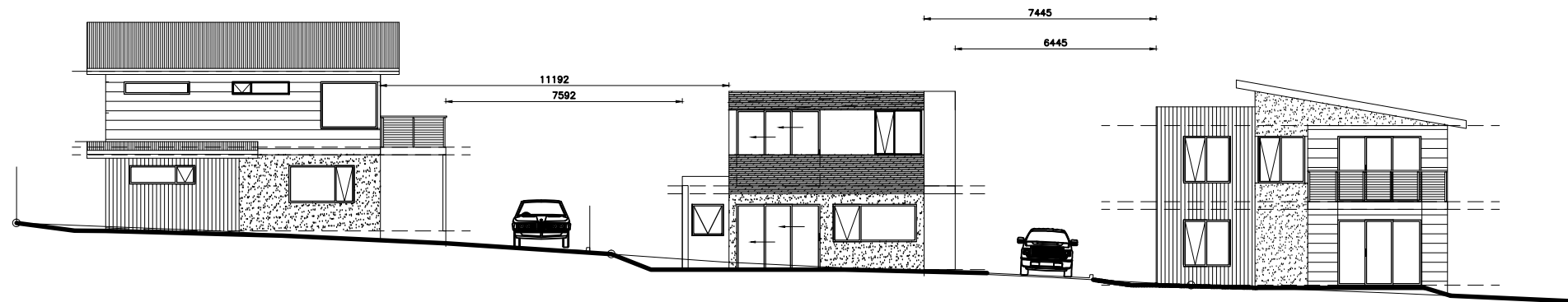
HOUSE 9

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

HOUSE 9

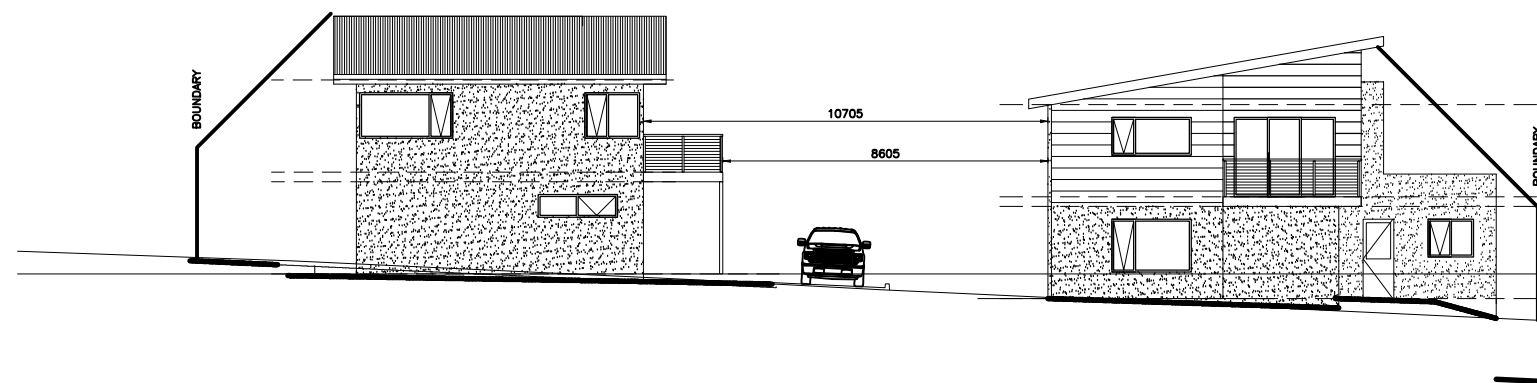
HOUSE 2

HOUSE 8



HOUSE 3

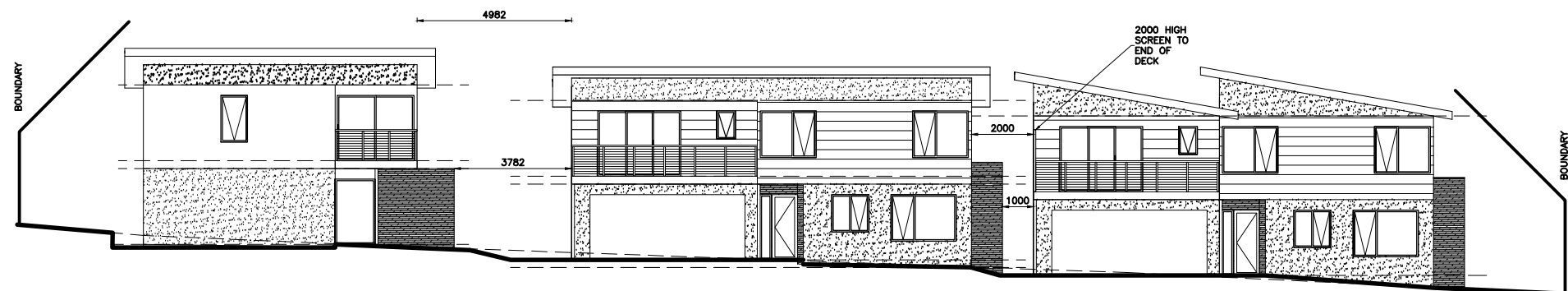
HOUSE 7




HOUSE 4

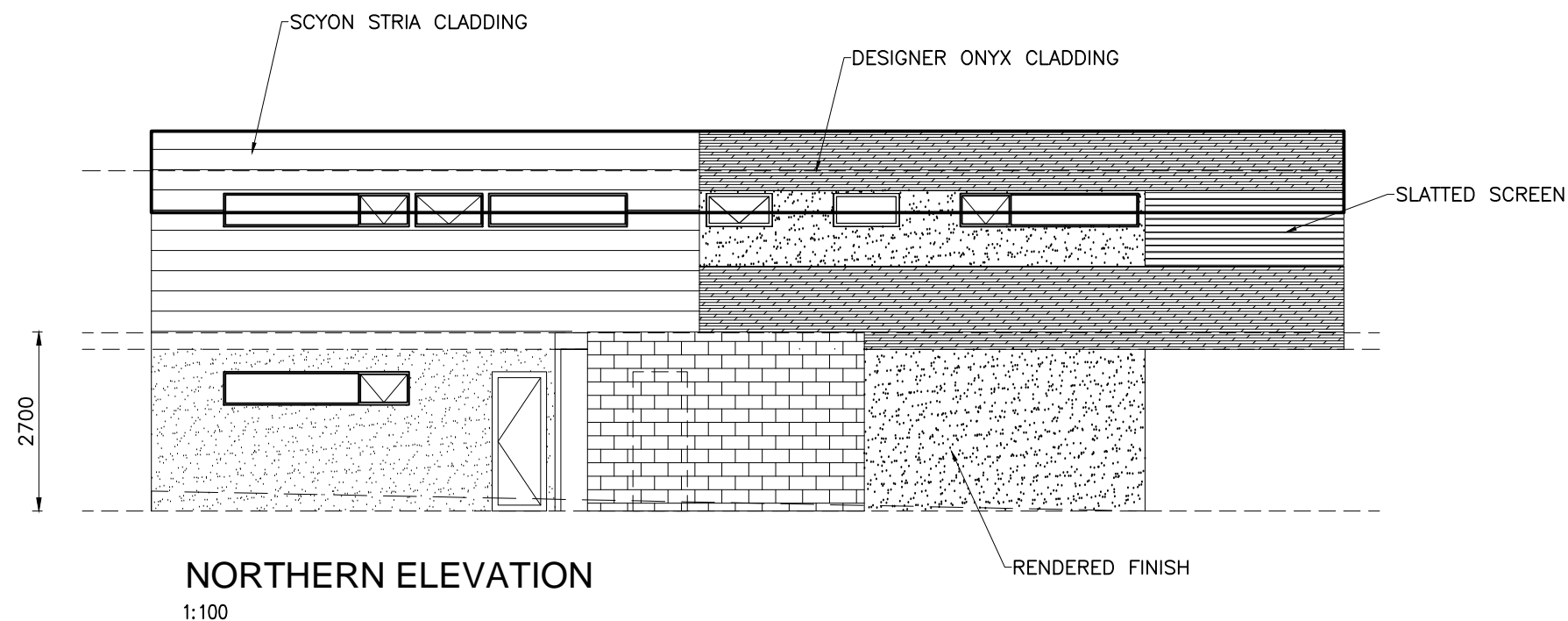
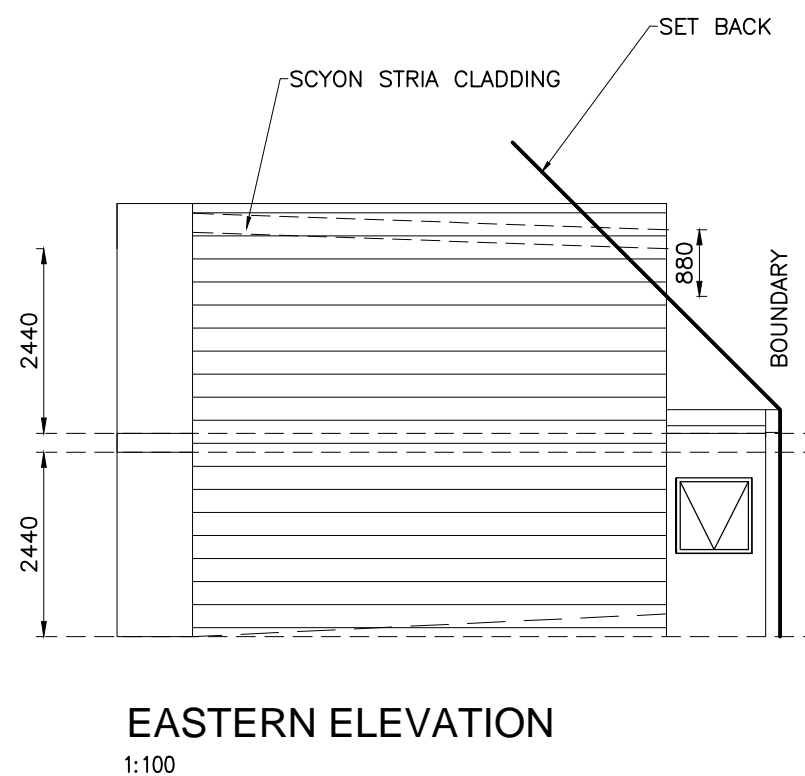
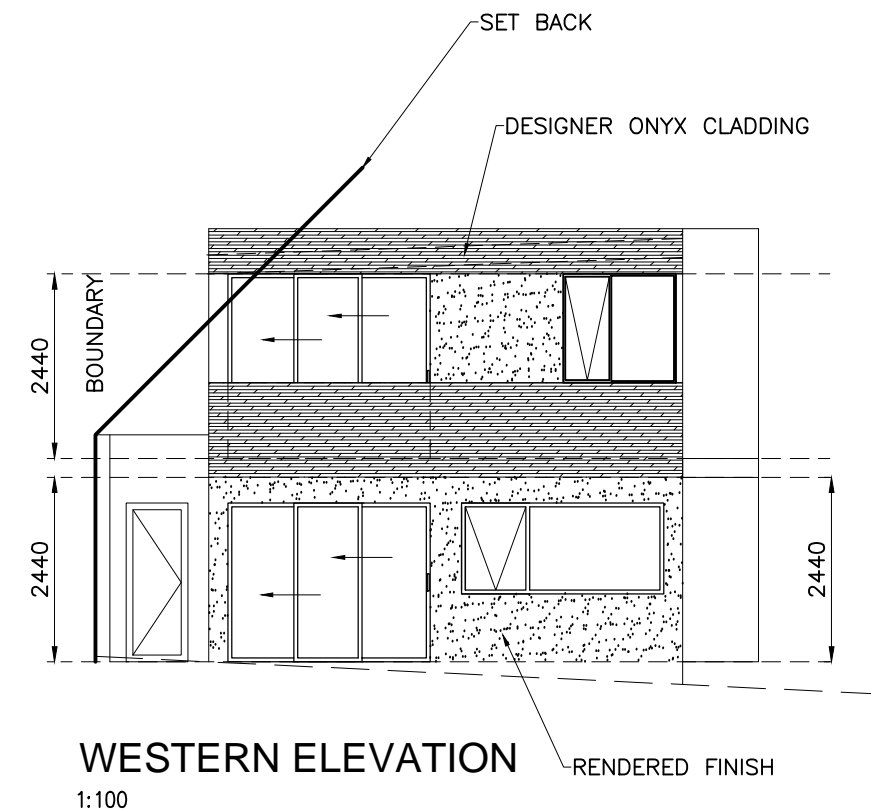
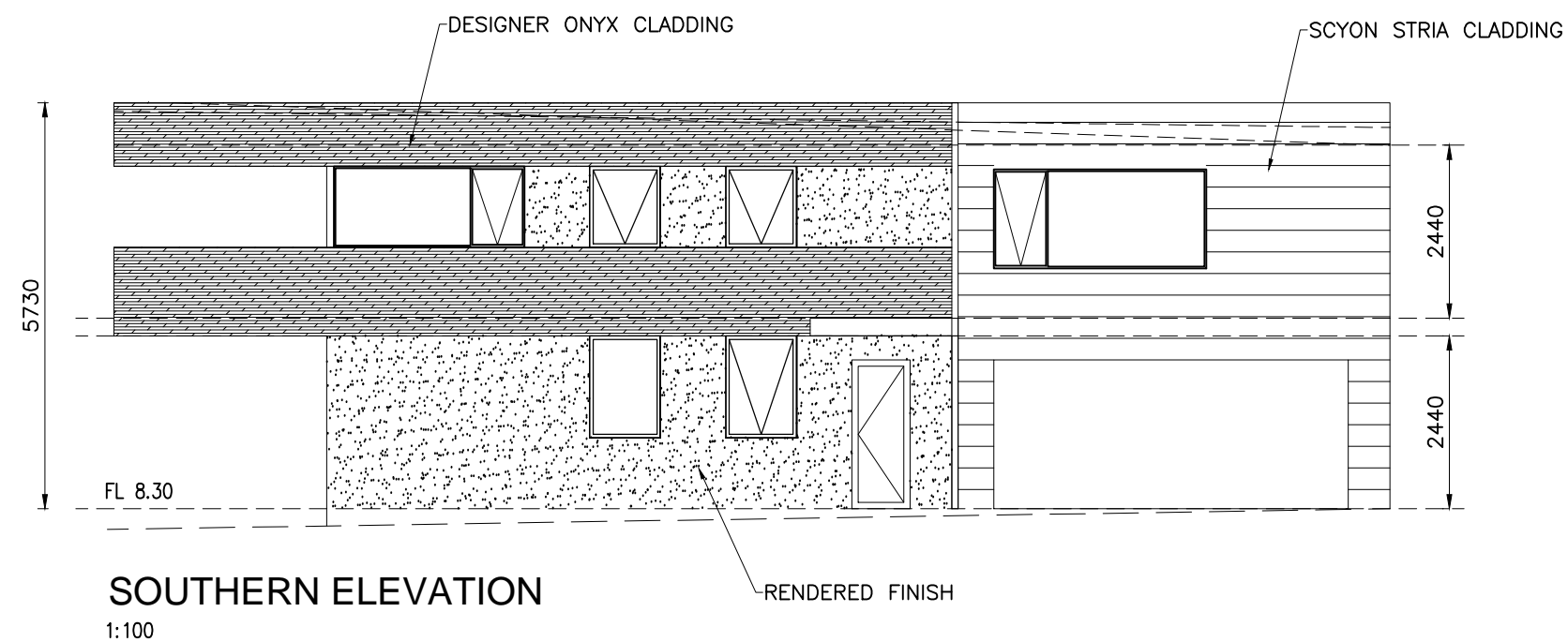
HOUSE 5

HOUSE 6




HOUSE 9

 DALLAS WILSON DESIGN DRAFTING	SCALE:	PAGE 23 OF 23 PAGES	PROPOSED HOUSES 31 BEACH ST BELERIVE For KINGLOC HOLDINGS
	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 14/2/17	DWG No: COOP-B-05	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			



HOUSE 1

 DALLAS WILSON DESIGN DRAFTING	SCALE:	PAGE 6 OF 23 PAGES	PROPOSED HOUSES 31 BEACH ST BELERIVE For KINGLOC HOLDINGS
	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 14/2/17	DWG No: COOP-B-05	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			

PLANNING APPLICATION

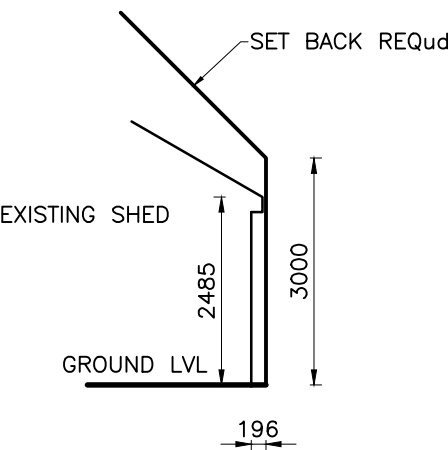
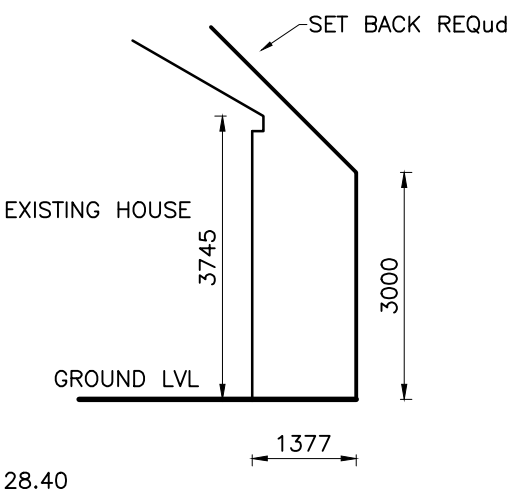
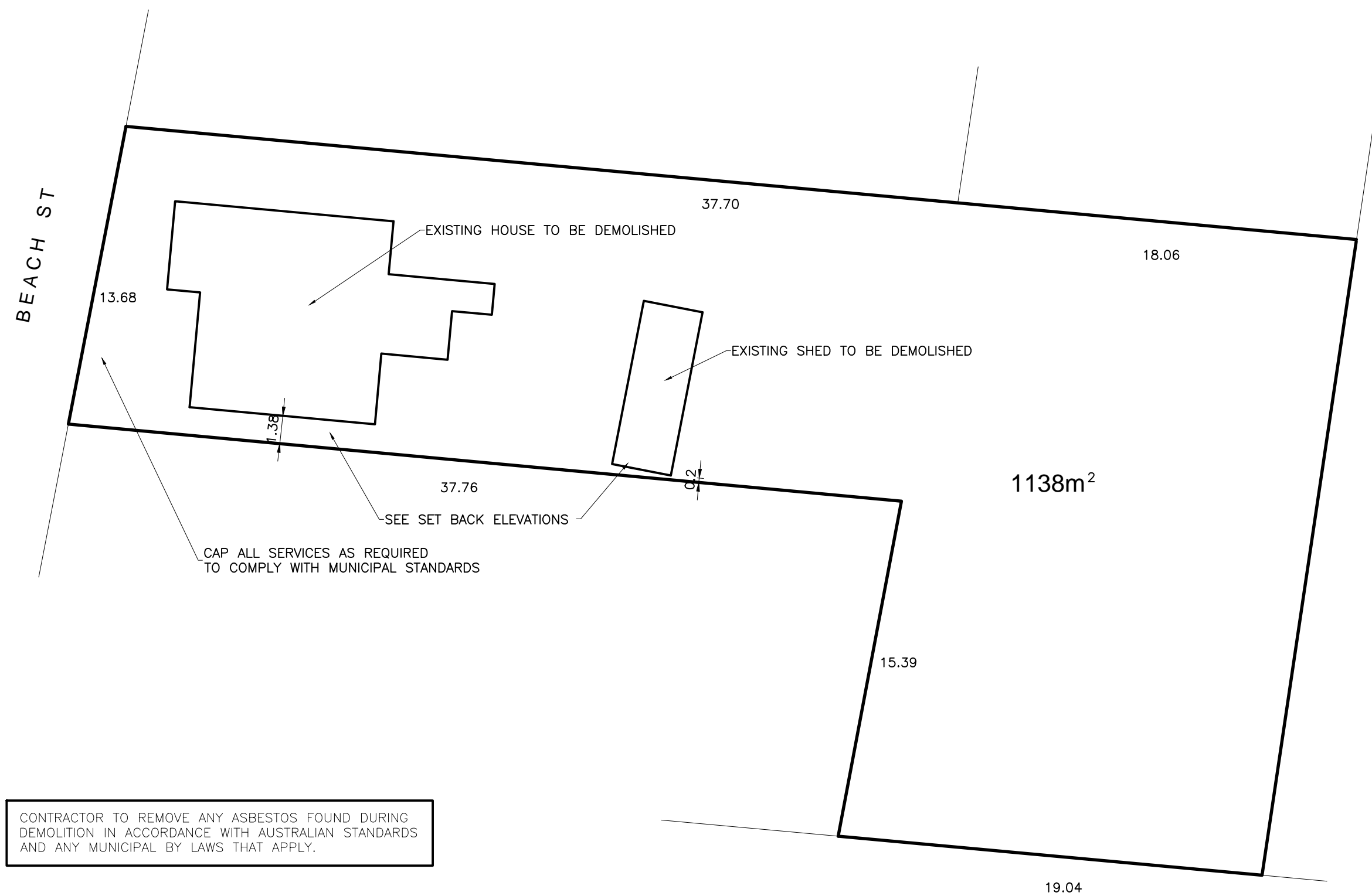


SCALE:	PAGE 1 OF 2 PAGES	DEMOLITION 31 BEACH ST BELERIVE For KINGLOC
DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
DATE: 22/12/16	DWG No: COOP-B-05	

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

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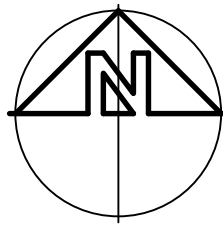
DEMOLITION PLAN




SET BACK
ELEVATION
1:100

CONTRACTOR TO REMOVE ANY ASBESTOS FOUND DURING DEMOLITION IN ACCORDANCE WITH AUSTRALIAN STANDARDS AND ANY MUNICIPAL BY LAWS THAT APPLY.

SITE PLAN
1:200



 DALLAS WILSON DESIGN DRAFTING	SCALE:	PAGE 2 OF 2 PAGE	DEMOLITION PLAN 31 BEACH ST BELERIVE For KINGLOC
	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 22/12/16	DWG No: COOP-B-05C	
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

31 Beach Street, 57 and 61 Clarence Street, Bellerive



Site viewed from Beach Street.

**11.3.2 SUBDIVISION APPLICATION SD-2016/50 - 63 CORNWALL STREET,
ROSE BAY - 1 LOT SUBDIVISION**
(File No SD-2016/50)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 1 lot subdivision at 63 Cornwall Street, Rose Bay.

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.

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 3 May 2017 with the written agreement of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 2 representations were received raising the issue of Development Standards for Subdivision.

RECOMMENDATION:

- A. That the application for a 1 lot subdivision at 63 Cornwall Street, Rose Bay (CI Ref SD-2016/50) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN POS4 – POS CONTRIBUTION [5%] [Lot 1].
 3. ENG A1 – NEW CROSSOVER [TSD-R09] Replace “3.0m wide” with “3.6m wide”.

4. ENG A7 – REDUNDANT CROSSOVER.
 5. ENG M2 – DESIGNS SD Delete “road design (including line marking) and road stormwater drainage”.
 6. ENG M8 – EASEMENTS.
 7. ENG S1 – INFRASTRUCTURE REPAIR.
 8. ENG S2 – SERVICES.
 9. ENG S4 – STORMWATER CONNECTION.
 10. The development must meet all required Conditions of Approval specified by TasWater notice dated 22 March 2017 (TWDA 2016/01875-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned General Residential and subject to the Road and Railway Assets, Parking and Access, Stormwater Management codes.

