

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

Ald Doust
Ald Walker

2. CONFIRMATION OF MINUTES

(File No. 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 19 March 2018, as circulated, be taken as read and confirmed.

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

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

PURPOSE

Presentation on Proposed Development of Rosny Hill
Draft Capital Works Program 2018/19

DATE

26 March

Recurrent Budget
Draft Submission to Local Government Board
Sorell Tasman Review

9 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.

Mr Reece Munnings has given notice of the following questions:

Q1 SPEED/ROAD HUMPS INFRASTRUCTURE – CUMBERLAND STREET

Will Council consider an evaluation into the merits of having “speed/road humps” infrastructure on Cumberland Street, Warrane as part of council’s capital expenditure budget for financial year 2018-19?

Q2 TRAFFIC CONGESTION – Blich Street

What action, if any, has Council taken on the traffic congestion consistently experienced on Blich Street? The parked vehicles around the area typically result in only one vehicle being able to pass through the narrow opening at any one time – the distance at peak times being the length of road from the roundabout to just past Bruny Street.

Background information is attached.

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.

Question 1:

Will Council consider an evaluation into the merits of having 'speed/road humps' infrastructure on Cumberland Street, Warrane, as part of Council's capital expenditure budget for financial year 2018-19?

Cumberland Street has high-volume road use, particularly between the section of Cambridge Road and Blight Street. Presumably this is due to the users perceived/actual time saved by bypassing the traffic lights on Cambridge Road and Gordons Hill Road.

The increased traffic volume on Cumberland Street has had a detrimental impact to the residents and pedestrians that use the street, mainly through the exposure to excessive speeding and dangerous/reckless driving. My partner's mother has almost been the victim of this reckless driving on more than one occasion – and is now reluctant to use her vehicle in the fear that she will not be as fortunate on the next occasion. This sentiment is shared by several other residents within the street.

Further to this, Cumberland Street unfortunately appears to be a road that 'hoons' take pleasure in using when attempting to break the land-speed record, and who can perform the longest 'fish tail' on this stretch of road day or night – the evidence of which is usually renewed at least once a fortnight. As the father of a newborn, it would be remiss of me not to bring this to the attention of the entity that controls the dangerous road in question (Council). When my child is visiting his grandmother, who lives on this road, I hope to not have to worry about the simplest task of a loved one merely reversing out of a driveway into the path of a reckless driving degenerate.

If the implementation of speed/road humps infrastructure on Cumberland Street would prevent the death or injury of just one road or pathway user, then I believe it would be a justified item to be incorporated within the capital expenditure budget at first available opportunity; at least at a minimum this issue warrants the further scrutiny of Council.

Question 2:

What action, if any, has Council taken on the traffic congestion consistently experienced on Bligh Street? The parked vehicles around the area typically result in only once vehicle being able to pass through the narrow opening at any one time – the distance at peak times being the length of road from the roundabout to just past Bruny Street.

With the recent opening of the new child care centre, it has been noted that the density of vehicles parked within the area at peak times is considerable; often with road users having to navigate with oncoming traffic as to who has the right of way. Again, my partner's mother has been forced into dangerous situations due to the parked vehicles blocking a clear line of sight to oncoming traffic. In this case, she was the victim of an aggravated road rage incident in which the unaccommodating road user made her reverse her car back down the street as they would not give her the right of way, even though she had less distance to traverse the narrow passage than the other road user. Whilst Council is not responsible for the indecent and intimidating actions of some road users, Council can take action to mitigate some of the issues that caused this event to occur.

Bligh Street is a busy road, and one that is frequently used by the Metro bus service – buses are heavy rigid vehicles to which the narrowing road issue is amplified. Recently, a friend recounted that they were late to work one morning, entirely attributable to a Metro bus being unable to proceed through the road until the user of a parked vehicle cleared the way.

I have noted that in the new residential areas of Clarence City Council, the width of a road is efficiently maximised through the strategic incorporation of one designated footpath per street/road (leaving only a nature strip on the opposite side), and the innovative use of designated on-street car parking areas - often featured with red/orange bricks within the surface area. The Glebe Hill residential area has plenty of examples for both forms of strategic and effective road width utilisation. This innovative thinking is welcomed; albeit expected if Council is to continue to adapt and excel in meeting the the contemporary suburban needs of its municipality.

Therefore, could Council perhaps redevelop some of its existing road and pathway infrastructure to accommodate the contemporary needs of their ratepayers and community members – with Bligh street being a priority target. Again, the expense would be justified in the full or partial mitigation of road hazards to users.

Thank you for your time and consideration.

A handwritten signature in blue ink, appearing to read 'Reece Munnings', with a stylized flourish extending to the right.

Reece Munnings
CPA, AASM

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)

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION- ALD JAMES
TREE REMOVAL – KAOOTA ROAD, LINDISFARNE**
(File No 10-03-05)

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

“That Council approve the removal of the tree on Council land adjacent to 181 Kaoota Road, Lindisfarne and replace instead with a suitable tree”.

EXPLANATORY NOTES

On 27 February 2018 I met with a group of residents who reside in close proximity to the large tree on Council land adjacent to 181 Kaoota Road, Lindisfarne.

The spokesperson for the residents expressed concern regarding Council’s decision, on the advice of the arborist, not to remove the tree at 181 Kaoota Road, Lindisfarne.

The arborist recommended removal of some small branches which appear to be minor in nature and not address residents’ concerns, including the dangerous lean of the tree towards an adjoining property owner.

Also, a section of the pavement has lifted near the base of the tree and is a trip hazard to pedestrians.

In addition, the tree in strong winds drops small branches and poses a dangerous situation as children walk and others use the pathway on a regular basis.

Council approval is requested for the removal of the tree and a small tree replacement occurs in accordance with Council policy.

RH James
ALDERMAN

GENERAL MANAGER’S COMMENTS
A matter for Council determination

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

Southern Tasmanian Councils Authority has distributed its Quarterly Reports for the periods ending 31 December 2017 and 31 March 2018 (refer Attachments 1 and 2).

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

- **TASWATER CORPORATION**



Southern Tasmanian Councils Authority

Quarterly Report to Members

December 2017



Each Joint Authority is required under Section 36B of the Local Government Act, 1993 to provide to its members a quarterly report that includes a statement of general performance and a statement of its financial performance

This report covers the three month period ending 30 December 2017. This report with all previous quarterly reports is published on the Authorities website: www.stca.tas.gov.au

The Southern Tasmanian Councils Authority commenced on 1 July 2006

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Quarterly Report to Member Councils December 2017

The Authority held an Annual General Meeting on 27 November 2017 and an Ordinary Board Meeting on 11 December 2017.

Matters considered at these meetings included:

- **STCA Chairman's Report**
- **Annual Report**
- **Address from Mr Chris Jones, Editor of the Mercury newspaper**
- **Presentation from the Hon. Rebecca White MP, Leader of the Tasmanian Labor Party**
- **STCA Annual Plan**
- **Regional Climate Change Initiative Update**
- **Member updates on Planning Reform, South Central Sub-region and Common Services and South Eastern Regional Development Association**
- **Waste Strategy South Update**
- **Governance and Audit Committee Update**
- **STCA Financial Report to 31 October 2017**
- **2018 STCA Meeting Dates**

ANNUAL GENERAL MEETING – 27 NOVEMBER 2017

STCA CHAIRMAN'S REPORT

The STCA Chairman's Report highlighted the following key achievements, including:

- Widespread support amongst Mayors for a future City Deal with the STEM proposal as its centrepiece
- Development of an STCA Election Priorities document
- Presentations from the Minister for Local Government and former UTAS Vice Chancellor.

ANNUAL REPORT

The STCAs 2016/17 Annual Report was presented to the Board and subsequently adopted.

ADDRESS FROM MR CHRIS JONES, EDITOR OF THE MERCURY

The STCA received a presentation from Mr Chris Jones, Editor of the *Mercury* newspaper. Mr Jones has only recently commenced in the position of Editor following a period as Executive Editor of the *Courier-Mail* and *Sunday Mail*.

Mr Jones spoke about the changing and challenging nature of media, including the digital revolution and declining revenue resulting from decreased advertising. He is a strong supporter of local content and championing change with education supplements to be a regular feature in the paper.



ORDINARY BOARD MEETING – 11 DECEMBER 2017

PRESENTATION FROM THE HON. REBECCA WHITE MP, LEADER OF THE TASMANIAN LABOR PARTY

The Hon Rebecca White MP, leader of the Tasmanian Labor Party attended the Board's meeting to provide an update to members on a range of local government matters.

Ms White spoke about the Tasmanian Labor Party's Economic Directions Statements which were released in May 2017 and which set out their priorities for Tasmania and its people.

Ms White talked about the establishment of Industry Advisory Councils which will have a direct role in advising about skills gaps and the allocation of funding in order to improve the skills of Tasmanians. They would be established across the following sectors of the community:

- Minerals, Energy and Advanced Manufacturing
- Innovation and Information and Communication Technologies
- Primary Industry and Forestry
- Education, Science, Research and the Antarctic
- Tourism, Hospitality, Festivals, Heritage (built and natural environment) and the Arts
- Building and Construction
- Wellbeing, Care and Community Development
- Employment, Regional Development and Trade

Ms White spoke on a number of other issues which touch local government including planning, a future City Deal, TasWater, sporting facilities, waste, tourism infrastructure and coastal policy, property protection and maintenance issues.

STCA ANNUAL PLAN

The STCA Board endorsed the 2017/18 Annual Plan which will guide the activities of the STCA for the next six months. The Annual Plan links back to the strategic themes within the STCA Strategic Plan 2015-2019 and seeks to achieve the following outcomes:

- Appropriate recognition of the needs and interests of the Southern Councils
- A well-managed, viable organisation that delivers value to member councils and the region
- An organisation which remains relevant to its member councils and is appropriately structured to meet their needs
- Promotion of the impacts of climate change and extreme weather events across the region
- Improved waste management practices across the region.

REGIONAL CLIMATE CHANGE INITIATIVE UPDATE

The STCA supported the extension of the Regional Councils Climate Change Adaptation Strategy 2013 - 2017 to 2020 to enable a review of the Strategy and supporting action plan.

The Home Energy Bulk Buy program continued to be delivered successfully by Southern Councils in collaboration with Sustainable Living Tasmania.

MEMBER UPDATES ON PLANNING REFORM, SOUTH CENTRAL SUB REGION AND COMMON SERVICES AND SOUTH EASTERN REGIONAL DEVELOPMENT ASSOCIATION

A Planning Reform update was provided to the STCA Board and it was noted that:

- Local Planning Provisions continue to be prepared
- A consultant has been engaged to undertake the regional eco system mapping
- The Technical Reference Group has received three expressions of interest to undertake the agricultural zone and rural zone mapping.

A further update was provided in relation to the regional Workforce Plan which the South Eastern Regional Development Association (SERDA) has completed in conjunction with the South Central Councils Group, with both organisations provided with funding from the Department of State Growth through Skills Tasmania. Each of the SERDA Councils also contributed funding.

The South Central Sub Region continues to work with the Beacon Foundation integrating industry and education.

WASTE STRATEGY SOUTH UPDATE

Waste Strategy South has now completed and approved Memorandum of Understanding discussions with the Cradle Coast Waste Management Group and the Northern Tasmanian Waste Management Group.

Waste Strategy South agreed to initiate a meeting with other waste organisations and groups in the State with the aim to ensure that all groups are working together to gain significant and achievable outcomes for waste management.

The group appointed Resonance Consulting to provide project management services to progress Waste Strategy South's Action Plan.

A new logo has been designed which will be used to promote the group.

Waste Strategy South members attended an information session regarding a model framework for a Container Deposit Scheme for Tasmania.



GOVERNANCE AND AUDIT COMMITTEE UPDATE

Items discussed at the Governance and Audit Committee, included the STCA financials, STCA Administrative Support, 2016/2017 Annual Report, City Deal Update, and Greater Hobart Capital City Act.

STCA FINANCIAL REPORT TO 31 OCTOBER 2017

The STCA received the financial report to 31 October 2017.

2018 STCA MEETING DATES

The STCA Board agreed to continue to meet quarterly in 2018 with the Mayors Roundtable meetings also to continue.





Southern Tasmanian Councils Authority

Quarterly Report to Members

March 2018



Each Joint Authority is required under Section 36B of the Local Government Act, 1993 to provide to its members a quarterly report that includes a statement of general performance and a statement of its financial performance

This report covers the three month period ending 31 March 2018. This report with all previous quarterly reports is published on the Authorities website: www.stca.tas.gov.au

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Quarterly Report to Member Councils March 2018

The Authority held an Ordinary Board Meeting on 5 February 2018.

Matters considered at this meeting included:

- **A presentation from the Tasmanian Audit Office**
- **Regional Climate Change Initiative Update**
- **Member updates on Planning Reform, South Central Sub-region and Common Services and South Eastern Regional Development Association**
- **Governance and Audit Committee Update**
- **STCA Financial Report to 31 December 2017**
- **Call for Issues for consideration by the Local Government Association of Tasmania**



ORDINARY BOARD MEETING – 5 FEBRUARY 2018

PRESENTATION FROM THE TASMANIAN AUDIT OFFICE

Representatives from the Tasmanian Audit Office (TAO) attended the Board meeting held on 5 February.

An overview of the recent report into the use of credit cards (purchasing cards) by general managers and elected members was provided with the objective of the audit to assess how councils manage and control the use of purchasing cards issued to general managers and elected members to ensure both probity and propriety. It was noted that all councils were subject to the audit, although not all had issued cards to the general manager or elected members.

A model purchasing card policy will be developed by the Local Government Division in consultation with councils and other relevant stakeholders which will provide clear guidance relating to expenditure on entertainment, travel, gifts, fuel and fuel-related products; use of cards by other staff members and alternative online payment methods.

The TAO advised that although the examination found instances of policy breaches and a lack of guidance that led to different interpretations of standards of accountability, they did not find evidence of serious or systemic misuse of public funds or fraud.



Photo credit: Phil Kitt

REGIONAL CLIMATE CHANGE INITIATIVE UPDATE

The Regional Climate Change Initiative reported that they have collaborated with UTAS' Antarctic Climate Ecosystems CRC to provide a grant submission to the National Disaster Resilience Project.

MEMBER UPDATES ON PLANNING REFORM, SOUTH CENTRAL SUB REGION AND COMMON SERVICES AND SOUTH EASTERN REGIONAL DEVELOPMENT ASSOCIATION

A Planning Reform update was provided to the STCA Board and it was noted that:

- A set of guidelines for the natural asset mapping project are being reviewed by councils
- A consultant has been engaged to undertake the agricultural zone and rural zone mapping

A further update was provided from the South Eastern Regional Development Association in relation to the regional Workforce Plan.

GOVERNANCE AND AUDIT COMMITTEE UPDATE

Items discussed at the Governance and Audit Committee, included the STCA financials, administrative support for Waste Strategy South, City Deal Update and Board and Committee Chair arrangements.

STCA FINANCIAL REPORT TO 31 DECEMBER 2017

The STCA received the financial report to 31 December 2017.

CALL FOR ISSUES FOR CONSIDERATION BY THE LOCAL GOVERNMENT ASSOCIATION OF TASMANIA

It was requested that correspondence be forwarded to the Local Government Association of Tasmania (LGAT) in relation to the *Roads and Jetties Act 1939* and *Boundary Fences Act 1908* and that the LGAT lobby the State Government to undertake a review of these two Acts.



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

(File No 07/02/12)

Chairperson's Report 49 – April 2018

The Audit Panel held a Meeting on 22 March 2018. I attach a copy of the draft Minutes of the Meeting for tabling at Council's Meeting (refer Attachment 1).

The Deputy Auditor General Ric de Santi attended the meeting and provided an overview of the proposed external Financial Audit Strategy 2017/18 for Clarence. The Panel was also provided with an end of implementation Report on Go Live1 and a further update on the programming of Go Live2 implementation of the new IT system.

Key reports on projects in the current year's Internal Audit Programme were received; namely, Project 52 – Identity Security and Information Protection Management Systems and Project 54 – Council's actions in response to Climate Change. The report findings on both these projects are strategically significant for Council and the Panel has sought that further detailed "implementation plans" be prepared for these project before finalising its deliberations on management actions arising from the reports. The Panel should be in a position to further report to the Council regarding these Project Reports following its next meeting in June 2018.

Although there has been some difficulty in sourcing a suitable consultant to undertake Project 53 - Risks associated with Council's Community Engagement, consultant firm Excellent Outcomes from Launceston has now been engaged to undertake the project. It is anticipated that work on the project will be undertaken over the next few months.

The findings of Project 49: Management of Strategic Risk recommended a review of Council's Risk Register and to set conditions to move to a higher level on the "Risk Maturity Model" scale. Work has now commenced on the implementation of these findings commencing with the review of the Council's Risk Management Framework/Policy and the development of a Project Implementation Plan. The Draft Risk Management Framework/Policy was endorsed by the Panel and is recommended to Council for formal adoption.

The internal review of Council's Asset Management Plans is nearing completion and early drafts were submitted to this Panel meeting. These Plans, together with the Asset Management Strategy, will be further considered at the next meeting of the Panel in June 2018.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Attachments: 1. Minutes of Audit Panel Meeting 22 March 2018 (11)

John Mazengarb
CHAIRPERSON

**MINUTES OF A MEETING OF THE COUNCIL AUDIT COMMITTEE HELD IN
THE COMMITTEE ROOM AT THE COUNCIL OFFICES, BLIGH STREET,
ROSNY PARK, ON TUESDAY 20 MARCH 2018**

HOURLY CALLED: 3.00pm

PRESENT: The Meeting commenced at 3.01pm with Mr J Mazengarb in the Chair and Panel Members:
Mr Richard Easter; Mr R Bevan; Ald H Chong; Ald P Cusick; and Ald K McFarlane (Proxy) present.

IN ATTENDANCE: General Manager
(Mr A Paul)
Corporate Secretary
(Mr A van der Hek)
Corporate Treasurer
(Mr F Barta)
Deputy Auditor General
(Mr Ric De Santi)
Team Leader Financial Audit, Tasmanian Audit Office
(Suzanne Xue)
Crowe Horwath, Principal and Audit Partner
(Alison Flakemore)
Manager Corporate Support (Legal Counsel)
(Ian Nelson)
Risk Management Coordinator
(James Ayliffe)

APOLOGIES: Nil

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MINUTES

1. ATTENDANCE AND APOLOGIES

Refer to cover page.

On behalf of the Panel the Chair conveyed appreciation to the Corporate Secretary for the supporting role he had provided to the Panel and wished him well in his impending retirement.

The Chair welcomed Mr Easter for his first meeting.

2. CONFIRMATION OF MINUTES

The Minutes of the Meeting of the Audit Committee dated 17 January 2018 were circulated to Committee Members.

RECOMMENDATION:

That the Minutes of the Meeting of the Audit Committee dated 17 January 2018, as circulated, be confirmed.

Decision: **MOVED** Ald Chong **SECONDED** Richard Bevan

“That the Minutes of the Meeting of the Audit Committee dated 17 January 2018, as circulated, be confirmed”.

CARRIED

3. DECLARATION OF CONFLICTS OF INTEREST/PECUNIARY INTERESTS

The Chair requested members to advise any new interests or potential conflicts of interest in relation to the Agenda.

There were no new declarations

4. CONFIRMATION OF PANEL APPOINTMENTS

At the Audit Panel Meeting of 17 January 2018 the Panel considered and provided input into the redrafted Audit Panel Charter and resolved as follows:

“That the draft changes and additional edits from the meeting to the Audit Panel Charter be endorsed and that the updated draft be redistributed to the Panel members prior to it being presented to the Council for formal adoption”.

The further edits were distributed and then submitted for final determination by the Council. The Council has endorsed the adoption of the new rotational process for independent Panel member appointments.

Council has appointed Mr R Easter as a Panel member for a period of 4 years, concluding November 2021 and Mr R Bevan for a 2 year period concluding November 2019. A full current appointment status was attached.

RECOMMENDATION:

That advice regarding the Panel appointments be noted.

Decision: It was **RESOLVED**

“That the advice regarding the Panel appointments be noted.”

5. AUDITOR GENERAL (INCLUDING ANNUAL DRAFT FINANCIAL AUDIT STRATEGY 2017/18)

The Auditor General has provided his proposed Audit Strategy for Council for the 2017/2018 financial statements. This outlines key activities, considerations, and outputs to be undertaken by the Auditor General late in the financial year and following preparation of Council’s financial statements.

A copy of the Draft Annual Audit Strategy 2017/18 was attached. Please note that this document was a preliminary draft version which may be subject to further alterations by the Tasmanian Audit Office.

Representatives of the Tasmanian Audit Office attended the meeting to provide an overview of the strategy.

The Deputy Auditor General Mr Ric De Santi was accompanied by the Team Leader Financial Audit, Tasmanian Audit Office Suzanne Xue for the presentation of this item.

The Panel was advised that the proposed timetable may be subject to change.

RECOMMENDATION:

That the Auditor General’s advice and content of the Draft Financial Audit Strategy 2017/18 be noted.

Decision: It was **RESOLVED**

“That the Auditor General’s advice and content of the Draft Financial Audit Strategy 2017/18 be noted”.

6. UPDATE ON PROJECT 35 - EFFECTIVENESS OF COUNCIL'S IT SOLUTIONS

This matter is listed as a standing item.

The update report provide by the Corporate Treasurer under item 7 formed the basis of reporting and discussions on the item.

The General Manager and Corporate Treasurer provided a further verbal update in respect to this matter to the meeting.

The Corporate Treasurer further advised that the date previously set for August 2018 for implementation of Go Live 2 using the CI product platform is now December 2018, due to Tasmania Legislative compliance aspects that need to be further designed. As an alternative, consideration is seriously being given to going directly to "CI Anywhere" which may have a possible Go Live date of February/March 2019.

RECOMMENDATION:

That the update advice be noted.

Decision: It was **RESOLVED**

"That the update advice be noted"

7. ANNUAL AUDIT PLAN FOR 2017/2018

The following Projects make up the 2017/2018 Annual Audit Plan programme and have been formally adopted by Council. Progress on approaching suitable service providers to submit proposals to the audit projects is detailed as follows.

Project 51: Workforce Planning

At the September 2017 meeting the Panel endorsed the recommendation to defer commencement of this Project.

A preliminary proposal has been provided from one service provider and a second provider has expressed interest in undertaking this project. It is intended that provider scoping proposals for the project will be submitted to the next Audit Meeting on 19 June 2018.

Project 52: Identity Security and Information Protection Management Systems

The Panel endorsed the engagement of Crowe Horwath Australasia for this project. The final report has been submitted and management comments have been provided.

Alison Flakemore of Crowe Horwath was present for this item and available to respond to questions that arose from the report.

Project 53: Risks Associated with Council's Community Engagement

At the panel's last meeting it was reported that it had been difficult to secure a suitable service provider for this project and a number of further suggestions were forthcoming from the Panel at that time.

Whilst every endeavour was made to gain interest in the project from interstate universities, no firm interest in the project was forthcoming. Notwithstanding this, the matter was further pursued and we now have 3 proposals to hand, namely from the following interested service providers:

- Excellent Outcomes, Launceston \$8,225;
- Bank of Ideas, Perth WA \$10,400; and
- QuinetIQ, Canberra \$14,800 (note confirmed as inclusive of travel cost).

The background, expertise and approach to the project from each of the respondents is quite diverse and their approach to task would be expected to be quite different. Briefly, **Excellent Outcomes** would primarily be based on a QA approach; **QuinetIQ** would be risk based and, whilst it is difficult to ascertain from the submission from **Bank of Ideas**, based on the profile of the provider it is likely to be more directly focused on approaches to community engagement although, as they have not addressed the criteria it remains unclear.

An evaluation of the proposals was undertaken, based on the proposal against the outcomes outlined in the initial project scope. Based on the evaluation it is considered that both Excellent Outcomes and QuinetiQ are rated almost equally able to undertake the project, however, there is a marked cost difference and accordingly it is recommended that Excellent Outcomes of Launceston be engaged for this audit project.

Project 54: Council's Actions and Response to Climate Change

The audit project outline provided by Donovan Burton of Climate Planning was endorsed by the Panel at its last Meeting.

The final report was submitted.

As Mr Burton is based interstate he will not be able to be present at the meeting.

Project 55: Review of IT Implementation Review

At the last the Panel discussed the optimum timing of this review and accepted the General Manager's suggestion that he would bring to the next Panel meeting the interim review of phase 1 of the IT implementation and the Panel would then be in a better position to determine the best time for the review and a provider.

The Corporate Treasurer has now provided the Project Jigsaw – Post Go Live 1 Overview.

Based on the pricing submitted the projects undertaken and proposed in the agenda will be just within the current budget threshold. However, the expenditure on Project 51 will not occur within the current financial year and therefore its cost may need to be considered in the context of budgeting for and in the determination of next year's Audit Programme.

It is clear that given the change in emphasis of projects identified in the Audit Programme that the specialised nature of these reviews does come at a high cost per audit compared with conventional operational based audits. This trend may need to be looked at as part of the Council's forthcoming budget considerations.

RECOMMENDATION:

- A. That the update on the status of sourcing consultants for Project 51 Workforce Planning be noted.
- B. That the Report from Crowe Horwath Australasia on Project 52: Identity Security and Information Protection Management Systems and from Climate Planning on Project 54: Council's actions and response to Climate Change, be received and the findings and recommendations be noted.
- C. That the agreed Management Action Plan for Projects 52 and 54 be endorsed and be the subject of review as to implementation at subsequent meetings.
- D. That based on the evaluation Excellent Outcomes be engaged to undertake Project 53: Risks associated with Council's Community Engagement, in accordance with their submission.

Decision: It was **RESOLVED**

- “A. That the update on the status of sourcing consultants for Project 51 Workforce Planning be noted.
- B. That the Report from Crowe Horwath Australasia on Project 52: Identity Security be received and the findings and recommendations be noted and that a “prioritised action plan” be prepared for the next Panel meeting on implementation of the stated “Management Responses”.
- ..C. That the Report from Climate Planning on Project 54: - Council's actions and response to Climate Change, be received and that a “prioritised action plan” be prepared for the next Panel meeting on how these findings can be implemented.
- D. That based on the evaluation Excellent Outcomes be engaged to undertake Project 53: Risks associated with Council's Community Engagement, in accordance with their submission, on the understanding that some community based engagement be incorporated in the audit”.
- ..E. That the Corporate Treasurer's report on the implementation of the Project Jigsaw – Post Go Live 1 Overview be noted”.

8. UPDATE ON PROGRESS OF ASSET MANAGEMENT PLANS REVIEW

At the September 2017 meeting, the Panel discussed and provided input in respect to Council asset management plans.

Consideration has been given to the issues raised by the Audit Panel and details incorporated in the various draft Asset Management Plans. The table attached to the Agenda provided a summary of the issues raised by the Audit Panel, together with an outline of the how each matter has been treated.

The Asset Management Strategy Asset together with the Roads; Stormwater; Buildings and Open Space Asset Management Plans were submitted as a complete package for consideration by the Panel.

RECOMMENDATION:

That the Asset Management Strategy together with the Asset management Plans for Roads Stormwater, Buildings and Open Space be endorsed and recommended for adoption by Council.

Decision: It was **RESOLVED**

“That this Item was deferred to Next Meeting and pending review of final (non-track-changes) versions”.

9. RISK MANAGEMENT POLICY AND IMPLEMENTATION PLAN REVIEW

The findings of Project 49: Management of Strategic Risk recommended a review of Council’s Risk Register and to set conditions to move to a higher level on Risk Maturity Model scale.

Drawing from these findings a project scope and timeline to address these findings was prepared and endorsed by the Corporate Executive and work is now well underway.

The first step in the process has been a review of the Risk Management Framework. A copy of the draft was provided. The proposed Risk Management Framework is a paradigm shift in the way Council have looked at risk, in that it now emphasises the importance of embedding risk management into routine work processes so that risks are only recorded in Council’s Risk Register where there are no pre-existing risk controls or it warrants closer management attention. This will enable the rationalisation of the current 400 (+) records in the register and result in a more relevant and useful tool.

Essentially, Council will be recording 3 types of risk: **Strategic** – covering threats and opportunities that affect our published strategic goals, and which may require collaboration with outside organisations and agencies to effectively manage; **Enterprise** – covering those risks that are beyond the resources of individual Work Groups and require collective and collaborative effort across Work Groups to mitigate; and **Functional** – those inward-looking, business-as-usual- risks that are normally the responsibility of Work Group Managers. Functional Risk will only be recorded in the Risk register in following cases:

- no predetermined control measures;
- the potential to become unmanageable;

- a SOP, SWMS, job statement or other work process in which a new or changed risk has been identified;
- a profile that suggests the risk is emerging;
- a control measure that has failed, and the related risk event realised; and
- a residual risk level of HIGH or higher.

As the Risk Management Policy is normally a Council endorsed matter, it is appropriate for the Audit Panel to consider and to make recommendation on the Policy to Council.

In addition, meetings with Work Groups have commenced to review and rationalise the entries in the Risk Register and concurrently develop an implementation plan for the integration of risk management into Work Group operations.

Council's Risk Management Coordinator, James Ayliffe, was in attendance to provide an overview of the redrafted Risk Management Framework and the project implementation.

RECOMMENDATION:

- A. That the Implementation Plan and timeframe be noted.
- B. That the Draft Risk Management Framework be endorsed and recommended to Council for formal adoption.

Decision: It was **RESOLVED**

- “A. That the Implementation Plan and timeframe be noted.
- B. That the Draft Risk Management Framework be endorsed and recommended to Council for formal adoption.
- C. That further consideration in Implementation Plan be given to how the Council itself is engaged in the Risk Management Framework, in the consideration of Strategic Risks”.

10. MANAGEMENT ACTION PLAN

An updated Management Action Plan was provided.

RECOMMENDATION:

That the advice be noted

Decision: It was **RESOLVED**

“That the recommendation be adopted”.

11. SIGNIFICANT INSURANCE/LEGAL CLAIMS

There have been no new major claim notifications since the last report to the Committee. A copy of the schedule of outstanding matters was attached.

RECOMMENDATION:

That the advice be noted.

Decision: It was **RESOLVED**

“That the advice be noted”.

12. ANY FURTHER BUSINESS

Nil.

13. TIME, DATE, PLACE OF NEXT MEETING

It is practice for the schedule to be updated by the Panel each meeting on a rolling basis to maintain an advanced schedule of meetings. The updated Forward Work Plan for the Audit Panel was attached.

Draft Meeting Schedule – 2018/19

Mtg cycle	Business Items are listed as per Work Plan	Scheduled time of year - Qtr	Proposed Mtg Date
1.	<ul style="list-style-type: none">Consideration of Audit Project reportsA/General Briefing on External Audit	Feb/Mar	Tuesday 20 March 2018
2.	<ul style="list-style-type: none">Finalisation of current Audit ProgrammeRecommendation of forward Audit Programme.	May/June	Tuesday, 19 June 2018 (4.00pm)
3.	<ul style="list-style-type: none">Electronic sign off of Annual Financial Statements 2017/18	August	7 August 2018 (by email exchange)
4.	<ul style="list-style-type: none">Annual Audit Outcomes	Aug/Sept May require 2 meeting times to deal with these matters and subject to Auditor General availability	Tuesday, 25 September 2018 (4.00pm)
5.	<ul style="list-style-type: none">Endorsement of Audit Project scopes	Nov/Dec	Tuesday, 27 November 2018 (4.00pm)
1.	<ul style="list-style-type: none">Consideration of Audit Project reportsA/General Briefing on External Audit	Feb/Mar	Tuesday 19 March 2019

Note 1: The above schedule has been based on the past practice of the Panel and recent consultation on suitability of meeting dates; however, ongoing meetings of the Audit Panel are open to the Panel taking into consideration its obligations.

Note 2: The **Work Plan** is distributed with the agenda. The above meeting schedule will be modified to take into account the adopted Audit Panel Work Plan.

The forward schedule is progressively updated to include forward dates at least 1 calendar year in advance. Once considered by the Panel these will be updated in Panel members' diaries. Please indicate any conflict between the schedule and Panel member's commitments.

RECOMMENDATION:

That the Panel notes the forward schedule of Audit Panel meetings.

Decision: It was RESOLVED

“That the advice be noted”.

14. CLOSE

The Meeting closed at 4.00pm.

EVENTS SPECIAL COMMITTEE

Chairperson's Report – March 2018 (Mayor Doug Chipman)**Clarence Jazz Festival Report 2018**

What began as a return to our regularly scheduled program started out with a chilly but quickly warming Twilight Series. With a record number of attendees at Lindisfarne and the first for the picturesque Sandford Hall Grounds, the twilight concerts were all very well received.

The advice from the Bureau of Meteorology then took a turn for the worse, with torrential rain and more pertinently, winds over 50km/h forecast at the weekend – winds that preclude us continuing with an outdoor event due to public safety.

With quick action in a short delivery time, the decision was made to move the Boardwalk's Big Weekend to the more protected grounds at Rosny Farm and into a "Hoecker" marquee. This allowed us to proceed with our scheduled program and continue to run the Jazz Lounge in the Barn concurrently.

This decision proved to be effective with a raft of positive feedback received from attendees and performers alike. Although the Rosny Farm cannot cater to the numbers we would normally attract at the Boardwalk, the inclement weather deterred some, but kept the festival at a manageable level for the site's capacity.

The move also forced some changes to the event that proved to have some interesting side effects, including that our liquor and bar partners amicably withdrew, leaving it to Council staff and volunteers, creating income of \$11,000 from bar sales. Although there was a subsequent loss of sponsorship of \$3,500 from the bar partnership this helped bolster the festival's move.

Estimated attendance over the 8 day event is over 5,000 people and following is a breakdown of venues and attendance, and of the community groups who were involved with each event.

DATE	EVENT/VENUE	Attendance	Comments and Community Partners
SUN 18	Twilight – BELLERIVE	250	Bellerive Rotary
MON 19	Twilight – GEILSTON BAY	270	Geilston Bay Boat Club
TUES 20	Twilight – SIMMONS PARK	430	Bellerive Rotary
WEDS 21	Twilight – SANDFORD HALL	300	Clarence Arts Department
THUR 22	Twilight Series - ROSNY FARM	300	In-house
	JAZZ LOUNGE	100	+ more people enjoying the site outside
FRI 24	ROSNY FARM	600	Hobart Jazz Club
	JAZZ LOUNGE - Show 1	100	Ticketed - \$25
	JAZZ LOUNGE - Show2	100	+ more people enjoying the site outside

SAT 25	ROSNY FARM	1000	Food vendors and CCC Bar <i>Sandford Scouts, Hobart Jazz Club</i>
	JAZZ LOUNGE - Matinee	100	Ticketed - \$10
	JAZZ LOUNGE – Show 1	70	Ticketed - \$25
	JAZZ LOUNGE – Show 2	70	+ more people enjoying the site outside
SUN 26	ROSNY FARM	1,300	Food vendors and CCC Bar <i>Sandford Scouts, Hobart Jazz Club</i>
	JAZZ LOUNGE - Matinee	100	Ticketed - \$10

Based on the success of last year's Mercury partnership, we renewed our arrangement with them, albeit at a smaller level with the reduced budget available. This included a quarter page folded program, printed and distributed in 24,000 papers with an over-run available for our own distribution, as well as a discounted "Lifestyle Gold" bundle – placements listed below. Although we did not have access to the standby options as previously, "The Mercury" did provide us with a surfeit of editorial opportunities in both the weekend magazine and the Thursday and Friday editions.

MEDIA COVERAGE:	
Editorial	Date and details
Hobart Jazz Club Newsletter	Dec/Jan – 3 page editorial
The Mercury	08/02/2018 – Picture article in Pulse
The Mercury	17/02/2018 – Pick for the week listing in Magazine
The Mercury	18/02/2018 – Half page picture article
The Mercury	22/02/2018 – ¼ page article, full gig guide listing in Pulse
The Mercury	24/02/2018 – First Person focus in Magazine
The Mercury	24/02/2018 – Pick for the week listing in Magazine
Mercury ads	Date, publication and type
Sponsored	28/01/2018 - Tassie Living Medium Strips
Sponsored	03/02/2018 - Tasweekend half page
Sponsored	04/02/2018 - Tassie Living Medium Strips
Sponsored	08/02/2018 - Plus Thursday Pulse
Sponsored	09/02/2018 - Plus Friday ON page
Sponsored	10/02/2018 - Tasweekend half page
Sponsored	11/02/2018 - Tassie Living Medium Strips
Sponsored	15/02/2018 - Plus Thursday Pulse
Sponsored	16/02/2018 - Plus Friday ON page
Sponsored	17/02/2018 - Tasweekend half page
Sponsored	18/02/2018 - Tassie Living Medium Strips
Sponsored	18-24/02/2018 - med rec x 15,000 page impressions
Sponsored	22/02/2018 - Plus Thursday Pulse
Sponsored	23/02/2018 - Plus Friday ON page
Sponsored	24/02/2018 - Tasweekend half page
Southern Cross Network	No. of sponsored ads
SCTV	30 second x 48 ads, 10-25 February
7TWO	30 second x 24 ads, 10-25 February
7MATE	30 second x 24 ads, 10-25 February
107.3FM	30 second x 33 ads, 20-26 February
107.3FM	Live reads x 4, 24/25 February

Venues: Council determined to return the budget to its 2016 level which allowed us to showcase 5 of the park locations around the city.

Programming: Jazz is a broad brush and some experimentation occurred this year, increasing the number of blues acts. Although one negative comment was received, a careful combination of jazz and blues pleased the crowd and opened up more curatorial options, an avenue which most of the national jazz festivals are actively pursuing.

The success of the festival is, in part gauged by its achievements against the strategies in the Clarence Events Plan.

Strategy 1: Social Inclusion	Special consideration was given to feature female instrumentalists with all ticketed events headlined by female players and a Female Instrumentalist Scholarship offered.
Strategy 2: Build Identity of the City	Advertising was placed in the Wangaratta Jazz Festival program. Informal crowd surveying indicated a large percent of interstate visitors.
Strategy 3: Build Creative Opportunities	Masterclasses were delivered at the Barn and in 2 schools on the Eastern Shore; 184 musicians in 30 bands were employed and the Artist in Residence program was a stellar success. Children's activities were cancelled as a result of our move to Rosny Farm.
Strategy 4: Build Economic Capacity	The Festival did not grow in numbers due to the weather. The environmental sustainability of Council's events continues to improve with new requirements placed on biodegradable food and beverage materials and composting bins implemented across site.

Clarence Jazz Festival BUDGET		Budget	Actual
Income:		\$4000	
Total income from tickets sales, sponsorship, food and beverage, merchandise:			\$11,600
Expenses:		\$85,000	
Expenses include artists performance fees, transport and accommodation, marketing, production, staff and contractors, security, equipment hire and Scholarship Program:			\$82,900

Small sponsorship arrangements were secured with Veolia, Eastlands and Rosie's Cottages, with Media Partners, "The Mercury" and Southern Cross, offering substantial savings. The current beverage partnership with the consortium of Pagan Cider, Captain Bligh Brewery and Bream Creek Vineyard was altered as a result of the move. They provided some stock but withdrew from delivering bar services and the subsequent sponsorship income. This proved to be an asset as the bar income was significantly more than the sponsorship arrangement.

Future Considerations

Much of the feedback about the move to the Rosny Farm was extremely positive, enough to warrant a discussion about the possibility of moving or extending the programming at Rosny Farm in the future. One potential that was first realised this year is that we can effectively run an indoor and outdoor stage concurrently without noise interference.

An opportunity or threat has arisen with the Bellerive Yacht Club considering moving their Crown Series Regatta to the Jazz Festival weekend. This could be a threat to the regularly scheduled proceedings at the Boardwalk, as they traditionally host loud rock bands and make loud announcements. There would also be impacts on parking and amenity (with the hotel build in full swing) as well as a branding disconnect between the 2 events. Council's events staff have been approached to consider alternative options with the possibility of presenting jazz in the BYC marquee during the Crown Series. Further discussions will soon take place.

The Events Special Committee will consider the future direction of the Clarence Jazz Festival over the coming months.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Attachments: 1. Pictorial Report (7)

Mayor Doug Chipman
CHAIRPERSON

Pictorial REPORT

articles
& photos
2018

clarence JAZZ festival

THE MERCURY: Thursday, 8 February

6 **Pulse**

Clarence in a festive mood

February 18 and 25, this year's Clarence Jazz Festival will continue the long-running event's mission "to seek out amazing musicians, explore new styles, and boldly go where no jazz festival has gone before".

Along with the best local performers, Clarence Jazz features a number of special guest artists each year. For 2018 they are internationally renowned Sydney saxophonist, composer and educator **Dr Sandy Evans**, OAM; ARIA Award-winning Melbourne pianist **Andrea Keller**; and Brisbane-based, Tasmanian-born rising star vocalist **Elly Hoyt**.

The festival will kick off at the Bellerive Beach Park on February 18 with the first of the free Twilight Series outdoor concerts, with the **Seratoness** and **Bootleg Gin Sluggers** joined by 2018 Festival Ambassador **George Washingmachine**.

The Twilight Series continues with shows in the Geilston Bay Parklands on February 19 (featuring **Arman & Co** and the **Cygnets Jazz Collective**); at Simmons Park, Lindisfarne, on February 20 (**Swingmatism** and **Mouldy Fig**); in the Sandford Hall grounds on February 21 (**Dixie**



Sandy Evans

Swamp Traders and **Nadira Does Latin**; and on the Rosny Farm lawns on February 22 (**The Rugcutters Jass Band** and **Mangus & Co**).

The Barn at Rosny Farm will again host a series of intimate Jazz Lounge performances, including shows at 6.30pm on February

23 and 24 featuring guest artists **Evans**, **Keller** and **Hoyt**, joined by **Nicholas Haywood** and **Alf Jackson**.

Other Jazz Lounge gigs will feature the **Hobart Jazz Quartet**, the **Vanguard Jazz Band**, **Lauren Dawes** singing **Eva Cassidy**, and **Hannah May** singing **Norah Jones**.

The festival culminates in the ever-popular Big Weekend of free music on the Bellerive Boardwalk from February 23-25, with highlights to include performances by the **Spike Mason 4tet**, **Baba Bruja**, **Yesterday's Gentlemen**, **Moonlight Aviators**, **Matthew Ives** and his **Big Band**,

Django's Tiger, **Uncle Gus and the Rim Shots**, **Mia Palencia** and the **George Washingmachine Allstars**.

"The Clarence Jazz Festival is the city's premier event and delivers a festival full of great music and relaxed atmosphere for people of all ages to enjoy," Clarence Mayor Doug

Chipman says.

"What better way to enjoy our ever-improving parklands than with the sweet tones of jazz and a picnic with friends?"

The 2018 Clarence Jazz Festival program is in today's *Mercury*, and can also be found at www.clarenceartsandevents.net



Elly Hoyt

NOTEBOOK

OUR PICKS FOR THE WEEK AHEAD

TODAY



GOLD GRASS CINEMA

LAWNS OF ROSNY BARN, 7PM
Pack a picnic and bring a camp chair to Rosny Barn's summer cinema sessions. Tonight's film is *The Cabin in the Woods* (MA15+), an American horror comedy movie starring Aussie actor Chris Hemsworth. The film follows five friends when they go for a break at a remote cabin. Screening begins as the sun sets, with a fully licensed bar, hot drinks, snacks and desserts by cafe Moto Vecchia. This is the final screening for this year, so if you haven't already relished in a long, balmy summer night watching a film on the grass, then make a note to head along tonight. Tickets \$15. This is a film for mature audiences. To book, visit eventbrite.com.au and search for 'Gold Grass Cinema'.

TOMORROW

CHINESE NEW YEAR FESTIVAL

PARLIAMENT HOUSE LAWNS, HOBART, 10AM-4PM
Welcome in the Chinese Year of the Dog with a bang at the 2018 Hobart Lunar New Year Festival. Along with the ear-splitting 2m-long firecrackers, don't miss the traditional lion dance or dragon dance. Run by the Chinese Community Association of Tasmania and now in its sixth year, the festival is the largest of its kind in the state and marks the most important day in the Chinese calendar. Make a day of it and go along for some dumplings, the children's activities or to see the Chinese cultural performances. This is a free event. For more information, visit hobartcity.com.au and search for 'Lunar New Year'.

ALL WEEK

CLARENCE JAZZ FESTIVAL

VARIOUS LOCATIONS ON THE EASTERN SHORE, tomorrow until next Sunday
Fancy the idea of a free twilight jazz concert under the stars in a waterfront location? Or



the din of a jazz lounge in the historic sandstone barn at Rosny Farm? That's what's on offer over eight nights at this year's Clarence Jazz festival. From 6pm each night next week, and from 6.30pm on Friday, highly acclaimed local and international artists will perform live, including the Seratones, a Hammond organ and guitar-picking trio; Vanguard Jazz Band; Cygnet Jazz Collective; and feature guest artists Sandy Evans, Andrea Keller and Tasmanian Elly Hoyt playing together as a trio for the first time.

The week culminates in the Big Weekend, a three-day music fest at the Bellerive Boardwalk starting on Friday. Tickets to hear American singer and guitarist Eva Cassidy, and local vocalist Hannah May cost \$10 each, all other events are free. For tickets and the full program, go to clarencartsandevents.net

NEXT SUNDAY

SOBA NOODLE FESTIVAL

CALLINGTON MILL, OATLANDS, NOON-4PM
Ten Japanese master soba noodle chefs will descend on Callington Mill for free noodle-making demonstrations.

The chefs will outline the entire process from grinding the buckwheat, to rolling the dough, through to the final plate-up of this important staple. To round off the day, a range of Japanese cultural activities will be held, including a traditional tea ceremony, Taiko drumming, a kimono display and the opportunity to dress up yourself, calligraphy and origami displays, and a performance by a visiting Japanese opera singer. This is a free event. For more information, visit eventbrite.com.au and search for "soba@callington".



THE MERCURY: Sunday 18 February

Clarence ready to get hip to all that jazz



PERFORMERS: Sasha Gavlek, left, Arman Bratamidjaja and Aleks Folvig form the trio Arman & Co, who will be playing a free concert tomorrow at Geilston Bay as part of the Clarence Jazz Festival.

Picture: SAM ROSEWARNE

THE soothing tones of jazz music always have a way of bringing people together — as does Arman Bratamidjaja.

The Clarence Jazz Festival kicks off today and runs until next Sunday, with a series of free twilight concerts to get the community jumping.

The festival, featuring Tasmanian and interstate artists, starts at Bellerive Beach Park when the Seratones and Bootleg Gin Sluggers play from 6-8pm tonight.

Tomorrow, Arman & Co plus Cygnet Jazz Collective will play at Geilston Bay Parklands from 6pm with other concerts this week at Simmons Park, Lindsifarne, Sandford Hall Grounds and Rosny Farm Lawns.

The concerts are a lead-up to the Big Weekend of Jazz by the water at the Bellerive Boardwalk.

From Thursday to Sunday there will be free music performances, swing dancing tips, children's activities, and food and drink stalls.

Mr Bratamidjaja, the vocalist in the jazz trio Arman & Co, said that he had listened to jazz his whole life.

"It's about getting people together and listening to the music we all love and that is jazz," he said.

For more information, go to clarencartsandevents.net

Pulse

7



Hannah May

Boardwalk leads to a jazzy weekend

THE Bellerive Boardwalk and the Rosny Barn will come alive for a Big Weekend of blues, swing, big band, soul grooves and all that jazz.

The Clarence Jazz Festival, which started last weekend and winds up on Sunday, offers a series of free twilight concerts featuring Tasmanian and interstate artists.

It is culminating in the Big Weekend of jazz by the water at the Bellerive Boardwalk.

From today until Sunday, there will be free performances, swing-dancing tips, children's activities, and food and drink stalls.

Tomorrow night will see the new generation of jazz performers coming up through the Conservatorium and shaping their own sound.

On Saturday and Sunday, the

Boardwalk offers an array of jazz, punctuated by have-a-go opportunities with dance troupes and featuring the swirling movement of the best players in the state and abroad.

Occurring in tandem with the Boardwalk over the weekend is the more progressive and intimate offering in the Jazz Lounge at Rosny Barn, with special guest artists Sandy Evans, OAM, Andrea Keller and local leading lady Elly Hoyt.

After playing it to a full house in Melbourne last year, Hannah May is bringing her *Hannah May Sings Norah Jones* performance to the Rosny Barn from 2pm on Sunday.

For all information regarding these shows and ticketing, visit clarenceartsandevents.net

THE MERCURY - Tasweekend Magazine: Saturday 24 February

NOTEBOOK OUR PICKS FOR THE WEEK AHEAD

TODAY



KOONYA GARLIC FESTIVAL

KOONYA HALL, 10AM-3.30PM
This Tasman Peninsula harvest festival has become a staple in the foodie calendar, drawing big mainland crowds who descend on the town for a taste of pure Tassie. One of the drawcards is the masterclasses by renowned chefs and providers. This year, there's cookbook author and chef Christine Manfield Weston Farm owner Richard Weston and Tassie chef Paul Foreman. There'll also be Q&A sessions with Angus Stewart and Tino Carnevale. And Penny Woodward, Australia's leading garlic expert will speak. As it's a feast for all the senses, there's also a great line-up of musicians. Tickets cost \$10 for adults, free for children,

and \$5 for Forestier and Tasman Peninsula residents. For more information, visit koonyagarlicfestival.com

MARKET IN THE MEADOW

ART FARM BIRCHS BAY, 10AM-3PM
Set amid heritage pear orchards, this is the annual roving market of the Woodbridge Market. Expect some of the same great produce, craft and food stalls as the monthly village market as well as a few pop-ups, including Art Farm's own native-food ice-creams. Try the pepperry or wattleseed, made by Valhalla Icecream using ingredients sourced from the Art Farm. Or head for the Woodbridge staples: the sweet, crunchy goodness of beignets (French doughnuts) from Yeastie Beastie food van; locally grown fruit and vegies, and baked goods. The sculpture trail will be open on the day with entry by gold coin donation. For details, visit Facebook and search for "Market in the Meadow".



TRANSISTOR YOUTH FILM FESTIVAL

MOONAH ARTS CENTRE, 23-27 ALBERT RD, MOONAH, 7-9PM
Last year was a huge year of filmmaking for young people's group Transistor Youth Arts. Tonight's screenings are a nod of recognition to the developing artists who created the large body of films showcasing on the big screen at the cultural hub of Moonah. For details, see moonahartscentre.org.au/calendar

Clarence Jazz Festival continues to delight with big, brassy tones at picturesque foreshore locations. It all culminates at the Big Weekend today and tomorrow with big-name performers such as Matthew Ives and his Big Band and the swinging gypsy jazz of Django's Tiger. It kicks off today from 4pm to 9.15pm, then continues tomorrow from noon to 2pm. All performances are free, bar a few ticketed gigs at the Jazz Lounge at Rosny Farm. For tickets go to clarenceartsandevents.net

THIS WEEKEND



CLARENCE JAZZ FESTIVAL
BELLERIVE BOARDWALK AND ROSNY FARM, VARIOUS TIMES
Despite a drizzly start last weekend, the

FRIDAY

HUON ART AWARDS

CYGNET TOWN HALL, 6.30PM
Friday marks the official opening of the Huon Art Awards. The night will be opened by Janet Carding, director of the Tasmanian Museum and Art Gallery, and will showcase works across a range of disciplines, from watercolour, pastels and oils to photographs, sculpture and jewellery. Run by the Huon Arts Exhibition Group, the awards have been running for more than 10 years. This year, there'll be a junior section for entrants aged 8-16, and a total prize pool of \$13,000. For details, visit haeg.org.au

UPFRONT



FIRST PERSON

ELLY HOYT VOCALIST

I was happiest when ... I was riding my horse through the bush. **You wouldn't know it but ...** I was 17 when I left Tasmania and have never lived here as an adult. **The last time I cried was ...** when I watched the 2015 romantic comedy *Miss You Already*. I was sobbing copious amounts of tears. **The last book I read was ...** *Assassin's Fate* by Robin Hobbs. **I really want to ...** keep making music, keep sharing knowledge and just be a good person. **My guilty pleasure is ...** reading fantasy novels. I could spend days just reading. **Life has taught me ...** to be honest, to find balance in everything I do, that career isn't everything and to not waste your energy on some people. **I'm about to ...** record a project called the *Composer's Voice: Celebrating Australian Women Composers*. Exceptional composers including Gian Slater, Andrea Keller, Kristin Berardi and Shannon Barnett are involved. If you haven't heard of them, check the project out **My first job was ...** picking horse poo from the paddock and sweeping the stairs. **My most memorable work-related moment was ...** singing one of my own songs with James Morrison at Riverstage at Brisbane's Botanic Gardens in front of a few thousand people. At the time, one of my close friends, aged 29, had just been given a few weeks to live. It was surreal and intense but so memorable. I sang my heart out that night.

Hear Elly Hoyt performing at the Jazz Lounge at Rosny Farm as part of this week's Clarence Jazz Festival. Hoyt will accompany acclaimed musicians Sandy Evans on sax and Andrea Keller on piano. Doors open at 6.30pm. Tickets \$25. To book, visit clarenceartsandevents.net

Quotes and anecdotes...

Formal:

Yesterday the atmosphere at the Jazz Festival held at the Rosny Farm Grounds was just fantastic; so much better than at the Bellerive Board Walk in previous years. Thank you to the council for making this possible.

Kind regards
Anita Flückiger

I've attended the annual Clarence Jazz Festivals seemingly forever, both when its out Sandford / South Arm way during the week, and on the weekends on the Bellerive Boardwalk. After this year spending the Festival weekend at Rosny Farm, I'll be praying for rain every Jazz Festival weekend in the future. Such great artists provided with the giant, very sound-friendly tent really enhanced the atmosphere and, certainly for me and my wife anyway, the quality of the performances.

What are the chances of future February Jazz Festival weekends occurring at Rosny Farm rain or shine?

Yours sincerely
Steve Tolbert

Having spent a career in Local Government I am all too aware that members of the public rarely say thank you for the services they receive.

My wife and I attended two of the Jazz Festival events last week on Thursday evening on the lawns at Rosny and again at Rosny Barn for the Lauren Dawes. We thoroughly enjoyed both her singing the the music provided by the excellent three piece group.

Please may we see them return next year although we do appreciate that one of the group is moving away from Tasmania? Thanks for all your efforts with the Jazz Festival.

Ian and Caroline Skelton

Doing Front-of-House at the Rosny Barn, I was able to hear so many favourable comments from audience members after each concert.

A memorable one, on Saturday afternoon after the Lauren Dawes concert, was from three tourists from Sydney who 'stumbled' across the Festival upon their arrival in Hobart earlier in the week. One of this group said that "the concert was excellent. To find a festival like this, park 50 metres from the venue and enjoy world-class entertainment has been the highlight of our visit so far."

Daryl Peebles

Informal:

"I take a week's annual leave at this time every year so I can get to the Twilight Concerts without having to rush".

"I've often thought that jazz music suits a soft enviroment and I much prefer the grassed Rosny Farm to the concrete at the Boardwalk."

