

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

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

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

COUNCIL MEETING
MONDAY 16 NOVEMBER 2015

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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 Chong
Ald Doust

2. CONFIRMATION OF MINUTES

(File No 10/03/01)

RECOMMENDATION:

- A. That the Minutes of the Council Meeting held on 26 October 2015, as circulated, be taken as read and confirmed.
- B. That the Council notes the erratum page issued by the General Manager regarding the Minute of the Closed Meeting Item 13.3 of Council's Meeting of 5 October 2015, which was confirmed at Council's Meeting of 26 October 2015.
- C. That the Council now corrects the confirmed Minutes of the Meeting of 5 October 2015 in accordance with the erratum page issued.

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

Clarence Interim Planning Scheme
Development Proposal - Rosny
Dog Policy
Joint Authority Matter

DATE

2 November

/ contd on Page 4

COUNCIL WORKSHOPS /contd...

Clarence Street Safety Review Designs Concepts
Infringement Notice Procedures
Land Matter Flagstaff Gully
Howrah Recreation Centre – Indoor Bowls Facility
Lauderdale Strategic Plan Review
Service Levels – City Rangers

9 November

RECOMMENDATION:

That Council notes the workshops conducted.

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

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

6. TABLING OF PETITIONS

(File No 10/03/12)

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

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

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

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

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

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2015 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

9. MOTIONS ON NOTICE

Nil.

10. REPORTS FROM OUTSIDE BODIES

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

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

September Quarterly Report pending.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

Representatives: Ald Jock Campbell
(Ald Peter Cusick, Deputy Representative)

Quarterly Reports

September Quarterly Report pending.

Representative Reporting

- **SOUTHERN WASTE STRATEGY AUTHORITY**

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

Quarterly Reports

September Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 26 October and 2 and 9 November 2015 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 26 October and 2 and 9 November 2015 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

11.3 PLANNING AUTHORITY MATTERS

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

11.3.1 DEVELOPMENT APPLICATION D-2015/256 - 2/47 EAST DERWENT HIGHWAY, ROSE BAY - DECK (RETROSPECTIVE) ADDITION TO MULTIPLE DWELLING

(File No D-2015/256)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for the retrospective approval of a deck addition to a Multiple Dwelling at 2/47 East Derwent Highway, Rose Bay.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development as the proposal does not meet the acceptable solutions for building envelope under the zone.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 18 November 2015 with the written consent of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of protection of a tree on adjacent property.

RECOMMENDATION:

- A. That the Development Application for a deck (retrospective) addition to a Multiple Dwelling at 2/47 East Derwent Highway, Rose Bay (CI Ref D-2015/256) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. The existing stormwater pipe located under the deck is to be relocated clear of the structure, noting that the construction of the relocated pipe may require installation of access or manhole pits. All works must be inspected by Council prior to backfilling and must be undertaken to the satisfaction of Council's Group Manager Asset Management.
 3. The development must meet all required Conditions of Approval specified by TasWater notice dated 29 July 2015 (TWDA 2015/01042-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

This application relates to a deck addition built without prior approval as part of an existing Multiple Dwelling development on the subject property, brought to Council's attention in May 2015. A Building Notice was issued by Council on 19 June 2015 directing that the works be rectified and the relevant building and planning permits be obtained. This application is a result of that action.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned Residential under the Scheme.
- 2.2.** The proposal is a Discretionary development because it does not meet the Acceptable Solutions prescribed in the General Residential Zone.
- 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 strata lot has an area of 310m² and currently contains an existing brick dwelling unit and carport. The lot is a generally level, internal strata lot with existing vehicular access from the East Derwent Highway. Sewer and stormwater infrastructure traverses the north-western part of the site in the vicinity of the deck and the area surrounding the subject site is similarly zoned General Residential.

3.2. The Proposal

The proposal is for the retrospective approval of a 40m² timber deck at the rear of the existing Multiple Dwelling unit on the subject property. The deck has a finished floor level of 1.0m above natural ground level, is setback 2.0m from the western property boundary and 4.0m from the northern boundary. Access to the deck area is from the existing living area at the western part of the dwelling.

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 S57(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 (zone and codes) with the exception of the following.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Building Envelope (Rear Boundary Setback)	Buildings/structures within must be setback a distance of 4m from the rear boundary	- rear boundary setback of 2.0m (variation of 2.0m)

The proposed variation to the eastern boundary can be supported pursuant to the Performance Criteria (P3) of Clause 10.4.2 for the following reasons:

- the deck addition would be 1.0m above natural ground level and not visible from the highway, therefore being consistent with existing appearance of the site;
- the deck and its future use by residents would not compromise privacy, in that the structure is located away from the adjacent living areas of dwellings to the north and west and would therefore have minimal impact on adjoining properties in terms of overlooking; and
- the deck would not have an impact in terms of overshadowing, given its height.

4.3. External Referrals

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

5. REPRESENTATION ISSUES

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

5.1. Protection of Tree on Adjacent Property

A series of concerns were raised by the representor regarding the protection of a flowering gum tree adjacent to the site. The specific issues raised by the representation are in relation to the apparent need for preservation of the subject tree and conflict between owners regarding management of falling limbs and ageing of the tree.

- **Comment**

This is not a relevant planning consideration but a civil matter between landowners. It is therefore not of determining weight.

6. STATE POLICIES AND ACT OBJECTIVES

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

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

7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy.

8. CONCLUSION

The proposal seeks retrospective approval for the addition of a deck to a Multiple Dwelling unit at 2/47 East Derwent Highway, Rose Bay. The application meets the relevant acceptable solutions and performance criteria of the Scheme.

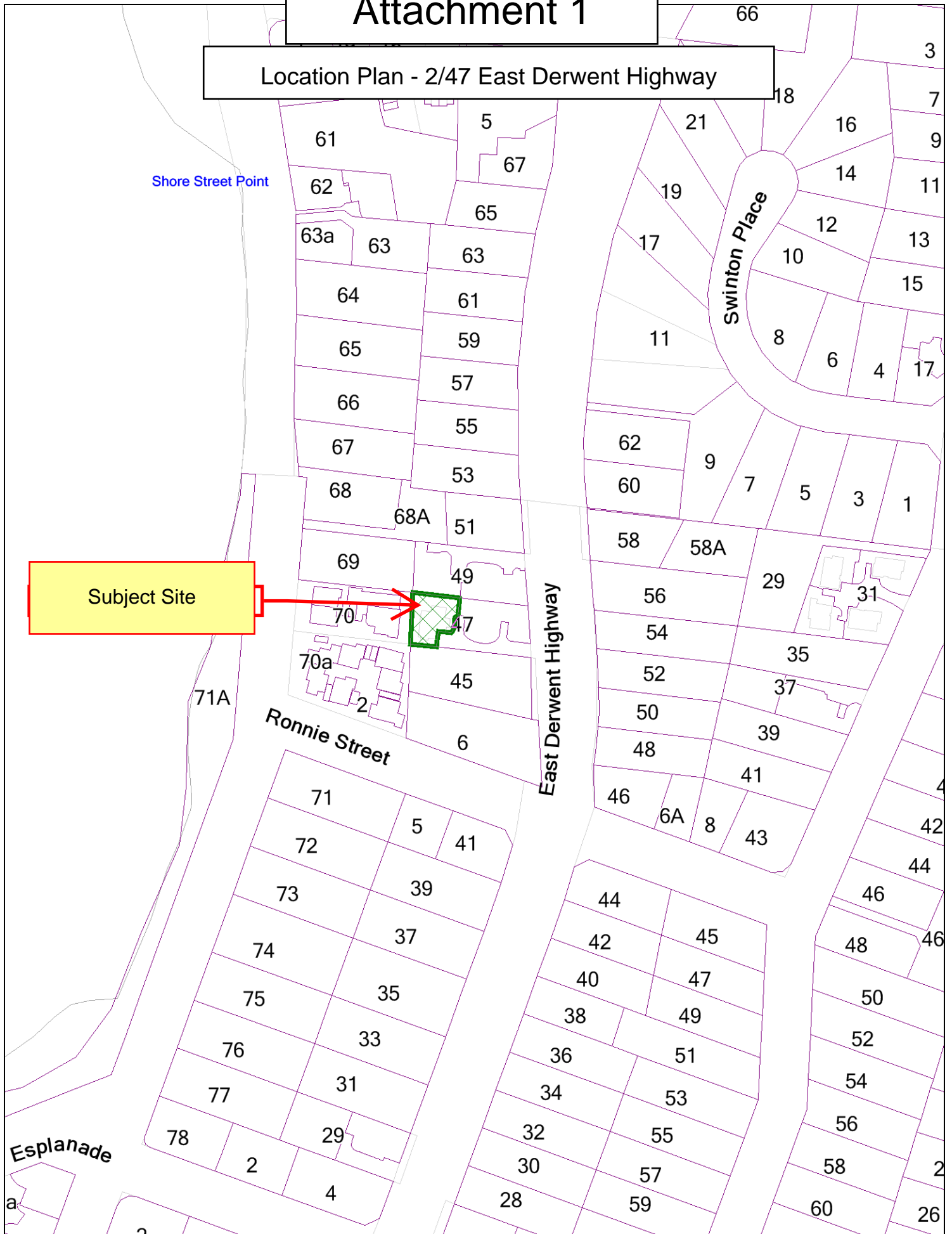
The proposal is therefore recommended for approval.

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

Ross Lovell
MANAGER CITY PLANNING

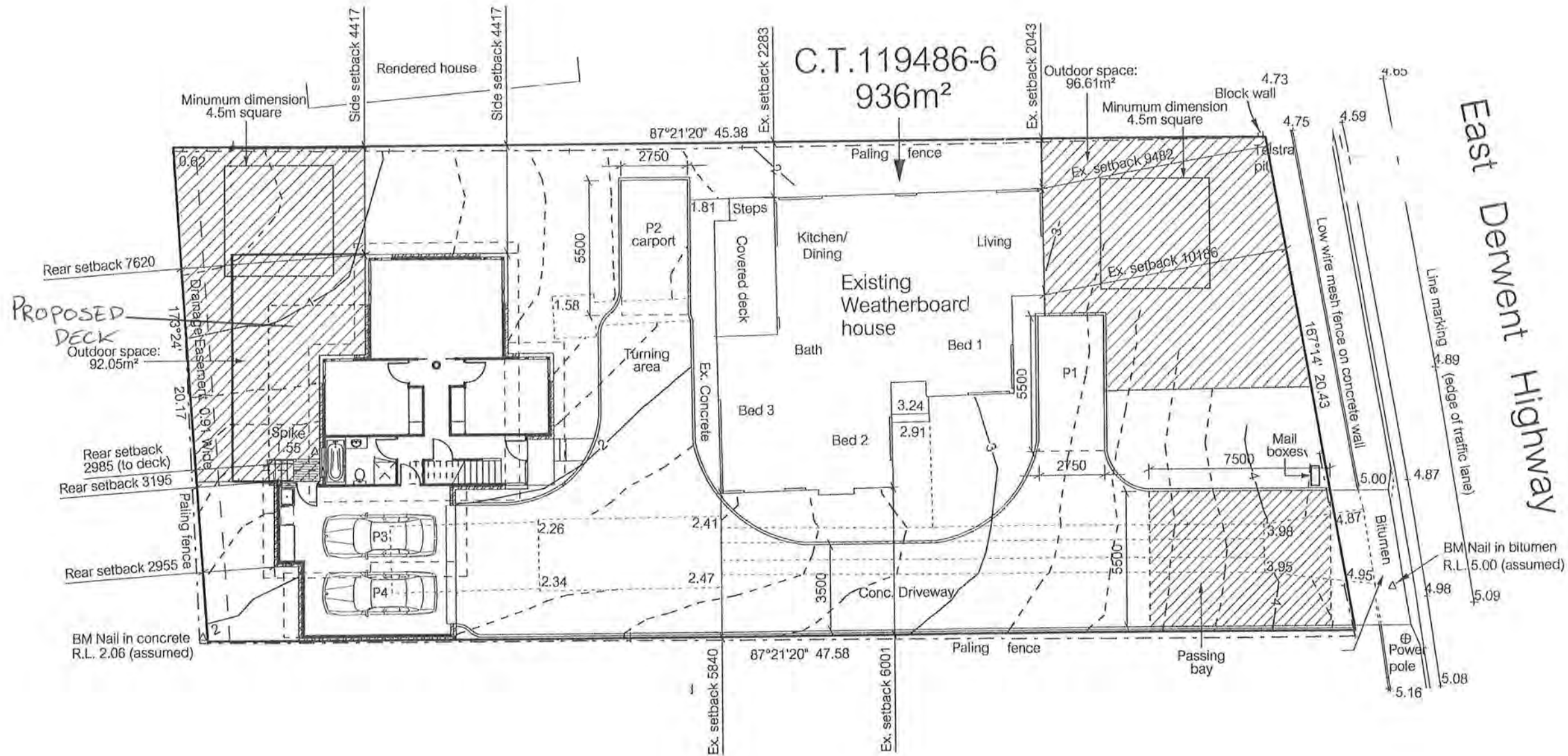
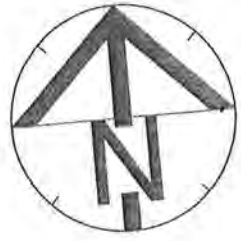
Attachment 1

Location Plan - 2/47 East Derwent Highway



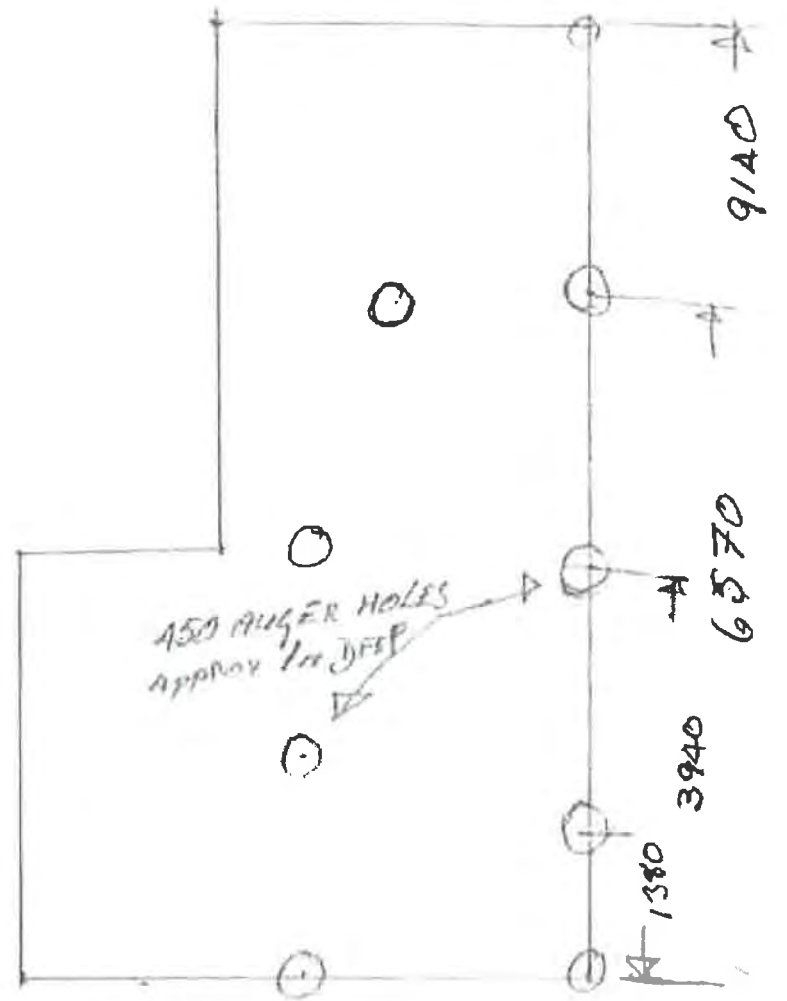
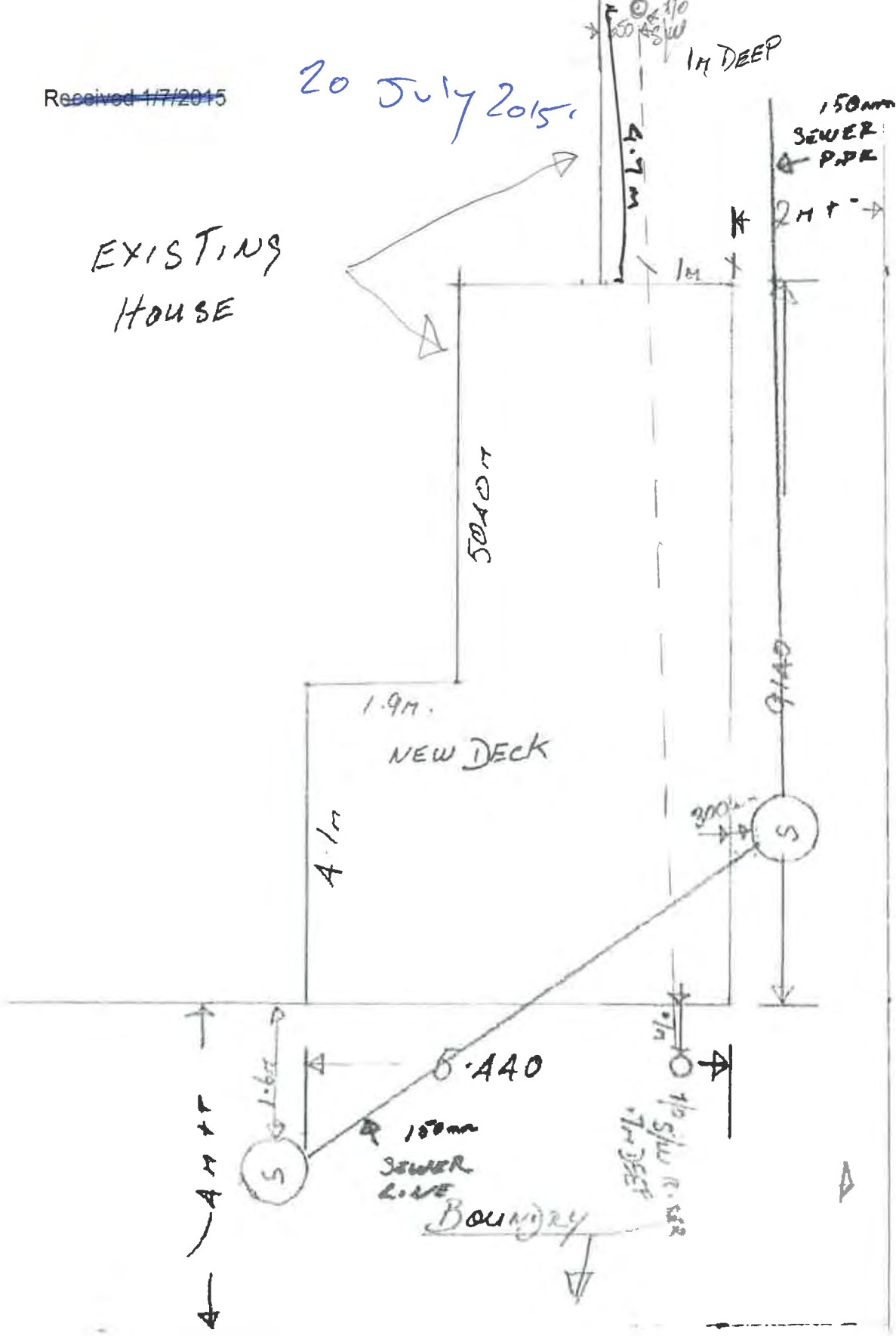
Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Wednesday, 4 November 2015 **Scale:** 1:1,882 @A4

Attachment 2

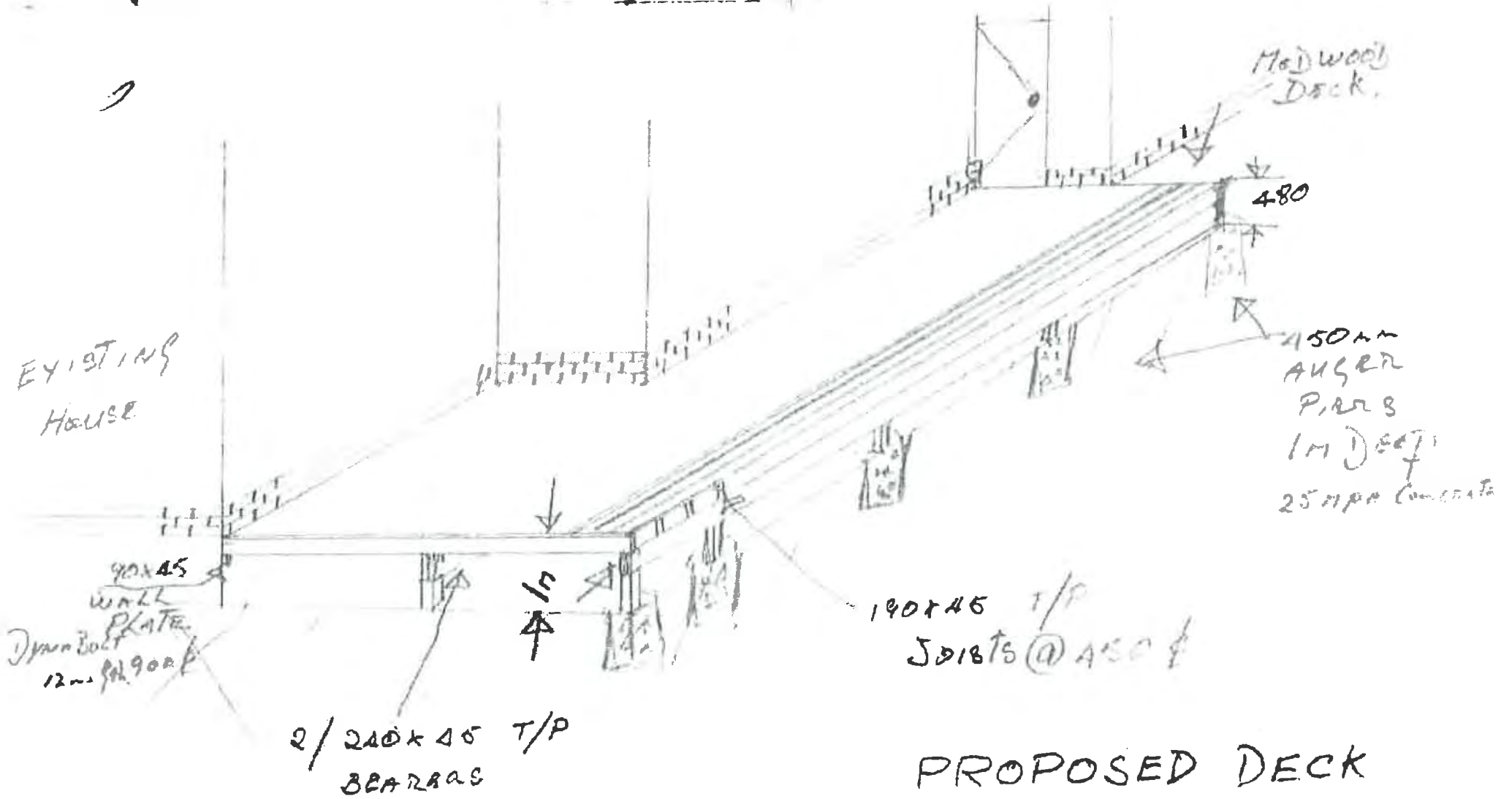


20 July 2015

EXISTING
HOUSE



EXISTING
HOUSE



PROPOSED DECK
FOR MRS. S. PARR
47^A EAST DERWENT
HWY. ROSE BAY

Attachment 3

2/47 East Derwent Highway, ROSE BAY



Subject deck viewed from southwestern part of site, looking north



Subject property viewed from the East Derwent Highway, looking west

11.3.2 DEVELOPMENT APPLICATION D-2015/398 - 22 AND 24 EAST DERWENT HIGHWAY, ROSE BAY - 5 MULTIPLE DWELLINGS (1 EXISTING + 4 NEW)
(File No D-2015/398)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 5 Multiple Dwellings at 22 and 24 East Derwent Highway, Rose Bay.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Road and Railway Assets Code, the Parking and Access Code and the Stormwater Management Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development as the proposal does not meet the acceptable solutions for sunlight and overshadowing, frontage fences and stormwater drainage under the zone.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 18 November 2015.