2.2. Subdivision is a discretionary development.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Part D – General Residential Zone; and
- Part E – Road and Railway Assets, Parking and Access, and Stormwater Management codes.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The land has an area of 1887m² and contains an existing Single Dwelling. The site has frontage and vehicle access to Cornwall Street. The site also has a narrow frontage to Loatta Road, which contains an unused driveway and vehicle crossover.

The surrounding area is similarly zoned General Residential containing land mostly occupied with Single Dwellings. The typical area of lots is between 600 and 700m².

3.2. The Proposal

The proposal is for a 1 lot subdivision plus the balance lot. Lot 2 would contain the existing dwelling with a minimum setback of 1.5m from the proposed boundary between Lots 1 and 2.

Lot 1 would have an area of 791m², while Lot 2 would have an area of 1095m². Lot 1 would use the existing vehicle access, while a new access would be provided to Lot 2 from Cornwall Street. The existing access onto Loatta Road would be retained for Lot 1.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

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

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.6.3 A1	Ways and Public Open Space	No Acceptable Solution	No land proposed as Public Open Space (POS).

The proposed variation must be considered pursuant to the Performance Criteria P2 of Clause 13.5.3 as follows.

Performance Criteria	Comment
<i>“P2 - Public Open Space must be provided as land or cash-in-lieu, in accordance with the relevant Council Policy”.</i>	As discussed in Section 8 of this report, it is recommended that a cash payment in-lieu of POS payment be required as a permit condition.

4.3. External Referrals

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

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 2 representations were received. The following issues were raised by the representors.

5.1. Development Standards for Subdivision

One representor has raised concern that in-fill developments reduce impact on residential amenity, increase traffic and result in loss of vegetation. The other representor is supportive of the development on the basis that the use of the land for residential purposes reduces urban sprawl and increases density to make better use of existing services such as schools, shops and roads.

- **Comment**

As discussed, the proposal satisfies the relevant subdivision requirements of the General Residential Zone. The purpose of the zone is to provide land for a range of dwelling types at suburban densities and also to provide for the efficient utilisation of services such as those mentioned.

6. STATE POLICIES AND ACT OBJECTIVES

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

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

7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**7.1. Public Open Space**

The primary purpose of Council's Public Open Space Policy (2013) is to ensure the delivery of adequate and appropriate POS to serve the needs of the existing and future population of Clarence. The Policy is used to assist Council to exercise its discretion and provide a framework to deliver a consistent approach to the consideration of POS, or alternatively the payment of cash-in-lieu of it.

Clarence has developed a comprehensive suite of strategies that either deliver or rely on POS related outcomes including but not limited to:

- Clarence Tracks and Trails Strategy 2012;
- Positive Ageing Plan 2012-2016;
- Clarence Coast and Bushland Strategy (August 2011);

- Community Health and Wellbeing Plan 2013-2018; and
- Draft Sport and Active Recreation Strategy.

Together these strategies assist Council to deliver a range of active and passive recreational opportunities at both local and regional level.

The subject site is zoned General Residential and would be afforded a high level of access to both local and regional recreational opportunities. The site would benefit from its proximity to Council's POS network and associated facilities and on this basis ought to contribute to it.

No POS land is proposed to be provided to Council as part of this application and nor is it considered desirable to require it on this occasion. In this instance there are no discounting factors that ought to be taken into account that would warrant a reduction of the maximum POS contribution.

While Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993 provides for a maximum of up to 5% of the value the entire site to be taken as cash-in-lieu of POS, should a permit be granted for the subdivision, it would be considered appropriate to limit the contribution only to the additional lot created (Lot 1), representing the increased demand for POS generated by the proposal and not the entire subject site. A suitable condition is recommended.

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

8. CONCLUSION

The proposal seeks approval for a 1 lot subdivision at 63 Cornwall Street, Rose Bay.
The application meets the relevant Acceptable Solutions and Performance Criteria of the Scheme.

The proposal is recommended for approval subject to conditions.

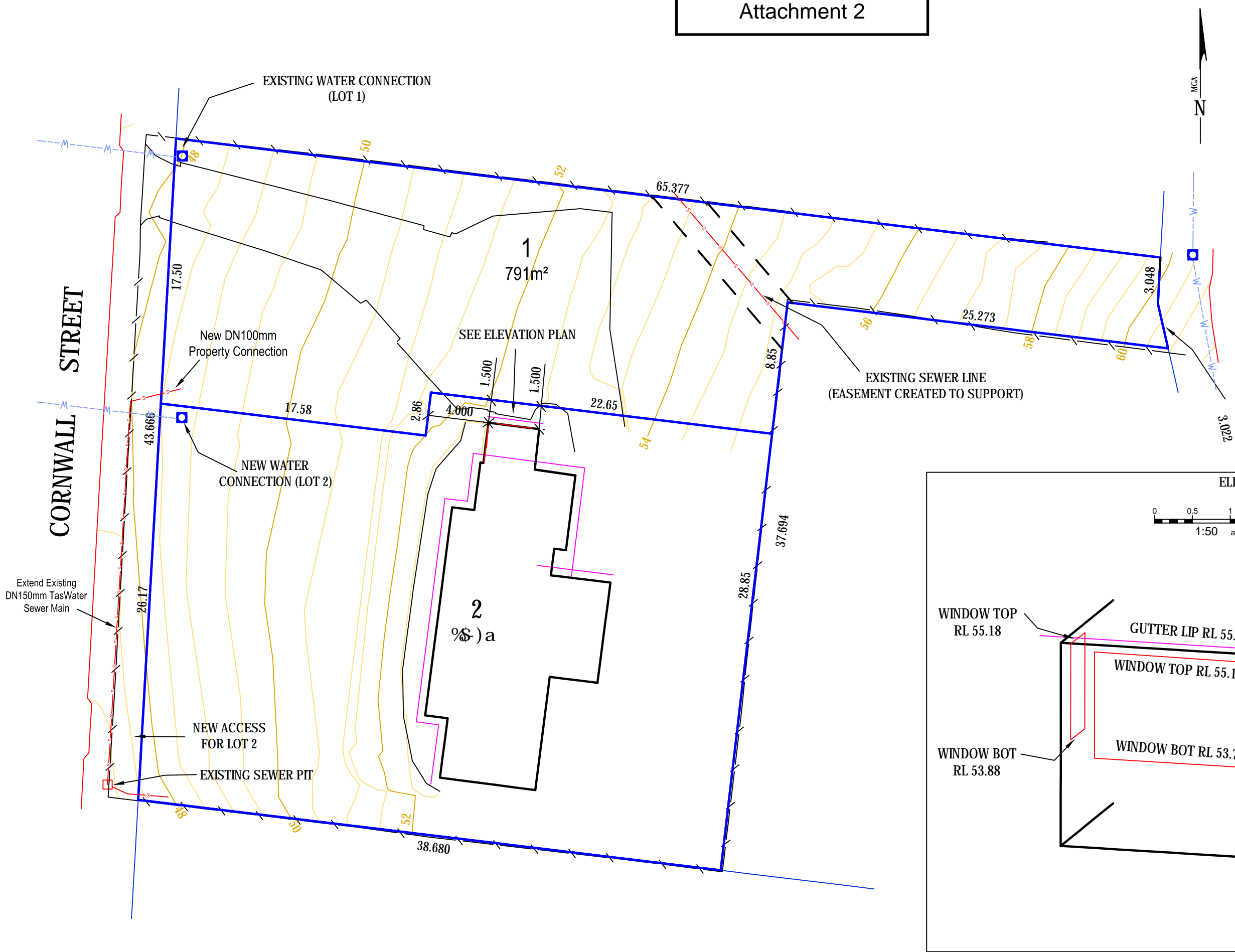
Attachments: 1. Location Plan (1)
2. Proposal Plan (1)
3. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 20 April 2017 **Scale:** 1:2,086 @A4



NOTES:

While all reasonable effort has been made to locate all visible above ground services, there may be other services which were not located during the field survey.

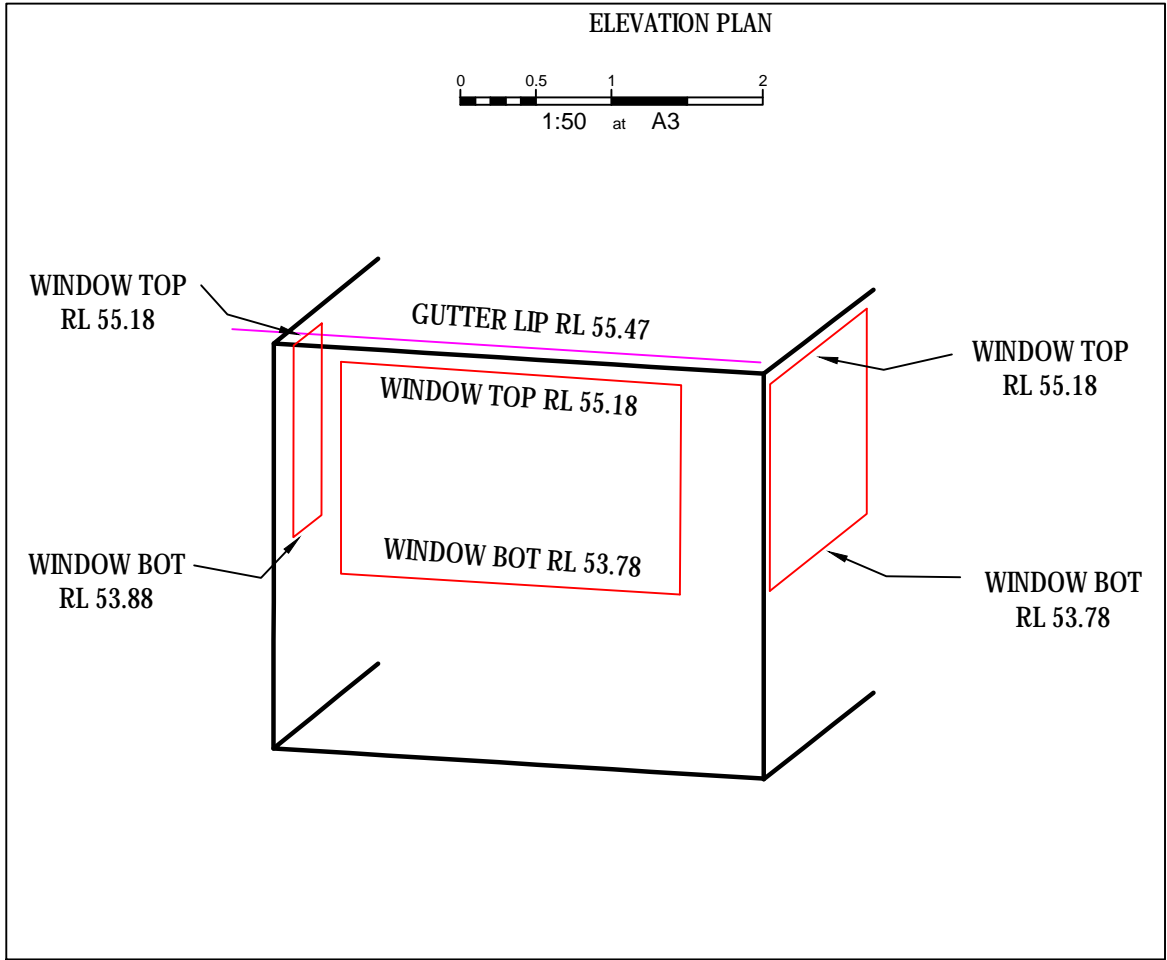
The title boundaries as shown on this plan were not marked at the time of the survey and have been determined by existing title dimensions and occupation (where available) only and not by field survey, and as a result are considered approximate only. This plan should not be used for building to boundary, or to prescribed set-backs, without further survey.

Prior to any demolition, excavation, final design or construction on this site, a full site inspection should be completed by the relevant engineers.

All survey data is 3D. The level (z-value) of any specific feature can be interrogated with a suitable CAD package. Spot heights of all features, including pipe inverts, are included in the model space but are not displayed on the PDF. Spot heights are organised into appropriate layers, and can be displayed as required.

DATUM - Vertical : AHD per SPM 7593 with reputed AHD level of 14.583 from SURCOM on 06/09/16

Date of Survey : 05/09/16



Attachment 3

63 Cornwall Street, ROSE BAY



Site viewed from Cornwall Street showing property frontage and existing access



Site viewed from existing driveway showing the existing dwelling



Site viewed from Cornwall Street showing frontage. Access to Lot 2 would be in front of the sedan shown in the photograph

11.3.3 DEVELOPMENT APPLICATION D-2017/64 - 46 LEWIS AVENUE, SEVEN MILE BEACH - OUTBUILDING
(File No D-2017/64)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an outbuilding at 46 Lewis Avenue, Seven Mile Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Parking and Access, Stormwater Management, Inundation Prone Areas, and the On-Site Wastewater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development as the proposal does not meet the acceptable solutions within the Stormwater Management and Inundation Prone Areas codes.

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 8 May 2017.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the following issues:

- stormwater;
- building use;
- privacy;
- building height;
- building materials;
- landscaping;
- accuracy of plans; and
- impact on property values.

RECOMMENDATION:

- A. That the Development Application for an outbuilding at 46 Lewis Avenue, Seven Mile Beach (CI Ref D-2017/64) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN M7 – DOMESTIC USE.
 3. GEN M9 – NONHABITABLE PURPOSES.
- 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 building was constructed in late 2016/early 2017 to a near complete stage without building and planning approvals. To avoid possible enforcement action, this application was submitted seeking a retrospective approval.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned Village under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme. A Single Dwelling is a Permitted Use.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
 - Part D – Village Zone; and
 - Part E – Parking and Access, Stormwater Management, Inundation Prone Areas, and On-Site Wastewater Management codes.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site has an area of 1012m² and no significant slope. The lot has frontage and vehicle access to Lewis Avenue and contains an existing dwelling.

The area surrounding the subject site is similarly zoned Village and developed with Single Dwellings. The adjacent properties at 44 and 48 Lewis Avenue contain outbuildings constructed on, or close to the boundaries of the subject site. The Royal Hobart Golf Club course borders the rear of the site.

3.2. The Proposal

The proposal is for a new outbuilding (garage) at the rear of the existing dwelling. The outbuilding has a gross floor area of 80m² and a height of 4.45m at its highest point above natural ground level. The building has a minimum setback of 2.33m from the southern side boundary, a minimum setback of 4m from the northern side boundary and 2.15m from the rear boundary.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the Village Zone and the Parking and Access, Stormwater Management, Inundation Prone Areas, and On-Site Wastewater Management codes with the exception of the following.

Stormwater Management Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E7.7.1 A1	Stormwater	Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	Stormwater would need to be retained on-site in water tanks and/or stormwater absorption trenches.

The proposed variation must be considered pursuant to the Performance Criteria P1 of Clause E7.7.1 as follows.

Performance Criteria	Comment
<i>“P1 – Stormwater from new impervious surfaces must be managed by any of the following:</i>	See below
<i>(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles.</i>	Council’s Development Engineer has advised that the land area of the property is sufficient to enable all stormwater to be retained and/or reused on the site. Details of the stormwater disposal system, such as trenches and/or rainwater tanks, would need to be submitted with applications for building and plumbing permits as normally required.
<i>(b) collected for re-use on the site;</i>	As per above
<i>(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council”.</i>	Not applicable

Inundation Prone Areas Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E15.7.2 A3	Inundation Medium Hazard Areas	A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must have a floor area no more than 40m ² .	The outbuilding has a floor area of 80m ² .

The proposed variation must be considered pursuant to the Performance Criteria P3 of Clause E15.7.2 as follows.

Performance Criteria	Comment
<i>“P3 - A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must satisfy all of the following:</i>	See below
<i>(a) risk to users of the site, adjoining or nearby land is acceptable;</i>	Council’s Development Engineer has advised that the proposal does not present any increased risk to users of the site, adjoining or nearby land.
<i>(b) risk to adjoining or nearby property or public infrastructure is acceptable;</i>	The Development Engineer has also advised that the proposal would not present any increased risk to adjoining or nearby properties or public infrastructure.
<i>(c) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;</i>	The subject site is not in close proximity to Seven Mile Beach and would not be impacted by wave run-up.
<i>(d) need for future remediation works is minimised;</i>	Given the separation of the site from the beach (approximately 600m) it is not likely that any future remediation works would be required.
<i>(e) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works”.</i>	Not applicable

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 1 representation was received. The following issues were raised by the representor.

5.1. Stormwater

The representor has raised concern that stormwater collected by the proposed buildings would be discharged onto other properties causing flooding.

- **Comment**

As discussed, Council's Development Engineer has advised that stormwater can be retained and/or reused on the site. Details of the stormwater disposal system would need to be submitted with an application for a plumbing permit as normally required. The Urban Drainage Act 2013 prevents concentrated stormwater from being discharged onto neighbouring properties.

5.2. Building Use

The representor claims that the building has occasionally been used for accommodation, "loud social gatherings", and for operating loud vehicles such as motorbikes.

- **Comment**

The application seeks approval of a domestic outbuilding only. No habitation is proposed. Conditions are recommended, which would confirm same. Noise generated by domestic activities is not relevant to the assessment of this application. Noise limits are controlled under the Environmental Management and Pollution Control Act 1994 (EMPCA).

5.3. Privacy

The representor has raised concern that neighbouring properties can be overlooked by people using the proposed building.

- **Comment**

The proposal satisfies the Acceptable Solutions for building height and setback, which are intended to reduce impact on residential amenity.

5.4. Building Height

The representor is concerned that the height of the building is not consistent with the height of other outbuildings in the area and would have an unreasonable visual impact on surrounding properties.

- **Comment**

As discussed, the proposal satisfies the building height and setback requirements of the Village Zone.

5.5. Building Materials

Concern is raised that the cladding (cream) is reflective and does not blend with the site impacting on residential amenity.

- **Comment**

The Scheme does not provide for consideration of building materials in cases where building height and setback requirements are met.

5.6. Landscaping

The representor has raised concern that no landscaping or screening has been installed to reduce the impacts of the building on residential amenity.

- **Comment**

The Scheme does not require landscaping or screening.

5.7. Accuracy of Plans

Concern is raised that the building appears to be closer to the boundaries than suggested by the proposal plans.

- **Comment**

The proposal plans have been drawn to scale and are considered to accurately represent the proposed development. A site inspection was undertaken confirming that the setbacks have been shown correctly. It is noted that existing boundary fences are ageing and in some cases are no longer straight, which means the building may appear to be closer to the boundary than it actually is.

5.8. Impact on Property Values

The representor has raised concern that the proposed development would cause a reduction in value of the surrounding properties.

- **Comment**

The Scheme does not provide for Council to consider the impact of use or development on property values.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

The proposal seeks approval for an outbuilding at 46 Lewis Avenue, Seven Mile Beach. The application meets the relevant acceptable solutions and performance criteria of the Scheme.

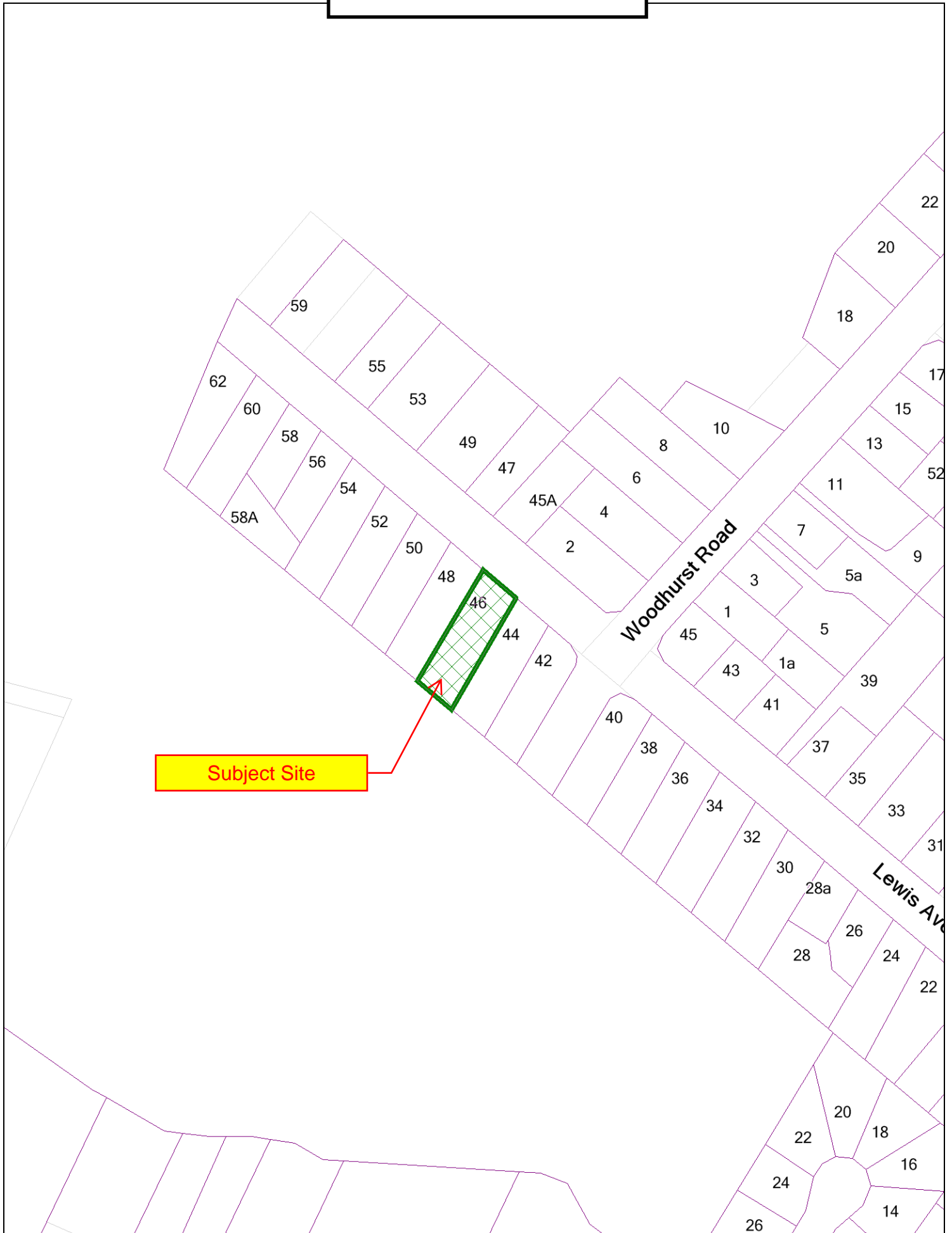
The proposal is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plan (2)
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



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 20 April 2017 **Scale:** 1:2,055 @A4