"Where do all these wonderful musicians come from each year. The talent at this festival never ceases to amaze me"

1,300 people attended Sunday at Rosny Farm



The big marquee created the perfect theatre for live music



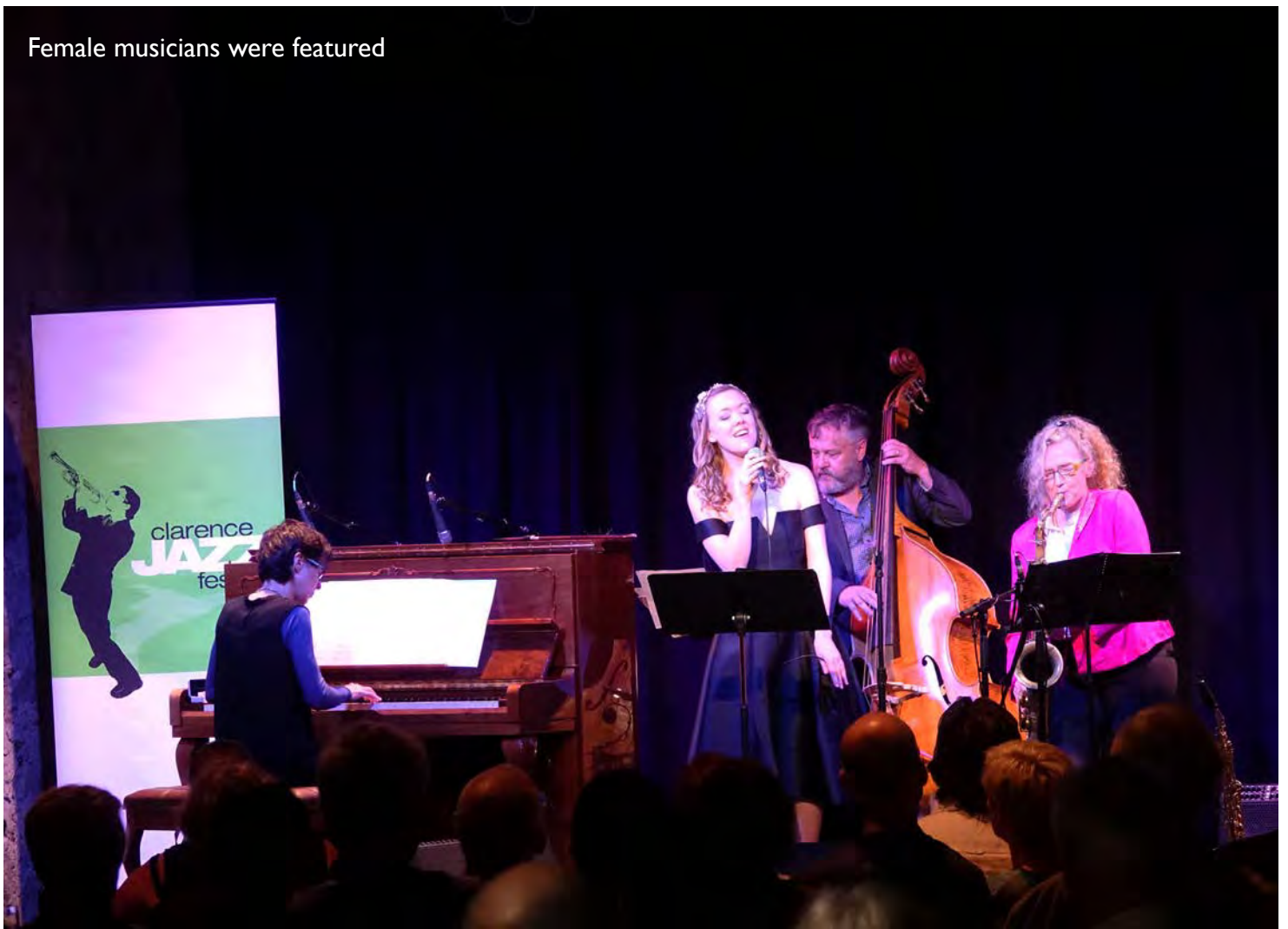
Young musicians were a highlight and they attracted younger crowds



2018 CJF Scholars - Liam Matzolic (trombone) and Lauren Morris (trumpet)



Female musicians were featured



Record crowds at Simmons Park



11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 19 and 26 March and 9 April 2018 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 19 and 26 March and 9 April 2018 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 PLANNING AUTHORITY MATTERS

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

11.3.1 DEVELOPMENT APPLICATION D-2017/562 - 65 SOUTH TERRACE, LAUDERDALE - 2 MULTIPLE DWELLINGS (1 EXISTING + 1 NEW)
(File No D-2017/562)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider an application made for 2 Multiple Dwellings (1 existing + 1 new) at 65 South Terrace, Lauderdale.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 18 April 2018 as agreed with the applicant.

CONSULTATION

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

- overdevelopment of the site;
- loss of privacy; and
- drainage issues.

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings (1 existing + 1 new) at 65 South Terrace, Lauderdale (Cl Ref D-2017/562) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. ENG A5 – SEALED CAR PARKING.

3. EMG S1 – INFRASTRUCTURE REPAIR.
 4. ENG M1 – DESIGNS DA [CARPARK AND DRIVEWAYS].
 5. The development must meet all required Conditions of Approval specified by TasWater notice dated 1/11/2017 (TWDA 2017/01896-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 under the Scheme.

2.2. The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme in relation to the dimensions of the private open space, inundation and coastal erosion hazard.

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;
- Section E7.0 – Stormwater Management Code;
- Section E11.0 – Waterway and Coastal Protection Code;
- Section E15.0 – Inundation Prone Areas Code; and
- Section E16.0 – Coastal Erosion Hazard 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 subject site is a 765m² rectangular lot located on the southern side of South Terrace. The lot is level and is developed with a single storey vertical board dwelling located within a row of dwellings lining South Terrace. A long, narrow carport extends alongside the western side property. The Lauderdale Canal is located to the north of the site, on the opposite side of South Terrace.

The existing dwelling is serviced with an on-site wastewater system which is proposed to be removed and decommissioned in order to provide a new connection point to the available reticulated sewerage service within Lauderdale. No Council stormwater infrastructure is located within this part of Lauderdale.

3.2. The Proposal

Application is made to construct an additional dwelling to the rear of the existing dwelling. The existing outbuilding is proposed to be removed to facilitate the proposed development.

The additional dwelling would be 2 storeys with a gross floor area of 275m². The additional dwelling would be constructed from masonry in a rendered finish, cement sheet cladding and "Colorbond" roofing in a flat and skillion profile. The additional dwelling would reach a maximum height of 7.4m above natural ground level. The overall height is attributed to a light well extending above the height of the main roofline.

The lower level of the dwelling would contain a double garage, bedroom, laundry, bathroom and storage area. The bedroom, being a habitable room, is proposed to be elevated above the non-habitable rooms to maintain a 3.2m finished floor level as the site is subject to a medium risk of inundation. The upper level would contain an open plan living room, 2 additional bedrooms and a bathroom. A deck is proposed to extend the full length of the upper level of the dwelling.

The existing access crossover is proposed to be widened to provide for the required passing facility. A shared driveway is proposed to extend alongside the western side property boundary and will provide access to 1 car parking space to the front of the existing dwelling, 2 spaces located between the 2 dwellings and the garage associated with the additional dwelling. A total of 5 car parking spaces are proposed across the site.

Waste storage areas have been allocated individually to each unit within the nominated private open space areas.

No modifications to the existing dwelling are proposed as part of this application except for the removal of the carport.

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 also meets the Scheme's relevant Acceptable Solutions of the General Residential Zone, Road and Rail Assets Code, Parking and Access Code, Inundation Prone Areas Code and Coastal Erosion Hazard Code with the exception of the following.

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.3 A2	Site coverage and private open space for all dwellings	<p>A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <ul style="list-style-type: none"> i. 24m²; or ii. 12m², if the dwelling is a Multiple Dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and <p>(b) has a minimum horizontal dimension of:</p> <ul style="list-style-type: none"> i. 4m; or ii. 2m, if the dwelling is a Multiple Dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and <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>complies</p> <p>Does not comply – the upper level deck would be accessible from the living room; however, it would maintain a 2.6m minimum dimension.</p> <p>complies</p> <p>complies</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	complies
		(f) has a gradient not steeper than 1 in 10; and	complies
		(g) is not used for vehicle access or parking.	complies

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.4 for the following reasons.

Performance Criteria	Comment
<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>	<p>The proposed additional dwelling would be provided with 150m² of ground level outdoor space and the proposed upper level deck would maintain a minimum area of 26m². The private open space would comply with the location, solar access, gradient and siting requirements of the Scheme. The upper level deck would be directly accessible from the living room and would be of suitable dimensions to serve as an external extension to the living space for outdoor dining, entertaining and recreation.</p>
<p><i>(i) conveniently located in relation to a living area of the dwelling; and</i></p>	<p>Access to the ground level open space for the additional dwelling would be from stair access to the living room. This is considered to be conveniently located, as required by this part of the performance criterion.</p>
<p><i>(ii) orientated to take advantage of sunlight”.</i></p>	<p>The ground level outdoor space and upper level deck would have a northerly orientation, and would therefore achieve reasonable solar access.</p>

Waterway and Coastal Protection Code

Clause E11.4(p) of the Code provides that a development connected to, and serviced by, piped sewerage and stormwater collection systems is exempt from the operation of the Code. No Council stormwater infrastructure is provided within this part of Lauderdale therefore the proposed development is subject to the requirements of the Code.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E11.7.1 A1	Buildings and Works	Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.	The northern portion of the site is covered by the Waterway and Coastal Protection Area (20.9%). Given there is no Acceptable Solution to satisfy, the proposal must be considered under the corresponding Performance Criteria.

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

Performance Criteria	Proposal
<i>“P1 - Building and works within a Waterway and Coastal Protection Area must satisfy all of the following: (a) avoid or mitigate impact on natural values;</i>	The proposed works would not impact upon any known natural values, including those associated with the Canal, due to the containment of the building to the rear of an existing row of buildings and proposal to retain all stormwater on-site.
<i>(b) mitigate and manage adverse erosion, sedimentation and run-off impacts on natural values;</i>	The proposal is not expected to cause any erosion, sedimentation or run-off impacts upon the natural values of the Lauderdale Canal due to the separation of the building from the Canal and the proposal to retain all stormwater run-off on-site.
<i>(c) avoid or mitigate impacts on riparian or littoral vegetation;</i>	The subject site and adjacent road reservation does not contain any riparian or littoral vegetation therefore would not impact upon such waterway values.

(d) <i>maintain natural streambank and streambed condition, (where it exists);</i>	The proposed separation would not cause any degradation to the natural streambank and streambed condition of Lauderdale Canal and would maintain in-stream natural habitat and vegetation subject to the works being carried out in accordance with DPIPWE works manual.
(e) <i>maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</i>	The Lauderdale Canal is located outside of the subject site therefore no impact would occur within the waterway itself.
(f) <i>avoid significantly impeding natural flow and drainage;</i>	All stormwater would be retained on-site in the form of soakage trenches therefore would not impact upon natural flow and drainage of the nearby Lauderdale Canal.
(g) <i>maintain fish passage (where applicable);</i>	The proposal would occur outside of the Lauderdale Canal and associated embankment and would not cause any erosion impact. The proposal is therefore not expected to impact upon the passage of fish within the Canal.
(h) <i>avoid landfilling of wetlands;</i>	No filling of a wetland area is proposed.
(i) <i>works are undertaken generally in accordance with ‘Wetlands and Waterways Works Manual’ (DPIWE, 2003) and ‘Tasmanian Coastal Works Manual’ (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided”.</i>	It is not considered necessary to require a permit condition requiring works to be undertaken generally in accordance with “Wetlands and Waterways Works Manual” (DPIWE, 2003) and “Tasmanian Coastal Works Manual” (DPIPWE) due to the separation from the waterway.

Inundation Prone Areas Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E15.7.2 A1	Coastal Inundation Medium Hazard Area	For a new habitable building there is no Acceptable Solution.	Does not comply - the site is subject to the Coastal Inundation Medium Hazard Area (100% site coverage) and the proposal is for a new dwelling. Given there is no Acceptable Solution to satisfy, the proposal must be considered under the corresponding Performance Criteria.

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

Performance Criteria	Proposal
<p><i>“A new habitable building must satisfy all of the following:</i></p> <p><i>(a) floor level of habitable rooms and rooms associated with habitable buildings (other than a dwelling) that are either publically accessible, used frequently or used for extended periods, must be no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1;</i></p>	<p>The subject property is identified partly as being subject to a medium risk of inundation hazard under the Inundation Prone Areas Code.</p> <p>Table E15.1 sets a minimum floor level requirement of 3.2m AHD for Lauderdale – Ralphs Bay.</p> <p>The habitable rooms associated with the lower level of the dwelling would maintain a floor level of 3.2m AHD through the provision of a stairway providing access from the garage to bedroom 3.</p> <p>The remaining habitable rooms would be located on the upper level of the dwelling therefore maintaining well in excess of the 3.2m AHD minimum floor level.</p>
<p><i>(b) risk to users of the site, adjoining or nearby land is acceptable;</i></p>	<p>Council’s Development Engineer has advised that a Coastal Vulnerability Report is not necessary in this case given the location of the additional dwelling to the rear of an existing established row of dwellings lining South Terrace and the low risk of wave run-up associated with the proximity of the site to the sheltered waters of the Lauderdale Canal.</p> <p>Council’s Development Engineer has considered the inundation risk and has advised that the risk to users of the site, adjoining and nearby land would not be increased by the proposal due to the low wave energy environment.</p> <p>Similarly, this risk to adjoining or nearby properties or public infrastructure is considered acceptable and wave run-up has been appropriately considered.</p>

<i>(c) risk to adjoining or nearby property or public infrastructure is acceptable;</i>	Council's Development Engineer has advised that the risks associated with the proposal are acceptable (and low), both for inhabitants of the site and property within the lifetime of the proposed development. The development would be contained within the property boundaries therefore is not expected to impact upon public infrastructure contained within the South Terrace road reservation.
<i>(d) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;</i>	Council's Development Engineer has advised that the risk associated with wave run-up from the Lauderdale Canal in relation to the buildings and works would be sufficiently low due to the low water velocities. It is considered that compliance with the finished floor level requirement of the Code negates the need for any additional siting, structural or design measures.
<i>(e) need for future remediation works is minimised;</i>	It is similarly considered that the proposed development would not necessitate future remediation works.
<i>(f) access to the site will not be lost or substantially compromised by expected future sea level rise either on or off-site;</i>	Council's Development Engineer has advised that access would not be substantially compromised by the proposed development as a result of predicted sea-level rise and wave run-up.
<i>(g) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works;</i> <i>except if it is development dependent on a coastal locationR1".</i>	No developer contributions are considered necessary in this case in relation to the proposed development.

Coastal Erosion Hazard Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E16.7.1 A1	Buildings and Works	No Acceptable Solution	Does not comply - the proposed driveway works and parking space located between the existing dwelling and the street would be located within the Coastal Erosion Medium Hazard Area.

			<p>The proposed additional dwelling would be located wholly within the Coastal Erosion Low Hazard Area.</p> <p>Given there is no Acceptable Solution to satisfy, the proposal must be considered under the corresponding Performance Criteria.</p>
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The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause E16.7.1 as follows.

Performance Criteria	Proposal
<p><i>“Buildings and works must satisfy all of the following:</i></p> <p>(a) <i>not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;</i></p>	<p>Council’s Development Engineer has advised that there would be no increased risk to life to either users of the site, neighbouring properties or public infrastructure due to the containment of the majority of the habitable rooms on the upper level and the location of the dwelling to the rear of an established row of residential buildings.</p>
<p>(b) <i>erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;</i></p>	<p>It is considered by Council’s Development Engineer that no specific construction methods are required in response to erosion risk due to the low level of risk presented and absence of high velocity water flows within the Lauderdale Canal area which would exacerbate erosion impact.</p>
<p>(c) <i>erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;</i></p>	<p>Council’s Development Engineer is satisfied that no specific design or structural measures are required to manage the low level of erosion risk given the above.</p>
<p>(d) <i>need for future remediation works is minimised;</i></p>	<p>No future remediation works are identified as necessary by Council’s Development Engineer.</p>
<p>(e) <i>health and safety of people is not placed at risk;</i></p>	<p>Council’s Development Engineer is satisfied that the proposal would not have any adverse impact upon public health and safety.</p>
<p>(f) <i>important natural features are adequately protected;</i></p>	<p>The property is separated from the Lauderdale Canal by South Terrace.</p>

	Stormwater is proposed to be managed through on-site detention therefore ensuring the protection of water quality and streamside condition of the nearby waterway.
<i>(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;</i>	Public access would not be compromised by the proposed dwelling, which would be contained entirely within the boundaries of the subject lot and to the rear of the site.
<i>(h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;</i>	Council's Development Engineer has advised that future erosion would not isolate the site and proposed development.
<i>(i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</i>	Council's Development Engineer has considered that developer contributions are not required in this instance due to the low level of erosion risk presented by the proposal.
<i>(j) not be located on an actively mobile landform".</i>	The site is not identified as an actively mobile landform therefore will have an element of ability to withstand erosion hazard.

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. Overdevelopment of the Site

Concern is raised that the additional dwelling, being 2 storeys in design, will be out of character with the area and will set a precedent for a higher density of development within this part of Lauderdale.

- **Comment**

The Scheme allows for a maximum building height in the General Residential Zone to be 8.5m above natural ground level. The maximum height of the additional dwelling is 7.4m above natural ground level at its highest point (southern elevation). The proposal therefore complies with Clause 10.4.2 A3 with respect to building envelope.

With respect to residential density, the development would provide a site area per dwelling of 377m² which is above the minimum requirement of 325m² of site area per dwelling as provided under Clause 10.4.1 A1 of the Scheme. Accordingly, this issue cannot have any determining weight.

While there are other 2 storey dwellings in the area, this proposal meets all applicable standards of the zone.

5.2. Loss of Privacy

Concern is raised that the upper level of the additional dwelling will overlook the private open space associated with the adjoining property to the south-west (which shares a rear boundary with the subject site).

- **Comment**

The proposed development meets the relevant acceptable solutions in relation to privacy at Clause 10.4.6 A1 and A2 of the Scheme, in that the upper level windows located on the southern elevation of the additional dwelling have been designed to maintain the required 4m minimum setback from the rear boundary (6m rear setback is proposed). Therefore while this issue has no determining weight, it is observed that the adjoining properties located to the south are level and have mature landscaping along the rear boundary, which may offer some screening capacity.

5.3. Drainage Issues

Concern was raised that the proposed additional dwelling will result in stormwater run-off issues onto adjoining residential properties.

- **Comment**

A concept stormwater design has been provided with the application demonstrating that all stormwater would be managed on-site in the form of soakage trenches. Sufficient room is available for the required trench area as there is no requirement to set aside land for on-site wastewater infrastructure, given the developer proposed to connect to the existing TasWater sewerage system.

Council's Development Engineer has raised no issues with respect to the suitability of the site to retain stormwater on-site. It is further noted that the formalisation of drainage on the site will concentrate run-off on the site, which should reduce surface water flows onto neighbouring properties.

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 for 2 Multiple Dwellings (1 existing + 1 new) at 65 South Terrace, Lauderdale is considered to satisfy all relevant acceptable solutions and performance criteria of the Scheme and is accordingly recommended for conditional approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (5)
3. Site Photo (1)

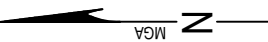
Ross Lovell
MANAGER CITY PLANNING

**ATTACHMENT 1
LOCATION PLAN
65 SOUTH TERRACE, LAUDERDALE**

**SUBJECT PROPERTY -
65 South Terrace, Lauderdale**



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:** Friday, 23 March 2018 **Scale:** 1:747.4 @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.

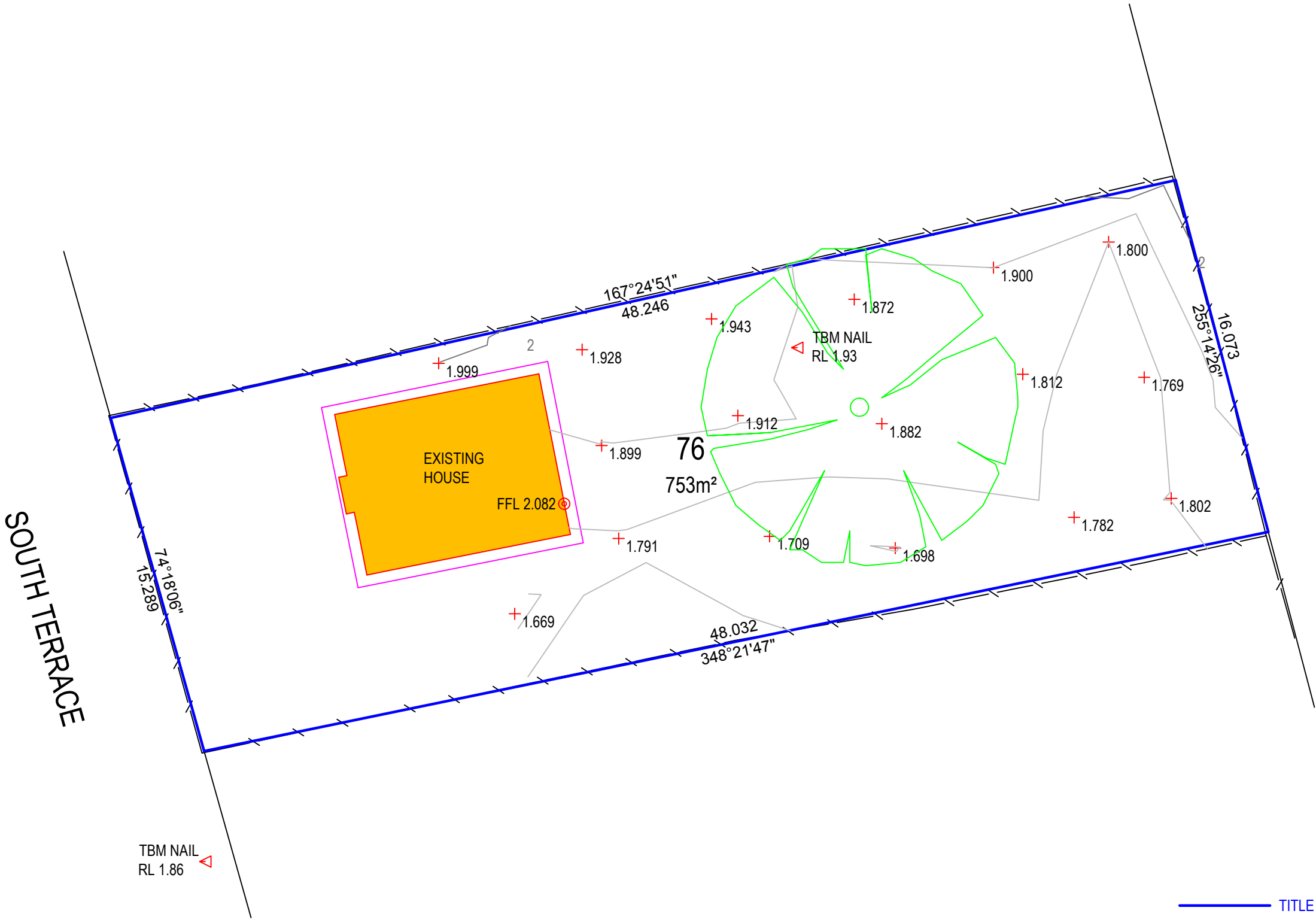
The title boundaries as shown on this plan were not marked at the time of the survey and have been determined by existing title dimensions and occupation (where available) only and not by field survey, and as a result are considered approximate only. This plan should not be used for building to boundary. 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 SPM4783 with reputed AHD level of 1.876 from SURCOM on 03/05/16

At the time of this survey, CT.212572/76 was owned by NOEL ROY KAINE
Date of Survey : 29/04/16



- TITLE BOUNDARY

TREE

HOUSE


GUTTER LIP

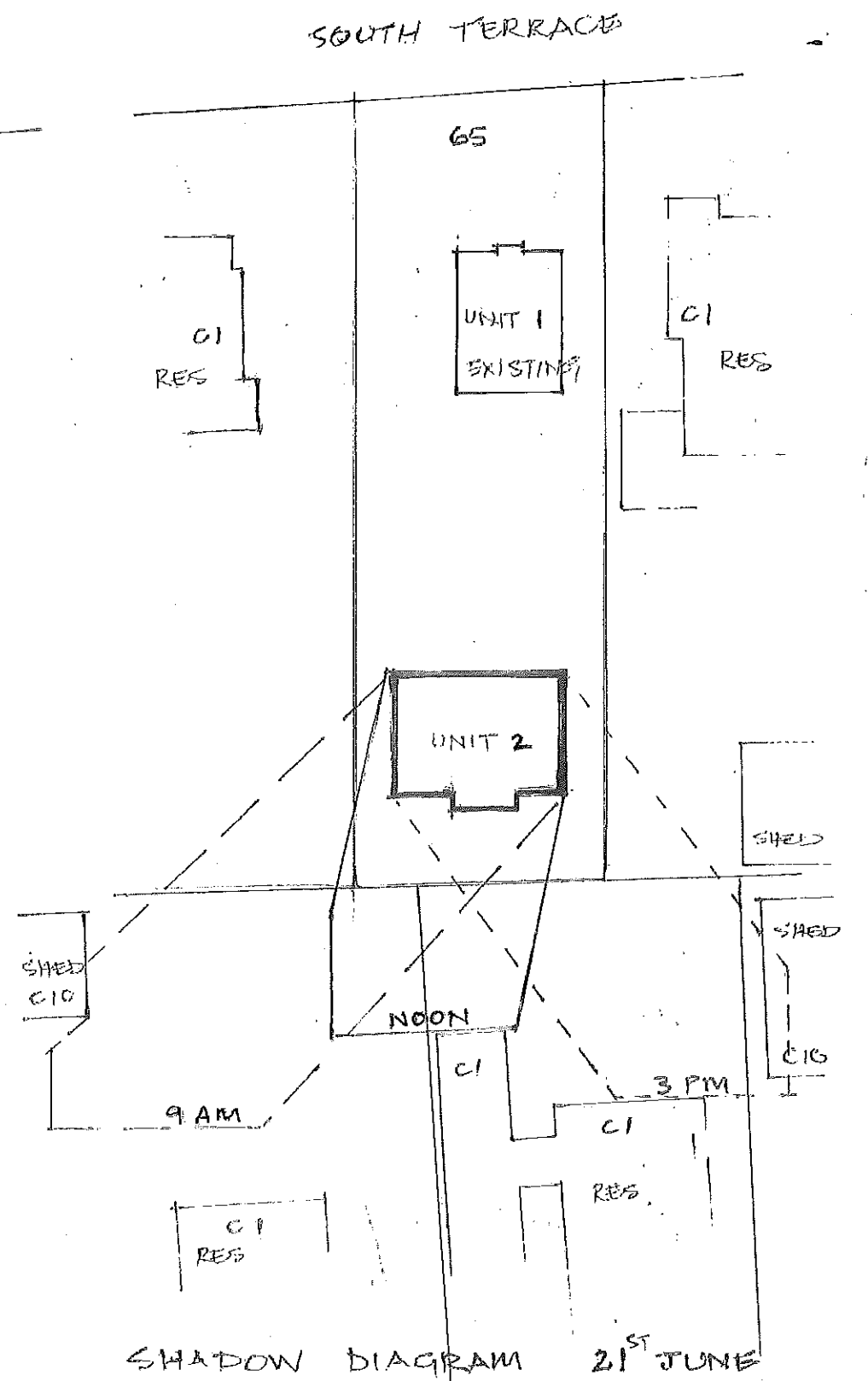
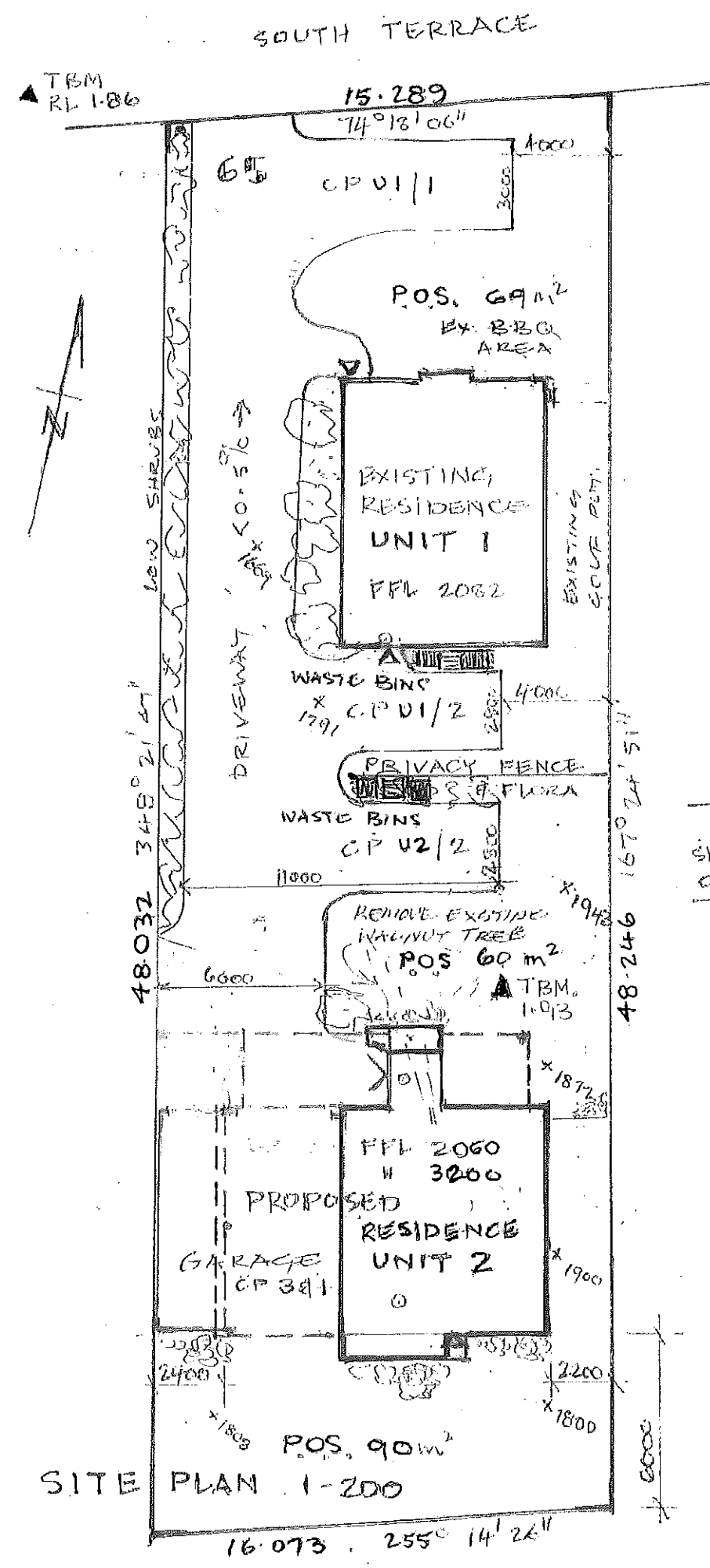
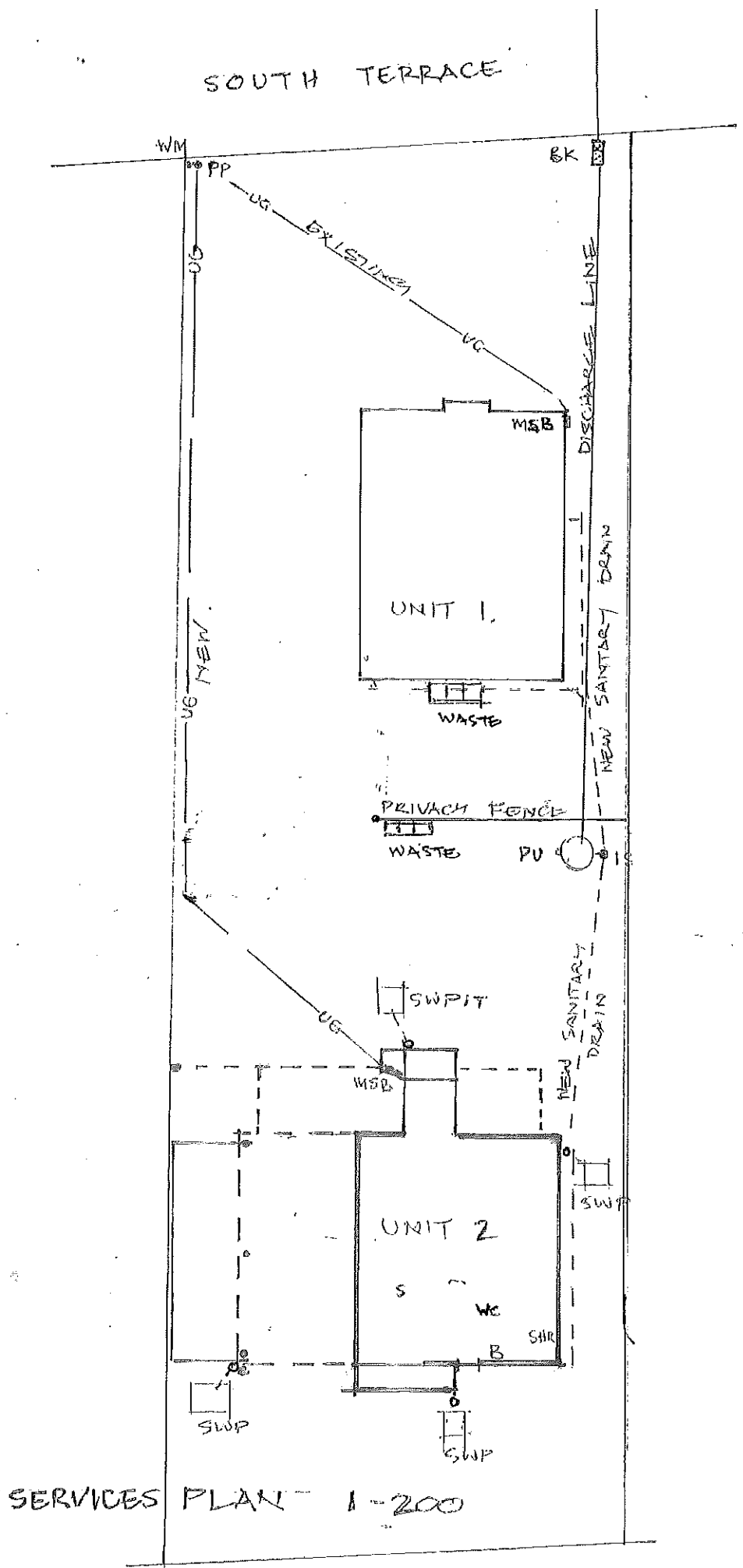
FENCE
- CONTROL TRAVERSE

NATURAL SURFACE

TREE

FINISHED FLOOR LEVEL

AMENDMENTS			<div><div>132 Davey Street, HOBART TAS 7000 P 03 6220 0299 F 03 6220 0290 E admin@learyandcox.com</div></div>	Project Name and Address		Drawing Title		<div>SCALE 0 1 2 3 4 6 8 1:200 at A3</div> <div>THIS DOCUMENT IS, AND SHALL REMAIN, THE PROPERTY OF LEARY & COX, LAND & ENGINEERING SURVEYORS. THE DOCUMENT MAY ONLY BE USED FOR THE PURPOSE FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNAUTHORISED USE OF THE DOCUMENT IN ANY WAY IS PROHIBITED. *</div>	Contour Interval		FILE REF:	
No.	Revision/Issue	Date		65 SOUTH TCE LAUDERDALE TAS 7021		DETAIL PLAN			0.100 m		9326	
						Client			Date	03 / 05 / 16	Geocchil Ref	932601
						NOEL KAINE CT.212572/76			SHEET	1 of 1	AutoCAD Ref	932601
									DRAWN	DC	DATUM	Horz: GDA94 Vert: AHD
									CHKD	TC		



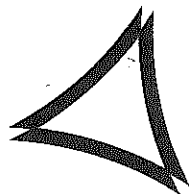
PROPOSED ADDITIONAL RESIDENCE
65 SOUTH TERRACE LAUDERDALE

A. LOCATION OF WASTE BINS 7/12/17

AG. CC1658 D A 01A

0492

Correspondence



ALDANMARK Pty. Ltd.

CONSULTING ENGINEERS

To: AMANDA BEYER C.C.C.

Level 9, 65 Murray St. Hobart, TAS 7000

GPO Box 1248, Hobart, TAS 7001

t: (03) 6234 8666 f: (03) 6234 8988

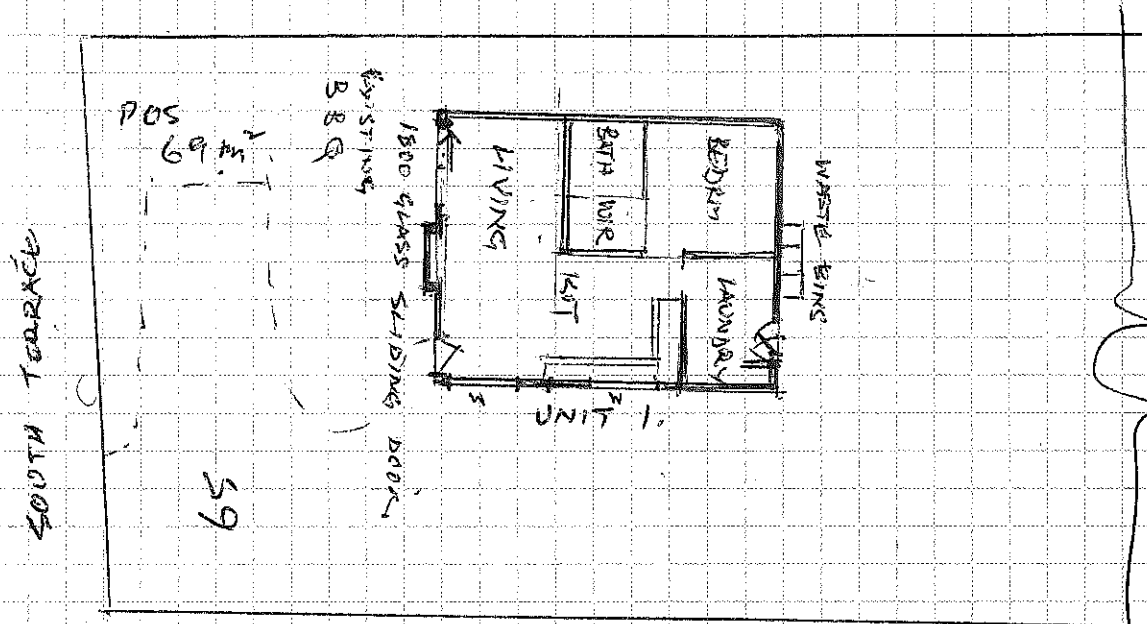
e: mail@aldanmark.com.au

Attn: TOWN PLANNING APPLICATIONREF: D2017 562

Via: _____

☐ Inspection
 ☐ Instruction
 ☐ Design Alteration
 ☒ Request for Information
 ☐ Notification of Progress
Project: 65 SOUTH TERRACE LAVERDALEOur Ref: A01 # AAClient: EXISTING RESIDENCE DETAILS

Date of Notification: _____

Engineer / Designer: ALAN GARDNERNo. of Pages: 1/1

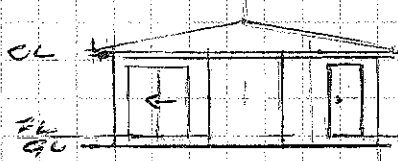
SITE/FLOOR PLAN

1:200

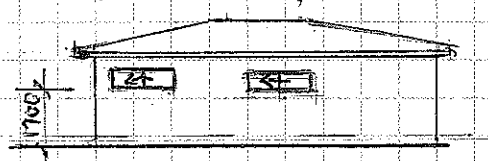
CLAUSES 10.4.3 A2 / 10.4.5 A3

10.4.8 A1

TO BE READ IN CONJUNCTION WITH A01



NORTH ELEVATION



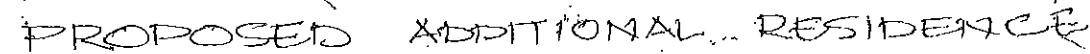
WEST ELEVATION

Reason for sending: ☐ Approval ☒ Required Response ☒ Information ☐ Action ☐ Confirm Action

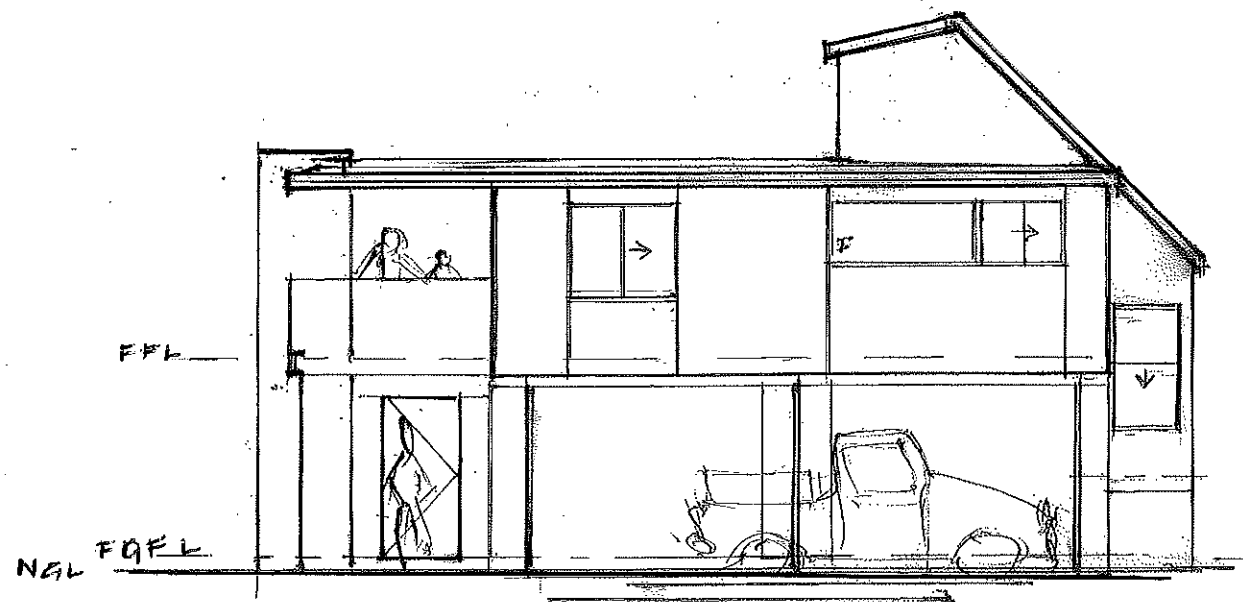
Signed by Recipient: _____ Date: _____

Signed by Aldanmark: Alan Gardner Date: 7/12/17

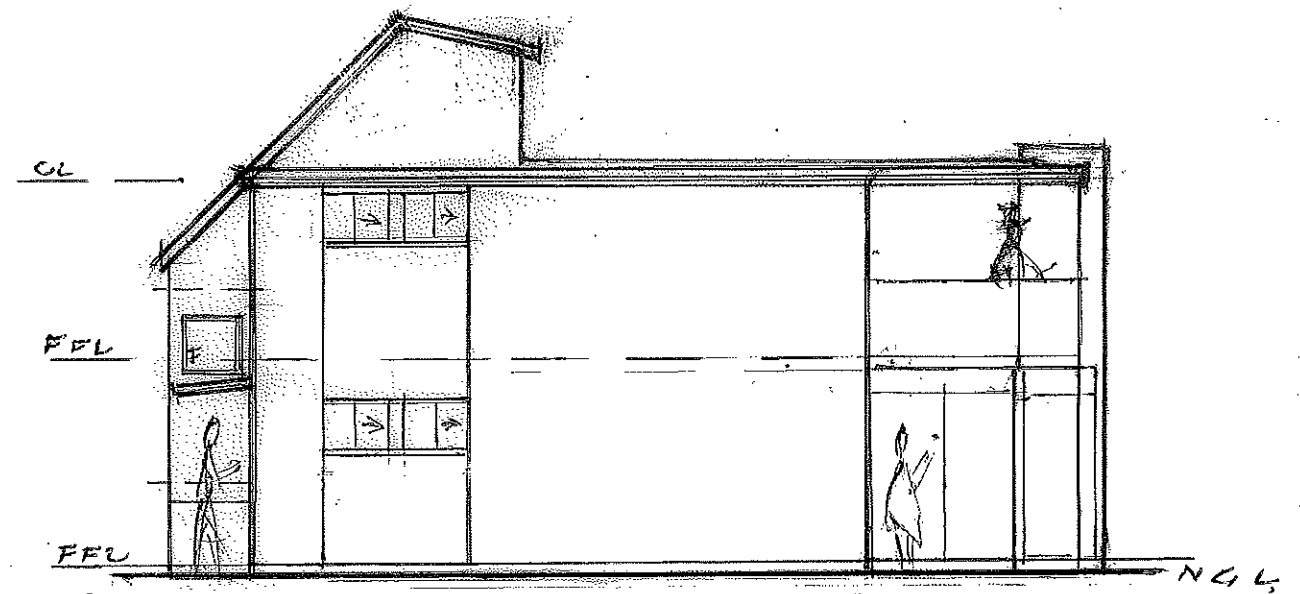
NOTE: All instructions that result in an alteration to approved documentation must also be approved by the superintendent responsible. Aldanmark takes no responsibility resulting from failure to obtain approvals for any instruction that results in a design or cost variation.



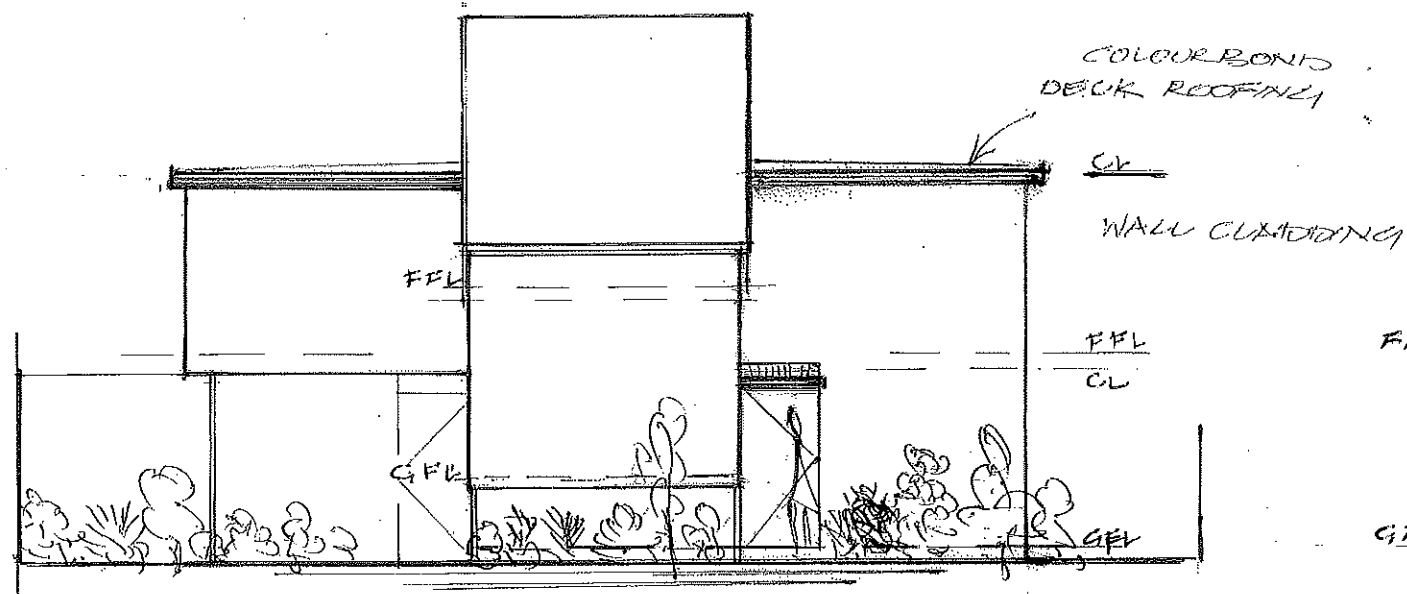
65 SOUTH TERRACE, L/DAL A ① 2 A



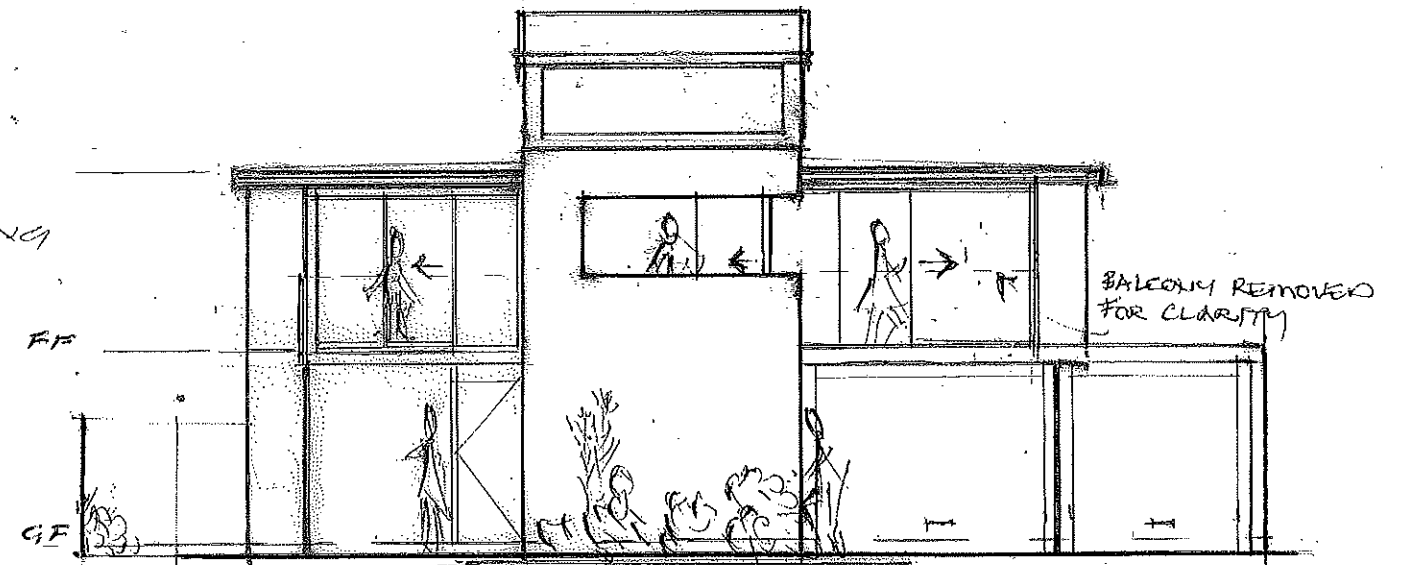
WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION 1-100

REFER TO "A02" FOR QUANTITATIVE INFORMATION

PROPOSED ADDITIONAL RESIDENCE

65 SOUTH TERRACE LAUDERDALE A 03

65 South Terrace, Lauderdale



Photo 1: The subject site when viewed from South Terrace.

11.3.2 DEVELOPMENT APPLICATION D-2018/45 - 6 CAMRISE DRIVE, CAMBRIDGE - 2 MULTIPLE DWELLINGS
(File No D-2018/45)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 6 Camrise Drive, Cambridge.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 18 April 2018.

CONSULTATION

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

- number of Multiple Dwellings in the vicinity;
- increase in noise;
- impact from increased traffic and on the available on street parking in the area; and
- loss of property values.

RECOMMENDATION:

A. That the Development Application for 2 Multiple Dwellings at 6 Camrise Drive, Cambridge (Cl Ref D-2018/45) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A1 – NEW CROSSOVER [TSD-R09] [3.6M].

3. ENG A2 – CROSSOVER CHANGE.
 4. ENG A5 – SEALED CAR PARKING.
 5. ENG A7 – REDUNDANT CROSSOVER.
 6. ENG M1 – DESIGNS DA.
 7. The development must meet all required Conditions of Approval specified by TasWater notice dated 26 February 2018 (TWDA 2018/00230-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 under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
 - Section 8.10 – Determining Applications;
 - Section 10 – General Residential Zones; and
 - Section E6.0 – Parking Access Code.
- 2.4.** Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

3. PROPOSAL IN DETAIL**3.1. The Site**

The site is a 742m² vacant residential lot with access from Camrise Drive. The lot has a gentle slope from the north up to the south and surrounded by residential lots.

3.2. The Proposal

The proposal is for 2 Multiple Dwellings. Both dwellings contain 3 bedrooms and are single storey. A total of 5 car parking spaces are proposed on the site, 2 tandem spaces for Unit 1 and 2 separate spaces for Unit 2, 1 visitor space.

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 General Residential Zone and Parking and Access Code with the exception of the following.

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.3		A dwelling must have an area of private open space that: (a) is in one location and is at least:	complies

		<p>(i) 24m²; or</p> <p>(ii) 12m², if the dwelling is a Multiple Dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p>	
		<p>(b) has a minimum horizontal dimension of:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a Multiple Dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p>	complies
		<p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p>	complies
		<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>	complies

		(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	Does not comply as the private open space for Unit 1 is located between the frontage and the dwelling, which is not orientated between 30 degrees west of north and 30 degrees east of north.
		(f) has a gradient not steeper than 1 in 10; and	complies
		(g) is not used for vehicle access or parking.	complies

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause 10.4.3 as follows.

Performance Criteria	Proposal
<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> <p><i>(i) conveniently located in relation to a living area of the dwelling; and</i></p> <p><i>(ii) orientated to take advantage of sunlight”.</i></p>	<p>Private open space is located to the north and east of Unit 1 which is orientated northwards to take advantage of the sunlight. The private open space is also conveniently located to the living areas of the dwelling.</p>

Parking and Access Code:

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.7.5	Layout of Parking Areas	The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with Section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with Clause 5.3 “Headroom” of the same Standard	Does not comply as Unit 1 provides 2 tandem car parking spaces.

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause 10.4.3 as follows.

Performance Criteria	Proposal
<i>“The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site”.</i>	Council’s Engineers have advised that the proposed tandem spaces for Unit 1 are adequate as there is sufficient space for vehicles to manoeuvre on-site and to enter and leave in a forward direction. On this basis, the proposal is considered to meet the Performance Criteria.

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. Number of Multiple Dwellings in the Vicinity

Concern was raised that the number of unit developments in the area will result in a loss of amenity to adjoining residents, including loss of privacy.

- Multiple Dwellings are a permitted use in the zone and this type of development is anticipated by the Scheme. The proposal complies with the standards in Clause 10.4.6 of the Scheme which relates to privacy and therefore this issue cannot have determining weight.

5.2. Increase in Noise

Concern was raised that the proposal will result in an increase from noise due to the additional traffic created by the development.

- The General Residential zone does not include controls regarding noise from vehicles and therefore this issue cannot have determining weight.

5.3. Impact from Increased Traffic and on the available On-street Parking in the Area

Concern was raised that the additional traffic generated by the development will result in a lack of on-street parking.

- The proposal provides 5 car parking spaces on-site which complies with the Parking and Access Code and therefore this issue cannot have determining weight.

5.4. Loss of Property Values

Concern was raised that the development will result in a loss of property values for the representor's home.

- This issue is not a relevant planning consideration and cannot have determining weight.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

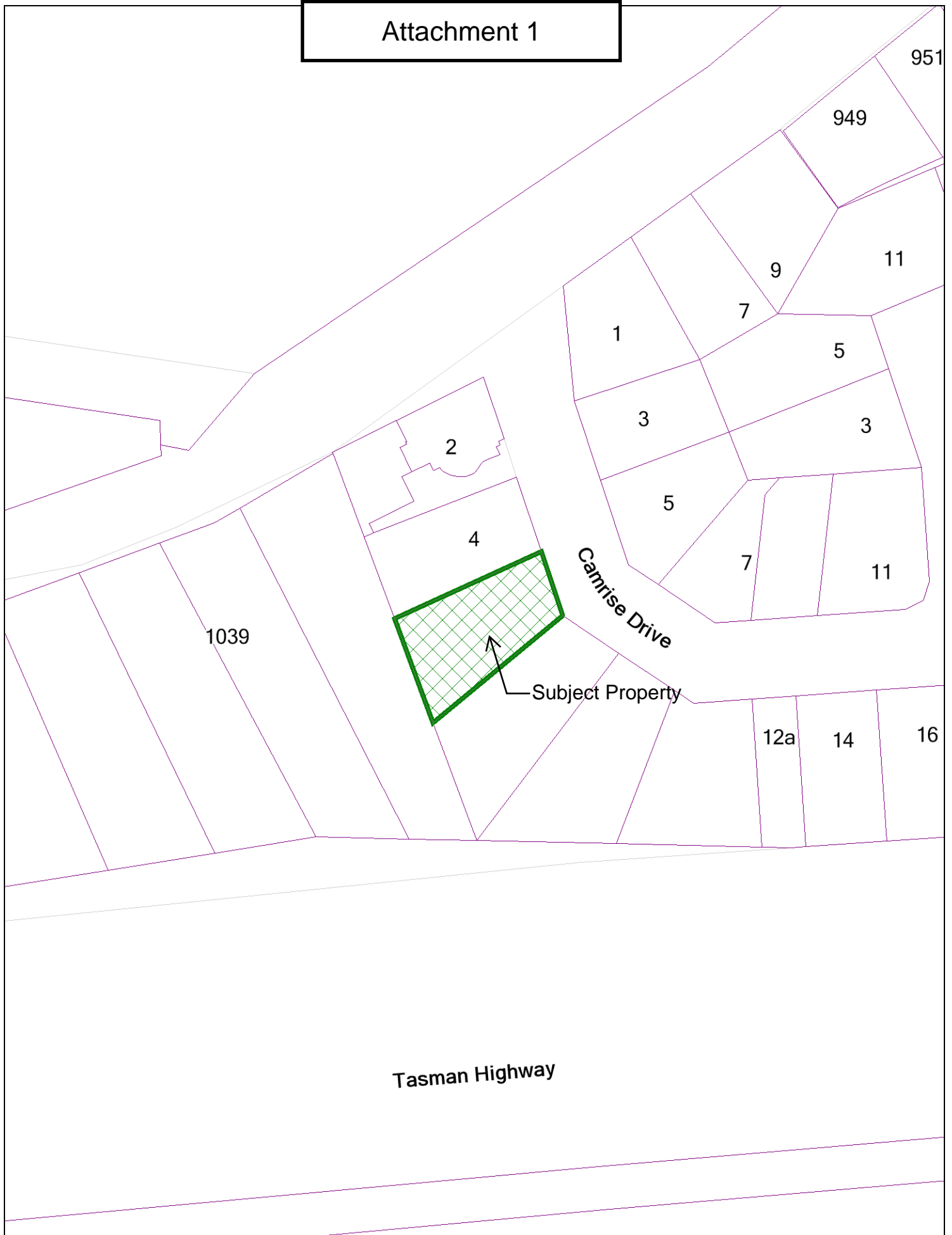
9. CONCLUSION

The proposal for 2 Multiple Dwellings at 6 Camrise Drive, Cambridge is recommended for approval.