CONSULTATION

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

- construction and traffic noise;
- density of development;
- safety;
- stormwater drainage;
- vegetation removal; and
- residential amenity and loss of land value.

RECOMMENDATION:

A. That the Development Application for 5 Multiple Dwellings (1 existing + 4 new) at 22 and 24 East Derwent Highway, Rose Bay (Cl Ref D-2015/398) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A1 – NEW CROSSOVER [TSD R-09].
3. ENG A4 – DIER ACCESS.
4. ENG A7 – REDUNDANT CROSSOVER.

5. ENG S1 – INFRASTRUCTURE REPAIR.
 6. ENG M1 – DESIGNS DA.
 7. The development must meet all required Conditions of Approval specified by TasWater notice dated 23 September 2015 (TWDA 2015/01529-CCC).
 8. **ADVICE** – Preliminary building assessment indicates that fire separation between Villa 4 and Villa 5 (Villa 4 deck to Villa 5 Bedroom 1) may not comply with BCA 2015 3.7.1 for fire separation. Please therefore ensure drawings submitted to the permit authority for building approval demonstrate compliance with the BCA in relation to the above.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

A previous application for 5 Multiple Dwelling units was approved by Council on 7 February 2012 under D-2011/366 for the subject property. The permit granted has now lapsed and the property changed ownership.

This application is for a new design, with an alternative layout. The most notable change is that the original approval was for the development of 5 double-storey units. This application is for the development of 5 single-storey dwelling units, with 1 being the existing single-storey dwelling to remain.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned General Residential and subject to the Road and Railway Assets, Parking and Access and Stormwater Management Codes under the Scheme.
- 2.2.** The proposal is a Discretionary development, because it does not meet the acceptable solutions for sunlight and overshadowing, frontage fences and stormwater management under the zone.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zone;
- Section E5.0 – Road and Railway Assets Code;
- Section E6.0 – Parking and Access Code; and
- Section E7.0 – Stormwater Management Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is located within an established existing residential area at 22 and 24 East Derwent, Rose Bay and has a total area of 1893m² with frontage to both East Derwent Highway and Lenna Street. Dwellings exist on both subject parcels, which would be demolished to facilitate this proposal.

The site supports landscaped gardens around both dwellings and slopes down to the north-east towards the East Derwent Highway.

3.2. The Proposal

The proposal is for the development of 5 Multiple Dwellings on the subject property (1 existing and 4 new). The proposed development incorporates 2 access points, one to the East Derwent Highway in the location of an existing driveway (to be widened) and a second vehicular access from Lenna Street.

Villas 1 and 2 would have 3 bedrooms, Villas 3 and 4 would have 2 bedrooms and Villa 5 being the existing dwelling, has 3 bedrooms and a study. Each of the proposed dwelling units would incorporate a single car garage, would have a combined living/kitchen/dining area and the typical amenities. The units would each be single storey and partly cut into the slope of the site.

The units would be clad using a combination of a face brick, corrugated iron and cement sheet. Timber decks are also proposed as part of the development.

Villas 1, 3 and 4 would each have an area of 147.33m² and would be 5.8m above natural ground level at their highest point. Villa 2 would have a footprint of 147.77m² and would be 5.8m in height above natural ground level at its highest point and Villa 5 (the existing dwelling) has an area of 153.8m² and is also 5.8m in height.

Each of the units would have a jockey parking space adjacent the proposed garages and visitor parking would be provided adjacent Villas 4 and 5.

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 (zone and codes) with the exception of the following.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.4 A1	Sunlight and overshadowing for all dwellings	A dwelling must have at least 1 habitable room (other than a bedroom) with a window facing between 30 degrees west of north and 30 degrees east of north.	The proposed villa units are oriented at 31 degrees west of north.

The proposed variation to the eastern boundary can be supported pursuant to the Performance Criteria (P1) of Clause 10.4.4 for the following reasons.

- The proposed villas and the existing dwelling unit would be oriented to enable reasonable solar access to habitable rooms and outdoor deck living areas.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.7 A1	Frontage fences for all dwellings	A fence within 4.5m of the frontage must have a height above natural ground level of not more than 1.8m, if any part of the fence that is within 4.5m of a primary frontage has openings above a height of 1.2m which provide a uniform transparency of not less than 30%.	A front setback of 0m, height of 1.7m and transparency of 25%.

The proposed variation can be supported pursuant to the Performance Criteria (P1) of Clause 10.4.7 for the following reasons.

- the proposed fencing would provide for the security and privacy of residents whilst enabling reasonable passive surveillance in terms of orientation towards both the East Derwent Highway and Lenna Street;
- the fencing would be consistent with other fencing in the vicinity of the site, both in terms of height and construction style; and
- it would enable reasonable use of the outdoor space associated with the units facing the road in relation to the topography of the site and would provide private outdoor living areas separate from the adjacent roadways.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E7.7.1 A2	Stormwater drainage and disposal	A stormwater system for a new development must incorporate water sensitive urban design principles for the treatment and disposal of stormwater, where new parking is provided for more than 6 cars.	New car parking spaces are provided for 7 additional vehicles, therefore requiring that the stormwater system must achieve the stormwater quality and quantity targets in the State Stormwater Strategy 2010.

The proposed variation can be supported pursuant to the Performance Criteria (P2) of Clause E7.7.1 for the following reasons.

- the proposed parking arrangement and connection to Council's existing stormwater network is sufficient and appropriate for the proposed use, in accordance with the requirements of the State Stormwater Strategy 2010 and as verified by Council's engineers; and
- detailed stormwater designs required as a condition of approval of a development of this nature would ensure that appropriate connections are provided.

4.3. External Referrals

The proposal was referred to both TasWater and the Department of State Growth as part of the assessment. Both provided a number of conditions to be included on the planning permit if granted by Council.

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. Construction and Traffic Noise

Concerns were raised by the representors in respect of noise likely to be generated by both construction of the proposed dwelling units and by traffic associated with access to and from the development by future residents.

- **Comment**

Clause 8.10.1 of the Scheme provides that Council must only take into consideration matters relating to the exercise of discretion. In this case, the proposal meets the relevant Acceptable Solutions in relation to the layout and configuration of the parking and access areas under the Scheme. Documentation addressing noise or construction movements was therefore not required.

5.2. Density of Development

A representor raised concerns that the proposed development would create a density inconsistent with the character of the area and that the increased density is representative of the future direction of Clarence.

- **Comment**

As noted above, Clause 8.10.1 of the Scheme provides that Council must only take into consideration matters relating to the exercise of discretion. In this case, the proposal meets the relevant Acceptable Solutions in relation to density as specified by Clause 10.4.1(A1) of the General Residential Zone, which requires a minimum area of 325m² per dwelling unit, meaning that a total land area of 1625m² is required. The subject property is 1893m² in area, thus satisfying this Acceptable Solution under the Scheme.

5.3. Safety

Concerns were raised by the representations in respect of the movement of vehicles around, and to and from the subject property. Safety issues raised include the risk to children and pedestrians in the vicinity of the site and motorists using both Lenna Street and the East Derwent Highway, and driveway accesses in the vicinity of the site.

- **Comment**

The proposed access arrangements are considered appropriate for the development proposed. With the inclusion of engineering conditions in respect of the construction of the accesses the relevant requirements of both the Scheme, and the Tasmanian Standard Drawings, the proposed arrangements would not have a detrimental impact upon safety or either motorists or pedestrians in the vicinity of the site.

5.4. Stormwater Drainage

Concerns regarding the capacity of the existing stormwater network in the vicinity of the site were raised, particularly in respect of the extent of impervious surfaces proposed.

- **Comment**

The proposed development would, in conjunction with detailed engineering designs to be prepared as part of the development, appropriately provide for stormwater drainage to the existing infrastructure network. Conditions requiring detailed engineering designs should be required of the proponent as part of any approval granted by Council to ensure this occurs.

5.5. Vegetation Removal

One of the representations raises concern regarding the removal of vegetation, specifically an apple and a pear tree at 22 East Derwent Highway. Both trees, the representor submits, are evidence of the natural heritage of the Rose Bay Area.

- **Comment**

Again noting that Clause 8.10.1 of the Scheme only enables Council to take into consideration matters relating to the exercise of discretion, there are no provisions that apply in respect of to the protection of vegetation, in that the development site is not affected by either the Natural Assets Code under the Scheme, nor are the trees protected by the Heritage Code.

5.6. Residential Amenity and Loss of Land Value

Both representations make submission that the proposed development (and number of units) would devalue properties in the vicinity of the site.

- **Comment**

Land values are not a relevant consideration under the Scheme. Similarly, the discretions sought by the proposed development relate only to solar access, stormwater drainage and fencing.

On that basis, the concerns raised in respect of views do not warrant the refusal of the application.

6. STATE POLICIES AND ACT OBJECTIVES

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

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

7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy.

8. CONCLUSION

The proposal is for the construction of 5 Multiple Dwelling units on the subject property. The application meets the relevant acceptable solutions and performance criteria of the Scheme.

The proposal is recommended for approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (10)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan - 22 & 24 East Derwent Highway



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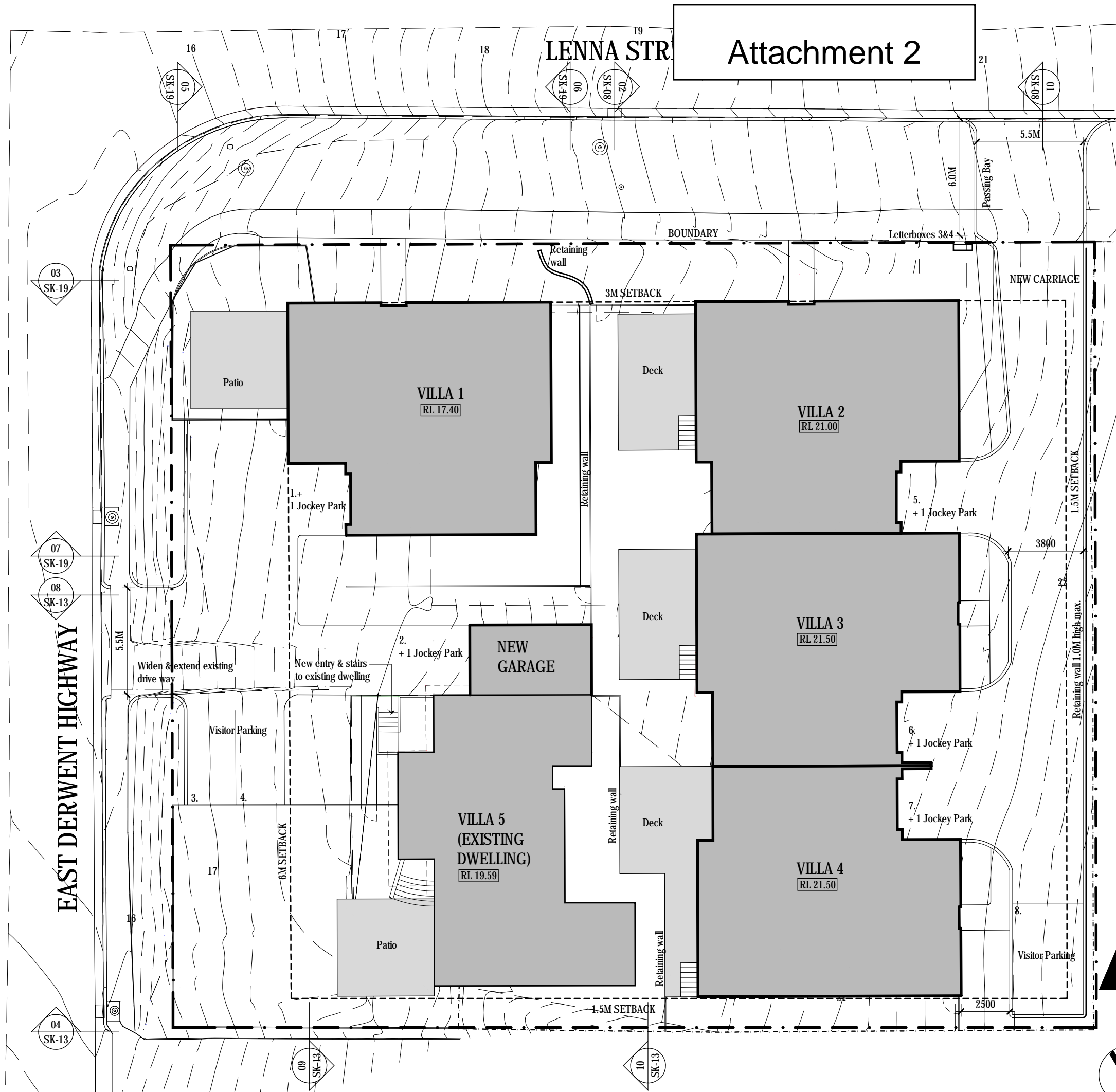
Attachment 2

INFORMATION

PLANNING
SETBACKS
EAST DERWENT HWY 6m
LENNA ST SETBACK 3m

SITE AREA APPROX 1902.00m²
SITE COVERAGE 747.82m²
% COVERAGE 39.32%
SCHEME ALLOWANCE 50%

VILLA	AREA	GARAGE
1,3 & 4	147.33m ² each	3
2	147.77m ²	1
5 EXG	131.30m ²	
5 GARAGE	22.50m ²	1
JOCKEY PARKS		5
VISITOR		3
TOTAL		13
REQUIRED		12



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Preliminary

Wilson Homes

East Derwent Hwy Development

22 East Derwent Highway, Rose Bay

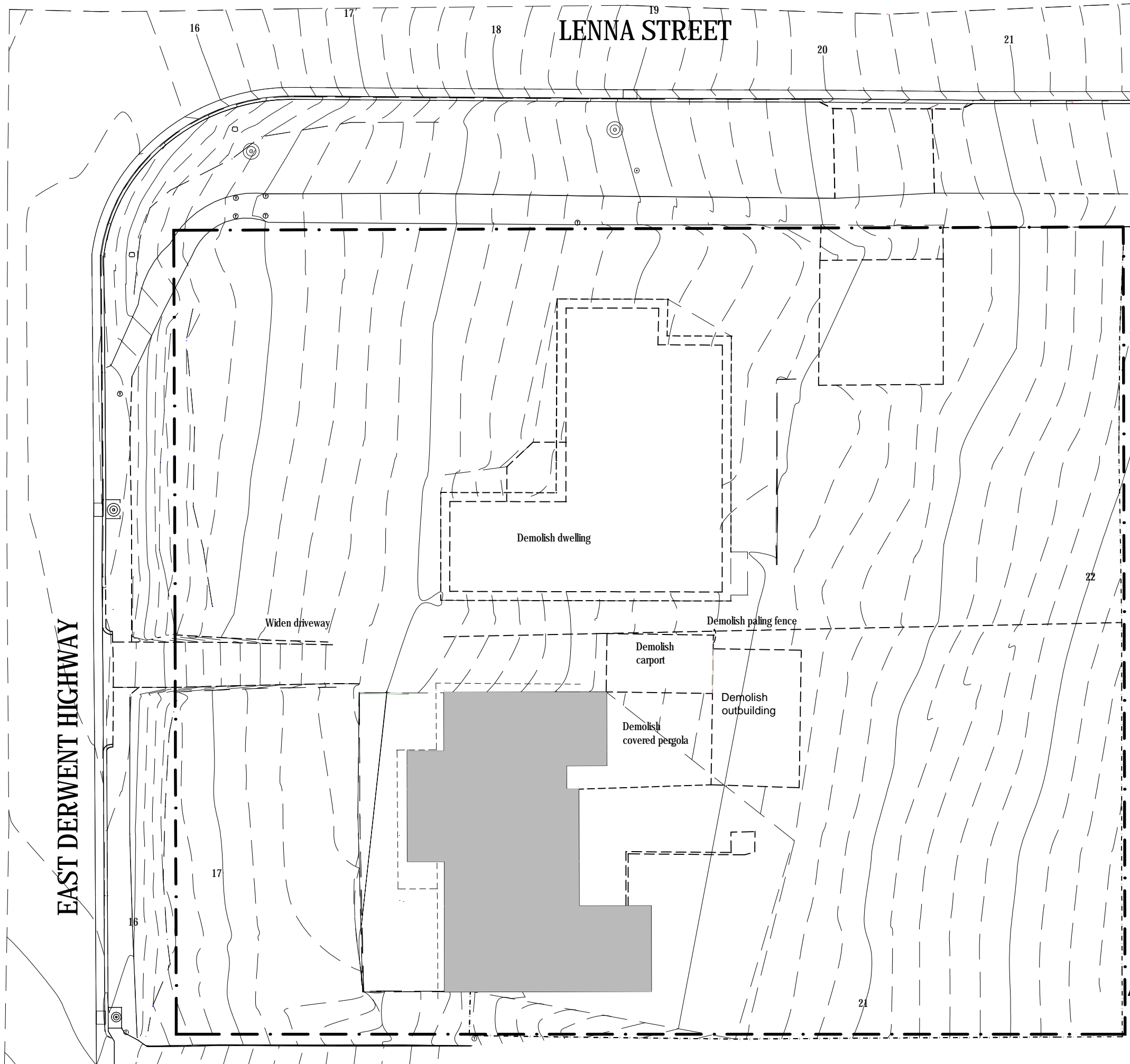
Site Plan

05-10-15
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Job 082.15118

REV B
Agenda Attachments - 22 & 24 East Derwent Highway -

Page 2 of 12

SK-01



EAST DERWENT HIGHWAY

LENNA STREET

Widen driveway

Demolish dwelling

Demolish paling fence

Demolish carport

Demolish covered pergola

Demolish outbuilding

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Preliminary

Wilson Homes
East Derwent Hwy Development
22 East Derwent Highway, Rose Bay
Site Plan - Existing






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Job 082.15118

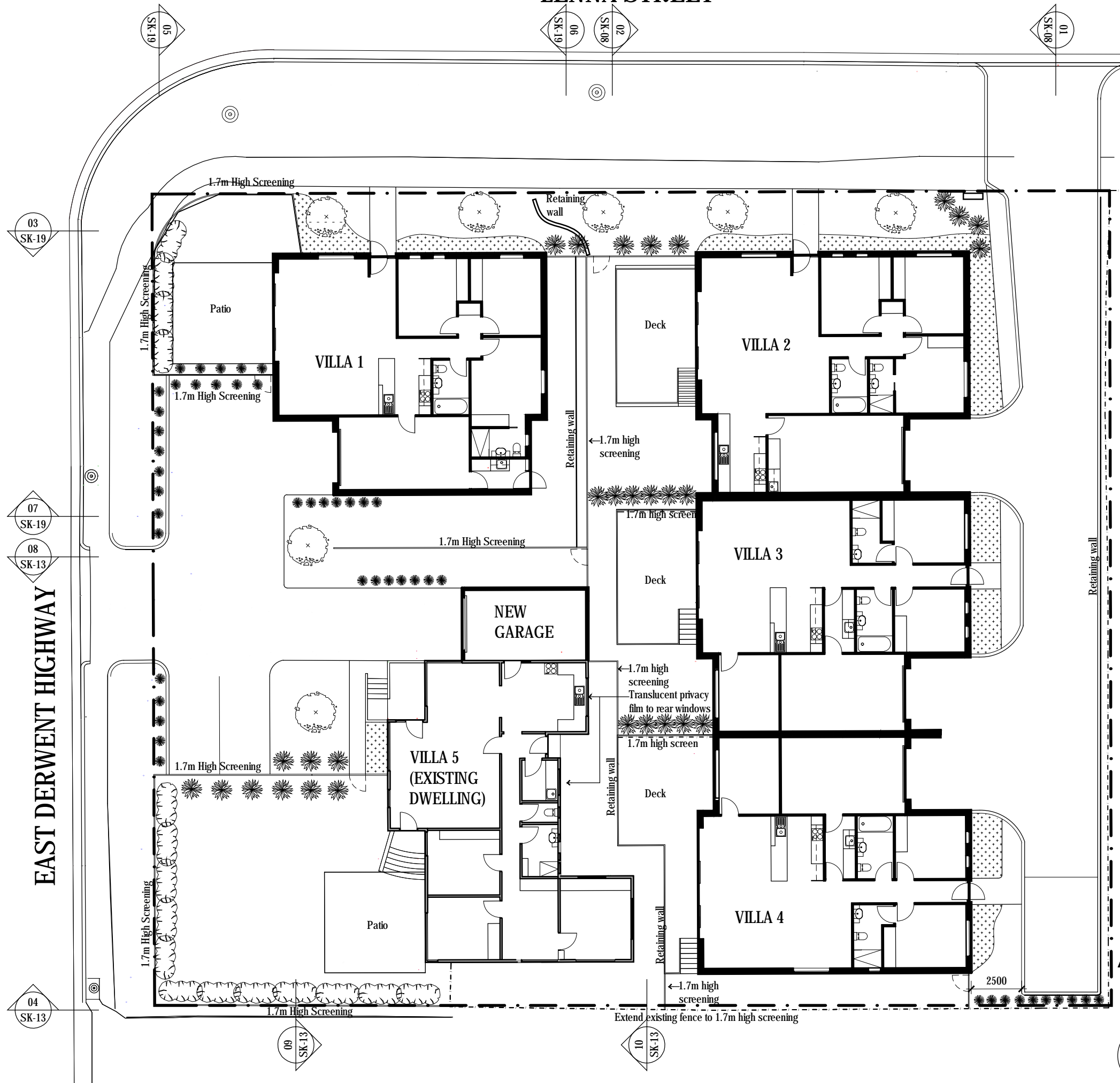
REV A
Page 3 of 12

SK-15

LENNA STREET

PLANTING LEGEND

-  TREE 4M
-  HEDGE 2M
-  SHRUB 1.5-2M
-  SHRUB 1.5M
-  GARDEN BED



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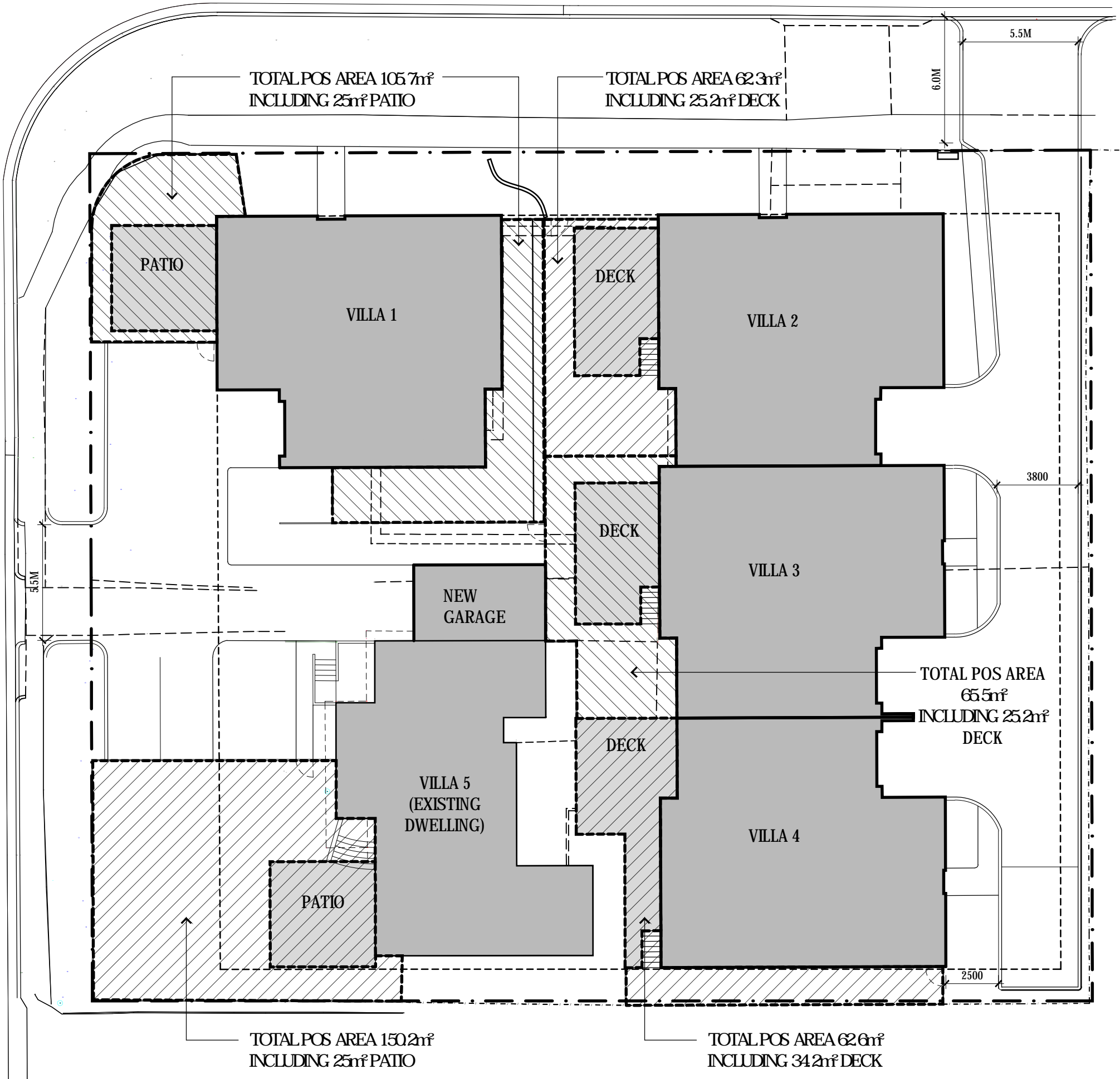
Preliminary