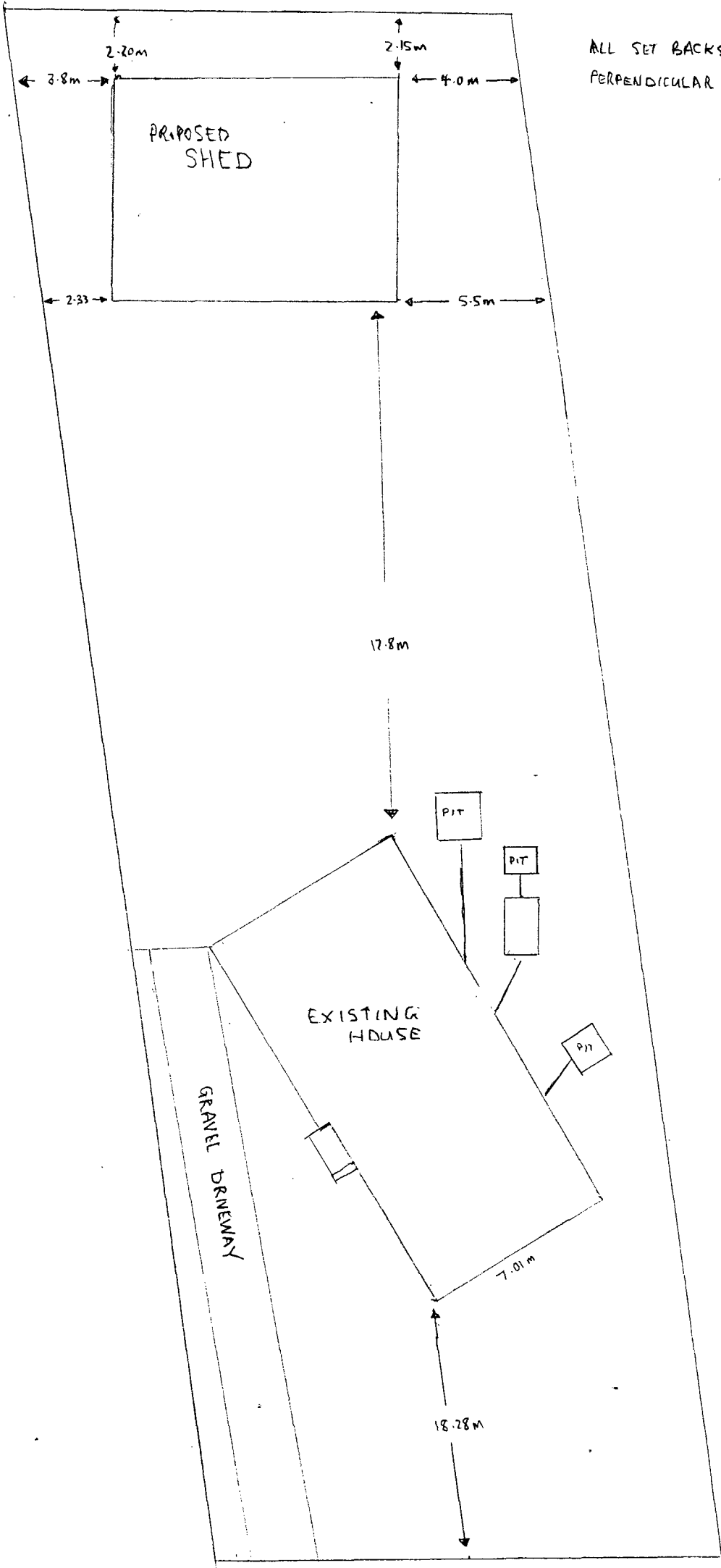
SITE PLAN 46 LEWIS AVE

SCALE 1:200

20-03-2017 HW

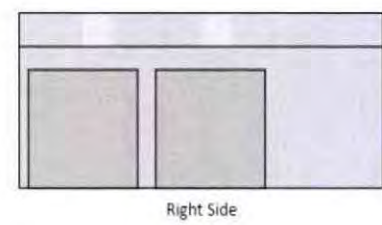
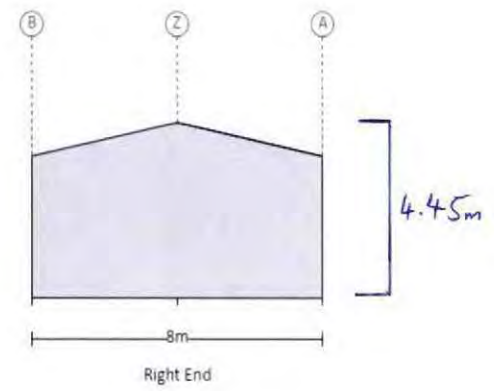
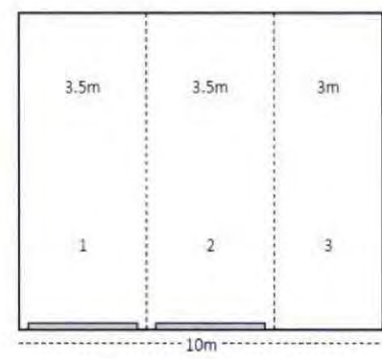
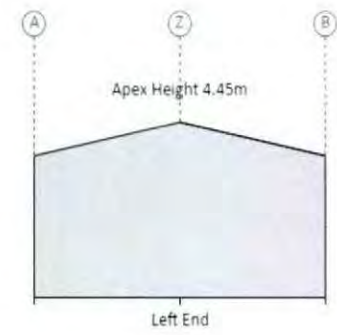
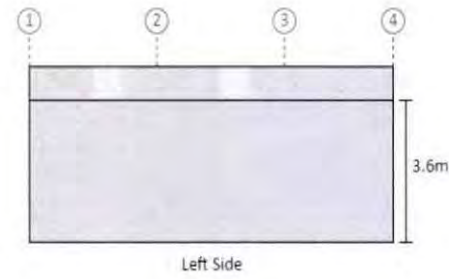
20 MAR 2017

BY: RECORDS



ALL SET BACKS MEASURED
PERPENDICULAR FROM BOUNDARY

RECEIVED
20 FEB 2017
BY: RECORD



Layout
NOT FOR CONSTRUCTION

Seller: Sheds n Homes Hobart Tasmania
Ashley James Barrett
Phone: (03) 6165 0204
Fax:
Email: ashley.barrett@shedsnhomes.com.au

TABERCO ENGINEERING PTY LTD
ACN: 610 855 260
ME Aust. (Registered NER Structural & Civil) 2741240
Qld. RPEQ No. 13750; VIC: EC44684; TAS: CC8968; N.T.: 225521ES;
Practising Professional Structural & Civil Engineer

Signature: *[Signature]* R. Nancarrow Date: 01/11/16

Purchaser Name: Henry Warren
Site Address: 46 Lewis ave SEVEN MILE BEACH TAS Australia 7170
Drawing # SHBT161012 - 3
Print Date: 01/11/16

Attachment 3

46 Lewis Avenue, SEVEN MILE BEACH



Site viewed from Lewis Avenue



Site viewed from rear boundary showing boundary between 44 and 46 Lewis Avenue



Site viewed from rear boundary showing boundary between 46 and 48 Lewis Avenue



Site viewed from rear boundary showing separation between the building and rear boundary

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 COUNCIL RESPONSE TO NATIONAL CLIMATE CHANGE OBJECTIVES**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider how Council can best respond to national climate change objectives following the 21st Conference of Parties (COP21, Paris).

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

There are no specific legislative requirements.

CONSULTATION

There has been consultation with Ironbark Sustainability representatives. No public consultation has been undertaken.

FINANCIAL IMPLICATIONS

Council to consider allocating funding of \$19,000 in the 2017/2018 Annual Budget to develop the baseline emissions data for the development of a Greenhouse Emissions Reduction Plan 2018 – 2023.

RECOMMENDATION:

- A. That Council considers allocating funds of \$19,000 in the 2017/2018 Annual Budget enabling commencement of work on establishing a Greenhouse Emissions Reductions Plan which encompasses Emissions Reductions Targets relative to established Emissions Baselines. A key component of a Greenhouse Emissions Reduction Plan would be the establishment of a positive messaging community climate change communications strategy.
- B. That Council authorises the General Manager or his delegate to report on the relative benefits and costs of Council participating in the Compact of Mayors or the International Council for Local Environmental Initiatives.

COUNCIL RESPONSE TO NATIONAL CLIMATE CHANGE OBJECTIVES
/contd...

ASSOCIATED REPORT**1. BACKGROUND**

1.1. Council, at its Meeting of 16 January 2017 resolved as follows:

“That the General Manager prepares a report to Council on the national climate change objectives as agreed following the 21st Conference of Parties (COP21, Paris) and how these objectives can be implemented within the Clarence community. The report should include the following issues:

- *How can Council best respond to the national climate change objectives within the Clarence community;*
- *Establish a communication strategy to best inform and build awareness in the community on the climate change objectives; and*
- *Determine a cost estimate to implement the national climate change objectives within the Clarence community for consideration in future Annual Plans”.*

1.2. Council officers have been engaged in a number of recent activities which have relevance to the above questions. These include, but are not limited to:

- taking part in a recent webinar titled “Setting Science Based Climate Targets for Local Government and the Impact of 1.5 Degree Paris Agreement” hosted by Ironbark Sustainability;
- a teleconference with multiple parties and continuing liaison with the Local Government Association of Tasmania (LGAT) in regard to the “Southern Tasmanian Councils Street Lighting Bulk Changeover Business Case” as prepared by Ironbark Sustainability;
- commencement of a project to install a 75kW Photovoltaic Solar Energy Supply system on the roof of the Clarence Aquatic Centre;
- continuing representation on, and liaison with, the Regional Climate Change Initiative of the Southern Tasmanian Councils Authority;
- assisting the Australian Local Government Women’s Association in organisation of the Climate Change Forum that was a component of the 2017 Annual Meeting held in Launceston on 13 April 2017;

- participation in the upcoming Climate Resilient Councils project (scheduled for August 2017) which is funded by the Tasmanian Climate Change Office and managed through the Local Government Association of Tasmania;
- establishment of the Information Communication Working Group which meets to inform Council digital media outreach and campaigns.

2. REPORT IN DETAIL

2.1. A new global climate agreement (the “Paris Agreement”) was agreed under the United Nations Framework Convention on Climate Change at the 21st Conference of the Parties in 2015.

The Paris Agreement sets in place a framework for all countries to take action on climate change, building on the Kyoto Protocol and other international efforts. Under the Agreement, all countries have committed to (among other things):

- an overarching goal to hold global average temperature increase to well below 2 degrees and pursue efforts to keep warming below 1.5 degrees above pre-industrial levels;
- aim to reach global peaking of greenhouse gas emissions as soon as possible and to achieve a balance between emissions and removals of greenhouse gases in the second half of this century;
- communicate a nationally determined contribution on ratification of the agreement and every 5 years from 2020 onwards, with each successive contribution representing a progression on the last report on national emissions and progress towards targets;
- promote action to adapt and build resilience to climate impacts.

2.2. The Australian Government has established emissions reductions targets as the main component of Australia’s climate change objectives as agreed following the 21st Conference of Parties (COP21, Paris). The present Australian Government Emissions target is: *“A 2030 target of reducing emissions to 26-28 per cent below 2005 levels”*.

- 2.3.** The Australian Government Department of Environment and Engineering has also announced a 2017 REVIEW OF CLIMATE CHANGE POLICIES (Refer Attachment 1). There is opportunity for Council to provide input to this review by 5 May 2017, individually and/or to contribute to a sectoral response by providing feedback to LGAT by 28 April 2017.
- 2.4.** The Tasmanian State Government also has emissions reductions targets: *“The State will work towards reducing its emissions by 35 per cent below 1990 levels by 2020”*.
- 2.5.** The State emissions reductions objectives are more ambitious than the Australian Government emissions targets, although both fall substantially short of the recommendations of the Intergovernmental Panel on Climate Change as needed to meet the COP21 goal of limiting global warming to 1.5 degree Celsius above pre-industrial levels.
- 2.6.** There are currently no State Government mandated emissions reductions targets for Local Governments, however, a number of Tasmanian Councils already have, or are establishing, emission reduction targets (eg Hobart, Southern Midlands and Launceston Councils) as a component of their Greenhouse Emissions Reductions or Climate Action Plans.
- 2.7.** Clarence City Council currently does not have a good understanding of its present greenhouse emissions, has no agreed greenhouse gas emissions reductions targets, nor an emissions reductions plan at either community or corporate level.
- 2.8.** Community emissions are reduced where possible through community communication programs in sustainability issues, climate change and waste management practises (eg community walk and talk sessions, ride to work breakfast, primary school poster competition, the primary school waste education program and with information available on Council websites including via the “Live” pages).

- 2.9.** To reduce corporate emissions, council undertakes some voluntary implementation of simple and effective energy management strategies where those practises are seen to also have economic benefit or short payback times. These include transition to low energy lighting options, solar hot water installation, solar energy supply and energy efficiency retrofits in suited Council buildings. Possible transition to LED street lighting through promotion and partnering in LGAT's "Southern Tasmania Councils Street Lighting Bulk Changeover Business Case" analysis is potentially Councils most effective corporate emission reduction action and is currently being considered.
- 2.10.** Without emissions baseline data, emissions reductions targets and emissions reductions plans, there is a risk that the above emissions reductions actions could fall below standards expected for Local Government.
- 2.11.** Up until 2010, Council was a member of the "International Council for Local Environmental Initiatives", which became "ICLEI - Local Governments for Sustainability" with a broader mandate to address sustainability issues. Membership of ICLEI benefitted Council in the communication of climate change strategies by giving access to additional shared tools and information and demonstrating commitment to climate change actions. Council's membership of ICLEI was an agent for establishment of a number of Councils earliest actions in regard to Climate Change Adaptation over the past decade.
- 2.12.** An alternative to ICLEI is the Compact of Mayors. This is a notable international coalition of Cities and Local Governments with a shared long-term vision of promoting and supporting voluntary action to combat climate change and move to a low emission, resilient society. This is an historic and powerful response by the world's cities to address the climate challenge representing over 500,000 people and one quarter of the global economy.

2.13. It is worth consideration by Council to either re-establish connections with ICLEI, or alternatively become a participant in the Compact of Mayors. Membership of either of these would provide Council with new and widespread recognition of impactful climate change actions, media platforms, tools and technical support, social media communications templates and infographics and a city profile on the Compact of Mayors website. Council would be required to register commitment, report inventory and climate risk, report emissions reductions targets and upload climate action plans.

2.14. In order for Council to respond directly to the national climate change objectives to reduce both community and corporate emissions it is recommended Council:

- determine both community and corporate historical (year 2005 and current) greenhouse emissions to establish baseline data;
- establish science based emissions reductions targets in line with both National and State targets and taking account of the City of Clarence's proportional capacity;
- develop a Greenhouse Emissions Reductions Plan (alternatively called a Climate Action Plan) for both corporate and community emissions;
- develop a communication strategy;
- monitor, and/or estimating, emissions annually;
- report annually on emissions reductions progress to Council; and
- review targets and plans on a 5 yearly basis.

2.15. The development of each phase of 2.14 will involve Council officers reviewing options and providing Council with cost estimates for consideration in future Annual Plans.

2.16. Ironbark Sustainability has been active in assisting Local Governments in effective action on greenhouse emissions reductions. They are 1 example of the sort of external expert assistance that could be sought in establishing emissions baselines and in the development of science based emissions reductions plans, (Refer Attachment 2).

Typically at a cost of \$5000 for a community baseline emissions study and \$7000 for a corporate emissions baseline study.

- 2.17.** Council has already drafted an un-actioned Climate Change Mitigation Action Plan 2009-2015. This draft would form an excellent starting basis for the development of a Greenhouse Emissions Reduction Plan 2018 – 2023. There is sufficient in house expertise to action this although liaison with external expertise would be beneficial to ensure that Councils emissions reductions plan conforms to best current practise for Local Government (estimated cost \$7000).
- 2.18.** A Greenhouse Emissions Reduction Plan would likely have implications for Council across many areas of operations including transportation, waste, street lighting, fleet, IT, buildings, natural resources management, urban design, streetscaping and communications. In order to deal with this level of complexity it would be an advantage to establish an emissions reductions working group with officers from differing operational areas to oversee, co-ordinate and report on actions.
- 2.19.** The establishment of a communication strategy, to inform and build awareness in the community on the climate change objectives, would be best actioned subsequent to establishing agreed climate change objectives (eg emissions reduction targets and plans). It would be an integral component of the development of a Greenhouse Emissions Reduction Plan and the scope and objectives of the communication strategy would be developed in alignment with the scope and objectives of the Greenhouse Emissions Reduction Plan.
- 2.20.** There are many possible avenues for community consultation, for instance, digital media strategies through to events based strategies and these would require a budget that would reflect the ambition of the strategies. Education campaigns in regard to the likely negative longer term impacts of climate change have been shown to lead to strong disengagement by community.

Research in public communications strongly suggests that engaging the community with climate change is most effective when communication strategies focus on the short term positive aspects and benefits to community of climate change mitigation actions.

- 2.21.** Establishing a positive messaging based community communication strategy would best be actioned in consultation with Council's Information Communication Working Group during the development of the Greenhouse Emissions Reduction Plan.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

- Climate Change (State Action) Bill 2008;
- Climate Smart Tasmania – A 2020 Climate Change Strategy; and
- Tasmanian Climate Change Office: Independent review of the Climate Change (State Action) Act 2008 – Discussion Paper 20 June 2016.

3.3. Other

There have been discussions with representatives of Ironbark Sustainability and the Regional Climate Change Initiative of the STCA.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's Strategic Plan 2016 - 2026 is applicable:

To acknowledge and respond to the impacts of environmental change by:

- *Continuing to work with all levels of government to meet national climate change objectives as agreed to following the 21st Conference of Parties (COP21);*
- *Developing climate change adaptation and mitigation action plans to meet the agreed response to climate change impacts;*
- *Considering the impacts in all asset management plans and land-use planning strategies;*
- *ensuring the community is well informed of potential impacts, particularly coastal communities".*

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Not applicable at this stage of the process.

7. FINANCIAL IMPLICATIONS

7.1. To establish baseline data for both community and corporate emissions is estimated to cost \$12,000. Further assistance to ensure conformance with current best practices is estimated to be \$7000.

7.2. Council is in a position to consider allocating funding of \$19,000 in the 2017/2018 Annual Budget to develop the baseline data for emissions for the development of a Greenhouse Emissions Reduction Plan 2018 – 2023.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. The adoption of Council greenhouse emissions targets, in line with Australian and State targets, and the development of a Greenhouse Emissions Reduction Plan (incorporating a community climate change communications strategy) are 2 actions which align with the implementation of Section 4.5 of Council's Strategic Plan 2016 – 2026.

9.2. There may be advantage for Council to participate in 1 of the reputable international coalitions of Cities and Local Governments to promote and support voluntary action to combat climate change and move to a low emission, resilient society.

Attachments: 1. 2017 Review of Climate Change Policies - Terms of Reference (1)
2. Ironbark Sustainability – Fundamentals for Climate Action (2)

Ross Graham

ACTING GROUP MANAGER ASSET MANAGEMENT

Attachment 1



Australian Government
Department of the Environment and Energy

2017 REVIEW OF CLIMATE CHANGE POLICIES

Terms of Reference

The Government is committed to addressing climate change. Through effective policies, ambitious and responsible targets, and careful management, Australia is playing its role in global efforts to reduce emissions, while maintaining a strong economy and realising the benefits of the transition to a lower emissions future.

The Government's policies are working to reduce Australia's emissions. They have Australia on track to surpass its 2020 emissions reduction target and provide a framework for the longer term.

In setting its 2030 target of reducing emissions to 26-28 per cent below 2005 levels, the Government committed to reviewing its policies during 2017. The review will ensure the Government's policies remain effective in achieving Australia's 2030 target and Paris Agreement commitments. The review will look at:

- the opportunities and challenges of reducing emissions on a sector-by-sector basis;
- the impact of policies on jobs, investment, trade competitiveness, households and regional Australia;
- the integration of climate change and energy policy, including the impact of state-based policies on achieving an effective national approach;
- the role and operation of the Emissions Reduction Fund and its safeguard mechanism;
- complementary policies, including the National Energy Productivity Plan;
- the role of research and development and innovation;
- the potential role of credible international units in meeting Australia's emissions targets; and
- a potential long-term emissions reduction goal post-2030.

The review will involve close engagement with business and the community, beginning with consultation on a discussion paper.

The review will monitor and be informed by developments in international climate policy, and include a focus on electricity prices for end users. The review will build on parallel processes, including the Finkel review of the reliability and security of the National Electricity Market, and the work of the Ministerial Forum on Vehicle Emissions.

The review will commence in February 2017 and conclude by the end of 2017.

Attachment 2



Fundamentals for Climate Action

- Science Based Targets
- Community & Corporate Inventories
- Compact of Mayors

Councils at the Forefront

For decades, Australian local governments have been at the forefront of climate action, even in the face of challenging federal and state policy environments. Councils have implemented energy efficiency and renewable energy projects on their assets and with their communities that have resulted in millions of tonnes of greenhouse gas abatement and have worked with and mobilised communities to join the challenge at the grass roots level.



Fast forward to 2016 and the successful Paris Agreement adopted in December 2015 represents a historic turning point in the international fight against climate change. Central to the adoption of the Paris Agreement are items of critical importance to Australian councils.

1. The first is around how Australian councils set localised science based targets that align with the ambitious target to **limit the increase in global average temperature to 1.5 degrees**.
2. The second is that the Paris Agreement explicitly recognizes and engages local and subnational governments,

Now what?

Since the Paris conference the dust has settled and in April 2016 a total of 175 countries officially signed the Paris Climate Agreement at the United Nations.

Australia was one of these 175 countries meaning we have committed to implementing an economy-wide target to reduce greenhouse gas emissions.

This means the **opportunity that Australian councils have for impact is now greater than ever** – and indeed their advocacy position is more powerful than ever – in ensuring that national targets are consistent with contributing to the critical 1.5-degree global target.

It also means that councils need to understand the importance and process of setting local climate targets that are based on science and reflect the 1.5-degree target agreed to in Paris. This requires moving away from the traditional approach of setting targets based on criteria such as available budget; community expectations; executive support and known actions. It means moving towards a science-based approach to setting targets.

Science-Based Targets

A science-based carbon budget for a council's corporate and community emissions provides a framework to set targets and demonstrate a fair share of action being undertaken.

The Ironbark team has been drawing on the invaluable work completed by the IPCC and Climate Change Authority to translate global targets into localised carbon budgets for Australian councils.



Ironbark are now working with councils to develop local science-based targets by scaling the national budget down to a local fair share for council incorporating variables to better represent the capacity and opportunities for a council to act on reducing emissions.

- Science Based Targets
- Community and Corporate Inventories
- Compact of Mayors

Community and Corporate Inventories

The success of a **corporate inventory** is based on good quality data and using a recognised and robust methodology. Having worked with many councils to complete inventories compliant with NGERS and the related NCOS protocol, we strongly recommend councils develop a corporate inventory to identify and prioritise opportunities for action.

Community inventories have been a source of frustration for many councils over a long period of time. However, over the last 12 months Ironbark has been working with councils throughout Australia to collate data from traditional sources (ABS and ABARES) as well as directly from utilities, CSIRO and other state sources (for example around waste and transport) to develop GPC* compliant community inventories.

Total electricity emissions				
Council	Baseline	Current	Target	Total
Mornington (VIC)	213,225,963	2,962,177,314	213,225,963	213,225,963
Scope 1 & 2 (CO2e)	489,008	722,008	248,742	609,274
Scope 3 (CO2e)	489,008	171,248	248,742	809,216,177
Scope 4 (CO2e)	209	49	49	209,174
Scope 5 (CO2e)	209	49	49	209,174
Scope 6 (CO2e)	209	49	49	209,174
Scope 7 (CO2e)	209	49	49	209,174
Scope 8 (CO2e)	209	49	49	209,174
Scope 9 (CO2e)	209	49	49	209,174
Scope 10 (CO2e)	209	49	49	209,174
Scope 11 (CO2e)	209	49	49	209,174
Scope 12 (CO2e)	209	49	49	209,174
Scope 13 (CO2e)	209	49	49	209,174
Scope 14 (CO2e)	209	49	49	209,174
Scope 15 (CO2e)	209	49	49	209,174
Scope 16 (CO2e)	209	49	49	209,174
Scope 17 (CO2e)	209	49	49	209,174
Scope 18 (CO2e)	209	49	49	209,174
Scope 19 (CO2e)	209	49	49	209,174
Scope 20 (CO2e)	209	49	49	209,174
Scope 21 (CO2e)	209	49	49	209,174
Scope 22 (CO2e)	209	49	49	209,174
Scope 23 (CO2e)	209	49	49	209,174
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Scope 207 (CO2e)	209	49	49	209,174
Scope 208 (CO2e)	209	49	49	209,174
Scope 209 (CO2e)	209	49	49	209,174
Scope 210 (CO2e)	209	49	49	209,174
Scope 211 (CO2e)	209	49	49	209,174
Scope 212 (CO2e)	209	49	49	209,174
Scope 213 (CO2e)	209	49	49	209,174
Scope 214 (CO2e)	209	49	49	209,174
Scope 215 (CO2e)	209	49	49	209,174
Scope 216 (CO2e)	209	49	49	209,174
Scope 217 (CO2e)	209	49	49	209,174
Scope 218 (CO2e)	209	49	49	209,174
Scope 219 (CO2e)	209	49	49	209,174
Scope 220 (CO2e)	209	49	49	

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 TARGETED REVIEW OF LOCAL GOVERNMENT ACT, 1993**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider Council's response to the "targeted" review of the Local Government Act, 1993 prepared by the Division of Local Government.