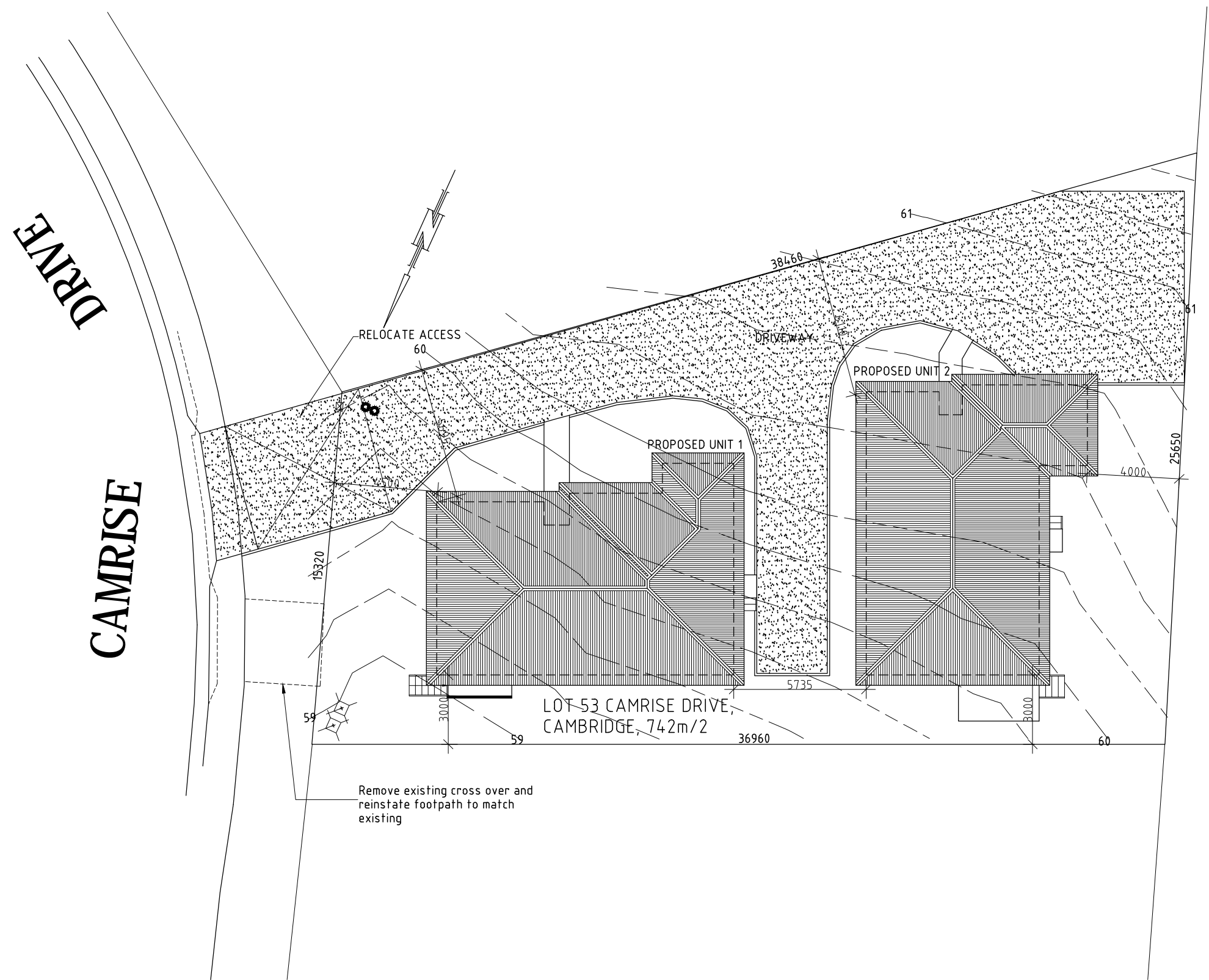
Attachments: 1. Location Plan (1)
2. Proposal Plan (7)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

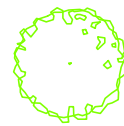


Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 6 April 2018 **Scale:** 1:1,097 @A4



CONTENTS
1 Site Plan
2 Landscape Plan
3 Driveway Plan
4 Plumbing Plan
5 Plumbing Notes
6 Unit 1 Plan
7 Unit 1 Elevations
8 Unit 2 Plan
9 Unit 2 Elevations

- SC Slatted screen min 1700mm above floor level. Max 25% transparency and max 1000 away from wall or glazing
- CL Freestanding Retractable clothes line
- F 1800 high paling fence
- F2 1500 high slat fence 50% transparency
- S 1500x1500 shed
- WS 1.5m/2 impervious area for waste storage



1: Betula (Silver Birch)
6-9m high



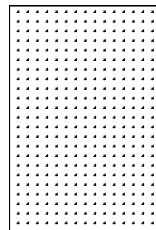
2: Pittsporum Stephens Island
2-3m high



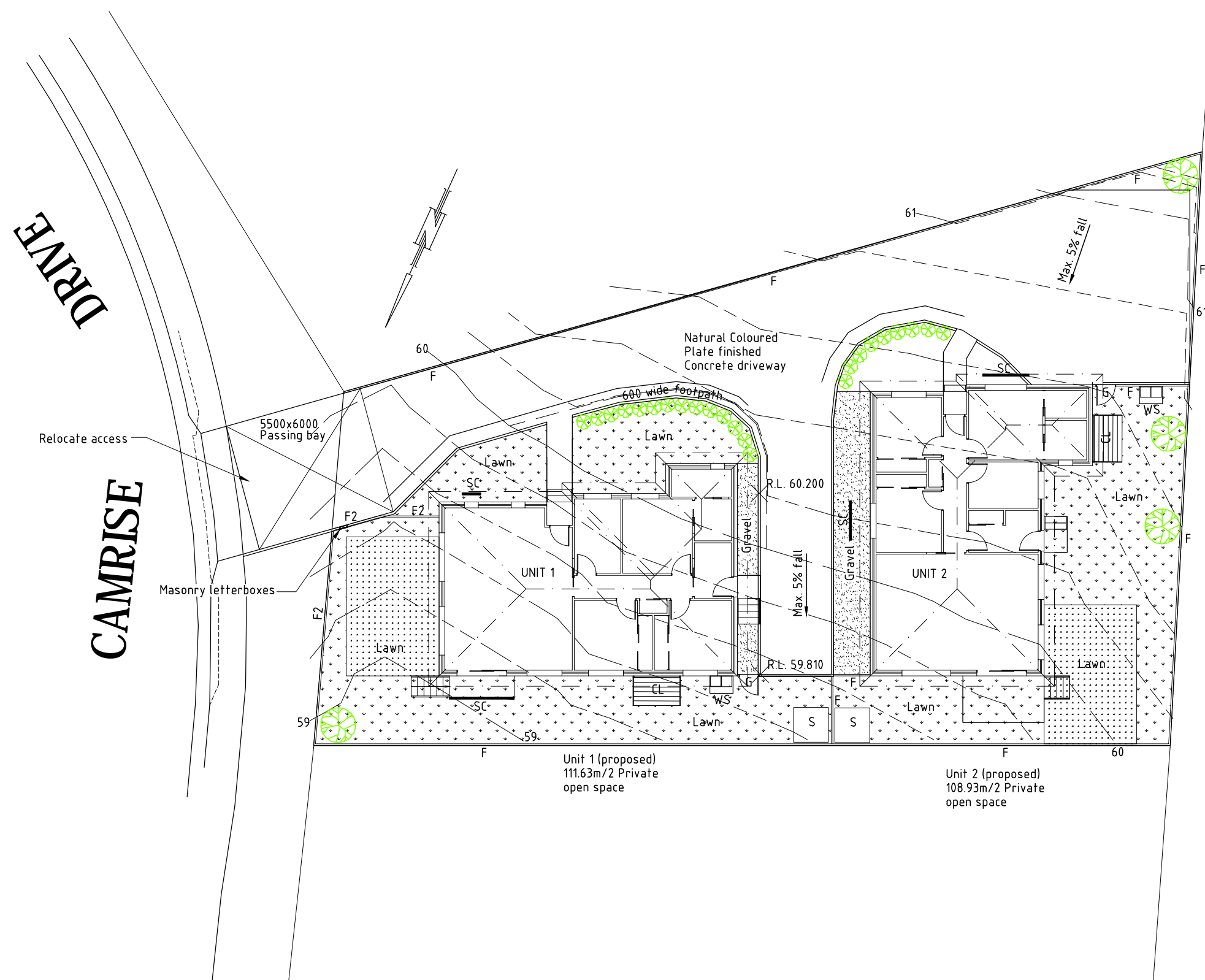
3: Escallonia "Hedge edge" or similar
0.5m high

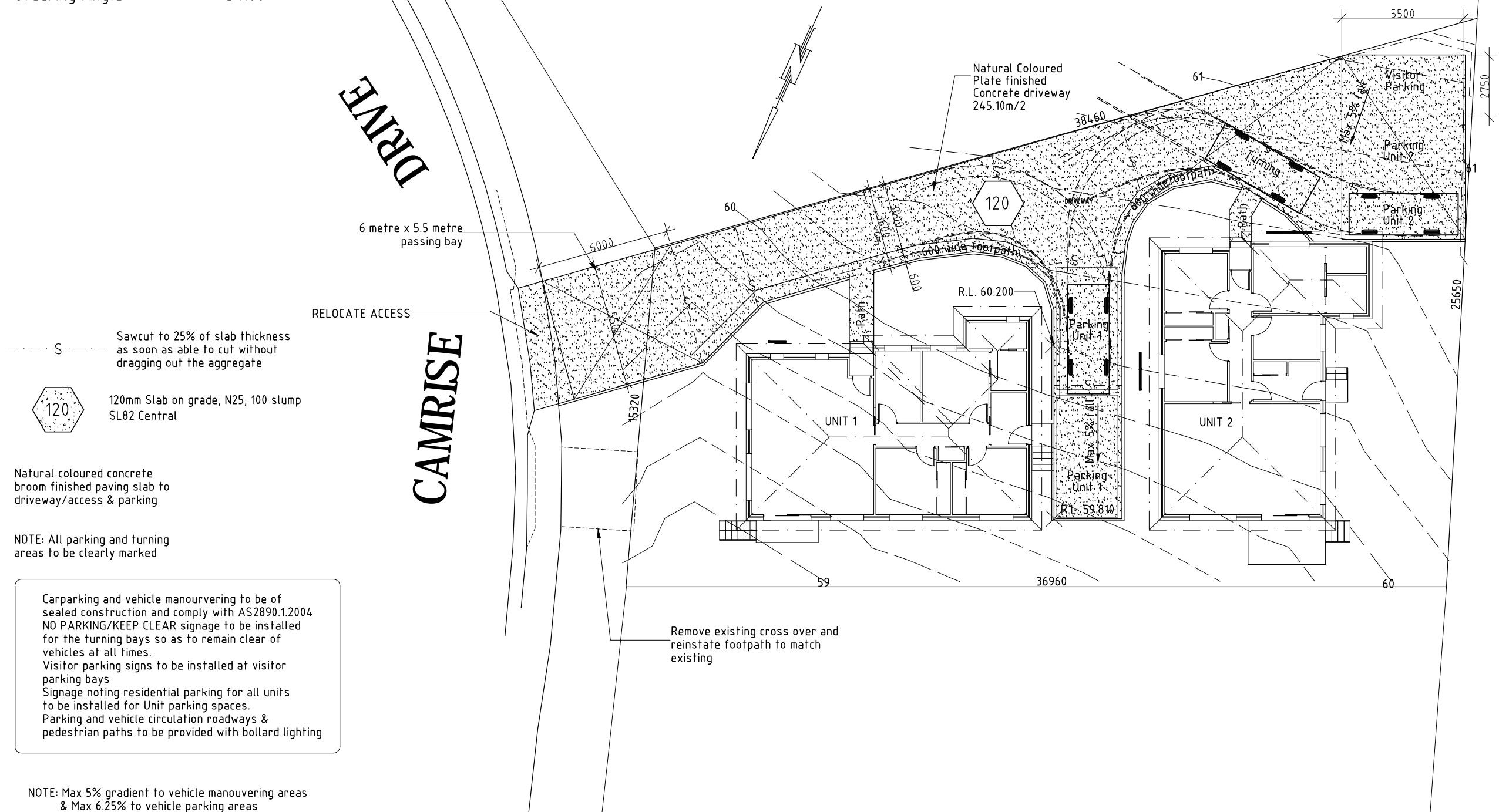
NOTE: Plant height stated is matured height apart from the hedge which can be managed to desired height

Garden bed not to extend against building, refer to CSIRO report for info

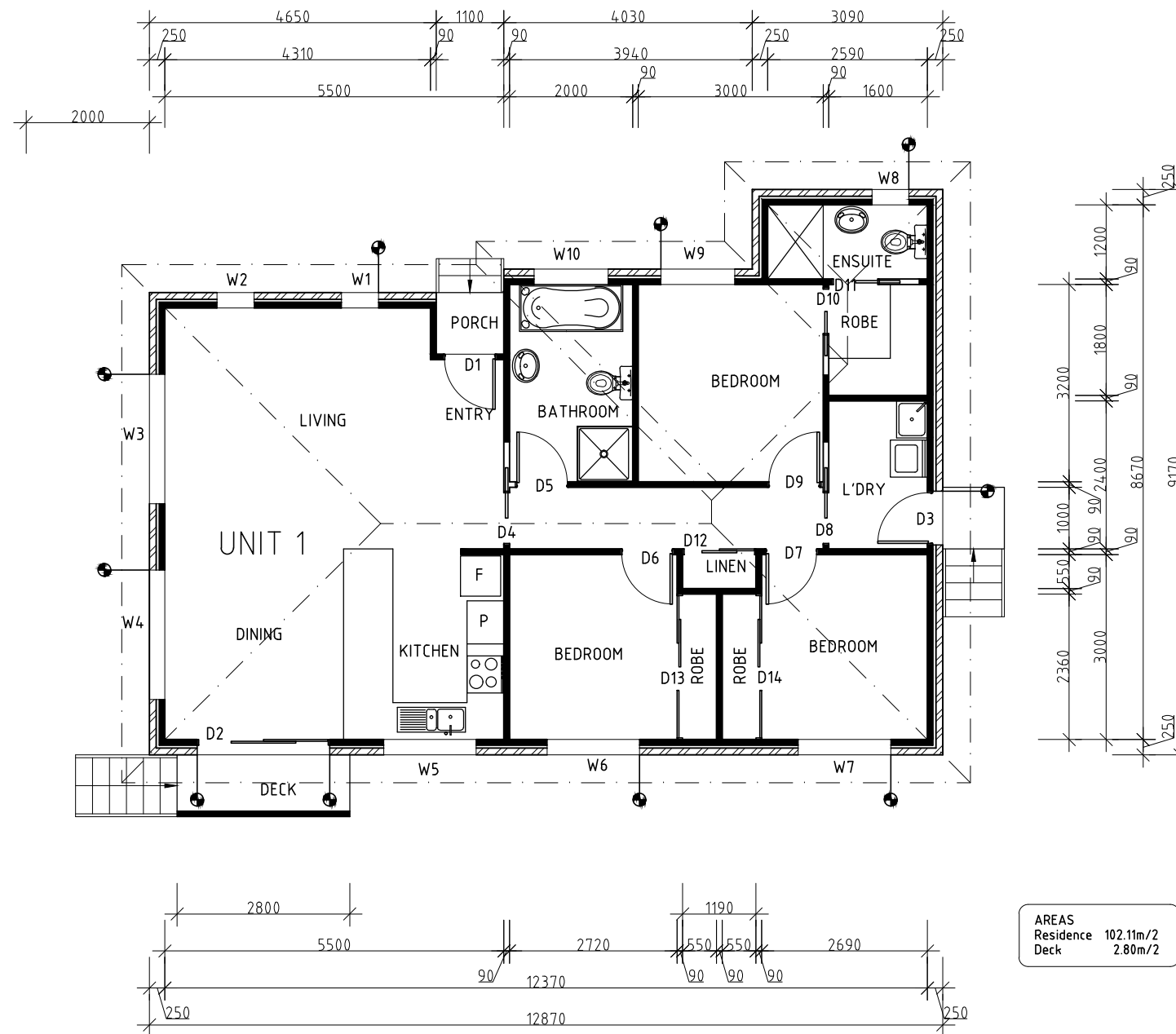


6m x 4m min Private open space (24.00m/2)
Max 1:10 gradient

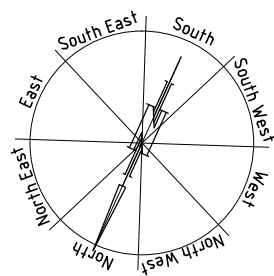




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AREAS	
Residence	102.11m ²
Deck	2.80m ²



SLIP RESISTANCE CLASSIFICATION

APPLICATION	Surface conditions	
	Dry	Wet
Tread surface	P3 or R10	P4 or R11
Nosing strip	P3	P4

Install proprietry slip resistant nosing to tread and slip resistant tread treatment to all treads

Steps as required
Min tread 240
Max rise 190

NOTE: Glazier to verify all glass prior to manufacture of glazing Units

Glazing compliance certificate to be provided by glass supplier

Masonry Lintels:
Openings to 2400 90x90x10 EA
Openings >2400 to <3900 150x100x10UA
150 bearing each end

Install articulation joints in accordance with BCA Vol 2 Part 3.3.1.8

UNIT 1

PROPOSED MULTIRESIDENTIAL DEVELOPMENT FOR
MR K BEESON AT
LOT 53 CAMRISE DRIVE CAMBRIDGE

DEVELOPMENT DRAWINGS ONLY NOT FOR CONSTRUCTION

UNIT 1 PLAN

SCALE 1:100

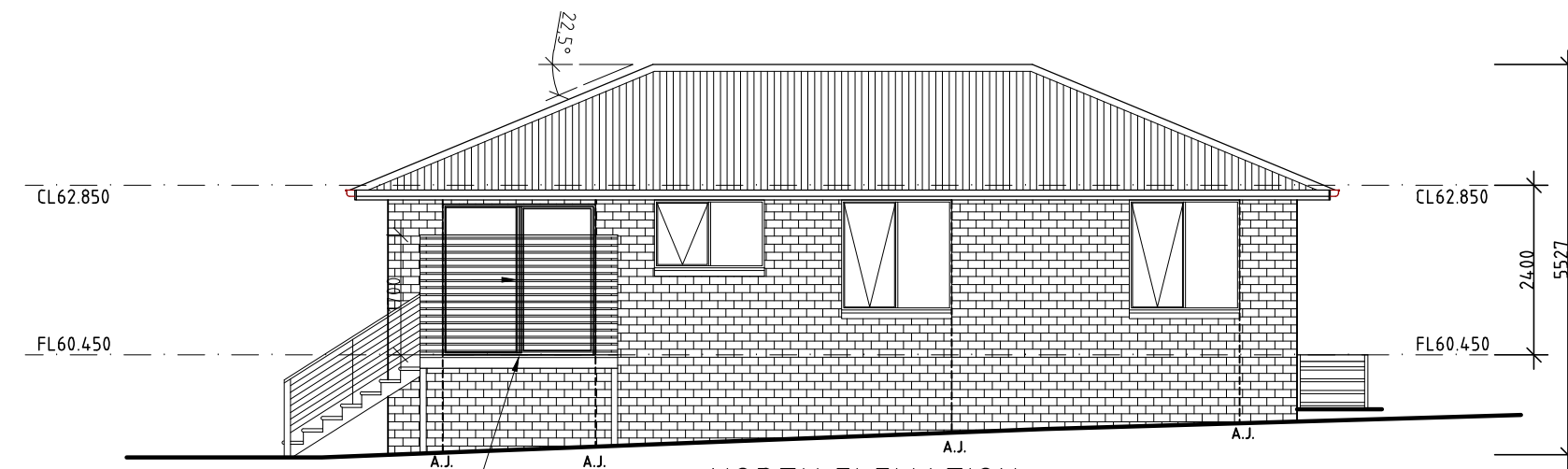
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23/02/2018

DATE
06/02/2018

DRAWING NO.
06 OF 09

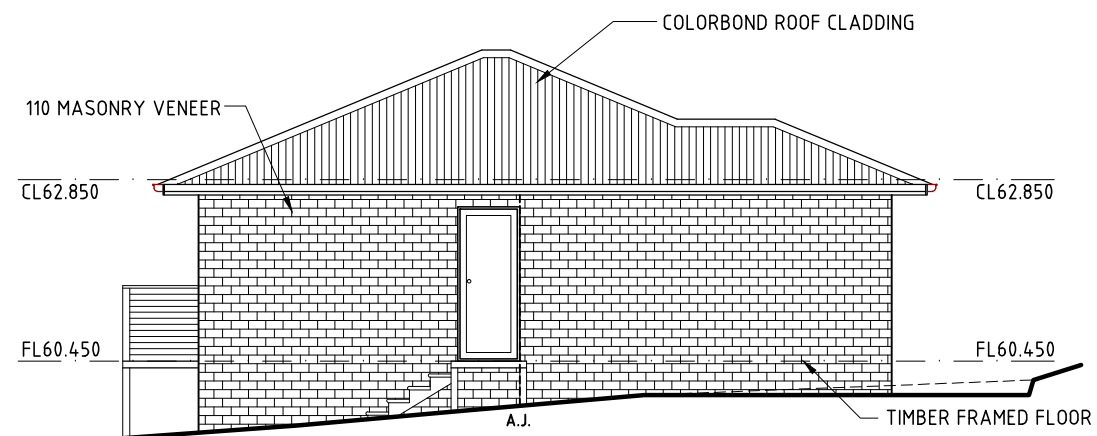
DRAWN BY G Tilley
email: gtilley7@bigpond.com
phone ph 0400 671 582

Accreditation No. CC620H
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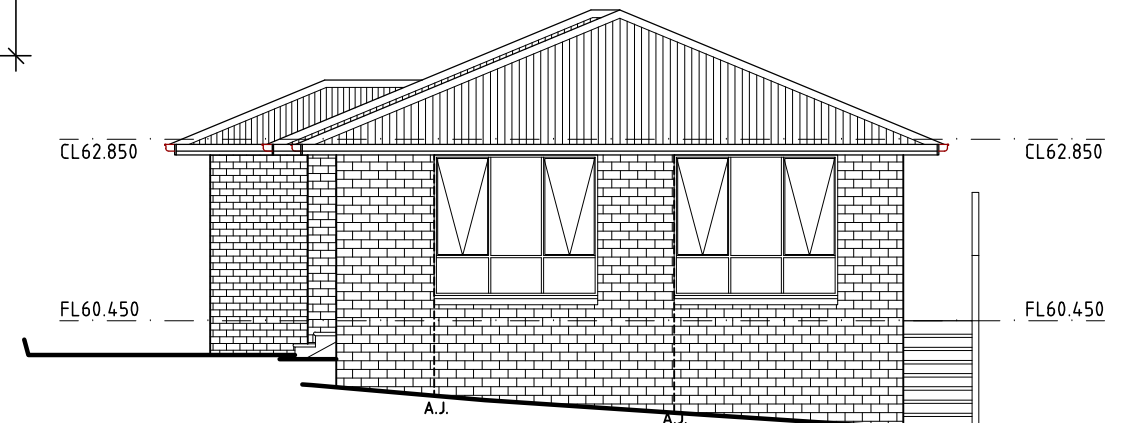


NORTH ELEVATION

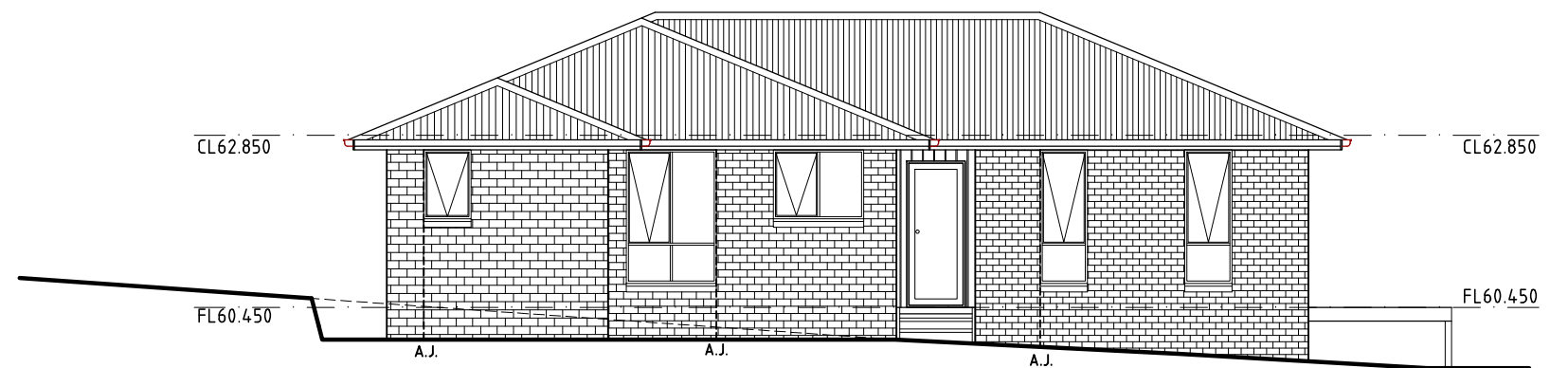
SC Slatted screen min 1700mm above floor level. Max 25% transparency and max 1000 away from wall or glazing



WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION

UNIT 1

PROPOSED MULTIRESIDENTIAL DEVELOPMENT FOR
MR K BEESON AT
LOT 53 CAMRISE DRIVE CAMBRIDGE

DEVELOPMENT DRAWINGS ONLY NOT FOR CONSTRUCTION

UNIT 1 ELEVATIONS

SCALE 1:100

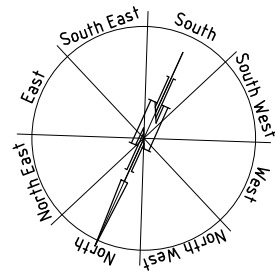
AMENDED
23/02/2018

DATE
06/02/2018

DRAWING NO.
07 OF 09

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email: gtilley7@bigpond.com
phone ph 0400 671 582

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SLIP RESISTANCE CLASSIFICATION

APPLICATION	Surface conditions	
	Dry	Wet
Tread surface	P3 or R10	P4 or R11
Nosing strip	P3	P4

Install proprietary slip resistant nosing to tread and slip resistant tread treatment to all treads

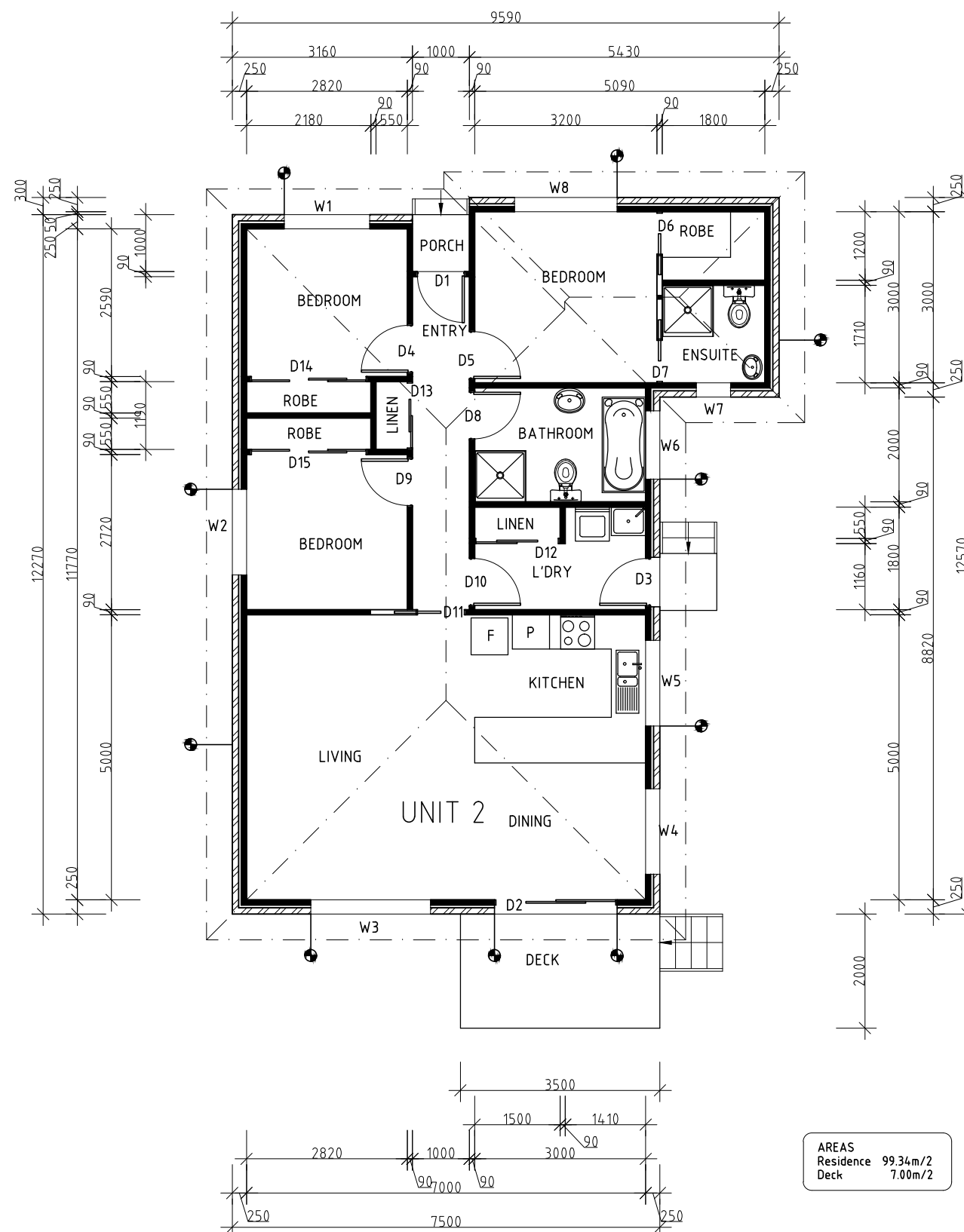
Steps as required
Min tread 240
Max rise 190

Install articulation joints in accordance with BCA Vol 2 Part 3.3.1.8

NOTE: Glazier to verify all glass prior to manufacture of glazing Units

Glazing compliance certificate to be provided by glass supplier

Masonry Lintels:
Openings to 2400 90x90x10 EA
Openings >2400 to <3900 150x100x10UA
150 bearing each end



UNIT 2

PROPOSED MULTIRESIDENTIAL DEVELOPMENT FOR
MR K BEESON AT
LOT 53 CAMRISE DRIVE CAMBRIDGE

DEVELOPMENT DRAWINGS ONLY NOT FOR CONSTRUCTION

UNIT 2 PLAN

SCALE 1:100

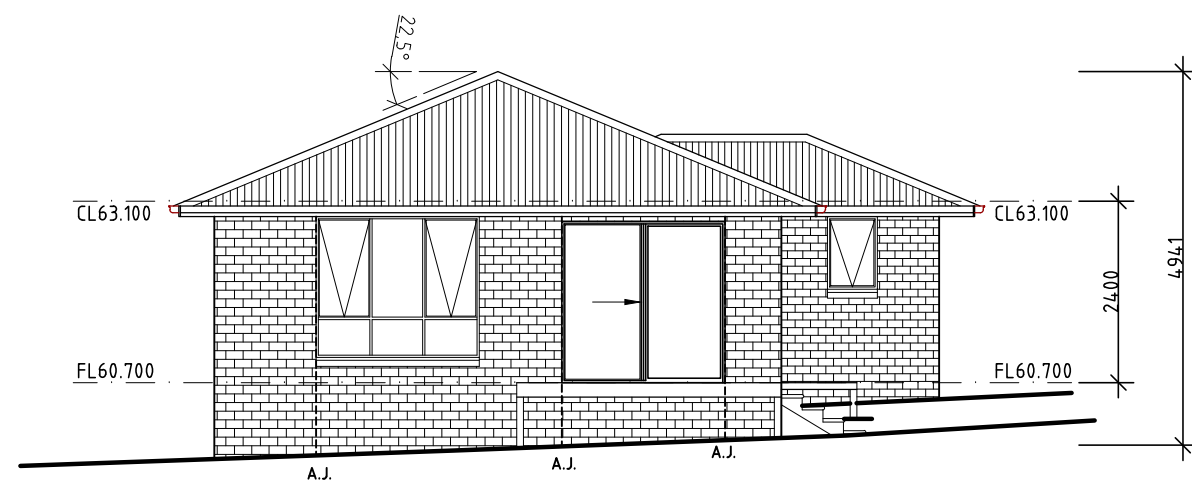
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DATE
06/02/2018

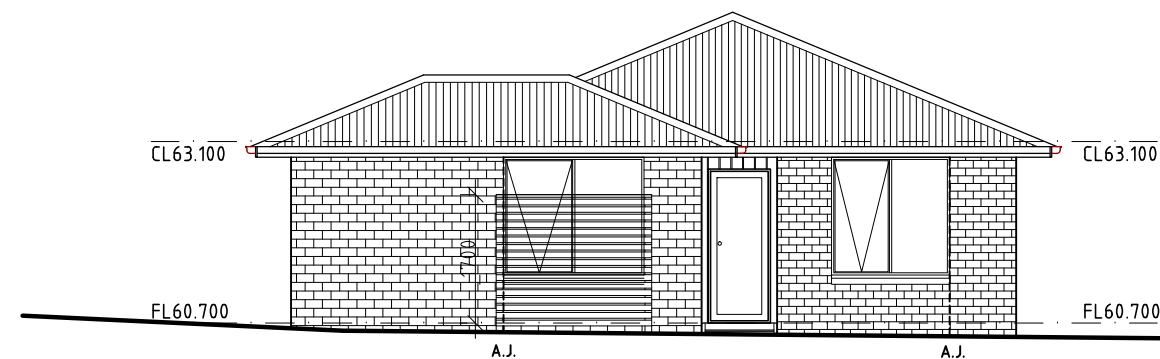
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08 OF 09

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email: gtilley7@bigpond.com
phone ph 0400 671 582

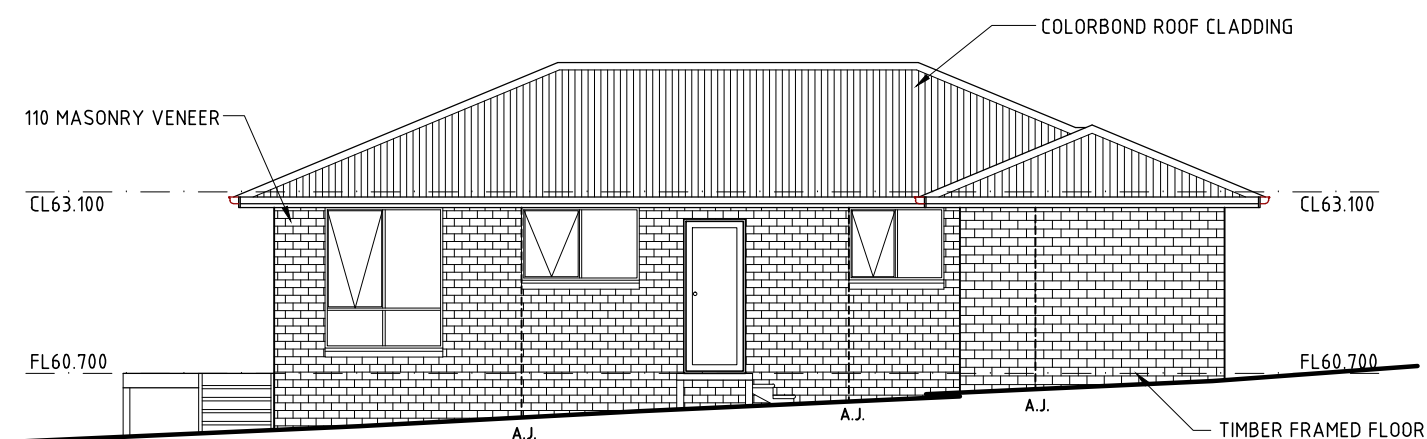
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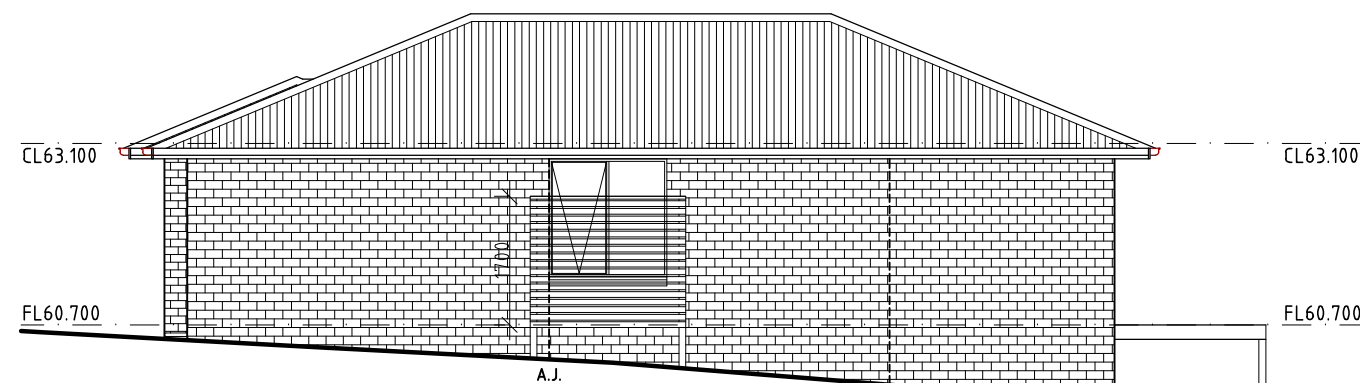
NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

UNIT 2

PROPOSED MULTIRESIDENTIAL DEVELOPMENT FOR
MR K BEESON AT
LOT 53 CAMRISE DRIVE CAMBRIDGE

DEVELOPMENT DRAWINGS ONLY NOT FOR CONSTRUCTION

UNIT 2 ELEVATIONS

SCALE 1:100

AMENDED

DATE
06/02/2018

DRAWING NO.
09 OF 09

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email: gtilley7@bigpond.com
phone ph 0400 671 582

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6 Camrise Drive, CAMBRIDGE



Site viewed from Camrise Drive, looking south



Site viewed from property boundary adjacent Camrise Drive, looking southwest

11.3.3 DEVELOPMENT APPLICATION D-2018/63 - 96 CLARENCE STREET, BELLERIVE - FOOD VAN
(File No D-2018/63)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a food van at 96 Clarence Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned Local Business and subject to the Parking and Access Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 18 April 2018.

CONSULTATION

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

- hygiene;
- commercial impact;
- safety;
- noise;
- number of trading days; and
- use of carpark.

RECOMMENDATION:

A. That the Development Application for a food van at 96 Clarence Street, Bellerive (Cl Ref D-2018/63) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AM5 – TRADING HOURS
[Wednesday, Friday and Saturday 6pm to 9pm].
 3. GEN AM1 – NUISANCE.
- 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 most recent planning permit granted for the subject property was for a food van under D-2015/448, approved by Council on 10 December 2015. This approval was for trading hours of Tuesday to Saturday inclusive, from 5.30 to 8pm. A second relevant permit is D-2009/506 which requires that a total of 12 parking spaces be provided within the site boundaries, for the approved uses.

2. STATUTORY IMPLICATIONS

- 2.1. The land is zoned Local Business under the Scheme.
- 2.2. The use is permitted but the proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.
- 2.3. The relevant parts of the Planning Scheme are:
 - Section 8.10 – Determining Applications;
 - Section 20.0 – Local Business Zone; and
 - Section E6.0 – Parking and Access Code.
- 2.4. Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 1232m² lot with frontage to both Clarence and High Street. The lot supports 3 separate tenancies and associated parking, with entry and access from both Clarence and High Street. Small pockets of landscaping exist at the south-eastern part of the site, adjacent Clarence Street. The 3 existing businesses on the site are a bicycle sales and repair shop, a battery sales shop and a mobility equipment sales shop. The 3 shops are closed daily by 5.30pm.

3.2. The Proposal

The proposal is to operate a take away food van 2 nights per week from between 6pm and 9pm, on Wednesdays and either Fridays or Saturdays. It is proposed that the food van would be parked in the parking space adjacent and parallel to the Clarence Street frontage, as shown in the attachments.

Rubbish facilities would be temporarily provided during trading and it is proposed that a generator be utilised for power to the vehicle and lights to be used during winter months. The trading hours of 6pm to 9pm are to ensure that the food van would operate only outside the trading hours of the existing businesses.

Though not a planning consideration, the applicant advises that sanitary facilities would be available (by key access) if required for workers by agreement with the owner of the bicycle sales and repair shop on 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 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 Local Business Zone and Parking and Access Code with the exception of the following.

Parking and Access Code

Clause	Standard	Acceptable Solution	Proposed
E6.6.1 A1	Number of car parking spaces	<p>The number of on-site car parking spaces must be:</p> <p>(a) no less than the number specified in Table E6.1;</p> <p>except if:</p> <p>(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p>	<p>Does not comply – 1 space being removed from the approved site uses, during hours of operation of proposed food van.</p> <p>not applicable</p>

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E6.6.1 as follows.

Performance Criteria	Proposal
<i>“The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</i>	see below
<i>(a) car parking demand;</i>	The proposed development itself does not generate a parking requirement, on the basis that it does not have “floor area” as defined by the Scheme.

	The food van would, however, occupy a single parking space approved by D-2009/506 for the whole of the site. On the basis that the food van would only be present on-site outside the trading hours of the 3 existing uses, the demand for parking is met by this proposal.
<i>(b) the availability of on-street and public car parking in the locality;</i>	The proposed food van would only operate from the site outside the trading hours of the existing businesses on-site, meaning that on-street and public car parking would not be relied upon.
<i>(c) the availability and frequency of public transport within a 400m walking distance of the site;</i>	Clarence Street is a public transport route, with a stop within 400m of the site.
<i>(d) the availability and likely use of other modes of transport;</i>	The proposed food van would encourage pedestrian access from nearby residential areas.
<i>(e) the availability and suitability of alternative arrangements for car parking provision;</i>	There would be 11 spaces within the site boundaries available for visitors to the food van.
<i>(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</i>	<p>The proposed food van would occupy a single parking space approved by D-2009/506 for the whole of the site, noting that a total of 12 spaces exist within the site boundaries. The site supports multiple uses which cease trading by no later than 5.30pm daily.</p> <p>On the basis that the food van would only be present on-site outside the trading hours of the 3 existing uses (from 6pm to 9pm), the parking space to be occupied by the food van can be readily shared with the existing site uses. A planning permit condition is warranted in this situation to ensure that conflict is not created by the sharing of the subject parking space outside the core trading hours of the 3 shops on-site.</p>
<i>(g) any car parking deficiency or surplus associated with the existing use of the land;</i>	not applicable

<i>(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;</i>	not applicable
<i>(i) the appropriateness of a financial contribution in-lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</i>	Given the justification described above in (f) in relation to mixed use and sharing of parking spaces, it would be inappropriate to require a cash contribution towards parking facilities.
<i>(j) any verified prior payment of a financial contribution in-lieu of parking for the land;</i>	not applicable
<i>(k) any relevant parking plan for the area adopted by Council;</i>	There is no parking plan for the subject area.
<i>(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code”.</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. Hygiene

Concern was raised by the representation that a toilet and handwashing facilities need to be provided.

- **Comment**

Though not a planning consideration, the applicant advises that an agreement has been entered into with the owner of the bicycle sales and repair shop to provide sanitary facilities for employees of the food van (by key access), if required. Council’s Environmental Health Officers consider this approach satisfactory. It is noted that toilet access is not provided or required for customers of the proposed food van.

5.2. Commercial Impact

The impact of the proposed food van upon nearby takeaway food stores, grocery shops and eateries in Bellerive is raised as an objection.

- **Comment**

Commercial interests are not a relevant consideration under the Scheme.

5.3. Safety

The “road safety aspect of cars leaving and re-entering Clarence Street” is a concern for the representors.

- **Comment**

Council’s Engineers are satisfied that the proposed development would not have an unreasonable impact upon safety, either of pedestrians or motorists. Specifically, it is considered that the nature and number of vehicle movements associated with customers of the business and movements to and from Clarence and High Street would not create a safety risk in that sight distances are adequate, and there would be sufficient parking and manoeuvring areas provided within the lot boundaries.

It is noted that there is no known history of traffic/pedestrian safety issues in relation to the existing uses.

5.4. Noise

Both noise associated with a proposed generator and vehicle movements is raised by the representation as a concern.

- **Comment**

Noise is a relevant consideration under the Scheme in relation to the proposed operating hours, and as discussed above in Section 4.2 of this report. An appropriate condition has been included to ensure that noise does not have an adverse impact upon residential amenity for adjacent and nearby residential properties.

5.5. Number of Trading Days

Concern is raised that the use may possibly increase in terms of the number of trading days from the proposed 2 – 3 days per week.

- **Comment**

This application is for 2 to 3 trading days per week for the proposed business. The application has been assessed on this basis and the trading days and hours reflected by a recommended condition.

5.6. Use of Carpark

The representation is concerned that the carpark should be retained for use by customers of the bike shop.

- **Comment**

The proposed trading hours of 6pm to 9pm are to ensure that the food van would operate only outside the existing trading hours, and therefore not compromise parking for those businesses. Shared use of parking spaces for multiple site uses is considered appropriate, and discussed in detail above in relation to Clause E6.6.1 of the Scheme.

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.

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.

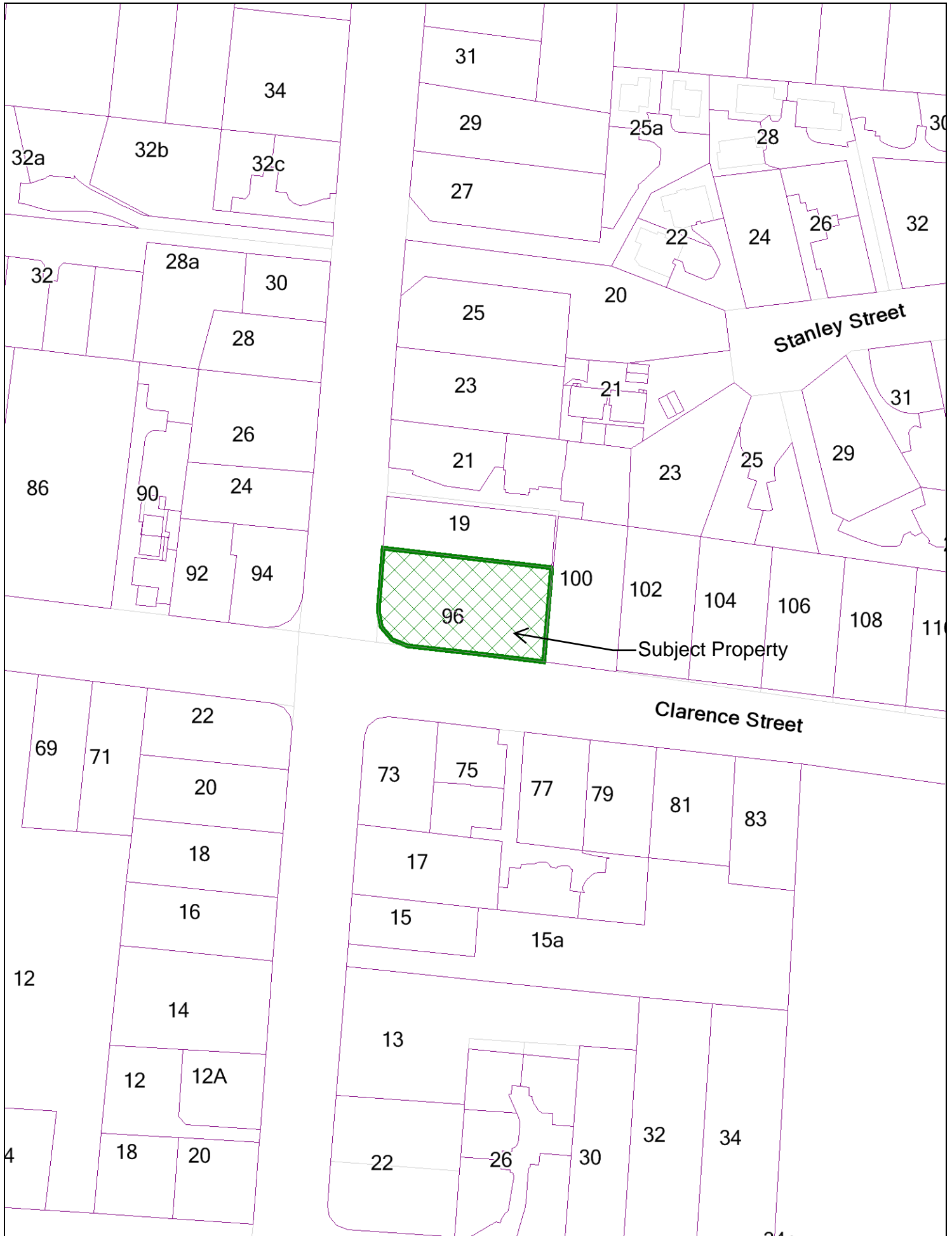
9. CONCLUSION

The proposal seeks approval for a food van at 96 Clarence Street, Bellerive. The application meets the relevant Acceptable Solutions and Performance Criteria of the Scheme, and is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plan (4)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1 - Location Plan



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:** Wednesday, 28 March 2018 **Scale:** 1:1,325 @A4







Natalie Waters

Subject: FW: Further Information Request - 96 Clarence Street

From:

Sent: Thursday, 22 February 2018 12:53 PM

To: Natalie Waters; City Planning

Subject: Re: Further Information Request - 96 Clarence Street

Dear Natalie,

° Description of business, etc: « I would like to be able to park on RIDE Bellerive's car park area in order to street sell our veggie/vegan takeaway food. I will be 100% responsible for any waste/packaging and the removal thereof. I use gas to cook with so am independent. I have also just purchased a new generator suitable for quiet neighborhoods should I need to use lights as days will soon shorten, or should other electrical appliances need to be plugged in. I would like to trade 2-3 times a week between 6-9pm, Wednesdays and either Fridays or Saturdays. However as I am new to the business this is only a global request as it may well be more than I will actually take on. I have other engagements at the HTM, Richmond Market and Red Square, so perhaps only once a week on Wednesdays will be realistic and sufficient. »

Looking forward to hearing from you again soon.

Kind regards,



MANNEKEN EATS

veggie & vegan

96 Clarence Street, BELLERIVE



Site viewed from corner of Clarence and High Streets, looking east



Site viewed from Clarence Street, looking northwest

**11.3.4 DEVELOPMENT APPLICATION D-2018/81 - 9C TALUNE STREET,
LINDISFARNE - DWELLING**
(File No D-2018/81)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 9C Talune Street, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Access and Stormwater Management 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 with the applicant's consent until 18 April 2018.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of the location of the proposed carport and the noise that it will cause.

RECOMMENDATION:

- A. That the Development Application for dwelling at 9C Talune Street, Lindisfarne (Cl Ref D-2018/81) be approved subject to the following conditions and advice.
 - 1. GEN AP1 – ENDORSED PLANS.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

DEVELOPMENT APPLICATION D-2018/81 - 9C TALUNE STREET, LINDISFARNE – DWELLING /contd...

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

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

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zone;
- Section E6.0 – Parking and Access Code; and
- Section E7.0 – Stormwater Management Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is an 808m² irregular shaped internal lot, located at Talune Street, Lindisfarne. It is surrounded by a Single Dwelling on the western side, 5 units on the eastern side, a Single Dwelling on the southern side and a Single Dwelling on the northern side. The site is level and cleared of vegetation. Access would be provided via an access strip through Talune Street.

The property is zoned General Residential and is surrounded by a suburban living setting.

3.2. The Proposal

The proposal is to construct a 3 bedroom single storey dwelling. The dwelling would occupy a floor area of 136.30m². The dwelling would have an area of private open space in excess of 90m² to the west of the dwelling. The dwelling would have an open plan kitchen/dining room, separate laundry, 2 bathrooms and open carport. The proposed carport and entry canopy would occupy a floor area of 52.50m². The footprint of the dwelling would be 24.2% of the lot area.

External finishes and elements include blockwork texture finish, FC sheet (light grey) and Woodland teak feature walls and Colourbond custom orb sheet roofing coloured woodland grey. The dwelling would have access to Talune Street through access strip via existing driveway.

The dwelling would have 31m front setback, 7.6m rear setback, 3m west side setback and 8.20m east side setback. The open carport would be 8m wide and 6.5m long.

Variable width landscaped areas would separate the dwelling from the internal driveway which provides access to 2 properties to the rear.

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 General Residential Zone and Parking and Access and Stormwater Management Codes with the exception of the following.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Setbacks and building envelope for all dwellings	<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) 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>	Does not comply- the frontage of the dwelling cuts through the building envelope maximum in between 200-700mm in height.

		b. only have a setback within 1.5m of a side boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or (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	Proposal
<p><i>“The siting and scale of a dwelling must:</i></p> <p><i>a. not cause unreasonable loss of amenity by:</i></p> <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><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p> <p><i>(iii) overshadowing of an adjoining vacant lot; or</i></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><i>(v) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i></p>	<p>The minor encroachment is associated with the frontage setback. The degree of encroachment is illustrated on the elevation plans. Shadow diagrams were submitted as a part of the application, demonstrating that the proposal will not cause a reduction in sunlight to a habitable room, or private open space of a dwelling on an adjoining lot. The overshadowing diagram was provided as a part of the application, demonstrating that the development would not cast any shadows to Unit 3/11 Talune Street or the Single Dwelling on 7 Talune Street. As the overshadowing diagram demonstrates, the shadows caused by the proposed development will only reach Unit 2/11 Talune Street’s eastern corner briefly between 2pm and 3pm.</p> <p>The proposed dwelling is single storey, with a maximum height of 4.4m. The eastern wall would be sited 3.5m above natural ground level and the proposed carport at the northern side would be located 2.8m above natural ground level.</p>

	The southern wall would be sited 3.5m above natural ground level and therefore will not create any negative visual impacts caused by scale or proportions. The separation and siting of dwellings is compatible with the surrounding area. The dwelling located behind (9b Talune Street) is situated on a similar shaped lot and has compatible front, rear and side setbacks.
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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. Noise Pollution

Concern has been raised that the proposed carport and traffic generated by it will cause noise pollution to the units located on the east of the proposed development.

- In relation to the location of the proposed carport, the proposed carport complies with the Acceptable Solutions in Clause 10.4.2 A3 “*Setbacks and building envelope for all dwellings*” and in Clause 10.4.6 A1 “*Privacy for all dwellings*” in relation to its location and siting to the units located on the east of the proposed development. It meets the objective to provide reasonable separation between the dwellings as the proposed carport/dwelling is located 10.5m from Unit 2/11 Talune Street, 12.5m from Unit 3/11 Talune Street and 18.4m from Unit 1/11 Talune Street. In addition, the existing driveway and lot arrangement has been approved as part of the subdivision application SD-2015/53 that was advertised in accordance with statutory requirements.

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.

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

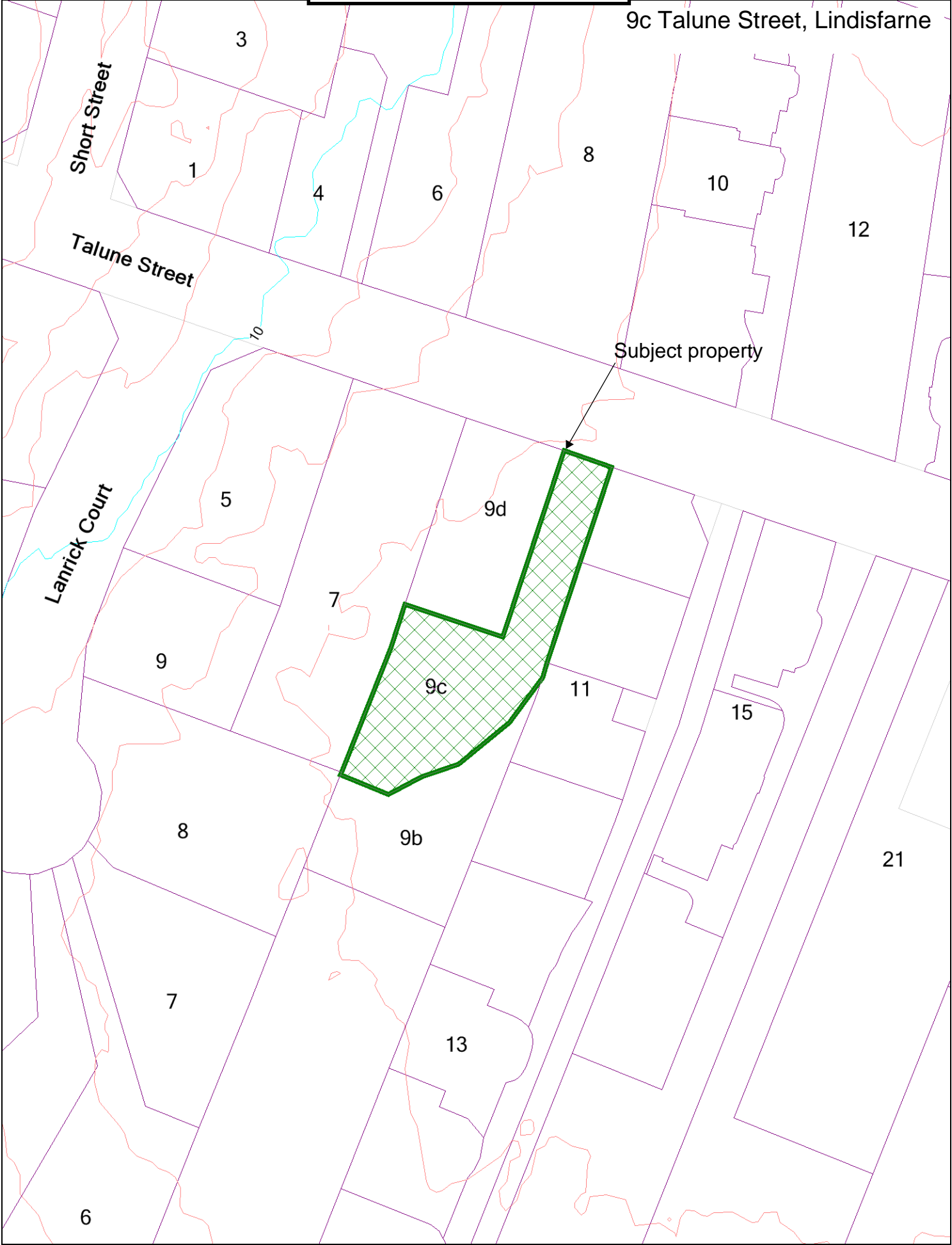
There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

9. CONCLUSION

The proposal is recommended for approval.