Wilson Homes
 East Derwent Hwy Development
 22 East Derwent Highway, Rose Bay
Landscape Plan

05-10-15
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 Job 082.15118
 REV B
 Agenda Attachments - 22 & 24 East Derwent Highway - Page 4 of 12
SK-17

LENNA STREET

EAST DERWENT HIGHWAY



INFORMATION

PLANNING (Private Open Space) 10.4.3	DECKS	POS	TOTAL
VILLA 1	25m ²	80.7m ²	105.7m ²
VILLA 2	25.2m ²	37.1m ²	62.3m ²
VILLA 3	25.2m ²	40.3m ²	65.5m ²
VILLA 4	34.2m ²	28.4m ²	62.6m ²
VILLA 5	25m ²	125.2m ²	150.2m ²

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Preliminary

Wilson Homes

East Derwent Hwy Development

22 East Derwent Highway, Rose Bay

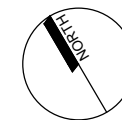
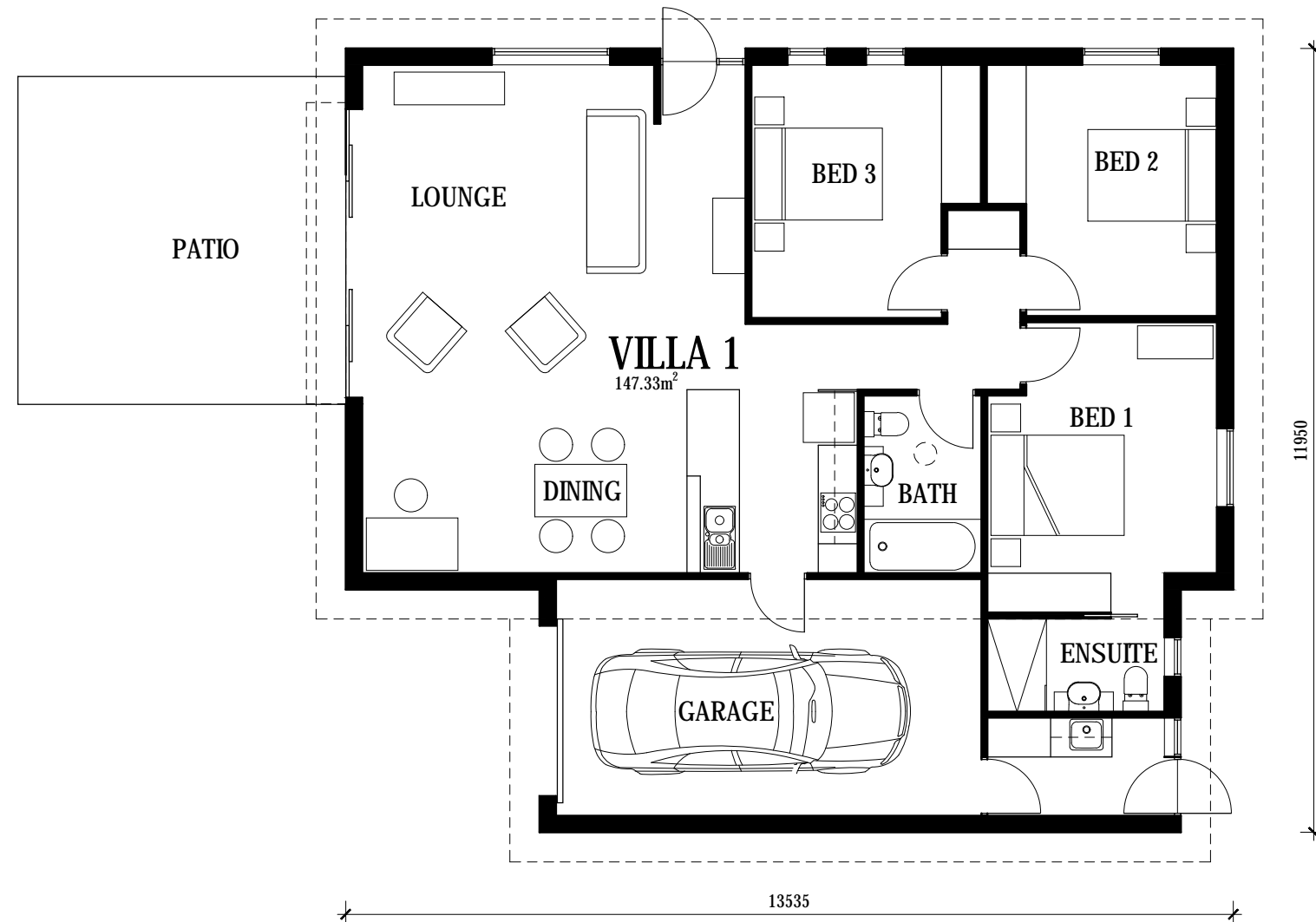
Site Plan - Private Open Space

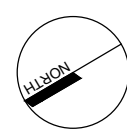
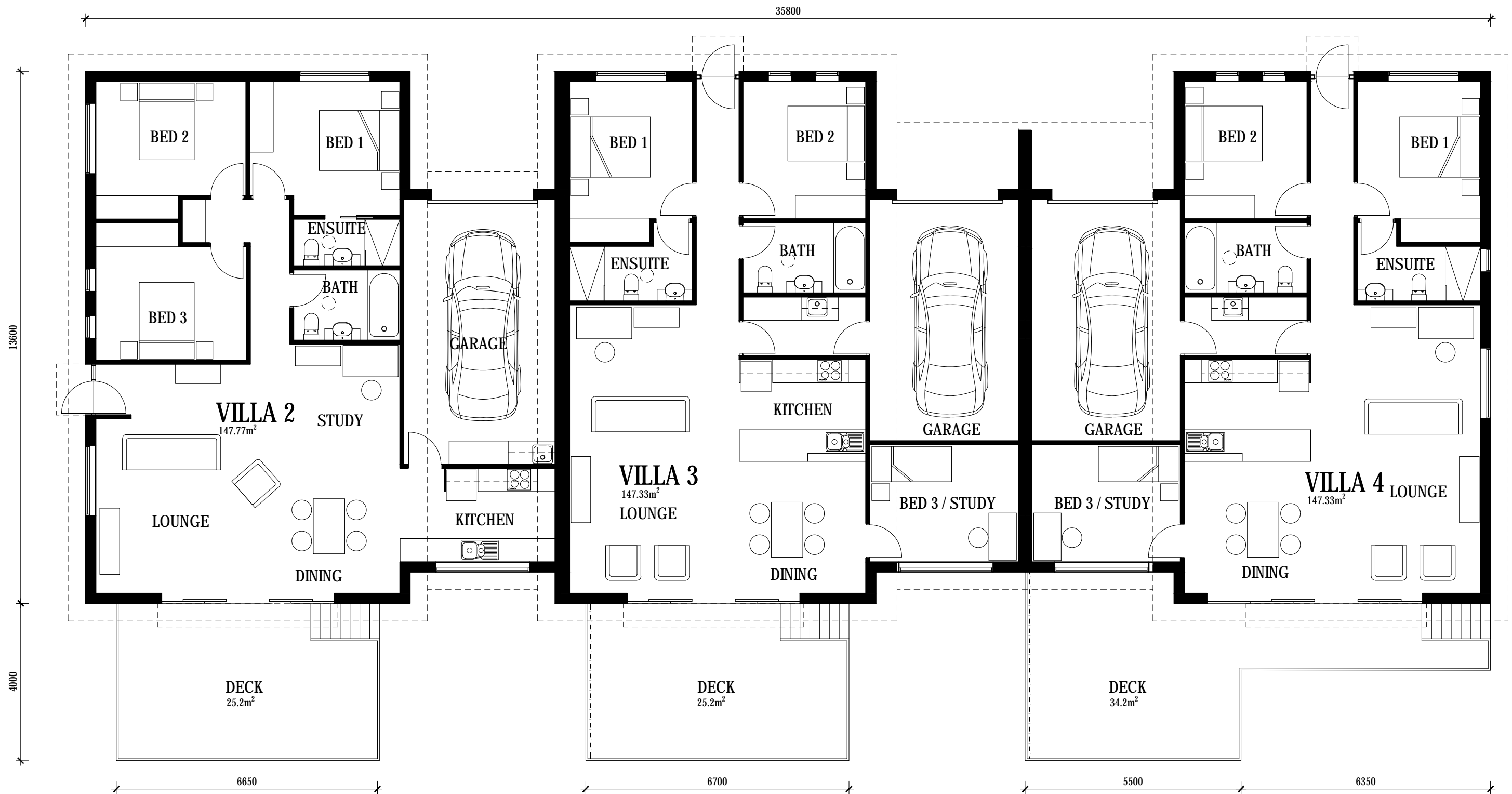
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Job 082.15118

REV -

Page 5 of 12

SK-20





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Preliminary

Wilson Homes

East Derwent Hwy Development

22 East Derwent Highway, Rose Bay

Floor Plan Villas 2, 3 & 4

05-10-15

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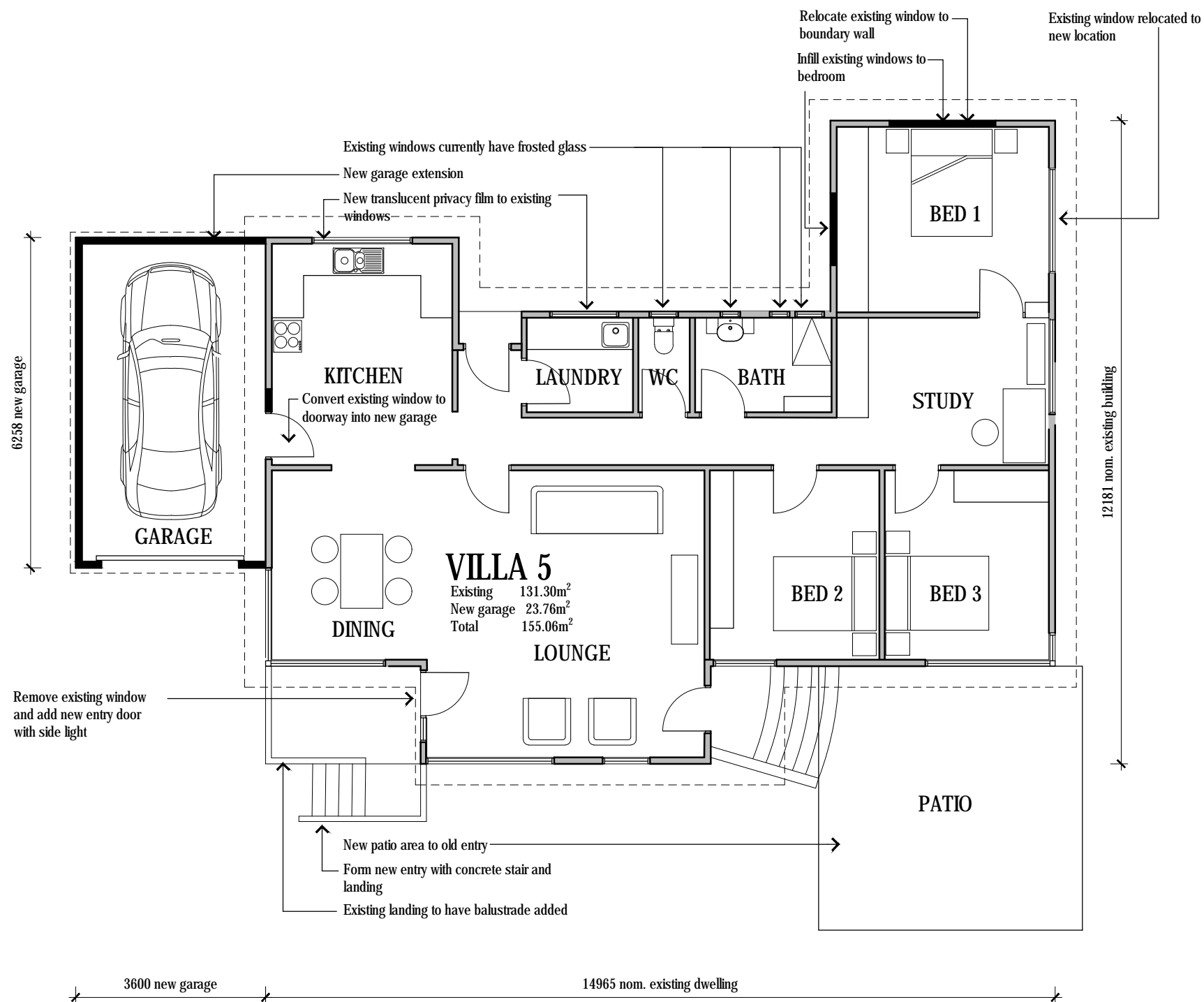
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REV A

Page 7 of 12

Agenda Attachments - 22 & 24 East Derwent Highway -

SK-14



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Preliminary

Wilson Homes

East Derwent Hwy Development

22 East Derwent Highway, Rose Bay

Floor Plan Villa 5

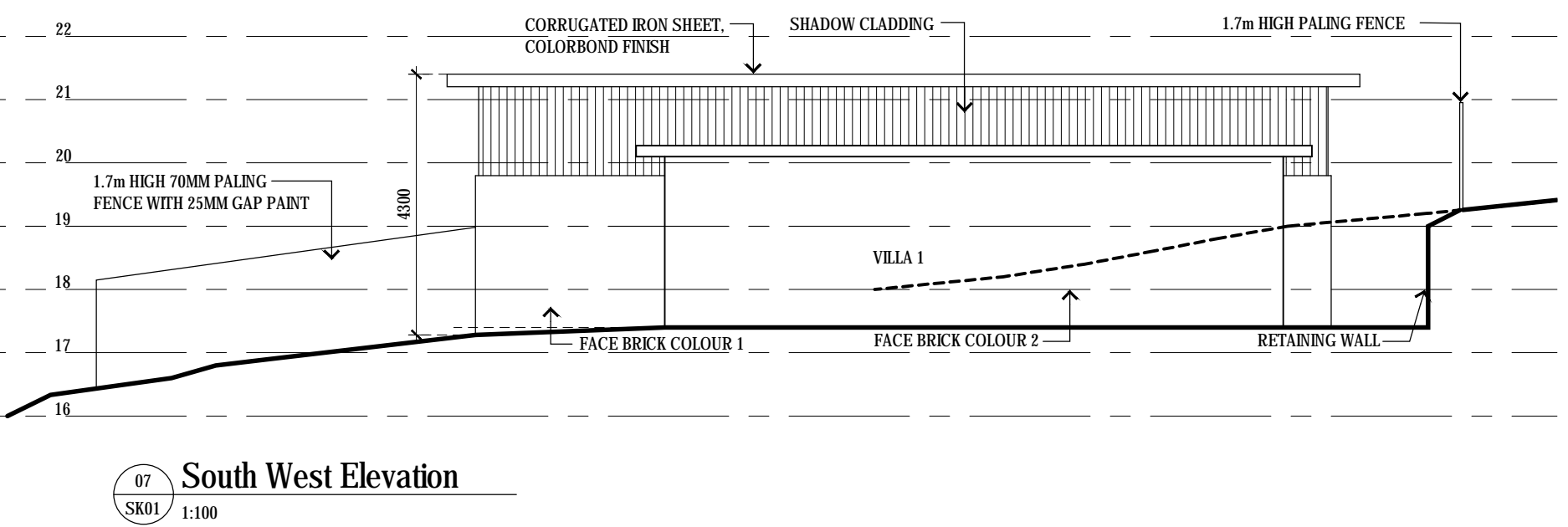
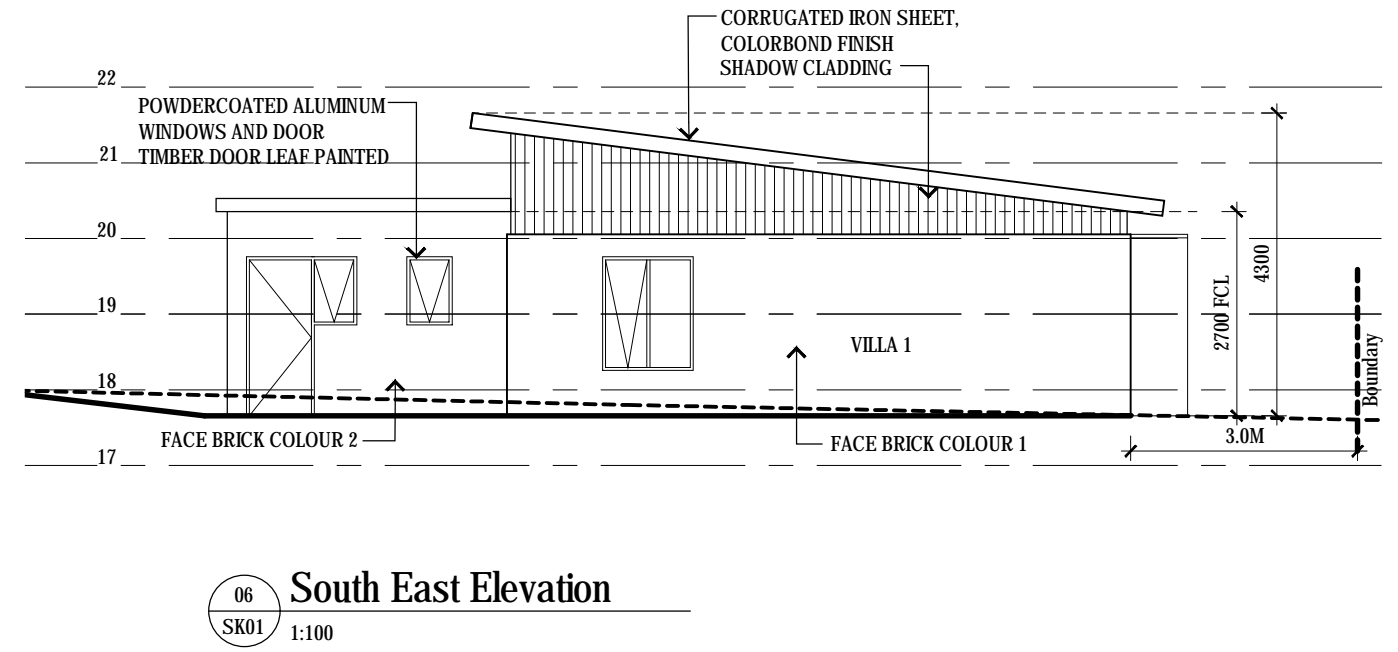
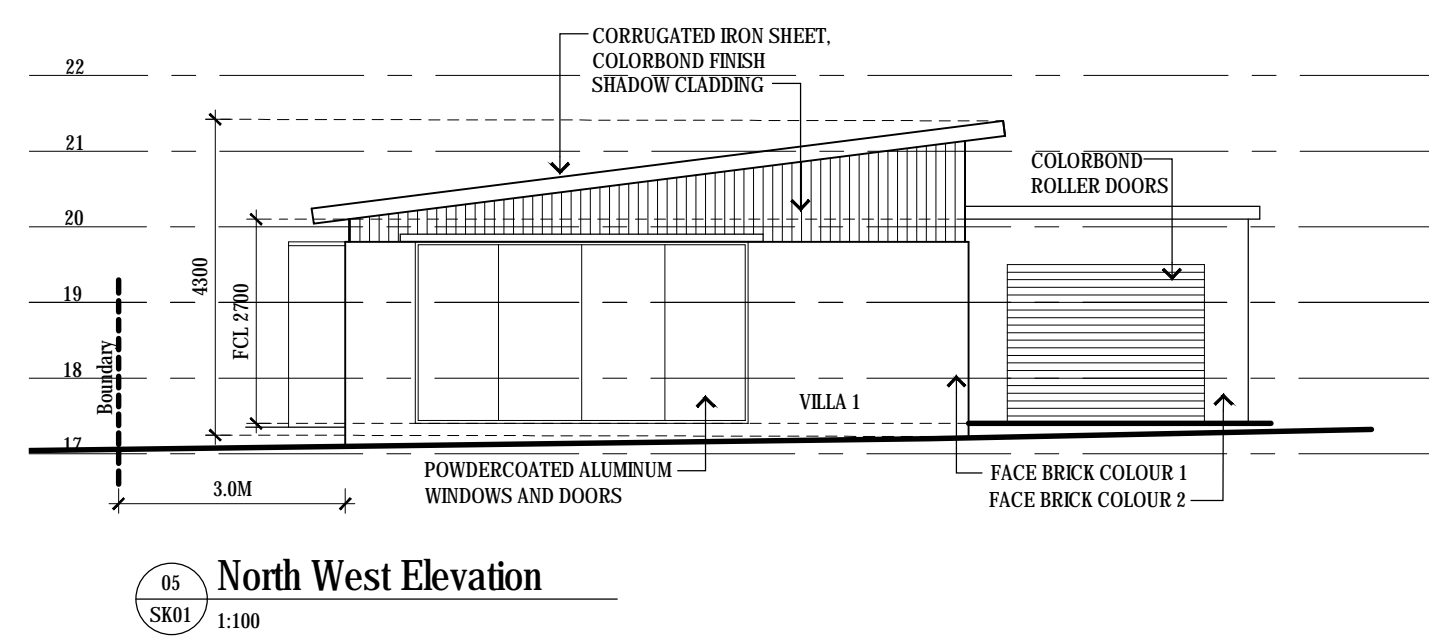
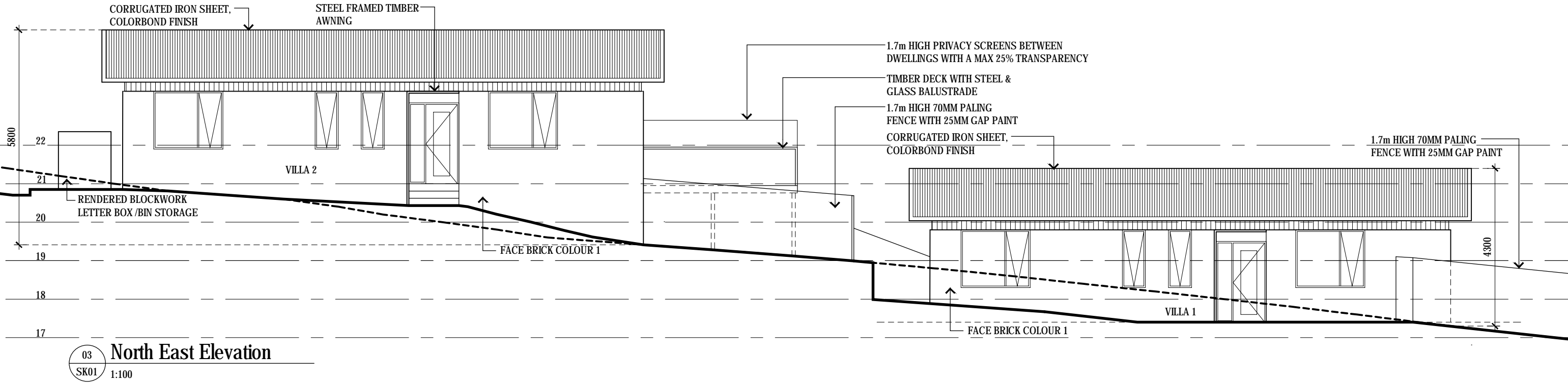
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Job 082.15118