RELATION TO EXISTING POLICY/PLANS

A portion of the response to this paper relates to existing Council policies.

LEGISLATIVE REQUIREMENTS

There are no statutory requirements associated with the purpose of the discussion paper, however, Council is in the practice of providing responses to such legislative reviews.

CONSULTATION

An earlier discussion paper was circulated to all Councils in 2016, in accordance with the standing State/Local Government consultation protocols. This now represents the next stage of this review.

FINANCIAL IMPLICATIONS

Some financial/resource implications will occur should the reforms identified in the paper take place, however, it is difficult to quantify at this stage.

RECOMMENDATION:

- A. That Council notes the issues contained in the summary of the Targeted Review of the Local Government Act, 1993 and the draft Bill "Local Government (Targeted Review) Amendment Bill 2017".
- B. That Council endorses the comments and recommendations included in the Draft response to the draft Bill for submission to the Local Government Division, Department of Premier and Cabinet and the Local Government Association of Tasmania (LGAT).
- C. That Council restate its concern at the recent emerging trend to unnecessarily increase the level of detailed prescription and influence on local government governance in the Local Government Act, 1993 which is evidenced in the manner in which Ministerial Orders are proposed to be introduced in the draft Bill.

TARGETED REVIEW OF LOCAL GOVERNMENT ACT 1993 /contd...**ASSOCIATED REPORT****1. BACKGROUND**

- 1.1.** The “targeted” review of the Local Government Act 1993 was commenced in April 2016, at which time a discussion paper was distributed to Council seeking input. Council provided its response to the review in June 2016.
- 1.2.** As the second phase of the consultation process, the Department of Premier and Cabinet has distributed a Summary Paper on the Review of the Local Government Act, 1993 to Tasmanian Councils through the Local Government Association of Tasmania (LGAT) for their input into the content of the draft Bill.

2. REPORT IN DETAIL

- 2.1.** The targeted review of the Local Government Act 1993 was commenced in April 2016, at which time a discussion paper was distributed to Council seeking input on a number of specific issues that were being considered as the subject area of the review. The object of the review was to consider all aspects of the Local Government Act, 1993 that deal with representation and the roles and responsibilities of elected representatives. The focus of the review discussion paper centred on the electoral and governance provisions of the Act.
- 2.2.** As is the recognised practice the discussion paper was prepared by the Local Government Division based on emerging issues. The discussion paper sought to pose a range of key questions on these matters and seeks to gain feedback and response on a number of key aspects of the legislation. There were a number of areas that directly relate to election and elected member matters.

- 2.3.** In contrast with the earlier discussion paper phase of the review process, the draft Bill and summary of proposed changes now centre strongly on matters that have arisen in recent Board Inquiries into 2 Tasmanian Councils. What is proposed bears little resemblance with the subject areas covered by the earlier papers.
- 2.4.** Changes now proposed look to establish capacity within the legislation for more targeted remedy and instruction into the affairs of local Councils by the Minister. It is acknowledged that there have been limitations in the existing Local Government Act 1993 provisions which hinder a more targeted remedy should Board finding identify that conduct of individuals has influenced and eroded the functional performance of a whole Council. The Council has previously (and remains) supportive of such measures being introduced.
- 2.5.** In general terms it is proposed that an additional layer of prescriptive instruction that can be issued by the Minister through Ministerial Orders on a range of governance matters. Of particular concern in what has been proposed, is the level of potential involvement that the Minister could exercise in defining the key roles of Mayor, Deputy Mayor, Aldermen and the General Manager as well as defining the terms of appointment of General Managers and the management of the relationship between a Council and its General Manager. These are matters that are, can and should be sufficiently and clearly defined in the legislation.
- 2.6.** Details of the summary paper and Bill have been distributed to Aldermen together with a draft comments and recommended response. These documents have been the subject of Alderman Workshop discussions. The views expressed from these discussions have been incorporated in a draft Council response Schedule (refer Attachment 1).
- 2.7.** From the Workshop discussions the Council's earlier expressed concerns the emerging focus to increase the level of prescription into the Local Government Act, 1993 rather than being "enabling" legislation, remain.

3. CONSULTATION**3.1. Community Consultation**

As with all local government related regulatory reviews this regulations review is the subject of community consultation and open to public submissions.

3.2. State/Local Government Protocol

The summary paper and Bill have been circulated to all Councils in accordance with the standing State/Local Government consultation protocols. Given the timing of the review an interim response has been provided to LGAT and the Association is aware of when Council will formally consider its response.

3.3. Other

The draft response to the Summary Paper has been circulated to Aldermen and discussed at Aldermen Workshops and further input has been incorporated.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

A portion of the response to this paper relates to a number of existing Council policies.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

There are no statutory requirements associated with participation in the review process; however, Council is in the practice of providing responses to such legislative reviews.

7. FINANCIAL IMPLICATIONS

Some financial/resource implications will occur should the reforms identified in the paper take place; however, it is difficult to quantify at this stage.

8. ANY OTHER UNIQUE ISSUES

None identified.

9. CONCLUSION

9.1. Council is in the practice of providing responses to the legislative reform reviews that are conducted on a routine basis.

9.2. Both the Summary Paper and Council's response have been drafted on the key areas of change proposed in the Bill. Under the normal steps of the consultation Protocol this will be the final opportunity for Council to respond to this current review.

9.3. The response from the local government industry may vary on the subject areas covered and as such a clear indication of what changes will ultimately occur is difficult to ascertain.

Attachments: 1. Draft Response to the Summary Paper on the - Targeted Review of the Local Government Act 1993 (26)

Andrew Paul
GENERAL MANAGER

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
Interpretation		
Section 3	<p>Interpretation</p> <p>The interpretation section has had minor amendments to include new and amended definitions to give effect to other areas within the Act that have been amended:</p> <ol style="list-style-type: none"> 1. Amending the definition of “absolute majority” so that it reflects situations where a Councillor or several Councillors are suspended. 2. A new definition for “audit panel”. This amendment will require minor consequential amendments to relevant offence sections within the Bill where audit panel members are to be included. 3. A new definition of “model financial statements”. This amendment is covered in more detail later in the Bill. 4. Amending “electoral advertising”. In particular, the definition of “electoral advertising” has been amended to include advertising on the internet. This is to reflect that the Internet continues to play a larger role in electoral campaigns in Federal, State and Local Government elections. This amendment aims to capture internet advertising as it is not currently captured and amending the Act will ensure the legislation reflects and accommodates what is already occurring in the sector. 5. Increasing the timeframes for postal voting in Local Government elections by 1 week. 6. Introducing a definition for “performance improvement direction”. Performance improvement directions are explained in more detail later in this document. 	<p>Comments</p> <p>The interpretation provisions proposed are all sound and practical measures. Most of these additional terms have not formed part of Council considerations to earlier LG Act reviews; however, the proposal regarding electoral advertising is consistent with Council’s previous submissions on the subject.</p> <p>Recommendation</p> <p>That the proposed changes be supported.</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
Municipal Areas		
Section 16	<p>Boundary Adjustments</p> <p>This section has been amended such that a Local Government review is not required to approve minor boundary adjustments. This will make the process for minor boundary adjustments more efficient. The section has also been amended so that the process for boundary adjustments is clearer.</p>	<p>Comments No Council position on this matter. The proposed amendment is a practical solution to minor amendments to boundaries.</p> <p>Recommendation That the proposed changes be supported.</p>
Mayors and Deputy Mayors		
Section 27	<p>Role of the Mayor</p> <p>The role of the Mayor has been expanded under the legislation. The amendments are to give mayors a greater leadership responsibility and further distinguish the role of mayor as distinct to the role of elected members.</p>	<p>Comments Council position on this matter was that there was no need for changes to the role of Mayor. The proposed amendment provides an elaboration of the current functions for Mayors as well as including:-</p> <ul style="list-style-type: none"> • Representing the Council on regional entities and intergovernmental forums.

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
		<ul style="list-style-type: none"> • To lead in the appointment of and performance review of the General Manager; • Perform civic and ceremonial functions; • Promote good governance; and • to follow a clarification order from the Minister. <p>There is no significant broadening of the mayoral functions.</p> <p>Recommendation That the proposed changes be supported.</p>
Subsection 27(2)(a)	<p>Deputy Mayors</p> <p>The word “absent” has been amended to better reflect the broad circumstances in which mayors sometimes need Deputy Mayors to act in the role of Mayor.</p>	<p>Comments No Council position on this matter. Proposal gives recognition to the D/Mayor acting in the Mayors stead due to unavailability and not just absence.</p> <p>Recommendation That the proposed changes be supported.</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
Section 27A	<p>Ministerial Orders - Functions of the Mayor</p> <p>A new provision has been inserted which provides the Minister for Planning and Local Government (the Minister) with the power to make an order to expand and clarify the role of the Mayor.</p> <p>The Minister, with consultation from the sector, can implement (or amend) such an order where there may be a need to clarify these matters. A Ministerial Order would be binding without adding further detail into the legislation. Further, amending a Ministerial Order would not require any amendments to the legislation and it therefore affords both the Minister and the sector more flexibility.</p>	<p>Comments</p> <p>No Council position on this matter. This introduces the potential for greater executive powers to the Minister and a capacity to become closely involved in the internal relationships of a Council and applying these as directions to all LGA's.</p> <p>Particularly concerning would be for this provision to enable the expanding of this important statutory role. The necessity to introduce Ministerial Orders is questionable as the local government industry should not operate on such prescriptive instruction.</p> <p>The Act should be drafted in such a way as to provide sufficient clarity as to the roles and functions of the position without the need for further Ministerial imposition. The</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
		<p>changes proposed to Section 27 are well drafted to achieve this outcome.</p> <p>Recommendation That the proposed change be not supported.</p>
All Elected Members		
Section 28AA	<p>Ministerial Orders</p> <p>A new provision which provides the Minister with the power to issue a Ministerial Order to clarify functions of councillors for example, what are strategic matters that should be decided by councillors and operational matters that are the function of the general manager (council administration) to decide.</p>	<p>Comments No Council position on this matter. The comments provided for the preceding amendment apply equally for the role of aldermen and the necessity to introduce Ministerial Orders is questionable. It drives the local government industry into prescriptive instruction.</p> <p>Recommendation That this proposed change be not supported.</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
Audit Panel Members		
Sections 53, 54A, 55B, 338A, 339 and 339A	These sections have been amended to ensure that the relevant offence provisions also apply to members of an Audit Panel. The relevant offences are: failure to declare a pecuniary interest, disclosure of information, improper use of information and misuse of office.	<p>Comments No Council position on this matter. These introduce a number of amendments associated with declarations of interest provision applying to Audit Panel members. The practice has already been adopted by the Council Audit Panel and is appropriate good governance.</p> <p>Recommendation That the proposed changes be supported.</p>
Gifts and Donations		
Part 5A Section 56A	<p>Requirement to Notify of Gift/Donation</p> <p>This new provision requires a Councillor to notify the General Manager of a Council if they receive a gift or a donation as prescribed under the regulations.</p>	<p>Comments Council's position on this matter has been articulated in its policy on gifts and benefits and this has been drafted to work in tandem with the Code of Conduct.</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
	The <i>Local Government (General) Regulations 2015</i> will be amended to provide the details around the notification of gifts and donations.	<p>The policy already requires such declarations to occur.</p> <p>Without being able to view what is proposed under the Regulation amendment this matter cannot be fully considered; however, as a new mechanism it could be in conflict/overlap with already (recently) established regulatory provisions and supporting governance frameworks adopted by councils.</p> <p>Recommendation That the proposed changes not be supported.</p>
Part 5A Section 57	<p>Gifts and Donations Register</p> <p>This new provision establishes that a gift and donation register must be kept by the General Manager of a Council.</p>	<p>Comments Council has a long standing commitment to the practice of having a Gifts Register. Again the regulation details for this are unknown, however, must reflect the intentions and details of the</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
	The <i>Local Government (General) Regulations 2015</i> will be amended to prescribe the details for the register, including what items need to be disclosed, when and how and any thresholds or limitations.	Code of Conduct. Recommendation That the proposed new provision/requirement be supported.
General Manager		
Section 61	<p>Appointment of a General Manager</p> <p>This section has been amended so that Councils need to take into account any relevant Ministerial Orders when they are appointing a person as General Manager.</p>	<p>Comments</p> <p>Council position on this matter is:-</p> <ul style="list-style-type: none"> • Disagree with this proposal. • The basis of selection and performance appraisal is a matter for Councils to determine. • This may be based on unique circumstances and outcomes being sought. • Council's discretion should not be fettered, constrained or narrowing in these processes base on legislative prescription. <p>The introduction of this executive Ministerial power is a gross</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
		<p>interference with the operations and discretions of a Council and drives the local government industry into prescriptive instruction.</p> <p>Recommendation That the Council express its strong opposition to the proposed changes.</p>
Section 61A	<p>Ministerial Orders – Appointment and Performance</p> <p>A new provision which provides the Minister with the power to issue a Ministerial Order that details the high-level principles regarding the selection, reappointment and the monitoring of and appraisal of performance for general managers.</p>	<p>Comments See Council's position and comments above.</p> <p>Recommendation That the Council express its strong opposition to the proposed changes.</p>
Section 61B	<p>Appointment of Acting General Managers</p> <p>This section has been amended to clarify the appointment/reappointment of Acting General Managers. The current provisions are unclear and may create confusion around this process. This amendment will reduce ambiguity.</p>	<p>Comments No Council position on this matter. Deals with a range of scenarios associated with the need to and the means by which a person can be appointed to be Acting GM. Allows for short term appointments to be made by Mayor in circumstances that arise and in the absence of a Council decision and further clarifies that the Council has</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
		<p>ultimate discretion on such appointments. The proposed changes are administrative expedient and are designed for practical purposes.</p> <p>Recommendation That the proposed new provisions be supported.</p>
Section 62A	<p>Ministerial Orders – Functions</p> <p>A new provision which provides the Minister with the power to make a Ministerial Order to clarify the functions and powers of the General Manager.</p>	<p>Comments The LG Act and other legislation make clear the responsibilities and functional powers of the General Manager. There is no ambiguity in this context and the need for Ministerial executive powers in such matters is unnecessary. This further drives the local government industry into prescriptive instruction. Refer also to comments regard executive Ministerial powers.</p> <p>Recommendation That the Council express its strong opposition to the proposed changes.</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
Section 62B	<p>Ministerial Order – Liaison</p> <p>A new provision which provides the Minister with the power to make a Ministerial Order that provides clarity around the requirement for General Managers to “liaise” with Mayors.</p> <p>Such a Ministerial Order would cover, more broadly, the nature of the liaison between the General Manager and the Mayor and better describe expectations around the nature of the liaison required between Mayors and General managers.</p>	<p>Comments</p> <p>See Section 61 comments for Council adopted position in respect to this matter. This is clearly a performance management issue for the council to deal with and not through the “instructions” of the Minister.</p> <p>Previous consultation on this review did not make any mention of the use of Ministerial Orders and the level of use being proposed in the changes throughout the Act are of considerable concern.</p> <p>The treatment of the industry as a whole by these measures is likened to a “hammer and nut” approach to deal with matters that have come about by the inadequacy and insufficient scope in the current legislative provisions to deal with specific performance reviews of some councils.</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
		<p>The measures proposed to be introduced should be dealt with within and confined to the provision relating to such Board reviews and inquires and should not cover all the prescriptive activities and the exercise of discretions by councils.</p> <p>Recommendation That Council strongly opposes to the widespread introduction of Ministerial Orders mechanisms throughout the Act and recommends that Ministerial Order be appropriately used as a mechanism available to the Minister arising from properly instructed and constituted reviews rather than day to day matters.</p>
Section 65	<p>Written advice Qualified Persons</p> <p>This section has been amended to ensure that any qualified advice, including verbal advice, is</p>	<p>Comments No Council position on this matter. Clearly this amendment has arisen</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
	<p>provided to the councillors in writing.</p> <p>This amendment aims to ensure that such advice is adequately recorded and is accurate. Providing qualified advice in writing ensures that all elected members receive the same advice, supports effective decision making and is important for transparency and accountability.</p>	<p>from a recent Board review.</p> <p>The proposal reflect current practice at Clarence and as such will have little bearing or impact. It has been long been Clarence practice for all elected members to receive the same level of advice on decision matters and the proposal seek to achieve this throughout the industry.</p> <p>Recommendation That the proposed revised provisions be supported.</p>
Annual Report		
Section 72	<p>An existing requirement under Subsection 84(2)(da) has now been moved to Section 72 such that this is reported under the Annual Report.</p> <p>This amendment ensures best practice in financial management in line with Australian Accounting Standards (AASB 124).</p>	<p>Comments No Council position on this matter. The proposal reflects good practice.</p> <p>Recommendation That the proposed change to provisions be supported.</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
Model Financial Statements		
Section 83A	<p>This is a new section that requires Councils to issue their financial statements in line with model financial statements issued by the Director of Local Government for each financial year. The Tasmanian Auditor-General will be required to provide a set of model financial statements to the Director of Local Government to issue.</p> <p>There will be a transitional period provided to allow Councils enough time to prepare for the requirement of model financial statements.</p> <p>Model financial statements will reduce complexity within the legislation because they will necessarily incorporate any other changes in accounting standards or other relevant legislation. They will also help make this financial information easier to compare across Councils.</p>	<p>Comments</p> <p>Concern that the nature and scope of proposed model financial statements are not considered. It is not clear whether the model financial statements provide only a consistent format and identify what matters need to be addressed by Councils, or whether they seek to establish mandatory policy interpretations of accounting standards. The latter would not be supported, since standards are indeed open to interpretation.</p> <p>The phrase, “to be used by Councils” requires clarification – at the margins, each Council will have differing disclosure requirements. It should be made clear the extent to which model accounts may or may not be modified to suit specific circumstances.</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
		Recommendation That the proposed change to provisions not be supported without clarification of the specific intent and scope of the model accounts and how their implementation would occur in practise.
Subsection 84(2)(b)	Subsection 84(2)(b) has been removed because the new model financial statements will necessarily incorporate related parties disclosures under the accounting standards (AASB 124), therefore avoiding any unnecessary duplication within the legislation.	Comments No Council position on this matter. The proposal reflects good practice. Recommendation That the proposed change to provisions be supported.
Local Government Board		
Section 214A	Scope of Review This section has been amended to clarify the scope of a Local Government Board review. The amendment clarifies the intention of this provision and reflects the changes that are being made to Section 226 around the operations of the Council to include matters such as governance and performance.	Comments No Council position on this matter. The proposal seeks to give further clarification to the current specific scope item <i>(a) the governance and operations of a council</i> . The drafting is considered beneficial in this intent.

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
		Recommendation That the proposed change to provisions be supported.
Performance Improvement Directions		
NEW Part 12B	Performance Improvement Direction A Performance Improvement Direction (PID) is a new, simple and streamlined mechanism that will be used to require a Council, a Councillor or some Councillor(s) to do something to rapidly improve their performance. Generally, a PID will act as an (optional) intermediary step between the Director of Local Government investigating a matter and the Minister requiring a Local Government Board Review or Board of Inquiry into the Council, Councillor or Councillor(s) in question. PIDs are intended to be an efficient and cost effective method of improving Council performance in appropriate circumstances where the Minister is of the view that a Local Government Board Review or Board of Inquiry may not be necessary, or may prevent the need for a Board of Inquiry or Local Government Board review.	Comments Council supported the introduction of a Performance Improvement Direction mechanism. The use of “directions” is seen as an effective and appropriately targeted means to gain better governance outcomes before matters are escalated into formalised proceedings which is the limitations of current mechanisms. Recommendation That the proposed change to provisions be supported.

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
Board of Inquiry		
Subsection 215(5)	<p>Suspension of Councillors</p> <p>This section has been amended so that an individual councillor, or a number of Councillors, or all Councillors may be suspended and such a suspension can occur at any time during the Board of Inquiry process. It also clarifies that Councillors remain suspended until such time as a decision is made by the Minister or the Governor following the final report of a Board of Inquiry.</p> <p>These amendments would give the Minister greater flexibility and allow Boards of Inquiry to be tailored to specific and sometimes changing circumstances. It may also improve efficiency and mitigate any impacts upon the community while an inquiry is on-going.</p>	<p>Comments</p> <p>The Council's position in respect to this matter is:-</p> <ul style="list-style-type: none"> • <i>The suspension or dismissal of an individual Councillor should be included.</i> • <i>A suspension of a council.</i> • <i>Possibly extend the time councillors of council(s) under Inquiry may be suspended beyond six months.</i> <p>The proposal is consistent with the Council's adopted position on such matters.</p> <p>Recommendation</p> <p>That the proposed change to provisions be supported.</p>
Section 217	<p>Requests for Information</p> <p>This section provides the Board of Inquiry with the power to require a person to provide written answers to a formal request for information.</p>	<p>Comments</p> <p>No Council position on this matter. The proposal seeks to provide a clearer mandate to investigate and</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
	This amendment will allow Boards of Inquiry to operate more efficiently and ensure that information is provided in a timely manner such that the process is not hindered.	<p>oblige respondents to provide information etc. The proposal is considered beneficial in this context.</p> <p>Recommendation That the proposed change to provisions be supported.</p>
Section 225	<p>Result of Inquiry</p> <p>Several subsections of Section 225 have been amended to ensure that individual Councillor(s) are also captured under these provisions such that the Minister has the power to direct an individual Councillor.</p>	<p>Comments Although these matters were most flagged for response in the context of Directors powers the Council's position was to support mechanisms that were capable of making individual elected member the respondent to investigation and Inquiry findings. Currently the Act limits such finding to a council as a whole. The proposed amendments are considered appropriate and reflect the Council position intent.</p> <p>Recommendation That the proposed change to provisions be supported.</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
Section 226	<p>Dismissal of Councillors - Individuals</p> <p>This section has been amended to clarify that individual councillors can also be dismissed (rather than all Councillors). This amendment will provide the Minister with the flexibility to dismiss an individual Councillor, several or all Councillors.</p>	<p>Comments Council position was to support such a mechanism. See also previous comments.</p> <p>Recommendation That the proposed change to provisions be supported.</p>
Section 226(1A)	<p>This section has been amended to further clarify what is intended by the phrase “operation of the Council”. This phrase is to include one or more of the matters listed, including the administrative operation or the governance of the Council. The amendment will ensure the phrase operates as intended to capture these areas of operation.</p>	<p>Comments This proposal provides the operational and governance context within which the conduct of an individual elected member may be held to account. It is an essential component to allow for and hold individuals to be the respondent to inquiry findings.</p> <p>Recommendation That the proposed change to provisions be supported.</p>
Sections 230 and 231	<p>These 2 sections have been amended to clarify that the commissioner is only appointed when <u>all</u> of the Councillors are either dismissed or suspended.</p>	<p>Comments This is a mechanical clarification matter only.</p> <p>Recommendation That the proposed change to provisions be supported.</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
Election Dates		
Sections 260, 269 and 274	<p>Elections</p> <p>All the dates under these sections have been increased by 1 week.</p> <p>This is to accommodate changes in Australia Post’s services which have increased the time taken for mail to be delivered. This amendment will allow greater time for Local Government postal votes to be returned.</p>	<p>Comments</p> <p>This is an essential mechanical change given current postal timeframes.</p> <p>Recommendation</p> <p>That the proposed change to provisions be supported.</p>
Electoral Advertising		
Subsection 278(3)	<p>This subsection has been amended to delete “broadcast” as it is unnecessary duplication with an exclusion described in Subsection 278(4)(b).</p>	<p>Comments</p> <p>This is a simplification of the current wording – note importantly the definition for electoral advertising now also includes use of “internet” consistent with the position of Council.</p> <p>Other aspects of Council’s earlier submission regarding electoral advertising have not been picked up.</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
		Recommendation That the proposed change to provisions be supported and Council resubmit its earlier response on electoral advertising regarding disclosures, expenditure thresholds etc.
Performance Improvement Directions		
Section 341	Immunity from Liability This section has been amended to clarify and ensure it operates efficiently in light of other statutory immunities available under the <i>Statutory Authorities (Protection from Liability) Act 1993</i> .	Comments This seeks to add Boards of Enquiry, commissioners as parties protected under the Act and refined the wording of the immunity. It further provides Crown protection from liability for members of “State Government” Boards and Panels initiated under the Act. Recommendation That the proposed change to provisions be supported. Note: drafting error in the proposed amendment for S342 (2) – addition of the word “or” is unnecessary.