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

Ross Lovell
MANAGER CITY PLANNING



9c Talune Street, Lindisfarne

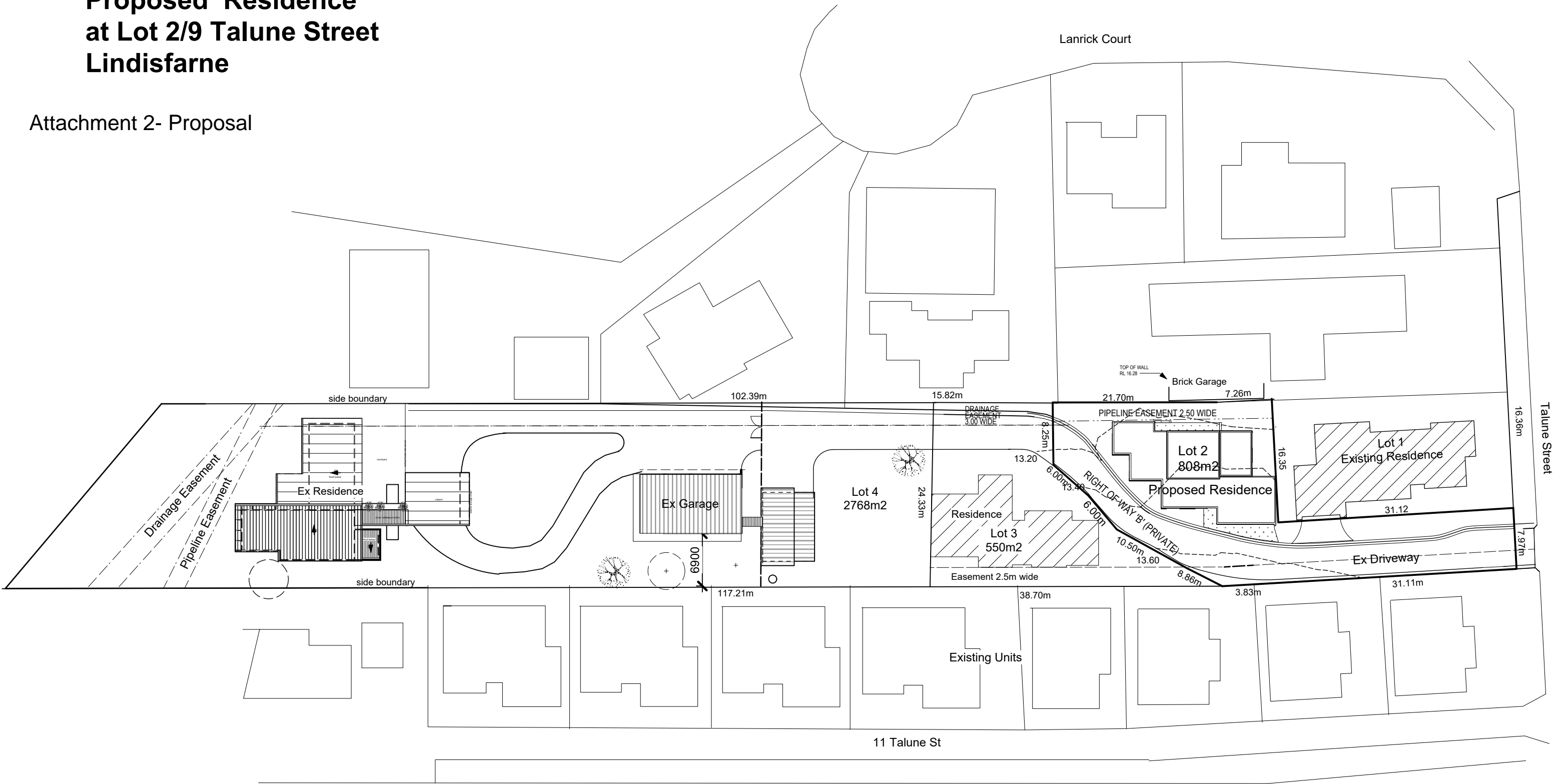
Subject property




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:** Friday, 6 April 2018 **Scale:** 1:767.8 @A4

Proposed Residence
at Lot 2/9 Talune Street
Lindisfarne

Attachment 2- Proposal



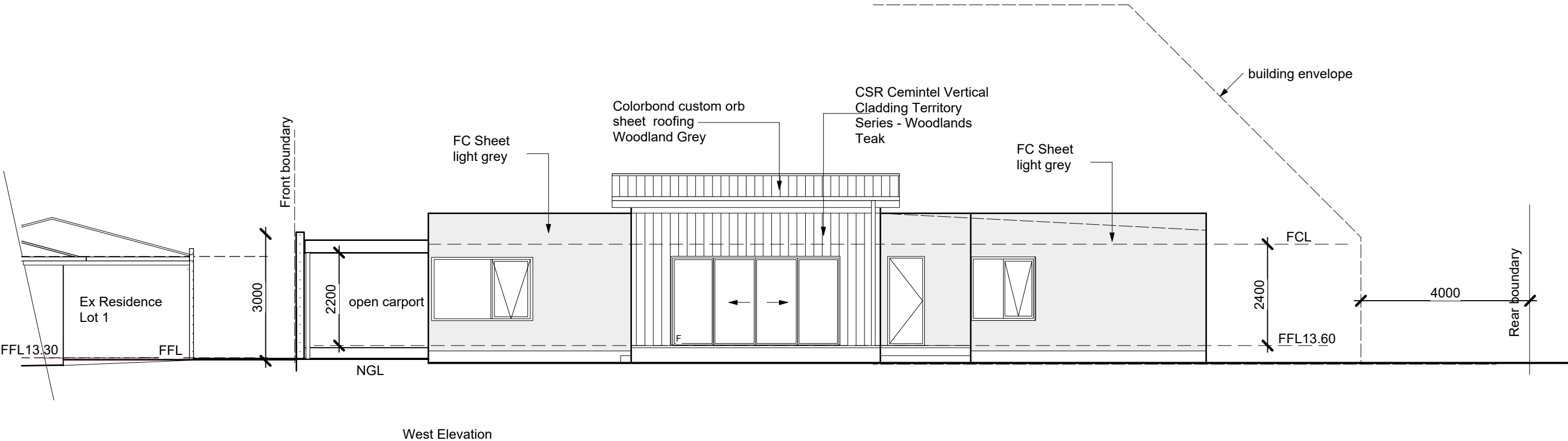
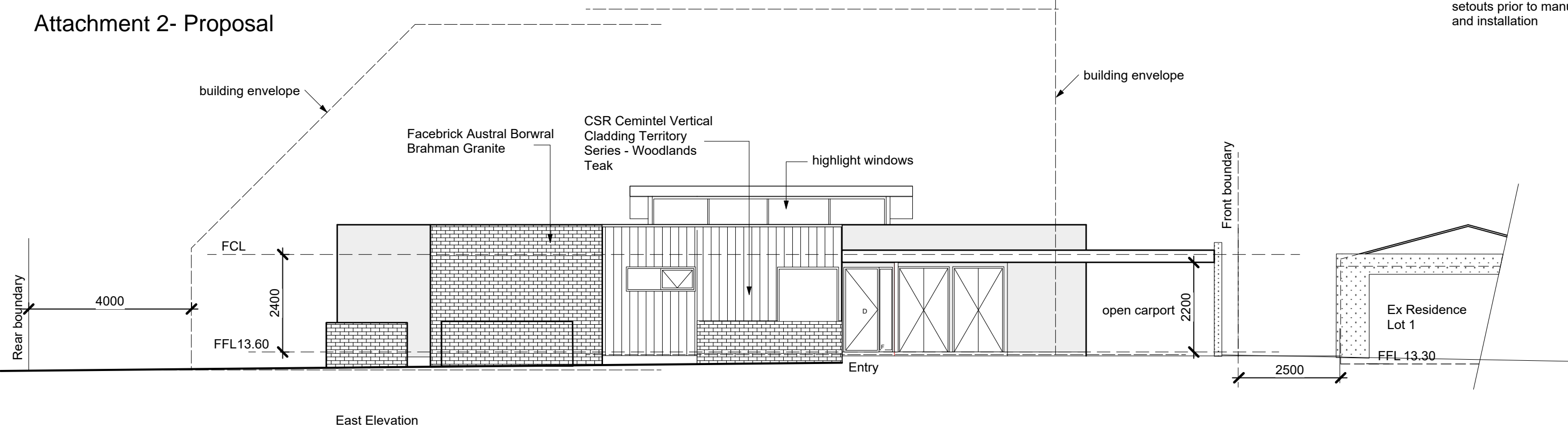
			012345 M 			PHILLIP MUSKETT ARCHITECT	Project Title Proposed Residence at Lot 2 - 9 Talune Street Lindisfarne	Project Manager	Project ID 182504
								Drawn By	Scale 1:500 @ A3
						176a Campbell Street Hobart Ph:03 62369469 Email:phillipmuskett @bigpond.com Accreditation No CC1034X	Drawing Title Site Plan	Reviewed By	Drawing No. DA02
								Date 20/2/2018	_____ of _____ 6
No.	Date	Issue Notes						CAD File Name	

Proposed Residence at
Lot 2/9 Talune St Lindisfarne

Attachment 2- Proposal

General Notes

Do not scale from drawings
Confirm all dimensions and
setouts prior to manufacture
and installation



			<div>012345 M</div>			PHILLIP MUSKETT ARCHITECT	Project Title <div>Proposed Residence at Lot 2 - 9 Talune Street Lindisfarne</div>	Project Manager	Project ID 182504
								Drawn By	Scale 1:100
								Reviewed By	Drawing No. <div>DA05</div> <div>_____ of _____</div> <div>6</div>
No.	Date	Issue Notes			176a Campbell Street Hobart Ph:03 62369469 Email:phillipmuskett @bigpond.com Accreditation No CC1034X	Drawing Title <div>E & W Elevations</div>	Date 20/2/2018	CAD File Name	



Photo taken from access strip

11.3.5 DEVELOPMENT APPLICATION D-2018/65 - 3147 SOUTH ARM ROAD, SOUTH ARM - OUTBUILDING
(File No D-2018/65)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an outbuilding at 3147 South Arm Road, South Arm.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to 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 was extended with the consent of the applicant until 18 April 2018.

CONSULTATION

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

- access over the right-of-way;
- number of accesses; and
- boundaries incorrect.

RECOMMENDATION:

- A. That the Development Application for outbuilding at 3147 South Arm Road, South Arm (CI Ref D-2018/65) be approved subject to the following conditions and advice:
1. GEN AP1 – ENDORSED PLANS.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

DEVELOPMENT APPLICATION D-2018/65 - 3147 SOUTH ARM ROAD, SOUTH ARM – OUTBUILDING /contd...

ASSOCIATED REPORT**1. BACKGROUND**

No relevant background.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Village under the Scheme.

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10.0 – Village Zone;
- Section E6.0 – Parking and Access Code; and
- Section E7.0 – Stormwater Management Code.

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

3. PROPOSAL IN DETAIL**3.1. The Site**

The site is a 1012m² lot containing a dwelling and outbuildings.

The title for the site shows a right-of-way from South Arm Road to the southern corner of the site and also a right-of-way over Council land at 21 Harmony Lane.

It appears from Council records that when the adjoining property at 3135 South Arm Road was subdivided in 1985 (SD-586), it was intended that a public access was to be created to connect to the Council recreation area at 21 Harmony Lane and was shown on the proposal plan as a right-of-way. However, this land was not provided at the time and given there is adequate access to the recreation ground, would not be required for this use.

The land over which the applicant has a right-of-way therefore remains in private ownership. It is currently undeveloped and is vegetated with grass.

3.2. The Proposal

The proposal is for an outbuilding to be constructed at the rear dwelling. The outbuilding is 36m² in area and is proposed to be clad in Colorbond walls and roof. The maximum height from natural ground level is 3.215m.

Access is proposed via the right-of-way from South Arm Road and a gravel driveway is to be constructed.

The outbuilding is located 17.5m from the southernmost point of the lot and 2.8m from the western boundary. Trees and shrubs are located in the southern part of the site in proximity to the proposed outbuilding.

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

The proposal meets the Scheme’s relevant Acceptable Solutions of the Village Zone and Stormwater Management Codes with the exception of the following.

Stormwater Management Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E7.7.1 A1	Stormwater drainage and disposal	Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	Does not comply as there is no reticulated stormwater infrastructure.

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

Performance Criteria	Proposal
<p><i>“Stormwater from new impervious surfaces must be managed by any of the following:</i></p> <p><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></p>	Stormwater is proposed to be directed into a water tank located adjacent to the outbuilding and any overflow will be directed away from the adjoining property.
<i>(b) collected for re-use on the site;</i>	The stormwater will be collected in a water tank.
<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

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. Access

Concern was raised regarding the use of the right-of-way for access to the outbuilding which will have an adverse impact on the amenity of the adjoining property through additional traffic. Concern was also raised that the use of the right-of-way implies ownership of the land through the construction of a driveway to the outbuilding and that the applicant may fence the right-of-way as they like without paying rates or acquiring the land.

- **Comment**

As discussed above, the applicant has a right-of-way on the title and therefore has a legal right to use this land as access to the property. The title also contains a right-of-way over a portion of Council owned land at 21 Harmony Lane to provide for additional area to access the rear of the subject site.

As the applicant has a legal right to use the land for access, the issue regarding impact on amenity from traffic for the existing dwelling is not a relevant planning consideration. In any event, as this issue does not relate to the discretion sought, it cannot have determining weight.

In addition, the use of the land does not imply ownership. Disputes over ownership and legal rights are a civil matter between property owners and not an issue that has determining weight for the purpose of assessing the current application.

5.2. Number of Accesses

Concern was raised that the proposal did not meet Clause E6.7.1 of the Scheme regarding the number of accesses to the lot.

- The Acceptable Solution in Clause E6.7.1 provides that “*the number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater*”. The site currently has 2 access points, one to the north of the site onto the Council maintained road which leads to the recreation ground and the second via the right-of-way.

Although the right-of-way access will be formally developed with a constructed driveway in association with the outbuilding, the development does not change the number of existing access points to the property and therefore the Acceptable Solution is met.

5.3. Boundaries Incorrect

Concern was raised that the property boundaries of the subject site are incorrect in relation to the south-west corner of the site.

- There is no evidence to suggest that the property boundaries are located incorrectly and the dimensions shown on the proposal plan are consistent with the Certificate of Title. Notwithstanding, this is not a relevant planning consideration under the Scheme and the location of shared property boundaries is a civil matter and does not have relevant planning consideration.

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

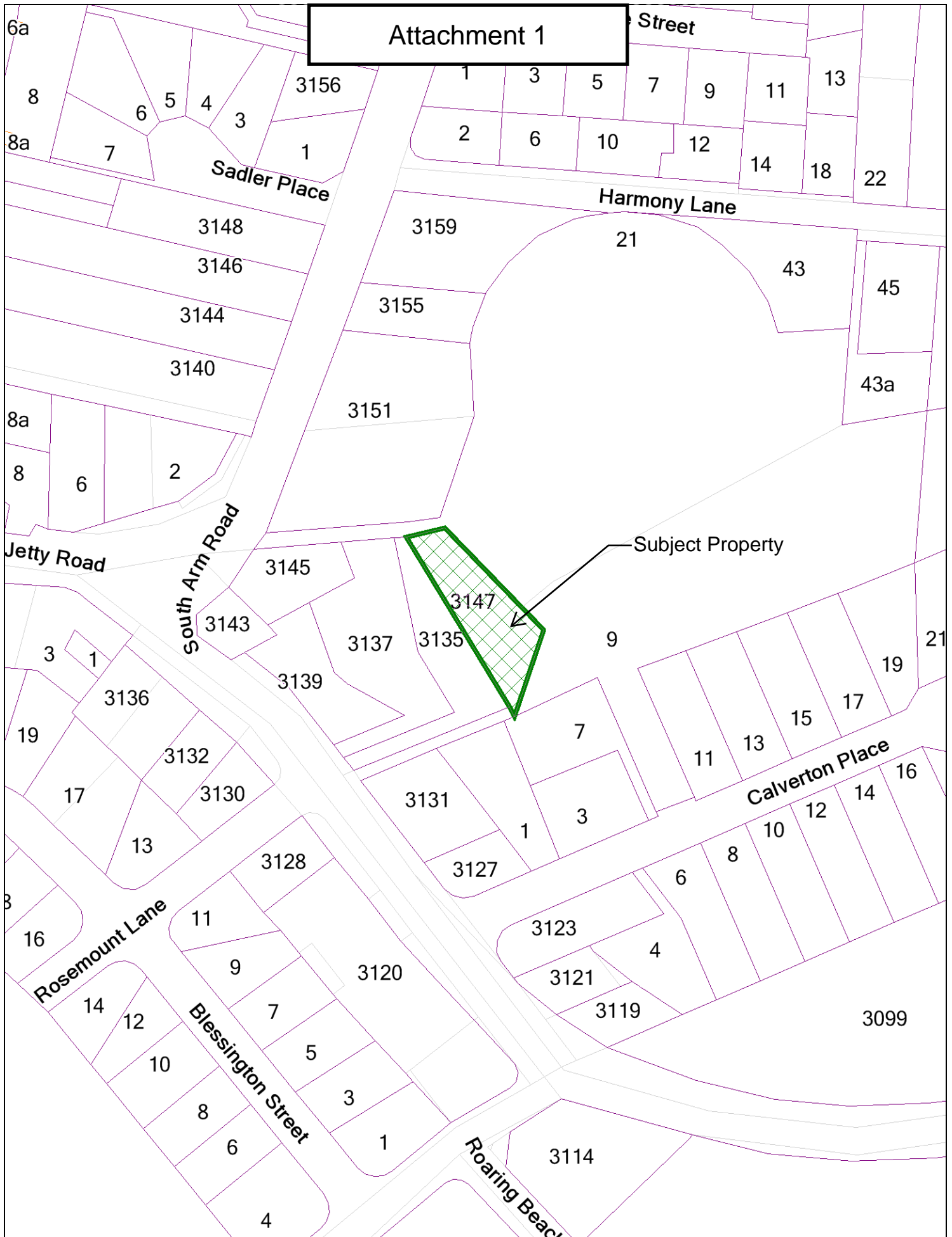
There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

9. CONCLUSION

The proposal for an outbuilding at 3147 South Arm Road, South Arm is recommended for approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (4)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING



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, 5 April 2018 **Scale:** 1:1,781 @A4

Attachment 2



NEW OUTBUILDING / GARAGE
3147 SOUTH ARM ROAD, SOUTH ARM, 7022
FOR A. WEBSTER

CERTIFICATE OF TITLE: VOLUME - 127124 FOLIO - 1
LAND AREA: 1353m²

PLANNING SCHEME: CLARENCE INTERIM PLANNING SCHEME 2015
ZONE: 16.0 VILLAGE
OVERLAYS: NIL

SOIL CLASSIFICATION: ASSUMED M
WIND REGION: A
TERRAIN CATEGORY: TC2
IMPORTANCE LEVEL: 2 (DOMESTIC)
SHIELDING: 1
TOPOGRAPHY: 1
BAL: NOT REQUIRED (CLASS 1 OA STRUCTURE NOT WITHIN AREA IDENTIFIED
BY COUNCIL BUSHFIRE MAPPING)

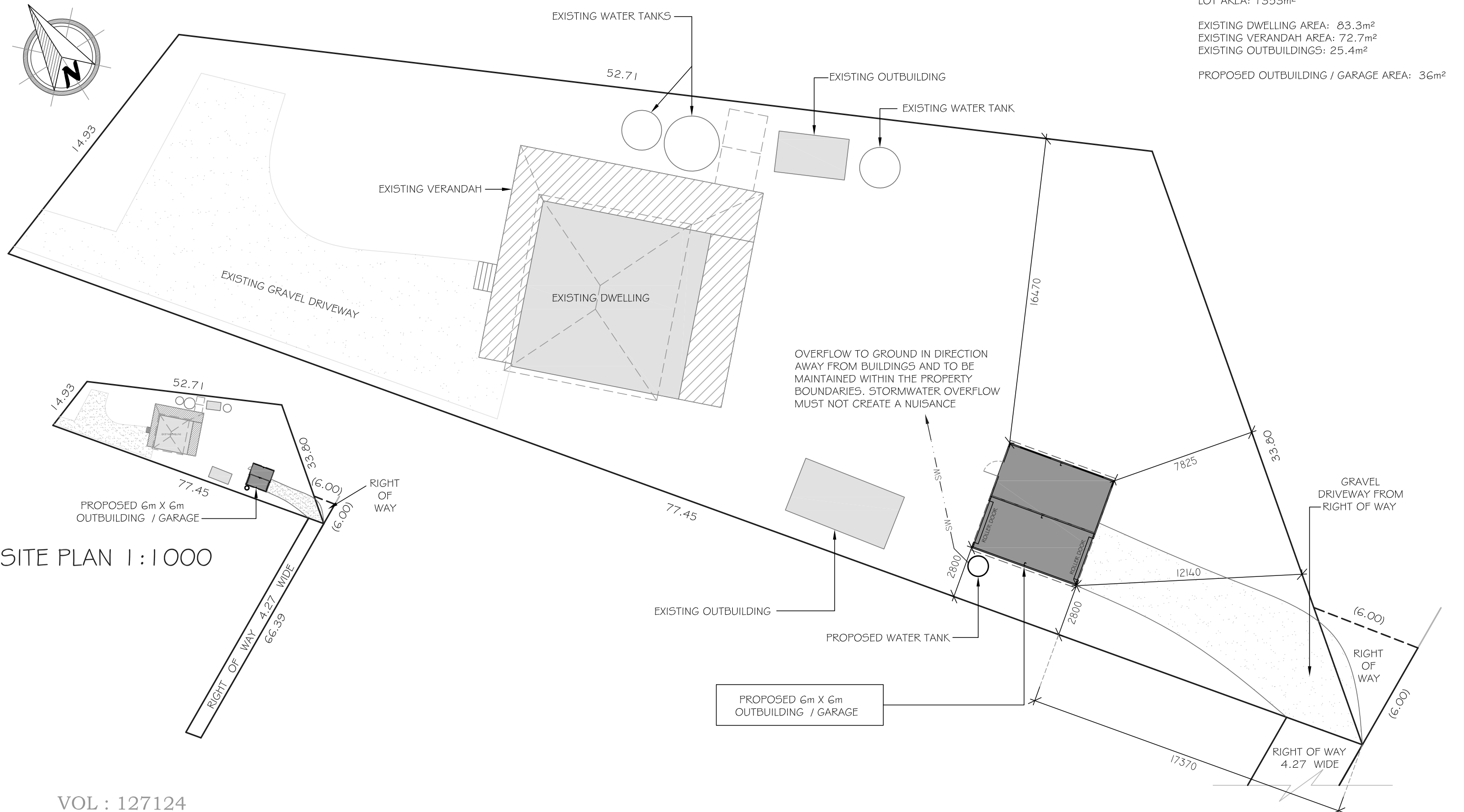
INDEX OF DRAWINGS - BY ADRIAN BROWN CC6003R

PAGE 1 - SITE PLAN 1:200 & 1:1000
PAGE 2 - ELEVATIONS & FLOOR PLAN
PAGE 3 - PLUMBING PLAN

ADDITIONAL DRAWINGS / ENGINEERING
BY NORTHERN CONSULTING ENGINEERS

JOB NO - 82683





SITE PLAN 1:1000

VOL : 127124
 FOLIO: 1
 1353m²

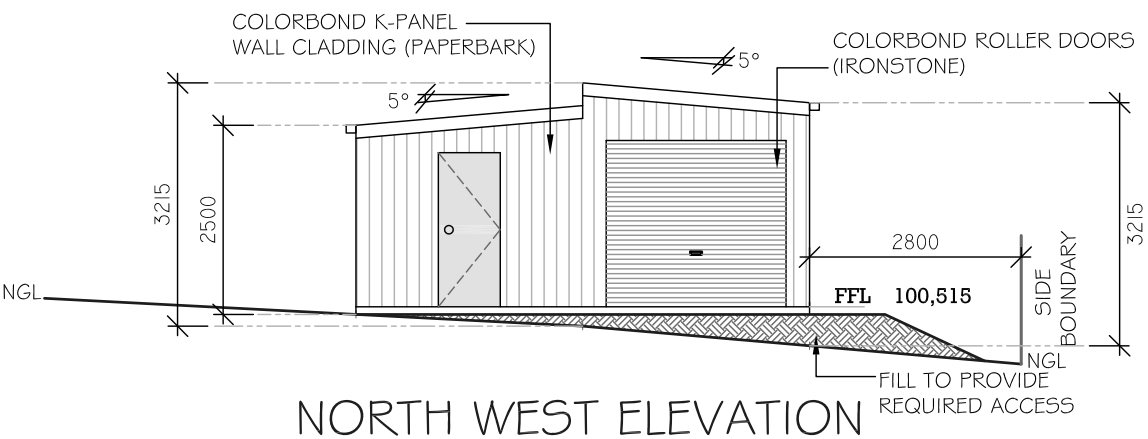
SITE PLAN PREPARED FROM CERTIFICATE OF TITLE INFORMATION AND MEASUREMENTS TAKEN ON SITE. CONFIRMATION OF BOUNDARY LOCATION BY REGISTERED SURVEYOR IS ALWAYS RECOMMENDED PRIOR TO CONSTRUCTION AND IS THE RESPONSIBILITY OF THE PROPERTY OWNER.

SITE PLAN 1:200 & 1:1000

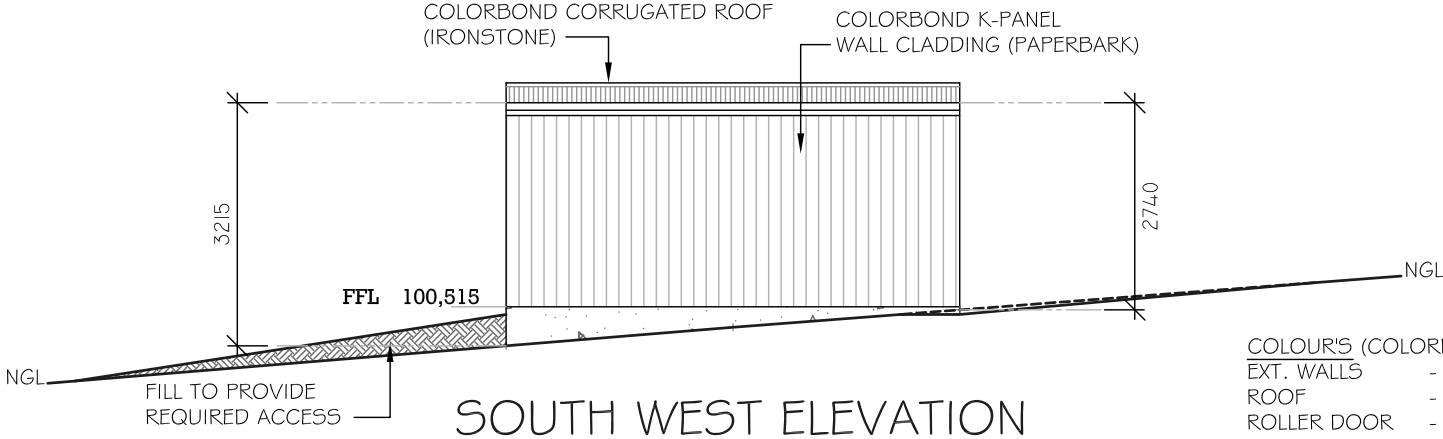
P&J SHEDS PTY LTD. 38 McIntyre Street, Mornington, TAS, 7018. P: (03) 62 44 4300 F: (03) 6244 4355 E: admin@fairdinkumhobart.com.au ABN: 45109681263 THIS DRAWING IS THE PROPERTY OF P&J SHEDS. © 2018

PROPOSAL : NEW OUTBUILDING / GARAGE
 OWNER : A. WEBSTER
 ADDRESS: 3147 SOUTH ARM ROAD, SOUTH ARM, 7022
 SCALE: 1:200
 DATE: 14th FEBRUARY 2018
 AMENDED:
 DRAWN BY: A. BROWN CC6003R
 PAGE: 01/03
 JOB NO : 82683



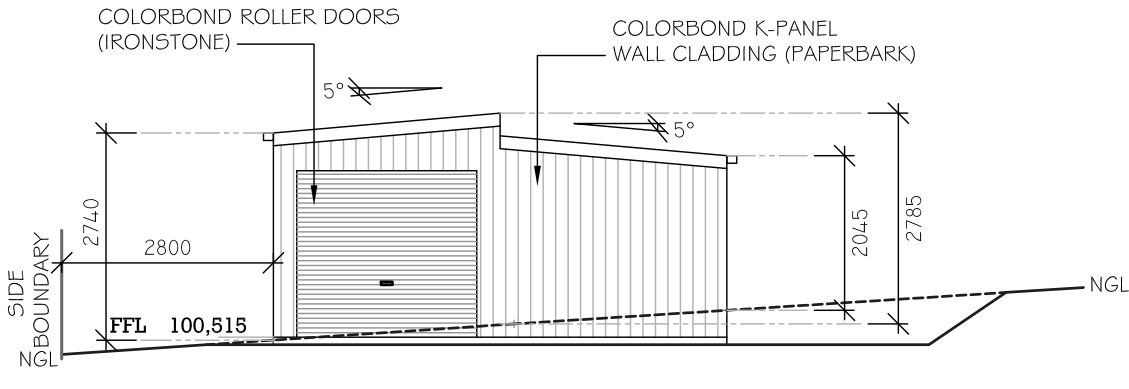


NORTH WEST ELEVATION

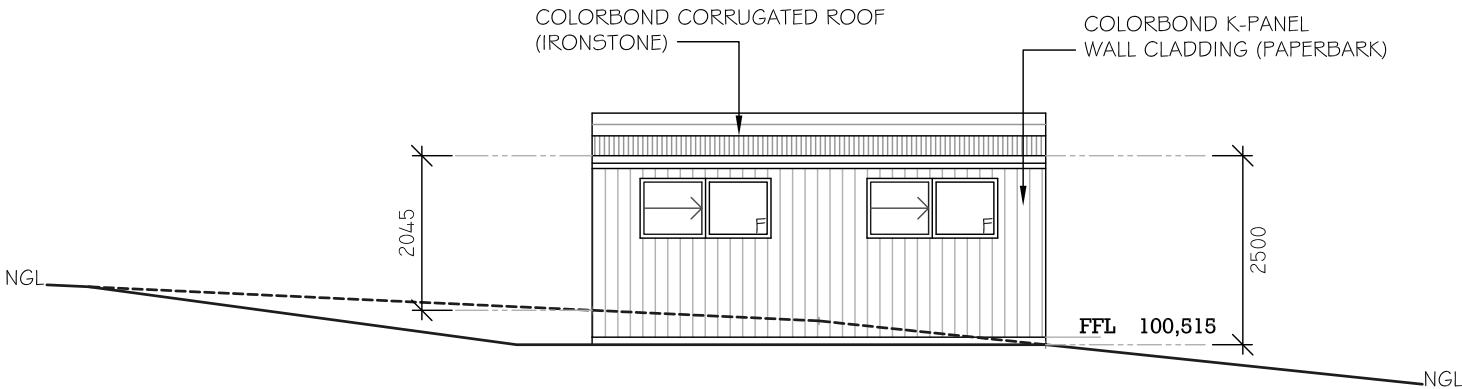


SOUTH WEST ELEVATION

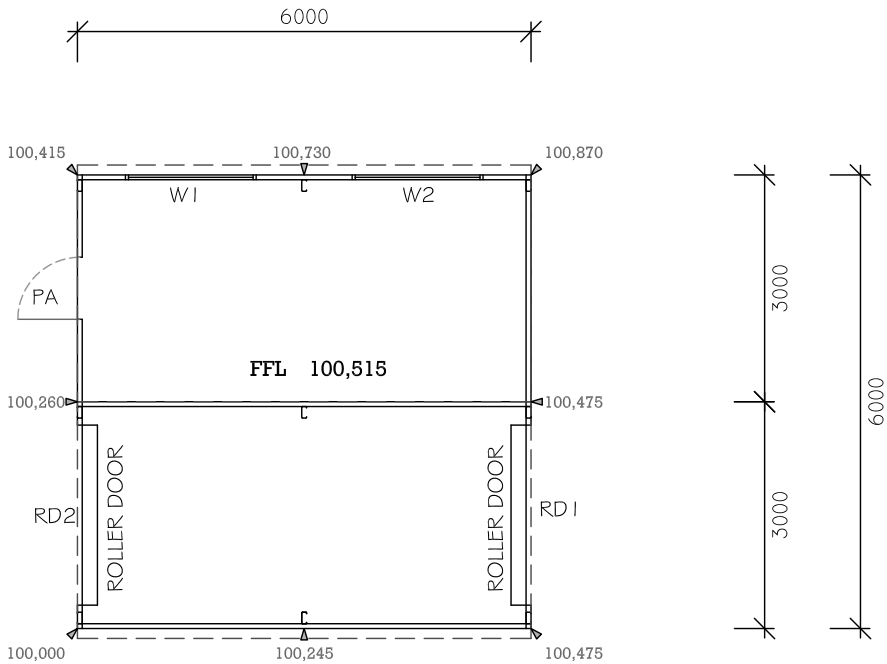
- COLOURS (COLORBOND®):
- EXT. WALLS - PAPERBARK
 - ROOF - IRONSTONE
 - ROLLER DOOR - IRONSTONE
 - PA DOOR - IRONSTONE
 - WINDOW FRAME - IRONSTONE
 - GUTTER - IRONSTONE
 - CORNER FLASH - PAPERBARK
 - BARGE FLASHING - IRONSTONE
 - OPENING FLASH - IRONSTONE



SOUTH EAST ELEVATION



NORTH EAST ELEVATION



FLOOR PLAN

WINDOW & DOOR SCHEDULE

	ID	HEIGHT	WIDTH
WINDOWS	W1	790mm	1730mm
	W2	790mm	1730mm
ACCESS DOOR	PA	2040mm	820mm
ROLLER DOORS	RD1	2200mm	2380mm
	RD2	2200mm	2380mm

ALL HEIGHTS SHOWN ARE ABOVE NATURAL GROUND LEVEL.

ACTUAL HEIGHTS OF WALLS ABOVE CONCRETE SLAB ARE:
SIDE WALL HEIGHT (LOW SIDE) - 2400mm, (HIGH SIDE) - 2700mm
END WALL HEIGHT TO PEAK - 2962mm

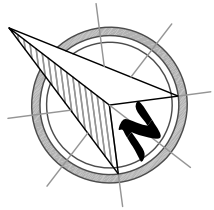
REFER TO DRAWINGS BY NORTHERN CONSULTING FOR ALL MEMBER AND MATERIAL DETAILS AS WELL AS FOOTING DESIGN AND SPECIFICATIONS.

NOTE: MINIMUM FOUNDATION DEPTH SHOULD BE 100mm INTO NATURAL GROUND.
IF FILL IS TO BE USED UNDER SLAB COMPACT IN 150mm LAYERS TO A MAXIMUM DEPTH OF 900mm.

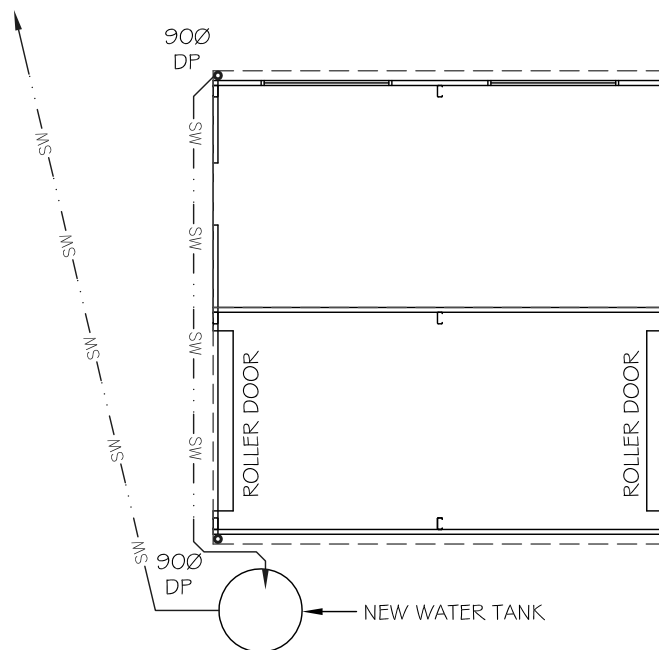
ELEVATIONS & FLOOR PLAN 1:100

PROPOSAL : NEW OUTBUILDING / GARAGE
OWNER : A. WEBSTER
ADDRESS: 3147 SOUTH ARM ROAD, SOUTH ARM, 7022
SCALE: 1:100
DATE: 14th FEBRUARY 2018
AMENDED:
DRAWN BY: A. BROWN CC6003R
PAGE: 02/03
JOB NO : 82683





OVERFLOW TO GROUND IN DIRECTION AWAY FROM BUILDINGS AND TO BE MAINTAINED WITHIN THE PROPERTY BOUNDARIES. STORMWATER OVERFLOW MUST NOT CREATE A NUISANCE



CONSTRUCTION GENERALLY:
ALL CONSTRUCTION TO BE IN ACCORDANCE WITH CURRENT BUILDING REGULATIONS, BUILDING CODE OF AUSTRALIA (B.C.A.), RELEVANT AUSTRALIAN STANDARDS AND LOCAL AUTHORITY REQUIREMENTS.

SITE PREPARATION AND EXCAVATION TO COUNCIL AND B.C.A REQUIREMENTS.

CONCRETE FOOTINGS TO AS 2870.1 AND ENGINEER SPECIFICATIONS.
UNLESS OTHERWISE SPECIFIED, FOOTINGS 20MPA / SLAB 25MPA.

GARAGE STRUCTURAL; DETAILS AND CERTIFICATION AS PER 'FAIR DINKUM SHEDS' DOCUMENTATION.

BUILDER TO VERIFY ALL DIMENSIONS AND DETAILS ON THIS SET OF PLANS PRIOR TO COMMENCEMENT OF WORK ON SITE.

USE WRITTEN DIMENSIONS IN PREFERENCE TO MEASURING OFF THE PLAN.

COUNCIL / CONTRACTOR TO CONTACT P&J SHEDS IF NECESSARY INFORMATION IS NOT PROVIDED ON THIS SET OF PLANS.

PLUMBING GENERALLY:
ALL PLUMBING TO BE IN ACCORDANCE WITH AS 3500.
TAS PLUMBING CODE AND LOCAL AUTHORITY REQUIREMENTS.

90dia PVC STORM WATER TO NEW WATER TANK.
OVERFLOW TO GROUND IN DIRECTION AWAY FROM OUTBUILDING AND MAINTAINED WITHIN THE PROPERTY BOUNDARIES. OVERFLOW MUST NOT CREATE A NUISANCE.

PLUMBER TO VERIFY CONNECTION LOCATION WITH OWNER.

FIRST INSPECTION OPENING TO BE RAISED TO FINISHED GROUND LEVEL.

PLUMBING PLAN 1:100

P&J SHEDS PTY LTD. 38 McIntyre Street, Mornington, TAS, 7018. P: (03) 62 44 4300 F: (03) 6244 4355 E: admin@fairdinkumhobart.com.au ABN: 45109681263 THIS DRAWING IS THE PROPERTY OF P&J SHEDS. © 2018

PROPOSAL : NEW OUTBUILDING / GARAGE
OWNER : A. WEBSTER
ADDRESS: 3147 SOUTH ARM ROAD, SOUTH ARM, 7022
SCALE: 1:100
DATE: 14th FEBRUARY 2018
AMENDED:
DRAWN BY: A. BROWN CC6003R
PAGE: 03/03
JOB NO : 82683



3147 South Arm Road, SOUTH ARM



Site viewed from right of way, looking northwest towards development site



Site viewed from South Arm Road, looking east over right of way

11.3.6 DEVELOPMENT APPLICATION D-2018/11 - 18 LA PEROUSE STREET, WARRANE - 2 MULTIPLE DWELLINGS (1 EXISTING + 1 NEW)
(File No D-2018/11)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings (1 existing + 1 new) at 18 La Perouse Street, Warrane.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 20 April 2018 as agreed with the applicant.

CONSULTATION

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

- loss of privacy;
- fire separation; and
- overshadowing.

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings (1 existing + 1 new) at 18 La Perouse Street, Warrane (CI Ref D-2018/11) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. ENG A1 – NEW CROSSOVER [TSD-R09 (URBAN)].
 3. ENG A5 – SEALED CAR PARKING.

4. ENG M1 – DESIGNS DA.
 5. Drainage from the internal driveway must be to a central invert located in the driveway or alternative design so as to not restrict the driveway width. Details must be provided as part of the engineering design approval.
 6. The development must meet all required Conditions of Approval specified by TasWater notice dated 28 February 2018 (TWDA 2018/00054-CC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

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

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10.0 – General Residential Zone;
- Section E5.0 – Road and 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 subject site is described in Certificate of Title 55402/11 and consists of a 769m² regular shaped lot located on the western side of La Perouse Street in Warrane. The site obtains direct access and frontage onto La Perouse Street. The site is located part way between Edgeworth Street and Dampier Street and adjoins a Council owned recreation reserve extending from Cambridge Road (Warrane Primary School) to Bligh Street (Kangaroo Bay Rivulet). The site supports an existing single storey dwelling and outbuilding. The site slopes gently to the west and is clear of significant vegetation. A drainage easement encumbers the western rear boundary of the site.

Apart from the recreation reserve, the surrounding area is similarly zoned General Residential and is characterised by single detached dwellings and more compact urban form consisting of medium density dwelling developments located within the established residential area at Warrane. The adjoining recreation reserve to the east is zoned Open Space and supports a network of walking tracks, linking Cambridge Road through to Schouten Street.

3.2. The Proposal

The proposal is for the construction of an additional dwelling (Unit 2) to the rear of the existing dwelling (Unit 1). The existing outbuilding located to the rear of the existing dwelling is proposed to be demolished in order to make way for Unit 2.

Unit 2 would be located 5.58m to the rear of the existing dwelling and would maintain a 4.123m setback from the rear (western) property boundary. It would contain a floor 95.43m² and would contain 2 bedrooms, bathroom and open plan living space. A single garage is proposed to be incorporated into the eastern elevation of the dwelling. Unit 2 would be constructed from brick veneer walls and “Colorbond” roofing in a gabled/hipped profile and have a maximum height of 5m above natural ground level.

Minor fill works are proposed at the eastern end of the dwelling to provide a levelled building platform.

Private open space would be allocated to the north of the existing dwelling and to the rear (west) of Unit 2. The private open space would be directly accessible from the living space associated with each dwelling.

No modifications are proposed to the existing dwelling, with the exception of the removal of the eaves and spouting associated with the existing sunroom located on the southern elevation of the dwelling. This modification is required to provide for the 3m wide trafficable driveway width between the dwelling and the southern side boundary.

The existing access crossover and driveway would be retained alongside the western side property boundary to provide access to the dwellings. The existing driveway will be required to be widened and extended to service Unit 2 and proposed visitor carpark.

Two car parks are proposed for the use of the existing dwelling. The spaces would be located between the dwelling and the street. An additional 2 car parks are proposed with Unit 2, in the form of a single garage and uncovered space directly adjacent to the garage. A single visitor parking space is proposed to the west of Unit 2.

A copy of the proposal is included in Attachment 2.

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 General Residential Zone, Road and Rail Assets Code, Parking and Access Code and Stormwater Management Code with the exception of the following.

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.2 A3	Setbacks and building envelope for all dwellings	<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>complies</p> <p>Does not comply - the western rear elevation of Unit 2 would extend beyond the prescribed building envelope by 1.2m. The encroachment includes some wall, eave and roof as shown in Attachment 2.</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>not applicable</p> <p>not applicable</p>
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The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.2 for the following reasons.

Performance Criteria	Comment
<p><i>“P3 – The siting of a dwelling must:</i></p> <p><i>(a) not cause any unreasonable loss of amenity by:</i></p>	<p>see below assessment</p>
<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 orientation of Unit 2 in relation to the adjoining dwelling to the north would be such that overshadowing potential would be limited to early morning sunlight loss only. Such a limited impact is not considered an unreasonable amenity impact.</p> <p>Unit 2 would be located to the north of the adjoining dwelling to the south at 16 Bass Street, however, the 2 buildings would maintain a 13m separation. Any overshadowing impact would be confined to late afternoon on the Winter Solstice (21 June) therefore ensuring the habitable room windows located on the western (rear) elevation of the adjoining dwelling are capable of receiving in excess of 3 hours of sunlight. It is likely that these windows will retain full sun between 9am and 2pm on 21 June as the adjoining dwelling is located at a higher elevation to the proposed Unit 2.</p>

	Based on the above assessment, the proposal is therefore not expected to cause any unreasonable loss of amenity by way of a reduction in sunlight to the habitable room windows of the adjoining residences.
(ii) <i>overshadowing the private open space of a dwelling on an adjoining lot; or</i>	<p>Unit 2 would be located generally to the south of the adjoining property to the rear at 51a Bass Street therefore would not cause any loss of sunlight to the private open space areas allocated to this adjoining dwelling.</p> <p>With respect to the existing dwelling located to the south at 16 La Perouse Street, limited overshadowing impact is expected to occur to the private open space area located to the rear of the dwelling. This is because any shadowing cast by the proposed dwelling would be confined to the western extent of the private open space, alongside the rear boundary. An existing outbuilding located on this adjoining property would also absorb a degree of shadow cast towards the rear elevation of this adjoining dwelling, which forms the most usable component of the private open space.</p> <p>A large mature tree is located along the boundary with the subject site, however, this would not absorb the shadow cast by Unit 2 as it is deciduous.</p> <p>It is considered that the overshadowing impact upon the private open space of the adjoining dwellings would be minimal and would not cause a reduction below 3 hours, which is considered an acceptable limit.</p>

<p><i>(iii) overshadowing of an adjoining vacant lot; or</i></p>	<p>The property adjoins a recreation reserve located to the north.</p> <p>Unit 2 would be located to the south of the adjoining public reserve and would be separated by a row of tall trees located near the shared property boundary within the Council reserve. The proposal would therefore not cause any overshadowing impact upon the adjoining public reserve.</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>Given the gentle slope of the land in the vicinity of the site, surrounding residential developments are primary single storey in form and have been constructed with minimal ground disturbance.</p> <p>Unit 2 would be single storey with a maximum height of 5m. The dwelling would be constructed from brick and “Colorbond” which are common external materials and finishes utilised for newer developments within the area. The dwelling being 2 bedrooms, would also maintain a small building footprint. The building footprint, form and external appearance is considered consistent with the spatial layout and design of medium density development within the vicinity of the site which focus on the delivery of a more compact urban form.</p> <p>It is considered that the variation to the building envelope is relatively minor and would not cause a loss of amenity to the adjoining properties through visual bulk and scale of the development.</p>
<p><i>(b) provide separation between dwellings on an adjoining lot that is compatible with that prevailing in the surrounding area”.</i></p>	<p>Residential development within proximity of the subject property is characterised by setbacks to rear boundaries ranging from 1.7m at 47 Bass Street, 2.3m at 51a Bass Street and 26m at 49 Bass Street. The smaller end of the setback scale is attributed to residential infill developments of a comparable scale to that currently before Council.</p>

	The proposed dwelling separation distance to the rear boundary would vary from 3.82m to 6.5m, which is considered compatible with the separation distances prevailing within the surrounding area.
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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. Loss of Privacy

Overlooking is raised as a concern in terms of the proximity of the proposed additional dwelling to the adjoining dwelling to the rear at 51a Bass Street. Specifically, the backyard would be overlooked by the proposed development.

- **Comment**

The proposed development meets the relevant Acceptable Solutions in relation to privacy at Clause 10.4.6 A2 of the Scheme, in that the proposed living room and bedroom window located on the rear (western) elevation of the dwelling have been designed to achieve the required setback of 4m from a rear boundary.

5.2. Fire Separation

The representor has raised concern that the lack of separation between the proposed building and the fence shared with 51a Bass Street may increase the likelihood of a fire spreading between the 2 properties.

- **Comment**

Council's Building Department have advised that the proposed additional dwelling complies with the fire separation requirements outlined under the National Construction Code, which requires a minimum separation of 900mm from a boundary.

5.3. Overshadowing

Concern is raised that the proposed development would have a negative impact upon the solar access to dwelling and private open space located to the rear at 51a Bass Street.

- **Comment**

The proposed development meets the relevant tests of the Scheme in relation to overshadowing as discussed in relation to Clause 10.4.2, above. The location of the adjoining dwelling in relation to the proposed additional dwelling would not be affected by loss of sunlight.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

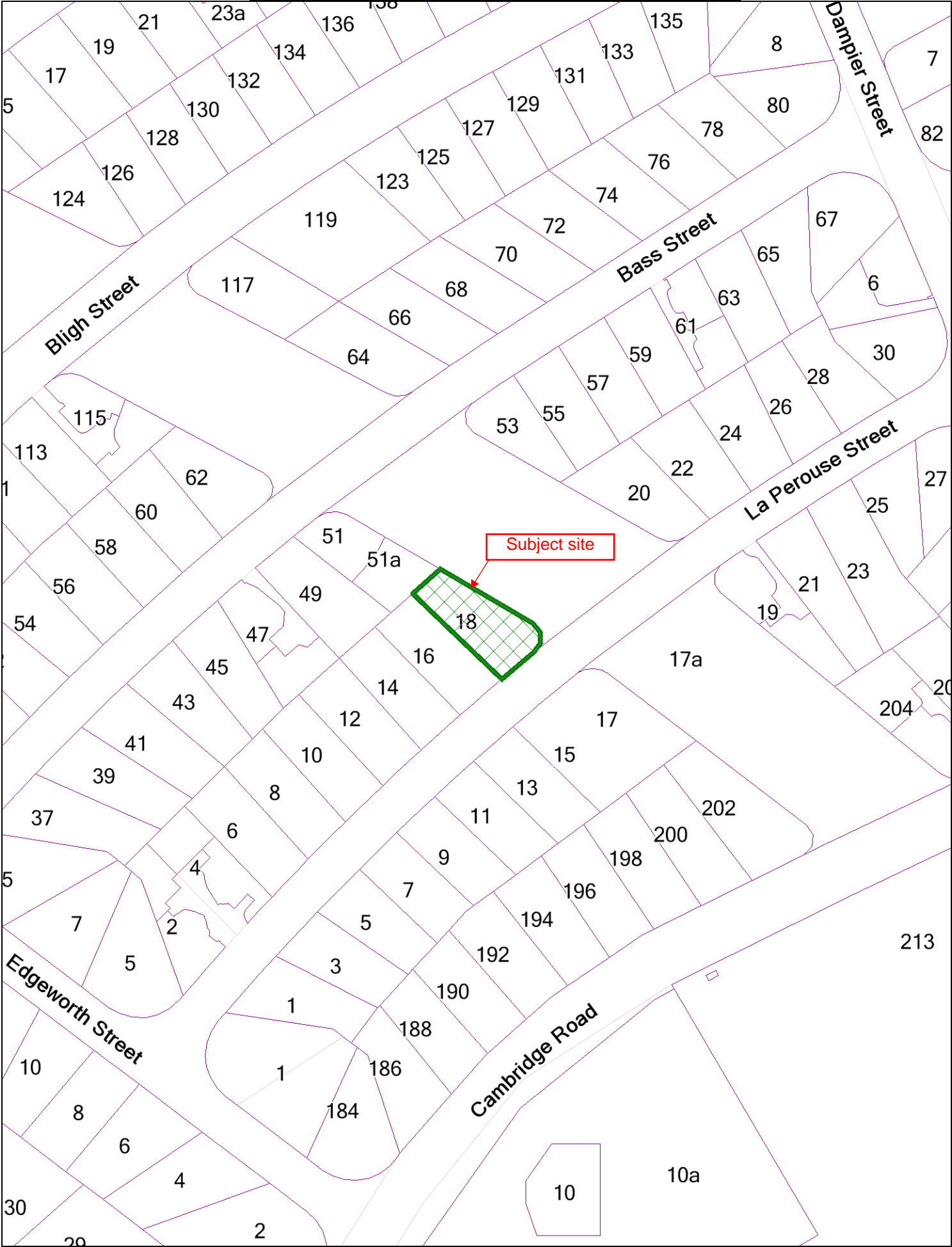
There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

9. CONCLUSION

The proposal seeks approval for 2 Multiple Dwellings (1 existing + 1 new) at 18 La Perouse Street, Warrane. The application is considered to satisfy all relevant acceptable solutions and performance criteria of the Scheme and is accordingly recommended for conditional approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (7)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING



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:** Friday, 6 April 2018 **Scale:** 1:1,692 @A4



MULTI AWARD WINNING BUILDERS
A Division of Wilson Homes Tasmania Pty Ltd
ABN 96 126 636 897

WH711471 - PROPOSED (HOW DO I BECOME
PTY LTD) UNIT DEVELOPMENT
18 La Perouse Street,
WARRANE

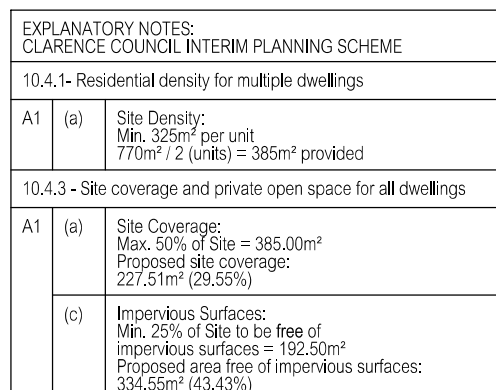
- SHEET DRAWING TITLE
- o1: (B) SITE PLAN
 - o1a: (B) DRAINAGE PLAN
 - o1b: (B) MANOEUVRING PLAN
 - o1c: (A) EXISTING UNIT 1 FLOOR PLAN & ELEVATION
 - o1d: (-) LINE OF INFLUENCE
 - o2: (B) UNIT 2 FLOOR PLAN
 - o3: (B) UNIT 2 ELEVATIONS

B	Add sewer pipe located by Wilson Homes, relocate dwelling, add line of influence, reduce ex. eave, adjust driveway.	01 - 03, Electrical & Roof	23 February 2018	JM	CK				
A	Move U1 & U2 POS, Add bin storage, Note U2 distance from easment, Existing apron/ crossover to be upgraded to 3m wide, Add stairs to deck for POS access (by client), Add floor plan & west elevation for existing unit 1.	01, 01a & 01c	05 December 2017	FM	CK	Designer: ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN LIC. NO. CC2204H (A. Strugnell) Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au	Client / Project info: PROPOSED (HOW DO I BECOME PTY LTD) UNIT DEVELOPMENT 18 La Perouse Street, WARRANE	TITLE REFERENCE: CT55402/11 FLOOR AREAS: 95.43m² PORCH/DECK AREAS: 7.40m² WIND SPEED: N2 SOIL CLASSIFICATION: M 7 CLIMATE ZONE: CERTIFIED B.A.L: DESIGNED B.A.L: Not Bushfire Prone Not Bushfire Prone	COVER SHEET
DA	DA Plan Set.	01 - 03	20 November 2017	JM	CK				
No.	Amendment	Sheet	Date	Drawn	Check				
								Drawn	WH711471
								Date	20 November 2017
								Scale	N/A
								00/03	



Nail in kerb
47.76

BM nail in kerb
R.L. 48.06 A.H.D.



THIS DWELLING IS BEING CONSTRUCTED IN A BUSHFIRE PRONE AREA (BAL T.B.C.)
Builder to ensure that all construction methods / materials comply with AS3959 - 2009 and sheets T.B.C.

NOTES
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 All materials to be installed according to manufacturers specifications.
 Dimensions to take precedence over scale.
 Do not scale from these drawings.