REV A

Page 8 of 12

SK-18





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Architects

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Preliminary

Wilson Homes

East Derwent Hwy Development

22 East Derwent Highway, Rose Bay

Sectional Elevations 3

05-10-15

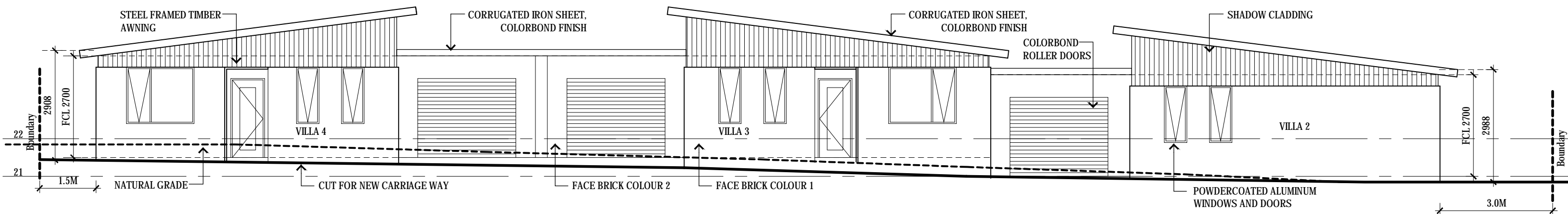
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Job 082.15118

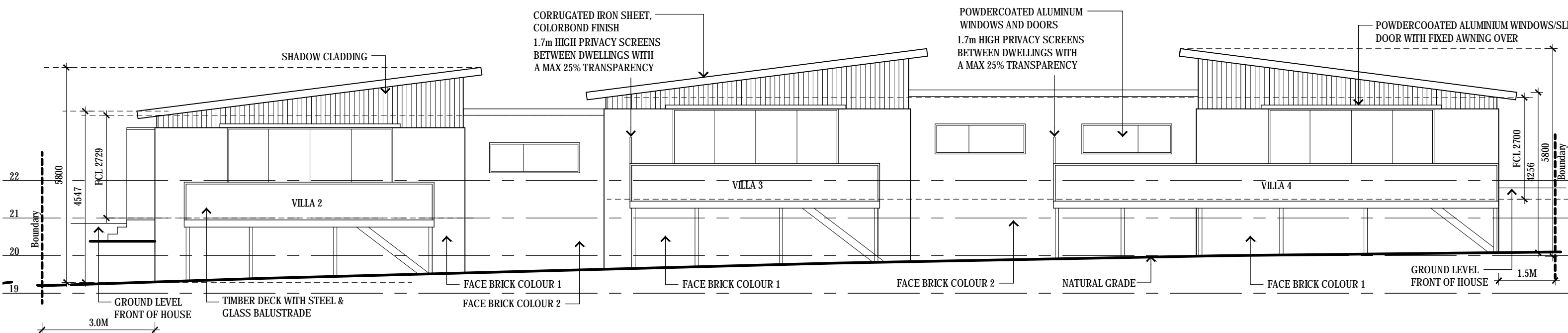
REV A

Agenda Attachments - 22 & 24 East Derwent Highway - Page 9 of 12

SK-19



01
SK01
South East Elevation
1:100



02
SK01
North West Elevation
1:100

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Preliminary

Wilson Homes

East Derwent Hwy Development

22 East Derwent Highway, Rose Bay

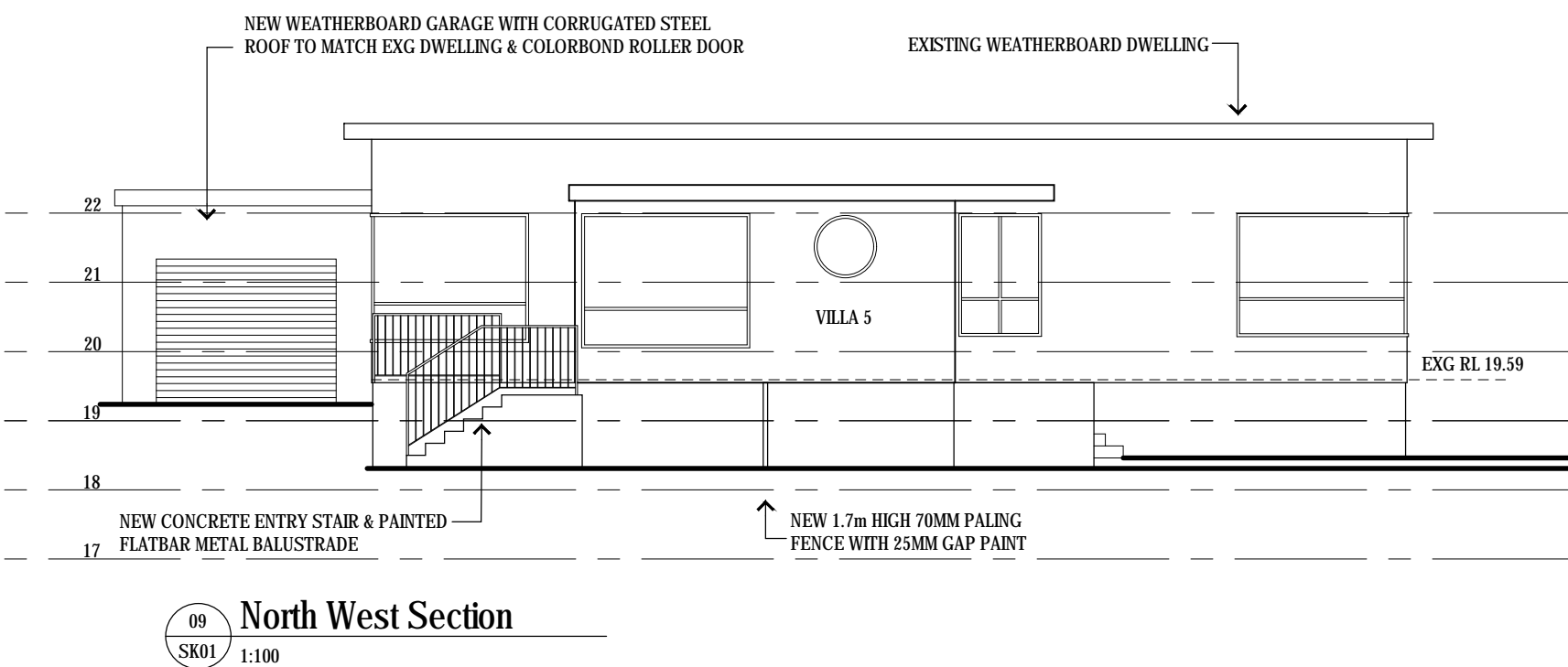
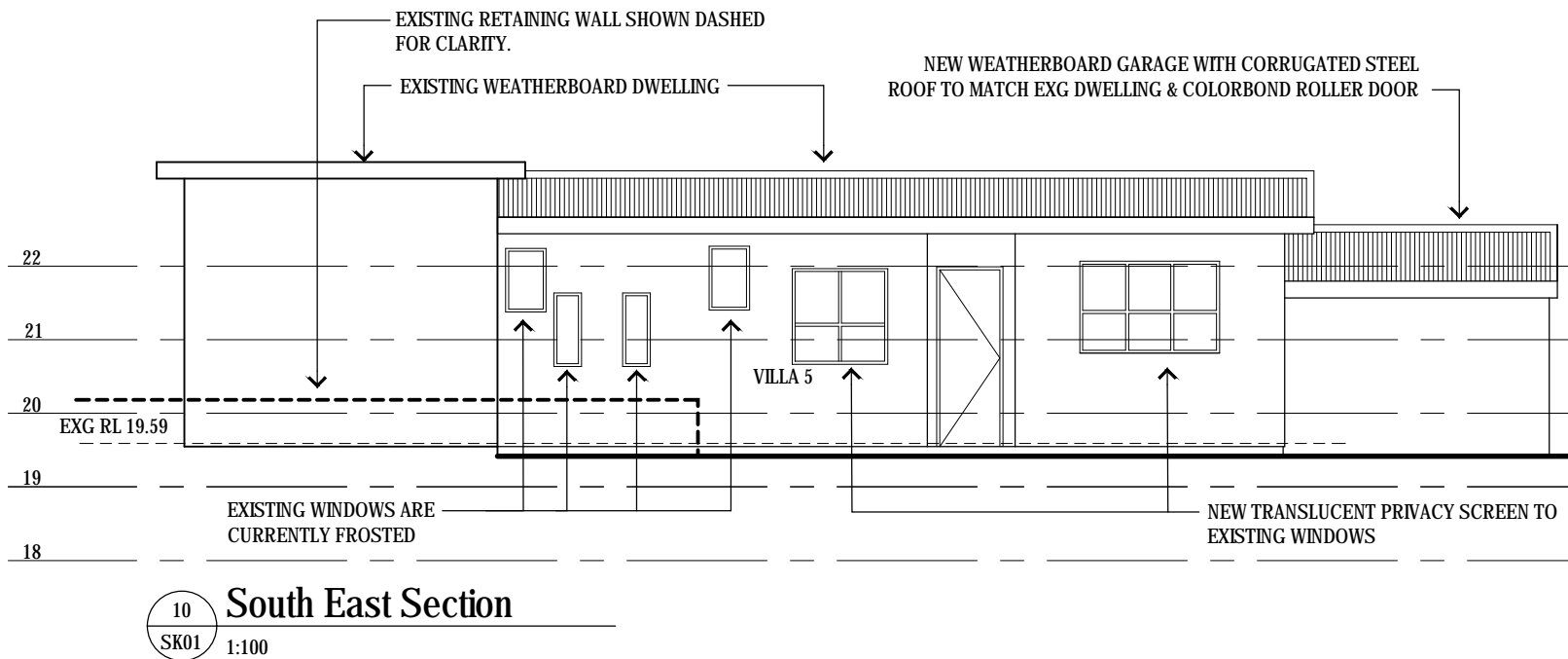
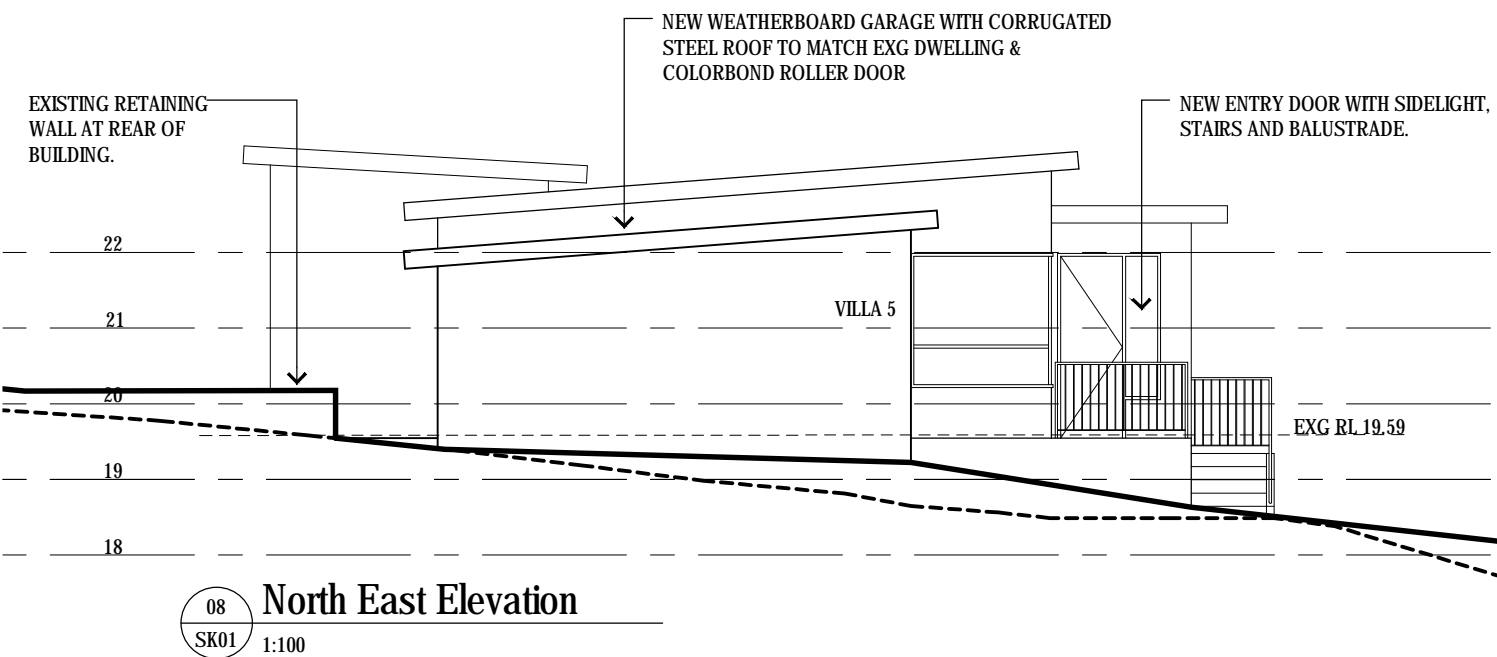
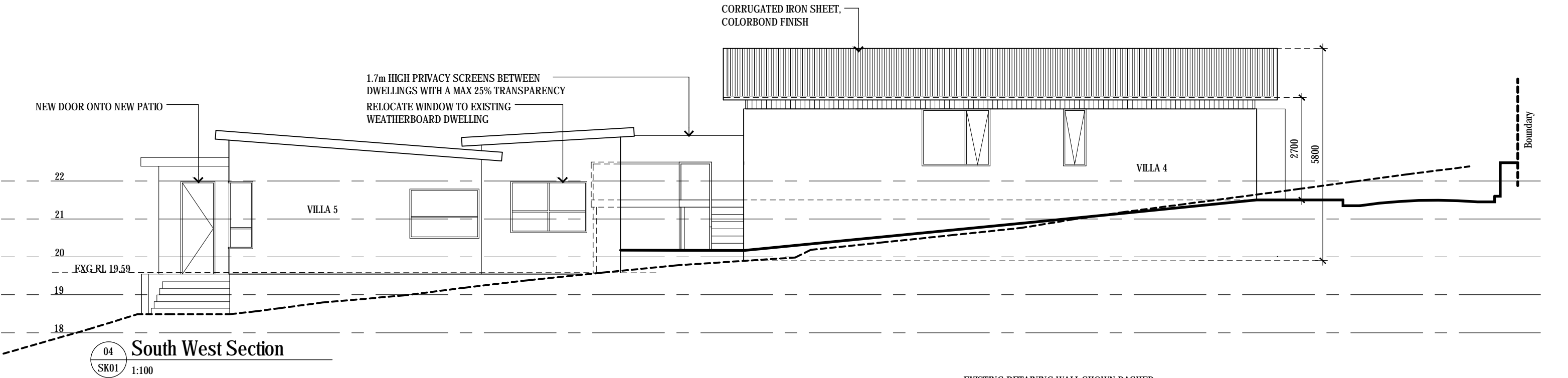
Sectional Elevations 1

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REV B

Agenda Attachments - 22 & 24 East Derwent Highway - Page 10 of 12

SK-08



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Preliminary

Wilson Homes

East Derwent Hwy Development

22 East Derwent Highway, Rose Bay

Sectional Elevations 2

05-10-15

1:100 @ A3

Job 082.15118

REV A

Agenda Attachments - 22 & 24 East Derwent Highway - Page 11 of 12

SK-13

Attachment 3

22 & 24 East Derwent Highway, ROSE BAY



Site viewed from East Derwent Highway, looking southeast



Site viewed from Lenna Street, looking southwest

11.3.3 SUBDIVISION APPLICATION SD-2013/51 - 30 DUMBARTON DRIVE AND 240 GEILSTON BAY ROAD, GEILSTON BAY (INCLUDING 22, 24, 28A AND 32 DUMBARTON DRIVE AND 353 EAST DERWENT HIGHWAY, GEILSTON BAY) - BOUNDARY ADJUSTMENT

(File No SD-2013/51)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a boundary adjustment at 30 Dumbarton Drive and 240 Geilston Bay Road (including 22, 24, 28A and 32 Dumbarton Drive and 353 East Derwent Highway).

RELATION TO PLANNING PROVISIONS

The land is zoned Residential and subject to the Vegetation Management Overlay under the Clarence Planning Scheme 2007 (the Scheme). No 353 East Derwent Highway is zoned Open Space and included only as part of the bushfire management plan. In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 18 November 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of additional traffic caused by more units being developed on the proposed lot adjoining 30 Dumbarton Drive.

RECOMMENDATION:

- A. That the application for a Boundary Adjustment at 30 Dumbarton Drive and 240 Geilston Bay Road, Geilston Bay (including 22, 24, 28a and 32 Dumbarton Drive, 240 Geilston Bay Road and 353 East Derwent Highway) (CI Ref SD-2013/51) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN F2 – COVENANTS [restricting access solely via the proposed subdivision road for all lots abutting the East Derwent Highway].
 3. PROP 3 – TRANSFER.
 4. ENG M2 – DESIGNS SD.

5. ENG M8 – EASEMENTS.
 6. ENG R2 – URBAN ROAD.
 7. ENG R5 – ROAD EXTENSION.
 8. ENG S1 – INFRASTRUCTURE REPAIR.
 9. ENG A1 – CROSSOVER [TSD-R09] Replace “3.0m” with “3.6m”.
 10. ENG M5 – EROSION PLANS.
 11. ENG S10 – UNDERGROUND SERVICES.
 12. ENG S4 – STORMWATER CONNECTION.
 13. Conditions 5 and 9 of Permit SD-2006/24, including the indexing contained therein from the date of that permit, forms part of this permit and must be satisfied prior to the sealing of Lot 15.
 14. EHO 4 – NO BURNING.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

The lot was approved by SD-2006/24. An application for 6 Multiple Dwellings (D-2015/108) was approved at Council’s Meeting on 24 August 2015. A minor amendment was approved on 19 October 2015 to amend the staging of the subdivision to allow the boundary adjustment, which is the subject of this report.

2. STATUTORY IMPLICATIONS

- 2.1.** The application was made valid under the Clarence Planning Scheme 2007.
- 2.2.** The land is zoned Residential and is subject to the Vegetation Management Overlay under the Clarence Planning Scheme 2007 (the Scheme).

2.3. The proposed boundary adjustment is permitted, however, as vegetation removal is required for the purposes of a fire break within the Vegetation Management Zone, the proposal is Discretionary.

2.4. The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 6 – Residential Zone; and
- Section 7 – Vegetation Management Overlay.

2.5. 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

Number 30 Dumbarton Drive is a 2784m² vacant Residential zoned lot. The lot has 2 accesses, 1 via an access strip located on the southern side of the lot and the other via rights-of-way over 28A and 32 Dumbarton Drive located further north.

The application also includes:

- 240 Geilston Bay Road and 353 East Derwent Highway which is required to provide bushfire management areas for the development;
- 22 and 24 Dumbarton Drive as the titles for these lots include rights-of-way over the access strip in favour of 30 Dumbarton Drive; and
- 28A and 32 Dumbarton Drive which have rights-of-way over the access strip which is part of the title of 30 Dumbarton Drive.

3.2. The Proposal

The proposal is for a boundary adjustment between 240 Geilston Bay Road and 30 Dumbarton Drive. No 30 Dumbarton Drive will be increased in size from 2784m² to 4551m² and will utilise the existing accesses from Dumbarton Drive.

The subdivision (SD-2006/24) includes a future Stage 2B which contains Lots 15, 16 and 18. The proposal will result in Lot 16 being adhered to 30 Dumbarton Drive and Lots 15 and 18 being consolidated into 1 lot with a road lot proposed to create access and frontage to Dumbarton Drive.

A fire break is proposed to the north of the site on 240 Geilston Bay Road (also owned by the applicant) and 353 East Derwent Highway, owned by the Crown. The Department of State Growth has agreed to grant the applicant a licence over this

4. PLANNING ASSESSMENT

The relevant General Decision Requirements of this part are:

- “(a) *General requirements*
 - (iv) *The Purposes of the Zone.*
 - (v) *The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
 - (vi) *Comments of any Government Department, any other Authority or referred agency.*
 - (vii) *Any representation made in accordance with Section 43F(5) or Section 57(5) of the Act.*
- (b) *Amenity requirements*
 - (i) *The character of the locality, the existing and future amenities of the neighbourhood.*
- (f) *Subdivision requirements*
 - (i) *The suitability of the land for subdivision.*
 - (ii) *The existing use and potential for future development of the land and its surrounds.*
 - (iii) *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation, natural drainage paths and significant stormwater catchment areas.*
 - (iv) *The density of the proposed development.*

- (v) *The size and shape of each lot in the subdivision.*
- (vi) *The layout of roads having regard to their function and relationship to existing roads.*
- (vii) *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- (viii) *The provision and location of reserves for public open space and other community facilities.*
- (ix) *The staging of the subdivision.*
- (x) *The design and siting of existing and future buildings.*
- (xi) *The availability and provision of utility services”.*

Reference to these principles is contained in the discussion below.

4.1. Residential Zone

The site is zoned Residential under the Clarence Planning Scheme 2007. The proposal is consistent with the Purpose of the zone.

The proposal meets all of the relevant Development Standards in respect of minimum lot size and dimensions.

The previous subdivision permit for SD-2006/24 included conditions relating to the upgrading of Geilston Bay Road and the junction with the East Derwent Highway, which are not yet fully satisfied. Whilst this application reduces the number of lots approved by SD-2006/24, it is appropriate that the works and headworks required by Conditions 5 and 9 of that permit carry through to Lot 15 of the current proposal, ensuring payments are made at the originally intended and indexed rate.

The following Specific Decision Requirements are considered applicable to the proposed development and are discussed in detail.

“(e) Lot sizes should be varied to suit differing levels of residential, service and recreational needs”.

The proposal will increase the size of 30 Dumbarton Drive which has approval for 6 Multiple Dwellings and allow the applicant to apply for up to 5 additional Multiple Dwellings on the site.

“(s) An internal lot should have adequate frontage to ensure appropriate provision for wheelie bin collection, without inconvenience to neighbouring properties”.

The proposal will increase the size of the existing internal lot which has an existing frontage suitable to provide for wheelie bin collection.

“(u) Subdivision should ensure that based on a 1 in 100 year event natural drainage paths and significant stormwater catchment areas are protected from inappropriate development. This relates to development within drainage lines which may impede, restrict or adversely affect natural drainage flows”.

The application has been assessed by Council’s engineers who are satisfied that the lots can be suitably drained so that there will be no adverse impact created by the proposal.

4.2. Overlays

Vegetation Management

The applicant has provided a flora and fauna report (Ecotas, 24 August 2014) which has concluded that the development and maintenance of a firebreak will not affect threatened flora, fauna or vegetation types.

4.3. External Referrals

The application was referred to the Department of State Growth who did not provide comments. The application was not required to be referred to TasWater as no additional lots are to be created, however, when the Final Plan is submitted for sealing, it will be referred to TasWater who will take any headworks charges that are applicable under the permit.