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
References to Act		
Section 348A	This section clarifies references within the Act to orders and regulations and their status.	<p>Comments This is a new mechanical provision which clarifies that the Act references all rules regulations and Bylaw made under the Act.</p> <p>Recommendation That the proposed change to provisions be supported.</p>
Office of Councillors		
Schedule 5, Clause 3(f)	<p>This amendment is designed to address an unintended technical consequence that arises from the current operation of Schedule 5, Clause 3 (Vacation of Office).</p> <p>It impacts Councillors who are moving residence from their elected municipality into another municipality but who are eligible to be enrolled on the General Manager's Electoral Roll in respect to their elected municipality and therefore remain eligible to hold office. The Act does not provide enough time for changes in their electoral details to occur and could result in a Councillor becoming automatically vacated from office due to this technicality.</p> <p>The aim of this amendment is to provide a transitional period to give Councillors who are eligible to remain in office the time to ensure they can update their electoral details so that they are not automatically vacated.</p>	<p>Comments The intent of this change is to allow 30 day period for an elected member to submit an alternative basis for enrolment in the event that their primary enrolment entitlement ceased whilst in office.</p> <p>However, the drafting of this new provision is <u>unnecessarily convoluted and complex</u> and should be simplified.</p>

ACT AMENDMENTS		
The People who Lead and Serve our Community		
Reference in Act	Details on the Amendment	Comments/Recommendations
	The automatic vacation provision will continue to operate if the Councillor is not entitled to remain in office, due to their electoral status.	Recommendation That the proposed change to the provisions be supported, however, Council request that the drafting be simplified.

ADDITIONAL MATTERS

The following have not been included in the draft amendment Bill however are being considered for inclusion. These have been identified since the conclusion of the Steering Committee’s recommendations to the Minister and are generally aimed at strengthening existing provisions, rather than introducing materially new provisions. The Department of Premier and Cabinet would appreciate your feedback on these additional matters.

Reference in Act	Details on the Amendment	
Section 339A (Misuse of Office)	Considering clarifying this provision so that it also includes an “attempt” to procure, the doing, or not doing anything to gain an advantage or to avoid a disadvantage.	<p>Comments This proposal is consistent with the underlying intent of the misuse of office provisions.</p> <p>Current wording limits this to an act having been performed and does not include attempting to influence etc. It would be an appropriate good governance measure to introduce.</p> <p>Recommendation That the proposed change to the provision be supported.</p>
Section 339E (Complaints against non-compliance or offence)	<p>Considering clarifying this provision so that:</p> <ul style="list-style-type: none"> the Director of Local Government has the power and ability to refer such matters of non-compliance to third parties or other investigative authorities where the Director considers the matter may more appropriately be handled within their jurisdiction; the matters which the Director can investigate are clarified; and the Director, in determining the procedure for handing complaints or investigating matters, can also authorise a person to undertake an investigation. <p>These amendments could make the investigation provisions clearer.</p>	<p>Comments This suggestion is too open ended, lacks clarity as to what is intended and potentially has very broad scope.</p> <p>Recommendation That Council decline to provide a response to this proposal pending further clarification as to scope of the intended change.</p>

Reference in Act	Details on the Amendment	
Financial Administration	Considering including a similar provision to the <i>Public Account Act 1986</i> that allows General Managers to continue to run the Council and expend funds until the Council adopts the estimates in the situation where a Council does not approve its estimates prior to 1 July of any year. This would allow Councils to continue to operate efficiently in such circumstances.	<p>Comments This proposes a new power to the General Manager to enable continuity of services and functions of the Council in the absence of “supply”.</p> <p>Recommendation That the proposed change to provisions be supported.</p>
Financial Administration & Section 3 (Interpretation)	Considering including a definition of “senior positions” within a Council as it is currently not defined and could be further clarified to avoid confusion. This could encapsulate those senior employees who are direct reports to a General Manager. This would assist in the efficient operation of Section 72 (Annual Report) and other relevant financial administration provisions under the Act.	<p>Comments This proposed clarification is consistent with Clarence’s current practice and may assist in removing ambiguity.</p> <p>There is a risk, given reporting relationships, that in small Council’s the introduction of the definition would remove protect of personal privacy for holders of non-senior positions.</p> <p>Recommendation That the proposed change to provisions be supported with reservation.</p>
Petitions (Part 6)	Considering including within the Act a power to prescribe for online petitions. This recommendation was made by the Steering Committee, however, there are practical difficulties in implementing this recommendation, including the cost of information technology to validate the process. This amendment would require further detail and prescription under a future amendment to the regulations.	<p>Comments The current provisions recognise petitions in written form only and prescribe the processes for lodgement and Council response.</p> <p>The comments provided regarding this suggestion appear valid; however, at this</p>

Reference in Act	Details on the Amendment	
		<p>stage recognition of electronic petitioning should only be by way of an empowerment provision and not a mandatory requirement on all Councils. Potentially it is a resourcing imposition for smaller Councils.</p> <p>Validity of participants remains a key consideration. Any suggested advancement of online petitioning platforms and the governing and operational parameters required would need to be worked through at industry level in the first instance.</p> <p>Recommendation That the proposal be further investigated.</p>

11.7.2 CLARENCE SENIORS AND CITIZENS CENTRE – STRATEGIC PLAN 2016 - 2021
(File No A016-17)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is for Council to receive the Clarence Seniors and Citizens Centre Strategic Plan 2016 – 2021 and to consider a request to change the name of the facility to Almas Activities Centre Clarence.

RELATION TO EXISTING POLICY/PLANS

- Strategic Plan 2016-2026 – Strategic Goal areas:

*“A people city –
Clarence is a city which values diversity and encourages equity and inclusiveness, where people of all ages and abilities have the opportunity to improve their health and quality of life.*

*A well planned liveable city –
Clarence will be a well-planned liveable city with services and supporting infrastructure to meet current and future needs”.*

- Positive Ageing Plan 2012 - 2016; and
- Access Plan 2014 - 2018.

LEGISLATIVE REQUIREMENTS

The Clarence Seniors and Citizens Centre is managed by a special committee of Council in accordance with the provisions of the Local Government Act, 1993.

CONSULTATION

The Management Committee, with assistance from Council officers, developed the Clarence Seniors and Citizens Strategic Plan 2016 - 2021.

FINANCIAL IMPLICATIONS

There are funds allocated in the current Annual Plan for development of a Concept Plan for the Centre. Any future funding for the Centre will be based on Council budget deliberations.

RECOMMENDATION:

- A. That the Clarence Seniors and Citizens Centre Strategic Plan 2016 - 2021 be received and noted by Council.
- B. That Council endorse the name change for the facility to “Almas Activities Centre Clarence”.

**CLARENCE SENIORS AND CITIZENS CENTRE – STRATEGIC PLAN 2016-2021
/contd...**

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Clarence Seniors and Citizens Centre Management Committee, with assistance from Council officers, have developed the Clarence Seniors and Citizens Centre Strategic Plan 2016 - 2021.
- 1.2.** The Strategic Plan was presented by representative of the Committee to Council at a Workshop on 14 March 2017 (see Attachment 1).
- 1.3.** The Management Committee has also requested consideration to a name change of the facility.

2. REPORT IN DETAIL

- 2.1.** The Clarence Seniors and Citizens Centre is managed by a Special Committee of Council in accordance with the provisions of the Local Government Act, 1993. The Management Committee operates under a Constitution approved by Council.
- 2.2.** The members of the Management Committee are volunteers with an elected member and 2 Council officers (includes Centre Manager).
- 2.3.** The Centre located in Alma Street, Bellerive was acquired for the purpose of providing a facility for the use and enjoyment of the community's senior citizens. The Centre has been in operation since the mid 1970's and over this timeframe the Committee and its focus and purposing of the Centre has slowly evolved. Much of the change in focus has resulted in creating a more inclusive community Centre with a broader range of activities and user and age groups utilising the Centre.

2.4. To meet the diverse current use of the Centre and its future needs, the Committee, with Council officers, have developed a Strategic Plan.

2.5. The key objectives of the Strategic Plan over the next 5 years are:

1. Work strategically with Council and the community to promote the Centre to a broader range of users.
2. Work with Council to improve centre facilities to benefit all users and maximise the use of the building.
3. Respond to the changing needs of our population and develop dynamic programs and facilities that are relevant and inclusive.

2.6. During the development of the Plan it was recognised that there was significant untapped scope for the development and use of the Centre within the broader Clarence community. It has also been recognised recently as a component of the Cultural Precinct concept for the City which centres on Bellerive, Kangaroo Bay and Rosny Park area.

2.7. The realisation of the Centre's full potential was key to the development of this Strategic Plan. The Plan will establish a focus and framework for the Committee to guide its strategies, forward plans and initiatives. In this context is appropriate that Council formally receive the Plan in acknowledgement of the Committee's endeavours and intentions.

2.8. The Management Committee for the Centre has recently written to Council (see Attachment 2) seeking consideration for a new name to be given to the Centre facility. The new name proposed is "Almas Activities Centre Clarence". This change is consistent with the strategic objectives of the Committee in broadening the use and activities at the Centre and therefore should be supported.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

Nil.

3.3. Other

The Committee with input from Council officers developed the Strategic Plan.

The Plan has been presented to an Aldermen's Workshop.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The Clarence Seniors and Citizens Centre Strategic Plan incorporates the principals of Council's Strategic Plan 2016 - 2026, Strategic Goal Areas and Council's Positive Ageing Plan 2012 - 2016 and Access Plan 2014 - 2018.

5. EXTERNAL IMPACTS

The Management Committee, with Council, will work towards promoting the Centre to a broader range of users and respond to the changing needs of our population and develop programs and facilities that are relevant and inclusive.

6. RISK AND LEGAL IMPLICATIONS

The Centre currently does not have DDA compliant toilets and Council has sought to address this issue through its capital funding allocations.

7. FINANCIAL IMPLICATIONS

There are funds in the current Annual Plan for the development of a concept plan for the Centre.

8. ANY OTHER UNIQUE ISSUES

8.1. Council purchased the Centre in 1975 when the Tasman Bridge collapsed and since then, the Centre has been managed by a Special Committee of Council. The Clarence Seniors and Citizens Centre is the only dedicated Centre for "seniors" with the City of Clarence that is owned by Council.

- 8.2.** By and large the Management Committee has operated the Centre on a cost neutral basis for Council. It meets the costs of internal maintenance, equipment and Centre administration and has overseen the continual enhancement of the interior for the benefits of its member and hirers. Recently, through funds raised by the Centre and with assistance from Council, the Centre has been extended with kitchen facilities upgraded.

9. CONCLUSION

- 9.1.** That the Clarence Seniors and Citizens Centre Strategic Plan 2016 - 2021 be received by Council.
- 9.2.** The name change proposed is consistent with the strategic objectives of the Committee in broadening the use and activities at the Centre and therefore should be supported.

Attachments: 1. Clarence Seniors and Citizens Strategic Plan 2016 - 2021 (14)
2. Letter from President Regarding Name Change (1)

Andrew Paul
GENERAL MANAGER

2016 - 2021

Clarence Seniors and Citizens Centre



Strategic Plan

UPDATED 18 August 2016

Contents

1. Vision, Mission and Values

- 1.1. Vision Statement
- 1.2. Mission Statement
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3. Our Centre Overview

- 3.1. Management and Funding
- 3.2. Background and History

4. Our Community Overview

- 4.1. Population Ageing
- 4.2. Drivers of Future demand

5. Our Strategic Connections

- 5.1. The role of Council in supporting and planning for an ageing community
- 5.2. An Age Friendly City and Community

6. Action Plan

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1. Vision, Mission and Values

1.1. Vision Statement

The Centre and its members want to provide an inclusive, dynamic and modern facility for the benefit of the ageing population in the Clarence community.

1.2. Mission Statement

The Centre will provide a safe, caring, comfortable environment offering activities and social opportunities to meet the current and future needs of the Clarence community.

1.3. Core Values

- ✓ Honesty and Integrity
- ✓ Safety and Security
- ✓ Equitable treatment
- ✓ Tolerance and understanding
- ✓ Social Inclusivity
- ✓ Positive Partnerships

2. Key Objectives

The Management Committee will work on the following 3 key objectives for the Centre over the next 5 years:

1. Work strategically with Council and the community to promote the Centre to a broader range of users.
2. Work with Council to improve centre facilities to benefit all users and maximise the use of the building.
3. Respond to the changing needs of our population and develop dynamic programs and facilities that are relevant and inclusive.

3. Our Centre

An evolving management committee and a changed focus of the Centre have created a more inclusive community Centre with a broader range of activities and user groups utilising the Centre.

Activities and Programs on offer at the Centre include:-

- Bowls, dancing, bingo, yoga, exercise classes, monthly bus trips, Almas Bar, country and western evenings and social occasions where light meals are provided;
- Food Connections Clarence Program – including Chat and Chew Program;
- Meeting location for Retired Persons Association of Tasmania, Carers Tas, QiGong, Indian Community, Finnish community event, Positive Ageing Network (PAN) Service Providers; and
- Private hirers providing dance classes for children and exercise classes.

3.1. Management and Funding

The Centre is managed by a Special Committee of Council appointed by the Clarence City Council in accordance with the provisions of the *Local Government Act 1993*.

The Management Committee operates under a constitution approved by the Council. The Constitution provides for the Council to appoint an elected member representative to the Committee.

The members of the Management Committee are volunteers and an elected member.

The objectives of the Management Committee are to:

- Manage the Centre on behalf of the Council;
- Provide integral recreational services and means of social companionship and entertainment for members;
- Actively encourage diversity of use of the Centre and its facilities;
- Manage and maintain the premises and its facilities for the benefit of users, members and the broader community;

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- Set strategic directions for the development, enhancement and upgrading of the premises to be approved by the Council and conducted through the Council's operations; and
- Maximise the financial return for the purpose of meeting expenditure by the Management Committee for the operation of the Centre.

The Centre is self-funded and funds are used for the day to day running of the Centre including internal maintenance and contents. It is available for hire to user groups and the general public. Clarence City Council owns the building and is responsible for infrastructure maintenance.

3.2. Background and History

The Clarence Seniors & Citizens Centre is located at 17 Alma Street, Bellerive. The building is known as Bellevue House and was constructed in approximately 1846. It was used as a private residence by various families until 1971 when it was converted to a reception centre. Major structural alterations were made to the building to make it suitable for use as a reception centre, comprising a main hall, toilet blocks, storerooms and fully equipped kitchen to cater for up to 160 persons.

When the Tasman Bridge collapsed in 1975 it became apparent that a centrally situated Senior Citizens Centre was needed on a full time basis for its members. Council, with assistance from Commonwealth and State Government Grants, purchased the property in 1976 after which an interim group was appointed as a steering committee of 5 persons and two Councillors to plan the initial operation of the Centre.

The first function at the Centre was an open day for the general public to show intending and potential members what facilities and amenities were available.

Since 1976 the funds raised by the Centre members have been used to extend the facility, upgrade the kitchen and continually enhance and maintain the interior for the benefit of its members and hirers.

Almas Bar and Lounge was opened in 2005 and this has contributed to the financial security of the Centre. Most recently the Centre has been painted internally and the hall and bar floors have been refurbished. Modern roller

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blinds have been installed, along with new tables and chairs for the hall and the bar. The kitchen has been upgraded with a new fridge, freezer, stove and the floors have been refurbished.

4. Our Community Overview

4.1. Population Ageing

Like other cities around Australia and the world, our population is rapidly ageing. This is why it is so important to plan for the impacts, challenges and opportunities that an ageing community presents.

Tasmania currently has the oldest population of all the states and territories, with a median age of 42 years, with Clarence closely following at a median age of 41 years. The median age for Australia is 37 years.

In a few short years the projection of older people in Clarence aged over 65 years + will dramatically increase. For example:

- 2011 17%
- 2020 21%
- 2030 26%¹

Perhaps even more significant is the population of people in Clarence who are the 'younger old'. For example, out of a total population of 54,040 (ABS estimated resident population 30 June 2014):

- 27.7% of people are aged between 25 - 44 years old
- 27% of people are aged between 45 - 64 years old
- 18.1% of people are aged 65+ years²

¹ Australian Bureau of Statistics (ABS) June 2015

² ABS Census 30 June 2011

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With a little more than half of the population aged over 40+ years this is a precise indicator of why it is so important for the Centre's strategic outlook to support and plan for an ageing community in a diverse and innovative way.

4.2. Drivers of Future Demand

The Australian Government **Productivity Commission Inquiry Report into Caring for Older Australians in 2011** outlined a series of recommendations for the reform of aged care. Many of the recommendations impact on local government as major drivers of current and future demand. They include:

- Ageing at home and retirement specific living options that offer integrated methods of delivering community support;
- Effect of population ageing on potential rises in disability;
- Increased demand for preventative health and wellness to combat complex chronic health conditions and care associated with dementia, diabetes, mental health issues etc.; and
- Diversity: cultural and linguistically diverse services.

All these drivers require multiple avenues to access information which provides an additional challenge for local government.

It also provides an opportunity for the Centre to continue to better respond, and deliver relevant facilities and programs in response to these drivers.

5. Our Strategic Connections

5.1. The role of Council in supporting and planning for an ageing community

The role of Council in supporting and planning for an ageing community has evolved over time. This is evident in the changing nature and purpose of the Clarence Seniors and Citizens Centre as a Council facility; the sponsorship and funding of the Clarence Community Volunteer Service; the development and implementation of Council's Positive Ageing Plan; and Council's membership as a World Health Organisation (WHO) Age Friendly City and Community.

Clarence Community Volunteer Service

The service began in 2001 in response to an identified community need and has established itself as a vital link in coordinating the availability of volunteers to assist frail aged and younger people with disabilities to remain at home with support.

Positive Ageing Plan 2012 - 2016

Council's Positive Ageing Plan has 3 key themes: Keeping Involved; A Lifestyle with Choices; and Staying Connected. These themes and their associated strategies and actions support the work of the Centre. The Plan is based on the following principles:

- Council recognises and supports the values of positive ageing;
- Council recognises the diversity of its communities;
- Council has a responsibility to support the needs and aspirations of its older population;
- That a 'whole of Council' approach is necessary to meet the challenges and address the impacts of an ageing population; and
- That working together in partnership with others to find local solutions is essential.

The aim of the Plan is for Council to provide a sustainable and collaborative strategic direction to meet the needs of its residents through effective use of its resources and by working with others to address the impact and meet the needs and aspirations of the ageing population in Clarence.

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Access Plan 2014 – 2018

Council's Access Plan has 4 key themes: Planning for, investing in, and providing infrastructure and inclusive environments; Encouraging and providing accessible information; Working with others to enhance personal and community support; Helping to build awareness and understanding. The Plan is based on the following principles:

- That all residents, workers and visitors to the City of Clarence who have a disability or mobility issue have the right of equal access and opportunity to fully participate and contribute to the social, economic and cultural life of the City;
- That it is Council's moral and legal responsibility to ensure equity in provision and access to facilities and services throughout the City of Clarence;
- That Council has a responsibility to raise awareness through education and consultation in order to adequately provide access for the whole community and to ensure that barriers to access are addressed appropriately.

5.2. An Age Friendly City and Community

In 2014 Council was the first Tasmanian Council to meet the stringent criteria to join the WHO Global Network of Age Friendly Cities and Communities. Membership of the network commits Council to continue to build on its support and planning for an ageing population.

Age Friendly is.....

- A place that enables people of all ages to actively **participate** in community activities;
- A place that treats everyone with **respect**, regardless of their age;
- A place that makes it easy to stay **connected** to those around you and those you love;
- A place that helps people stay **healthy and active**;
- A place that helps those who can no longer look after themselves to live with **dignity and enjoyment**; and
- A place for **all ages** – children, youth, older people.

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Instead of viewing 'age' as 'old' the community places an importance on an age friendly spectrum in our planning and services, such as Asset and Recreation, Children's Services, Youth Services, Health and Wellbeing, Cultural Arts, History and Events, Access and Positive Ageing.

The Centre has close connections to Council's key platforms which support and plan for our ageing population.

6. Action Plan

The Management Committee has developed an action plan around the 3 key objectives they have identified as being the most important over the next 5 years. They have worked from the principle of 'keeping it simple, clear, and measurable'.