Designer:
ANOTHER PERSPECTIVE PTY LTD
PO BOX 21
NEW TOWN
LIC. NO. CC2204H (A. Strugnelli)
Ph: (03) 6231 4122
Fx: (03) 6231 4166
Email:
info@anotherperspective.com.au

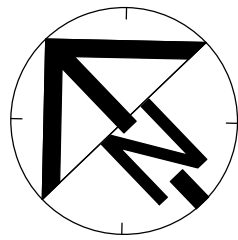
Client / Project info:	PROPOSED (HOW DO I BECOME PTY LTD) UNIT DEVELOPMENT 18 La Perouse Street, WARRANE
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SITE PLAN

Drawn	JM	WH711471
Date	20 November 2017	Sheet
Scale	1:200	1/1

0	01/03
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Peg 45.27

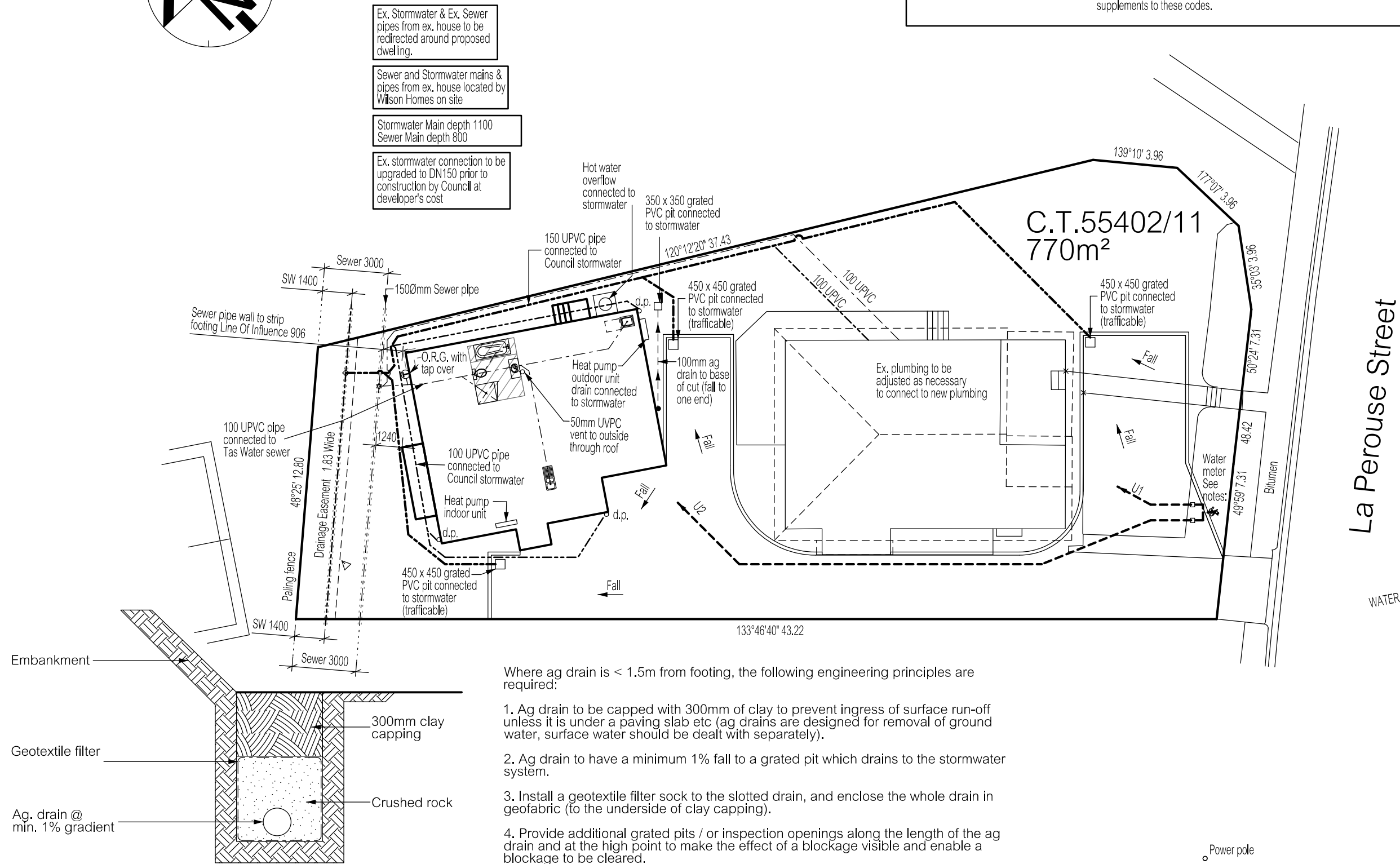
NOTES:
- Any modification (including installation of a meter) to the existing property water service shall be undertaken by TasWater at the developer's cost.
- Meters and check valves detailed are to be provided by Tas Water at the developer's cost.

- All works are to be in accordance with the Water Supply Code of Australia WSA 03 -2011-3.1 Version 3.1 MRWA Edition V2.0 and Sewerage Code of Australia Melbourne Retail Water Agencies Code WSA 02 -2002 Version 2.3 MRWA Edition 1.0 and TasWater's supplements to these codes.

- Proposed water service DN32 (ID25)mm. Refer to TasWater standard drawing TW-SD-W-20.

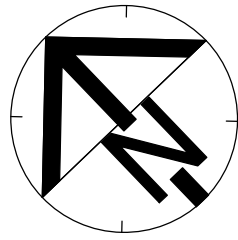
- Water connections separated by manifold provided by TasWater.

- Separate 20mm meters with integral dual check valve to be installed within 2m of property boundary at road frontage.

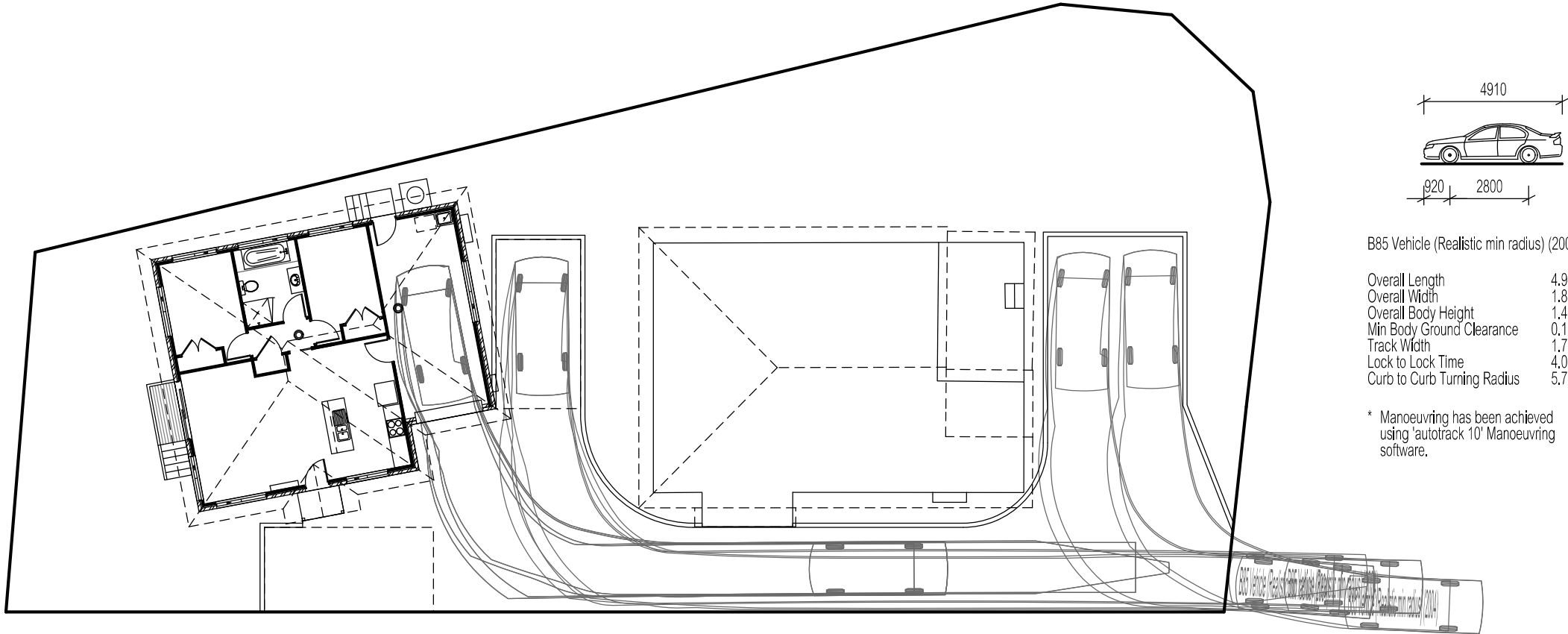


- Where ag drain is < 1.5m from footing, the following engineering principles are required:
1. Ag drain to be capped with 300mm of clay to prevent ingress of surface run-off unless it is under a paving slab etc (ag drains are designed for removal of ground water, surface water should be dealt with separately).
 2. Ag drain to have a minimum 1% fall to a grated pit which drains to the stormwater system.
 3. Install a geotextile filter sock to the slotted drain, and enclose the whole drain in geofabric (to the underside of clay capping).
 4. Provide additional grated pits / or inspection openings along the length of the ag drain and at the high point to make the effect of a blockage visible and enable a blockage to be cleared.

THIS DWELLING IS BEING CONSTRUCTED IN A BUSHFIRE PRONE AREA (BAL T.B.C.) Builder to ensure that all construction methods / materials comply with AS3959 - 2009 and sheets T.B.C.				Refer to Roof Plan for downpipe calculations							
<div>NOTES</div> <ul style="list-style-type: none">• Builder to verify all dimensions and levels on site prior to commencement of work• All work to be carried out in accordance with the current National Construction Code.• All materials to be installed according to manufacturers specifications.• Dimensions to take precedence over scale.• Do not scale from these drawings.	<div>Soil Classification : M Refer to Soil Report for nominated founding depth and description of founding material.</div> <div>All materials and construction to comply with AS/NZS3500 part 2 & 3</div> <div><div></div> - Wet areas to comply with N.C.C. 3.8.1.2 and AS3740</div>					Designer:	Client / Project info:	<div><div>WILSON HOMES</div><div>MULTI AWARD WINNING BUILDERS</div><div>A Division of Wilson Homes Tasmania Pty Ltd</div><div>ABN 76 126 636 897</div></div>	DRAINAGE PLAN		
						ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN LIC. NO. CC2204H (A. Strugnelli) Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au	PROPOSED (HOW DO I BECOME PTY LTD) UNIT DEVELOPMENT 18 La Perouse Street, WARRANE		Drawn	JM	WH711471
		B	Changes as per cover sheet	23 Feb. 18	JM				Date	20 November 2017	Sheet
		A	Changes as per cover sheet	05 Dec 17	FM				Scale	1:200	01a/o3
		No.	Amendment	Date	Init.						



PROPOSED UNIT DEVELOPMENT
UNIT 2 FFL: 45.75



B85 Vehicle (Realistic min radius) (2004)

Overall Length	4.910m
Overall Width	1.870m
Overall Body Height	1.421m
Min Body Ground Clearance	0.159m
Track Width	1.770m
Lock to Lock Time	4.00s
Curb to Curb Turning Radius	5.750m

* Manoeuvring has been achieved using 'autotrack 10' Manoeuvring software.

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				Designer:	Client / Project info:
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B	Changes as per cover sheet	23 Feb. 18	JM		
No.	Amendment	Date	Init.		

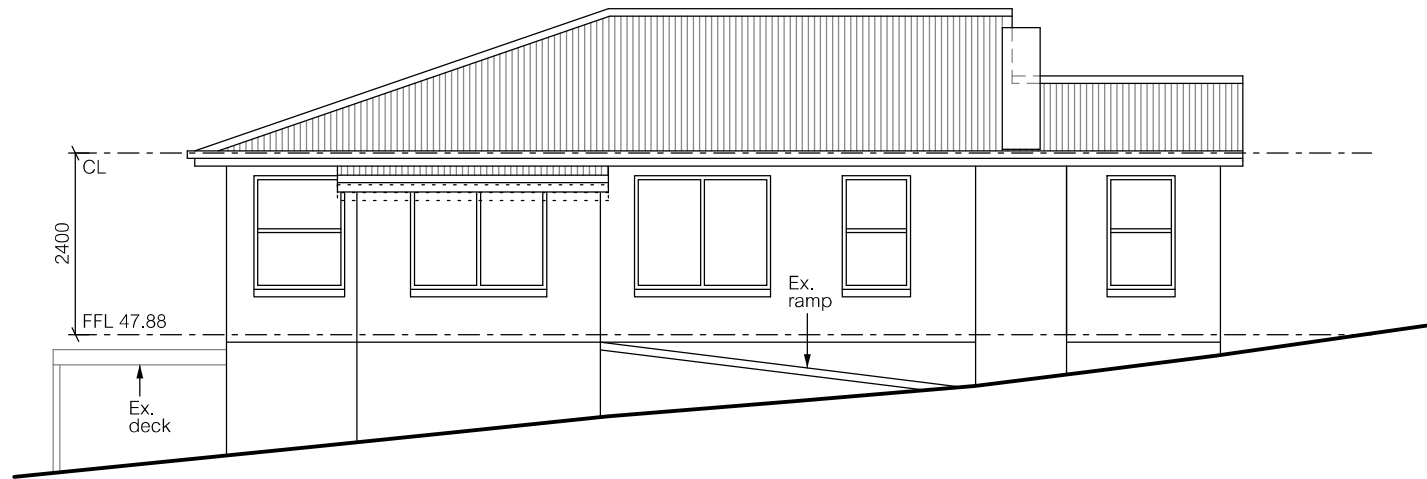
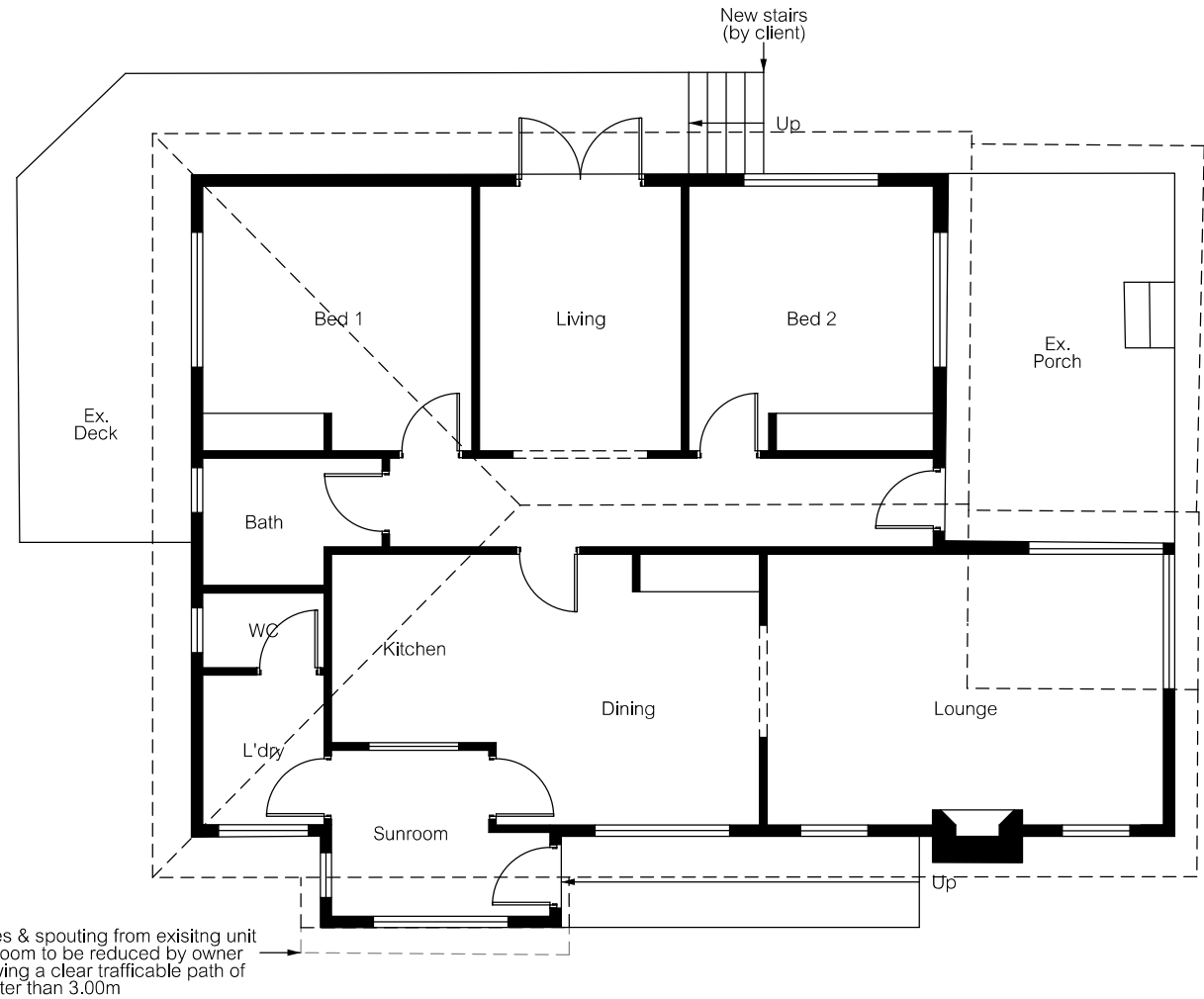
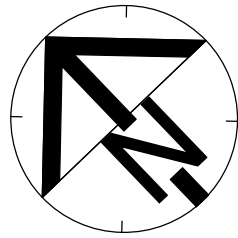


MANOEUVRING PLAN

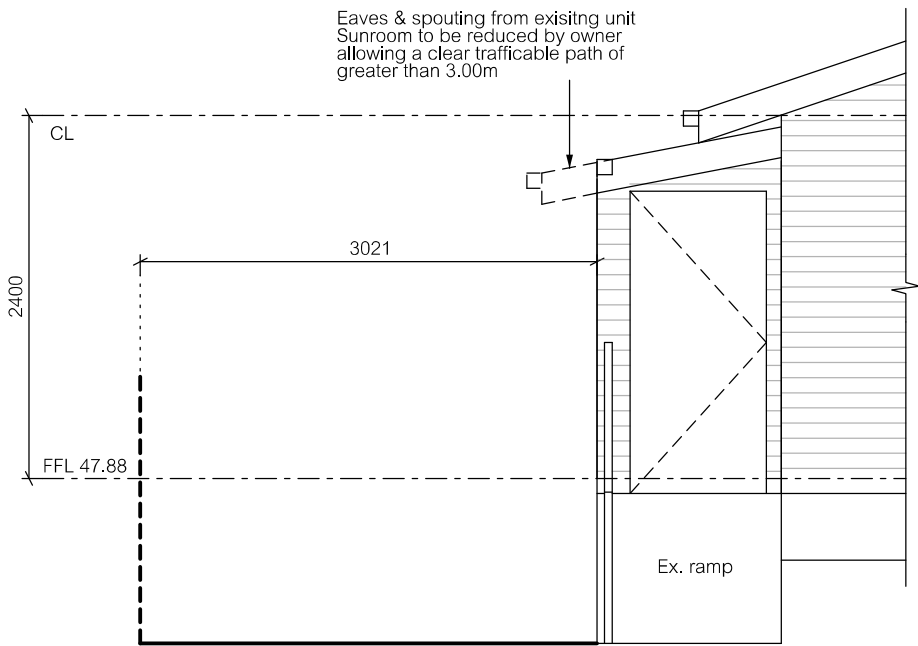
Drawn	JM	WH711471
Date	20 November 2017	Sheet
Scale	1:200	

o1b/o3




NOTE: For lightweight cladding, dimensioning is to external edge of studwork NOT to cladding.

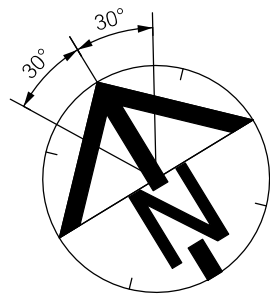


South West Elevation



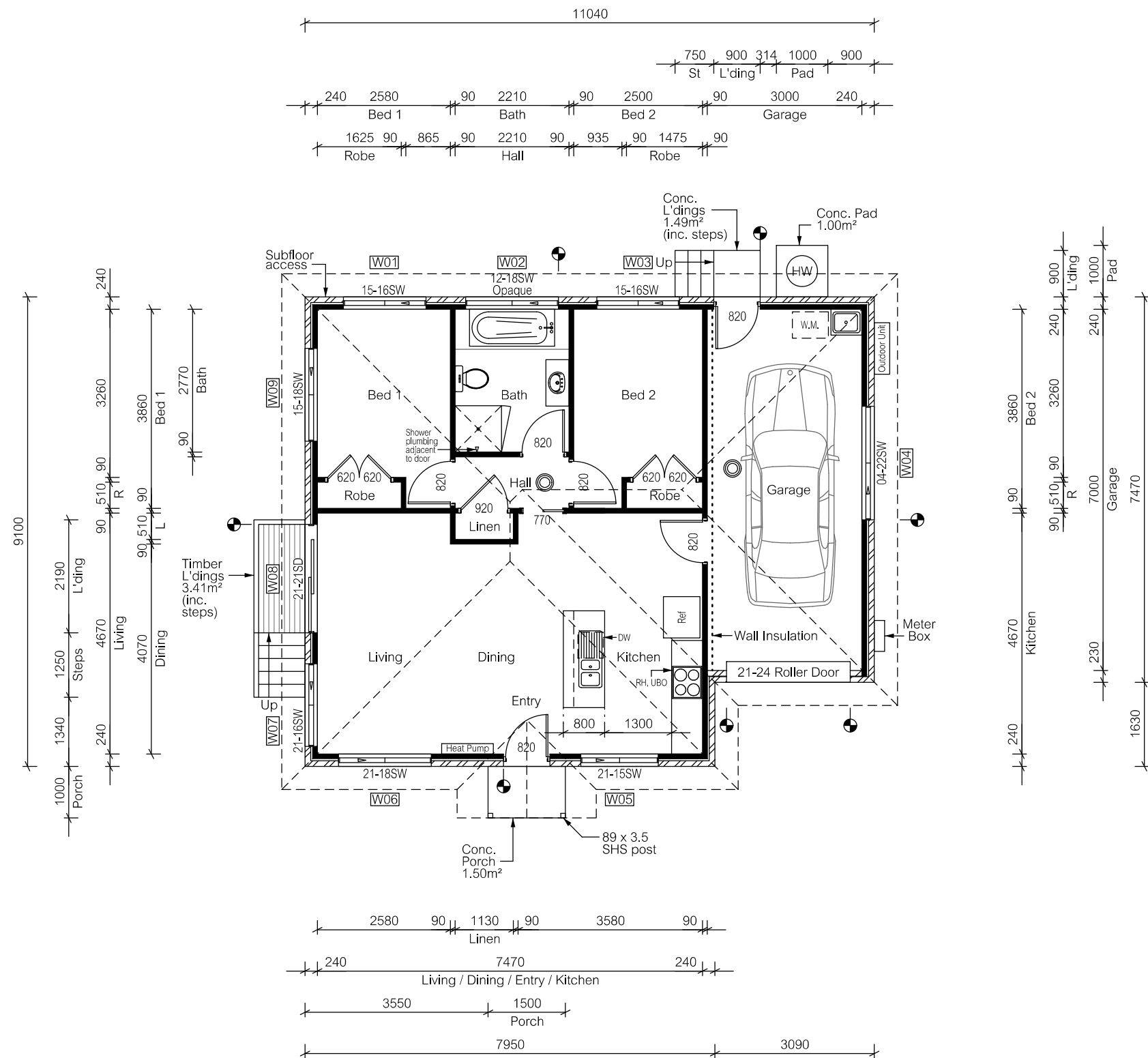
DETAIL: 01
SHEET: 01 Scale 1:50

THIS DWELLING IS BEING CONSTRUCTED IN A BUSHFIRE PRONE AREA (BAL T.B.C.) Builder to ensure that all construction methods / materials comply with AS3959 - 2009 and sheets T.B.C.				SHEET: 01 Scale 1:50										
<div>NOTES</div> <ul style="list-style-type: none">Builder to verify all dimensions and levels on site prior to commencement of workAll work to be carried out in accordance with the current National Construction Code.All materials to be installed according to manufacturers specifications.Dimensions to take precedence over scale.Do not scale from these drawings.	<div>FLOOR AREA = 105.72sqm</div> <div><div> Articulation joints</div><div> Smoke Alarm (interconnected where more than 1)</div></div>	<div>ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.</div>					Designer:	Client / Project info:		<div><div>WILSON HOMES</div><div>MULTI AWARD WINNING BUILDERS</div><div>A Division of Wilson Homes Tasmania Pty Ltd</div><div>ABN 76 126 636 877</div></div>	EXISTING UNIT 1 FLOOR PLAN & ELEVATION			
							ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN LIC. NO. CC2204H (A. Strugnelli) Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au	PROPOSED (HOW DO I BECOME PTY LTD) UNIT DEVELOPMENT 18 La Perouse Street, WARRANE			Drawn	FM	WH711471	
												Date	05 December 2017	Sheet
												Scale	1:50, 1:100	01c/o3



PD4.1 clause 10.4.4
W07 & W08 satisfy P1.

NOTE: For lightweight
cladding, dimensioning is to
external edge of studwork
NOT to cladding.



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- NOTES
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 - All materials to be installed according to manufacturers specifications.
 - Dimensions to take precedence over scale.
 - Do not scale from these drawings.

FLOOR AREA = 95.43 sqm

- Articulation joints
- Smoke Alarm (interconnected where more than 1)

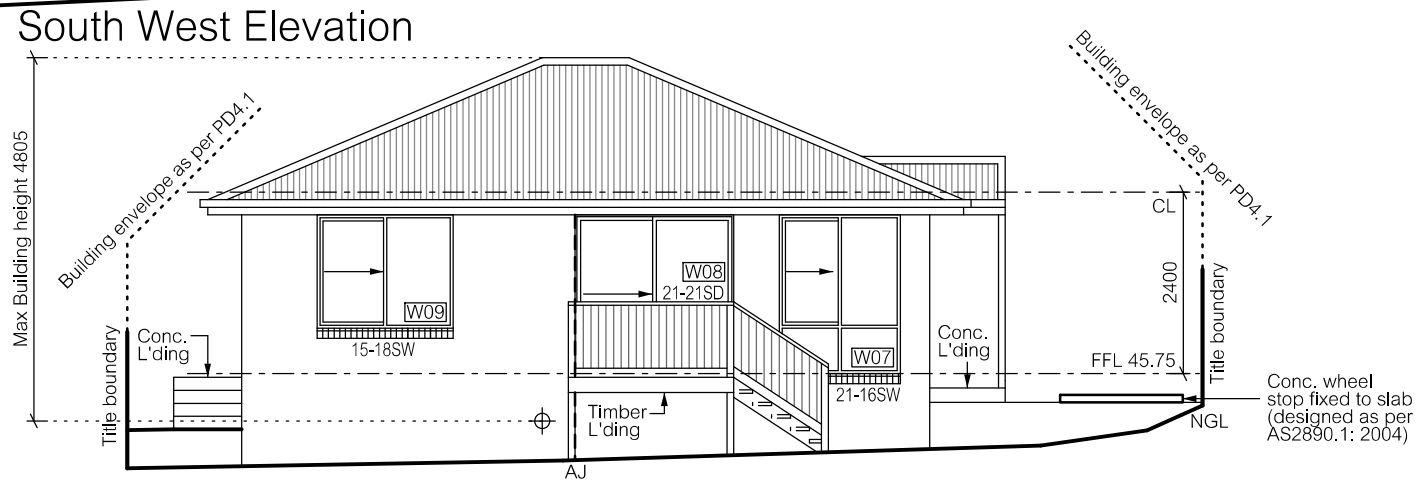
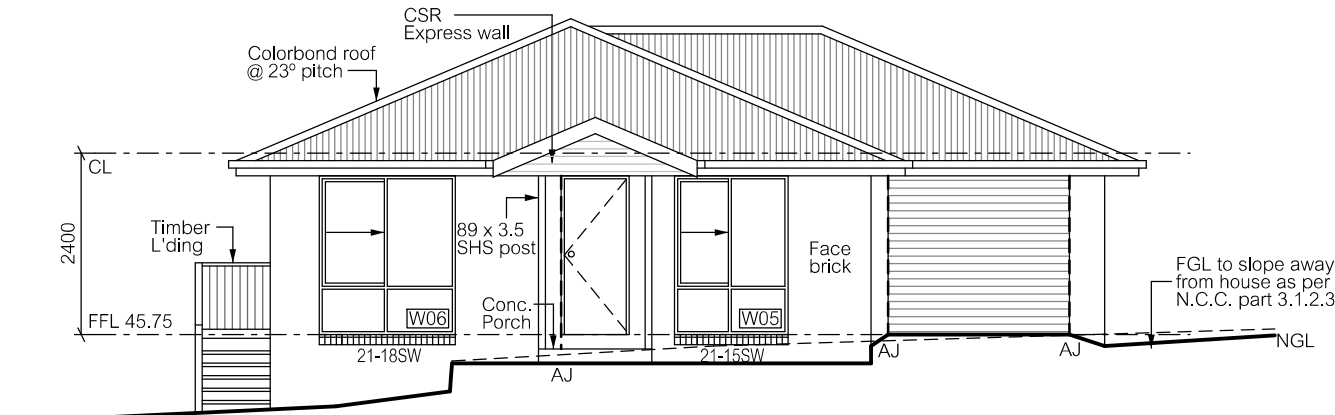
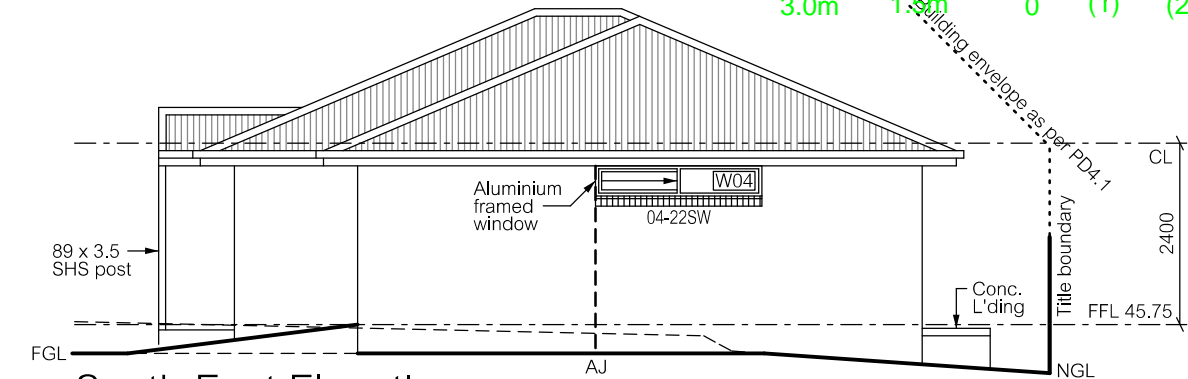
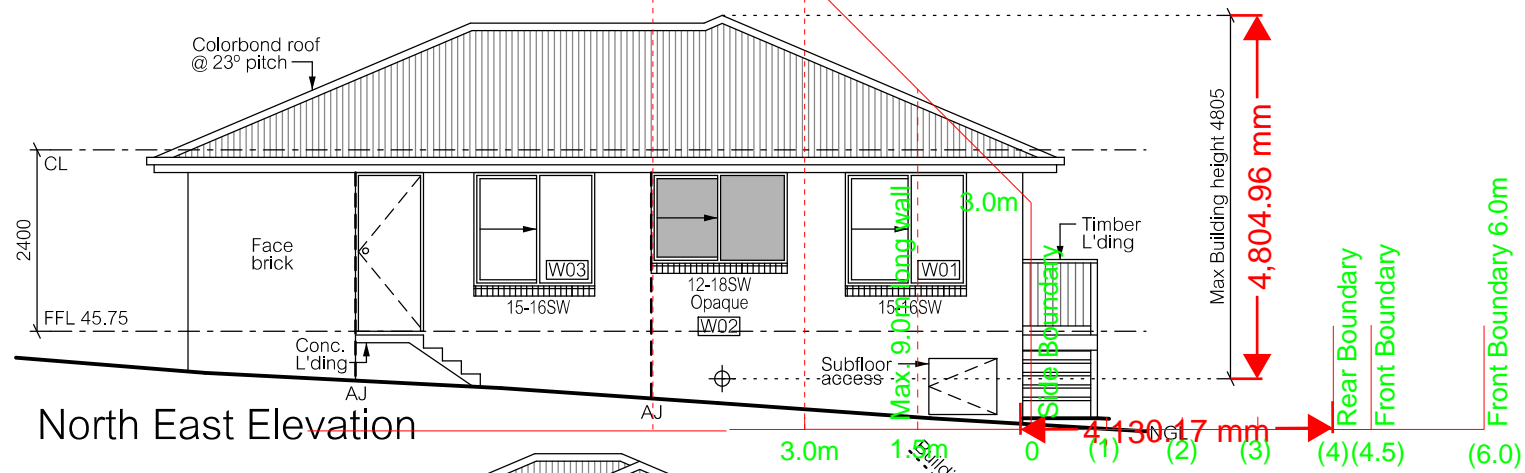
ALL window sizes to be
checked and/or confirmed
on site prior to ordering
glazing units.

				Designer:	Client / Project info:
				ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN LIC. NO. CC2204H (A. Strugnelli) Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au	PROPOSED (HOW DO I BECOME PTY LTD) UNIT DEVELOPMENT 18 La Perouse Street, WARRANE
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No.	Amendment	Date	Init.		



UNIT 2 FLOOR PLAN

Drawn	JM	WH711471
Date	20 November 2017	Sheet
Scale	1:100	
WILSON HOMES © 2017		02/03



North West Elevation

THIS DWELLING IS BEING CONSTRUCTED IN A BUSHFIRE PRONE AREA (BAL T.B.C.) Builder to ensure that all construction methods / materials comply with AS3959 - 2009 and sheets T.B.C.				Designer:		Client / Project info:		UNIT 2 ELEVATIONS	
NOTES • Builder to verify all dimensions and levels on site prior to commencement of work • All work to be carried out in accordance with the current National Construction Code. • All materials to be installed according to manufacturers specifications. • Dimensions to take precedence over scale. • Do not scale from these drawings.				ANOTHER PERSPECTIVE PTY LTD PO BOX 21 NEW TOWN LIC. NO. CC2204H (A. Strugnelli) Ph: (03) 6231 4122 Fx: (03) 6231 4166 Email: info@anotherperspective.com.au		PROPOSED (HOW DO I BECOME PTY LTD) UNIT DEVELOPMENT 18 La Perouse Street, WARRANE		Drawn JM WH711471	
ALL window sizes to be checked and/or confirmed on site prior to ordering glazing units.				B Changes as per cover sheet 23 Feb. 18 JM		Date 20 November 2017		Sheet	
				No. Amendment Date Init.		Scale 1:100		03/03	
						WILSON HOMES © 2017			

Attachment 3 - Photos

18 La Perouse Street, WARRANE



Site viewed from La Perouse Street



Site for proposed Unit 2

11.3.7 SUBDIVISION APPLICATION SD-2017/4 - 20 REGAL COURT, SEVEN MILE BEACH - 3 LOT SUBDIVISION
(File No SD-2017/4)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 3 lot subdivision at 20 Regal Court, Seven Mile Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and Recreation and subject to the Inundation Prone Areas, Airport Buffer, Natural Assets, Stormwater Management and On-site Waste Water 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 was extended until the 18 April 2018 with the consent of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of impact of future development.

RECOMMENDATION:

- A. That the application for a 3 lot Subdivision at 20 Regal Court, Seven Mile Beach (CI Ref SD-2017/4) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN POS1 – POS CONTRIBUTION [16, 17 and 18].
 3. ENG A1 – NEW CROSSOVER [TSD-R09] [3.6m].
 4. ENG S1 – INFRASTRUCTURE REPAIR.

5. ENG S2 – SERVICES.
6. ENG S4 – STORMWATER CONNECTION.
7. ENG S10 – UNDERGROUND SERVICES.
8. ENG M2 – DESIGNS SD.
9. ENG M5 – EROSION CONTROL.
10. ENG M8 – EASEMENTS.
11. GEN F3 – ENDORSEMENTS.
12. The development must meet all required Conditions of Approval specified by TasWater notice dated 26 February 2018 and amended 28 February 2018 (TWDA 2018/00230-CCC).

ADVICE

A permit to undertake works in the road reservation must be obtained from Council prior to the construction of the access ways to Lots 17 and 18.

ADVICE

A plumbing permit for an on-site wastewater system will be required prior to the construction of a dwelling on the site. The geotechnical assessment (Rock Solid Geotechnics Pty Ltd, August 2015) assessed the suitability of the site for on-site wastewater treatment and concluded that the lots were suitable for on-site wastewater systems for single dwellings and recommended that an Aerated Wastewater Treatment System be required on all lots.

- 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 site is currently part of the Royal Hobart Golf Course located at 20 Regal Court in Seven Mile Beach. The area of the site proposed to be subdivided was rezoned to Village following a submission by the Royal Hobart Golf Club to the Tasmanian Planning Commission, which was made in response to the public display of the Scheme.

At the time the Scheme was exhibited, the subject land was zoned Recreation and was located outside the urban growth boundary identified in the Southern Tasmania Regional Land Use Strategy (STRLUS). Notwithstanding, Council supported the applicants proposal to rezone the land which ultimately led to the amendment to the STRLUS and approval of the rezoning.

The applicant originally proposed a 4 lot subdivision. However, this was problematic as the northern most lot required the clearing of Council owned land for bushfire management purposes. There are currently discussions between Council, the Royal Hobart Golf Club and the State Government which will likely resolve this issue and allow for an application to be made for a fourth lot in the future.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Village and Recreation under the Scheme.

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – Village and Recreation Zone;
- Section E6.0 – Inundation Prone Areas Code;
- Section E7.0 – Stormwater Management;
- Section E23.0 – On-site Waste Water Management Code;
- Section E25.0 – Airport Buffer; and
- Section E27.0 – Natural Assets.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is part of the Royal Hobart Golf Course which is located between Seven Mile Beach to the east and Acton Park to the west. The majority of the site is zoned Recreation with the portion of the site proposed to be subdivided is zoned Village. The development site is generally flat and has been recently cleared of the majority of vegetation.

3.2. The Proposal

The proposal is for a 3 lot subdivision resulting in 3 lots of 1001m² in area and a Balance lot of around 102ha. The lots extend the existing residential development located along Woodhurst Road and create lots similar in size to the existing lots in the area.

A new access will be required from Woodhurst Road to service Lot 16 and a sealed access way is proposed within the road reserve to provide access to Lots 17 and 18. A drainage easement for stormwater management is proposed at the rear of the lots.

The applicant has indicated that some levelling of the lot may be undertaken during the subdivision works to ensure a consistent finished surface level of at or around 3m AHD, which will provide for future dwellings to achieve the finished floor level of 3.2m AHD (as required by the Inundation Prone Areas Code).

A geotechnical assessment (Rock Solid Geotechnics Pty Ltd, August 2015) was provided as part of the application which assessed the suitability of the site for on-site wastewater treatment. The report concluded that the lots were suitable for on-site wastewater systems for Single Dwellings and recommended that an Aerated Wastewater Treatment System be required on all lots.

The subdivision permit (SD-2014/11) for lots subdivided previously along Woodhurst Road included a permit condition requiring a Part 5 Agreement to be registered on the title for the lots to ensure that an Aerated Wastewater Treatment System be required on each lot when developed in the future. In this case, a plumbing application for an on-site wastewater system will be required when the lots are developed which will ensure a suitable system is installed. To save costs for all parties, it is considered this matter can be dealt with through advice on the permit.

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 and Recreation Zone and Inundation Prone Areas, Airport Buffer, Natural Assets, Stormwater Management and On-site Waste Water Management Codes with the exception of the following.

Village Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.5.1 A2	Lot design	<p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities:</p> <p>(a) clear of the frontage, side and rear boundary setbacks;</p> <p>(b) not subject to any codes in this planning scheme;</p> <p>(c) clear of title restrictions such as easements and restrictive covenants;</p> <p>(d) has an average slope of no more than 1 in 5;</p> <p>(e) has the long axis of the developable area facing north or within 20 degrees west or 30 degrees east of north;</p> <p>(f) is a minimum of 10m x 15m in size.</p>	<p>complies</p> <p>Does not comply as the site is subject to the Inundation Prone Areas, Airport Buffer, Natural Assets, Stormwater Management and On-site Waste Water Management Codes.</p> <p>complies</p> <p>complies</p> <p>complies</p> <p>complies</p>

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause 16.5.1 as follows.

Performance Criteria	Proposal
<p><i>“The design of each lot must contain a building area able to satisfy all of the following:</i></p> <p><i>(a) be reasonably capable of accommodating residential use and development;</i></p>	<p>The proposed residential lots each have an area of 1001m² which is adequate to reasonably accommodate residential development and its associated on-site wastewater system.</p>
<p><i>(b) meets any applicable standards in codes in this planning scheme;</i></p>	<p>The majority of the proposed lots are covered by the Low Risk Inundation Prone Area Code with a small area of proposed Lot 16 being Medium Risk. The applicant has proposed that some levelling of the lots will occur during the subdivision works to achieve a consistent surface level around 3m AHD. This will ensure that future dwellings will achieve compliance with the finished floor level for future dwellings of 3.2m AHD. On this basis, Council’s Engineers are satisfied that the subdivision satisfies the relevant standards of the Inundation Prone Areas Code.</p>
<p><i>(c) enables future development to achieve maximum solar access, given the slope and aspect of the land;</i></p>	<p>The lots are generally flat and the size of each lot will enable future development to achieve maximum solar access.</p>
<p><i>(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</i></p>	<p>see above</p>
<p><i>(e) provides for sufficient useable area on the lot for both of the following;</i></p> <p><i>(i) on-site parking and manoeuvring;</i></p> <p><i>(ii) adequate private open space”.</i></p>	<p>The lot size of 1001m² is sufficient to contain future development including on-site parking and manoeuvring and private open space.</p>

Village Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.5.3 A1	Ways and Public Open Space	No Acceptable Solution	Public Open Space is not proposed.

Performance Criteria	Proposal
<i>“The arrangement of ways and public open space within a subdivision must satisfy all of the following: (a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</i>	not applicable
<i>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</i>	not applicable
<i>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</i>	not applicable
<i>(d) convenient access to local shops, community facilities, public open space and public transport routes is provided;</i>	not applicable
<i>(e) 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
<i>(f) provides for a legible movement network;</i>	not applicable
<i>(g) the route of new ways has regard to any pedestrian and cycle way or public open space plan adopted by the Planning Authority;</i>	not applicable
<i>(h) Public Open Space must be provided as land or cash-in-lieu, in accordance with the relevant Council policy.</i>	The subject site is zoned Village and will form an extension of an existing urban area and will be afforded the highest level of access to both local and regional recreational opportunities.

	<p>It is considered that the development resulting from an approval of this application will, or is likely to, increase residential density creating further demand on Council's Public Open Space network and associated facilities.</p> <p>No 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. Notwithstanding, it is appropriate that the proposal contributes to the enhancement of Council's Public Open Space network and associated facilities. In this instance there are no discounting factors that ought to be taken into account that would warrant a reduction of the maximum Public Open Space contribution.</p> <p>While Section 117 of the Local Government Building and Miscellaneous Provision Act 1993 (LGBMP) provides for a maximum of up to 5% of the value the entire site to be taken as cash-in-lieu of POS, it is considered appropriate to limit the contribution only to each additional lot created, representing the increased demand for POS generated by the proposal and not the entire site the subject of the application.</p>
<p>(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></p> <ul style="list-style-type: none"> (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> 	<p>not applicable</p>

Inundation Prone Areas Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E15.7.5 A2	Riverine, Coastal Investigation Area, Low, Medium High Inundation Hazard Areas	No acceptable solution	No mitigation works or landfill is proposed.

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

Performance Criteria	Proposal
<p><i>“Mitigation measures, if required, must satisfy all of the following:</i></p> <p><i>(a) be sufficient to ensure habitable rooms will be protected from flooding and will be able to adapt as sea levels rise;</i></p> <p><i>(b) not have a significant effect on flood flow”.</i></p>	<p>The existing surface has an AHD of 3m and above which will ensure that future development will meet the required finished floor level of 3.2m AHD. As there are no changes to the existing level of the land, there is no impact on the flood flow as a result of the subdivision.</p>

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. Impact of Future Development

Concern was raised that a future development which may be a 2 storey dwelling may result in a loss of privacy to the representor’s property.

- Comment**

The Scheme provides development standards for building setbacks and heights which, if complied with, are intended to ensure that the amenity of the adjoining properties are not unreasonably effected.

There are matters relating to the future development of the lots and cannot therefore be pre-judged. On this basis, the representation should not have determining weight.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

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

- Public Open Space Policy.

9. CONCLUSION

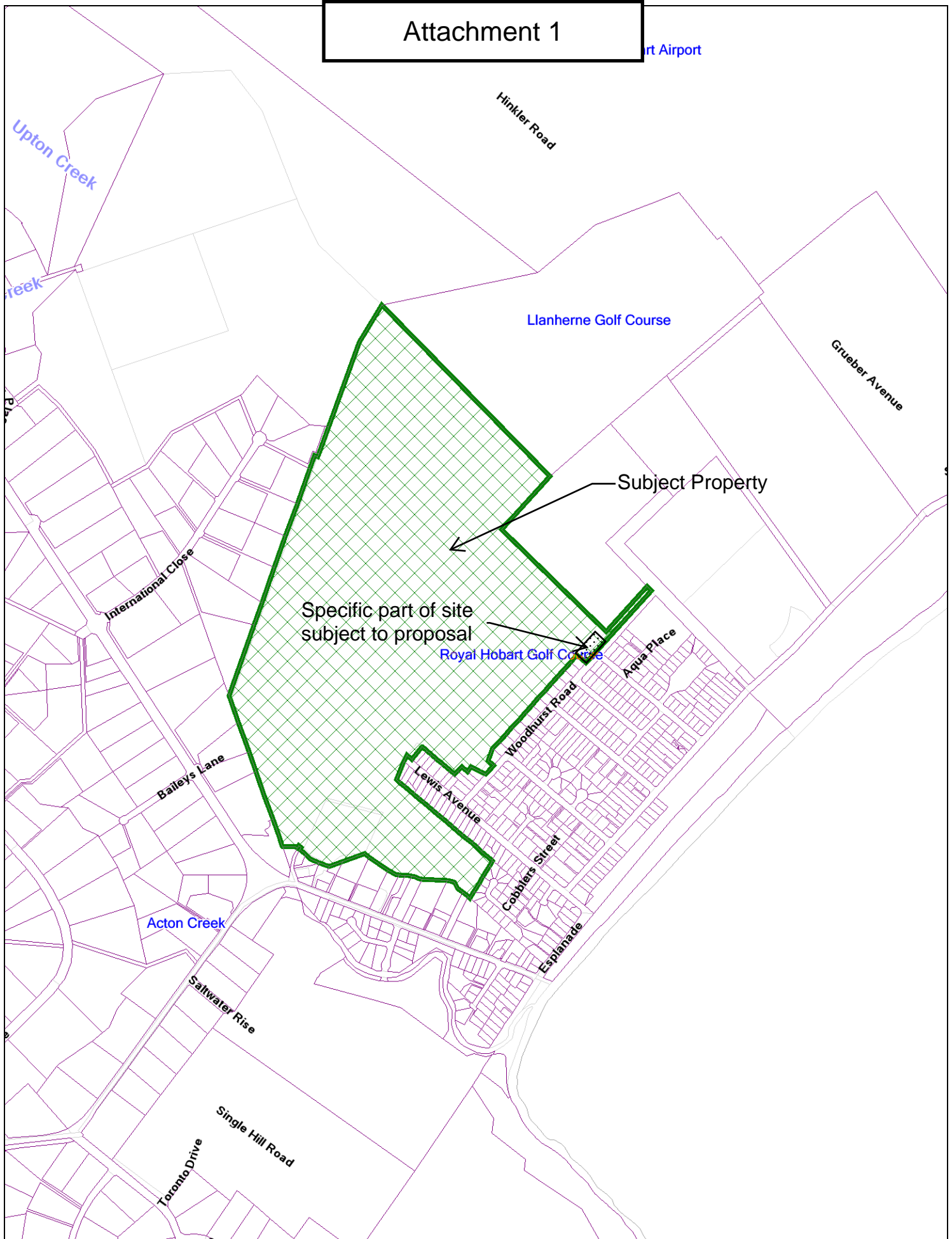
The proposal for a 3 lot subdivision at 20 Regal Court, Seven Mile Beach is recommended for approval with conditions.

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

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, 5 April 2018 **Scale:** 1:14,330 @A4

Attachment 2

J.B.MEDBURY PTY.LTD.
159 CILWEN RD CAMBRIDGE

PROPOSED SUBDIVISION

Ph. (03) 62 485419
PO BOX 403 ROSNY PARK 7018
Email: medbury@optusnet.com.au

OWNER: Royal Hobart Golf Club
FOLIO REF: FR 169350-1; FR 169351-1

LOCATION Woodhurst Road
Seven Mile Beach

PROPOSED EASEMENTS as shown

GRANTEE Pt of 1540ac gtd to R.Lewis &
Pt of 1200ac gtd to A Williams

IMPORTANT NOTE

This plan was prepared for Royal Hobart Golf Club as a proposed subdivision application to the Clarence City Council and should not be used for any other purpose. The dimensions, areas and total number of lots shown hereon are subject to field survey and also to the requirements of council and any other authority which may have requirements under any relevant legislation. In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land. This note is an integral part of this plan.

Scale: 1:500

Municipality: CLARENCE

Date: 14-03-2017
Am "B": 08-02-2018



OWNER: Royal Hobart Golf Club
FOLIO REF: FR 169350-1; FR 169351-1
PROPOSED EASEMENTS as shown

LOCATION Woodhurst Road
Seven Mile Beach
GRANTEE Pt of 1540ac gtd to R.Lewis &
Pt of 1200ac gtd to A Williams

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Scale: 1:500

Municipality: CLARENCE

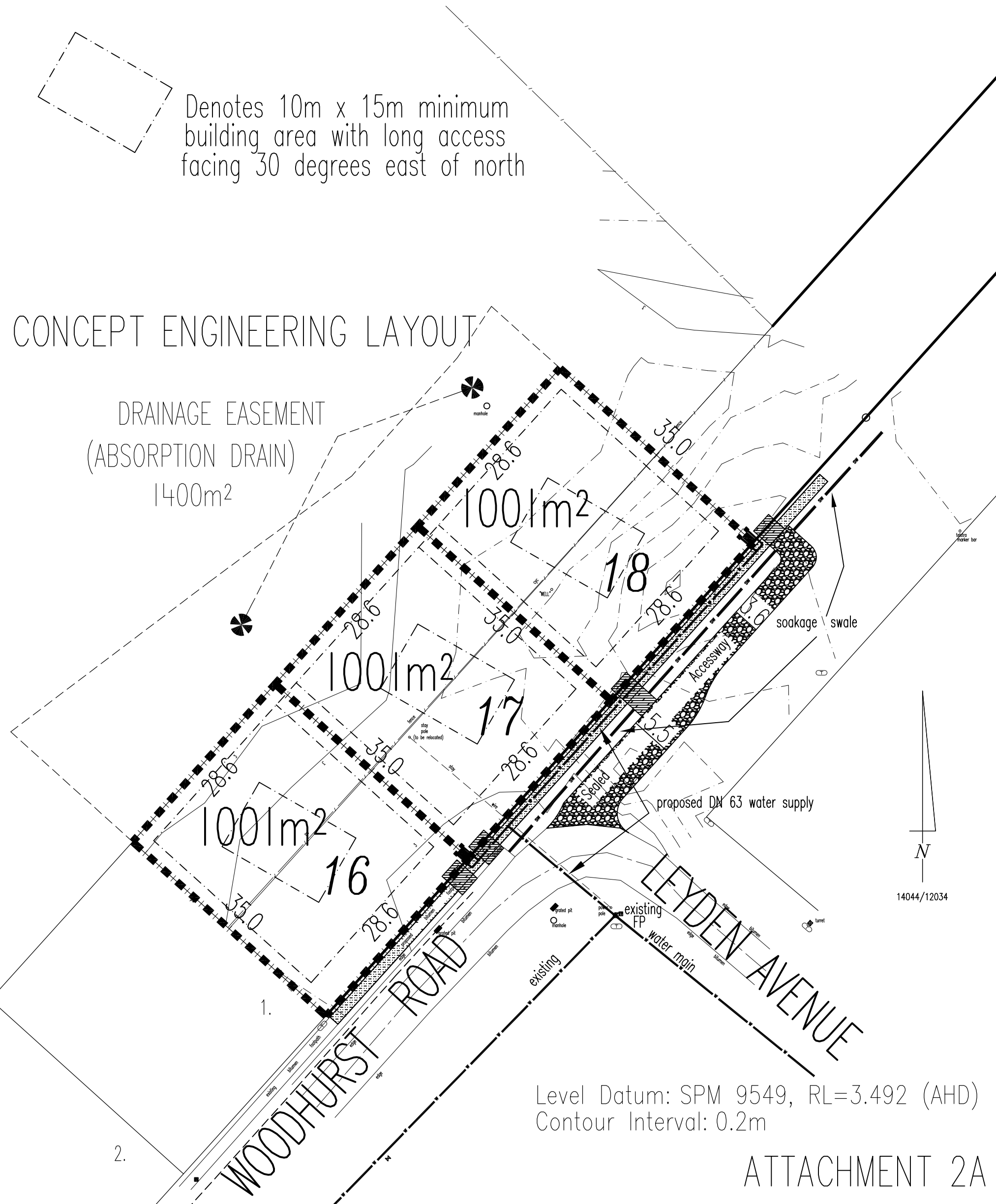
Date: 14-03-2017
Am "B": 08-02-2018

Ref No. 14044

Denotes 10m x 15m minimum
building area with long access
facing 30 degrees east of north

CONCEPT ENGINEERING LAYOUT

DRAINAGE EASEMENT
(ABSORPTION DRAIN)
1400m²



Level Datum: SPM 9549, RL=3.492 (AHD)
Contour Interval: 0.2m

ATTACHMENT 2A

Attachment 3

20 Regal Court, SEVEN MILE BEACH



Site viewed from adjacent Woodhurst Road, looking southwest



Site viewed from Woodhurst Road, looking north

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 RISK MANAGEMENT POLICY REVIEW – RISK MANAGEMENT FRAMEWORK (2018)**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider the formal review of Council's Risk Management Framework Policy.

RELATION TO EXISTING POLICY/PLANS

Council has an existing Risk Management Framework Policy that was reviewed in 2013.

LEGISLATIVE REQUIREMENTS

There are no specific legislative requirements that arise from this report.

CONSULTATION

Internal consultation has occurred concerning the revised policy and some consultation with Council's insurer has also occurred in relation to the need for a revised Policy. Council's external auditors (WLF Accounting) have also made reference to a number of improvements that should be made to the current risk management system in order to advance to a higher level of risk maturity.

FINANCIAL IMPLICATIONS

There are no financial implications which need to be considered in relation to this report.

RECOMMENDATION:

- A. That Council adopts the Risk Management Framework Policy (2018).
- B. That the General Manager be authorised to establish an Implementation Plan to ensure that appropriate risk management processes and procedures are put in place to facilitate the full activation of the Risk Management Framework within Council.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1. It is considered appropriate for governance reasons that Council continues to have a Risk Management Policy and for this Policy to be periodically reviewed.

- 1.2. Council adopted a Risk Management Policy in 1995 and it was reviewed in 1999, 2006 and 2013. Following this latest review a revised Policy is now prepared for adoption.
- 1.3. The revised Policy which is recommended for adoption is set out in Attachment 1.
- 1.4. Attachment 2 sets out the program of development for companion risk documents to be completed following the adoption of this Risk Management Framework policy.

2. REPORT IN DETAIL

- 2.1. The objective of the revised Risk Management Framework Policy is to describe the risk management system that is to operate within Council to enable the process of risk management to be seamlessly integrated into all work processes. The intent is that improved risk management across Council will enhance the achievement of its strategic goals as set out in the Strategic Plan 2016-2026.
- 2.2. The risk management outcome for the organisation is: *“the protection of the Council’s and the public’s interest in the use, maintenance and utilisation of the Council’s assets and resources”*.
- 2.3. The methodology of the proposed Risk Management Policy is based on AS/NZS ISO 31000:2009 which provides principles and guidelines for the identification, evaluation, controlling and monitoring of risks.
- 2.4. Key changes to the Risk Management Framework include the following primary elements:
 - policy and procedures;
 - decision making;
 - roles and responsibilities;
 - risk culture; and
 - review and improvement.

- 2.5.** Integral to the system is the adoption of 3 levels of risk – Strategic, Enterprise and Functional. This recognises that Strategic risks have the potential to involve both State and National level issues, Enterprise risks require a whole-of-Council effort to resolve, and Functional risks are within the remit of Work Group Managers to address.
- 2.6.** The risk register is in the process of being rationalised to reflect the new categories of risk levels and enable a more current assessment of risk by the Audit Panel.
- 2.7.** It is proposed that the General Manager and Corporate Executive be responsible for the development of an Implementation Plan to provide detailed guidance and direction to Council staff on the application of the Risk Management Framework, and specifically cover the requirement to:
- create a positive risk culture by communicating and consulting on risk;
 - integrate risk management into workplace practices; and
 - strive to continuously improve the management of risk.
- 2.8.** As set out in Attachment 2, the Risk Management Implementation Plan is to be completed by 15 May 2018.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

Nil.