5. REPRESENTATION ISSUES

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

5.1. Additional Traffic caused by more Units being developed as a result of the Boundary Adjustment being Approved

The representor also referred to the original plan which showed an access strip to the Dumbarton Road extension and did not involve her property.

- **Comment**

The current proposal is for a boundary adjustment only, however, as the developer has obtained an approval for 6 Multiple Dwellings on 30 Dumbarton Drive (D-2015/108) it is likely that additional dwellings will be proposed on the resultant lot. The access to any future development will be via the existing access strips.

While the boundary adjustment may result in additional dwellings and therefore increased traffic along the access strips, Council's Engineers are satisfied that the current and proposed access arrangements are satisfactory and are adequate for any additional dwellings proposed.

It is also noted that due to the steepness of the site development of the lots, and access as approved by SD-2006/24 would have been difficult to achieve.

In any event, whilst this may be the intent of the owner, Council cannot pre-determine a development application which will be assessed under the Clarence Interim Planning Scheme 2015.

6. STATE POLICIES AND ACT OBJECTIVES

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

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

7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy.

8. CONCLUSION

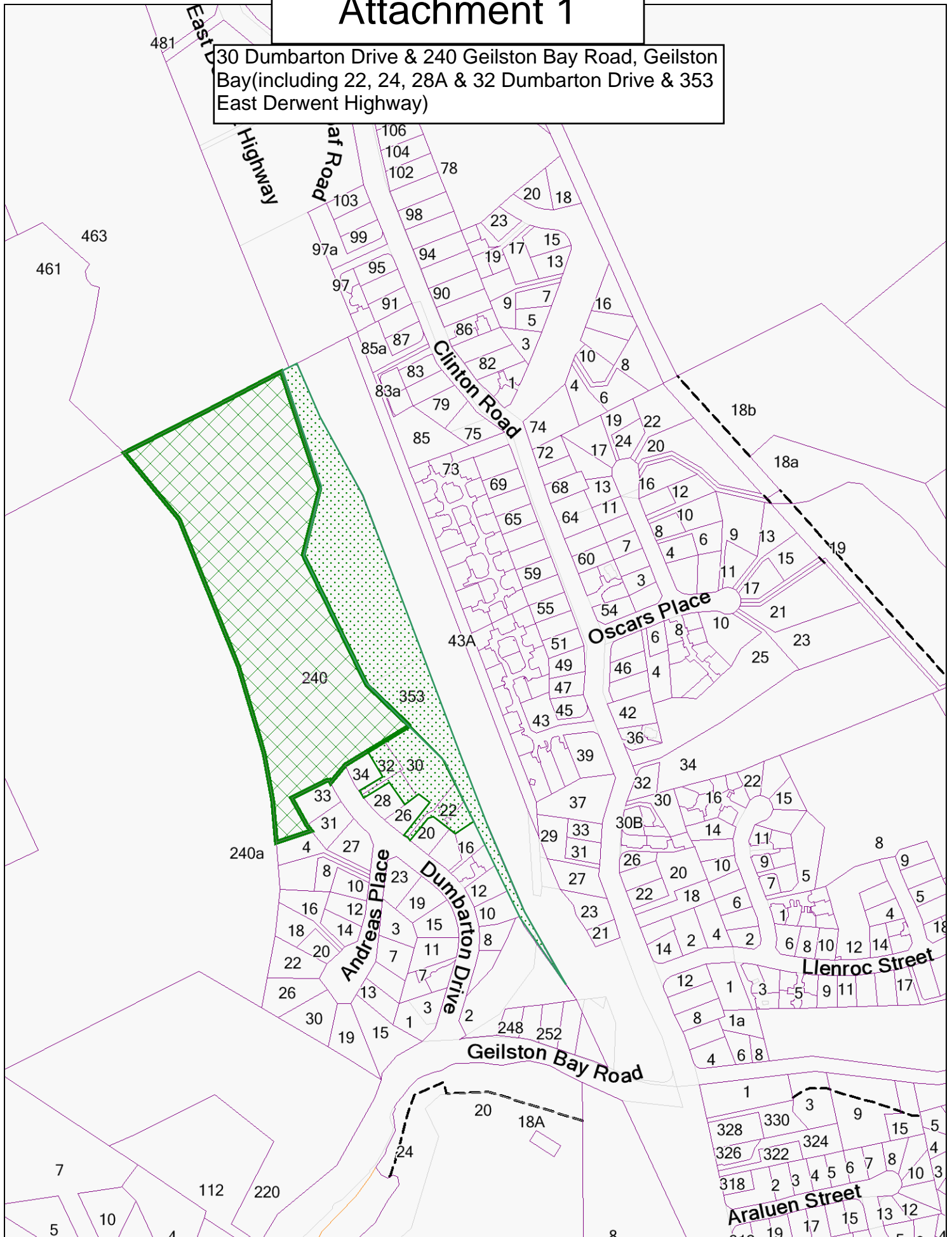
The proposal for a boundary adjustment is considered to be consistent with the requirements of the Scheme and is recommended for approval.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

30 Dumbarton Drive & 240 Geilston Bay Road, Geilston Bay (including 22, 24, 28A & 32 Dumbarton Drive & 353 East Derwent Highway)



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UNIT
CAME
PHON
MOBILE: 0418 120 796
EMAIL: admin@rbsurveyors.com
WEB: www.rbsurveyors.com.au

Attachment 2

plan has been prepared only for the purpose
obtaining preliminary subdivisional approval from
the local authority and is subject to that approval

All measurements and areas are subject to the
final survey

OWNER SOUTHERN BAY INVESTMENTS PTY LTD
THE CROWN
TITLE REFERENCE
C.T.159965/103 & C.T.156955/11
C.T.9835/1 & C.T.8135/1
PROPOSED EASEMENTS AS REQUIRED

LOCATION
No.30 DUMBARTON DRIVE &
No.240 GEILSTON BAY ROAD
No.353 EAST DERWENT HIGHWAY
GEILSTON BAY
GRANTEE SEE TITLES

SCALE 1:500

DATE 20-4-2015

MUNICIPALITY CLARENCE

REF. NO. SOUTB03
740005



Attachment 3

30 Dumbarton Drive, GEILSTON BAY & 240 Geilston Bay Road, GEILSTON BAY ROAD (including 22, 24, 28a & 32 Dumbarton Drive, 240 Geilston Bay Road & 353 East Derwent Highway, GEILSTON BAY)



View of site looking towards 28A Dumbarton Drive.



View of site looking towards 240 Geilston Bay Road.



View of the site looking down the northern access from Dumbarton Drive.



View of the site looking down the southern access from Dumbarton Drive.

11.3.4 DEVELOPMENT APPLICATION D-2015/316 - 58 GEORGE STREET, DULCOT (CT32082/9 AND CT32082/10) - PET FOOD PROCESSING FACILITY

(File No D-2015/316)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a pet food processing facility at 58 George Street, Dulcot.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and subject to the Bushfire-Prone Areas Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary use and development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 18 November 2015 with the written agreement of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 8 representations were received raising the following issues:

- hours of operation;
- traffic;
- odour, noise and waste management;
- wastewater management;
- use of Rural Living zoned land;
- clarification of building setback;
- gradient of building site;
- building construction/provision of toilets;
- appearance of building;
- use of water;
- Attenuation Code/environmental impact;
- signage;
- limits on use;
- expansion of existing firewood collection;
- clarification of street address;
- ownership of property;
- impact on property values; and
- notification of application.

RECOMMENDATION:

A. That the Development Application for Resource Processing (pet food processing facility) at 58 George Street, Dulcot (CT32082/9 and CT32082/10) (CI Ref D-2015/316) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. The building must be located a minimum of 12m from the frontage boundary.
3. Operating hours must be within the following times:

Monday – Friday	8.30am – 5.00pm
Saturday	9.00am – 12.00pm
Public Holidays	No Operating
Sunday	No Operating

Commercial vehicles may access the site from 7.00am to 5.00pm Monday – Friday and from 9.00am to 12.00pm Saturdays.
4. Animals must not be slaughtered and no preliminary animal processing (gutting) is to be undertaken on-site.
5. Pet food meat must not be sold from the site directly to the public.
6. The facility is to be operated by 1 staff member only.
7. GEN M14 – STORAGE AREAS.
8. No external lighting is approved.
9. The use or development must only be undertaken and maintained in accordance with the endorsed Bushfire Attack Level Report and Hazard Management Plan prepared by Michael Westcott dated October 2015, unless an alternative Bushfire Hazard Management Plan is agreed with Council.
10. The landowner must enter into an agreement with Council and the owner of CT320822/9 under Part 5 of the Land Use Planning and Approvals Act, 1993 in such form as Council may require and which provides for the following:
 - the implementation and on-going maintenance of the Hazard Management Area identified in the endorsed Bushfire Attack Level Report and Hazard Management Plan prepared by Michael Westcott dated October 2015.

The agreement will be prepared and registered by Council and **must be completed prior to the issue of a building permit**. The landowner is responsible for all Council and Land Titles Office fees and charges. Upon written request from the landowner and payment of relevant fees, Council will prepare the Part 5 Agreement.

11. Noise emissions measured at the boundary of the site must not exceed the following:
 - 55dB(A) (LAeq) between the hours of 8.00am to 6.00pm;
 - 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00pm to 8.00am;
 - 65dB(A) (LAmix) at any time.
12. All solid waste is to be removed from site at least every 2 days, or more frequently if required in writing by Council's Senior Environmental Health Officer or an authorised officer of the Department of Primary Industries Parks Water and Environment.
13. The lot must be provided with a minimum 5.5m wide constructed and sealed access from the road carriageway to within 2m inside the property boundary, in accordance with Standard Drawing TSD-R03 and TSD-R04 (copy available from Council). This access must be inspected by Council's Clerk of Works prior to sealing or pouring new concrete.

Following construction, the crossover must be maintained or repaired by the owner in accordance with any directions given by Council to the owner and at the owner's expense.
14. The vehicle turning area must be completed prior to commencement of the use.
15. No external lighting is approved.
16. Signs must not be displayed on the site without further approval from Council.

- 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 Rural Living under the Scheme.

2.2. The proposed use is categorised as “Resource Processing”, which is a Discretionary use in the Rural Living Zone. The proposed use and development is also Discretionary because it does not meet all the Acceptable Solutions prescribed in the Zone.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 13 – Rural Living Zone;
- Section E1.0 – Bushfire-Prone Areas Code;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code; and
- Section E23.0 – On-Site Wastewater Management Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The property known as 58 George Street comprises 6 land titles. The title to which the application relates is CT320822/10. The adjacent title (CT32082/9) also forms part of the application as the proposed hazard management areas required for bushfire management would extend onto that property.

CT320822/10 has an area of 4047m² and currently contains an existing weatherboard dwelling. The site has a slope of approximately 9% and has existing vehicle access from George Street.

The area surrounding the subject lot is similarly zoned Rural Living. A minor watercourse runs through the northern side of the subject property.

3.2. The Proposal

The proposal is for a pet food meat processing facility. The applicant intends to receive animal carcasses such as wallaby, possum and rabbits from commercial shooters and to process the meat for animal consumption.

The applicant has advised that preliminary animal processing (gutting/removal of offal) would take place off-site and the carcasses brought to the development site for additional processing. There would be a maximum of 2 deliveries made per day in small vehicles only. Carcasses would be skinned, deboned, minced and then packaged by a single staff member only. No meat would be sold from the site. The product would be delivered to customers homes by small vehicle in the afternoons – 1 vehicle only. The use would involve 1 staff member only.

All solid waste would be transferred off-site to a waste disposal facility. Fluid trade waste would be disposed of via a septic system specially designed to deal with such waste. The proposed septic system would be for the pet food processing facility only, and would not cater for human effluent. Human effluent would be disposed of using the existing septic system connected to the dwelling.

Hours of operation would be from 8.30am – 5.00pm Monday to Saturday. Deliveries would be from 7.00am to 8.00am Monday to Friday and no earlier than 9.00am on Saturdays. There would be no operating on Sundays or public holidays.

The facility would be constructed using 2 shipping containers and a carport structure forming a building 4.876m in width by 9.158m in length. The structure would have a maximum height of 3.2m above natural ground level and would contain a processing room, a skinning room and 2 cool rooms. The facility would require refrigeration.

A gravel car parking and vehicle turning area would be provided to allow vehicles to turn an exit the site in a forward direction. One undercover loading area would be provided. In addition, 3 car parking spaces would be provided – 1 for the proposed processing facility and 2 for the existing dwelling.

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.

8.10.2 In determining an application for a permit for a discretionary use the planning authority must, in addition to the matters referred to in subclause 8.10.1, have regard to the purpose of the applicable zone and the purpose of any applicable code but only insofar as each such purpose, local area objective or desired future character statement is relevant to the particular discretion being exercised. The following clauses are therefore relevant to the assessment of the application:

- *13.1.1.2 – Rural Living Zone Purpose*
 - To provide for compatible use and development that does not adversely impact on residential amenity”.*

As discussed below, the applicant has advised that they would be supportive of a number of conditions, which would ensure the use complies with the Acceptable Solutions of the use standards prescribed in the Rural Living Zone. Council's Environmental Health Officer is satisfied with the proposed methods of waste disposal and that the use would not cause a nuisance to surrounding residences/properties, including through odour. On this basis the use would be consistent with the purpose of the zone and any conflicts with the use of surrounding land would be minimised.

A number of conditions are recommended to help protect the amenity of the surrounding properties and to ensure the use is compatible with the surrounding area.

- “• *E7.1.1 Stormwater Management Code*
 - *The purpose of this provision is to ensure that stormwater disposal is managed in a way that furthers the objectives of the State Stormwater Strategy”.*

The proposal is consistent with the purpose of the Code as the subject property is capable of adequately retaining all stormwater on the site.

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 (zone and codes) with the exception of the following.

Clause	Standard	Acceptable Solution (Extract)	Proposed
13.3.1 A1	Hours of Operation	Hours of operation must be within 8.00am to 6.00pm Monday to Friday; and 9.00am to 12.00pm Saturdays with no operating on Sundays and Public Holidays.	8.30am – 5.00pm Monday to Saturday (Saturdays 12.00pm to 5.00pm would be outside hours prescribed in acceptable solution)

Due to concerns raised by representors in relation to the proposed hours of operation and delivery times, the applicant has advised that they are prepared to limit hours of operation to the times prescribed in the acceptable solution above. A suitable condition is recommended.

Clause	Standard	Acceptable Solution (Extract)	Proposed
13.4.2 A1	Building Setback From a Frontage	20m	12m

The proposed variation can be supported pursuant to the Performance Criteria (P1) of Clause 13.4.2 for the following reasons:

- the frontage setback would be no less than 10m and no less than the existing dwelling on the lot, which has a frontage setback of approximately 5.5m;
- the building would be consistent with other buildings in George Street, some of which (numbers 24, 42, 48, 49, 67 and 89) feature frontage setbacks of approximately 8m;
- the building would be compatible with the surrounding landscape; and
- no native vegetation would require removal for the building construction.

Clause	Standard	Acceptable Solution (Extract)	Proposed
13.4.2 A2	Building Setback From Side and Rear Boundaries	20m	0.5m from eastern side boundary

The proposed variation can be supported pursuant to the Performance Criteria (P2) of Clause 13.4.2 for the following reasons:

- the building would be compatible with the surrounding landscape;
- there would be no overlooking and loss of privacy to the adjacent title CT32082/9 (which is under same ownership), which shares the boundary in question;
- given the dimensions of the building, there would minimal visual impact, when viewed from adjoining lots, particularly CT32082/9; and
- the subject lot is less than the minimum lot size for the zone (2ha), which constrains placement of new buildings.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E7.7.1 A1	Stormwater	Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	Stormwater would be retained on-site

The proposed variation can be supported pursuant to the Performance Criteria (P1) of Clause E7.7.1 for the following reason:

- Council's Development Engineer has advised that the land area of the property is sufficient to enable all stormwater to be retained and/or reused on the site. Details of the stormwater disposal system, such as trenches and/or rainwater tanks, would need to be submitted with applications for building and plumbing permits as normally required.

4.3. External Referrals

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

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 8 representations were received. The following issues were raised by the representors.

5.1. Hours of Operation

Representors are concerned that the hours of operation would have an unreasonable impact on residential amenity, particularly through noise. One representor is concerned that the use, including deliveries, would operate outside of the nominated times.

- **Comment**

Clause 8.10.1 of the Scheme provides that Council must only take into consideration matters relating to the exercise of discretion. As discussed above, the applicant has advised that they would be prepared to limit hours of operation and delivery times to those specified in the acceptable solutions for the Zone. It is recommended that a condition be included on the planning permit (if granted) to ensure that hours of operation remain within the nominated times.

5.2. Traffic

Representors have raised concern regarding the impact of increased traffic on the surrounding road network and have also raised concern that heavy vehicles would access the site.

- **Comment**

Clause 8.10.1 of the Scheme provides that Council must only take into consideration matters relating to the exercise of discretion. As discussed above, the proposed use would cause a minor increase in traffic movements to and from the site. The applicant has advised that only small vehicles would access the property. Council's Development Engineer has advised that the proposal satisfies the relevant requirements of the Parking and Access Code.

5.3. Odour, Noise and Waste Management

Several representors have raised concern that the use would have a negative impact on residential amenity through odour and noise, including noise from vehicles, while representors have also raised concern regarding the disposal of waste. Furthermore, a number of representors have raised concern that the use, including waste products, would attract flies, vermin and feral animals.

- **Comment**

The applicant has advised that waste would be regularly transferred to an off-site waste disposal facility. Should waste collected on-site become an environmental nuisance, the operator would be required to rectify the issue in accordance with the Environmental Management and Pollution Control Act, 1994 (EMPCA). Council's Environmental Health Officer has confirmed that the proposal satisfies Clause 13.3.1 A2 of the Scheme, which requires noise emissions measured at the boundary of a site not to exceed certain limits. It is recommended that these limits are confirmed to the applicant with a condition on the planning permit (if granted).

The Environmental Health Officer has also advised that the activity would be required to be registered with the Department of Primary Industries, Parks, Water and Environment and would be the subject of regular inspections. Any issues relating to waste management would be controlled under the registration.

5.4. Wastewater Management

Several representors have raised concern that fluid effluent would enter the existing wastewater system with run-off contaminating the watercourse, which runs through the northern side of the subject property. The watercourse is used to irrigate an apricot orchard downstream of the site at 870 Richmond Road.

- **Comment**

As discussed, fluid trade waste would be disposed of via a septic system specially designed to deal with such waste. Council's Environmental Health Officer has advised that the trade waste septic system would not cater for human effluent and would therefore be unlikely to result in any contamination of the subject lot or surrounding properties.

5.5. Use of Rural Living Zoned Land

Several representors have raised concern that the proposed use could be considered on land zoned Rural Living when such a use was not provided for in the previous Rural Residential zone under the Clarence Planning Scheme 2007. Several representors have referred to the proposal as an abattoir. Representors are concerned that the proposal does not comply with the zone purpose to provide for compatible use and development that does not adversely impact on residential amenity.

- **Comment**

The Rural Living zone provides for “Resource Processing” where compliance with the relevant standards of the Scheme can be demonstrated. The proposed use does not constitute an abattoir as animals would not be slaughtered on-site; but does include the processing of resources collected from the surrounding area. As discussed, the proposal satisfies the relevant standards of the Scheme and on that basis is considered to accord with the zone purpose.

5.6. Clarification of Building Setback

One representor has noted some discrepancies in the proposal plans and associated wastewater and bushfire management reports relating to the frontage setback.

- **Comment**

Early versions of the reports and plans proposed a 10m frontage setback, which was later increased to 12m after the applicant revised the plan to provide vehicle turning on-site. A condition reiterating approval of a 12m frontage setback is recommended for inclusion on the planning permit if granted.

5.7. Gradient of Building Site

One representor has raised concern that the natural ground level as shown on the elevation plans is incorrect.

- **Comment**

The elevation plans have been cross referenced with available site contours and are considered to be accurate. A site inspection has also satisfied Council officers that the depiction of natural ground level is correct.

5.8. Building Construction/Provision of Toilets

One representor has raised concern that the proposal does not include details of the building construction and that the building does not include a toilet.

- **Comment**

The Scheme does not require the submission of building design details for a development application. The applicant has advised that the toilet within the existing dwelling would be used. Such matters are dealt with under the Building Code of Australia and details of the building construction would need to be provided with the building permit application should a planning permit be granted.

5.9. Appearance of Building

Several representors have raised concern that the appearance of the proposed building would have a negative impact on the surrounding area.

- **Comment**

Council has some scope to consider building design where assessment variations to standards are proposed – for example, impact on streetscape values where a frontage setback variation is proposed. As discussed above, the proposal satisfies the relevant Performance Criteria of the Scheme, which require Council to consider issues such as the visual bulk of a building. Otherwise, the Scheme does not provide for Council to consider the architectural merit/style of development.

5.10. Use of Water

Several representors seek clarification on how water would be provided to the proposed use for washing of carcasses and equipment, and also for the water storage required for bushfire management purposes.

- **Comment**

The provision of water to the proposed use and development is not an issue requiring consideration under the Scheme. The obtainment of water required for the use and bushfire management purposes is a matter for the developer.

5.11. Attenuation Code/Environmental Impact

One representor has stated that the proposed use is an abattoir and subject to the requirements of the Attenuation Code. Another representor seeks clarification on whether the proposed use constitutes a “Level 2” activity under EMPCA.

- **Comment**

As discussed, the proposed use does not constitute an abattoir as animals would not be slaughtered on-site. Council’s Environmental Health Officer has advised that the proposed use is not a “use with potential to cause environmental harm”, meaning that the Attenuation Code is not applicable to the proposal. The proposed use is not a Level 2 activity.

5.12. Signage

One representor has raised concern that the application does not include details of signage, including display of any required licencing and accreditation.

- **Comment**

The application does not propose any signage. Any licencing and accreditation required to be displayed on-site is likely to be exempt from requiring Planning approval.

5.13. Limits on Use

One representor has suggested that any planning permit granted for the proposal be for a temporary period of time and that the permit be cancelled if the business had an unreasonable impact on surrounding residences. Another representor has raised concern that the operator would not adhere to planning permit conditions.

- **Comment**

The application seeks approval for a permanent use and development rather than a temporary one. Conditions cannot be placed on a permit, which alter a use/development to something that was not originally applied for.

As discussed, a number of conditions are recommended for inclusion on the planning permit (if granted) to control the impact of the use on surrounding residences. The requirements of the conditions would be enforced by Council should there be any non-compliance.

5.14. Expansion of Existing Firewood Collection

One representor has raised concern that the amount of fire wood currently collected on-site would increase once the proposed use is commenced.

- **Comment**

No approval exists to use the site as a commercial woodyard or sawmill. Should the owner of the site wish to use property to process commercial quantities of firewood (as opposed to a stockpile for domestic use on the property) then a separate approval would need to be obtained. Council has no record of any illegal use of the site as a woodyard.

5.15. Ownership of Property

Several representors seek to clarify why the applicant is not the owner of the subject property.

- **Comment**

In accordance with the requirements of Section 52 of LUPAA an application may be lodged by a person who is not the owner of the land.

5.16. Clarification of Street Address

A representor seeks to clarify the address for the proposed use and development, noting that the documentation submitted by the applicant refers to number 68 George Street rather than 58 George Street.

- **Comment**

As discussed, the subject property is comprised of several land titles, which are together known as 58 George Street. The applicant is understood to be a relative of the owner and knows the property as 68 George Street.

Notwithstanding this, the description of the development site includes the title reference numbers for the affected properties (CT32082/9 and CT32082/10), which would also be contained on the planning permit (if granted).

5.17. Impact on Property Values

Representors have raised concern that the proposed development would cause a reduction in value of the surrounding properties.

- **Comment**

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

5.18. Notification of Application

Representations have queried the placement of the on-site notices during the advertising period for the application.

- **Comment**

The application was advertised in accordance with the requirements of Section 57 of LUPAA.

6. STATE POLICIES AND ACT OBJECTIVES

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

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

7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy.