Key Objective 1

Work strategically with Council and the community to promote the Centre to a broader range of users

Strategies	Actions	Who	How we know we have succeeded	Target Date
Broaden membership to encompass all ages and abilities.	Promote the centre through a number of avenues including: <ul style="list-style-type: none">• Print media - allocating funds for newspaper advertisements and working with Council to promote centre activities• Verbal media – engaging with radio stations to promote centre	Centre Committee Centre Manager Council Staff CPAAC	<ul style="list-style-type: none">• Once a year promotional articles have appeared in Council's Rates News, Spotlight on Seniors News etc.• At least 4 radio promotions per year have occurred• An Age Friendly City and Community Facebook and	Review annually to 2021

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Strategies	Actions	Who	How we know we have succeeded	Target Date
	<p>activities/membership etc.</p> <ul style="list-style-type: none"> Electronic – working with Council’s Positive Ageing Advisory Committee (CPAAC) on establishing an Age Friendly City and Community website and Facebook page with the centre as the main focus 		<p>Website page established with a minimum of 300 “likes” and “views” within in the first 6 months</p> <ul style="list-style-type: none"> The new website and facebook page has been linked to Council’s other websites and social media platforms 	<p>Dec 2016</p> <p>Feb 2017</p>
Increase usage of the centre by members, community and organisations.	<ul style="list-style-type: none"> Develop a new ‘brand’ for the centre Review the centre brochure Review the signage at the entrance of the centre 	<p>Committee</p> <p>Centre Manager</p> <p>Council staff</p>	<ul style="list-style-type: none"> A new brand is developed A new brochure is developed New signage is erected A 15% increase in revenue from centre bookings/hire each year A 15% increase in membership/numbers of users each year 	<p>Review by June 2017</p> <p>Review annually to 2021</p>
Capitalise on Council’s WHO Age Friendly City and Community status by further developing collaborative	<ul style="list-style-type: none"> Invite representatives of the centre committee to join CPAAC and to attend the Positive Ageing Network (PAN) for service providers 	<p>Committee</p> <p>Centre Manager</p> <p>CPAAC</p>	<ul style="list-style-type: none"> A representative from the Management Committee has attended 4 CPAAC meetings each year A representative/s from the Management Committee has 	

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Strategies	Actions	Who	How we know we have succeeded	Target Date
relationships with CPAAC and the Clarence Community Volunteer Service (CCVS)	<ul style="list-style-type: none"> Conduct CCVS Volunteer meetings and CPAAC meetings at the centre 	CCVS Council staff	attended 2 PAN meetings each year <ul style="list-style-type: none"> 4 CCVS and CPAAC meetings held annually 	Review annually to 2021

Key Objective 2

Work with Council to improve centre facilities to benefit all users and maximise the use of the building

Strategies	Actions	Who	How we know we have succeed	Target Date
Undertake a 5 year centre re-development concept plan	<ul style="list-style-type: none"> Engage a consultant to develop a concept plan of the built and physical environment 	Committee	<ul style="list-style-type: none"> Consultant engaged and a Concept Plan presented by Management Committee to Council for formal endorsement 	Feb 2017
	<ul style="list-style-type: none"> Obtain costing advice on stages of re-development for budget consideration Ensure that the priority for the allocation of resources toward the plan is an upgrade of toilet facilities so they are accessible and compliant with legislation 	Council Corporate Executive External Consultant	<ul style="list-style-type: none"> Costing advice included in the draft budget 2017/2018 – (including Key Objective 3, strategy 2) 	Jun 2017

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Strategies	Actions	Who	How we know we have succeed	Target Date
	<p>i.e. Premises Standards and Disability Discrimination Act</p> <ul style="list-style-type: none"> • Provide a presentation to Council on future upgrade works for consideration in the 2017/2018 Council CAPEX (Capital Works Expenditure) budget 			

Key Objective 3

Respond to the changing needs of our population and develop dynamic programs and facilities that are relevant & inclusive

Strategies	Actions	Who	How we know we have succeed	Target Date
Improve and increase the networks and collaborations with Council, the community, and other organisations to attract new user groups and develop	<ul style="list-style-type: none"> • Develop internal partnerships with CPAAC and CCVS and other relevant areas 	Council Officers	<ul style="list-style-type: none"> • See objective 1, strategy 3 	Review annually to 2021
	<ul style="list-style-type: none"> • Engage a Council 'focus group' specifically for the Centre with membership 	Committee Centre	<ul style="list-style-type: none"> • Focus group established and operating twice a year 	Review Dec 2017

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Strategies	Actions	Who	How we know we have succeed	Target Date
new programs	<p>from across the organisation</p> <ul style="list-style-type: none"> • Increase partnerships with other groups and organisations by facilitating key organisations to provide outreach services from the Centre i.e. Carers Tas, Mental Health • Investigate the purchase of a community bus for the centre 	Manager	<ul style="list-style-type: none"> • 2 partnerships have been established annually • 2 outreach services established annually • Decision has made to purchase a bus or not 	<p>Review annually to 2021</p> <p>Review June 2018</p>
Consider locating key Council officers onsite at Centre	When assessing the overall space utilisation and design consider the housing needs of additional staff i.e. Community Volunteer Service, Community Planning and Development, and Property Management	Committee and Council	Concept Plan presented by Management Committee to Council for formal endorsement	Feb 2017

Clarence Seniors & Citizens Centre

ALMAS bar & lounge

17 Alma Street
Bellerive 7018
Phone: 62 444264
csccalmas@bigpond.com

A016-17.

President: *T Mather*
Sec. Manager: *B Tuttle*
ABN: 35264254198

24 APR 2017

Clarence City Council Corporate Secretary
Alex van der Hek
PO Box 96 Rosny Park 7018

11/04/2017

Dear Mr Van der Hek,

I am writing to you on behalf of our Committee in regards to a name change for our Centre. After talking to members and people in the Community it was decided that this would be the ideal time for this to occur before the Web Page goes live. The new name that has been voted for by the Committee is "Almas Activity Centre Clarence".

Kind regards,



T Mather OAM
President

11.7.3 REVIEW OF 10 YEAR FINANCIAL MANAGEMENT PLAN

(File No 15-02-01)

EXECUTIVE SUMMARY**PURPOSE**

To review Council's current 10 Year Financial Management Plan.

RELATION TO EXISTING POLICY/PLANS

Consistent with current policies.

LEGISLATIVE REQUIREMENTS

Review required at least every 4 years under the Local Government Act, 1993.

CONSULTATION

No issues to be addressed.

FINANCIAL IMPLICATIONS

No direct financial implications, however, the Plan sets Council's strategic financial framework.

RECOMMENDATION:

- A. That Council notes the significant reduction in the proposed future TasWater distribution pool and its effect on the adopted 10 Year Financial Management Plan.
- B. That the revised draft 10 Year Financial Management Plan (at Attachment 1) be adopted.
- C. That as part deliberations for each annual budget the General Manager provides an options paper, including potential saving measures and revenue opportunities, to off-set the loss of TasWater dividends.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council adopted its current 10 Year Financial Management Plan (10YP) in 2014. While there is not a legislative requirement to review the 10YP until 2018, significant events have occurred in the interim which suggest a review at this time is appropriate.

- 1.2. A draft 10YP is provided at Attachment 1, which has been recommended to Council by its Audit Panel. The draft was also considered by Aldermen at Workshop sessions of 3 April 2017 and 19 April 2017.

2. REPORT IN DETAIL

- 2.1. Significant changes have occurred in the underlying assumptions of the current 10YP since its adoption. These primarily relate to economic externalities including key economic drivers such as inflation and interest rates, and also to distribution payments expected from TasWater.
- 2.2. The model developed to build the 10YP has as key drivers assumptions of future inflation, interest rates and municipal growth. The adopted 10YP assumes the current environment of low interest rates and inflation would move towards long term trends earlier than has been experienced. In response, the draft 10YP has moderated expectations around the timing and extent of upward cycles in both these measures.
- 2.3. Municipal growth has been strong over the last 3 years and is expected to continue for some time. Based on both lag and lead indicators, the draft 10YP takes a less conservative view of municipal growth and consequently has it moving towards long term trend at a faster rate.
- 2.4. The most significant impact on Council's forward financial position is the proposed reduction of distributions (dividends, guarantee fees, tax equivalents) from TasWater. The TasWater board has resolved to reduce the aggregate distribution pool from \$30 million per annum to \$20 million per annum, effective 2018/2019. This follows on from a freezing of distributions at the 2014/2015 level through to 2017/2018. Council's current 10YP is predicated on a distribution pool of \$30 million in 2014/2015, increasing by CPI each year which, at the time, was conservative relative to TasWater's advice on forward distributions.

- 2.5.** The State Government has recently proposed to take over ownership of TasWater. Statements by the Treasurer to date include a commitment to maintain the level of distributions currently contemplated by the TasWater board until approximately the end of the attached draft 10YP.
- 2.6.** The effect of the reduction in TasWater distributions is profound. The final year of the adopted 10YP assumed dividends of \$4.14 million, whereas this is now expected to be \$2.2 million. The cumulative effect of reduced dividends is in excess of \$15 million over the next 10 years.
- 2.7.** Briefings with Aldermen have highlighted that Council's financial sustainability would be compromised should no action be taken to address this reduction in income. A "do nothing" approach is therefore not an option.
- 2.8.** Council has a range of tools at its disposal to address the issue. It can increase rates, reduce expenditure, increase other income sources, or even divest itself of assets. The purpose of the 10YP is not to identify specific strategies to be adopted by Council year-on-year, but to attempt to quantify the likely scale of response that will be required. With this in mind, the draft 10YP contains a "rating adjustment factor" (line 87) of 0.5% per annum which delivers outcomes which reasonably represent financial sustainability (based on key indicators). This 0.5% effectively quantifies the approximate scale of the response required and gives Council a target to address each financial year. It will then be a year-on-year budget decision to determine how this is best achieved. On this basis, the recommendation accompanying this report includes the requirement for an annual options paper to be developed for consideration as part of Council's budget deliberations.
- 2.9.** Particularly in the early years of the 10YP, it is envisaged that a strong emphasis in the proposed annual options paper will be on the expenditure side of Council's operations. This will necessarily consider a detailed review of both the level of expenditure in each functional area, the levels of service Council provides to the community, and the range of services Council provides to the community.

2.10. The Act requires that the 10YP is consistent with adopted Asset Management Plans. New Asset Management Plans are currently in development and these could alter the forward projections. Therefore it is proposed to again update the 10YP following adoption of new Asset Management Plans.

2.11. Key indicators are included in the draft 10YP which reflect internal measures and also those required by the Act for Council's financial statements. In summary:

- The **Infrastructure Renewal Reserve** remains consistent with adopted 10YP – declining from a high of \$29.8m to \$19.9m by year 10.
- **Cash** increases from the adopted 10YP – Council will note from previous consideration of the 10YP that cash was unrealistically low (especially relative to renewal reserve) in the adopted 10YP. This potentially remains the case, however further funding of the 7 Mile Beach recreational project may be considered (eg grants or loans).
- **Asset Sustainability Ratio** declines to a year 10 measure of 85%. As per previous advice to Council, the target for this measure as being 100% is considered unrealistic. This is due to annual depreciation including new assets which will not require replacement in the short/medium term, together with the renewal profile of Council's infrastructure. An outcome of 85% is therefore acceptable.
- **Renewal Funding Ratio** has been incorporated subsequent to the adoption of the current 10YP. Its target is 100%, indicating that Council's funding effort of 98% under the draft is appropriate.
- **Operating Result** is lower than the adopted 10YP, primarily arising from the base level for depreciation expense (\$12.5m in 2016/17) being higher (by \$400,000) than predicated in the adopted 10YP. However, the underlying result in later years of the draft 10YP is at an acceptable level and increases steadily through the later years of the plan, indicating long term sustainability.

2.12. As identified previously, Council's 10YP is not intended to provide an accurate prediction of specific line items. Rather, it attempts to show the likely set of high level outcomes arising from the range of financial strategies Council expects to implement into the future. On this basis, the draft 10YP presents a balanced plan with responsible outcomes and which is likely to be affordable for the community.

3. CONSULTATION

3.1. Community Consultation

No issues to be addressed.

3.2. State/Local Government Protocol

No issues to be addressed.

3.3. Other

No issues to be addressed.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Consistent with existing policy frameworks including Asset Management Plans.

5. EXTERNAL IMPACTS

No issues to be addressed.

6. RISK AND LEGAL IMPLICATIONS

Council is well within legislative requirements for the review of the 10YP.

7. FINANCIAL IMPLICATIONS

No direct financial implications, however the Plan sets Council's strategic financial framework.

8. ANY OTHER UNIQUE ISSUES

No issues to be addressed.

9. CONCLUSION

The draft 10YP, which takes into account changes in key economic drivers and reductions in TasWater distributions, is provided for Council's consideration.

Attachments: 1. Revised Draft 10 Year Financial Management Plan (2)

Andrew Paul
GENERAL MANAGER

Clarence City Council		KEY INDICATORS AS AT YEAR 10					Asset Sustainability Ratio		85%	Average = 82%				ATTACHMENT 1
10 Year Financial Management Plan		Asset Renewal Reserve		19,875	Adopted 10 YP		Renewal Funding Ratio		94%	Adopted = 88%				
REVISED DRAFT APRIL 2017		Cash		19,536	Operating Result		4,076		98%	6,805				
		Adopted 10 YP		29,183										
		Actual	Actual	Budget	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	Forecast	
Measure		2014/2015	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Assumptions
		\$000	\$000	(Adjusted) \$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	\$000	
1	Revenue													
2	Rates	44,091	44,629	44,805	46,284	47,857	49,628	51,663	53,678	55,771	57,946	60,554	63,278	Assumed rates increase plus growth.
3	User Charges	5,170	5,131	5,437	5,589	5,751	5,935	6,149	6,358	6,574	6,798	7,070	7,352	CPI +growth
4	Interest earnings - standard	550	500	550	561	573	587	602	617	633	651	670	690	Base level of interest earnings applied to budget support - increase by rates increase percentage
5	Interest earnings - renewal funds	1,663	1,510	1,195	880	810	781	660	614	588	520	519	438	Average of opening & closing cash balances less non interest bearing estimate times investment rate.
6	Financial Assistance Grants	3,986	1,199	2,500	2,520	2,563	2,612	2,664	2,717	2,777	2,838	2,909	2,982	Prior year plus CPI - Council now on minimum grant
7	Specific Capital Grants	3,691	3,891	1,858	1,022	526	526	50	51	52	53	55	56	R2R likely to 2018/19 plus Est \$50k pa adj for inflation
8	Other Government Subsidies	2,404	2,670	2,384	2,420	2,461	2,508	2,558	2,609	2,667	2,725	2,794	2,863	CPI
9	Contributions of Capital (Assets)**	102,850	10,121	1,451	1,473	1,498	1,526	1,557	1,588	1,623	1,659	1,700	1,743	NOT IN ADOPTED BUDGET Assumed 2013/14 Actual plus inflation pa
10	Gain/Loss on Disposal/Retirement of Assets	(2,015)	(2,319)	(500)	(508)	(516)	(526)	(536)	(547)	(559)	(572)	(586)	(600)	NOT IN ADOPTED BUDGET Assumed long term average plus inflation pa
11	Dividends	3,318	3,317	3,300	3,300	2,212	2,212	2,212	2,212	2,212	2,212	2,212	2,212	Forward estimates from TasWater including dividend "freeze"; CPI adjusted
12	Dividends - Balance	39	168		0	0	0	0	0	0	0	0	0	Any dividend amount not appropriated to renewal by Council
13	Developer Contributions			331	330	336	342	349	356	364	372	381	390	5 year average of POS and Car Parking Contns; CPI adjusted
14	Other Revenue	398	491	491	505	520	536	556	575	594	614	639	664	CPI + growth
15	Total Revenue	166,145	71,308	63,802	64,376	64,591	66,668	68,483	70,827	73,296	75,816	78,915	82,070	
16														
17	Expenditure													
18	Employee Costs	15,691	16,354	17,320	17,804	18,321	18,907	19,588	20,254	20,942	21,654	22,521	23,421	CPI plus growth (previous version: rates increase plus growth)
19	Depreciation**	11,668	12,135	12,463	12,812	13,183	13,605	14,095	14,574	15,070	15,582	16,205	16,853	CPI plus growth
20	Materials and Contracts	11,426	12,664	11,648	11,974	12,322	12,716	13,174	13,622	14,085	14,564	15,146	15,752	CPI plus growth (previous version: rates increase plus growth)
21	Interest Expense - existing loans	38	34	18	18	8	0	0	0	0	0	0	0	Actuals from existing portfolio
22	Interest Expense - new loans				0	0	0	0	0	0	0	0	0	Assumed no new loans
23	State Government Charges	4,794	4,956	5,221	5,367	5,522	5,699	5,904	6,105	6,313	6,527	6,788	7,060	CPI + Rates growth
24	Other Expenses	10,337	10,525	10,137	10,421	10,724	11,067	11,465	11,855	12,258	12,675	13,182	13,709	CPI + Rates growth
25	Total Expenses	53,954	56,668	56,807	58,397	60,079	61,994	64,226	66,409	68,667	71,002	73,842	76,796	
26	Surplus/(Deficit)	112,191	14,640	6,996	5,980	4,511	4,674	4,257	4,417	4,629	4,814	5,073	5,274	
28	Underlying Surplus/(Deficit)	7,665	2,947	4,187	3,993	3,004	3,148	3,187	3,325	3,513	3,674	3,905	4,076	Excludes non-cash revenue and capital grants
30	Fair Value Revaluation of Fixed Assets	11,650	2,224	6,958	8,000	9,393	10,969	12,109	12,678	14,538	15,145	17,938	18,803	CPI
31	Fair value revaluation of investments and associates	1,305	2,788	2,362	2,601	3,033	3,499	3,815	3,945	4,487	4,640	5,483	5,703	CPI (adjusted for non-current receivables 16/17)
32	Comprehensive Result	125,146	19,652	16,315	16,581	16,938	19,142	20,181	21,041	23,654	24,599	28,495	29,780	
33														
34	Assets													
35	Cash Assets	55,824	58,384	57,371	57,897	52,694	46,705	43,263	41,311	39,733	37,764	35,798	33,768	Outcome of assumptions/variables within the model
36	Other Current Assets	7,179	4,543	7,389	7,500	7,627	7,772	7,928	8,086	8,264	8,446	8,657	8,874	CPI
37	Total Current Assets	63,003	62,927	64,760	65,397	60,321	54,477	51,191	49,398	47,997	46,210	44,455	42,642	
38	Infrastructure Assets	496,968	513,430	533,317	552,547	577,304	605,441	633,915	660,796	688,406	717,509	752,135	788,382	CPI + Rates growth less depreciation plus total capital expenditure.
39	Other Non Current Assets	166,948	169,632	169,981	174,064	178,434	184,144	190,773	197,260	203,967	210,901	219,337	228,111	15/16 Budget adjusted to reflect actuals in 14/15
40	Total Non Current Assets	663,916	683,062	703,297	726,611	755,739	789,585	824,688	858,056	892,373	928,411	971,472	1,016,493	CPI+Rates growth (Non current debt repaid in 16/17 and 17/18)
41	Total Assets	726,919	745,989	768,057	792,008	816,060	844,062	875,879	907,453	940,370	974,620	1,015,927	1,059,134	
42														
43	Liabilities & Equity													
44	Current Borrowings	171	183	191	191	0	0	0	0	0	0	0	0	Actuals from existing portfolio - assumed no new borrowings
45	Other Current Liabilities	9,763	9,314	10,228	10,433	10,662	10,918	11,191	11,471	11,780	12,098	12,461	12,835	Represents creditors, accruals, and provisions. Annual adjustment at same rate as rate increases
46	Total Current Liabilities	9,934	9,497	10,419	10,624	10,662	10,918	11,191	11,471	11,780	12,098	12,461	12,835	
47	Non Current Borrowings	371	188	0	0	0	0	0	0	0	0	0	0	Actuals from existing portfolio plus assumed nil new borrowings
48	Other Non Current Liabilities	719	757	751	766	783	802	822	842	865	888	915	942	Consistent with rate increases
49	Total Non Current Liabilities	1,090	945	751	766	783	802	822	842	865	888	915	942	
50	Total Liabilities	11,024	10,442	11,170	11,390	11,445	11,720	12,013	12,313	12,645	12,987	13,376	13,778	
51	Net Assets	715,895	735,547	756,887	780,618	804,615	832,342	863,866	895,141	927,725	961,634	1,002,551	1,045,357	
52	Infrastructure Renewal Reserve	26,839	28,413	28,614	29,790	29,199	28,211	26,524	24,917	23,552	22,194	20,988	19,875	Prior year plus funds raised plus dividends applied plus assumed interest minus renewal expenditure
53	Other Cash Backed Reserves	5,937	5,554	6,733	7,164	7,621	8,108	8,619	9,147	9,712	10,298	10,936	11,600	CPI + developer contributions
54	Other Reserves and Equity	683,119	701,577	721,540	743,664	767,795	796,023	828,723	861,076	894,461	929,142	970,627	1,013,882	
55	Total Equity	715,895	735,544	756,887	780,618	804,615	832,342	863,866	895,141	927,725	961,634	1,002,551	1,045,357	

11.7.4 LAUDERDALE URBAN EXPANSION FEASIBILITY STUDY

(File No E1061-15)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider submissions arising from public exhibition of this project and then to determine whether to proceed to the next stage of the project.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026, objectives for Economic Development and the Environment; the Southern Tasmanian Regional Land Use Strategy (STRLUS); the Lauderdale Structure Plan; and the Clarence Interim Planning Scheme (CIPS) are relevant to any future expansion of the Lauderdale urban area.

LEGISLATIVE REQUIREMENTS

The report on this item details the basis for the recommendation. Any alternative decision by Council will require a full statement of reasons to maintain the integrity of the Tender process and to comply with the requirements of the Judicial Review Act.

CONSULTATION

Non statutory community consultation was undertaken. A number of submissions were made covering issues to do with general support or opposition for the expansion of Lauderdale; supporting urban expansion; urban growth and strategic planning; landfill impacts; stormwater/ drainage; roads; traffic; amenity and environmental risks; decision making and misinformation; financial burdens; community infrastructure and facilities impacts; and lifestyle impacts.

FINANCIAL IMPLICATIONS

Council allocated funds within the 2015/2016 Annual Plan which has been supplemented with funding from State Government.

RECOMMENDATION:

- A. That Council decides not to proceed with the Lauderdale Urban Expansion Feasibility Study and accordingly decides not undertake an amendment to the Lauderdale Structure Plan nor to seek an amendment to the Southern Tasmanian Regional Strategy Plan, for the following reasons:
1. The Study shows it would not be financially feasible to undertake the development.
 2. The development of the area would unreasonably impact on the amenity of the area.
 3. There are significant constraints to the development of the area, including the availability of suitable fill as well as long term regional traffic management implications.

4. There are high risk and complex engineering solutions required to enable development to occur and Council would be liable for significant and unredeemable costs, in the order of \$11,000,000, for infrastructure and management costs alone.
 5. There is no adequate strategic land use planning justification for modifying the Lauderdale Structure Plan or the Southern Tasmanian Regional Land Use Strategy.
- B. That Council advises the Minister for Planning of Council's decision and the reasons behind it.
- C. That Council thanks submitters for their contributions and advises them of the outcome.

ASSOCIATED REPORT

1. BACKGROUND

- 1.1. The study area contains around 55ha of rural living zoned land, in 31 titles. The study area fronts Ralphs Bay and abuts predominantly General Residential and Local Business land on 3 sides and Open Space to the north.
- 1.2. The area was zoned Reserved Urban and identified as subject to inundation, under the ESPS 1986. The Principles of Development Control for the area ("District 17 – Lauderdale") also stated that the: *"...release of the Lauderdale area in the future for urban residential expansion will be dependent upon the provision of sewerage and stormwater services and investigation of effects of possible rises in sea level"*.
- 1.3. Under CPS 2007, the area was zoned Rural Residential and covered to various extents by Inundation, Coastal Management and Vegetation Management Overlays.
- 1.4. In recent years, Council commissioned and undertook studies relevant to the area.
 - The major study, "Climate Change Impacts on Clarence Coastal Areas" (2009) was undertaken to identify the issues around climate change.

Council also participated in the Tasmanian Coastal Adaptation Pathways Project which concluded in 2013 and provided a number of reports covering methods to respond to climate change impacts in coastal communities.

- The “Clarence Activity Centre Strategy” (2013) included the case for retail growth – in particular a supermarket – at Lauderdale.
- The “Lauderdale Structure Plan” (2011) provided a long-term planning framework for Lauderdale. While it identified many actions requiring implementation over time, 2 important actions were achieved via a planning scheme amendment that provided for a new supermarket site and the residential corridor along Ringwood Road and Mannata Street.
- The “Lauderdale Stormwater Drainage Assessment Report” (2012) was prepared for Council by Johnstone McGee and Gandy (JMG) engineers to set out a drainage design concept for the above rezoned areas.
- Pitt and Sherry engineers have also undertaken specific drainage designs and drawings to implement the JMG stormwater concept design along the Ringwood Road and Mannata Street precinct.

- 1.5.** Council proposed to zone the subject land General Residential under the Draft Interim Clarence Planning Scheme. While this was rejected, the Minister advised in a letter of 16 February 2015, that he was sympathetic to Council’s desire. The letter outlines the work that would need to be done for an amendment to be considered. In a subsequent letter of 6 July 2015, the Minister confirmed the Governments’ desire to see the Lauderdale Structure Plan updated and the necessary changes to the STRLUS and offered assistance of Government officers on any steering committee, which was subsequently accepted. The intent of these contributions was to set out a process by which Council could determine if there was an appropriate form of development for the area and to justify any changes that may be required to the relevant strategic and statutory documents. They do not pre-determine the final decisions for a particular outcome.

1.6. In December 2015, Council engaged consultants JMG Engineers and Planners to undertake the necessary study of the area, overseen by a steering committee comprising the General Manager and initially the Executive Commissioner of the TPC, who was later replaced by the Department of Justice's Manager Planning Policy. The Committee was assisted by relevant Council officers.