3.3. Other

- Internal consultation regarding the proposed Policy and procedures has been undertaken.
- External consultation has occurred with Council's insurer and external auditors.

4. STRATEGIC PLAN / POLICY IMPLICATIONS

The adherence to the Risk Management Framework will facilitate the improvement of risk management within Council and the advancement of the current level of risk maturity to “effective” (Refer Attachment 1, Page 6).

5. EXTERNAL IMPACTS

There are no identified negative impacts which will arise from the adoption of the proposed policy.

6. RISK AND LEGAL IMPLICATIONS

It is important for legal and governance reasons that Council has in place appropriate risk management policy and procedures.

7. FINANCIAL IMPLICATIONS

There are no financial implications which need to be considered in relation to this report.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. It is important for a variety of governance reasons that Council regularly reviews its Risk Management Policy to ensure the adoption of “best practice” and that Council is able to effectively manage risks and identify opportunities to improve performance.

9.2. For these reasons it is recommended that Council adopts the Risk Management Framework Policy (2018) and authorises the General Manager to produce an Implementation Plan to give effect to the Policy requirements.

Attachments: 1. Proposed Risk Framework Policy (9)
2. Risk Management Policy Updates – Timeline to Complete (1)

Andrew Paul
GENERAL MANAGER



CLARENCE CITY COUNCIL

RISK MANAGEMENT POLICY

TITLE	RISK MANAGEMENT FRAMEWORK
APPROVAL DATE	XX April 2018
REVISION DATES	TBA
ASSOCIATED LEGISLATION	Local Government Act 1993
ASSOCIATED COUNCIL DECISIONS	TBA
ASSOCIATED POLICIES	TBA
POLICY RESPONSIBILITY	Corporate Support Workgroup
REVIEW	30 June 2018

1. DEFINITIONS

“Risk” means the effect of uncertainty on objectives. Risk is the possibility of an event or activity preventing an organisation from achieving its outcomes or objectives.

“Risk management” means the activities and actions taken to ensure that an organisation is conscious of the risks it faces, makes coordinated and informed decisions in managing those risks, and identifies potential opportunities to enhance work processes.

2. POLICY STATEMENT

Risk management is a planned and systematic approach to the identification, evaluation and control of risks which can threaten the assets or organisational wellbeing of an organisation. Council recognises that it has a responsibility to manage risks effectively to keep safe its employees and assets and the general public, minimise uncertainty in achieving its goals and objectives, and maximise opportunities to achieve its vision.

Council is aware that some risks can never be fully eliminated, and it has in place a strategy that provides a structured, systematic and focused approach to managing risk generally. Risk management is an integral part of Council’s corporate governance arrangements and is to be integrated into the management processes within Council to ensure continuous improvement in the way we do business.

3. POLICY OBJECTIVE

The objective of this policy is to describe the risk management system that is to operate within Council to enable the process of risk management to be seamlessly integrated into all work processes. The intent is that improved risk management across Council will enhance the achievement of its strategic goals as set out in the *Strategic Plan 2016-2026*.

4. GENERAL POLICY PROVISIONS

How Council manages risk

Council has created a risk management framework to provide structure and guidance on interdependencies and accountabilities of risk management across the organisation. Risk is not limited to one area alone but can impact the full range of business areas including: environment, finance, legal, plant, vehicles and equipment, human resources (safety), and other resources including information technology. All risk management in Council is guided by three key principles:

- **Evidence-based.** Risks are only taken when the situation has been assessed and the benefits outweigh the costs, and it is ethical to take the risk.
- **Realistic and affordable.** Actions taken reduce the likelihood of threats and maximise opportunities *so far as reasonably practicable* (SFARP), are appropriate to the circumstances, and are achievable within existing resources.
- **Active and regular review.** Decisions made are based on the best available information and reviewed as the situation changes.

Management oversight

Council conducts risk management in accordance with an overarching framework which provides transparency of risk management and articulates accountabilities and responsibilities across Council Work Groups

Risk Management Framework

The framework (Figure 1) consists of five elements that when implemented, facilitates the embedding of risk management into day-to-day business:

- Policy and processes - provides expectations for risk management
- Decision-making – is action informed by risk processes
- Roles and responsibilities – define accountability
- Culture and skills – is how Council creates a positive risk culture
- Review and improvement – is how Council continually improves its risk management practices.

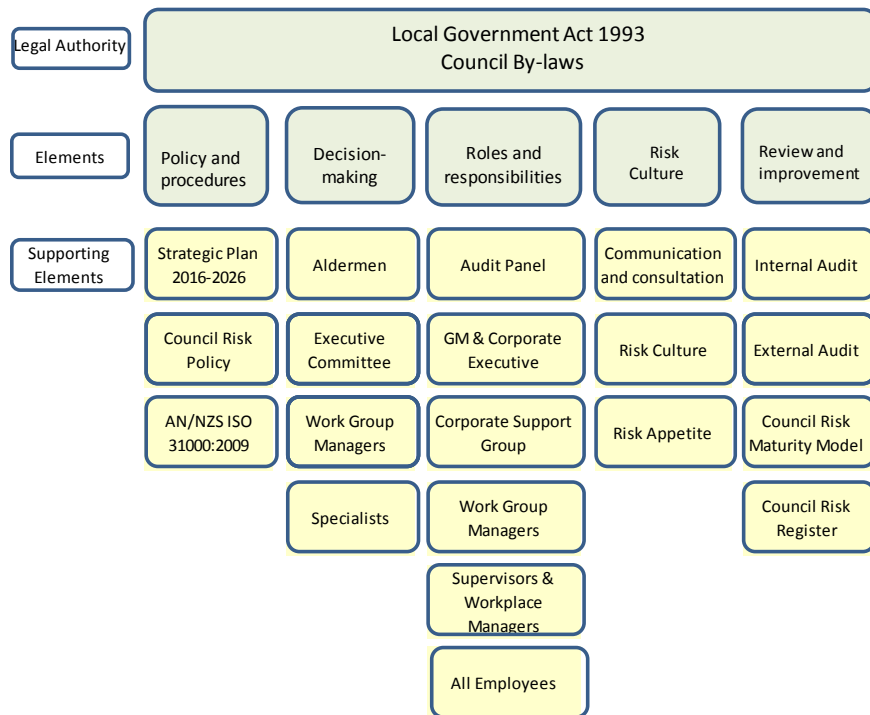


Figure 1. Clarence City Council Risk Management Framework

Policy and Procedures

To assist Council meet its obligations to State Government and the community, a strategic plan (*Strategic Plan 2016-2026*) was developed to focus work outputs towards achievement of the strategic goals set out in the plan. Council's risk policy supports Council's planning in that it is designed to help create a consistent approach to decision making with risk management an integrated and implicit consideration in the conduct of every-day business. The risk policy incorporates a standard process for dealing with risk and this has been adapted from *AZ/NZS ISO 31000:2009 Risk management principles and guidelines (ISO 31000)*¹.

Decision making

The consideration of risk is an essential part of all decision making in Council. Council's strategic risk profile is such that unmanaged risks have the potential to critically impact the successful achievement of published goals. Within Council's Risk Management Framework, there are three levels of risk:

- **Strategic Level** – externally-focussed and covers threats and opportunities that affect our published strategic goals, and may require interaction with Commonwealth, State and other Local Government agencies to develop coherent risk management strategies. Strategic risks for Council include, but are not limited to, demographics, the economy, strategic direction, and emergency management.

¹ ISO 31000 is currently being reviewed by SIA Global.

Emerging strategic risks are those that have not realised but have the potential to prevent Council from achieving one or more of its goals in the foreseeable future.

- **Enterprise Level**– these are risks that are common across most Work Groups and cannot be treated within the resources of a single Work Group. Untreated and emerging enterprise level risks have the potential to materially affect the achievement of Council’s strategic goals.
- **Functional Level** – these involve an inward focus of how each Work Group achieves its operating intent in support of Council’s wider objectives and include Depots, Sites, and Projects and Events that are managed or controlled by Work Group managers. Functional Risks are managed through the implementation of Work Group standing operating procedures (SOP), work processes, safe work method statements (SWMS), or job statements, in which risk management is an implicit consideration. Projects and Events will have their own activity-specific risk assessment covering the duration of the activity and may require more complex risk management consideration, particularly those activities involving public and crowded places². Project and event managers may call on specialists within Council Work Groups or external agencies for subject matter expertise in the development of risk management plans, but the project and event managers will be responsible for ensuring that the recommended risk control measures are seamlessly integrated into the project or event activities.

Work Group managers should elevate Functional Level risks that have the potential to become unmanageable or require collaborative support by other Work Groups, to the Corporate Executive for registration at the Enterprise Level.

Roles and responsibilities

Apart from other responsibilities pertaining to their roles, the following have specific governance obligations in connection with the management of risk.

- The **Clarence City Council** is responsible for the management of all risks and provides the policies and procedures necessary for Council to effectively conduct its business.
- The **Audit Panel** - made up of appointed Council Aldermen and independent panel members and monitors the effectiveness of risk management within Council. The Audit Panel is to review the Council Risk Register as a standing agenda item.
- The **General Manager** implements Council’s risk management policies and plans through the Corporate Executive.
- The **Corporate Executive**, led by the **General Manager**, oversees risk management across Council, including the escalation and referral of risk to

² Crowded places, in the context of risk, are defined as ‘sites, events, and physical structures open to the public’. *Crowded Places Security Audit*, ANZCTC, www.nationalsecurity.gov.au/CrowdedPlaces, 2018.

the Audit Panel. The Corporate Executive is responsible for reviewing the Council risk register to ensure that agreed mitigations strategies are in place for those recorded risks.

- **The Corporate Support Group (CSG) Manager** coordinates the regular review of risk across Council and coordinates external assurance programs as recommended by the Audit Panel. The CSG is also responsible for Risk Awareness training, coordination of all other risk-related matters within Council, and liaison with the Audit Panel and external service providers, and insurers as required.
- **Work Group Managers** are accountable for ensuring that the Council's risk management policies and plans are implemented across their respective areas of responsibility, and that Work Group SOPs implicitly incorporate risk management within every-day procedures. Work Group managers are responsible for Functional-level risks relating to business-as-usual activities, and the elevation of risks or emerging issues that identify as requiring collective or executive management.
- **Project Managers, Supervisors and Workplace managers** must understand Council's risk management framework, ensure written risk assessments are conducted for all high-risk work, and ensure that all other work tasks have appropriate controls applied to either eliminate the risk, or where elimination is not practicable, minimise the risk SFARP.
- **All Council employees** are expected to identify risks in their workplace and contribute to the implementation and active monitoring of risk controls.

Risk Culture

Communication and consultation with work colleagues helps create a positive risk culture. A positive risk culture is the set of shared attitudes, values, and behaviours that characterises how Council considers risk in its day-to-day activities and is a demonstration of effective leadership by all managers and supervisors. These attributes promote transparency and discussion to facilitate a fuller understanding of both threats and opportunities relating to work activities or projects. The following are ways to improve culture:

- Report incidents (safety and non-safety) when they are identified
- Close the 'learning loop' by ensuring that lessons from past errors or mistakes are learned
- Have clear reporting lines and assign accountability for risk management
- Understand that effective risk management may not only identify relevant threats but may offer opportunity to enhance a predetermined outcome
- Provide all employees the opportunity to receive risk management awareness training as part of their induction.

Risk Appetite.

Risk appetite is the amount of risk Council is willing to accept or retain in order to achieve its objectives. At both the Strategic and Enterprise levels, it is likely that one or

more identified risks will have a residual risk level of High or above. However, at the Functional level, where it is expected that there will be established workplace policies and SOPs in place to adequately control risks associated with various tasks, the residual level of risk should not exceed Medium. Where a risk does exceed Medium, it is to be referred to the Corporate Executive for decision.

Review and improvement

Review and improvement of the way risk is managed within Council is facilitated through:

- **Regular independent internal review** of risk processes at least monthly, and after significant organisational change. This function is to be conducted by the Risk Management Coordinator.
- **Active participation** by risk management staff in networks with other risk professionals within Local Government, and participation in insurance industry forums to enhance understanding of new risks, including shared risks - those that are shared with other Local Government organisations.
- **Internal and external audits** that will provide knowledge on where risk management deficiencies need to be remediated or work practices improved.

Risk Maturity Model

External audit will also offer insight as to where Council is situated on the risk maturity model as used by many State and Federal Government departments. Figure 2 shows Clarence City Council's risk position on a Risk Framework Maturity Model as determined by Council's auditors in June 2017. It shows Council as 'Integrating' moving towards 'Effective'.

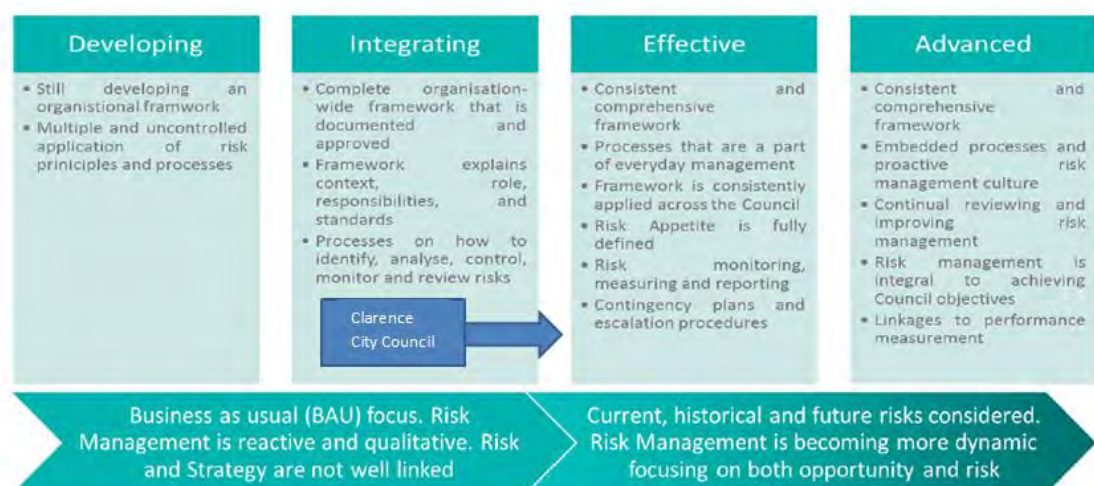


Figure 2. Risk Maturity Model³

³ Source: Victorian Auditor General's Report – Implementation of the Government Risk Management Framework October 2013 reproduced in WLF Accounting & Advisory Risk Maturity Model, Clarence City Council Project 49 Management of Strategic Risk June 2017.

Council Risk Register

Council's Risk Register is made up of three sub-registers:

- Strategic Level risks - managed and owned by the Corporate Executive
- Enterprise Level risks - managed and owned by the Corporate Executive
- Functional Level risks - managed and owned by Work Group managers.

Risk registers are tools designed to provide the Corporate Executive and Work Group managers with a quick reference to any risk that has:

- no predetermined control measures
- the potential to become unmanageable
- a SOP, SWMS, job statement or other work process in which a new or changed risk has been identified
- a profile that suggests the risk is emerging
- a control measure that has failed, and the related risk event realised
- a residual risk level of HIGH or higher.

Generally, because most work processes within Work Groups (Functional Level) will have their own SOP, safe work method statements (SWMS), or job statements, the associated risks and their control measures need not be entered in the Council Risk Register. However, where work processes have changed, and new risks have been identified, or where work activities have the potential to become unmanageable, then the associated risks are to be recorded in the relevant Risk Register and managed by the relevant Work Group manager until the relevant work process can be updated in the SOP, SWMS or job statement to include fresh risk mitigations strategies. Similarly, realised risk events from routine work processes will need to be recorded in the risk register so that management action can be directed to risk mitigation, and the respective work process amended.

All Risk Registers are to be reviewed by their owners at least annually to ensure that registered risks are being managed, and a decision is to be made at that time as to whether the risk record is to remain as-is, be elevated for Corporate Executive review, or closed by the risk register owner.

In general, the recording of risk in the risk register is to be an exception and an indicator that Council has identified risk which has no pre-existing risk control measure, or requires regular senior management attention.

Implementation of risk management policies and procedures

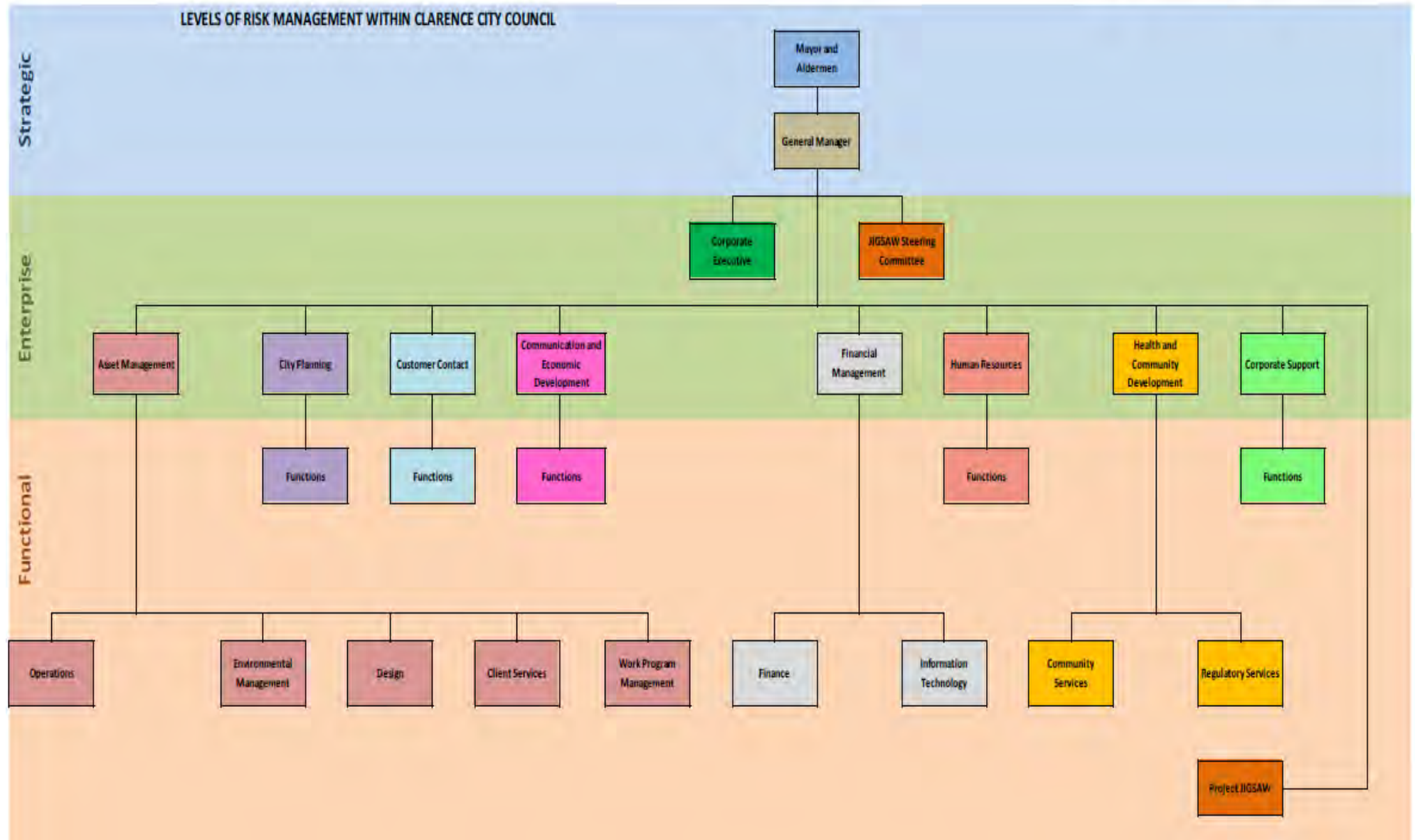
The *Risk Management Implementation Plan* is a subordinate document within this Risk Framework Policy and details how Council's risk management policies and procedures are to be implemented to achieve an 'Effective' level of risk maturity. The plan will be completed with Work Group input and is scheduled for issue by 15 May 2018.

Annexes

Annex A. Clarence City Council – Levels of Risk

Objective Reference: [A1229119](#)

ANNEX A TO
CLARENCE CITY COUNCIL
RISK MANAGEMENT FRAMEWORK



ATTACHMENT 2

RISK MANAGEMENT POLICY UPDATES – TIMELINE TO COMPLETE RISK POLICY REVIEWS

Policy	Body of Work	Date for draft completion *	Priority *
RM Framework	Review & update	31 March 2018	1
Implementation Plan	Undertaken with Workgroup input	15 May 2018	2
Info Sec Framework (Covering Cyber and Privacy)	Development of the Project Framework	30 Sep 2018	3
Info Sec Implementation Plan	Undertaken development of the Plan with Workgroup input	31 Dec 2018	4
IT Disaster & Recovery Plan	Establish team and facilitate the creation of Plan	30 September 2018	5
BCRP	Review and update based on the above outcomes	30 November 2018	6

* Completion dates and priorities informed by Project 52 findings (Attachment 4)

11.7.2 BELLERIVE - KANGAROO BAY – ROSNY PARK CULTURAL/CREATIVE PRECINCT - DEVELOPMENT POLICY FRAMEWORK
(File No 24-03-08)**EXECUTIVE SUMMARY****PURPOSE**

To consider the adoption of a policy framework recognising the development of Bellerive – Kangaroo Bay – Rosny Park as a Cultural/Creative Precinct for the City of Clarence.

RELATION TO EXISTING POLICY/PLANS

The proposal for the establishment of a Strategic Policy for a Cultural/Creative Precinct for the City of Clarence is consistent with the “a people city” goal and supporting strategies in the draft Strategic Plan for 2016-2026.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Extensive internal consultation has occurred in the development of the Strategic Policy Framework and there have been Workshop discussions on its content. External consultation with the community and focus groups was carried out.

FINANCIAL IMPLICATIONS

There are no financial implications that directly arise from the adoption of this Policy Framework. Future decisions on investment and the development of assets and facilities to support community activities within the cultural and creative precinct will be subject to specific Council approval.

RECOMMENDATION:

That Council endorse the draft “Bellerive – Kangaroo Bay – Rosny Park Cultural/Creative Precinct - Development Policy Framework” and “Cultural Creative Precinct Policy”.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council has accumulated a number of assets within the immediate area of Kangaroo Bay and Rosny Park which have been made available for use by community organisations for premises and their activities. In the main these organisations have been linked with cultural purposes and creative activities.

- 1.2.** Council is often approached to meet the underlying demand for such spaces within the community. In doing so, Council has recognised that there exists a limitation in the capacity of such organisations to own and develop property suitable for purpose. A competing demand for Council resources, particularly the provisions of community facilities, is always present.
- 1.3.** Requests from the Bellerive Historical Society to purchase 13 Cambridge Road (former Police Station) for use as a history room and information centre, as well as similar requests from other groups for purchase and or extensions to existing footprints, have highlighted the need for this demand to be looked at in a more structured and strategic context.

2. REPORT IN DETAIL

- 2.1.** Organisations and groups that have approached Council in recent times have diverse interests; these include history groups, University of the Third Age, choir groups, the Clarence City Band, the Sound Preservation Association of Tasmania, Family History Society, arts and drama groups amongst others, requesting meeting spaces, display spaces and in some instances permanent “homes” in specific buildings. There is a consistent and strong correlation in the nature of these demands as most operate to meet the Clarence community’s cultural and creative needs.
- 2.2.** Rather than considering each request and identified/existing and or prospective building, its potential and treatment in isolation, it was considered prudent to develop a strategic overview and decision parameters that could be used to guide Council in evaluating the investment in such buildings within the context of a “cultural/creative precinct”, that is a place where people can engage with each other or in activity that satisfies their personal, cultural and social interests and needs.
- 2.3.** An initial report was prepared by Martin Farley of Creating Preferred Futures in conjunction with Council officers.

2.4. The report addresses:

- What are the essential components of a Cultural Precinct and can we create a precinct in Clarence?
- geographical scope and broader regional context;
- evaluation of existing assets – are they fit for purpose?
- identification of needs/gaps;
- development of future assets; and
- governance of assets

2.5. The outcome of the Workshop discussions was that the report content would be revised and that a strategic policy framework be developed as the basis for adoption.

2.6. The revised framework and associated “policy” document is now submitted for Council’s formal consideration. Following the adoption of the policy, work will commence on assessing the suitability of Council assets and matching community requests.

3. CONSULTATION

3.1. Community Consultation

External consultation with the community was carried out following the Council workshop.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Extensive internal consultation has occurred in the development of the Strategic Policy Framework and there have been Workshop discussions on its content.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The proposal for the establishment of a Strategic Policy for a Cultural/Creative Precinct for the City of Clarence is consistent with the “a people city” goal and supporting strategies in the draft Strategic Plan for 2016-2026.

5. EXTERNAL IMPACTS

The adoption of this Policy Framework will have an impact on the manner in which Council responds to aspiring community groups seeking Council’s assistance in the provision of premises to support cultural and creative activities. Importantly, it will also provide guidance to community organisations in making a case for use of Council facilities in the area. Additionally, it may aid developers, private and government, with proposals of a creative nature.

6. RISK AND LEGAL IMPLICATIONS

This Policy will allow Council to consider such requests in a strategic context in favour of a more demand driven response to individual requests and needs. The policy will minimise the public perception risks associated with balancing competing interests; maximising the use of limited resources that can be provided to community groups; and the possibility of exclusive opportunity being given due to consideration of requests in isolation on a “first in best dressed” basis.

7. FINANCIAL IMPLICATIONS

There are no financial implications that directly arise from the adoption of this Policy Framework. Future decisions on investment and the development of assets and facilities to support community activities within the cultural and creative precinct will be subject to specific Council approval.

8. ANY OTHER UNIQUE ISSUES

The Policy Framework places Council’s decision making in the strategic context of how a cultural/creative precinct can contribute to making Clarence “a vibrant, prosperous and sustainable City”. It is also timely with continuing implementation of the Kangaroo Bay Master Plan and commissioning of site concept plans for Rosny Park Golf Course, Alma Street Senior Citizens Centre and Rosny Farm.

9. CONCLUSION

The “Kangaroo Bay – Rosny Park Cultural/Creative Precinct – Development Policy Framework” and associated “Cultural Creative Precinct Policy’ have been developed after significant internal consultation and provide a strategic framework and policy for Council to take actions in ensuing years that will enhance the liveability of Clarence for its community.

Attachments: 1. Bellerive – Kangaroo Bay – Rosny Park Cultural/Creative Precinct – Development Policy Framework (24)
2. Clarence Cultural/Creative Precinct Policy (4)

Andrew Paul
GENERAL MANAGER

CLARENCE CITY COUNCIL

2018



BELLERIVE- KANGAROO BAY- ROSNY PARK CULTURAL/ CREATIVE PRECINCT

DEVELOPMENT POLICY FRAMEWORK &
BUILDING ASSETS FRAMEWORK



Clarence... a brighter place

Clarence City Council

38 Bligh Street, Rosny Park Tas 7018

Postal Po Box 96 Rosny Park Tas 7018

Telephone (03) 6217 9500 Fax (03) 6245 8700

Email clarence@ccc.tas.gov.au

www.ccc.tas.gov.au

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01 EXECUTIVE SUMMARY

THE OPPORTUNITY

This Policy Framework was motivated by a need to consider the future use of a range of buildings within Bellerive, Rosny Park and Kangaroo Bay; some owned by Council and others identified as providing potential for Council acquisition. Council has received requests from a number of community organisations to consider the use, purchase and/or modification of buildings within this area. These community organisations represent a diverse range of interests, such as history groups, University of the Third Age, choir groups, the Sound Preservation Association of Tasmania, Tasmanian Family History Society. Common concerns amongst these groups are meeting spaces and in some instances permanent “homes” in specific buildings. The common theme linking each of these diverse groups is their participation and interest in culture, cultural heritage and creativity.

Rather than considering each building, its potential and treatment in isolation, it was considered prudent to develop a strategic overview together with decision parameters that could be used to evaluate the investment in such buildings and public spaces within the context of a cultural/creative precinct.

This approach resulted in the project, summarised below.

- What are the essential components of a Cultural Precinct and can we create a precinct in Clarence;
- Geographical scope and broader regional context (see map zones);
- Evaluation of existing assets – are they fit for purpose – what contribution do (or can) they make?;
- Development of future assets; and
- Governance of assets.

These elements are addressed within this policy framework.

Strategies within the framework fit with Council’s Strategic Plan 2016 – 2026:

GOAL: Clarence is a City that fosters creativity, innovation and enterprise.

Strategy 5.5: Build upon the existing range of community and cultural assets at Rosny Park/ Bellerive to establish a cultural and creative precinct as a place where ideas, creativity, learning and innovation are developed, shared and promoted.¹

The strategic need for this work is to examine the contribution that a cultural/creative precinct can make to achieving “a vibrant, prosperous and sustainable Clarence”.

WHY A CULTURAL/CREATIVE PRECINCT?

Different parts of a city play different roles in terms of achieving a city’s overall vibrancy, prosperity and sustainability. Some parts are primarily residential, providing a convenient place to live; whilst others are amenity based, for example coastal villages, where the lifestyle offer outweighs some lack of convenience. Retail and commercial precincts are primarily transaction based; offering retail and services that reflect the needs of the community.

Other parts or city precincts offer higher level needs, a place where people can engage with each other or in activity that satisfies their personal, cultural and social interests and needs. One way to imagine such a precinct is to consider the three types of capital that would be fostered:

- Cultural capital: the way people ‘know the world’ and how they act within it, including

¹ City of Clarence Strategic Plan 2016-2016

language and traditions. “Cultural capital influences what voices are heard and listened to, which voices have influence in what areas, and how creativity, innovation and influence emerge and are nurtured”².

- Human capital: “the skills and abilities of people to enhance their resources, access outside resources and bodies of knowledge to increase understanding, identify promising practices, and to access data for community-building”³, as well as leaders’ ability to lead across community differences, to focus on assets and be inclusive and participative to proactively shape community development.
- Social capital: the connections among people and organizations or the social glue to make things, positive or negative, happen. This includes entrepreneurial social capital that drives development through both internal and external networks.

These capitals are identified as increasingly important in generating a contemporary community and as a place within which to live, invest and operate creative businesses.

Clarence reflects a diverse and continuously evolving culture with a strong focus on recreation, sport, literature, arts, science and learning. These create an overlap and mix that is somewhat unique within Southern Tasmania and one which has the potential to make a major further contribution to the contemporary liveability of Clarence and an attractor for residents, business and visitors.

A cultural/creative precinct is a place where the focus is on people engaging in this mix of activity and interest to satisfy their needs. This activity mix can spark further activity, creativity and flow-on social and economic benefit. As cities develop there is generally an increased focus on cultural and creative dimensions and strategies.

THE ASSET/ACTIVITY BASE: ITS GOVERNANCE AND MANAGEMENT

The mix of major public, community and private assets, associated activities and interaction within the precinct provide the essential foundations for a vibrant cultural/creative precinct. However there is always a requirement for some form of intervention to make these precincts work as a hub of interdependent offerings to the local community, the region and visitors; strengthened through their synergy and active collaboration.

Recent Council investments which contribute to the precinct development include:

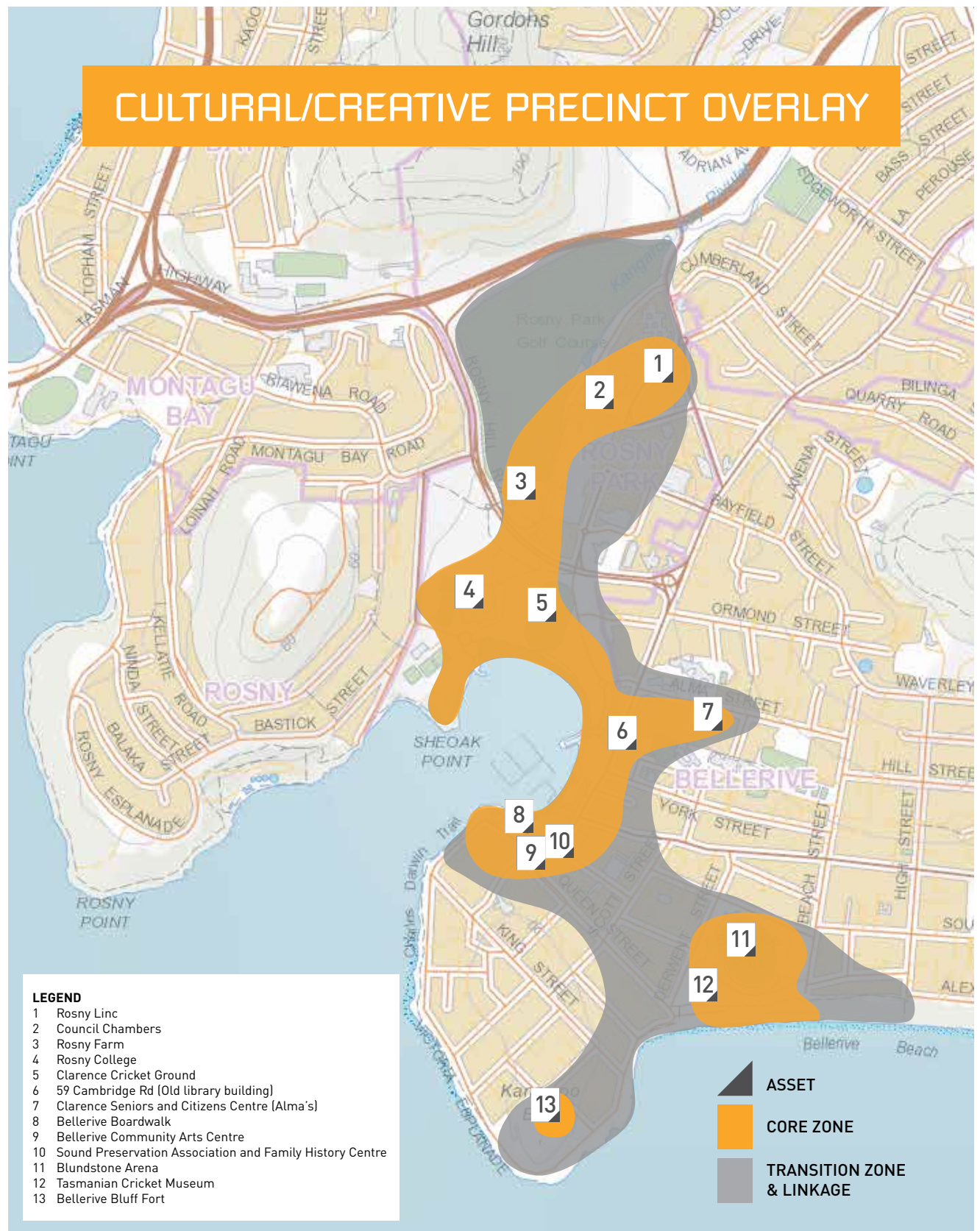
- Construction of the Kangaroo Bay Skate Park;
- Commencement of the Kangaroo Bay Urban Design Strategy and Concept Plan; and
- Expansion of Council’s community events program.

Key capital investments could include the already identified Visual and Performing Arts Centre, Civic Centre (or an amalgam of the two) and the future development of a range of potential sites including Kangaroo Bay, Charles Hand Park, Rosny Golf Course and the Council Chambers lawn area. In conjunction, these projects highlight the potential of complementary, strategic private, community and public investment in both infrastructure and activity programs and the importance of such activity to achieve the optimum return to the community on that investment.

In combination with the pre-existing historical development, the settlement and activity structure of Kangaroo Bay, Bellerive, Rosny Park and Bellerive Bluff, this new investment and positioning complements the learning and cultural dimension of the precinct and the interaction that fully engages people with their interest in the precinct.

^{2 & 3} The Community Capitals Framework (Flora, Flora and Fey, 2004)

CULTURAL/CREATIVE PRECINCT OVERLAY



Other, smaller scale but important capital and program investment requirements relate to urban design and creating a sense of place and interconnections and, importantly, to events and programs that foster active engagement and social connections.

It is recognised that some of these social and cultural dimensions will require access to buildings and facilities.

Council receives ongoing approaches from community interest groups for the establishment, and/or use of buildings for meetings, events, storage and display, and in some instances permanent use as headquarters. The precinct governance framework and its associated policies and processes provide a means of logically and transparently considering and addressing these and other requests and opportunities that impact on the outcomes sought from the precinct.

POLICY INTENT

The governance and policy framework is designed to achieve a cultural/creative precinct within the Bellerive, Kangaroo Bay and Rosny Park area. This precinct will create a highly recognised and utilised place that makes a strong contribution to the vibrancy, prosperity and sustainability of Clarence.

This will be achieved through a focused and balanced mix of public, private and community investment partnerships and effort.

POLICY TOOLS AND INSTRUMENTS

The following set of policy tools and instruments is designed to deliver on this intent: -

Build networks and relationships

Introduce the cultural/creative precinct concept to potential stakeholders by conducting a

development workshop to generate ideas and identify the means of delivering the outcomes sought.

Facilitate the integration of additional and complementary offers to encourage people to stay longer, revisit and engage with a wider range of experiences as referenced in the Economic Development Plan 2016 – 2021.

Plan & provide for beneficial land use

Draw on input from the above activities and prepare an initial, overview urban design, key locations/links and streetscapes plan to consider the development of the precinct in the cultural/creative context identified in this document. This plan can integrate and extend previous design work. It will provide this cultural/creative precinct positioning to potential investors in the precinct and provide further context to their proposal and the considered integration of the precinct characteristics in their developments.

Encourage, facilitate and directly invest

- Continued strong focus on Kangaroo Bay Development Investment;
- Continued Bellerive Boardwalk development;
- Provide for historical and cultural interpretation;
- Examine options for the medium scale Visual and Performing Arts Centre within the Kangaroo Bay-Rosny Park Precinct, including the potential for public/private investment and experience delivery partnerships;
- Prepare a feasibility and benefit/cost analysis of the potential for adaptive re-use of buildings for cultural/creative community and business purposes;
- Prepare a Concept Development Plan for the future expansion of Rosny Farm facilities;
- Prepare a Concept Development plan for the Golf Course;
- Prepare a Concept Plan for the enhanced

utilisation of Alma's Community Centre (formerly the Clarence Senior's and Citizen's Centre), and

- Consider options for a Civic Centre and/or Visual and Performing Arts Centre.

Facilitate, learning, creativity & innovation

Develop a Public Art strategy for the precinct, in particular to provide a visible demonstration of arrival and transition between the areas within the precinct. This will help identify and 'brand' the precinct for visitors.

Market & communicate to encourage engagement

Promote the plan for the precinct and activities and events to specific interest and wider audiences both as Council and in collaboration with precinct stakeholders as part of a specific precinct marketing strategy.

POLICY PROCESS

The key processes that underpin the implementation of this policy mix are:

- Constructive engagement, deliberation and partnering;
- Performance, contribution and outcomes focus and analysis;
- To the investment of financial capital and community capital; and
- Contextual assessment as and when new proposals and initiatives are considered

Complementary Council Plans and strategies will be informed by and integrate these policy principles to create the context for their contribution to the precinct's success.

02 INTRODUCTION & FOUNDATIONS

HOW TO EVALUATE THE CULTURAL SECTOR AND ASPECTS OF THE CULTURAL PRECINCT MODEL

The majority of investment in cultural precincts or hubs occurs in large urban/city centres, often at large scale of redevelopment. These are often an agglomeration of similar cultural sector enterprises and institutions and associated landscaping to create places that will transform parts of cities into cultural centres.

These redevelopments occur because culture and creativity are both:

- a potential economic driver, and
- an essential component of community wellbeing based on the recognition that the liveability of a city extends beyond simple economic needs such as proximity to work and services to the ability to include satisfaction of other needs – creative, cultural, social etc.

The transformation of a place into this form of tertiary industry and creative activity precinct is often addressed in a similar manner to the way in which commercial zones have been developed. The strategy has been to force the consolidation of activity into a defined space under the premise that such consolidation will create collaboration, lead to a marketing advantage in attracting visitation and create opportunity, employment and income. In some instances, this occurs in whole or part, however, where the benefit/cost relationship is looked at in predominately economic and financial terms it tends to identify that the investment fails to provide a competitive return and often falls short of expectations. The application of the concept of a cultural precinct or hub to a small scale city/suburban context in a form that delivers the outcomes sought is not as

well documented. However there are critical characteristics that are drawn from well documented major city examples that can be used to define the nature of a cultural hub for Clarence that fits the community through the combination of physical assets, services and activities and people's engagement with the place. These characteristics are highly interdependent.

The approach taken to clarifying what is considered culture within the Clarence context is based on a combination of the key characteristics of Clarence as a place that attracts and retains people in terms of contributing to their wellbeing. In a European context this settlement began soon after Sullivans Cove and was preceded by Aboriginal use of the land; this provides an historic context to the precinct. Such settlement and its evolution bring together all that people undertake to achieve a state of individual and community prosperity and wellbeing. This is considered to include a wide range of recreational, social, literary and arts based interests and activity reflective of the life-stages of individuals and the community. This enables the precinct to further develop the cultural/creative dimension within Clarence and in its interaction within Southern Tasmania, with visitors and wider audiences.

THE KEY CHARACTERISTICS

While there is an appropriate focus on the assets and activities that represent the form of the place there is also a strong social perspective that needs to be considered. The following characteristics are provided to establish parameters around which the potential and feasibility of a cultural/creative precinct and its elements can most effectively be assessed and analysed.

It engages the community

This characteristic reflects the need for community ownership and involvement in addition to cultural and creative entities that are attracted to the place and its characteristics. It is important to differentiate between transaction centres, such as retail and activity based engagement or interaction centres; put simply, in a cultural/creative precinct, engagement, rather than a transaction, is the result sought.

This characteristic also has a spatial context: that is that the boundaries are porous, the precinct is loosely defined, with extensions and connection; similarly the scope of activity within the precinct is varied and complementary, not mono-dimensional.

It's accessible, attractive and usable through a mix of public and private infrastructure & services

Being accessible and providing access to venues, places and a mix of businesses is a key characteristic that enables people to link to the place in a manner that attracts and engages them. This applies to the pathways to the place, including the visual cues indicating its presence and value.

Buildings and spaces are available and reflect precinct principles

Buildings and spaces, including their interconnection, provide the basis for activity and events. These must be fit for purpose from both a functional perspective and in how they work as a suite of offers to both supply and demand sides of the cultural and creative interaction. Importantly the design characteristics provide the opportunity to reflect creativity within the precinct.

It's a focus for Cultural Programs, Activities and Events

The mix of exhibitions, prizes, display of collections, festivals/events and performing arts activities create the vibrancy of such a precinct. The mix of formal and informal is potentially important.

It's a place where ideas and creativity are developed, shared and promoted

This characteristic has many dimensions; it extends the concept beyond the traditional to many fields of endeavour and celebrates the notion of ideas, beyond those expressed in various art forms. It is multi-perspective and multi-generational. The place, its physical elements and connections must also demonstrate such creativity, providing a physical representation of the cultural/creative principles.

It stimulates people to be both reflective and aspirational

Reflecting on history through collections, interpretation and strong narrative is important to developing the sense of identity and place. A future orientation for people and places is a key dimension to social inclusion and the development of a preferred future; these aspects are central to human and social capital development within a community.

It is actively and meaningfully supported

The success of the precinct will depend upon the collective impact of those engaged with the precinct and what it stands for. This group involves Council, community groups, schools, tertiary institutions, creative business and individuals.

These both bring the support and at times require the support of others through collaborative and complementary effort.

Applying these characteristics

The challenge is to frame and use these characteristics in a manner that helps clarify an understanding of the level to which they currently exist across the precinct; gaps and how 'priority gaps' can be cost-effectively closed.

These criteria have been used to assess the fit between key spaces, assets, program activities, institutions and buildings to develop an understanding of their fit to the concept of a cultural precinct. To underpin this activity, a structured, systems logic approach has been adopted.

The following outlines the three phases used to support the development of strategy, policy and productive intervention to develop a cultural precinct or hub that fits the Clarence Community. The three phases are broadly:

1. Strategic intent and context;
2. Understanding the individual and joint contribution of the characteristics; and
3. Precinct analysis and design of development pathways.

For each phase a number of tools are provided to support productive strategic and operational decision making.

The following representation provides a dynamic governance and management framework. Based on a contemporary systems logic approach, it provides a framework within which to consider and develop an understanding and picture of what Council and the community wants from the cultural precinct/hub, to refine characteristics and priorities and to manage its development.

The framework has a number of distinct dimensions.

STRATEGIC INTENT & CONTEXT

This dimension is captured as the Council's Vision and Strategic Objectives (as they relate to the cultural precinct), considers the purpose and objectives that are sought from the development of a cultural precinct or hub from multiple socio-economic perspectives.

The reference point for this component of the framework is Council's Strategic Plan 2016 -2026 and associated cultural and complementary development strategies. Benefits achieved within other places with developed cultural precincts also provide a pointer to what may be achieved and its associated community benefits - these form the basis of the outcomes sought from the Clarence precinct.

CULTURAL PRECINCT CHARACTERISTICS

As described above, research has identified a number of characteristics considered critical to the development of a cultural precinct and to sustain its contribution to a community such as Clarence. This bundle of characteristics provides the on-ground focus of the management and governance framework and the focus of specific strategies and operational

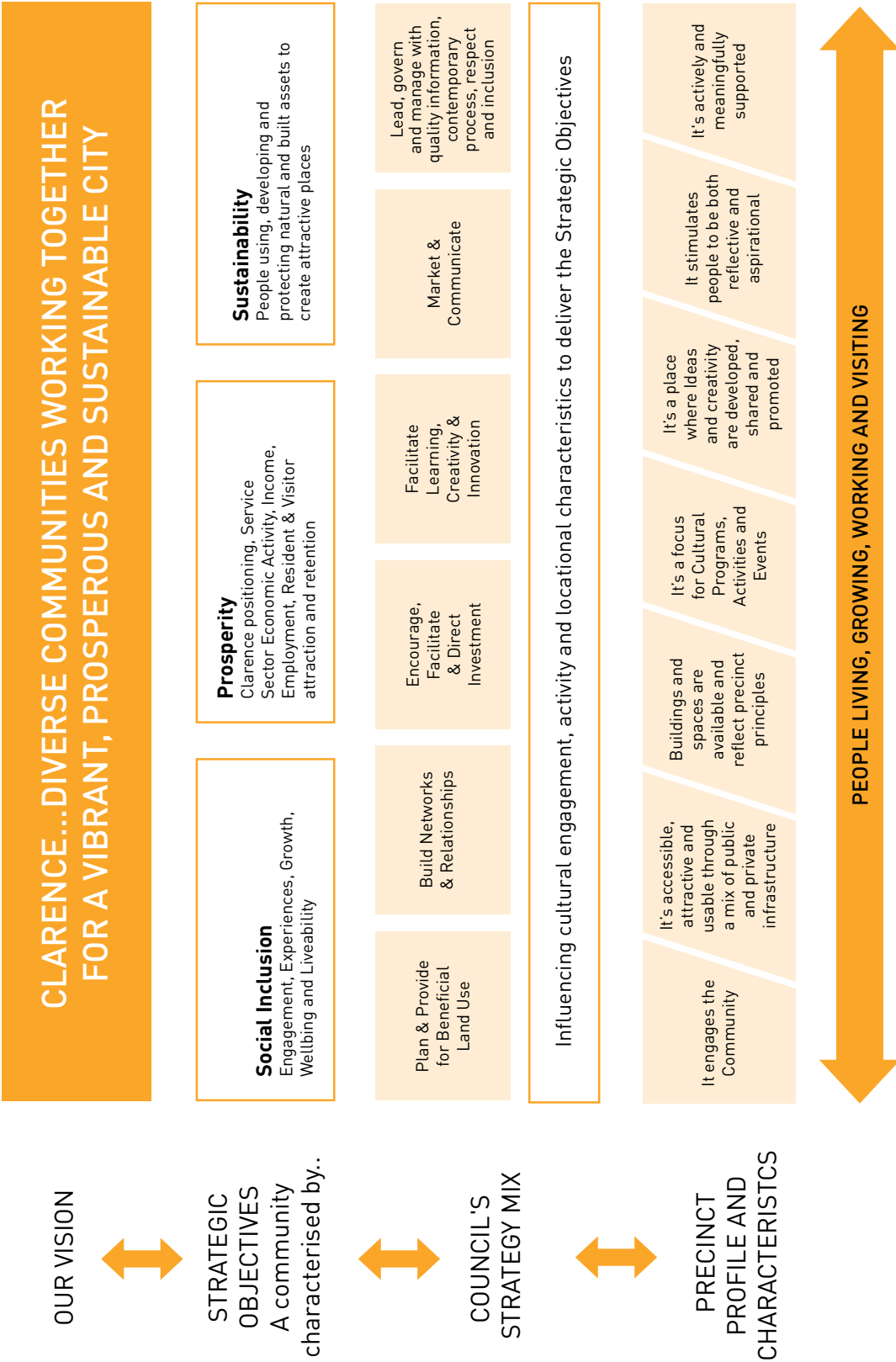
plans. The key to developing such plans is a strong understanding of the contribution each characteristic can/does make to the outcomes sought. These interdependencies will vary in importance in particular circumstances.

This strategic governance framework is designed to overlay the precinct and to assist in governing relationships, asset development and management, programs and activities within Council functions and to provide the principles for regulatory functions to ensure beneficial outcomes.

To progress from the current state to the preferred outcome of a cultural precinct, the governance framework is operationalised through the asset and strategic development pathways.

DEVELOPMENT INTERVENTION OPTIONS & PATHWAYS

These represent the range of strategies broadly available to Council in developing the characteristics of the cultural precinct to contribute to its specific and strategic objectives.



USE OF THE STRATEGIC GOVERNANCE AND MANAGEMENT FRAMEWORK

The framework is designed to aid long, medium and short term decision making. The framework and its tools provide a means of assessing opportunities and requests within the strategic positioning of the precinct, its contribution to Clarence and specific characteristics. It assists to:

- create a picture and understanding of the context within which the cultural precinct exists;
- frame a narrative of Council's reasons for involvement and decisions;
- identify key stakeholder groups and provide a context for a deliberative, constructive conversation with them; and
- identify and develop scenarios – e.g. if we identify what we want buildings and spaces to contribute to the precinct; what is the current state, and what intervention mix do we use to achieve the desired state.

Within this framework the following tools support the next phases; they are designed to build bridges between the idea and its context and the firm development pathways. The overall framework assists to apply a wide range of management tools in a fit for purpose manner to inform the final result.

04 CULTURAL/CREATIVE PRECINCT – POTENTIAL AND REQUIRED CONTRIBUTION TO THE COMMUNITY

This table summarises the contribution that a cultural/creative precinct, based on achievement of the above characteristics (pp9 and 10), can make to Clarence. It links the on-ground Precinct Profile and Characteristics to the Strategic Objectives elements of the above framework. This is a key step in ensuring what happens on the ground contributes to Council's strategic objectives.

Council's Strategic Vision and Goals are clearly articulated in the Strategic Plan 2016 – 2026, this section is designed to translate these into what they mean in the context of a cultural/creative precinct.

		COUNCIL'S STRATEGIC GOALS		
		VIBRANCY	PROSPERITY	SUSTAINABILITY
CHARACTERISTICS	It engages the Community	Sharing of interest(s) excitement & experiences Inter-generational Identity Activity, inviting	Social capital High local utilisation of the precinct and its offers	Community & place fit comfortably Use, liveability Adaptability
	It's accessible, attractive and usable through a mix of public and private infrastructure & Services	Interesting, engaging & experiential Broadening the breadth of the Clarence experience	Flow-on services & new business opportunities	Safe, engaging with options available Diversity of offer, activity
	Buildings and spaces are available and reflect precinct principles	Attractive, striking place People congregating with like	Places of exchange, learning Investment Multiplier effects	Support engagement and delivery Reflect creative, well designed and crafted principles
	It's a focus for Cultural Programs, Activities and Events	Visiting, experiencing Involving and delivering New, inviting	Opportunity Income, employment	Combines people and place
	It's a place where Ideas and creativity are developed, shared and promoted	Hub for individual, group, business & institutions Growth Learning, experimentation	Opportunity Income, employment Testing ground	Wellbeing & Liveability focused Training & learning
	It stimulates people to be both reflective and aspirational	Sense of identity – community & individual Picture of future Wellbeing	Human capital Social capital	Helps shape
	It is actively and meaningfully supported	Attendance Facilitates engagement & delivery	Facilitates supply/demand interaction Financial contribution Private/public partnerships	Socially inclusive place Active Partners Strong identity & positioning

The contribution map supports analysis of the gap between the current and preferred contribution or condition. This gap analysis is important in evaluating the distance between the current and preferred condition, causality and priorities.

Critically it assists to ensure effort is strategically focused and articulated.

05 DOES CLARENCE HAVE THE BASIS FOR A CULTURAL/ CREATIVE PRECINCT?

Clarence portrays a casual and open face; it presents a soft urban landscape comparative to concentrated cityscapes. As a result, the concept of a cultural precinct is similarly open in terms of boundary and access, as well as expansive to reflect the scope of what are defined as cultural perspectives in the context of Clarence as a place and community.

In broad terms the potential precinct includes a range of significant community assets and the connections between these distinctive elements.

The implementation of this policy within Clarence will be strongly supported by relationships with existing Cultural / Creative precincts such as those at Hobart (particularly around the Sullivans Cove area) and Glenorchy (through GASP, MONA and MAC), both of which are well established and proven drivers of economic and cultural activity.

SIGNIFICANT PRECINCT ASSET OVERVIEW

The key question is whether and to what degree these assets meet the criteria identified as critical to the foundations of a cultural precinct; that is, how specific strategic assets contribute to the identified necessary and key characteristics of the precinct.

It is considered that the area ranging from the LINC area, Rosny Farm, through Kangaroo Bay to Bellerive Village and onwards to the Bluff/Fort and Bellerive Beach/Bellerive Oval has (or can effectively develop) the essential components of a successful cultural precinct within the Clarence context by developing a cultural/creative overlay to decisions, activities/ land uses and development within the area (see map p.6).

The precinct includes a number of key assets that are fit for purpose, but are facing demand for use that is overtaking the capability to supply, examples include:

- Bellerive Community Arts Centre – recently refurbished it fulfils community need;
- Rosny Farm – highly utilised, experiences excess requests for available space (Future Development Concept Plan underway).

Other specific and related assets that sit, or potentially do so, within this cultural/creative precinct concept include:

- Bellerive Post Office;
- War Memorial Library Building (Cambridge Road);
- Rosny Golf Course;
- Bellerive Bluff Battery;
- Bellerive Boardwalk;
- Clarence Seniors and Citizen's Centre (Alma's);
- A range of recently developed facilities in Kangaroo Bay including Parkland, Kangaroo Bay Skate Park, Clarence District Cricket Club facilities;
- The Council Chambers and site;
- The Bunnings site example (this option was considered by Council using the Creative Precinct Characteristics and on this basis it was considered unsuitable for purchase); and
- The previously proposed Civic Centre or Visual and Performing Arts Centre as referred to in Council's Strategic Plan.

This section provides an overview of how these assets fit to the cultural/creative precinct concept and in particular to the profile and characteristics of the precinct as included in the bottom line of the governance framework.

Councils have tended to acquire building assets from other levels of government by default as

they become surplus to their need. Council owned buildings are often tenanted by a range of community groups that proceed to acquire possessive proprietorship behaviour to the asset. This has both positive and negative consequences, some community groups make a very significant community contribution by providing an enhanced asset and service from the building, contributing strongly to the characteristics of the community; in other instances, the use is beneficial to a very narrow segment of the community, at times the relationship between the building, its use and stakeholders creates tensions that must then be managed.

Within the cultural/creative precinct model, both buildings and their use/community value need to be considered together to ensure a community return on investment. This is particularly important where a building's use is narrowly defined and tenancy is provided to a single or small number of groups.

It is important that such transfers in ownership and subsequent tenancy have equally rigorous parameters and performance requirements applied as would the construction of a new asset. The following addresses the positioning of specific buildings within the context of the cultural precinct characteristics, their current and potential fit.

Bellerive Village and surrounds has a number of buildings used for cultural activity, in particular the Old Post Office building, and Community Arts building within the Village and the 1960s War Memorial Library Building in Cambridge Road. Council has a tradition of inheriting buildings from state governments; this at times leads to limited community benefit and ongoing maintenance and upgrading costs. One such example is the War Memorial

Library Building adjacent to Bellerive Primary School. Another example currently under active consideration is the Bellerive Bluff Battery.

All buildings would require significant investment to establish them as potentially usable community assets; the key question is whether the investment would provide a broad community return or whether the funds could be more productively invested in other purposes.

The Building Assets Framework tool is designed to be used by Council for evaluation of all Council assets – current or future, within the context of the identified precinct zones (see map p.6). Decisions on the future of any assets under consideration should be based on how well assets fit with the Cultural Precinct characteristics as defined in this Framework – are they fit for purpose and what contribution do or can they make? In addition, through evaluation of such assets, future needs or gaps for the creation of a vibrant and evolving cultural/creative precinct will be identified allowing for the strategic development of future assets to achieve “a vibrant, prosperous and sustainable Clarence”.