8. CONCLUSION

The proposal seeks approval for a pet food processing facility at 58 George Street, Dulcot. The application meets the relevant acceptable solutions and performance criteria of the Scheme.

The proposal is recommended for approval subject to conditions.

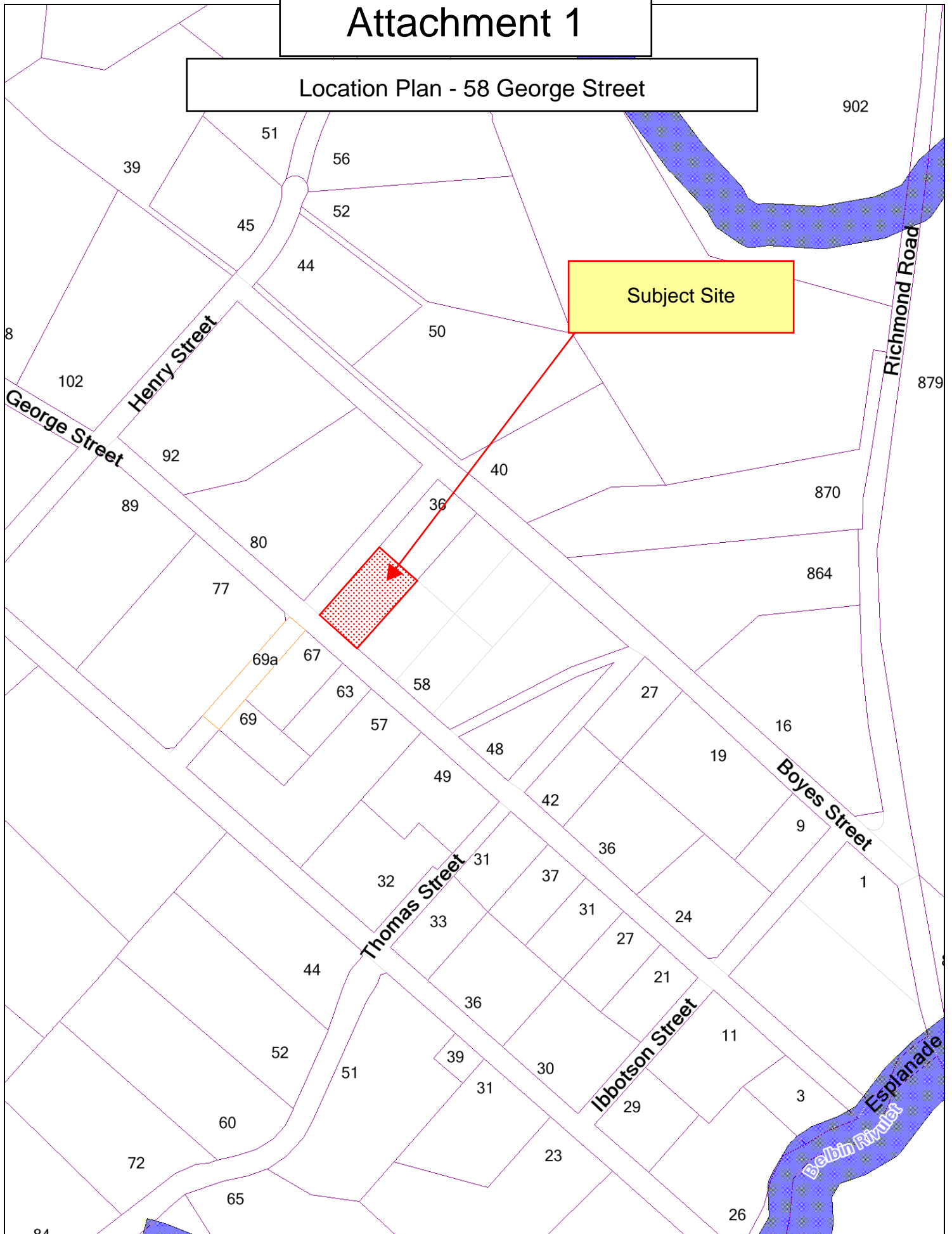
Attachments: 1. Location Plan (1)
2. Proposal Plans (4)
3. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING

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

Attachment 1

Location Plan - 58 George Street



Subject Site

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 November 2015 **Scale:** 1:4,528 @A4

Attachment 2



AMENDED

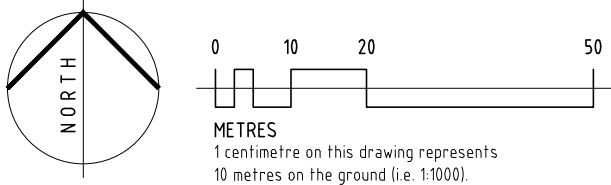
REV.	DESCRIPTION	DATE
A.	DEVELOPMENT APPLICATION.	30.07.15
B.	ADDITIONAL INFORMATION / AMENDMENTS AS REQUESTED BY COUNCIL ON 19 August 2015.	19.08.15

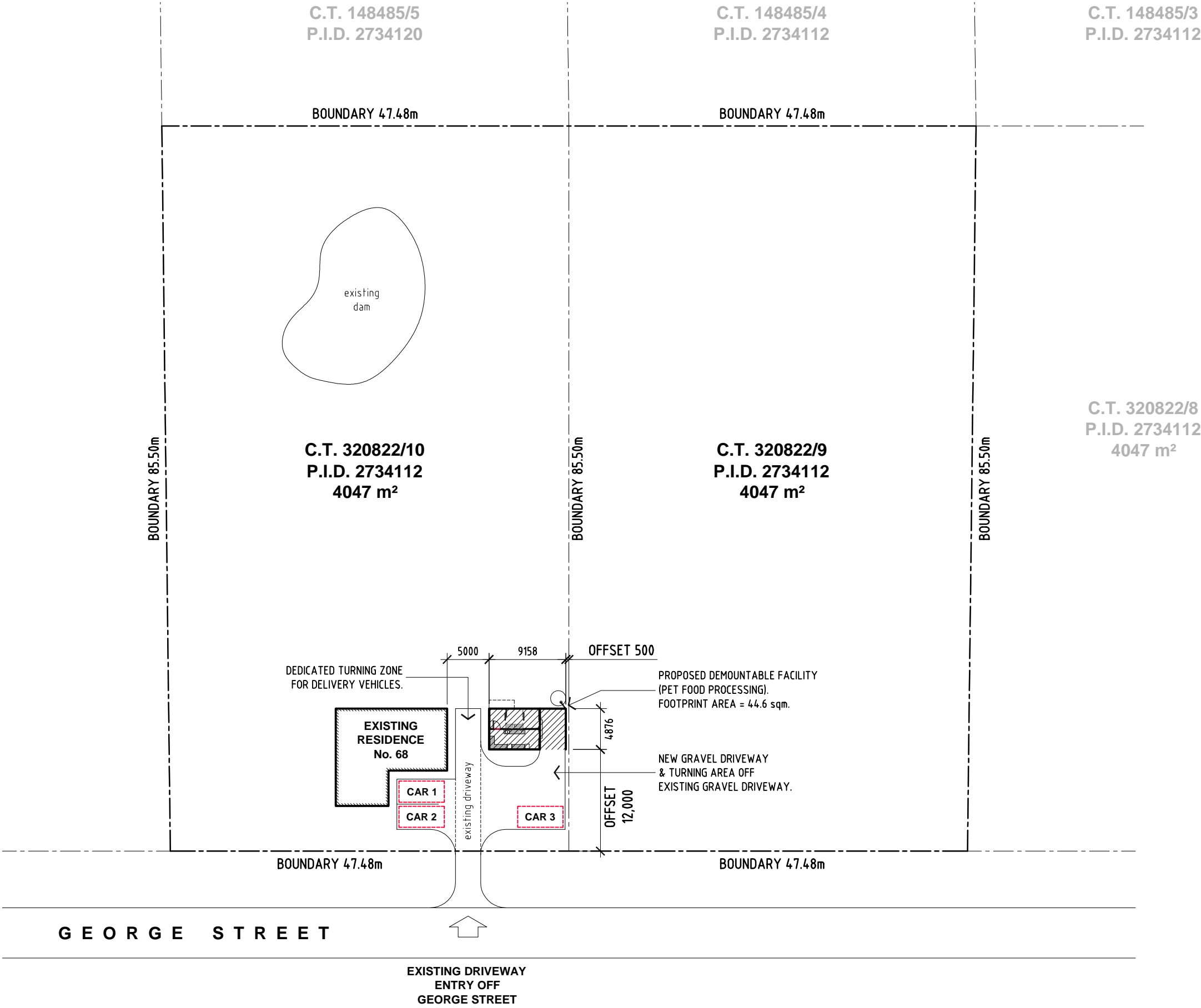
Project:	PROPOSED PET FOOD PROCESSOR at No. 68 George Street DULCOT for Mark Wood
Drawing:	SITE LOCATION PLAN

SCALE:	DWG. No.:	DATE:
1:1000 @ A3	5052 DA01 Rev. B	19.08.15
DRAWN:		
S.Bowling		

153 Davey Street Hobart Tasmania 7000 Phone (03) 6223 6740 Fax (03) 6224 5512 Email admin@designeast.com.au Web www.designeast.com.au
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DA01. SITE LOCATION PLAN 1:1000





AMENDED

REV.	DESCRIPTION	DATE
A.	DEVELOPMENT APPLICATION.	30.07.15
B.	ADDITIONAL INFORMATION / AMENDMENTS AS REQUESTED BY COUNCIL ON 19August 2015.	19.08.15
C.	SITE DIMENSION FIXED.	06.10.15

Project:	PROPOSED PET FOOD PROCESSOR at No. 68 George Street DULCOT for Mark Wood
Drawing:	SITE PLAN

SCALE:	DWG. No.:	DATE:
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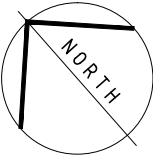
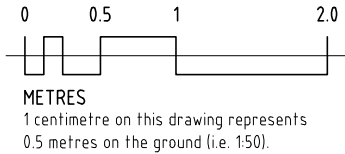
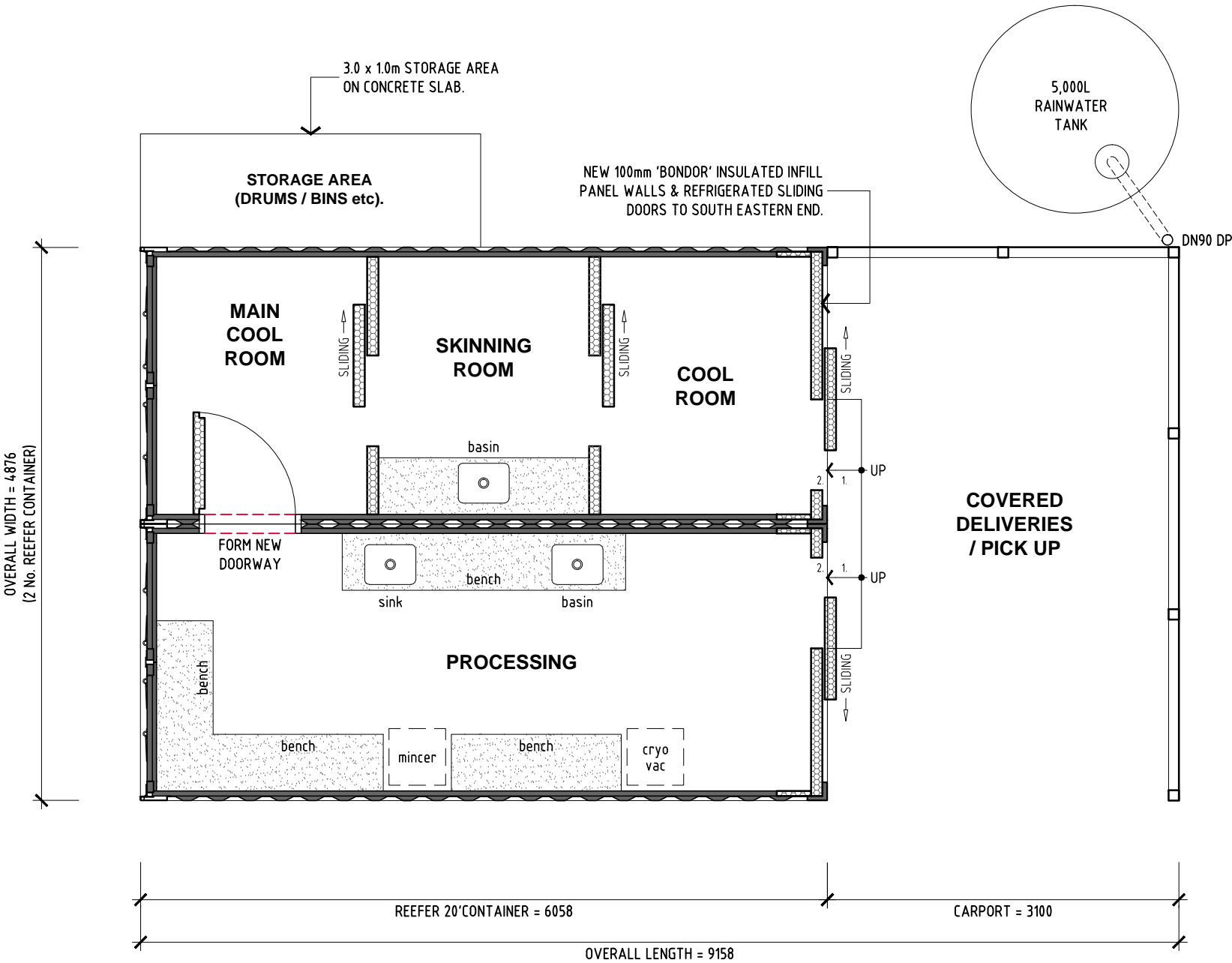
153 Davey Street Hobart Tasmania 7000	Phone (03) 6223 6740	Fax (03) 6224 5512	Email admin@designeast.com.au	Web www.designeast.com.au
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EAST
building design and interior architecture

design

AREAS
TOTAL FLOOR (INTERNAL) AREA = 26.2 sqm. (13.2 + 13.2)
BUILDING FOOTPRINT AREA (INCL. CARPORT) = 44.6 sqm.

DA03. FLOOR PLAN 1:50



design

building design and interior architecture

153 Davey Street Hobart
Tasmania 7000
Phone (03) 6223 6740
Fax (03) 6224 5512
Email admin@designeast.com.au
Web www.designeast.com.au

SCALE:	DWG. No.:
1:50 @ A3	5052 DA03 Rev. B
DRAWN:	DATE:
S.Bowling	19.08.15

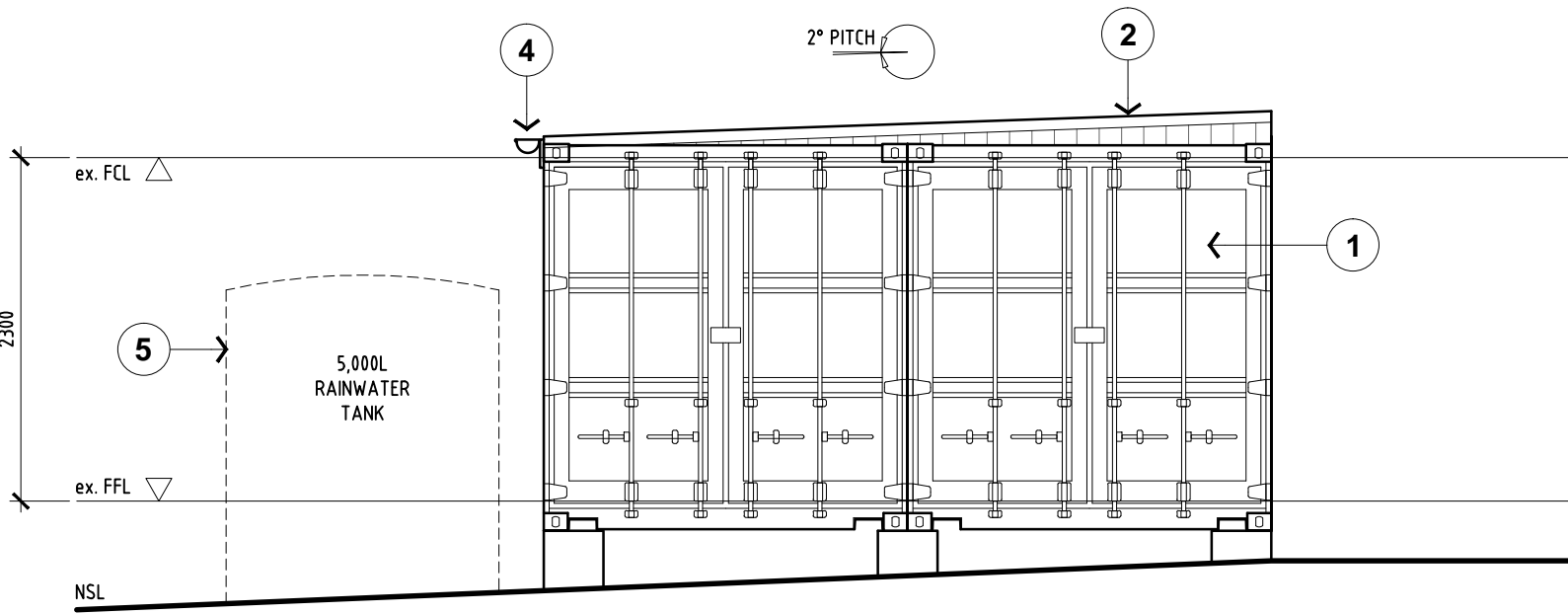
Project:	PROPOSED PET FOOD PROCESSOR at No. 68 George Street DULCOT for Mark Wood
Drawing:	FLOOR PLAN

design.EAST registered trading name for design.EAST Pty. Ltd.

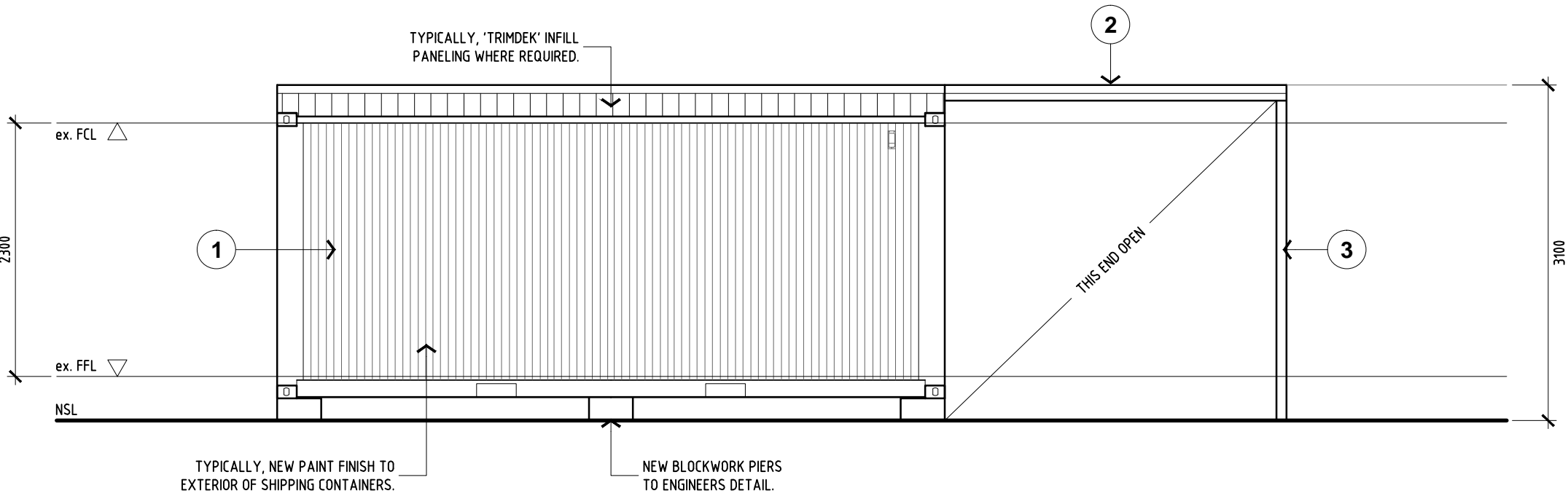
REV.	DESCRIPTION	DATE
A.	DEVELOPMENT APPLICATION.	30.07.15
B.	ADDITIONAL INFORMATION / AMENDMENTS AS REQUESTED BY COUNCIL ON 19 August 2015.	19.08.15

AMENDED

AMENDED



NORTH WEST ELEVATION



SOUTH WEST ELEVATION

N.B.: VIEW FACING GEORGE STREET

EXTERNAL MATERIALS & FINISHES

- 1 20' REFRIGERATED STYLE STEEL SHIPPING CONTAINER. NEW PAINT FINISH TO EXTERIOR AS SELECTED.
- 2 NEW 'TRIMDEK' ROOF SHEETING (Min. 2° PITCH). COLORBOND FINISH AS SELECTED.
- 3 TIMBER FRAMED CARPORT STRUCTURE. 'TRIMDEK' ROOF SHEETING & WALL CLADDING. COLORBOND FINISH AS SELECTED.
- 4 HALF ROUND GUTTERING (Min. 1:500 FALL). COLORBOND FINISH AS SELECTED.
- 5 NOM. 5000L RAINWATER TANK AS SELECTED. COLORBOND FINISH AS SELECTED.

REV.	DESCRIPTION	DATE
A.	DEVELOPMENT APPLICATION.	30.07.15
B.	ADDITIONAL INFORMATION / AMENDMENTS AS REQUESTED BY COUNCIL ON 19August 2015.	19.08.15

Project:	PROPOSED PET FOOD PROCESSOR at No. 68 George Street DULCOT for Mark Wood
Drawing:	ELEVATIONS 01

SCALE:	DWG. No.:	DATE:
1:50 @ A3	5052 DA04 Rev. B	19.08.15
DRAWN:	S.Bowling	

153 Davey Street Hobart Tasmania 7000 Phone (03) 6223 6740 Fax (03) 6224 5512 Email admin@designeast.com.au Web www.designeast.com.au

EAST
building design and interior architecture

design

Attachment 3

58 George Street, DULCOT (CT32082/9 & CT32082/10)



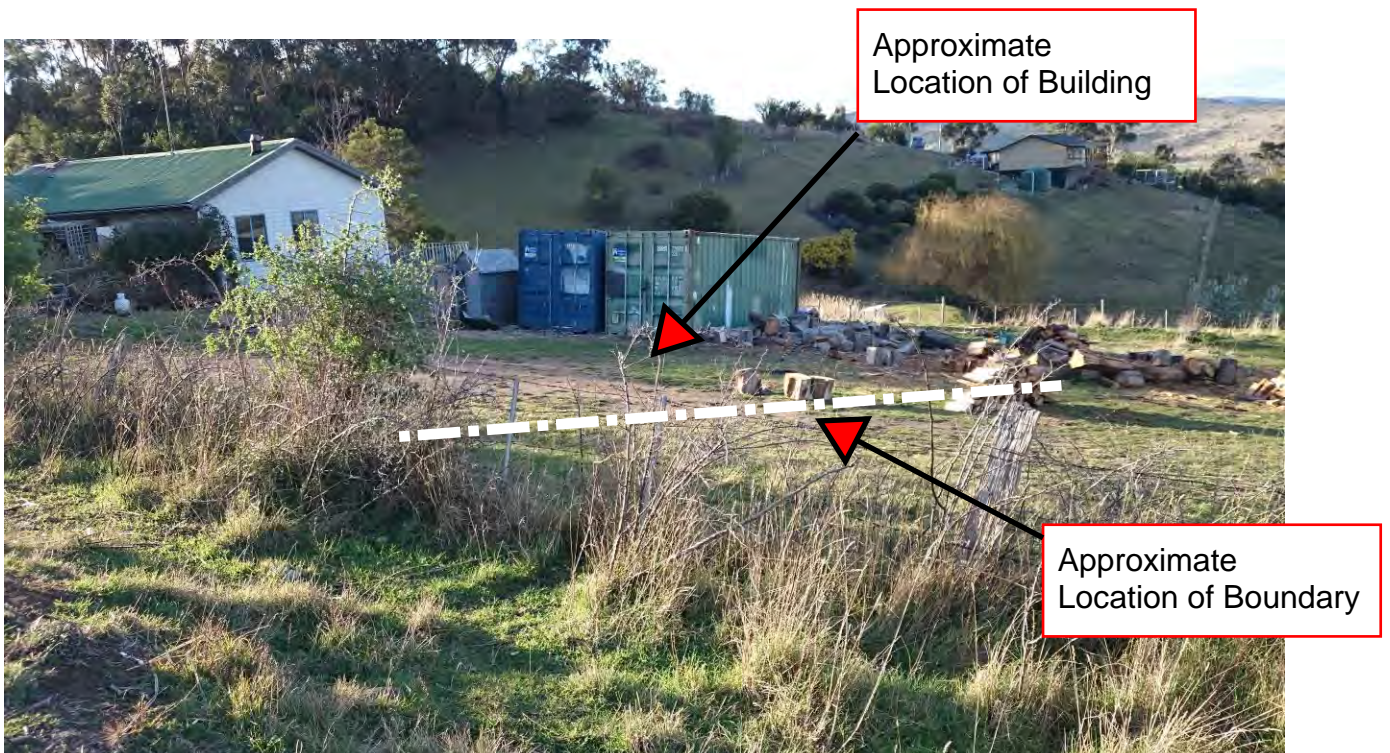
Site viewed from George Street Showing the Existing Access



Site viewed from George Street Showing Existing Dwelling



Site viewed from George Street Showing Existing Gravel Access



Site viewed from George Street Showing Approximate Location for Proposed Buildings and Indicating Approximate Location of Boundary

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 CONSTITUTIONAL FRAMEWORK – TRACKS AND TRAILS COMMITTEE**

(File No 07-06-09)

EXECUTIVE SUMMARY**PURPOSE**

To adopt the constitutional framework for the Tracks and Trails Committee (T&TC).