1.7. The project brief for this study divides the project into 3 stages:

- Stage 1 – Feasibility Report (includes various engineering , environmental and strategic studies);
- Stage 2 – Statutory approval (includes developing new planning controls and changes to relevant strategic documents); and
- Stage 3 - Representations and hearings (includes preparing the planning scheme amendment, reviewing representations and giving evidence to the TPC).

It follows that the completion of stage 1 requires a final commitment from Council to the project as Stages 2 and 3 are concerned with statutory implementation.

1.8. The previous report on this study contains a detailed background, including a summary of the consultant's report and recommendations, and is therefore attached to this report. That report also lists the pertinent details of previous planning controls for the area and relevant studies that have been undertaken for the area in recent years.

1.9. At the meeting of 17.10.16, Council considered the report and decided:

"A. That the Consultant's report be received.

B. That Council undertakes community consultation in the form described in the officer's report, before determining whether or not to proceed with the project".

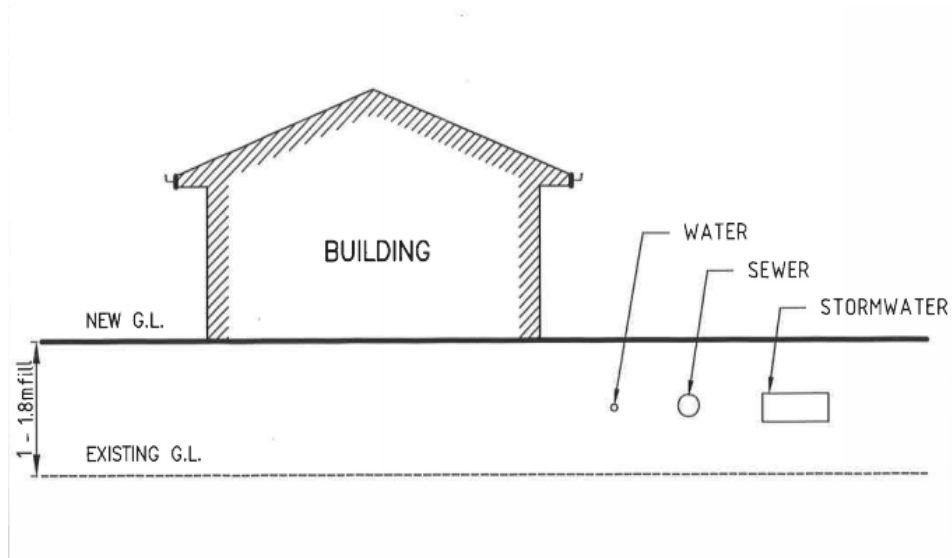
1.10. Consultation took place between 29 October and 30 November 2016. During this time, the JMG study was widely advertised and an information meeting was held for the study area's property owners. There were 61 submissions received, including some multiples from the same property. Supportive submissions were received from 15 properties in the study area, the "Advance Lauderdale Association" and 2 adjoining properties also seeking rezoning. The remaining submissions included a petition containing 48 signatories.

2. REPORT IN DETAIL

2.1. The feasibility study approached the development of the area using a methodology which would produce the most sustainable approach. This involved undertaking the development by one developer, or a consortium of owners acting as one developer. However, the consultation process proved conclusively that this approach was impossible, since not all owners wished to be involved while others wished to undertake their own subdivisions in their own time, without being either constrained or pushed by the timeframes of others.

2.2. So an alternative approach relies on whether the project can be staged, ie. undertaken ad hoc, at the owner/developer discretion? And it can be - but it requires the area to be development ready, with underground infrastructure in place, before any subdivision; for the following reasons:

- There are significant downstream stormwater works which must be installed first in readiness to support upstream completed stages. This could involve property acquisition.
- Properties cannot be ad-hoc developed as the road access and primary services infrastructure must be installed to support each lot.
- Significant design work is required upfront to ensure the road network and primary services are coordinated to link from downstream staging to eventual upstream development.
- Some properties required to be filled 1 to 1.8m in order to not be subject to future inundation. These sites must be filled before water, sewer and stormwater services can be installed. *This is demonstrated diagrammatically below.*



- 2.3.** Options of installing these services under existing ground levels, to alleviate the issue of filling prior to development, are not acceptable as the services will be subject to rising ground water affects and become more costly and challenging to maintain/replace in the future.
- 2.4.** It will also be difficult to engineer a flood mitigation solution between staged developments. A completed stage will be land filled, resulting in the adjacent existing land more prone to flooding.
- 2.5.** Without one developer model, Council will need to undertake the above works, whether or not each property owner is agreeable with that. Obviously this would be very contentious, if it were possible. However, this report will explain below, that there is doubt around the legal head of power to compulsorily do this. It follows that the project cannot be reasonably or practically implemented.
- 2.6.** Despite the lack of a head of power, the report nevertheless investigates the scope of costs for Council, which cannot be redeemed from the land owners in the study area.
- 2.7.** The report proposes to fill the study area to 3m AHD to alleviate inundation issues. However RBL is at 1.8m AHD with floor levels above 2.2m AHD.

This increases the likelihood of the site of RBL being subject to inundation. The report offers options to limit inundation, include an

- Additional 3.6m wide culvert through the site. Council Engineers note there may be site constraints for the installation of this.
- Install a permanent stormwater pump station, which presents significant operational risks.

No final solution has been determined for this although major disruptions to RBL are involved.

2.8. The study presents preferred additional stormwater infrastructure which includes new stormwater discharge outlets to the Bay as well as a culvert through 52 North Terrace to the canal. Land acquisition may be required in order to facilitate this.

2.9. During the consultation phase it was identified the study did not make allowance for areas which have been filled after 2008. JMG further advised:

“Area of existing fill in the southern region of the study is estimated to be about 18% of the total area. This reduces costs and increase financial viability.

However it should be noted that none of the existing fill has any certification and some is known to be contaminated. Given that it is unlikely that the required compaction has or can be achieved this fill will have to be respread and properly compacted at an estimated cost of \$20/m3.

Therefore the overall saving of taking account of this fill is estimated to be \$2.2M.

Updated financial modelling based on the above estimate volumes of existing filling in the study area (assuming no decontamination but compaction is required) finds the project still returns a negative NPV at medium sales/acquisition prices and a 10% hurdle rate at \$20-\$10 per cubic metre landfill prices”.

- 2.10.** The report also explores the options for funding Council's financial commitment to the project, were it able to undertake the works. Those commitments relate to infrastructure within the subject area and also extraneous infrastructure made necessary as a result of additional pressure from the various impacts of growth and development: impacts such as road maintenance and repair during construction, increasing height of roads and provision of roundabouts.
- 2.11.** The report also contained an urban design analysis and includes a preferred layout, which offers a connected, legible urban layout for future development.
- 2.12.** The area is outside the STRLUS Urban Growth Boundary (UGB) for metropolitan Hobart whereas there are many alternative development ready sites within the UGB, which do not require any Council investment. There is also currently an oversupply of residential growth land within the UGB, so there is no pressing need to expand it. Nor is there a case for removing growth areas within the UGB in order to replace them with the Lauderdale area. These are important factors in making a case to amend the STRLUS by expanding the UGB to include the subject area.

3. CONSULTATION

The Community consultation process produced a wide range of submissions, which are summarised below. To aid review, the submissions in favour of proceeding with the project are summarised separately first, followed by those with opposing about the project as presented.

3.1. Supporting Urban Expansion

There were a wide range of matters addressed in submissions that were made in support of the project and the following is a summary of the issues relating to the study and the process leading to the future rezoning of the area.

- **General Issues**

- One submission reviewed the matters leading up to the development and approval of the Lauderdale Structure Plan and the UGB and also claimed a pivotal role in the TPC's planning scheme amendment approval associated with the Structure Plan.
- As the land was previously zoned *Future Urban*, the rezoning must re-establish development rights and associated land value reflected in the previous zoning.
- It was stated that the Government is keen to see the progress in Lauderdale as it was a "bomb zone".
- Council was deliberately too slow to prepare any supporting documentation to accompany the then Draft Interim Scheme that would have achieved the rezoning. However, there is now enough evidence to proceed to have the Structure Plan amended; to seek approval to expand the UGB; and as the land is physically developable, those decisions have been demanded.
- Council did not brief JMG adequately. There was subsequently no consultation with land owners regarding the proposed study and as a consequence the staging recommended in the report is misleading as 5 out of the 29 land owners are unwilling to subdivide. This information should have been taken into consideration in design.
- It is submitted that any additional development costs to Council would be recovered by additional rate income.
- It is submitted that Council has a responsibility to give families hope in the future whereas the owners been frustrated by Council's lack of action.
- There was concern that the timing of the land owner's meeting scheduled from 3–5pm on a Tuesday afternoon was set up for failure given it required getting time off work and coincided with school pickup.

- **Strategic Issues**

It was submitted that the subject area is ideally suited to residential development based on:

- Lauderdale's proximity to Hobart CBD, Hobart Airport, commercial & infrastructure services and the established residential surrounds.
- Manageable environmental issues.
- The site's capacity to deliver a range of housing options.
- Increased population will assist to reach the critical mass required to improve public transport to the area in terms of both frequency and service.
- The ability to provide increased public open space and to achieve connectivity through the subject area.
- The planning proposal is mostly consistent with the Lauderdale Structure Plan for 2017 and the State-wide planning strategy.
- The proposal would make a significant and much needed contribution to coastal land supply in the locality.
- The site has good access to a range of existing services and facilities.
- The area is the only land available for release in Lauderdale.

- **The JMG Report**

- Council and the JMG report was criticised for a lack of consultation with landowners in the study area.
- The JMG report demonstrates the project can be engineered to work sustainably.
- The JMG report was criticised for departing from a technical feasibility to one that included a "financial feasibility" analysis. It was submitted that this should be a matter between the developer and their financier and is of no concern to Council.

- It is submitted that the JMG financial analysis was based on the following incorrect assumptions:
 - The one developer approach.
 - Staging to begin from the southern end of Lauderdale.
 - The Loss or Profit statement was based on inaccurate purchase and sales prices.
 - The project will take 17 years, which is unrealistic.
 - All Blocks will not need filling, as many are already filled.
 - The development will only consist of suburban homes.
 - That there is a current/ future over supply of residential land in the region.
 - Road movements will only be on South Arm Road from the area.
 - A land purchase price of \$525,000.
 - A lot sale price of \$150,000.
 - Lauderdale has a Butcher, whereas the last butcher there traded nearly 10 Years ago.
 - A \$4 Million cost for a covered storm water system.
 - The \$2 Million cost of the storm water will be imposed on the first to develop at the southern end.
 - The project scope and the report are too prescriptive.
- It was also submitted that it is inappropriate to analyse the developers economic feasibility as it is unorthodox and “adds to Circus that has been created” and that “Developers should be left to do what they do best”. Even so, it was submitted that JMG made errors which resulting in a difference of \$250K in a case study of 5 properties, and \$7.4M over the entire study area.
- It was submitted that the estimated costs of subdivision are too high. The assumed \$50K (plus headworks and administration costs) is more likely to be less than \$30K (plus headworks and administration costs), as demonstrated by recent subdivision in the area.

- On the cost of fill, it is submitted the “JMG’s approach of pricing the fill is a standard approach done “on the back of a Napkin” and the estimated cost of fill is too high. Discussions with Andrew Walter Construction/ Cambridge Recycle Co indicate that filling costs could be provided for less than \$4m3 (as opposed to the \$20m3) including appropriate control/monitoring. “Therefore the charge used in the economic modelling is flawed.”
- Based on recent sales figures in Mannata Street the land sales estimates used in the JMG report are too low - \$150K compared to \$180K. It is also submitted that the forecast subdivision cost/ sales prices do not reflect sequential staging of development/ sales taking into account the anticipated land price increases over time; if the study did, it would have found the project would be more feasible.
- It is submitted that the UGB was meant to allow for variables. People should have choice as to where they want to live and utilize an area that is in the centre of a community for housing.
- It is submitted that the costs associated with landfilling in the JMG report are grossly overestimated and do not reflect the costs of recent filling in the area. Several representors submitted that sourcing free fill would bring the total costs down to \$2-\$3 per cubic metre (down from the reported \$20). Others submitted that their lots would require minimal filling to meet the identified 3.0m AHD levels.
- The concern is that the financial feasibility component is fundamentally inaccurate as owners don’t need to purchase land in order to develop it. Attributing a value to existing lots gives the impression that the lots are for sale or could be compulsory acquired - neither of these are the case.
- It is submitted that a single or "big developer" is not required as there is no reason individual land owners cannot develop their land or employ the services of someone who can.

- **Timeframes/Staging**

- It is submitted that filling over the life to the project (17years) would equate to 7 truck movements a day or 1 every 1.5 hours rather than the 1 every 4-5 minutes stated in the report.
- The concern is that existing fill volumes have not been taken into consideration. It is submitted that they should be deducted from the total fill required and excluded from the report's calculations.
- The concern is that the take up of 500 lots would not occur in a year and on that basis completing the filling works within this time frame is not necessary. It is submitted that development should occur in an orderly manner commensurate with demand/take up.
- It is submitted that 2 Bangalee Street has been identified in first stage of development, yet the owners have no immediate plans to subdivide / develop and object to the property being included in this phase, as well as the proposed road through it to facilitate development on surrounding properties. It makes more sense for a road to follow the existing roads from South Arm Road looping around past the sewage station onto Mannata Street.
- Changing the UGB will give landowners the option of subdividing their property in the future if they would like to. This is not compulsory and no land will be compulsorily acquired, as rumour has it.
- The 17 year development time frame was queried and concern was raised that this would have staging implications for those owners flagged for the later stages. The capacity of subsequent owners to develop their land would also have impacts on those in later stages.

- **Environmental Issues**

- It is submitted that the majority of the study area is mapped as subject to coastal inundation including land classed as 'Low Risk to Medium Risk for inundation and Coastal Erosion but this is not anticipated to have any major implications with respect to the subdivision potential.

- Flora and fauna values exist on the site but are manageable.
- Cultural heritage values exist on the site but are not a constraint to development.
- A submission included an historical account of the development/dredging of the canal and planning zones/strategies and extract of the Minister's Direction Notice to modify the then draft Clarence Interim Planning Scheme 2014.
- DPIWE advises that there is a small patch of remnant native vegetation; the proposed development is unlikely to impact on any flora or fauna species listed under the Threatened Species Protection Act 1995, or any threatened vegetation communities listed under Schedule 3A of the Nature Conservation Act 2002.
- **Infrastructure and Services**
 - It was submitted that subdivision and development should be supported on traffic grounds as junction upgrades are unlikely to be cost prohibitive and traffic conflict will not be high enough to be of concern.
 - The submission included correspondence from TasWater indicating that they were not opposed to the rezoning of Lauderdale and that the subject to detailed designs future proposals can be serviced with costs recovered through appropriate headworks charges.
 - It was submitted that TasNetworks have stated that the area can be serviced with electricity and NBN is available to the Central Lauderdale and is currently serviced by Fibre to the node.
 - DSG would continue to maintain, renew or upgrade the South Arm Highway as necessary to accommodate the level of service required by the community.
 - The site is well serviced with both civil/social infrastructure and public open space.

- Given the TIA identifies that the Acton Rd and South Arm Road Junction are operating unsatisfactorily at peak periods it would be unfair for the developers to pay for a new junction/upgrade. This will impact on the feasibility of development. Further, the building of a new road from the Ringwood Road and Mannata Street intersection to Acton Road would change the number exiting Ringwood Road to South Arm Highway and would pick up a large number from northern end of the proposed development. Therefore the proposed roundabout at the junction of Ringwood Road and South Arm Highway may not be needed unless the Supermarket is built.
- It is submitted that stormwater infrastructure is required to address current issues under Urban Drainage Act. The rezoning would ensure this infrastructure can be provided by developers - initially by Council up front and cost recouped through appropriate headworks charges.
- It is submitted that a shared approach to the development as per the report will bring better infrastructure such as stormwater thereby cutting costs to Council.
- Metro advises while it is unlikely to extend the service into the development; it will continue to service the South Arm Road and North and South Terraces. If development proceeds, there should be a path through the POS to the bus stops.
- State Growth agrees with the urban design layout providing access through the layout
- **Economic Benefits**
 - Rezoning the study area would support the viability of the Lauderdale Neighbourhood Centre; stimulate additional local businesses; and the construction of the approved supermarket development.
 - The rezoning will create economic activity and creation of jobs in construction and commerce.

- **Ad hoc and Alternative Development Approach**

- The owner of 43 Acton Road requested the study area boundaries be expanded to include that property. It is less constrained than the study area and suited to residential development.
- The owners of the neighbouring land at 12 Bangalee Street - currently zoned 'commercial land' asked if that could be rezoned to residential to allow them to build a dwelling there.
- It is submitted that the subject area should be divided into 4 areas with each being able to be developed independently. This approach will require additional consultation between JMG and the owners of each area.
- It is submitted that “a large part of stormwater problems at Roches Beach Living [RBL], were created by Council allowing it to be built at such a low level, but could be addressed by construction a catch drain through Roscommon Reserve and directing it to the existing culvert at 424 South Arm Highway. Stormwater from the northern end the proposed development, estimated at 200 lots, could also be directed here making it independent of the southern outfall.
- It is submitted that the ‘Big Loop Development’ allocated a large public open space area at the front of 526 South Arm Road, which is a considerable amount of land for owners to “give up”.
- The final concept needs to reflect existing cadastre given the land would be developed by individuals rather than a ‘big developer’.
- It is submitted that given 5 owners within the subject area are not interested in subdivision their properties, Council will need to seriously consider whether a limited piecemeal approach may be the only fair and equitable option.

- It is submitted that the land at 53 Mannata Road and 424 South Arm Road should not be zoned Rural Living. The current zoning reflects a translation of the previous scheme and is inconsistent with the STRLUS which discourages rural living adjacent to Urban areas [SRD 1.3B(iv) & 1.3c(vi)] and encourages the investigation of higher densities close to the urban extent of greater Hobart (SRD2.10).
- It is submitted that the study does not consider other development options such as house and land packages, retirement villages, dual residential allotments, which would therefore alter feasibility.
- The land between the commercial zone and the school (424 South Arm Road) “strategically exists within an urban context” and should be rezoned reflecting the original version of the STRLUS and the version of the then draft Interim Scheme submitted for declaration. Further, the JMG report demonstrates that the land is not as constrained as the remainder of the study area. Rezoning this land would assist to implement the Roscommon Master Plan which promotes links between the School and Roscommon Reserve.
- Zoning should be to the cadastral boundary not an arbitrary line drawn through the middle of a property. In our case half of our house is zoned rural residential and the other half zoned residential.”
- Assuming that urban expansion proceeds, Options 1 (water sensitive urban design) 2 (big loop) are unsuitable; Option (Cul-de-Sac Design) is the preferred option as the water is diverted at, or closer to, the source, and a schedule of drain maintenance shouldn't be a problem.

3.2. Not Supporting Urban Expansion

There were a wide range of matters addressed in submissions that were made opposed the project and the following is a summary of the issues relating to the study and the process leading to the future rezoning of the area.

- **Opposed to Urban Growth & Strategic Planning**

- The report shows that there is no strategic justification to increase the supply of greenfield land within the region. It shows that the STRLUS recognises 20 years supply of housing land within the urban growth boundary (UGB) to 2035 and as demographic projections predict a lower than expected increase in population growth than that used to identify and set the UGB, there is currently a massive over-supply of residential land. It follows that as a key purpose of strategic planning is to provide certainty for community stakeholders over extended periods, the proposal, which has no strategic basis, clearly undermines this purpose.
- An owner within the study area is opposed to it being filled for housing development and to the impacts on their property from the filling of adjacent properties.
- The report details that the additional costs of importing fill, undergrounding major stormwater culverts, construction of highway intersections and areas of pressure sewerage result in the project being unfeasible at median lot acquisition/lots sales levels.
- While the report states that the increase of greenfield residential land is unjustified and concludes that even with landowners acting as a consortium the project is unfeasible. This amounts to a huge doubt over the completion of the project. What happens when fill is brought in but then the infrastructure cannot be afforded? Long term owners within the subject area are likely then to be unfairly effected by incomplete construction works on neighbouring land that will in turn devalue the area.

- The report outlines that the best option is for landowners to sell to a developer or form a development consortium. Yet the landowners spoken to have all indicated they have no intention of doing either of these and instead plan to develop their own land even though the report outlines the costs are too high for this to be an option.
 - Not all landowners are keen to develop and the idea that all the landowners would work harmoniously together is unrealistic.
 - The recommended 583 lots with a lot size of 560 square metres in the co-called “big loop” street configuration seems extremely high density development and out of context with the existing housing.
 - Would like possibility of sub-dividing large lot in future - but not in the form of the feasibility study.
 - There are significant implications for the efficient functioning of the traffic movement system associated with the development of the area. These are discussed in more detail below.
- **Landfill Impacts**
 - Owners not wishing to fill their land within the study area are concerned by the effect on their land from other properties that are filled. Currently they have one of the highest properties but it could end up like it is in a ditch. They ask who will be answerable if their land floods in the future as a result of the works.
 - The resulting impact of some lots filled and others not will look odd, with uneven land heights from house to house. The development along Mannata Street already has this visual impact.
 - State Growth notes that if fill has to be sourced from distance, with material to pass through Hobart or other towns, the traffic impacts need consideration in terms of safety, impacts on residents and road users and on infrastructure.

- A massive amount of truck movements that are needed to fill the development area, accessible from only a few points along Ringwood Road/ Mannata Street, and North Terrace. This doesn't include the building of the new houses, which may well mean another 30,000 truck movements for building supplies. The current status of these roads would not cope with this amount of trucks and would need to be upgraded before any such development goes ahead, including the proposed roundabouts.
 - The consequences of filling the area on existing houses are a concern and installing pumps would be ineffective if power goes out due to a storm.
 - There is concern that Council cannot realistically police broad scale filling operations, given that there has been contaminated fill deposited recently in the area.
 - Fill containing asbestos has been allegedly placed on a property being prepared for future subdivision in the study area. How does Council propose to police the 635,000 cubic meters of fill to be brought in over approximately 12 months? Why should local children be at risk of breathing in airborne contaminants due to future pressure of landowners wanting to obtain free fill? Who will quality assure this fill? With a school with over 550 students nearby, this is a huge risk to children playing in the area. Who will cover the cost of removing contaminated soil or police that all blocks are soil tested before they are sold?
- **Stormwater/Drainage**
 - Substantial stormwater works and improvements are required, but there is no guarantee that these can be afforded by individual landowners and provided to a satisfactory standard. There is therefore concern for existing and future residential properties if the works, including the fill proves unsatisfactory in times of flood.

- With such a large amount of fill there is concern about the certainty existing residents can have about the water flow in the suburb and that it will not impact on them
 - As the study states “The additional costs of importing and compacting fill, undergrounding major storm water culverts, construction of highway intersections and areas of pressure sewerage result in the project being unfeasible at median lot acquisition/lots sales levels.”, if it is unfeasible now, it is questioned how will it become feasible over the 17 years this project is to be staged over.
 - There is an urgent need for improvement in the stormwater drainage in the area of Ringwood Road and Mannata Street, as evidenced by this year's rainfall. This situation will be massively exacerbated by any raising of the land for subdivisions and needs to be actioned soon, even before any future developments are made, including clearing and repairing current open drains.
 - The lowest property on North Terrace is already effected by storm and adverse weather conditions and there is concern over flooding and inundation risks with any development of the subject land.
 - Projecting 583 lots in the development is further cause for concern with on-going runoff problems likely to plague Ralphs Bay.
- **Roads**
 - There is uncertainty about implications of raising the height of Mannata Street on RBL.
 - Further investigation is required by State Growth into the implications/ costs/ damages to road infrastructure and long term traffic management, in the further consideration of Lauderdale settlement. In the circumstances, there is uncertainty around how the Government may cover or seek to reclaim with cost impacts.