SCHEDULE A - COUNCIL PROPERTY ASSET SUMMARY

Property Asset	Current Contribution	Potential Contribution
Bellerive Post Office	Significant multiple use History, family history and sound library Serves neither at a high level in current mix and form	An accessible, contemporary representation and interpretation of the development and cultural history of Clarence and SE Tasmania
Bellerive Bluff Battery	Historic site with limited visitation	Highly accessible site with very strong aesthetic appeal, highly significant historically and potential for cultural events & activities
War Memorial Library Building (Cambridge Road)	Most recently home to Rosny Childrens' Choir and current short term lease by Department of Education	Limited community potential resulting from location, design, lack of parking
Rosny Golf Course	Managed by YMCA as a public 9 hole course Operates at a significant loss Central, small course in an area which hosts the majority of Greater Hobart's courses	As a golf course it is limited. Potential best use ranges from public parkland to more intensive development reflective of the Rosny Park Precinct
Rosny Farm	Broad program of visual and performing arts activities	Build on program through proposed expansion of space
Clarence Seniors & Citizens Centre (ALMA'S)	Long term senior citizens centre, with radio station co-located in annex Seeking to broaden appeal	Repositioning to broaden awareness and attractiveness of the building and site to a broader community
Council Chambers site Lawn Area	A green space within a hard landscape precinct	The area provides a potential site for the Visual and Performing Arts Centre
Bunnings or similar opportunities in the precinct	Commercial	Wide mix of community, creative incubator and other small scale commercial activity
Kangaroo Bay	Developing a new investment positioning in the regional market	Major investment around which others will cluster

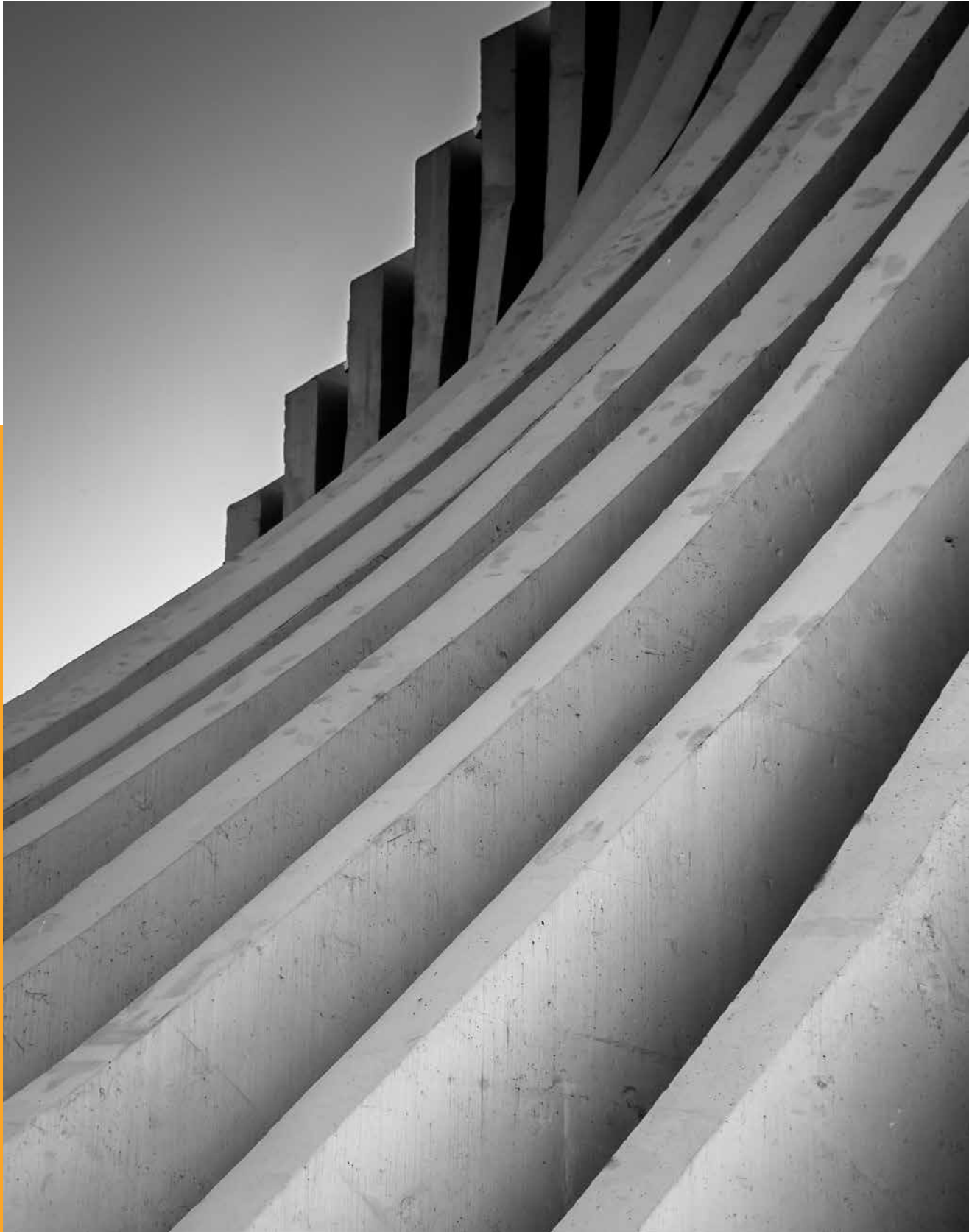
Community Return on Investment from potential change	Recommendation
Presentation of history (objects and interpretation) in-place and related to the context of Clarence, its pre and post European development	Review the focus and role of the activity/building mix to determine the options for development and relocation
Presentation of history (objects and interpretation) in-place and related to the context of Clarence, its pre and post European development. Also provides a significant opportunity for use of the site as a landmark events / activities hub	Continue discussions with State Government re potentially undertaking management of site. Complete due diligence investigations into possible capital expenditure
Low community return from significant investment required to refurbish	Evaluate alternative options for use
Ranges from longer term future amenity value as park connector from Kangaroo Bay, Rosny Farm to linear park progressing towards Meehan Range to short to medium term economic return from more development	Assess the strategic potential of the site to develop a management plan
High quality asset with string of community return through programs. Scope for increasing return through expansion	Continue with site development concept plan
High quality mixed asset, attractive, accessible site with scope for improvement proving potential for strong return to the community	In conjunction with the centre Management Committee examine options for a preferred future for the mix of activity, building and site
Balance of need and return from the value of green space and intensive site development	The site be included in the options analysis for the Visual & Performing Arts Centre
Significant investment, however has the potential to provide strong community return	Bunnings no longer available. However same principles apply to similar former retail sites should they become available
Direct and indirect employment and income Demonstration investment	Continue investment attraction

SCHEDULE B - DEVELOPMENT PATHWAYS TABLE

CHARACTERISTICS	CURRENT STATE	WITHIN BROADER PLAN	LIMITED TO ARTS AND EVENT FOCUS	Encourage, Facilitate & Direct Investment	Facilitate Learning, Creativity & Innovation	Market & Communicate to encourage engagement	Govern and manage with quality information, contemporary process, respect and inclusion	PREFERRED STATE
				COUNCIL AND MAJOR INVESTORS - NO SYNERGIES	ARTS FOCUS	EVENT BASIS	ELEMENT FOCUSED	
It engages the Community	Strong interest focus, episodic engagement on most part		Rosny College, Cricket Tasmania, Parks			Community Marketing	Positioning the precinct	"go to" precinct
	It's accessible, attractive and usable through a mix of public and private infrastructure and services	Create links and connections	Precinct focus with owners and operators, collaboration	Kangaroo Bay Development, Boardwalk, Streetscapes	Stimulating environment and public art	Rosny College, Cricket Tasmania	Demonstrate	Active, complementary, inviting and prosperous
Buildings and spaces are available and reflect precinct principles	Public spaces tend to be underutilised	Precinct parameters, Urban Design, Architecture		Design Principles, Visual and Performing Arts Centre, Bellerive Fort	Design Principles		Key owner, facilitator and regulator	Complementary, linked and cohesive
	It's a focus for Cultural Programs, Activities and Events	Multiple use spaces and safe, attractive links				Wide Marketing	Deliverer, facilitator	Wider and deeper range through more deliverers
It's a place where Ideas and creativity are developed, shared and promoted	Primarily Council and Bellerive Oval	Creative industry and sector	University and education links	LINC Area and Bunnings Bligh St Building	Engaging the schools and community in activity, events & stimulating forums	Competitions	Facilitator	Broad cultural focus, creative sector
	Very limited focus	Urban design	Promote benefit of active involvement and investment	Interpretation across the precinct			Parameters, facilitator	Stimulating and comprehensive
It stimulates people to be both reflective and aspirational	Limited to art and sport, limited interpretation	Active strategies		Investment growth with identified benefit			Investor & facilitator	Wide recognition, active support and resourcing
	Specific Interest group, Council	Precinct overlay focus	Broad network and constructive relationship within the precinct focus	Broader investor and resourcing parties, common focus	Broad cultural and how we achieve the preferred future	Precinct, Clarence positioned as a place	Integrated and systemic	
It's actively and meaningfully supported	Preferred State							



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TITLE	CLARENCE CULTURAL/CREATIVE PRECINCT POLICY
APPROVAL DATE	Council Meeting TBC
REVISION DATES	Nil
ASSOCIATED LEGISLATION	<i>Local Government Act 1993</i> - Broad functional powers
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Bellerive - Kangaroo Bay – Rosny Park Cultural/Creative Precinct Development Policy Framework & Building Assets Framework 2018; • City of Clarence Strategic Plan 2016 – 2026; • Clarence City Council Economic Development Plan 2016 – 2021; • Kangaroo Urban Design and Concept Plan; • Community Health and Wellbeing Plan 2013-2018; • Cultural Arts Plan 2012 – 2016; • Public Art Policy 2013; • Positive Ageing Plan 2012 – 2016; • Health & Wellbeing Plan 2013 – 2018; and • Cultural History Plan 2018-2023;
POLICY RESPONSIBILITY	Health and Community Development Group in collaboration with Asset Management, Corporate Services and City Planning Groups.
REVIEW	On the request of the Council or on an as needs basis.

1 PURPOSE

- 1.1 This policy (in conjunction with the Bellerive-Kangaroo Bay-Rosny Park Cultural/Creative Precinct Development Framework and Building Assets Framework 2018) establishes an effective, accountable and contextual framework for the creation of a Cultural/Creative precinct (The Precinct) within the City of Clarence.
- 1.2 Whilst it is acknowledged that some key elements already exist within The Precinct, further strategic development is required to create focus and critical mass for the success of such a Precinct. The framework encourages direct investment in The Precinct zone (see Appendix A: Zone Map) through a range of commercial and Council investments utilising a decision support tool (contribution matrix). It allows for evaluation of a range of Council's existing and proposed assets within The Precinct; ensuring assets are fit for purpose and are able to fulfil a range of desirable attributes that contribute to the Cultural/Creative life of the city of Clarence.
- 1.3 Implementation of the policy fits with Council's Strategic Plan 2016 – 2026:

GOAL: Clarence is a City that fosters creativity, innovation and enterprise.

Strategy 5.5 Build upon the existing range of community and cultural assets at Rosny Park/Bellerive to establish a cultural and creative precinct as a place where ideas, creativity, learning and innovation are developed, shared and promoted.

2 SCOPE

- 2.1 The area ranging from the LINC area, Rosny Farm, through Kangaroo Bay to Bellerive Village and onwards to the Bluff/Fort and Bellerive Beach/Bellerive Oval has (or can develop) the essential components of a successful cultural precinct within the Clarence context which can be enhanced through developing a cultural/creative overlay to decisions, activities/land uses and development within the area.
- 2.2 The implementation of this policy within Clarence will be strongly supported by relationships with existing Cultural / Creative precincts such as those at Hobart (particularly around the Sullivans Cove area) and Glenorchy (through GASP, MONA and MAC), both of which are well established and proven drivers of economic and cultural activity.

3 POLICY STATEMENT

- 3.1 The policy will be implemented through a range of instruments as set out in the Bellerive - Kangaroo Bay - Rosny Park Cultural/Creative Precinct Development Framework and Building Assets Framework 2018. The policy will be applied when considering and undertaking the following:

- **Build Networks and Relationships**

Introducing the cultural/creative precinct concept to potential stakeholders.

- **Plan & Provide for Beneficial Land Use**

Preparing an initial, urban design, key locations/links and streetscapes plan to consider the development of The Precinct in the cultural/creative context identified in this document.

- **Encourage, Facilitate and Directly Invest**

Though a range of strategic current and future plans encouraging ongoing development, direct Council and private investment in public assets within The Precinct.

- **Facilitate Learning, Creativity & Innovation**

Developing a Public Art strategy for The Precinct to provide a visible demonstration of arrival and transition between the areas within The Precinct.

- **Market & Communicate to Encourage Engagement**

Promoting the plan for The Precinct and activities and events to specific interest and wider audiences through a specific Precinct marketing strategy.

4 RESPONSIBILITIES

Compliance, monitoring and review

- 4.1 Responsibility and oversight of the implementation of the policy will rest with Health and Community Development in collaboration with Corporate Services, Asset Management and City Planning Groups.

Reporting

- 4.2 Reporting is directly to Mayor and Aldermen through the General Manager's Office for strategic determination by Council.

5 STRATEGIC CONTEXT

- 5.1 The Clarence Cultural/Creative Precinct Policy will assist the Council in its strategic deliberation on how Council assets and facilities are developed to deliver on a range of policy objectives contained in key Policy plans and frameworks adopted by the Council. The primary policy context is situated within the following plans & frameworks:

- Bellerive – Kangaroo Bay – Rosny Park Cultural Creative Precinct Development & Building Assets Framework 2018
- City of Clarence Strategic Plan 2016 - 2026
- Clarence City Council Economic Development Plan 2016 – 2021

- 5.2 This policy also intersects with and potentially can assist in the delivery of outcomes in the following plans & policies:

- Cultural Arts Plan 2012 – 2016
- Public Art Policy 2013
- Positive Ageing Plan 2012 - 2016
- Community Health & Wellbeing Plan 2013 - 2018
- Cultural History Plan 2018-2023
- Kangaroo Urban Design and Concept Plan

APPENDIX A – Zone Map



**11.7.3 VOLUNTARY AMALGAMATION OF SORELL AND TASMAN COUNCILS –
IMPACT ON THE CITY OF CLARENCE**

(File No 10-13-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the draft submission to the Local Government Board in response to its enquiry into the potential voluntary amalgamation of Sorell and Tasman Councils.

RELATION TO EXISTING POLICY/PLANS

Council has previously resolved not to pursue a voluntary amalgamation option with the South East Councils; and that it will not entertain any proposal which would result in the split up of the Clarence municipal district.

LEGISLATIVE REQUIREMENTS

Under the Local Government Act 1993 the Minister for Local Government has commissioned the Local Government Board to undertake an inquiry into the possible merger of Sorell and Tasman Councils.

CONSULTATION

Community consultation was undertaken in respect to voluntary amalgamations in September 2017. Possible municipal boundary adjustments were not contemplated at that time. Any consideration of boundary adjustments affecting bordering Councils would necessitate the conduct of a further review and a public consultation process.

FINANCIAL IMPLICATIONS

There will be financial impacts if areas of Clarence are annexed in the formation of a new South East Council.

RECOMMENDATION:

That Council endorses the Draft Submission to the *Local Government Board Review – Sorell and Tasman Councils – Voluntary Amalgamation and Shared Service Options* for forwarding to the Local Government Board as Council's formal response.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Under the Local Government Act 1993 the Minister for Local Government has commissioned the Local Government Board (LGB) to undertake an enquiry into the possible merger of Sorell and Tasman Councils. The LGB called for submissions on 24 February 2018.

- 1.2.** Although there was no direct and formal notification to Council by the LGB of its review, Council, at its Meeting of 19 March 2018 decided as follows:

- “...1. That Council requests that the General Manager prepare a report for Council which identifies the potential impact on the Clarence community should any part of the municipality be annexed by the Sorell/Tasman Council merger.*
- 2. That Council makes a submission to the Local Government Board in relation to any possible amalgamation to seek to ensure that the interests of the Clarence community are protected.*
- 3. That Council requests the Local Government Board to extend the public consultation deadline to the same date as Council’s due date for a submission, ie 18 April 2018....”.*

A submission has been prepared and is now presented to Council for consideration and endorsement (refer Attachment 1).

2. REPORT IN DETAIL

- 2.1.** The Local Government Board called for submissions and released a Consultation Paper in relation to Sorell and Tasman Councils Voluntary Amalgamation and Shared Services Options on 24 February 2018. Following the release of the Consultation Paper there has been communication between the Council and the Local Government Board to clarify the scope of the review and the context of how the matter of possible boundary adjustments, in the event that none of the considered options presented a long term viable solution, would have a bearing on Clarence.
- 2.2.** It is noted that any such consideration of boundary adjustments would necessitate the conduct of a further review. Notwithstanding the clarification provided, Council considered that a submission to the Review is warranted and appropriate at this stage of the current process to ensure that the interests of the Clarence community are protected.
- 2.3.** A draft submission has been prepared and was presented to Council’s Workshop on 9 April 2018. Minor corrections have been made to the submission arising from workshop discussions.

3. CONSULTATION

3.1. Community Consultation

No consultation has been undertaken in respect to possible municipal boundary adjustments arising out of the LGB’s inquiry into the proposed Sorell/Tasman merger. Any such consideration of boundary adjustments would necessitate the conduct of a further review and a public consultation process.

3.2. State/Local Government Protocol

There has been no direct invitation for Council to participate in the review.

3.3. Other

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council’s Strategic Plan 2016-2026 provides that Council will: “explore opportunities with neighbouring Councils into the potential benefits of mergers or resource sharing”. Council has determined not to proceed with any merger with Sorell and Tasman Councils.

5. EXTERNAL IMPACTS

The Minister for Local Government has commissioned the Local Government Board to undertake an enquiry into the possible merger of Sorell and Tasman Councils.

Council has decided to make a formal submission to that enquiry to ensure that the interests of Clarence are considered and protected.

6. RISK AND LEGAL IMPLICATIONS

6.1. There has not been sufficient time to ascertain if there are legal issues that may need addressing.

6.2. There are numerous risks these may include impacts on:

- Council's 10 year financial plan;
- Council's Asset management plans;
- Council's Strategic and social plans;
- Council's Planning scheme;
- Community representation;
- Rating assessments for residents; and
- Workforce.

7. FINANCIAL IMPLICATIONS

It has not been possible to determine with any precision the impact at this time, other than to note that any adjustment of Council boundaries will have an adverse financial impact.

8. ANY OTHER UNIQUE ISSUES

None at this time.

9. CONCLUSION

9.1. Council decided at its Meeting of 19 March 2018 that it would be appropriate for Council to make a submission to the Board in relation to any possible change in Council's municipal boundary to seek to ensure that the interests of Clarence community are protected. A draft response is now presented for Council's consideration and endorsement.

9.2. In accordance with Council's decision of 19 March 2018, a report will be prepared for Council that identifies the potential impact on the Clarence community should it be proposed that any part of the municipality be annexed by the Sorell/Tasman Council merger.

Attachments: 1. Draft Submission to the Local Government Board (9)

Andrew Paul
GENERAL MANAGER



CLARENCE CITY COUNCIL SUBMISSION TO THE LOCAL GOVERNMENT BOARD REVIEW – SORELL AND TASMAN COUNCILS – VOLUNTARY AMALGAMATION & SHARED SERVICES OPTIONS

INTRODUCTION

In February 2018 the Local Government Board issued a Consultation Paper which articulated the basis of its Ministerial direction to undertake a Review of the Sorell and Tasman Councils Voluntary Amalgamation & Shared Services Options.

Following the issue of the Consultation Paper there has been communication between the Council and the Local Government Board to clarify the scope of the review and the context of how Section 3.4 of the Consultation Paper is to be dealt with insofar as this having a bearing on the City of Clarence.

The Council notes that any consideration of boundary adjustments (that could include areas of Clarence) would only be considered in the context of it being necessary for the long-term viability of Sorell and Tasman Councils and that any such proposal would necessitate the conduct of a further review in order to assess the impact.

Notwithstanding the clarification provided, Council considers that a submission to the Board is warranted and appropriate at this stage of the current review process to ensure the interests of the Clarence community are appropriately conveyed. This submission outlines reasons why any change to Clarence's municipal boundary should not be considered.

SCOPE OF REVIEW

The Consultation Paper states that the Scope of Review would focus on three options:

1. NO CHANGE TO SORELL AND TASMAN COUNCILS

Current and future viability (10 and 20 year outlook) of the Sorell and Tasman Councils.

2. FURTHER RESOURCE-SHARING OPTIONS

Potential to improve viability through further shared service arrangements between the two Councils.

3. MERGER OF SORELL AND TASMAN COUNCILS

Merger of Sorell and Tasman Councils into one local council.

The full terms of reference (November 2017) for the Review emphasise the voluntary nature of the process and that the Board should make provision for the potential extension of the scope to include Clarence City and/or Glamorgan Spring Bay Councils.

It is Council's understanding that following preliminary Review discussions and confirmed in a letter from the Chairperson of the Local Government Board dated 7 March 2018, the possibility of including an area from the Clarence Municipality as part of the Review outcomes was flagged. While the extent of boundary change has not been defined it is understood that the areas of Richmond, Coal River Valley and Cambridge (including the Hobart Airport and Cambridge Industrial area) have been mentioned in discussions.

Subsequently, Council has received a letter from the Chairperson of the Local Government Board advising in part that:

"...The Board also identified in the consultation paper that it will only consider the matter of a boundary adjustment (as part of the merger option) if, and only if, none of these options presents a long term solution in terms of viability for Sorell and Tasman Councils. The Board has identified in the consultation paper that it will highlight to the Minister if a merger option that included a boundary adjustment would potentially present a viable option.

However the Board would not;

- Make a recommendation to the Minister on a boundary adjustment option relating to a specific Council area*
- Make a recommendation that could negatively impact on the viability of any Council affected by a boundary adjustment..."*

To re-iterate, while noting the advice received from the Board, Council has decided to make a submission to the Review.

Council may also wish to make further detailed submissions should specific details of any proposed merger be made known.

CLARENCE'S CURRENT POSITION ON MERGERS

Council previously agreed in March 2015 that it was willing to explore the option of voluntary amalgamations and/or shared services to determine if such arrangements were in the best interests of the Clarence community. Guiding Principles were adopted by Council, with an emphasis on the best interests of the Clarence community, in order to enter into discussions for the establishment of a “Greater Hobart” metropolitan Council and a “Greater South-East” Council, the latter involving Sorell, Tasman and Glamorgan/Spring Bay Councils. The Guiding Principles were that Amalgamations must:

- be in the interest of ratepayers;
- improve the level of service for communities;
- preserve and maintain local representation; and
- ensure that the financial status of the entities is strengthened.’

Council also decided that one of the Guiding Principles would be that Council would not entertain any proposal which would result in the split up of the Clarence Municipality.

As referenced in the Consultation Paper, in September 2016 KPMG delivered the South East Feasibility Study which detailed various amalgamation and resource sharing models involving the four South East Councils. Council received the report in July 2017 and decided to undertake a program of extensive community consultation on all the options contained in the report.

Council decided in December 2017 that, given the results of the community consultation together with its higher levels of service provision, Council did not wish to pursue a voluntary amalgamation option with the South East Councils. Further comments regarding the results of community consultation are provided later in this submission.

It was also decided by Council that it would strongly oppose any proposal by neighbouring Councils or the Local Government Board to involuntarily incorporate or annexe any part of the Clarence Municipality into a potential or future South East Council. This is consistent with its previous decision in March 2015 not to support any amalgamation proposal if it involves the split up of the Clarence Municipality.

REGIONAL CONSIDERATIONS AND VIABILITY OF COUNCILS

There are important broad ranging implications on any proposal to annexe areas of the Clarence Municipality in order to support the viability of a merged Sorell and Tasman Municipality. This “viability” objective must also be weighed against other regional and State-wide strategic considerations.

It is noted that both Sorell and Tasman Councils have received good reports from the Auditor-General and appear to have sound governance practices in place. There would not seem to be any reason why any of the three options under consideration by the Board would not be viable. The 2016 KPMG Report did identify several challenges that each of the participant Councils face but none that could not be overcome with good management.

The logic of forcing the break-up of a large well managed sustainable Council to prop up smaller rural Councils is inconsistent with the apparent objective that the outcome of any amalgamation that the Minister stated should be improvement in the ‘...*strategic capacity, financial sustainability and service delivery*...’ of the relevant Councils¹. It is Council’s view that, as a matter of principle, the outcome of any amalgamation should not be that a new amalgamated entity be made viable while diminishing the viability of another local government entity.

The 2016 KPMG Report did not entertain any option that involves a boundary change and had no analysis to support them.

In a regional context Clarence has the capacity to participate in programs such as Better Cities, City Deals, Antarctic Gateway, etc and to co-ordinate and manage joint objectives across a range of services and activities within the Cambridge and Richmond areas.

The areas of Cambridge, Coal River Valley and Richmond are of significant economic and tourism importance to the State and region. Consequently, the capacity to support these areas by the presiding local Council in which these areas are located is strategically critical not just regionally but for Tasmania as a whole.

Clarence also has the capacity and expertise to preserve the important historic attributes of Richmond and manage the promotion of tourism in the interests of the region and the State economy. This is demonstrated by Council working closely with regional and local marketing and tourism bodies to undertake projects and by having ready access to expert staff resources in-house including heritage advice.

Hobart International Airport is important infrastructure for the Southern Region and to maximise its opportunities it must remain within the boundaries of a strong metropolitan Council.

STRATEGIC OVERVIEW

Clarence has demonstrated over many years a commitment to its strategic direction for the Richmond, Coal River Valley and Airport corridor by investing heavily in the area to facilitate the growth and development of its commercial, industrial and tourism industry sectors.

Clarence has the strategic strength to continue the implementation of its objective to maximise the economic and social capacity of the region.

The Coal River Valley has been significantly transformed in the years since the 1993 amalgamation of the former Richmond Council South Ward into Clarence. In supporting the emergence over the past 25 years of a diverse intensive agricultural sector in this area, Council’s vision for Richmond and the Coal River Valley has also included the complimentary growth of industrial and commercial developments in the Cambridge/Hobart

¹ Letter from the Hon. P. Gutwein MP to Mayor Chipman, 26 November 2014.

Airport area as well as supporting an increase in tourism numbers. Well planned investments in infrastructure continue to be made to support the growth in these areas.

Through contemporary land use policy development and active participation in regional planning, Council has worked to realise the potential of the Valley to develop compatible commercial ventures and industries that share similar objectives. An excellent example is the link between primary industry in the Coal Valley; the use of the available distribution transport network by air and road and the use of support facilities at the Cambridge industrial area.

There has also been growth in the Cambridge Township due to the recent completion of a major residential subdivision facilitated by the strategic release of formerly Council owned land. This development would not have occurred if Council did not have the foresight or capacity to build the necessary infrastructure such as the Cambridge Sewage Treatment Plant and extensions to both reticulated sewerage and water to Cambridge Park.

There has been a particular focus by Council on the Richmond Township. The provision of facilities for residents and visitors while maintaining the heritage values of the Township has been a priority. Council has expended significant effort and resources working with the Richmond community to develop infrastructure that supports tourism activities and businesses within the Coal Valley.

There has also been recognition over many years that given the City's largely residential rate base and the demand for Council to provide a wide range of high quality services to its community, there was a need to support the development of an appropriate mix of industry and commercial sectors. The present Cambridge industrial precinct is the product of sound town planning and the provision of strategic infrastructure planning by the Council.

To support its strategic focus for the area the Clarence City Council has in place a number of adopted plans and strategies that will build upon the work already undertaken. Some of these include:

- Strategic Plan 2016 -2026
- 10 Year Financial Management Plan
- Asset Management Strategy 2013
- Tracks and Trails Action Plan 2015-2020
- Bicycle Strategy 2013
- Cambridge Master Plan 2016
- Economic Development Plan 2016-2021
- Community Health and Well-being Plan 2013-2018
- Richmond Townscape Plan
- Coal Valley Destination Action Plan

ECONOMIC DEVELOPMENT

Council has identified as a priority in its Strategic Plan 2016 – 2026 the need to facilitate the growth of the Clarence economy which will then in turn make a significant contribution to the Southern and Tasmanian economies.

Council has an Economic Development Plan 2016-2021 which details how some of the broad strategies outlined in the Strategic Plan are to be achieved. The Plan also provides guidance to Council for the allocation of funds to undertake specific projects in the Annual Plan.

These Plans build on past strategies and infrastructure developments and focus on Council's traditional roles supporting economic development through the provision of infrastructure, land use planning, regulatory roles in relation to building, health and development standards. Importantly, Council is also actively engaged across the City in programs that include a focus on:

- facilitation of development opportunities
- marketing of local areas as places of business and visitor destinations
- active involvement in regional development issues
- urban design and revitalisation projects
- acting as lobbyist or advocate on local industry development issues
- providing a supportive business environment in terms of processes, costs and incentives

The Coal River Valley, including the Richmond and Cambridge area, has been an area of focus for many years. Council has invested significant resources and expertise to provide effective support for those initiatives previously undertaken and is well positioned to ensure the future potential of this area is realised.

The establishment by Council of the Coal Valley Wastewater Recycling Scheme to compliment/support the South East Irrigation Scheme is an example of the significant investment in building the viability of primary production outcomes that have occurred in the Valley. This Scheme has been a significant catalyst for the growth in intensive agriculture in the area. Further, the Council has ensured protection of valuable primary production land through land use planning controls.

Council has facilitated the establishment of the Cambridge Industrial Precinct. Given its strategic location close to Hobart International Airport, direct road links to Hobart and the north of the State, this industrial precinct continues to grow and is an important contributor to not only the local economy but to the State economy. This growth would not have occurred without Council's capacity to invest strategically in the reticulation of water and sewerage and other relevant infrastructure.

The Richmond Township continues to attract high visitor numbers and remains an important tourist destination in Tasmania. There are close relationships between Council and key groups in the Valley including the Richmond and Coal River Promotions Group and the Coal River Products Association which have worked collaboratively to deliver many marketing and promotion projects. Importantly, there are also close links with the local community which are detailed in the Community Consideration section of the submission.

Council has invested in infrastructure in the Richmond Township for the benefit of both visitors and locals. This includes heritage streetscape improvements, road and stormwater works, parks upgrades, provision of tracks and trails and recreation facilities and interpretative signage. Plans are currently underway for major streetscape works in the main street of the Township.

Council believes that the Richmond, Coal River Valley and Cambridge areas will be better served if they remain as part of the Clarence Municipality. Council has demonstrated its capacity both strategically and financially to maximise opportunities for both businesses and residents in the area.

COMMUNITY CONSIDERATION

Consultation

There has been no analysis of any kind on the impacts to Clarence, and more importantly to affected communities, if there was an area of land annexed from its current boundary to an adjoining Council. There was no consideration of this option in the KPMG study. In the absence of such analysis it is not possible for the community, Council or indeed the Board reach an informed conclusion in respect to the possible annexation of the identified area into another municipal district.

Well informed community consultation would need to be undertaken with residents of Clarence if it is proposed to make any boundary change. Such consultation would need to be underpinned by informed analysis of the financial, social and other impacts of any proposal to enable the affected communities to reach a considered understanding. There has been no opportunity to consult the Clarence community regarding any split of the municipality.

However, in this context it is important to note the results of the extensive community consultation undertaken by Council in 2017 regarding the options detailed in the 2016 KPMG Report. A survey of 31 000 residents was undertaken and a return rate of approximately 18% achieved. The majority of responses were not supportive of Clarence amalgamating in the South East. While Council understood that the results were not determinative in their own right, serious consideration should be given to the survey findings. The results together with the view that Council delivers a greater range and higher levels of service than other South East Councils, lead to Council forming its view not to pursue a voluntary amalgamation with South East Councils.

Neither the Sorell nor Tasman Councils' survey of its residents conducted in 2017 included an option which proposed annexation of an area from an adjacent Council area. With this in mind, any proposal to vary municipal boundaries current lacks definitive community support.

Previously Held Views

By way of additional background, it is useful to note that a resident survey, which may be regarded as having some relevance, was conducted by Council in 1997. The Council specifically canvassed the opinion of Cambridge and Richmond residents at that time with the result that 77% of respondents were opposed to a proposal to split the existing Clarence municipal area. A total of 82% of respondents city-wide were opposed to a split. This level of response was considered significant at that time.

Community of Interest

The term 'community' is difficult to define in absolute terms. A community has generally been considered to be based on several factors such as locality, shared values, geographical location, connectivity, culture or common interests.

Council believes that the Coal River Valley area that includes the Richmond and Cambridge Townships share a greater community of interest with the Clarence Municipality rather than any other adjoining Council area. There exists a number of common communities of interest including social, sport, agriculture, physical and social infrastructure, commerce, retail and lifestyle activities. In addition, these residents relate more directly with Clarence due to transport, economic, educational, social and topographical links.

Local Engagement and Access to Services

Council currently provides residents in these areas with access to a wider range of services than those currently available in the Sorell or Tasman Councils. Some of these include services such as youth programs, public events, arts programs, positive ageing activities and heritage advice.

Richmond Township and its surrounding area joined Clarence in 1993. Council recognised at that time the need to ensure that the Richmond community maintained its local voice noting its unique nature and important cultural heritage.

A Special Committee of Council, namely the Richmond Advisory Committee, was established at the outset and this important community link is still operating at the present time. The Committee consists of representatives from local community, business and sporting groups as well as resident representatives from Richmond and the Coal Valley. It provides advice to Council on local issues that impact on the area including roads and traffic, footpaths, stormwater, tourism support, heritage, streetscape improvements, local events and future budget priorities.

This is an example of Council's ongoing commitment to working closely with the local community to ensure local residents have a say in the future direction of their area.

FINANCIAL AND RESOURCE CAPACITY

There has not been any study undertaken to model the financial implications for Clarence should an area of the Municipality be annexed to the Sorell/Tasman Councils. This modelling would need to be undertaken in order to fully reveal the nature and degree of impacts that could arise and to allow the Council and the whole of the Clarence community to consider such impacts on an informed basis.

Notwithstanding this, it is expected that any proposal to adjust the municipal boundary will invariably have a number of significant financial and resource impacts on not just the immediately affected communities but would be more broad ranging on the whole Clarence community. Any removal of these areas via a boundary change would result in the removal of a significant proportion of the City's commercial and industrial rate base; which in turn is likely to place increased reliance on residential ratepayers.

Impacts in areas such as loss of existing economies of scale for service delivery; shifting levels of rating and the possible diminishing in the range and quality of services available to the Clarence community are easily foreseeable.

PROCEDURAL FAIRNESS

It is essential that the Review be conducted in a procedurally fair manner.

Council notes for example that it is difficult for the Clarence community to make an effective response to the Review given that there is no information available on any specific proposal for it to consider.

There has also been no opportunity provided for consultation with affected stakeholders. Council believes that the whole of the Clarence community will need to be afforded the opportunity to have their say on any proposal that involves a change to the current Clarence Municipal boundary.

CONCLUSION

Council's view is that any boundary adjustment to the Clarence Municipality should not be considered. It would not be in the interests of the Clarence community or the South East region and is outside the intent of the Minister to involve only those Councils in mergers which have volunteered to do so.

It appears that both Sorell and Tasman Councils will be viable into the long term and therefore there does not seem to be any reason why any of the three options under consideration by the Board would not be found to be viable.

Should a boundary adjustment be made as suggested, it is considered more likely than not that the adjustment would have an adverse impact upon a majority of Clarence residents, including an adverse financial impact as a consequence of the substantial change in rating mix, and a loss of future opportunity arising from removal of critical infrastructure developed to benefit the city in the long term.

11.7.4 AMENDMENTS TO PROPOSED PUBLIC PLACES BY-LAW (NO 1 OF 2018) AFTER PUBLIC CONSULTATION PROCESS
(File No 06-03-00)**EXECUTIVE SUMMARY****PURPOSE**

To consider submissions received during the public consultation process in the making of the proposed Public Places By-law.

RELATION TO EXISTING POLICY/PLANS

The proposed By-law is consistent with existing Council policies and plans.

LEGISLATIVE REQUIREMENTS

The procedures for making the proposed By-law are set out in the Local Government Act 1993 (“the Act”).

CONSULTATION

The requirements for consultation are set out in the Act.

FINANCIAL IMPLICATIONS

There are none identified.

RECOMMENDATION:

- A. That Council considers and notes the assessment of the 4 submissions received during the public consultation process for the making of the proposed Public Places By-law.
- B. That Council approves the draft By-law and continues to make the proposed Public Places By-law, incorporating the minor changes as detailed in Attachment 1 to the Associated Report.
- C. That Council authorises the General Manager to contact the Local Government Division to further discuss its concerns about the regulation of aircraft in public places.

NB: A decision on this Item requires an Absolute Majority of Council

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council has had a By-law to regulate the management of public places in the municipality for decades with the Public Places and Permits By-law (No 1 of 2007) being the most recent. This By-law expired in December 2017 and therefore it is necessary to consider to either not renew it or to replace it.

- 1.2.** At its Meeting of 14 August 2017, Council resolved to make a new Public Places By-law following substantial internal review by Council officers. This proposed By-law was based on the same objectives as the previous By-law and redrafted to be easier to read. The proposed By-law also introduced 2 new areas of regulation, mobile food vending and aircraft (including drones). A Regulatory Impact Statement (RIS) as required under the Act was also endorsed by Council.
- 1.3.** As required under the Act, the proposed By-law and RIS were referred to the Local Government Division (LGD) for certification of the RIS as required under the Act in August 2017.
- 1.4.** Over the ensuing months, LGD have expressed concerns about Council's intention to regulate drones and mobile food vending on public places.

2. REPORT IN DETAIL

- 2.1.** Council's previous Public Places By-law, Public Places and Permits By-Law No 1 of 2007, expired in December 2017. Council officers have undertaken extensive internal review of the previous By-law and drafted a proposed By-law and accompanying RIS, which were endorsed by Council at its Meeting of 14 August 2017.
- 2.2.** Whilst the proposed By-law is based on the same objectives as the previous By-law, it has been redrafted to be simpler and encompass refinement of processes and some additional areas of regulation, which over the past decade have become necessary, for example, regulating the use of drones.
- 2.3.** As required under the Act, the proposed By-law and RIS were sent to LGD for certification. In the first instance, LGD wrote to Council and required further detail in the RIS and raised concerns with Council regulating mobile food vending and aircraft on public places. Council responded to LGD by making the minor changes and clarifications requested and by amending the RIS to include more detail on the regulation of mobile food vending and aircraft.

- 2.4.** After receiving the amended RIS and proposed By-law, LGD then advised they still had concerns regarding mobile food vending and drones and met with Council officers to discuss those concerns. These concerns were discussed at the Workshop held on 4 December 2017, and at its Meeting of 18 December 2017 Council resolved to amend the proposed By-law and RIS by omitting the regulation of mobile food vending on public places to address the concerns of LGD.
- 2.5.** The RIS and the proposed By-law were then resubmitted to LGD for certification. Council received certification of the RIS from LGD on 16 January 2018, which enabled Council to commence the public consultation process, however, the cover letter (Attachment 2) from LGD again referred to concerns about the regulation of drones.
- 2.6.** Council undertook the public consultation process under the Act by:
- publishing a notice of the RIS and proposed By-law in “The Mercury” on 31 January 2018;
 - placing the notice and the RIS and proposed By-law on Council’s website;
 - putting the notice and copies of the RIS and proposed By-law on display in Council’s reception area;
 - sending notice of the proposed By-law to all Council committees; sporting clubs, regular hirers of Councils public places; and
 - sending notice of the proposed By-law to Tasmania Police, Department of Education, Department of Justice (WorkSafe) and Department of Health and Human Services.

2.7. Four submissions in relation to the proposed By-law were received from:

- Department of Education (Attachment 3);
- Department of Justice (WorkSafe) (Attachment 4);
- a Resident (Attachment 5); and
- Tasmania Police (Attachment 6);

2.8. Under the Act, Council must consider each of the submissions received.

Department of Education and Department of Justice (WorkSafe)

2.9. The Department of Education and Department of Justice (WorksSafe) each submitted that it was in support of the proposed By-law and its intent and objectives.

A Resident

2.10. the resident provided comment that in the past protest rallies and events and the placing of signs in public places has either not required a permit, or signs have been removed by Council officers without warning.

2.11. The resident also comments that they do not believe Council officers should be able to restrict or ban protest action or free speech in a public place and the By-law should have a section specifically addressing protest action.

2.12. The proposed By-law does not specifically regulate protest action or rallies in a public place. The By-law makes references to requiring a permit for “formal meetings” and “events” and “public events”, which include meetings but there is no specific reference to requiring a permit for a protest action or rally. Council has not previously determined to specifically regulate protest action as a “regulated activity” under the By-law, as there are more appropriate powers under the Police Offences Act 1935.

- 2.13.** Council has regulated signage on public places under its previous By-laws by requiring a person to apply for a permit to place a sign on a public place. The proposed By-law differentiates between unauthorised signage on a public place and signage that may be authorised under the By-law in a specific public place.

These measures reflect Council's long-standing practice of prohibiting "private and non-Council organisations" signage in public places except for the promotion of public events; such as in Charles Hand Park. A new category of signage for public events signage has been created to make it administratively easier for staff to issue the most appropriate permit.

- 2.14.** The resident's reference to the removal of signs from public places is possibly a reference to the signs left in the public places of Kangaroo Bay being removed recently under the provisions of the Litter Act 2007. This is an appropriate exercise of power under that Act to deal with littering and unapproved signs on public places and stands as a separate regulatory measure to that proposed in the By-law.

Tasmania Police

- 2.15.** Tasmania Police provided a submission with several minor comments on the By-law which have been responded to (Attachment 7):

- the offence of "threaten or intimidate or use abusive language" and "assault, resist or obstruct" is a duplication of Section 34B(2) of the Police Offences Act 1935. In response, it is agreed that this is an unnecessary duplication and, if required, Council will rely upon the Police Offences Act 1935 in the interest of supporting and protecting Council's authorised persons. This duplication has therefore been removed from the proposed By-law.

- Clause 16 allowing the General Manager to ban a person from public places if they have offended against the By-law is regarded as a significant power which can be applied too widely. In response, it is agreed that this is a significant power and the wording is effectively too broad. The clause has therefore been redrafted to make it clear that the power only extends to the General Manager banning an offender from a specific public place and not any public place.

2.16. The submission from Tasmania Police also detailed concerns with the regulation of drones (which falls within the By-law definition of aircraft). The submission stated that it believed that the Civil Aviation Safety Authority (CASA) regulates all permits and laws relating to the use of drones and cited a recent High Court decision relating to a fatal hot air balloon incident suggesting that another body seeking to amend, add or extend to laws administered by CASA would probably be invalid.

2.17. A detailed response was provided to Tasmania Police regarding drones. As part of that response, a spreadsheet detailing how other public authorities regulate drones was provided along with printouts of CASA's website, as well Flight Safety Australia and Drone Flyer (websites both administered by CASA) which each refer to a local Council's ability to regulate the landing and launching of drones from public places.

2.18. The response also emphasised that it was not Council's intention to regulate the airspace or to over-ride existing CASA legislation. Council's proposal is to regulate the use of public places for launching and landing of aircraft in response to complaints about the risk of small aircraft such as drones having the capacity to hit and injure users of public places and to regulate the use of public places for the landing of helicopters. This significant risk can be addressed through regulation under the by-law and is regarded as similar to the long identified risk of golf balls, cricket balls and projectiles hitting a person or property which previously led to Council regulating those activities in public places.

2.19. Drone use in Australian airspace is regulated by Part 101 of the Civil Aviation Safety Regulations 1998 (Cth) which distinguishes between excluded RPAs such as low-risk drones and non-excluded RPAs. Excluded RPAs are subject to CASA's safety rules but generally do not require a RPA operator's certificate or a remote pilot licence.

2.20. Specific clarification on this matter was also sought directly from CASA. In response, CASA has advised that Councils have the power to prohibit a drone taking off or landing on its land and that it advises users of the following (Attachment 8):

“Commonwealth drone safety rules apply throughout Australia subject to any applicable and valid state, territory or local government laws. So in addition to complying with all of the CASA drone safety regulations, you must also obey any relevant Council/National Parks bylaws. Councils/National Parks have the power to at least prohibit a drone taking off or landing on Council/National Parks land or other property over which it has land rights (e.g. parks). Questions regarding local council bylaws should be directed to the applicable local council/National Park authority”.

2.21. To address this risk issue, Council's insurer has also recommended that its insured Councils use a permit system for commercial and recreational drone use to address compliance with CASA regulations and to require indemnity and public liability insurance from the operator. Council's insurer has also specifically suggested that by-laws are an appropriate mechanism to regulate drones on public places. Council's insurer has further advised that Council's failure to act to regulate an identified risk could potentially impact on Council's liability under the Civil Liability Act 2002.

2.22. Tasmania Police has now responded to Council (Attachment 9) and advised that it would not have a concern with the Council's proposal to governing the take-off and landing of drones in spaces owned by Council.

2.23. The minor changes to the By-law arising from the submission from Tasmania Police are shown in Attachment 1. It is not considered that the minor changes substantially change the purpose of the proposed By-law, or its effect on the public.

3. CONSULTATION

3.1. Community Consultation

Public consultation has occurred and members of the community have been provided with an opportunity to make a submission on the proposed By-law.

3.2. State/Local Government Protocol

The proposed By-law and Regulatory Impact Statement will now be finalised which involves a sealed copy being provided to LGD along with a statement explaining the purpose and effect of the By-law and the outcomes of public consultations in respect of the By-law.

3.3. Other

As detailed in the body of this report, additional dialogue has occurred between Council officers and Tasmania Police in regard to its submission, as well as direct communication with CASA.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

There are no specific strategic policy implications that will arise as a result of the making

5. EXTERNAL IMPACTS

External impacts are dealt with in detail as part of the Regulatory Impact Statement.

6. RISK AND LEGAL IMPLICATIONS

The next steps in making the proposed By-law are:

- the minor alterations to the proposed By-law are to be made only by an absolute majority of Council;
- Council then makes the By-law under its common seal and has the By-law certified by a legal practitioner and Council's General Manager;
- the By-law is then published in the Tasmanian Government Gazette within 21 days of being made by Council;
- the General Manager is to make the By-law available for purchase and place the By-law on Council's website;
- the By-law is submitted to the Subordinate Legislation Committee within 7 working days of publication in the Gazette;
- the By-law is tabled in parliament within 10 sitting days of Gazette publication; and
- Council sends the Director of Local Government a sealed copy of the By-law, certifications by the General Manager and legal practitioner and a statement explaining the purpose and effect of the By-law and the outcomes of public consultations in respect of the By-law.

7. FINANCIAL IMPLICATIONS

There are no significant financial impacts foreseen by the creation of this By-law.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

It is recommended that Council amends the proposed By-law set out in Attachment 1 and continues the process to make the proposed By-law. The material presented to Tasmania Police should also be submitted to LGD to allay its concerns regarding the appropriateness of the regulation of aircraft (including drones) through Council's proposed By-law.

- Attachments:
1. Proposed By-law with amendments for approval (23)
 2. Letter from Alex Tay, Director of Local Government Division dated 18 January 2018 (2)
 3. Submission from Department of Education received 19 February 2018 (1)
 4. Submission from Department of Justice, WorkSafe received 13 February 2018(1)
 5. Submission from Resident dated 22 February 2018 (1)
 6. Submission from Tasmania Police dated 22 February 2018 (2)
 7. Council response to Tasmania Police submission dated 2 March 2018 (including attachments) (14)
 8. Email from CASA received 1 March 2018 (1)
 9. Email from Tasmania Police in response to Council's letter, received 14 March 2018 (1)

Andrew Paul
GENERAL MANAGER



CLARENCE CITY COUNCIL PUBLIC PLACES BY-LAW (No. 1 of 2018)

A By-law of the Clarence City Council made under Section 145 of the *Local Government Act 1993* for the purpose of providing for the management and control of public places and the process for permits and licences to be issued by the Clarence City Council in relation to the use of public places in the municipal area.

PART 1 - PRELIMINARY

1. Short Title

This By-law may be cited as the Public Places By-law 2018.

2. Commencement

This By-law commences on the date it is published in the Tasmanian Government Gazette. The Clarence City Council Public Places and Permits By-law (No. 1 of 2007) made on 4 December 2007 and notified in the Tasmanian Government Gazette on 12 December 2007, as amended by erratum notice published 19 December 2007 and by Local Government (Amendment of By-laws) Order 2008, is repealed.

3. Application

- (1) This By-law applies to the municipal area of the Clarence City Council.
- (2) This By-law does not apply to an alderman, employee, or an agent or contractor of Council whilst undertaking activities in a public place within the municipal area of the Clarence City Council for and on behalf of Council.
- (3) A permit or licence issued under the City of Clarence Public Places and Permits By-law (No. 1 of 2007) before the commencement of this By-law is a valid permit or licence.

4. Interpretation

In this By-law:

‘advertising device’ means any sign, device or material attached in any way to a vehicle or trailer for the purpose of advertising;

‘aircraft’ means any machine that can derive support from the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface and for the avoidance of doubt includes drones;

‘authorised person’ means the General Manager and a person or an employee of the Council appointed by the General Manager as an authorised person for the purposes of this By-law;

‘building’ includes a building or proposed building or part thereof; or a structure, temporary structure or proposed structure or part thereof and any contents;

‘camp’ includes to erect a shelter or a building suitable for sleeping in overnight, whether or not that portable shelter is on or attached to a vehicle; or being in any such portable shelter at any time during a night; or to sleep at any time during a night in the open or in any vehicle or shelter or a building; or at any time during a night, to place, park or leave a vehicle that appears designed or equipped internally or externally to accommodate overnight sleeping, including a caravan;

‘caravan’ means a trailer, van, caravan, campervan or other structure or conveyance that is used, whether regularly or not, for human habitation or occupation;

‘children’s playground’ means any area in which children’s play equipment is installed for public use;

‘Council’ means the Clarence City Council;

‘event’ means any performance involving a gathering of people including but not limited to a concert or other entertainment, a meeting, parade, sporting event, exhibition, filming or festival, fair, carnival or circus, gathering of people for the sale and purchase of goods, and any markets where private, commercial or charitable groups may gather together using a site on a temporary basis;

‘food’ has the same meaning as the *Food Act 2003*;

‘food business’ has the same meaning as under the *Food Act 2003*;

‘General Manager’ means the General Manager appointed by the Council pursuant to section 61 of the *Local Government Act 1993* and includes a person acting in that capacity;

‘goods’ means any thing, article, substance or matter and any food in a person’s possession for the purpose of sale;

‘highway’ means any local highway maintainable by the Council pursuant to the *Local Government (Highways) Act 1982* and any street, road, way, mall, road reservation and cul-de-sac under the responsibility or the control of the Council;

‘land’ means any land in the municipal area and includes, but is not limited to, playgrounds, sporting facilities, buildings and structures permanently fixed to land, land covered by water, and water covering land;

‘lease’ means a lease agreement entered into by the Council with a person for the use of a public place;

‘licence’ means a licence issued to a person pursuant to this By-law;

‘liquor’ has the same meaning as under the *Liquor Licensing Act 1990*;

‘municipal area’ means the Clarence City Council as defined under section 16 of the *Local Government Act 1993*;

‘nature strip’ has the same meaning as the Road Rules 2009 (Tas);

‘notice’ means a notice authorised to be displayed, erected, published or forwarded to another person, by the Council, the General Manager, an authorised person, a police officer, or any other person authorised or approved by the General Manager, and which has been, or is:

- a) displayed or set up in a public place or adjacent to a public place with the approval of the Council, the General Manager, an authorised person; or
- b) published in a daily newspaper circulating, or displayed on a website and placed there with the approval of the Council, the General Manager, an authorised person, or a person on behalf of the Council; or
- c) forwarded by the Council, General Manager or authorised person to a person to whom this By-law applies;
- d) provided as a permit or licence issued to a person in accordance with this By-law; or
- e) printed as part of the written conditions of entry and use of a public place, or a sporting facility and which is set out in a document, that has been provided to a person by the Council, the General Manager, an authorised person or by a person on behalf of or with the agreement of the Council.

“object” means a material thing or article that has either been brought in to a public place or has been lost, left, placed, installed or abandoned in or on a public place and is capable of physical removal and includes abandoned vehicles left in a public place which is not a road or road-related area as defined under the Road Rules 2009;

‘outdoor dining’ means the consumption of food and/or beverages by persons seated in a public place adjacent or near to premises where food and/or beverages are for sale, or have been sold to a person;

‘penalty unit’ means a sum prescribed under the provisions of the *Penalty and Other Penalties Act 1987*;

‘permit’ means a permit issued by the General Manager or an authorised person to a person to authorise an activity in a public place pursuant to this By-law;

‘permit holder’ means a person granted a permit or licence by Council, the General Manager or an authorised person pursuant to this By-law;

‘person’ includes but is not limited to a natural person, a body corporate, club, association and company;

‘plant’ includes any tree, shrub, vegetable, flower or grass; or any seed, fruit, timber or product of a plant;

‘playground’ means an area designated as a playground by the Council;

‘police officer’ means an officer of Tasmania Police;

‘public event’ means any public performance involving a gathering of people for a concert or other entertainment, a meeting, parade, sporting event, exhibition, filming or festival, any fair, market or other gathering of people for the sale and purchase of goods, and any markets where private, commercial or charitable groups may gather together using a site on a temporary basis recognised, sponsored or organised by the Council.

‘public place’ means any land or part of land (including highway) owned by or under the control of the Council, and any publicly accessible land, any sporting facility, any paths, multi-user paths, tracks or trails and any building or structure in or upon that land that is part of any property or facility owned, controlled, managed or maintained by the Council, or which is land or a building that is leased or licensed by the Council to another person or entity, or which is otherwise the responsibility of the Council;

‘sale’ means to sell, agree to sell, offer or expose for sale, barter or exchange;

‘specified offence’ means an offence against the clause specified in column 1 of Schedule 1;

‘sporting facility’ means a public place or part of a public place set apart for the playing or practice of any game or the carrying on of any contest, competition, or exhibition;

‘stall’ means any structure, article or thing in, upon or under which goods are kept for the purposes of sale;

‘vehicle’ has the same meaning as in the *Vehicle and Traffic Act 1999*;

‘vessel’ includes a boat, ship, craft, hovercraft, aircraft or platform, any other form of water craft; any trailer used to transport any of them; and a vehicle that is capable of use in or on water whether floating, partly submersible or submersible and whether or not self-propelled

‘wheeled recreational device’ has the same definition as the *Road Rules 2009*;

‘wildlife’ means any living creature other than -

- a) a dog or cat;
- a) domestic stock;
- b) vermin as defined under the *Vermin Control Act 2000*
- c) fish, within the meaning of the *Living Marine Resources Act 1995*;
- d) an animal that:
 - i. is being farmed under and in accordance with the *Animal Farming (Registration) Act 1994*;
 - ii. has been so farmed and is legally in the possession of any person.

5. Currency of documentation

In this By-law a reference to an Act, regulation, standard, code, publication is to be read as a reference to any subsequent amended, updated, superseded, or altered Act, regulation, standard, code, publication that are current at a point in time.

6. Delegations and appointment of authorised persons

- (1) Where under this By-law a power or function may be exercised by the General Manager, the General Manager may, in accordance with the *Local Government Act 1993*, delegate to an employee of Council, performance of those powers and functions.
- (2) The General Manager may appoint a person or an employee of the Council as an authorised person for the purposes of this By-law.

PART 2 – MANAGEMENT AND CONTROL OF PUBLIC PLACES

7. Notices for the control of public places

- (1) The General Manager may by notice make rules for and regulate the management, control and use of any public place, or a part of a public place in accordance with this By-law.
- (2) A notice under sub-clause (1) may be placed on the public place or published, displayed or forwarded as the General Manager deems appropriate.
- (3) A person in a public place must obey the terms and conditions of any notice issued under sub-clause (1).

Penalty: Fine not exceeding 10 penalty units.

8. Issuing of directions and removal of persons

- (1) An authorised person may issue directions to any person in relation to their use or treatment of or presence in a public place.
- (2) A direction by an authorised person may be given verbally or in writing.
- (3) An authorised person may ask a person whom the authorised person reasonably believes is offending or has offended against this By-law to leave a public place.
- (4) An authorised person may refuse to admit a person to any public place whom the authorised person reasonably believes is offending or has offended against this By-law.
- (5) An authorised person may remove any person from any public place whom the authorised person reasonably believes is offending against this By-law.
- (6) A person must obey the requests and directions of an authorised person concerning the use of a public place.

Penalty: Fine not exceeding 10 penalty units

- (7) If required to do so by the General Manager or an authorised person in relation to a matter arising under this By-law, a person must obey a request to provide his or her name and address when required to do so.