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan is relevant.

LEGISLATIVE REQUIREMENTS

The Tracks and Trails Committee is a special Committee established under Section 24 of the Local Government Act, 1993.

CONSULTATION

Council's Tracks and Trails Committee was involved in developing the draft constitutional framework.

FINANCIAL IMPLICATIONS

There are no direct implications in authorising the constitutional framework.

RECOMMENDATION:

That Council adopts the constitutional framework for the Tracks and Trails Committee.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Tracks and Trails Committee (T&TC) was established by Council at its Meeting of 18 July 2005.
- 1.2.** The T&TC has been operating under a Constitutional Framework which simply outlined its primary purpose/functions and its membership makeup. The constitution has remained unchanged from the date of Council's initial adoption.

- 1.3. Given the mix of elected, Council officers and community representation it is appropriate that a more formal framework be adopted to ensure good governance of the Committee. This is consistent with the approach taken in the recent redevelopment of a number of such constitutions for Council's special committees.

2. REPORT IN DETAIL

- 2.1. A draft constitutional framework for the T&TC has been formulated to guide the powers, obligations, membership and procedures of the Committee. The framework is based on a base template developed for other Council committees which have community representative members.
- 2.2. The constitution provides for a range of powers and obligations which are detailed to give clarity on the strategic and working operational interface between the Committee; Council and the organisation for both a service delivery and a forward planning perspective.
- 2.3. In order to gain a widespread representation on the T&TC, it is proposed for community representatives being sourced to reflect the variety of trail-users. Direct association with the Committee makeup has (with a few exceptions) been left open ended. Rather than specific organisations and groups being recognised, it is proposed to allow for a public process for nominations with appointments being made to reflect the "trail user categories identified under the constitution". Ideally, nominated individuals are also likely to be residents of Clarence. In addition, the Committees make-up will include 1 representative from the general community.
- 2.4. Like all recent constitutions an outline is provided on the reporting requirements of the Committee.

3. CONSULTATION

3.1. Community Consultation

T&TC was involved in developing the draft constitutional framework.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The operation of the T&TC is consistent with Council's Strategic Plan 2010-29015 objectives including:

“To support local communities to build on existing capacity and progress their health and well-being:

- *Provide essential infrastructure to support, sustain and enhance community safety and social well-being;*
- *Prepare plans to create a sense of place for local communities;*
- *Develop and implement Asset Management Plans that respond to the identified needs of local communities;*
- *Develop plans to improve the amenity of public spaces, including:*
 - *future needs for public open space and recreation facilities;*
 - and*
 - *implementation of Tracks and Trails Plan...”.*

5. EXTERNAL IMPACTS

The T&TC does work collaboratively with other organisations and agencies in the development of its strategies. Committee representation will include representatives from external agencies.

6. RISK AND LEGAL IMPLICATIONS

The Tracks and Trails Committee is a special Committee established under Section 24 of the Local Government Act, 1993.

7. FINANCIAL IMPLICATIONS

There are no direct financial implications from adopting the constitutional framework. Funds are currently allocated within the Annual Plan for the operation of the T&TC.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. The T&TC was established by Council in 2005.

9.2. The draft constitution for the T&TC is based on and consistent with the constitutional frameworks that Council has introduced recently for a number of its advisory committees and will assist the T&TC achieve best practice toward the continuing successful implementation and performance of its responsibilities.

Attachments: 1. Tracks and Trails Committee Constitution (11)

Andrew Paul
GENERAL MANAGER



Clarence City Council

Tracks and Trails Committee Constitutional Framework

1. *Background*

The formation of a Clarence Tracks and Trails Committee was endorsed by Council on 26 April 2005.

2. *Interpretation*

Unless otherwise stated:

"Council" means Clarence City Council

"General Manager" means the General Manager of the Clarence City Council

"Committee" means the Clarence City Council Tracks and Trails Committee

"City" means municipal area of the City of Clarence

3. *Objective*

The Committee is to advise Council on the development, maintenance and promotion of tracks and trails throughout the City. To facilitate and provide guidance for the implementation of the Council's adopted Tracks and Trails Strategy.

4. *Powers and Obligations*

- 4.1.** To provide advice and make recommendations, including for policy development, to assist Council in the delivery of tracks and trails and access routes for general and recreational use in the City;
- 4.2.** To assist in the development and periodic review of the Council Tracks and Trails Strategy;
- 4.3.** To develop and maintain a Tracks and Trails Register which captures all existing and desired future trail networks (including multi user pathways) and associated public open space in the City;

- 4.4.** To develop, review and update the Action Plan that articulates the development initiatives prioritised and proposed to be conducted over a 5 year programme and which recognises the access and needs of all users eg: walkers, horse riders, bicycle riders and persons with a disability;
- 4.5.** To monitor progress and provide annual recommendations to the Council budget process for priority projects for the upcoming financial year;
- 4.6.** To review and where necessary ground proof proposals within subdivisions for the provision of track and trails and trail linkages and provide internal recommendations and advice on the request of the City Planner in respect of those matters on proposed subdivisions based on and in accordance with the Council's Tracks and Trails Strategy, Public Open Space Policy and related strategies;
- 4.7.** To assist with promotion of the Tracks and Trails Strategy; Tracks and Trails Action Plan and related Council policies and strategies within existing user networks and among City residents, users and developers;
- 4.8.** To provide additional opportunities for feedback to Council from the community;
- 4.9.** To form working parties of the Committee, as necessary, to address specific issues or activities with a requirement that such working parties report back to each meeting of the committee;
- 4.10.** To provide advice to Council relating to access, construction, maintenance, signage and publicity issues;
- 4.11.** To assist other aspects of Council asset planning and ensure that the goals of the track and trails strategy can be met within other policy settings (including development and planning applications); and
- 4.12.** To monitor progress and work in an advisory capacity to address the actions of the Tracks and Trails Action Plan/strategies according to their estimated year of completion.

5. *Review of Constitution*

- 5.1.** The Committee may make recommendations to Council on the review of the Committee's responsibilities (Powers and Obligations) and constitutional framework;
- 5.2.** Recommendations for amendments to the constitutional framework can be made at any time provided that suggested changes are noted on the agenda (as per the framework), a quorum is present at the meeting, and two-thirds of those present and entitled to vote support the recommendations;
- 5.3.** Amendments to this constitution must be approved by Council; and
- 5.4.** As a minimum timeframe the Constitution is to be reviewed every 4 years by report to the Council.

6. *Membership of the Committee*

The Committee may consist of:

6.1. Council representatives

- A Clarence City Council Alderman (or Proxy) who will be the chairperson of the Committee.
- 2 Council officers (1 as Secretary) (Note: currently the Tracks and Trails Planning Officer and the Natural Areas Officer)

6.2. State Government Representatives

- A representative of the Parks and Wildlife Service;
- A representative of Communities, Sport & Recreation Tasmania

6.3. Community representatives

A representative of each of the following nominated interest groups and organisations:-

- Council Disability Access Committee*
- Council Positive Ageing Committee*
- A regional walking club
- A local walking club
- A mountain bike club
- Tangara Recreational Trails Association*
- A horseriding club
- Community member with an interest in tracks and trails

*All specified nominating groups may appoint a proxy member.

- 6.4.** In addition the Committee may co-opt up to 2 additional members with suitable skills knowledge and /or qualifications to participate in working parties established by the Committee.

7. *Procedure for determination of committee membership*

The method of appointment of the committee membership (including casual vacancies) shall be as follows:

7.1. Council Representative:

- The Council shall appoint its aldermanic representation (the Chairperson and the Proxy Chairperson).
- Officer representation will be determined by the General Manager.

7.2. Community Representatives:

- The method for attaining nominations for those representative groups not linked to a specific source organisation (as referred to under “Membership of Committee”) will be to:
 - a. Advertise in the *Mercury* and *Eastern Shore Sun* newspapers and other social media for nominees;
 - b. Nominations will be received in writing on a completed nomination form (see attachment 1); and
 - c. After nomination forms have been received and having regard to the criteria for appointment, the Chairperson, in consultation with the General Manager or his representative, shall appoint Committee members.

7.3. Other Representatives

- All other representatives will be appointed through nominations submitted by their source organisations (as referred to under “Membership of Committee”).

8. *Terms of Office*

8.1. Council Representatives:

- It is the established practice of the Council to appoint Aldermen as its representative member(s) on the Committee. Such appointments are for a term of four years to coincide with the term of the current elected Council.
- The duration of appointment for council officer representatives is at the discretion of the General Manager.

8.2. State Government Representatives

- Representatives from State Government will serve on the Committee subject to the constraints of their agency.

8.3. Community Representatives:

- The terms of appointment for community representatives is four years and will be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives. Previous members may reapply and preferences will be given to new nominees. Community representatives are appointed for a term of four-years as follows:-

Appointments effective from January 2013

- Council Positive Ageing Committee representative;
- A local walking club representative;
- A mountain bike club representative; and
- A horseriding club representative.

Appointments effective from January 2015

- Council Disability Access Committee representative;
- A regional walking club representative;
- Tangara Recreational Trails Association representative; and
- Community member.

(**Note:** transition/savings provision: all current community representatives on the Committee as at January 2015 may serve out their current term as per the above schedules.)

9. *Casual vacancies*

- 9.1.** A casual vacancy will arise when:
- A member does not attend 3 consecutive meetings without tendering apologies; or
 - A member resigns from the Committee before the expiration of their term; or
 - The basis of a member's initial appointment has been changed.
- 9.2.** Should a casual vacancy occur it shall be filled in accordance with Clause 7.
- 9.3.** A member who is appointed to fill a casual vacancy will serve for the remainder of the term of the former member.

10. *Determination of Office Bearers*

- 10.1.** There is only one office bearer in the Committee and that is the Chairperson.
- 10.2.** It is the established practice of the Council to appoint an Alderman as both its representative member and as Chairperson of the Committee. Council Proxy appointee is to act as Acting Chairperson in the absence of the Chairperson. Such appointments are for the term of the current elected Council.
- 10.3.** The Tracks and Trails Planning Officer shall be the Secretary to the Committee.

11. *Role of Chairperson*

The role of the Chairperson is to:

- 11.1.** Facilitate the timely completion of the listed agenda items by:
- Listening, guiding and ensuring that all Committee members have the opportunity to participate and contribute to discussions and provide advice.
 - Summarising actions associated with the outcomes of the discussions.
- 11.2** If the Chairperson is not present at a meeting of the committee then the Proxy Chairperson is to chair the meeting. In the event that neither Council appointee is present then a member elected by the members present at the meeting is to Chair the meeting. If no person is elected to preside at the meeting then the meeting is adjourned to the time and place of the next scheduled meeting as notified by the Secretary.

12. *Public Communication:*

Public communication on matters arising from the Committee will be through Alderman/Council representation only, as per Council Policy C1.60 – *Policy and Operational Framework for Media Communications by Council “Special” Committees.*

13. *Agendas and Minutes of Meetings:*

13.1. The Secretary is to ensure that:

- agendas and minutes are prepared for all Committee and working party meetings;
- Agendas and Minutes are distributed to all members and other relevant council advisory committees within 7 days of such meeting; and
- All decisions of the Committee and working parties are formally recorded in the minutes of meeting.

13.2. Procedures for the issue of agendas is as follows:

- There will be a set standard agenda for each meeting (see attachment 2);
- Any additional topics for the agenda should be forwarded to the Secretary no later than 1 week prior to the next meeting date; and
- A copy of the agenda will be distributed to all Committee members one week prior to the next meeting and to representative of other relevant Council committees.

13.3. Minutes of each meeting are to be confirmed by the Committee at a subsequent meeting of the Committee.

14. *Frequency of meetings*

The Committee shall meet once every two months at a time and day determined by the Committee.

The Chairperson may schedule additional special meetings at any time where specific matters demand.

15. *Time/Duration/Venue*

15.1. Meeting time and duration will be approximately 2 hours at times as determined suitable by the Committee.

15.2. Meetings will be held at the Council Offices or other venue as determined from time to time by the Committee

16. *Quorum:*

- 16.1.** A quorum of the Committee shall be 6 members.
- 16.2.** All decisions of the Committee must be made at a meeting where a quorum is present.
- 16.3.** At a meeting where a quorum is not present, the meeting can proceed with recommendations for decisions being carried forward for ratification at a subsequent meeting where a quorum is present.

17. *Non Member Attendance*

- 17.1.** To assist deliberations a town planning officer will attend each meeting independent advice in relation to planning assessment and scheme provisions.
- 17.2.** Other Council Officers will be invited to attend meetings by request, as required, to assist in implementing the identified actions of the plan.
- 17.3.** Non-member attendance is to be arranged through the Chair or Secretary.

18. *Reporting requirements and arrangements*

- Decisions of the committee are to be made by a majority vote of members present and entitled to vote at the meeting.
- All members of the Committee and any working party must act in accordance with all Council policies, including the tracks and trails strategy, and applicable legislation when carrying out their respective responsibilities on behalf of the Committee.

18.1. Areas of Reporting

- The Committee will report to Council on a quarterly basis against priority projects for Significant Trails identified in the Tracks and Trails Action Plan in the following significant trail components:
 - Clarence Coastal Trail
 - Meehan Skyline Trail
 - Charles Darwin Trail
 - Tangara Trail
 - Droughty Trail
 - Clarence Kayak Trail

Note: Additional significant trail components to the Action Plan may be developed.

18.2. Nature of Reporting:

- Minutes will be distributed bi-monthly for all Committee and working party meetings to all Committee members, the Council, relevant council officers, other relevant council advisory committees and relevant organisations associated with the plan.
- The Committee will also report to the Council through the Chairperson of the Committee on any matters that the Committee has considered and regarded as important by the members.
- The activities of the Committee will also be highlighted in Council's quarterly reports and Annual Report
- Any other reports required will be on an as required basis.

18.3. Community Engagement:

The community will be provided updates through the following avenues:

- Annual Report
- Other means as appropriate throughout the year i.e. regular updates in council rates newsletter, website etc.

18.4. Communication of budget matters:

The Committee, when forward planning and considering upcoming actions, should communicate recommendations to Council on a timely basis prior to annual budget deliberations.

19. *Resourcing*

19.1. Budget

- Council administrative support
- Paper, postage requirements
- Out of pocket expenses for Committee members i.e travel, refreshments
- Any additional Committee expenses i.e. conference fees

19.2. Council officer contact:

- Tracks and Trails Planning Officer (Secretary)

Attachment 1

Clarence Tracks and Trails Committee Nomination Form

Name:

Address:

Email:

Phone:

Please state the Community Member category which you are nominating for:

Please specify the name of the group you are a member of:

Please state why you wish to become a member of the Clarence Tracks and Trails Committee (you may wish to include skills or knowledge you think you would be able to contribute to the group)

Note:

- Nominees must have knowledge of Council's Tracks and Trails Action Plan and a capacity to contribute from their own knowledge and experiences in discussions and providing advice on implementing the plan.
- Nominees must have a commitment to assisting Council and other organisations to advise on the implementation of the plan by being available to meet 6 times per year for approximately 2 hours at a time, and be able from time to time to be involved in additional meetings or site visits if necessary during business hours.
- Priority will be given to Clarence residents and to people who are not already members of a special committee of Council with the exception of representatives from the Access Committee and Positive Ageing Committee

Documentation submitted in support of your nomination:

Signature

Date:

Attachment 2

Clarence City Council Tracks and Trails Committee

4:00pm to 5:30pm

Clarence City Council

Agenda

1. ATTENDANCE

Present

Apologies

2. DECLARATION OF CONFLICT OF INTEREST & PECUNIARY INTEREST

3. ACCEPTANCE OF MINUTES

Outstanding Action Items

4. CORRESPONDENCE:

INCOMING

OUTGOING

5. GENERAL BUSINESS

6. REPORTS

6.1 TRACK PLANNING AND NEW TRACKS

- **Clarence Coastal Trail**
- **Meehan Skyline Trail**
- **Rokeby Hills-Droughty Trail**
- **Tangara Trail**
- **Clarence Kayak Trail**
- **Mountain Bike Report**
- **Reserve & Rivulet Tracks**

6.2 TRACK UPGRADES & MAINTENANCE

- **Clarence Coastal Trail**
- **Tangara Trail**
- **Mountain Bike Report**
- **Reserve & Rivulet Tracks**

6.3 SUBDIVISIONS

7. OTHER BUSINESS

8. Formal meeting close. Next Meeting –

11.7.2 DOG MANAGEMENT POLICY NOVEMBER 2015 AND SCHEDULE OF DECLARED AREAS NOVEMBER 2015

(File No 05-02-05)

EXECUTIVE SUMMARY**PURPOSE**

To adopt Council's Dog Management Policy November 2015, including a Schedule of Declared Areas.

RELATION TO EXISTING POLICY/PLANS

The Policy is congruent with Council's adopted Strategic Plan 2010-2015 and existing Policy on User Pays Fees and Charges.

LEGISLATIVE REQUIREMENTS

The Dog Control Act, 2000 requires Council to review its Dog Management Policy every 5 years. The Policy contains a code of responsible dog ownership, a fee structure, the provision of declared areas and any other matters.

CONSULTATION

Workshops were held with Aldermen, a forum was held with relevant organisations and public submissions were invited and a public exhibition of the Draft Dog Management Policy, including Schedule of Declared Areas was conducted.

FINANCIAL IMPLICATIONS

The fee structure contained within the policy will lessen the reliance on the general rate contribution to dog management.

RECOMMENDATION:

- A. That Council adopts the Dog Management Policy November 2015.
- B. That Council adopts the Schedule of Declared Areas November 2015 and that it takes effect from 1 December 2015 for the next 7 years.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Dog Control Act, 2000 requires Council to develop and implement a policy relating to dog management in its municipal area, and states that this policy must be reviewed every 5 years. The Act requires Council to invite public submissions relating to the policy and to consult with any appropriate organisation or body. Any submissions and outcomes of consultation are to be considered prior to adopting the policy.

- 1.2.** Council initiated 2 rounds of public consultation, an 8 week period starting in June 2015 and a further 4 weeks from September 2015. A total of 420 responses were received from the public in respect to these consultations.

2. REPORT IN DETAIL

- 2.1.** It is a requirement under the Dog Control Act, 2000 to review the Dog Management Policy every 5 years. The policy was last reviewed in 2007 and adopted by Council in November 2007. The associated Schedule of Declared Areas took effect on 1 July 2008.

Dog Management Policy

- 2.2.** This Policy is required to include a code relating to responsible dog ownership, a fee structure, any other relevant matters and the provision of declared areas.
- 2.3.** The Code of Responsible Dog Ownership is a voluntary code that defines best practice principles for people considering dogs as companion animals. The code includes suggested actions pre and post purchase. There is only 1 change to the Code from this review and that is to include a reference to microchipping, which has recently been made compulsory through the Dog Control Act, 2000. There has been public support for the revised Code of Responsible Dog Ownership.
- 2.4.** The fee structure provides policy guidelines within which Council can set annual fees for dog management. This fee structure is congruent with existing policies relating to user pays fees and charges and recognises efforts that owners have taken to signify responsible dog ownership. There was strong support from the public in respect to the changes proposed to the current fee schedule. These changes included:
- Adding alternatives to the required evidence for registering a dog as a Working Dog, Greyhound and for a desexed dog.
 - Changing the Obedience Training incentives by removing discounts for Grades 1 and 2 and providing discounts to off-lead trained dogs so as to encourage and support owners to have well trained dogs when in off-lead environments.

- Extending the free first year registration to dogs adopted from the Greyhound Adoption Program (G.A.P).
- Increasing the Dangerous Dog registration rate from 5 times the entire dog rate to now be 10 times that amount. This will apply to dogs declared dangerous from the adoption of this revised Policy.

2.5. The Policy is also being amended to include conditions relating to kennel licences. This is required as a result of the introduction of the Clarence Interim Planning Scheme 2015, which no longer includes any reference to Kennel Licences. The assessment process will retain much of the requirements of the previous planning scheme, with guidelines relating to zoning and property size. Assessment criteria will also include other issues such as local amenity, environmental health issues and animal welfare standards.

2.6. The Dog Control Act provides for 4 types of declared areas:

- exercise areas which can be either on or off-lead;
- training areas, specifically for areas designated for training such as obedience classes;
- prohibited areas, within which dogs are excluded as the area is sensitive habitat for native fauna; and
- restricted areas, where dogs can be restricted from entering during specified, hours, days or seasons. These restrictions can also be classified as either on or off-lead.

While there was not a universal public support for all changes there was broad support for the policy in relation to the provision of areas where a dog can and cannot be exercised in the Schedule of Declared Areas

2.7. Overall, in respect to the revised Dog Management Policy, there appears to be good support from the community in relation to the amendments made.

Schedule of Declared Areas

2.8. Several changes are proposed to the Schedule of Declared Areas, these are as follows.

- Not permitting dogs to be on Bellerive Beach at any time from the Beach Street access west to First Bluff to provide a dog free alternative in an area popular with families. While there was some opposition to this change it appears to strike a reasonable balance.
- Not permitting dogs on Bellerive Play Park (Rotary Park) at any time, due to the numerous family orientated facilities in this park redevelopment. This received some opposition, but to allow access from Queen Street through to Beach Street dogs will be permitted on the multi-user pathway on-lead in this park.
- Second Bluff to be declared as on-lead at all times, the multi-user pathway has always been on-lead, but as this is unsealed there seems to be a perception that is not included in the pathway declaration. This on-lead restriction serves to protect wildlife in the area and to reinforce this on-lead requirement.
- Simmons Park at Lindisfarne to be declared as on-lead due to the numerous family orientated facilities in this park redevelopment.
- Wentworth Park in Howrah to be declared as on-lead due to proximity of schools and child care facilities and sporting grounds.
- 1a Beach Street to be formally declared as on-lead. This area is narrow with a multi-user pathway through it.
- Bellerive Boardwalk has been restricted to dogs at all times, however, to allow dogs to be walked on the multi-user pathway this restriction is to be changed so that dogs may be walked on-lead on the waterside perimeter of the boardwalk.
- The Clarence Coastal Trail from Roches Beach through to Seven Mile Beach to be declared as on-lead due to the variety of users and the physical characteristics of the track.
- Rosny Hill Nature Recreation Area will be declared as on-lead due to existing wildlife and future development at this site.