- State Growth notes that the volume of land fill trucking will have a significant impact on road pavements, with serious potential to cause pavement failures and reduce the life of current pavements.
 - State Growth notes the report suggests developer contributions for road damage - but offers no mechanism to obtain them
 - State Growth advises that roundabouts will be required at Highway intersections with Acton Road and with Ringwood Road. State Growth will not contribute to costs, which are estimated to be around \$2.5M.
 - State Growth notes a substantial impact on the State Road Network, if the development proceeds. And this would pre-empt any medium term consideration of infrastructure upgrades at Lauderdale.
- **Traffic**
 - The report estimates that 450,000 cubic metres of fill would be required and which would generate approximately 30,000 truck movements and that this would be equivalent to a truck every 4-5 minutes. Assuming that this amount of clean fill could be sources cheaply, the effect on the established community. In the context of strategic justification, this impact is unnecessary and cannot be managed to mitigate a severe loss of residential amenity and safety.
 - The effect of so many truck movements would also have a major impact on pedestrian safety, being especially a constant danger for our young children playing or walking to and from school.
 - The truck movements and traffic volumes will necessitate huge investment in junction upgrades and roundabouts. The report notes that such upgrades will 'benefit' other users and therefore massive public investment will be required to 'equitably' undertake the works. This is an unreasonable burden on other rate payers.

- Heavy truck traffic will cause unreasonable noise and dust pollution from the filling trucks and machinery; dust impacting particularly on asthmatics and the elderly in the area
- Vehicles driving past at a level above the existing fence as well as increased volume is a major concern for RBL residents.
- State Growth notes 5,000 additional vehicle movements per day will be generated, with a significant proportion as commuter trips to/ from Hobart. With morning peaks on the South Arm Secondary Road at 900 vehicles per hour, a 30-40% increase could be attributable to this development.

South Arm Secondary Road is an 80kph road but additional commuter traffic from this development could cause flow to become unstable - with the road operating at/ near capacity resulting in irregular traffic stream. Under these conditions the speed becomes variable - unlikely to reach the posted speed limit and making it difficult for vehicles to enter the stream. Any incident would then cause serious traffic congestion and trip times will become unreliable. As a result, the 30 minute commute referred to in the report would extend well beyond this in peak times.

South Arm Secondary Road between Howrah and Lauderdale is classified Regional Access Road to provide for a local community. Upgrading this road is not a high priority and not on the State Growth 10 year infrastructure upgrade program.

The impact on the ongoing and potential residential areas (Oceana and Tollard Drives, Droughty Point and Glebe Hill) must be considered, as they will also rely on South Arm Secondary Road. These areas are inside the UGB and have been taken into account in road corridor planning - whereas the Lauderdale area being outside the UGB has not.

The construction of the roundabouts will involve major environmental and property impacts.

- **Amenity and Environmental Risks**

- There is concern that there will be environmental effects on fauna and flora such as Eastern Barred Bandicoots (endangered) echidna, and blue tongue lizards in this area.
- The impact on Ralphs Bay of nutrient and sediments from storm water garden run off was not studied in the report. However, all the runoff is shown as being directed into Ralphs Bay. Given the enormous amount of fill to be brought in to raise the land above the predicted sea-level rise, runoff will contain silt and unknown contaminants. However, while report states that a 'suitable storm water solution can be engineered', there is concern that will be unsuccessful in preventing the above scenario.
- Ralphs Bay is an important bird area for both migratory waders and residential shorebirds. These include the Red-necked Stint and Pied Oyster-catcher. The importance of conserving the habitat for these birds cannot be discounted. The Spotted Handfish living in the Bay is listed as Critically Endangered. The requirements of the Environment Protection and Biodiversity Conservation Act 1999 focuses on 'the protection of matters of national environmental significance, with the states and territories having responsibility for matters of state and local significance'. Ralphs Bay was shown to be of great importance to the many people during the Save Ralphs Bay campaign opposing the Walker canal and marina development. Physical changes to the land will adversely affect the Bay which is relied on by the birdlife.
- Council should adopt the precautionary principle and reject the proposal.
- Negative impact on dunes with 587 houses providing people to clamber over them. The beach will also become crowded and polluted with litter

- **Decision Making Process**

- Currently no property owner in this area is selling for fear of missing out on a windfall if rezoning occurs. However it also means that many properties are idle and not being maintained. This has a devaluing effect. Council should make a final decision to resolve the uncertainty about the future and resolve the current situation.
- Council must stop being harassed by landowners obsessed with making money out of land that is not suitable for rezoning/development.
- It should not be relevant how many people submit in approval of the development versus how many oppose it. An independent company has advised that the project is not feasible and this should give the most weight for a decision to stop further work and financial costs being put into this project.
- Misleading information is being spread and people bullied into agreeing with the project. People are told that if the development doesn't go ahead Woolworths and the commercial developments planned for South Arm Road are going to pull out. They claim they do not want to lose on their property investments – but that's their risk, and not one the community should pay for.

- **Financial Burdens**

- The report should not have been paid for by ratepayers. But now that it has, the recommendations should be accepted.
- Council should not use ratepayer's money for capital works to facilitate development of the land.

- For the northern area, the report requires the “Purchase land and remove all buildings; Fill entire northern area; Provide drainage upgrades”. Owners are concerned that they are expected to raise their families and just continue on with home maintenance and renovations etc., even though will have to sell in eight years for scheduled demolition, or be prepared to be surrounded by fill, thus becoming a land sump. This is devaluing the existing home.
- The plan requires compulsory acquisition of homes in order to facilitate the development. Many owners are opposed to this.
- A piecemeal approach is undesirable as it is likely to have greater community impact and uncertainty.
- Council will be held responsible if stormwater and flooding protection fails and this is an unfair burden on Clarence ratepayers to pay compensation or pay for works for the financial benefit of a few owners.
- Council should instead invest in protecting existing houses.
- There is concern that having purchased a property as a rural residential home with applicable rates, if rezoning occurs their 2ha lot in the midst of a residential area will suffer a drastic increase in rates, which cannot be afforded and they would be unfairly forced to sell their home.
- Construction impacts will decrease the value of the retirement village units over the long term.
- The scenario of 1 developer obtaining ownership of all the blocks was done to make the financial modelling possible. However the numbers show the costs of mitigating flood and stormwater damage to adjacent land and property owners makes any development of this land for housing prohibitive.

The alternative approach for Council, with land owner agreement, is to jointly develop the site was for Council to create a Specific Area Plan whereby other rate payers effectively bank roll this upfront cost until it is repaid by the individual land owners once their houses are sold. This is not supported by ratepayers.

- There will be an oversupply of residential blocks as alluded to in the study. There has been no study on the impacts this development will have on the real estate market and the financial impacts on current residents? Saturation of a market would undoubtedly lower the sale prices. Council should not sacrifice the majority to appease a few.

- **Community Infrastructure and Facilities Impacts**

- The report notes that Lauderdale Primary School is at capacity but there is no consideration of how it might be expanded to accommodate demand for more places. However, the school has indicated it can accommodate future change.
- Safe paths should connect the area with the school for health and safety and to reduce congestion.
- It is questioned whether the emergency services at Rokeby can continue to sufficiently attend to the growth of areas like Oakdowns, Rokeby and Glebe Hill areas as well as this potential project
- Given the medical facilities at Lauderdale cannot accommodate new patients, it is queried whether this will become a problem with more people moving to the area.
- The feasibility and location for a high school should have been included.
- Water and sewerage systems need upgrading.
- Road works including widening, kerb and channel in Manatta St and Ringwood Rd will be required given the increased traffic volume.

- The consultants' report has highlighted the risks posed to both RBL and to the properties on North Terrace. As stated in the report the current open stormwater at the back of North Terrace is taking the flows from 258 hectares of land and neighbours have already had experience of flooding.
 - Owners are particularly concerned about the potential presence of acid sulphate soils on below ground infrastructure and house foundations. In addition, residents down stream of any acidification may well find their land and buildings affected.
 - Greater housing density in this area would threaten the valuable recreational qualities and activities currently available through the Tangara Trail and the nearby Tasmanian Equestrian Centre. The Tangara Trail is a horse riding, walking and cycling trail which passes directly through this area. The proposed changes would lead to vastly increased traffic and potential conflicts relating to noise and usage, whereas it is vital that trail linkages and the safe recreational values of the Lauderdale area are preserved for all users.
 - More development infeasible in Lauderdale as it does not have the social or commercial infrastructure to support more homes.
- **Lifestyle Impacts**
 - Housing infill will ruin existing pleasant views and settings of existing houses around the area. Lauderdale should maintain its semi-rural living attractions, which future development should respect
 - Will Council or developer pay for double glazing of RBL units affected? By disturbance of development works? Or will Council buy out RBL units at current values?
 - Staging of works is predicted to be over 17 years. This is an unacceptable imposition on a small established residential community.

3.3. Comments

The submissions set out a wide range of issues, however there are certain key points that should be clarified:

- Although the JMG report proposed a 1 developer or consortium model, in order to find the most feasible approach, it is clear that this is not possible. If developed, the area will have to be done on an ad hoc or multi staged approach.
- The proposal will assist economic development, including jobs. Although the economic reports undertaken to support the rezoning and approval of the proposed supermarket showed that there was a favourable hinterland to support it, further housing growth should provide more encouragement.
- Some confusion was evident around Council's role in acquiring land or requiring land to be on sold. It is not intended that develop private properties. Council's role would be to provide a range of infrastructure only.
- The "Big Loop" layout proposed by JMG would provide a good urban design outcome. However, it is unlikely to be possible if each owner acts independently.
- The amount of fill required was overestimated by JMG study. However the reasons are set out below and calculations modified accordingly.
- There will be ongoing amenity problems for local residents caused by traffic and construction vehicles for an extended period.
- Council will be expected to take on the cost of a wide range of infrastructure, including road improvements, 2 roundabouts and stormwater construction.
- While there are some competing arguments about the strategic merits of the future subdivision of the area, the JMG report was unable to provide a case for amendments to the STRLUS.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

- 4.1.** Undertaking this project is in keeping with strategies of Council's Strategic Plan 2016-2026 such as 2.17, undertaking land use policy development and participating in regional planning in order to meet demand for a variety of residential land and housing.
- 4.2.** The Lauderdale Structure Plan 2011 is a non-statutory document. It is a strategic plan covering a number of areas, some of which required implementation through the planning scheme. The objectives and actions relevant to the Scheme have been fulfilled; specifically the rezoning of commercial land for a supermarket complex and a residential corridor along Ringwood and Mannata Roads. For the subject area, the Structure Plan's strategies were to retain the area as rural residential, as shown on the Urban Growth Boundary and Neighbourhood Structure plan (p24).
- 4.3.** The Structure Plan limited urban growth around the broader elements of physical and land use sustainability, but at the detail level, it established design principles requiring all new development to adopt neo-traditional urban design. These issues have been investigated in the JMG study, including the subdivision estate layout. Indeed, the preferred layout is consistent with the neo-traditional urban design principles in the Structure Plan and the planning scheme for that matter, whereas an ad hoc subdivision approach would most likely result in an inferior unconnected and illegible layout with poor community outcomes.
- 4.4.** Although it is a non-statutory document, the Minister and the TPC have made it clear that the Structure Plan's strategic value is significant and any rezonings would need to be justified by the Structure Plan. Hence for this proposal to proceed, a change to the plan must precede a rezoning application.

- 4.5.** The STRLUS also requires amendment before a rezoning to accommodate general residential development of the area. This is principally because the STRLUS establishes the urban growth boundary (UGB), based on a setting a 20-year supply limit of residential land release from 2015 to 2035 based on an equal ratio of infill to greenfield development.
- 4.6.** As the study observes “The STRLUS was based on the 2006 Census and the Demographic Change Advisory Council (DCAC) projections. The Department of Treasury and Finance released updated projections in 2014 which were approximately 10% below the STRLUS projected population. This means that there is likely to be an oversupply of residential land of about 71 hectares within the STRLUS Urban Growth Boundary, exceeding the land area of the study area (56 ha). The actual area of land zoned Particular Purpose - Urban Growth or General Residential located within the Greenfield Precincts is approximately 883 ha. Of this land, approximately 273 ha (approximately 30%) has development approval for subdivision. Thus an increase to the area of greenfield residential land in the STRLUS Urban Growth Boundary would appear unjustified. That said, if existing areas of proposed residential land within STRLUS were removed from the Urban Growth Boundary, or there were substantial increases in population growth predicted by the 2016 Census or government there may be strategic merit for including the subject area in a future iteration of the STRLUS.”
- 4.7.** A recent review of greenfield sites in the sub-region reveal an estimated 3,000 lots in the General Residential zone greenfield sites and an estimated 2,200 lots in the Particular Purpose - Future Growth zone. As there is no demonstrable change in population growth, attention must be turned to back zoning an equivalent portion of the zoned and ear-market areas, in order to replace them with the Lauderdale site. While no-one has targeted a particular area to do this in Clarence, it could equally be from land set aside in another city in the metropolitan Hobart sub-region. This may take some negotiation.

However, it is considered that the Lauderdale site is inferior to each of the Clarence sites since none of them carry the combination of environmental risks; the requirement of substantial public infrastructure funding; potential for bitter conflict between those who wish to develop and those who don't or who are nearby and effected in some way. On the other hand, none of the sites already set aside or earmarked are known to have these types of potential conflict and in particular none are known to require any financial contribution from the Council.

5. EXTERNAL IMPACTS

The consultation process has identified a range of external impacts. In particular, impacts on sub-regional traffic management have been identified and discussed in detail above. In summary, the existing road network from Lauderdale would suffer a substantially lower level of service particularly during the peak travel periods.

6. RISK AND LEGAL IMPLICATIONS

- 6.1.** Lauderdale is a known flood plain area which has also been identified in the climate change impacts on Clarence coastal areas – Final Report 2009 as a priority area at risk of inundation and rising water table. It is important that the feasibility study addresses these known facts in consideration with the other matters in identifying whether urban expansion is sustainable.
- 6.2.** The report identifies a risk of the site of RBL being subject to greater likelihood of inundation due to the study proposing to fill land to 3m AHD and RBL land being at 1.8m AHD. The report proposes options to deal with this by either installing an additional 3.6m culvert through their property or installing a permanent pump station, which has operational risks. No final solution has been determined.
- 6.3.** As discussed, the only feasible implementation model for the development of the area on an ad hoc basis is one where the stormwater infrastructure is put in place before any development. This may involve associated land fill and the demolition of certain homes. As Council is aware, not all owners are agreeable to the development of the area, let alone the timing of works.

However, in order to implement the model, Council would need to undertake the necessary work. It follows that Council's legal power to do this critical. Council's Corporate Lawyer has reviewed the situation and provided advice on the issue.

- 6.4.** The advice below raises doubt about Council's head of power to intervene in the development of the land for the purpose of providing vital infrastructure. Whether or not that power may be possible, the focus of attention should be on the significant risks for Council if it must provide the infrastructure up front, in order for development to proceed, as well as the risks and disputation it may expose Council to where Council must also acquire and construct such infrastructure through the private property of owners who do not agree with it.

6.5. Legal Considerations

- The JMG report about the feasibility of expanding the Lauderdale urban area is based on a best case scenario where the expansion is undertaken as a single project over a number of years.

Support for this view appears in a number of places in the report but no more clearly than on page 67 under the heading "10.5 Staging". Reference is made there to the staging of the project over 17 years at one stage per year and at 35 lots per stage. The report states that *"...significant upfront costs will be required in year 1 including...Purchase land and remove all buildings..."* (emphasis added). Elsewhere reference is made to the financial feasibility for the project based on assumed acquisition costs for existing properties and sale prices for the newly created lots.

While the report deals in great detail with engineering, inundation and planning considerations surrounding the project, it makes no reference any head of power under which Council could contemplate embarking on such a project. In essence the report seems to cast Council in the role of a property developer with the added advantage of a power to compulsorily acquire existing properties should owners not wish to see their land or the area so developed.

To the extent that the proposed scenario contemplates that at least some compulsory acquisition may be required, it is submitted that any such acquisitions would be a misuse of the general power which councils have to acquire land. The power of any public authority to acquire land must be exercised for a proper purpose. This was highlighted in recent advice to Council about whether it could acquire Marsh Street Opossum Bay.

Relevantly, the power which councils have under sec. 176 of the Local Government Act to acquire land may not be lawfully exercised in order to facilitate the private development of land. Authority for this is the High Court decision in *Clunies Ross v. The Commonwealth* which case concerned the compulsory acquisition of the Cocos Islands. The Federal Government sought to resume the islands in order to dispossess the then private land owners. It did not otherwise require the islands for a public purpose. The High Court struck down the acquisition because the purpose was not, relevantly, a public purpose. Similarly in *Prentice v. Brisbane City Council* the Council purported to compulsorily acquire land to provide a road to a bridge, the purpose of which was to facilitate the subdivision proposals of a private development company.

Within the study area Council could lawfully acquire land for a public purpose and indeed it has done so in the past in furthering its obligations as a drainage authority by creating public stormwater infrastructure such as of drainage swales, pump station sites and so on. However it is submitted that these things are all aimed at alleviating drainage problems arising from the present and natural state of the area for the general benefit of the area and its surrounds. What is proposed by the JMG report goes significantly further than this and contemplates a major modification of that natural state which by itself, will require significant additional drainage measures. It is that modification process which appears to be lacking a necessary head of power.

- 6.6.** The report on this item details the basis for the recommendation. Any alternative decision by Council will require a full statement of reasons to maintain the integrity of the tender process and to comply with the requirements of the Judicial Review Act.

7. FINANCIAL IMPLICATIONS

- 7.1.** The study examines the question of financial feasibility in great detail and some submissions have argued that this should not have been done: effectively this is a matter that need only concern the developer/s. But this is an incorrect view, since the project carries with it matters of significant financial risk for the Council.
- 7.2.** Estimated costs identified in the study are set out in the table below. It should be noted that costs as presented in the exhibited study have been reviewed and updated based on information arising from the consultation process. For example, revised costs for land fill work have been undertaken.

DEVELOPMENT COST SUMMARY	EST. COST
Site establishment/earthworks sub total	\$18,809,600
Stormwater sub total	\$7,613,700
Sewer sub total	\$7,207,600
Water sub total	\$1,039,000
Roadworks sub total	\$10,745,350
Miscellaneous sub total	\$22,378,850
Authority charges	\$2,020,762
10% contingency	\$6,981,486
GST	\$7,679,634
TOTAL ESTIMATED DEVELOPMENT COST	\$84,475,982

The project requires Council funding of certain services and works – the estimated costs for the major public infrastructure are listed in the table below.

COUNCIL COSTS	EST. COSTS (\$M)
Council stormwater	4.8
Roads and intersections	1.7
Roundabouts at Ringwood and Acton Roads	2.5
Design	0.5
Additional Council staff to manage the development: say \$300,000 per year x 5 years	1.5
TOTAL	11.0

Significant stormwater infrastructure is required to service the development, including:

- 3 x DN375 pipes in Balook Street are to be upsized to a 5000 wide by 450 deep culverts;
- Additional 3000 x 600 box culvert under South Arm Highway and discharge outlet;
- Additional 3900 x 900 box culvert under South Arm Highway and discharge outlet adjacent the existing DN900 pipe;
- Possible 4200 x 600 box culvert outlet to the canal, involving land acquisition.

Other public infrastructure costs include:

- Upgrades to a number of Ringwood Road and Mannata Street intersections;
- Contribution for the installation of roundabouts to South Arm Highway at Acton Road and Ringwood Road;

- Upfront engineering and planning design costs to identify staging that can be engineered and managed through years of construction; and
- Provision of Council staff including engineers, planning, enforcement and community consultation/engagement to manage an \$84 Million project.

7.3 It is noted that if the proposed urban expansion does not proceed, Council will still be subject future costs of engineering investigations and stormwater infrastructure to improve the capacity of the existing system.

Future major cost considerations highlighted in the study include:

- Filling of Ringwood Road and Mannata Street to provide road connection; and
- Intrusive mitigation methods to protect Roches Beach Living from inundation. The below inundation diagram from JMG Report shows inundation from 2100, 1 in 100 rainfall event.

In the event that property owners who are not ready or willing to subdivide require filling and drainage works to be undertaken by the Council , compensation may also be payable by the Council. Obviously it is hypothetical at this time, since it is unclear which properties would fall into this situation. If it were possible, the compensation would be significant. However it is not explored further here due to the limitations listed in the Legal Implications section of this report.

This discussion leads to the options Council has to recover any costs incurred.

- **Potential Rating Options**

Should any element of the potential works be undertaken/ funded by Council, a means of recovering those costs from property owners benefiting from the works is likely to be sought by Council, rather than imposing those costs more broadly on all ratepayers.

Its powers in this respect predominantly relate to rating; however it is also able to apply developer (headwork) charges under certain circumstances. It is important to note that recovery of any charges may be problematic in the absence of property owners selling all or part of their current land holdings due to the scale of infrastructure required and its associated cost.

The primary mechanisms available to Council are generally limited in their ability to provide the outcome Council is likely to require:

- **Construction Rate**

A construction rate generally relates to stormwater only. It may only be imposed for a maximum of 5 years, and cannot exceed 50% of the normal service rate/charge applying to the land. This mechanism would therefore be unable to raise the funds required.

- **Separate Rate**

A separate rate may be made for a variety of purposes, but carries the onus on Council to demonstrate it is of particular benefit to the land or owners/occupiers of the land. There is a complex set of procedural requirements Council must follow before established a separate rate, including full consultation, invitation of submissions, the ability of ratepayers to lodge petitions and mandatory public meetings (if petitions pass certain thresholds). A separate rate may only be imposed for a maximum of 5 years after which it must be reviewed, following a similar process to setting an original rate. This limited application and subsequent review process, along with the need to demonstrate benefit, presents future risks to Council if expenditure has been incurred up front.

- **Varied Rate**

Both the General and Stormwater rates may be varied according to certain criteria, including location. This is at the discretion of Council and would appear to be the most secure means of Council recouping funds.

However, it is likely Council would need to apply such variations to all properties in a discrete area.

- **Headworks Charges**

Council has the power to incorporate headworks (developer) charges into certain planning decisions in respect of future works. This mechanism is of minimal assistance under this proposal; however, as the substantive works are required to be undertaken before development is underway.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

Consultants JMG were appointed by Council to undertake the feasibility study into the urban expansion of Lauderdale. The report required in first stage is complete and it is considered that a community consultation process should be undertaken before Council determines how to proceed.

It is evident from the consultation process that there are a wide range of feelings about this project from owners within and nearby the study area, as well as views from interest groups and relevant government departments. However, the central points of this report, which lead to a recommendation that the project not proceed are:

- The study shows that while the development can be constructed, it would not be financially feasible to do so, even if the best case scenario were possible: the development being undertaken by 1 developer or a consortium acting as 1 developer.
- The consultation process confirmed that the 1 developer or consortium would not be possible.
- While there are many submissions supporting the project and its various benefits to the area, there are also many submissions highlighting personal and property impacts to others.

- Council would be liable for significant and unredeemable costs, in the order of \$11,000,000, for infrastructure and management costs alone.
- There is no adequate strategic land use planning justification for modifying the Lauderdale Structure Plan or the STRLUS.
- For it to proceed as a staged development, Council would need to compulsorily undertake the construction works on private properties.

Attachments: Nil.

Ross Lovell
MANAGER CITY PLANNING

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 PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

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 not be recorded in the minutes.

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 LEGAL MATTER

13.3 PROPERTY MATTER - BELLERIVE

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:

- proposals to acquire land or an interest in land or for the disposal of land;
- applications by Aldermen for a Leave of Absence;
- matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council.

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”.