Penalty: Fine not exceeding 5 penalty units

9. Notices and directions generally

- (1) A notice or direction given under this By-law may be subject to such conditions and requirements and subject to such time period as the General Manager or authorised person, where applicable, may determine.
- (2) Unless otherwise specified in a notice or direction, a person to whom a notice or direction is given is to comply with the notice or direction at the cost of that person.
- (3) A notice or direction given under this By-law requiring a person to carry out or undertake action or work may direct that the action or work be done

only by a person with the appropriate qualification, knowledge or expertise.

- (4) The Council may undertake the work required in a notice or direction given pursuant to this By-law if the person to whom a notice or direction is given, fails to comply with the notice or the direction within the time specified in the notice or direction.
- (5) The Council may recover as a debt payable by that person, its expenses in undertaking work under the notice issued or direction given pursuant to this By-law as a debt payable to it from the person who fails to comply with the notice or direction in addition to any penalty imposed under sub-clause (1) and this By-law.

10. Powers of police officers

- (1) An authorised person may obtain the assistance of a police officer in effecting the functions and powers of an authorised person under this By-law.
- (2) A police officer may remove any person from a public place whom they reasonably believe is committing an offence under this By-law.
- (3) A police officer may arrest any person who is on a public place whom the police officer reasonably believes is committing an offence under this By-law.

~~11. Abuse, obstruction of the General Manager, authorised person or Police Officer~~

~~(1) A person must not:~~

- ~~a) threaten or intimidate the General Manager, an authorised person or a police officer or use abusive language to the General Manager, an authorised person or a police officer acting in the course of his or her duties under this By-law; or~~
- ~~b) assault, resist or otherwise obstruct the General Manager, an authorised person or a police officer in the execution of his or her duties under this By-law.~~

~~**Penalty:** Fine not exceeding 20 penalty units for each offence~~

~~12.11. Liability of General Manager, authorised persons and police officers~~

- (1) Subject to the provisions of any Act, the General Manager, an authorised person or a police officer is not liable to any person against whom any action is taken pursuant to this By-law, for any honest act or omission done or made in the exercise or purported exercise of the power or in the performance or purported performance of any function, power or authorisation under this By-law.

13.12. Rectification of damage or breach

- (1) The General Manager or an authorised person may give notice to a person who has done anything in contravention of this By-law which is capable of being rectified, requiring that person to do work or a thing that the General Manager or authorised person considers is reasonably required to rectify the contravention.
- (2) A notice given under sub-clause (1):
 - a) is to identify the relevant contravention;
 - b) is to state the work or thing to be done that is required to rectify the contravention;
 - c) is to state the time by which the work or thing is to be completed; and
 - d) may require that the work or thing to be done is to be done only by a person with appropriate qualifications.
- (3) A person must not fail to comply with a notice given pursuant to sub-clause (1).
Penalty: Fine not exceeding 10 penalty units
- (4) The General Manager or an authorised person may perform or arrange to rectify the contravention as required under sub-clause (1) if the notice is not complied within the timeframe stipulated in the notice.

14.13. Recovery of Expenses

- (1) In addition to any penalty imposed in relation to any failure by a person to comply with any provisions of this By-law, any expenses incurred by Council as a consequence of that contravention are recoverable by the Council as a debt payable by that person.

15.14. Disruption of a sporting event

- (1) A person must not enter onto a sporting facility while a sporting event is in progress, or enter onto a sporting facility during any period prior to, or after the commencement or completion of a sporting event on that sporting facility without permission from the permit holder, an authorised person, or a police officer.
Penalty: Fine not exceeding 10 penalty units.

16.15. Banned entry to a public place

- (1) The General Manager may by notice ban a person who has offended against this By-law from entering any a specific public place for such period of time as the General Manager determines.
- (2) The General Manager may withdraw a ban made under sub-clause (1).
- (3) A person who has been banned from entering a specific public place under subclause (1) must not enter upon that specific public place during the period for which the ban applies.

Penalty: Fine not exceeding 10 penalty units

17.16. Closure of public place

- (1) The General Manager may close any public place or part thereof to members of the public for such periods as the General Manager may determine for:
 - a) safety reasons; or
 - b) protection of a public place; or
 - c) repair, maintenance or improvement of a public place; or
 - d) the conduct of an event or activity permitted under this By-law.
- (2) A person must not enter or remain in any part of a public place that is closed to the public unless authorised by permit or licence or with the written approval of the General Manager.

Penalty: Fine not exceeding 10 penalty units

18.17. Admission Charges

- (1) A person must not charge for admission or take any collection for admission from any person in, or who is about to enter a public place except with the prior written approval of the General Manager, or except in accordance with the terms and conditions of any lease or licence of that public place.

Penalty: Fine not exceeding 5 penalty units

19.18. Entrance to public place

- (1) A person must not use, enter, or attempt to enter, any public place or part of a public place without having paid any fee or charge where applicable, and except by access through gates or entrances commonly used by the public or except in accordance with the terms of any notice, or the requirements of an authorised person.

Penalty: Fine not exceeding 5 penalty units

PART 3 – RESTRICTIONS ON ACTIVITIES IN OR ON A PUBLIC PLACE

20.19. Nuisances

- (1) A person in a public place must not commit a nuisance or cause a nuisance to any other person and must not wilfully obstruct, hinder or annoy any member of the public or interfere with the peaceable use of the public place by any other person.

Penalty: Fine not exceeding 5 penalty units

21.20. Noise

- (1) A person in a public place must not, unless authorised by a permit or licence use any broadcasting or amplifiers, loudspeakers, sound systems, loud hailers, radio receivers or devices, musical instruments or any other instruments that produce or relay noise or other sound within a public place so as to cause a nuisance to the public.

Penalty: Fine not exceeding 5 penalty units

22.21. Vandalism and rubbish

- (1) A person in a public place must not:
- damage, remove, dispose of, disfigure, paint, or otherwise interfere with any thing in a public place;
 - do any act or thing that causes, or is likely to cause, any damage to any part of a public place;
 - mark or write on, deface, or paint graffiti on any thing in a public place;
 - break any glass or leave any glass, refuse or other litter in a public place except in a designated disposal area such as a rubbish bin or recycling bin;
 - dump or store any substance or material; or
 - place, leave or drop any syringe or sharp.

Penalty: Fine not exceeding 10 penalty units for each offence

23.22. Protection of natural assets

- (1) A person in a public place must not:
- pluck or remove any plant, or break, cut or poison any part of, or in any way interfere with or damage any plant, tree, wood, flower, bush, shrub or garden bed or landscape any part of a public place;
 - dig, cut, form, reform, excavate in or remove any earth, soil, turf, loam, sand, gravel, stone or other like material;
 - construct or reconstruct any earth, soil, turf, loam, sand, gravel, stone or other like material;
 - dam up, divert or pollute any water on or under the surface; or

- e) take or collect any water for sale;

Penalty: Fine not exceeding 20 penalty units for each offence

24.23. Protection of wildlife

- (1) A person in a public place must not:

- a) take or have in their possession any wildlife or products of wildlife;
- b) lay or set any trap or snare or deposit any poisonous or chemical substance;
- c) interfere with the nest, breeding place or habitation of any wildlife; or
- d) intentionally disturb any wildlife.

Penalty: Fine not exceeding 5 penalty units for each offence

25.24. Damage to relics

- (1) A person in a public place must not remove, damage, deface or disturb any brick, glass, coin, masonry, ceramics, aboriginal relic or any other object of architectural, archaeological, scientific, historical or cultural interest.

Penalty: Fine not exceeding 20 penalty units

26.25. Cairns and memorials

- (1) A person in a public place must not erect a cairn or memorial except with the prior written approval of the General Manager.

Penalty: Fine not exceeding 10 penalty units

27.26. Declared weeds

- (1) A person in a public place must not bring into or be in possession of any plants listed as declared weeds within the meaning of the *Weed Management Act 1999*.

Penalty: Fine not exceeding 5 penalty units

28.27. Fires

- (1) A person in a public place must not light or maintain any fire unless in a place designated for that purpose.

Penalty: Fine not exceeding 10 penalty units

29.28. Firearms, fireworks, missiles and harmful implements

- (1) A person in a public place must not:

- a) carry or be in possession of any firearm, weapon, missile or projectile or fireworks; or
- b) use, throw, fire or discharge any firearm, weapon, missile, projectile or fireworks.

Penalty: Fine not exceeding 20 penalty units for each offence.

30.29. Animals

- (1) A person in a public place must not take, permit or allow any animal to be taken into or remain in any part of a public place except for designated areas and in accordance with the provisions of any legislation or as authorised by a permit or licence.

Penalty: Fine not exceeding 5 penalty units for each offence.

31.30. Use of vehicles

- (1) A person in a public place must not:

- a) drive or take any vehicle into or onto a public place except in accordance with any directions given by the General Manager, or except in accordance with the terms and conditions of any notice, or the requirements of an authorised person;
- b) park or leave any vehicle in a public place except in an area set aside by Council as a parking area unless authorised to do so by an authorised person;
- c) park or leave any vehicle in a public place in such a way as to obstruct the vision of another person driving a vehicle;
- d) park or leave a vehicle in a position where it obstructs the entry or exit of another vehicle to another parking place or parking area; or
- e) fail to comply with the directions of the General Manager, an authorised person or a police officer supervising vehicles as to the place to park or drive the vehicle; or as to the route or course over which the vehicle is to be driven.

Penalty: Fine not exceeding 10 penalty units for each offence.

32.31. Private accesses

- (1) A person must not, without the written approval of the General Manager, create an entrance to a public place that allows a means of access through to that public place except to ingress or egress a highway for vehicular access.

Penalty: Fine not exceeding 5 penalty units

- (2) The General Manager may by notice require a person to close any entrance that allows access to a public place.
- (3) A person must not fail to comply with the directions of a notice issued by the General Manager under sub-clause (2).

Penalty: Fine not exceeding 5 penalty units

33.32. Skateboards and bicycles

- (1) A person in a public place must not ride, drive or otherwise use any bicycle, quad bike, trail bike, tricycle, segway, wheeled recreational device, or other like vehicle or device in a public place except:
- a) on roads where permitted;

- b) on paths or tracks specifically provided for the type of vehicle or device and where signs or notices authorised by the General Manger indicate that such use is allowed; or
- c) such other public place areas where signs or notices authorised by the General Manger indicate that such use is allowed.

Penalty: Fine not exceeding 5 penalty units for each offence

34.33. Signage and advertising

(1) A person in a public place must not:

- a) paint, affix, or in any manner place any advertisement, bill, poster, sandwich board, notice, or any other like sign in any part of a public place;
- b) erect, exhibit, or display a notice, sign, electoral sign, bill, poster or advertisement on any public place;
- c) give out, distribute, scatter or throw down any handbills, placards, tickets, notices, advertisements, books, cards, offers, pamphlets, papers or like things; or
- d) park or cause to be parked any vehicle or trailer on any public place for the purposes of using such vehicle or trailer as an advertising device otherwise than for or in connection with, bona fide purposes of travel and stopping incidentally to such travel.

Penalty: Fine not exceeding 5 penalty units for each offence

35.34. Ball games

(1) A person in a public place, including a playground, must not play or practice cricket, golf, football, hockey or other ball games of a like nature unless in an area designated for that purpose.

Penalty: Fine not exceeding 2 penalty units

36.35. Playgrounds

(1) A person must not:

- a) use any playground equipment in a playground unless the person is of a suitable age for the use of that equipment; or
- b) use any playground equipment contrary to any sign applying to the playground equipment.

Penalty: Fine not exceeding 2 penalty units for each offence

PART 4 –ACTIVITIES IN OR ON A PUBLIC PLACE REQUIRING A PERMIT OR LICENCE

37.36. Business, commercial activity and trade

- (1) A person in a public place must not, unless authorised by a permit or licence:
- a) carry on any business, commercial activity, profession, trade, or occupation whether for financial reward or consideration or not; or
 - b) set up, place, park or moor any vehicle, vessel, caravan, or stall for the purpose of selling any goods, land, or property or for the purpose of offering for sale or hire or in any other way disposing of goods, land or property or in connection with any business, commercial activity, profession, trade, performance or occupation whether for financial reward or consideration or not.

Penalty: Fine not exceeding 10 penalty units for each offence

- (2) A person must not sell liquor to any person in or on a public place unless authorised by a permit or licence and being the holder of an appropriate authorisation under the *Liquor Licensing Act 1990*.

Penalty: Fine not exceeding 10 penalty units

38.37. Sporting activity and personal training

- (1) A person in a public place must not, unless authorised by a permit or licence:
- a) conduct any form of organised sporting activity, training, game, contest, exhibition or competition; or
 - b) coach, train or instruct a person in a sporting, recreational or physical fitness activity.

Penalty: Fine not exceeding 5 penalty units for each offence

39.38. Public assembly, speaking and entertainment

- (1) A person in a public place must not, unless authorised by a permit or licence:
- a) conduct any amusement, busking, entertainment or performance for financial reward;
 - b) organise or participate in an assembly, rally, public speaking or similar activity;
 - c) take up a collection of money; or
 - d) conduct raffles or prize contests.

Penalty: Fine not exceeding 5 penalty units for each offence

40.39. Private events and functions

- (1) A person in a public place must not, unless authorised by a permit or licence, conduct weddings, formal meetings, private functions, events or other private activities of a like nature.

Penalty: Fine not exceeding 5 penalty units

41.40. Signage for the promotion of public events

- (1) A person in a public place must not, unless authorised to do so within a designated area under a permit or licence, paint, affix, or in any manner place any advertisement, bill, poster, sandwich board, notice, or any other like sign for the purposes of advertising a public event.

Penalty: Fine not exceeding 5 penalty units

42.41. Structures and obstructions

- (1) A person in a public place must not, unless authorised by a permit or licence, leave, erect, place, build, set up or cause to be left, erected, placed, built or set up, upon, under, over or across a public place, any building, structure, sign or obstruction of any kind, whether temporary or not.

Penalty: Fine not exceeding 10 penalty units

43.42. Camping

- (1) A person must not camp in a public place unless authorised by a permit or licence or in an area designated for that purpose.

Penalty: Fine not exceeding 2 penalty units

44.43. Aircraft

- (1) A person in a public place must not, unless authorised by a permit or licence or in the case of an emergency, land or launch any aircraft.

Penalty: Fine not exceeding 5 penalty units

45.44. Outdoor Dining

- (1) A person must not cause or permit any thing including furniture and screening to be placed in any public place or part of a public place for the purpose of encouraging or permitting outdoor dining except in accordance with the terms and conditions of a licence, permit or notice, or in accordance with the approval of the General Manager or an authorised person.

Penalty: Fine not exceeding 10 penalty units

PART 5 – APPLICATION PROCESS FOR A PERMIT OR LICENCE

46.45. Application for permits

- (1) A person may make application to the General Manager for a permit or licence to use any public place for those activities provided for under Part 4 of this By-law.
- (2) An application must be in a form approved by the General Manager and lodged with Council in accordance with the application timeframes set by the General Manager or at least 14 business days before the first day in respect to which the permit or licence is to apply.
- (3) An application is to be accompanied by the payment of the fee or charge imposed by the Council together with the required information as set out in the form of application.
- (4) The General Manager may:
 - a) grant a permit or licence on terms and conditions the General Manager considers appropriate; or
 - b) refuse to grant a permit or licence;on an application made in accordance with this By-law.
- (5) A permit or licence granted pursuant to this By-law is to:
 - a) be in writing and may be in the form of a letter;
 - b) bear the date on which it was issued;
 - c) remain in force for the period for which it was issued, unless it is cancelled or surrendered; and
 - d) be carried by the permit holder at all times while undertaking the activity approved under the permit or licence.
- (6) A permit or licence issued pursuant to this By-law is not assignable or transferable except with the written approval of the General Manager.
- (7) A permit or licence issued pursuant to this By-law may make provision for any appropriate insurance cover as directed or required by the General Manager.
- (8) A person must comply with the terms and conditions of a permit or licence.

Penalty: Fine not exceeding 5 penalty units

47.46. Competing Applications

- (1) If there are competing applications for the use of a public place, the General Manager may determine which application for a permit or licence is to be granted.
- (2) The General Manager may determine that a prior or later application for a permit or licence to use the same public place is to be granted in preference to any other application for that public place.

48.47. Security Bond

- (1) The General Manager may require a permit holder or person to whom this By-law applies to deposit a sum of money with the Council, or enter into a bond with Council for payment to Council of such amounts as the General Manager may determine in order to provide security against any reasonable costs which the Council may incur as a result of the permit holder's failure to comply with a permit or licence or with the provisions of this By-law.

49.48. Recovery of costs from security deposits and bonds

- (1) If a permit holder fails to comply with any terms and conditions of a permit or licence or damages any thing in a public place in the course of their use of a public place, the Council may draw from the deposit or bond paid under clause 47 in order to:
 - a) carry out the permit holder's obligations under the permit or licence;
 - b) reinstate or repair any damage caused; and
 - c) deduct any costs incurred by Council in taking action under this clause.
- (2) The Council may also recover in a court of competent jurisdiction from the permit holder any expenses incurred by it in carrying out the permit holder's obligations under this By-law less the amount of the bond paid by the permit holder for that purpose, if any, as a debt due to it.

50.49. Suspension or Cancellation of a Permit or Licence

- (1) The General Manager may suspend or cancel a permit or licence if the permit holder fails to observe or comply with the terms and conditions of the permit, licence or the provisions of this By-law.
- (2) The General Manager may cancel a permit or licence at their sole discretion to prevent a nuisance being caused or to protect public safety.
- (3) If a permit or licence is to be suspended or cancelled, the General Manager is to serve a notice on the permit holder stating that the permit or licence is suspended or cancelled and giving the reasons for the suspension or cancellation.
- (4) The suspension or cancellation of a permit or licence issued pursuant to this By-law is to take effect from the time that the notice of the suspension or cancellation is served on the permit holder.
- (5) The General Manager may suspend or cancel a permit or licence by any communication conveyed to the permit holder by any means including notice by radio or television in emergency situations or in situations considered appropriate by the General Manager.
- (6) A permit holder must not use a public place if a permit or licence for the use of that public place has been suspended or cancelled.

Penalty: Fine not exceeding 10 penalty units

- (7) Nothing in this clause is to be construed as preventing or prohibiting the General Manager from suspending or cancelling a permit or licence if this is required due to the exercise of any of Council's functions, powers, rights or duties.

DRAFT

PART 6 – REMOVAL OF OBJECTS FROM A PUBLIC PLACE

51.50. Objects in or on a public place

- (1) If an object is being used in a public place in a manner that causes or is likely to cause a nuisance or harm, or if an object is placed or left in a public place without the approval of the General Manager or an authorised person, an authorised person or police officer may remove the object or cause it to be removed.
- (2) If the owner of the object and their address is known to Council, the General Manager or an authorised person is to give notice to the owner to collect the object from Council within 5 business days.
- (3) If the owner fails to collect the object within 5 business days, the General Manager may cause the object to be returned to the last known address of the owner and any costs incurred in doing so are to be borne by the owner.

52.51. Removed objects of little or insignificant monetary value

- (1) If the owner of the object is not known to Council and the General Manager determines that the object is of little or insignificant monetary value, the General Manager may after 5 business days dispose of the object without further enquiry.
- (2) In determining whether an object is of little or insignificant monetary value, the General Manager may have regard as to whether the object is of no value or the amount that might be received from its sale would not be sufficient to defray the cost of its removal from the public place; or, its storage; or, the disposal of the object; or the public advertising in accordance with this Part.

53.52. Removed objects of monetary value

- (1) If the General Manager determines that an object is of monetary value and the ownership of the object is not known and it is not claimed by the owner or a person on behalf of the owner within 2 business days following its removal from the public place, the General Manager is to notify by way of public advertisement the removal of the object.
- (2) A notice under sub-clause (1) is to give the following details:
 - a) the description of the object and any distinguishing features;
 - b) the place from where the object was removed;
 - c) the date on which the object was removed;
 - d) the place from which the object may be claimed;
 - e) the fees, costs and charges payable in respect of the removal, maintenance and storage of the object; and
 - f) that if the object is not claimed within 10 business days that the object may be disposed of by the General Manager.

- (3) No provision or procedure created under this By-law is to prevent the General Manager or an authorised person from removing an object from a public place, if the object is regarded as dangerous or hazardous to the safety of the public.

54.53. Fees, Costs and Charges

- (1) The owner of an object removed in accordance with this By-law is liable to pay to Council:
- a) any fees, costs and charges specified in a notice under clause 52; and
 - b) any further fees, costs and charges incurred by the Council including but not limited to the removal, storage, further maintenance, advertising and administrative costs in dealing with the object.
- (2) Any unpaid fees, costs and charges are a debt due to the Council and are recoverable by the Council as a debt payable by the owner.
- (3) The General Manager may retain an object until any fees, costs and charges specified in a notice are paid.

55.54. Object required for prosecution

- (1) Where an object is required by Council for the prosecution of an offence under this By-law, the object is to be released to the owner following the completion of the prosecution proceedings and on payment of the fees, costs and charges unless otherwise directed by a court.
- (2) The General Manager may dispose of an object:
- a) which is not released to the owner under the prosecution proceedings; or
 - b) in such cases where the fees, costs and charges have not been paid, within 20 business days of the completion of prosecution proceedings.

PART 7 - INFRINGEMENTS

56.55.Offences

- (1) Any person who contravenes or fails to comply with any of the relevant provisions of this By-law is guilty of an offence under this By-law and liable on conviction to the penalty set out in the relevant provision.

57.56.Infringement Notices

- (1) In this clause “specified offence” means an offence against the clause specified in column 1 of Schedule 1.
- (2) An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 is the penalty payable under the infringement notice for that offence.
- (3) An authorised person may:
 - a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
 - b) issue one infringement notice in respect of more than one specified offence.
- (4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
- (5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.

58.57.Monies Payable to Council as a recoverable debt

- (1) All monies payable to the Council or General Manager in respect of an infringement notice are a debt due to Council and recoverable at law.

SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES

Column 1	Column 2	Column 3
CLAUSE	OFFENCE GENERAL DESCRIPTION OF OFFENCE	PENALTY (Penalty units)
7(3)	Fail to comply with terms and conditions of a notice	5
8(6)	Fail to comply with the requirements of an authorised person	5
8(7)	Fail to provide name and address	3
12(3)	Fail to comply with a notice	5
14(1)	Enter a sporting facility while a sporting event is in progress without permission	3
15(3)	Fail to comply with ban from public place	5
16(2)	Enter or remain in a public place closed to the public	5
17(1)	Charge admission to a public place without permission	2
18(1)	Use or enter or attempt to enter any public place without having paid the applicable fee or charge	2
19(1)	Commit a nuisance or obstruct, hinder or annoy	2.5
20(1)	Produce or relay noise without permission	2.5
21(1)(a)	Damage or interfere with any thing	3
21(1)(b)	Damage public place	3
21(1)(c)	Graffiti any thing	3
21(1)(d)	Break glass or litter	3
21(1)(e)	Dump or store substance or material	3
21(1)(f)	Place syringe or sharp	3
22(1)(a)	Interfere with vegetation	3
22(1)(b)	Interfere with earth	3
22(1)(c)	Construct or reconstruct any earth	3
22(1)(d)	Interfere with water	3
22(1)(e)	Take or collect water for sale	3
23(1)(a)	Possession of wildlife	2
23(1)(b)	Lay or set trap or poison	2
23(1)(c)	Interfere with nest of wildlife	2
23(1)(d)	Intentionally disturb wildlife	2
24(1)	Interference with relics	10
25(1)	Erect a cairn or memorial without permission	3
26(1)	Possession of weeds	2
27(1)	Light fire without approval	5
28(1)(a)	Possession of firearm, weapon, missile or projectile or fireworks	2.5
28(1)(b)	Use firearm, weapon, missile, projectile or fireworks	2.5

29(1)	Take animal into public place without approval	2
30(1)(a)	Drive or take vehicle into public place contrary to directions	5
30(1)(b)	Park or leave vehicle except in parking area without approval	5
30(1)(c)	Park or leave vehicle to obstruct vision	5
30(1)(d)	Obstruct entry or exit of another vehicle	5
30(1)(e)	Fail to comply with directions	5
31(1)	Create entrance to public place without approval	2.5
31(3)	Fail to comply with the directions of a notice	2.5
32(1)	Use vehicle or device outside permitted areas	2.5
33(1)(a)	Advertisement without approval	2.5
33(1)(b)	Signage without approval	2.5
33(1)(c)	Give out advertisements	2.5
33(1)(d)	Park advertising device	2.5
34(1)	Play ball games without approval	1
35(1)(a)	Use playground equipment at unsuitable age	1
35(1)(b)	Use playground equipment contrary to sign	1
36(1)(a)	Carry on business without approval	5
36(1)(b)	Business and trade without approval	5
36(2)	Sell liquor without approval	5
37(1)(a)	Conduct organised sporting activity without approval	2.5
37(1)(b)	Coach, train or instruct without approval	2.5
38(1)(a)	Conduct amusement, entertainment without approval	2.5
38(1)(b)	Organise or participate in assembly, rally without approval	2.5
38(1)(c)	Take up a collection of money without approval	2.5
38(1)(d)	Conduct raffle or prize contest without approval	2.5
39(1)	Conduct private functions without approval	2.5
40(1)	Affix sign to advertise a public event without approval	5
41(1)	Structure or obstruction without approval	5
42(1)	Camp without approval	1
43(1)	Use of aircraft without approval	2.5
44(1)	Outdoor dining without approval	5
45(8)	Fail to comply with terms and conditions of a permit or licence	2.5
49(6)	Use of public place under suspension or cancellation	5

Department of Premier and Cabinet

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Mr Andrew Paul
General Manager
Clarence City Council
Po Box 96
ROSNY PARK TAS 7018

Clarence City Council – Public Places By-law No.1 of 2018

Dear Mr Paul

Thank you for your further letter dated 19 December 2017 enclosing a copy of the above draft by-law and Regulatory Impact Statement (RIS) that have now been amended following our conversation on 9 November 2017.

As Director of Local Government, I am required to issue a certificate if satisfied that a RIS complies with the *Local Government Act 1993* (the Act). I have examined the amended RIS and, as requested, I enclose the section 156A certificate as prescribed under the Act for this by-law.

I am satisfied that the proposed provisions relating to drones in the draft By-law have been adequately assessed with regard to the restriction of competition.

However, I still hold concerns that this regulatory approach is disproportionate to the risk. I do agree that drones pose some risk to public safety, and raise other issues such as privacy. Whether they create materially greater risk than other objects, which are not subject to the scope of proposed regulation, is the key issue.

I question whether other laws are sufficient to manage the risk of drones. For example, Part 2 of the *Police Offences Act 1935* includes provisions relating to public annoyance and breaches of privacy that are likely to be relevant to the inappropriate use of drones.

Furthermore, drone users could be subject to civil action for any injury caused to a person or property. I also consider the practical regulation of this activity would be difficult, given the use of drones by children and adults is already prolific in public places across the State (i.e. used from beaches etc.). Requiring a permit for use in this context appears disproportionate and unenforceable.

Nonetheless, this is not within my jurisdiction to consider this matter under section 156A of the Act. I have copied this letter to the Parliamentary Standing Committee on Subordinate Legislation (the Subordinate Legislation Committee) given its role in reviewing by-laws in the context of the *Subordinate Legislation Committee Act 1969*.

The Committee may wish to consider my concerns when the By-law is made, particularly with regard to whether the By-law unduly trespasses on personal rights and liberties, and in the context that other Acts may deal with the matter.

I would like to draw your attention to the provisions of section 164 of the Act which states that:

A council is to forward to the Director –

- (a) a sealed copy of the by-law; and
- (b) the certification under section 162; and
- (c) a statement explaining –
 - (i) the purpose and effect of the by-law; and
 - (ii) the outcomes of public consultations in respect of the by-law.

I await the provision of the abovementioned documents in relation to the by-law on completion of the certification process.

Please also note the following:

- Section 162(1)(a) requires a by-law to be certified by a legal practitioner that its provisions are in accordance with the law. I note in particular the restrictions on making by-laws under section 150(1) and that, other than section 150(1)(da), the Director has no statutory role in assessing a by-law.
- Section 153 of the Act states that a council must cause a by-law to be published in the *Tasmanian Government Gazette* and that a by-law that is not published in the *Gazette* is of no effect.
- Section 47 of the *Acts Interpretation Act 1931* requires a by-law to be published in the *Gazette* within 21 days after the day on which it is made.
- Section 47 of the *Acts Interpretation Act* also requires that a by-law be tabled in Parliament within ten sitting days of publication in the *Gazette*.
- It is a requirement of the *Subordinate Legislation Act 1992* that a council send copies of a by-law to the Subordinate Legislation Committee within seven days of publication in the *Gazette*.

Further information on these requirements can be found in *Making by-laws good practice guidelines* - 4 & 5 available at www.dpac.tas.gov.au/divisions/lgd/resources_for_councillors.

Yours sincerely



Alex Tay
Director of Local Government

18 January 2018

ATTACHMENT 3

Department of Education

OFFICE OF THE SECRETARY

GPO Box 169, HOBART TAS 7001 Australia

OfficeoftheSecretary@education.tas.gov.au

Ph (03) 6165 5757



Tasmanian
Government

File no: **DOC/18/27587**

19 February 2018

General Manager

Clarence City Council

PO Box 96

ROSNY PARK TAS 7018

RECEIVED

21 FEB 2018

BY: REC

Dear General Manager

Re: Clarence City Council Public Places By-Law – Consultation

Thank you for inviting me to make comment on the proposed Public Places By-law No. 1 of 2018. I support the efforts taken to simplify the By-law and make it more accessible and do not have any specific comments to provide.

Yours sincerely

Tim Bullard
ACTING SECRETARY



Department of Justice

WorkSafe Tasmania

PO Box 56

Rosny Park TAS 7018



Phone 03 6166 4736 Fax 03 6173 0206

Email Mark.Cocker@justice.tas.gov.au Web www.worksafe.tas.gov.au

13 February 2018

The General Manager
Clarence City Council
PO Box 96
ROSNY PARK TAS 7018

Attention: Ms Clare Shea

Dear Mr Paul

Clarence City Council Public Places By-Law - Consulation

Thank you for consulting WorkSafe Tasmania regarding your proposed (revised) Council 'By-laws' concerning prohibited activities and providing my office with an opportunity to comment.

As you would be aware, WorkSafe Tasmania administers the regulatory framework relevant to fireworks as prescribed in the *Explosives Regulations 2012*. WorkSafe Tasmanian supports the particular Bylaw (Clause 29) brought to our attention, which prohibits fireworks in public places.

WorkSafe Tasmania is aware of this type of 'By-law', typically applied by municipal councils throughout Tasmania. Consequently, for many years WorkSafe Tasmania has, in considering applications for fireworks display permits, sought from applicants details regarding 'land ownership'.

I believe the provisions of your 'By-Laws' are consistent with our approach in promoting safety within our community; and again thank you for the opportunity to comment.

Yours sincerely

A handwritten signature in black ink that reads "Mark Cocker".

Mark Cocker
Chief Executive

22/2/18

RECEIVED

23 FEB 2018

BY: RECORDS

Attention: General Manager Clarence City Council.

City of Clarence Public Places By-Law [No 1 Of 2018]

Public Consultation.

I have read the Regulatory Impact Statement and the Draft Public Places By-Law [No1 of 2018] documents.

I have endeavoured to understand the content of these documents as a community member who does not have legal training or expertise.

I would like to make the following comments.

I have been a member of the Clarence Municipality/ City since 1957 with a short residency in West Hobart. [1977/78]

Since purchasing a property on Bellerive Bluff in 1979 I have been actively involved in community consultation, protest meetings [rallies], events [holding placards] and placing protest signage in public places.

Historically protest rallies and events in public places and placing of signs has either not required a permit or signs have been removed by Council Officers without warnings of an offence being committed or imposition of penalties. Council Officers have stated verbally that if signs are put up they will be taken down. There has been no attempt to interfere with protest events where signs are being held.

I do not believe that the General Manager or authorised person whilst exercising powers of control over activities in public places should be able to use these powers to restrict or disallow protest action or restrict or disallow free speech or close or restrict activities in a public place where protest action is expected to occur. I believe that the very nature of protest action may temporarily interrupt the peaceful and enjoyable use of public places and be considered a nuisance and annoying to non-participants.

I believe that the By-Law needs to have a section that specifically addresses protest action and clarifies what is OK and not OK with regard to such matters as safety, distractions to motorists, damage caused, accessing footpaths or roads, violence or abusive behaviour and discriminatory or defamatory statements.

The issuing of permits and penalties for protest action could become a public relations nightmare.

I can foresee time-frame issues in relation to the issuing of permits. There may be an urgent need for protest action. [rally, event, placards]

The Council need to ensure that they are freely allowing the community's democratic right to free speech and to protest in public places.

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47 Liverpool Street Hobart
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HOBART TAS 7001
Phone (03) 6230 2111
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Our Ref: A18/24636
Your Ref:
Enquiries:



**Tasmania
POLICE**

19 February 2018

RECEIVED

22 FEB 2018

BY: RECORDS

Ms Clare Shea
General Manager
Clarence City Council
PO BOX 96
ROSNY PARK TAS 7018

Dear Ms Shea,

RE: PROPOSED PUBLIC PLACES BY-LAW NO.1 OF 2018

Thank you for the opportunity to comment on the proposed *Public Places By-Law No. 1 of 2018*. The proposed by-law has been reviewed by the Legislation Development and Review Services area of the Department, which makes the following observations:

- The proposed creation of an offence of threatening, intimidating, using abusive language, assaulting, resisting or otherwise obstructing the General Manager, an authorised person or a police officer in the execution of their duties under the by-law is problematic. It duplicates the offence of resistance to, and obstruction of, public officers as described in section 34B(2) of the *Police Offences Act 1935*. The present provisions of section 34B(4) of the *Police Offences Act 1935* define a 'public officer' as any person acting in good faith in the execution, or intended execution, of an Act or a public duty or authority. The aforementioned definition adequately encompasses the General Manager, or any authorised council employee acting in the execution of their duties. Rather than creating an additional by-law, that would in essence duplicate offending in the *Police Offences Act 1935*, it is preferable that Council rely on the existing provisions of that Act and any prosecutions be undertaken by police under the that legislation. This is particularly pertinent in cases where there is the likelihood of any conflict, as police officers are trained and properly equipped to deal with such situations, whereas council authorised officers may be exposed to unnecessary risk.
- The proposed new power allowing for the General Manager to ban a person from a public place if they have offended against the by-law is a significant power for a by-law and may be an unintended over reach that impinges against people's civil liberties. Police officers possess a 'Dispersal of persons' power found in section 15B of the *Police Offences Act 1935*. That section states that a police officer may direct a person in a public place to leave that place and not return for a specified period of not less than 4 hours. However, it should be noted that the section also imposes strict guidance regarding the circumstances in which such a direction may be given.

The consultation draft provided for comment does not adequately define the operation, scope or limitations of such a strong new power or how its application may be enforced.

- Regarding the proposal to prohibit the recreational use of drones subject to the granting of a permit or licence. It is acknowledged that the increasing use of remotely piloted aircraft systems (RPAS), including drones, brings with it the potential for inadvertent or deliberate misuse, which may pose a threat to public safety and privacy. However, the Civil Aviation Safety Authority (CASA) regulates all laws and permits pertaining to the use of RPAS, both commercial and recreational, from an aviation safety perspective. A recent decision of the High Court reaffirmed that with regard to aircraft safety, the legislation governing such a topic is federal legislation managed by CASA who are the only body permitted to enact laws and regulations in this space. Non-federal legislative bodies cannot override or even write their own legislation that operates alongside current laws in this space. Whilst the High Court was dealing with a balloon incident, it seems clear that decision would also encompass the existing federal legislation governing RPAS. It is suggested that any other body that seeks to amend, add, or extend to laws and regulations administered by CASA would probably find those regulations to be *ultra vires* and invalid.

Thank you again for the opportunity to comment. Should you have any queries with regard to the above matters, the appropriate contact officer within my department is Constable Peter Leggett, who can be contacted on (03) 6173 2416 or by email at peter.leggett@dpfem.tas.gov.au

Yours sincerely



D L Hine
COMMISSIONER OF POLICE

ATTACHMENT 7



38 Bligh Street Rosny Park
Tasmania Australia
Address correspondence to:
General Manager
PO Box 96 Rosny Park 7018
Telephone (03) 6217 9500
Facsimile (03) 6245 8700
Dx: 70402
Email clarence@ccc.tas.gov.au
Website www.ccc.tas.gov.au

Enquiries: **Andrew Paul**
Your ref: **62179501**
In reply please quote:

2 March 2018

Commissioner Darren Hine
Office of the Commissioner
47 Liverpool Street
HOBART TAS 7001

Dear Commissioner

PROPOSED PUBLIC PLACES BY-LAW NO. 1 OF 2018

I refer to your correspondence of 19 February 2018 providing comment on Council's proposed Public Place By-law No.1 of 2018 and thank you for taking the time to provide feedback.

I note your comments on the duplication of the offences under clause 11, 'threaten or intimidate or use abusive language' and 'assault, resist or obstruct'. It is agreed that this clause should be removed as it is an unnecessary duplication of section 34B(2) of the *Police Offences Act 1935*. Council will seek to rely upon the *Police Offences Act 1935* if required in the interest of supporting and protecting Council's authorised persons.

In relation to clause 16 'banned entry to a public place', it is agreed that this clause is too open in its current wording. The intention of this clause is to enable Council, as the custodian of public places in the municipality, to be empowered to ban a person from entering a specific public place if the person has offended under the by-law. The proposed approach is similar to provisions under the *Liquor Licensing Act 1990* and *Gaming Control Act 1993* which enable an operator of a liquor or gaming venue to prohibit persons from entering a venue. This clause will be reworded to provide that:

"The General Manager may by notice ban a person who has offended against this By-law from entering any specific public place for such period of time as the General Manager determines."

In respect to clause 44, which seeks to regulate aircraft (including but not limited to drones), I note your comment that the Civil Aviation Safety Authority (CASA) regulates all laws and permits relating to the use of drones and that seeking to amend, add or extend CASA administered laws and regulations may be ultra vires.

Council has researched this issue extensively as part of the by-law drafting process. Drone use in Australian airspace is regulated by Part 101 of the *Civil Aviation Safety Regulations 1998* (Cth) which distinguishes between excluded RPAs such as low-risk drones and non-excluded RPAs. Excluded RPAs are subject to CASA's safety rules but generally do not require a RPA operator's certificate or a remote pilot licence. CASA has advised Council that councils have the power to prohibit a drone taking off or landing on its land and that it advises users of the following:

"Commonwealth drone safety rules apply throughout Australia subject to any applicable and valid state, territory or local government laws. So in addition to complying with all of the CASA drone safety regulations, you must also obey any relevant Council/National Parks bylaws. Councils/National Parks have the power to at least prohibit a drone taking off or landing on Council/National Parks land or other property over which it has land rights (e.g. parks). Questions regarding local council bylaws should be directed to the applicable local council/National Park authority."

CASA regulations more specifically relate to aviation safety and the regulation of airspace. It is clear that CASA recognises the need for public authorities to regulate the use of aircraft including drones in its public places by directing users to local laws and by-laws. I have enclosed references to councils having the power to regulate drones found on CASA's website as well Flight Safety Australia and Drone Flyer (websites both administered by CASA).

Council's intention is not to regulate the airspace or to override existing CASA legislation. Council proposes to regulate the use of public places for launching and landing of aircraft in response to complaints about the risk of small aircraft such as drones having the capacity to hit and injure users of public places and to regulate the use of public places for the landing of helicopters. The requirement to obtain a permit or licence to operate an aircraft from a public place is not intended to constrain public bodies, for example Tasmania Police for surveillance or TasFire for bushfire auditing.

There are already local laws and by-laws in place to address the increasing prevalence of drones in public places. The enclosed document sets out that 21 public authorities as well as the Northern Territory Government seek to regulate the use of drones in public places. Of particular note is Huon Valley Council's Council Land & Recreational Facilities By-law 2017 (made April 2017) which specifically regulates aircraft including drones in public places.

Council has identified the launching and landing of aircraft from its public places as a significant risk and a risk that can be addressed through regulation under the by-law. This risk is regarded

as similar to the long identified risk of golf balls, cricket balls and projectiles hitting a person or property which led to Council regulating those activities in public places.

To address this issue Council's insurer has recommended that its insured councils use a permit system for commercial and recreational drone use to address compliance with CASA regulations and to require indemnity and public liability insurance from the operator. Council's insurer has also specifically suggested that by-laws are an appropriate mechanism to regulate drones on public places. Council's insurer has further advised that Council's failure to act to regulate an identified risk could potentially impact on Council's liability under the *Civil Liability Act 2002*.

I appreciate the feedback that has been received and the important matters that have been identified. However, it is of concern that there are different viewpoints in respect to drones and it is hoped at this stage of the process common ground can be reached. If considered necessary, I would appreciate meeting with you to discuss this matter further.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Andrew Paul', with a stylized, flowing script.

Andrew Paul
GENERAL MANAGER

Encl.

Clare Shea

From: RPAS Mailbox [<mailto:rpas@casa.gov.au>]

Sent: Thursday, 1 March 2018 9:21 AM

To: Clare Shea

Subject: RE: Form submission from: Remotely piloted aircraft operational enquiries 1519683001
[SEC=UNCLASSIFIED] CRM:00190778

Good morning Clare

Once the drone is airborne CASA regulations apply however this is the advice we provide drone operators when they request information about operating in parks:

*Commonwealth drone safety rules apply throughout Australia subject to any applicable and valid state, territory or local government laws. So in addition to complying with all of the CASA drone safety regulations, you must also obey any relevant Council/National Parks bylaws. **Councils/National Parks have the power to at least prohibit a drone taking off or landing on Council/National Parks land or other property over which it has land rights (e.g. parks).** Questions regarding local council bylaws should be directed to the applicable local council/National Park authority.*

Kind regards

Jan Johnston

Remotely Piloted Aircraft Systems (RPAS) Operations

RPAS Branch - Administration

National Operations & Standards

CASA\Aviation Group

www.casa.gov.au

Extracts from www.droneflyer.com.au

Extracts from the website <http://www.droneflyer.com.au/> as displayed in a web browser.

The browser address bar shows the URL <http://www.droneflyer.com.au/>.

The website header includes the **droneflyer** logo and a navigation menu with the following links: [HOME](#), [RULES](#), [APP](#), [TIPS](#), [VIDEOS](#), [REPORT UNSAFE FLYING](#), [RESOURCES](#), and [QUIZ](#).

The main content area displays the following information:

- Flying commercially or for economic gain is illegal, unless you have your [remote pilot licence](#) or are flying in the [sub-2kg category](#).
- DOWNLOAD SAFETY PAMPHLET**
- Follow the rules and have fun, but remember—your drone is your responsibility.
- *Please be aware the above rules only cover aviation safety. Other rules may apply depending on where you are flying. These additional rules could be in effect and enforced by local councils, national parks or state-based government organisations like environmental agencies.
- It is a good idea to always research the area where you want to fly, checking with your local council or national park before you fly. There's also advice on our [Best practice: tips and tricks page](#).

A large banner image showing a rocky coastline with waves crashing against the shore is displayed below the text.

The word **APP** is displayed below the banner image.

Correct

As well as following the aviation safety rules, you also need to follow local legislation for:

National Parks/councils

Privacy

Environmental agencies

☒ All of the above

Correct

Extract from www.casa.gov.au

Extract from www.casa.gov.au

https://www.casa.gov.au/modelaircraft

Flying drones or model aircraft

Properties and Titles Search MAV - Claim management...

Flying over your own property

Flying in emergency situations

Report unsafe drone operations

Resources and links

Can I fly there? - Drone safety app

Commonwealth Games

Drone safety review

Sport aviation

You must keep your drone or model aircraft under your control at all times (usually, close to your line of sight).

- ▶ You may fly within 5.5km of a non-controlled aerodrome or helicopter landing site (HLS) only if manned aircraft are not operating to or from the aerodrome. If you become aware of manned aircraft operating to or from the aerodrome/ HLS, you must manoeuvre away from the aircraft and land as soon as safely possible. This includes:
 - ▶ not operating your drone within the airfield boundary (*without approval)
 - ▶ not operating your drone in the approach and departure paths of the aerodrome (*without approval)
- ▶ You must only fly during the day and keep your drone within visual line-of sight.
 - ▶ This means being able to orientate, navigate and see the aircraft with your own eyes at all times (rather than through a device; for example, through goggles or on a video screen).
- ▶ You must not fly over or above people. This could include festivals, sporting ovals, populated beaches, parks, busy roads and footpaths.
- ▶ You must not operate your drone in a way that creates a hazard to another aircraft, person, or property
- ▶ You must not operate your drone in prohibited or restricted areas.

* Approval is generally linked to an approved model flying association and its members

Please respect personal privacy. Don't record or photograph people without their consent—this may breach state laws.

Important: tips for flying within the law

- ▶ There might be local council and/or national park laws prohibiting drone flights in certain areas.
- ▶ Research the area you plan to fly and contact your council or national park if you're unsure.
- ▶ Don't operate near emergency services aircraft – if you fly, they can't.

Find out more

You'll find these rules, plus useful videos and resources, on our dedicated [Drone Flyer website](#).



Model aircraft

Remotely piloted aircraft used for sport or recreational purposes that weigh 150kg or less are considered to be operating privately and are regulated by the provisions for model aircraft.

4. Flying over land without permission

There are certain places where you shouldn't fly your drone without first gaining the permission from the relevant authority.

These places include private property, national parks, secure or sensitive areas such as prisons, military bases, schools, council land and notable landmarks, where flying your drone could even gain you the unwanted attention of local law enforcement.

In Hawaii, a drone operator was even tasered by a park ranger after resisting arrest following an illegal flight over a volcano.

Closer to home, one area proving popular with amateur drone enthusiasts is Sydney Harbour, with many flying over the busy waterways despite the harbour being restricted airspace.

LIST OF SOME PUBLIC AUTHORITIES THAT REGULATE DRONES

Jurisdiction	Source	Provision
NSW		
City of Sydney	http://www.cityofsydney.nsw.gov.au/business/regulations/filming-and-photography-permits	All commercial drone/remotely piloted aircraft use regardless of size or type requires City of Sydney approval to take-off or land on public land.
NSW National Parks & Wildlife Service Office of Environment & Heritage	http://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/drones-in-parks	<p>An NPWS area manager may grant consent for the recreational use of a drone if:</p> <ul style="list-style-type: none"> • it will not annoy or cause risk to visitors, or invade their privacy • it will not be a nuisance or cause risk to wildlife • it will not interfere with park-management operations. <p>You can fly a drone only in the area covered by the consent.</p>
NT		
Northern Territory	www.nt.gov.au	You need a permit to land or use any kind of aircraft in a park or reserve in the Northern Territory (NT), including drones. If you want to fly your drone for recreation in a park or reserve you need an operation of aircraft permit. To fly a drone for any commercial or professional purpose you also need a commerce and trade permit. This includes for film and photography. You are responsible to make sure your drone is airworthy, flown safely and according to the law. For more information go to the Civil Aviation Safety Authority (CASA) website.
QLD		
Sunshine Coast Council	Local Law No. 1 (Administration) 2011	<p>A person must not undertake a prescribed activity without a current approval granted by the local government:</p> <ul style="list-style-type: none"> • landing an aircraft or vessel within a park reserve; • launching or landing a model aircraft weighing more than 500 grams or a remotely piloted aircraft weighing more than 500 grams, other than an unmanned balloon or unmanned kite;

Brisbane City Council	www.brisbane.qld.gov.au	<p>Individuals can fly drones and other remotely piloted aircraft from any Council park without Council consent if:</p> <ul style="list-style-type: none"> • the drone is a children's toy, or weighs less than 0.5 kg; or • the drone weighs less than 0.1kg when flown in Council parks located within 5.5km of the Brisbane Airport or Archerfield Airport; and • the drone is being flown for recreational purposes; and • the drone is being flown in a manner that does not endanger, interfere with or cause nuisance to the park, park users or adjoining properties; and • the operator follows the Civil Aviation Safety Authority's (CASA) safety rules for flying drones and other remotely piloted aircraft recreationally. <p>All other flying of drones and other remotely piloted aircraft from Council parks is a 'restricted activity' under Council's Public Lands and Council Assets Local Law 2014 (PLACA) and can only be undertaken in designated areas or with Council consent. Council may issue consent for flying a drone or other remotely piloted aircraft from a Council park either as part of an event (e.g. filming) or on its own (e.g. training, racing).</p>
Redland City Council	Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015	All parks and reserves within the local government area, operating a model vehicle or aircraft propelled by a motor is permitted only with the written authorisation of the chief executive officer of the local government.
Queensland Parks and Wildlife	https://www.qld.gov.au/recreation/activities/areas-facilities/permits#landing	You need a permit to operate recreational air craft in a park—including a hot air balloon, hang glider, para glider, or ultra-light aircraft. All hang-gliding and paragliding pilots must be members of, and certified by, the Hang-gliding Federation of Australia and abide by its rules and regulations. Commercial operators should apply for a Commercial Activity Permit.

SA		
Department of Environment, Water and Natural Resources	<i>National Parks and Wildlife Regulations (National Parks) 2016</i>	It is an expiable offence to fly remotely-piloted aircraft such as drones in South Australia's national parks and reserves without a permit.
City of Adelaide	https://www.cityofadelaide.com.au/assets/documents/Application-ModelAircraft-Drones.FINAL.pdf	<p>Adelaide City Council is seeking to provide safe and inclusive environments for organised model aircraft and drone activity in designated areas of Walyu Yarta (Park 21) via a licence application process.</p> <p>This approach will ensure general community access and recreational use outside programmed times, while also confirming licenced users have minimum safety and risk management measures in place, including Public Liability Insurance.</p>
TAS		
Huon Valley Council	Council Land & Recreational Facilities By-law 2017	<p>"aircraft" means any machine that can derive support from the atmosphere from the reactions of the air;</p> <p>A person must not land, moor or launch any aircraft from, onto or into any council land or recreational facility unless authorised to do so by a permit or a user agreement or in case of emergency or otherwise permitted by a sign. Penalty: Fine not exceeding 10 penalty units.</p> <p>Council's RIS also provided: "Including a provision in relation to the landing, mooring or launching of any aircraft from or into any Council land and recreational facility as authorised to do so by permit or user agreement or in the case of emergency or otherwise permitted by a sign. This is to address the issue and use of drones and remote controlled aeroplanes and the impact that this can have on use of Council land but also broadly applies for other aircraft such as helicopters on Council land and recreational facilities (clause 38)."</p>

Parks and Wildlife	http://www.parks.tas.gov.au/indeX.aspX?base=41796	Remotely Piloted Aircraft (RPA), also known as Unmanned Aerial Vehicles (UAV) and more commonly drones; are defined as 'an aircraft'. Their operation and use is subject to the requirements of the Civil Aviation Safety Authority (CASA); and when used on or over reserved land, governed by the <i>National Parks and Reserved Land Regulations 2009</i> . Therefore the operation and use of drones on reserved land is not permitted unless a specific written authority from the Parks and Wildlife Service has been obtained.
Mount Wellington Trust	https://www.wellingtonpark.org.au/faq/	The operation and use of drones in Wellington Park is not permitted without a permit from the Wellington Park Management Trust. Applications for drone use for scientific or commercial filming purposes are available. Permits will not be issued for recreational use of drones.
VIC		
City of Melton	Melton City Council General Local Law 2015	A Person must not, without first obtaining a Permit and observing the conditions of such Permit or in accordance with any lease or licence, within a Reserve control any radio controlled model or vehicle.
City of Melbourne	http://www.melbourne.vic.gov.au/sitecollectiondocuments/filming-rpa-drone-guidelines.pdf	The Civil Aviation Safety Authority (CASA) provides general regulatory controls for the safety of air navigation throughout Australia. In addition to meeting CASA requirements, operators are also required to obtain permission from the Local Council or Landowner before operating an RPA. A permit is required to be obtained from the City of Melbourne before any RPA activity is permitted to take place within or above the municipality's Public Open Space.
Latrobe City Council	Local Law No. 2 - Community Amenity 2016	A person must not, without a permit, fly or permit to be flown any model aeroplane, drone or similar type of equipment over any road or Council land.
Parks Victoria	http://parkweb.vic.gov.au/park-management/applications,-licences-and-permits/filming-and-photography	Drone filming and photography including drones under 2kg. Please note, only CASA-certified operators can apply for a permit.
WA		

City of Stirling	Local Government Property Local Law 2009	<p>"drone" means a powered aerial vehicle that does not carry a human operator and is piloted remotely;</p> <p>(1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property: use a motorised model aeroplane, helicopter, boat, drone or other similar remotely piloted device.</p> <p>A person must not use, launch or fly a motorised model aeroplane, helicopter, toy, boat, glider, rocket or drone that is propelled by mechanical, hydraulic, combustion or pyrotechnic means on or from local government property except where a permit or a determination specifies a particular local government property.</p>
City of Mandurah		<p>Subject to this local law, a person must not without a permit granted in accordance with Part 12 launch an aircraft or helicopter from, or land an aircraft or helicopter into, local government property.</p> <p>A determination may provide that specified local government property is set aside as an area on which a person may fly or use a motorised model aircraft, car, ship, glider or rocket.</p>
Shire of Mundaring	Local Government Property Local Law (Amended)	<p>"aircraft" means an airplane, helicopter or other object capable of flight;</p> <p>(1) A determination may provide that specified local government property is set aside as an area in which a person may fly or use a motorised model aircraft.</p> <p>A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property or within particular areas on such property fly or use a motorised model aircraft.</p>
Shire of Narrogin	Public Places and Local Government Property Local Law 2016	<p>drone includes a remotely piloted aircraft and means an unmanned aerial vehicle as defined in regulation 101.240 of the Civil Aviation Safety Regulations 1998 (Commonwealth);</p> <p>A person must not use, launch or fly a motorised model aircraft, drone, toy, ship or glider that is propelled by mechanical, hydraulic, combustion or pyrotechnic means on or from local government property except</p>

		where a licence or determination specifies a particular local government property.
City of Perth	Local Government Property Local Law 2005	<p>"aircraft" has the meaning as given to it in Section 3 of the Civil Aviation Act 1988</p> <p>A person shall not without a permit:-launch an aircraft from, or land an aircraft onto, local government property.</p>
Parks and Wildlife Service	https://www.dpaw.wa.gov.au/management/remotely-piloted-aircraft	Model aircraft, rockets and RPAs are considered aircraft under the Civil Aviation Regulations 1998. Therefore under regulation 65 of the Conservation and Land Management Regulations 2002 (CALM Regulations), launching, landing or making a touch down of such aircraft, except in an emergency on any estate managed by the Department of Parks and Wildlife is only allowed if lawful authority (written permission) has been issued for a specific purpose.

From: RPAS Mailbox [mailto:rpas@casa.gov.au]

Sent: Thursday, 1 March 2018 9:21 AM

To: Clare Shea

Subject: RE: Form submission from: Remotely piloted aircraft operational enquiries 1519683001 [SEC=UNCLASSIFIED] CRM:00190778

Good morning Clare

Once the drone is airborne CASA regulations apply however this is the advice we provide drone operators when they request information about operating in parks:

Commonwealth drone safety rules apply throughout Australia subject to any applicable and valid state, territory or local government laws. So in addition to complying with all of the CASA drone safety regulations, you must also obey any relevant Council/National Parks bylaws. Councils/National Parks have the power to at least prohibit a drone taking off or landing on Council/National Parks land or other property over which it has land rights (e.g. parks). Questions regarding local council bylaws should be directed to the applicable local council/National Park authority.

Kind regards

Jan Johnston

Remotely Piloted Aircraft Systems (RPAS) Operations

RPAS Branch - Administration

National Operations & Standards

CASA\Aviation Group

ATTACHMENT 9



Follow up. Completed on Thursday, 15 March 2018.
You replied to this message on 14/03/2018 2:39 PM.

From: Keane, Andrew (DPEM) <Andrew.Keane@police.tas.gov.au>
To: Clarence General Mail User
Cc:
Subject: Proposed Public Places By-Law 1 of 2018

Sent: Wed 14/03/2018 2:35 PM

Dear Mr Paul

I am writing in response to your letter to Commissioner Hine, dated 2 March 2018, concerning the above by-law. Your correspondence was forwarded to myself as our office prepared the original advice to Council on behalf of the Commissioner. In effect it has been sent to me to correspond with you and thus cut out the other layers of communication and speed things up.

I have noted your issue regarding drones. The whole legislative arena governing drones in new and jurisdictions across the world are struggling to keep their legislation current in the face of this new technology. We only raised CASA's role as a general concern to indicate care must be taken not to override or extend upon their legislation. However, I can indicate, that like CASA, that we would not have a concern with the Council's proposal to governing the take-off and landing of drones in spaces owned by Council. As you correctly note, this area is most likely not a space governed by CASA and only replicates what other Councils have implemented.

I hope this clarifies things for the Council. I am more than happy to meet in person or by phone if you wish to discuss it further at a time that suits.

Yours sincerely

Andrew Keane
Inspector
Legislation Development and Review Services
Strategy & Support
Department of Police, Fire & Emergency Management
Level 2 | Police Headquarters | 47 Liverpool Street | Hobart 7000
Phone: 6173 2154

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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 matter has 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

This report has 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:

- applications by Aldermen for a Leave of Absence.

Note: The decision to move into Closed Meeting requires an absolute majority of Council.

The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.

PROCEDURAL MOTION

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.