- All areas declared by Parks and Wildlife Service are to be mirrored within the Schedule of Declared Areas on request from the State Government, to permit greater flexibility to Parks Rangers in enforcing dog restrictions on crown land.

2.9. Following the 2 consultation periods, the response from the public has in general been supportive for the majority of the proposed changes. However, the following are highlighted.

- A proposal had been put forward during the public consultation to allow dogs to be exercised off-lead at Roches Beach without restrictions from the Canal south to Mays Point. This was based upon a petition to Council received in June 2015 containing 196 Signatories; 44% of those were residents of Lauderdale. However, during the second round of consultation local residents were strongly opposed to this plan with only 5% local residents in support of this proposed change. As a result, it is proposed that this area is to remain as it currently is with summer restrictions and dogs being under effective control at all other times.
- Bellerive Beach has received considerable attention as part of this consultation. Comments ranged from banning dogs at all times to having dogs off-lead at all times. There was support also for maintaining the status quo, with increasing level of support for having a dog free area available. In response, it is proposed that dogs will not be permitted at any time on the western part of the beach from the Beach Street access point west to First Bluff. There will be no change in use to the eastern part of the beach. Dog owners will be able to access this part of the beach via the track from the nearby car park in Beach Street.

2.10. Once adopted by Council, a further public notice will be placed regarding the declared areas, advising of the date it takes effect from and period it remains in force.

- 2.11.** Once finalised other actions will include further publicity, improvements in signage and the production of revised information products – hardcopy and web-based.

3. CONSULTATION

- 3.1.** Workshops were held with Alderman in regard to the review of the drafts of the Dog Management Policy and Schedule of Declared Areas.
- 3.2.** Two rounds of public consultations and a stakeholder forum were held in regard to the drafts of the policy and the schedule. This included placing a public notice inviting submissions about the declaration of areas.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The policy is congruent with existing strategic plans and financial policies.

5. EXTERNAL IMPACTS

The Dog Management Policy provides a basis for further discussion between State and Local Government to achieve an integrated approach toward dog management in Clarence as and when necessary.

6. FINANCIAL IMPLICATIONS

- 6.1.** Dog Management is currently deficit funded through the general rate. This is provided as a community service obligation. The policy aims to reduce this contribution to 20%.
- 6.2.** There will be additional costs incurred by way of improved signage and possibly for new signage and increased patrols in regard to enforcement action. This cost has been anticipated and budgeted for.

7. ANY OTHER UNIQUE ISSUES

Nil.

8. CONCLUSION

8.1. This policy aims to provide a realistic approach to dog management in Clarence which balances the needs of both dog and non-dog owners. Public consultation is an important part of this process to enable a considered outcome and is a legislative requirement.

8.2. Changes have been made to the Dog Management Policy in response to changed usages to public places and community feedback.

Attachments: 1. Dog Management Policy (14)
2. Schedule of Declared Areas (6)

Andrew Paul
GENERAL MANAGER

CLARENCE CITY COUNCIL

DOG MANAGEMENT POLICY

November 2015



Vision for the City of Clarence

Clarence...diverse communities working together for a vibrant and prosperous and sustainable city.

Dog Management Policy

Aim

To achieve a harmonious relationship between people, dogs and the environment.

Council's role in achieving this aim

Council will within available resource allocation, and consistent with its priorities for service provision, provide:

- Information for dog owners and non-dog owners of their rights and responsibilities under the Dog Control Act 2000;
- Exercise areas that recognise the needs of people and dogs, taking into account any impacts on the environment;
- For the needs of dog owners and non-dog owners in the development of future recreation and urban management planning processes; and
- Administer the provisions of the Dog Control Act 2000.

Direction Statements

- That the importance of dog companionship is recognised.
- That benefits to the health and welfare of dogs, and benefits to the owner through exhibiting responsible dog ownership is recognised.
- That the value of education, for dog owners and non-dog owners, is the first guiding principle for dog management issues in Clarence.
- That regulatory measures are used where education has previously been provided and a subsequent offence is detected, or where a serious offence has occurred.

Fee Structure

Objectives

- To minimise the reliance on the general rate contribution to dog management costs.
- To maximise the level of dog registration in the City of Clarence.
- To maintain total revenue received from dog registration fees in real terms.
- To recognise responsible dog ownership in establishing a scale of fees.

Policy

That Council aim to reduce the reliance on the general rate to 20%.

- This will be achieved through a combination of setting appropriate registration fees, ensuring that all dogs are registered, and in containing costs.

Categories for registration

That registration fees be set in line with these objectives and with the following categories of fees being identified:

- Entire Dog
- Guide Dogs/Hearing Dogs
- Desexed Dog
- Working Dogs
- Greyhounds
- Pure Bred Dog
- Guard Dog
- Dangerous Dog

Evidence required prior to registration of a dog in a particular category

That the evidence required in each category be as follows:

1. **Guide Dog/Hearing Dog** – Same meaning as provided under the Guide Dogs and Hearing Dogs Act 1967 or subsequent relevant legislation.
2. **Desexed Dog** - Certificate of Sterilisation from a veterinary surgeon or other documentation confirming that the dog is sterilised, or the provision of a statutory declaration.
3. **Working Dog** – Provision of evidence which proves to the satisfaction of the City Rangers that the dog is a true working dog as defined under the Dog Control Act 2000. For stock working dogs this may include a demonstration of stock working abilities. For working dogs other than stock working dogs, supporting documentation is required from that organisation or business.
4. **Greyhound** – Racing Services Tasmania ID card or appropriate paperwork from Racing Services Tasmania

5. **Pure Bred Dog** - Certificate of registration and pedigree issued by the Tasmanian Canine Association (TCA) trading as Dogs Tasmania, or equivalent interstate certification, together with a current membership card of Dogs Tasmania.

Level of Fees

1. That Guide Dogs and Hearing Dogs are not charged for registration.
2. That a lesser rate be provided for a desexed dog in recognition of the responsible attitude shown by owners in relation to breeding. This rate to be set at 30% of the rate for an entire dog.
3. That a lesser rate be provided for a working dog and for a greyhound in recognition that these categories have been recognised in previous legislation since 1987. Further, dogs in this category are likely to be well trained which would reflect the outcomes relating to responsible dog ownership. A high number of these dog owners would have an association with formal breeding and event organisations that would further enhance ethical issues covered under the Pure Bred dog category. This rate to be set at 40% of the rate for an entire dog.
4. That a lesser rate be provided for a Pure Bred Dog in recognition that dog owners are members of and have registered their dog with the Tasmanian Canine Association Inc. (Dogs Tasmania). This involves considerable expense and requires adherence to the Association's Code of Ethics relating to responsible dog ownership, including the keeping, welfare, breeding, selling and disposing of dogs by members. This rate to be set at 40% of the rate for an entire dog.
5. That the fee for a Guard dog be set at twice the rate of an entire dog in recognition that it is declared dangerous for reason of its duties.
6. That the fee for a Dangerous Dog be set at ten (10) times the level of that for an entire dog and that no discount is provided for early payment. Any declaration of a Dangerous Dog made prior to the adoption of this Dog Management Policy (2015) the fee is to be set at five times the entire dog rate.

For any pensioner registering a dog, a 20% discount will apply to the appropriate category of dog registration. The discount will only apply to one dog. A pensioner, for the purpose of this discount, is a prescribed pensioner under the meaning of the Local Government (Rates and Charges) Remissions Act 1991.

Payment and setting of fees

1. That registration fees be paid annually.
2. All fees will be rounded to the nearest 10c.
3. That registration fees in all categories be increased by a minimum of CPI (Hobart) for the twelve-month preceding period, to the end of the March quarter.
4. That a discount of \$5 will apply to all registrations paid before 1 August each year.
5. That registration charges be due and payable before the 1st of August each year.
6. That kennel licence fees be established annually on the basis of a single fee for application and for renewal. That these fees be increased by a minimum of CPI (Hobart) to the end of the March quarter.

7. That a discount of \$20 apply to all kennel renewals paid before the 1st of August each year.

Reductions and Reimbursements

- **Applications for registration made after 31st December**

1. A 50% reduction be applied to the applicable registration fee provided the dog has attained the age of six months in the preceding four weeks, or the dog is registered within four weeks of purchase, and the registration application is made voluntarily.
2. Where registration is made at the direction of an authorised officer, no reduction is to apply.

- **Reimbursement of Dog Registration on Death of Dog**

On receipt of a certificate of euthanasia from a recognised veterinary clinic or submission of a Statutory Declaration, refund of dog registration charges will be provided according to the rates given under:

1. dog deceased within 3 months of date of registration - 75% refund of registration fee paid;
2. dog deceased after 3 months and within 6 months of date of registration - 50% refund of registration fee paid;
3. dog deceased after 6 months and within 9 months of date of registration - 25% refund of registration fee paid;
4. dog deceased after 9 months - no refund.

Refunds are only to apply if application is made in the same financial year as registration has been paid.

- **Reimbursement of Dog Registration Fee in the event of Spayed Dog**

This reimbursement is to apply to all registered dogs that are subsequently spayed, and is based on the difference between the registration fee paid and the spayed rate.

On receipt of a certificate of neutering from a recognised veterinary clinic, refund of dog registration rates will be allowed according to the rates given under:

1. dog spayed within 3 months of registration - 75% refund of difference;
2. dog spayed after 3 months and within 6 months of registration - 50% refund of difference;
3. dog spayed after 6 months of registration - 25% refund of difference;
4. dog spayed after 9 months of registration - no refund.

Refunds are only to apply if application is made in the same financial year as registration has been paid.

- **Reduced Fees for Obedience Trained Dogs**

Where the owner of a dog presents evidence that the dog has satisfactorily completed an obedience course run by an accredited officer, a one off discount will apply at the rate specified.

Grade	Description	Reduction	Period of discount
3	Some off-lead training	25%	One off discount
4	All off-lead training	50%	Applies for the life of the dog

The principle behind this fee reduction is to encourage and support owners to have well trained dogs when in off-lead environments.

Dogs adopted from the Dogs' Home of Tasmania, R.S.P.C.A and G.A.P.

Dogs adopted from the Dogs' Homes of Tasmania, the R.S.P.C.A and the Greyhound Adoption Program (G.A.P.) will have free registration until 30th June following the date of purchase. This is in recognition of:

- the responsible behaviour of the owner in adopting a dog that is desexed, wormed, fully vaccinated and microchipped; and
- the valuable work undertaken by the Dog's Homes of Tasmania, the R.S.P.C.A. and G.A.P. in all areas of dog management.

Implementation

- The policies are to commence from the adoption of the revised policy by Council.
- Fees are to be set annually by Council, under Section 80 of the Dog Control Act and the Local Government Act.
- Approaches are to be made to organisations that offer neutering of dogs to encourage a discount rate for pensioners in order to facilitate neutering of dogs.
- Publicity of the policy is to be undertaken.

Declared Areas

Classes of Declared Areas

The Dog Control Act 2000 defines specific classes of declared areas:

1. Exercise Areas

An area where a dog may be exercised subject to any specified conditions. The two types of exercise areas are:

- **On-lead exercise area**
A dog can only be exercised on-lead, subject to any restrictions specified.
- **Off-lead exercise area**
A dog can be exercised off-lead, subject to any restrictions specified. Dogs must remain within reasonable proximity, sight and be immediately responsive to the controller's commands.

2. Restricted Area

An area where dogs are restricted from entering during specified days, hours or seasons; or during specified hours, days or seasons.

3. Training Areas

An area where a dog may be trained subject to any specified conditions.

4. Prohibited Areas

An area containing sensitive habitat for native wildlife.

Declared Areas Policy

Objectives

- To recognise the needs of people in Clarence who own dogs.
- To facilitate responsible dog ownership and support compliance to leash laws by providing a range of opportunities for dog exercise in the City of Clarence.
- To consider the provision of dog exercise areas in planning for future public recreation areas.
- To provide training areas where dog training is conducted on a formal basis.
- To protect sensitive areas including areas of cultural significance, native flora and native fauna.
- To recognise the needs of non-dog owners in the appropriate declaration of areas.
- To provide safe and appropriate environments for the community.

Process of Declaration

1. Council is the only authority with the ability to declare areas for the exercise, restriction or prohibition of dogs under the Dog Control Act 2000.
2. That Council will primarily exercise this authority on parcels of land under its ownership.
3. That Council may, where it is considered appropriate, enter into negotiations with the owners of other parcels of land for the declaration of their land, in relation to exercise, restriction or prohibition of dogs.
4. That where negotiations are conducted, discussions will also be held in relation to management, policing and provision of signage for that land. In conducting such negotiations, Council will only exercise those functions over its own land, unless there is mutual benefit in deciding otherwise.
5. For areas seen by the public as a single parcel of land, but under management by different authorities, a consistent pattern of use in relation to dog exercise will be maintained over the entire parcel of land if feasible. For areas where this is not feasible, separation of restrictions is to be visually obvious to the user.

Principles for declaration

Subject to above, areas will be declared according to the following principles:

- Where possible the provision of either an on-lead or off-lead area within reasonable walking distance of the majority of residences in each suburb;
- Recognition of the community's desire to exercise their dogs in natural areas;
- Protection of natural flora and fauna, and areas of cultural significance;
- Recognition of the community's desire to exercise their dogs in beach environments;
- Shared and restricted access rights to beaches during summer periods;
- Consistency of restriction provisions across parcels of land;
- Recognition of the need to retain some areas as dog free, due to the use of those areas by other groups in the community, e.g. sporting fields and perimeters, play equipment, family oriented parks; and
- Consistency with land management and development plans, recognised by the Council.

Priorities for development of future exercise areas

If it is not possible to provide exercise areas within reasonable walking distance, future plans for the development of exercise areas within suburbs be prioritised on the basis of:

- Areas of urban consolidation, and where registration levels are above the average registration level for the population of that suburb;
- Areas in which there is a high level of population growth, in which case the provision of exercise areas should be considered in relation to public open space requirements for any subdivisions; and
- Lower priority will be given to those areas where there is low residential density and large lot sizes.

Criteria and level of declaration

Beaches

1. Where appropriate, beaches in the Clarence Municipal Area will be subject to shared and restricted usage by dog owners.
2. Where appropriate during the approximate summer period, 1 December to 1 March, dogs will not be permitted on most Council beaches between the hours of 10.00 am and 6.00 pm.
3. At all other times of the year, effective control provisions will apply to dogs on beaches unless separately declared otherwise.
4. The definition of beach will include the foreshore area of the beach only, and not extend to the dune system, or approved tracks on dunes parallel to the beach. Access ways are excepted.

Horse Trails

Tangara Trail to be subject to effective control provisions under Dog Control Act 2000.

Multi User Pathway

Will be designated as being an on-lead exercise area. Under the provisions of the Dog Control Act 2000, all dogs in road or road-related areas in a built up area, are required to be on lead. The definition of road-related area includes any footpath or track that is designed for use by cyclists or pedestrians. This declaration includes areas immediately adjacent to the track to a distance of 2 metres.

Natural Recreation Areas

Where there is a need to protect natural flora, fauna and/or areas of cultural significance, on-lead exercise will be allowed for dogs provided, exercise is limited to defined track areas.

Natural Areas Managed by Parks and Wildlife

On request by Parks and Wildlife, Council may consider the declaration of areas under the management of Parks and Wildlife.

Regional Parks

Depending on the use and facilities provided in the park dogs may be restricted, on lead or effective control provisions will apply.

Sporting Recreation Grounds and Perimeters

Dogs will not be permitted on Sporting recreation grounds and perimeters.

Other Public Recreation Areas

Other public recreation areas under Council control will be considered on a case by case basis having consideration to the needs of the community, and any management plans existing for the area. In areas that have not been declared, effective control provisions shall apply.

Training Areas

Those areas that are utilised by a recognised obedience club for formal obedience classes will be designated off-lead training areas. A dog in these areas is regarded as being under effective control of a person if they are actively engaged in training or agility or obedience trials.

Prohibited Areas under the Dog Control Act

In addition to the list provided above, the Dog Control Act 2000 requires the following areas be prohibited to dogs:

- Any grounds of a school, preschool, crèche or other place for the reception of children without the permission of the person in charge of the place;
- Any shopping centre or any shop;
- The grounds of a public swimming pool;
- Any playing area of a sportsground on which sport is being played; or
- Any area within 10 metres of a children's playground.

Areas where restrictions are not defined

When restrictions are not defined normal effective control provisions apply.

For road or road related areas in most residential areas, this means a dog is required to be on a lead.

Implementation

Following adoption of this policy, the Council is required to formally notify by public notice the declaration of areas. This notice is also to include the date from which the declaration is to take effect.

A list of the areas to be declared is provided as an attachment to this policy.

Signage of Declared Areas

It is a requirement under the Act for Council to erect and maintain signs sufficient to identify any exercise area, training area, prohibited area or restricted area.

Code of Responsible Dog Ownership

Purpose

To provide guidelines for dog owners, and prospective owners on actions that will assist in producing healthy and happy dogs, and provide a harmonious community for all residents.

Objectives

Dogs are an important part of society and many value their companionship. As with any animal there are standards of care and welfare that need to be observed. The views and concerns of neighbours and other members of the community need to be considered.

Responsible dog ownership requires accepting full responsibility for dogs, in terms of their needs and the standards for dog management that are expected by the community.

The following code has been developed to help owners maximise:

- Appropriate dog behaviours;
- Understanding of dog control regulations; and
- The health and welfare of dogs

Adherence to Code

The code is a voluntary code, which defines best practice actions to achieve the aim and objectives of the code.

Pre- Purchase Guidelines

Dogs are valuable companion animals that require a commitment to their welfare over their entire lifespan. In order to fully understand the obligation, research should be undertaken prior to making the final purchase decision.

Some issues that need to be considered before purchasing a dog are:

- The breed of the dog, and its suitability to the home environment e.g. the number and age of family members, compatibility with other pets, size of the yard, adequacy of fencing, proximity of neighbours, housing of dog;
- Vaccinations and ongoing veterinary requirements;
- Dietary requirements;
- Arrangements if going on holidays - proximity and cost of kennels;
- Familiarisation with the community environment - e.g. proximity and location of dog exercise areas, areas in which dogs are prohibited, location of veterinary clinics, location of pet shops, availability of obedience classes;
- Initial and continuing costs - purchase, vaccination, microchipping, desexing, veterinary costs, registration costs, dietary requirements, obedience classes, grooming; and

- Regulations governing dog management - Dog Control Act 2000, Dog Management Policy, Animal Welfare Act 1993.

Post-Purchase Guidelines (First Six Months)

Having made the decision to purchase a companion animal, the following actions are recommended to ensure a healthy and happy dog:

- Socialisation and education of your dog, providing access and exposure to a variety of experiences;
- Appropriate vaccination and veterinary checks;
- Access to training and opportunities for playing;
- Microchipping
- Identification for the dog prior to registration;
- Desexing if being undertaken;
- Appropriate diet; and
- Registration by six months of age.

The previous actions are important in the first six months, but an ongoing commitment in the following areas is important to ensure the happiness and safety of your dog and to add to your enjoyment:

- Health and welfare aspects;
- Ongoing obedience training;
- Opportunities for exercise and play; and
- Adherence to regulatory requirements.

Consideration of Others

As a member of the broader community, there are obligations for us all in considering the impact of our actions on others. For the dog owner this includes taking action to:

- Ensure your dog does not bark excessively;
- Ensure your dog does not wander off your property boundary;
- Clean up after your pet;
- Keep no more than two dogs on your property without a kennel licence;
- Ensuring your dog is under effective control at all times; and
- Not allowing your dog to jump at, or lick people. This playful nature might not be accepted by all persons.

Lost Dogs

If your dog is lost, it may have been collected by the City Rangers and transported to the Dogs' Home. Owners should make every effort to locate missing dogs by contacting the Council or the Dogs' Home.

Implementation

Implementation of the code and ongoing awareness will be provided through the following mechanisms:

- Distribution to owners of newly registered dogs;
- Promotion by City Rangers in daily activities;
- Promotion through participating organisations; and
- Education through schools and community events.

Other Matters

Kennel Licences

The Dog Control Act 2000 provides that a kennel licence is necessary if more than two dogs over the age of six months are to be kept at a property; in the case of working dogs this is higher at four dogs.

An application for a Kennel licence will only be considered in the following circumstances:

- The premises are in non-residential styled zoning; and
- The property has an area equal to or greater than 1 hectare.

Council's assessment of a kennel licence will include consideration of issues such as zoning of the land including any adjacent residential styled zoned properties and location of residential zoned buildings, local amenity, environmental health issues and animal welfare. Council will be taking into consideration the kennel standards for dogs which reflect the State Government's proposed Animal Welfare Standards and Guidelines for Dogs in respect to the keeping of dogs on private premises.

A kennel licence will not be granted if the premises to which the licence relates is unfit for the purpose for which it is to be used, if it is not in the public interest or it is not compatible with the principles of the Code of Responsible Dog Ownership.

In the event of extenuating circumstances a short term exemptions may be issued for a kennel licence to be granted in residential styled zoned premises. This would be at the discretion of the General Manager and apply for a set period only.

Measurement Systems

Fee Structure

- Total Revenue.
- Total Costs.
- Revenue and Costs by cost/revenue category.
- The total revenue received through registrations.
- The total revenue received per registration category.
- General Rate contribution to Dog Management as a percentage of total costs.

Declared Areas

- Usage of declared areas (largely anecdotal).
- Number of complaints received.
- Number of infringements served.
- Changes in registration levels per suburb.
- Cost of maintaining declared areas.

General Indicators of Dog Ownership in Clarence

- Total number of registrations each year.
- The total number of registrations per registration category.
- Number of dwellings with registered dogs.
- Registration levels per suburb.
- Number of infringements issued by nature of offence.
- Number of complaints by nature of complaint.
- Number of dogs delivered to dogs home.

General Review

A review of this policy will be undertaken within five (5) years of the adoption of this policy.



Schedule of Declared Areas

NOVEMBER 2015

Land to be declared under the Dog Control Act 2000

Under the provisions of the Dog Control Act 2000 land can be classified into one of four categories:

Off-Lead Exercise Areas

The following areas will be declared as “Off-Lead Exercise Areas” under the provisions of Section 20 of the Dog Control Act 2000.

- **Mortimer Bay Recreation Area (not including beach area)**
- **Shelly Beach, Opossum Bay**
Bangor Road entrance east to Icehouse Bluff.
- **Charles Hand Park, Rosny**
- **Anzac Park, Lindisfarne**
- **Tranmere Foreshore Reserve**
Tranmere Road entrance south to Tranmere Point.
- **Richmond Recreation Ground, Richmond**
- **6a Sugarloaf Road, Risdon Vale**
East of Sugarloaf Road, bounded by Grass Tree Hill Road.
- **Montagu Bay Foreshore Reserve**
Rosny Esplanade.
- **45 Goodwins Road, Clarendon Vale,**
Council land between Goodwins and Reynolds Road, excluding sports oval.
- **Oakdowns Park, Oakdowns**
- **Seven Mile Beach**
Day Use Area 2 through to Day Use Area 3. This area is managed by the Parks and Wildlife Service.

On-Lead Exercise Areas

The following areas will be declared as “On-Lead Exercise Areas” under the provisions of Section 20 of the Dog Control Act 2000.

- **Roches Beach**
From Bambra Street entrance, north to a point opposite number 11 Kirra Road (approximately from Reef to Reef).
- **Multi-User Pathways (includes bicycle and pedestrian use)**
This declaration includes the multi-user pathway and areas immediately adjacent to a distance of 2 metres.
- **Second Bluff**
This declaration includes the multi-user pathway and all other areas on this bluff from Alexandra Esplanade through to Silwood Avenue Entrance.
- **Chipmans Road, Rokeby**
This area has been defined as on-lead as it lies adjacent to significant wetland area.
- **Simmons Park, Lindisfarne**
This area has been designated as an on-lead exercise area due to numerous family orientated facilities in this park.
- **Wentworth Park, Howrah**
This area has been designated as an on-lead exercise area due to numerous family orientated facilities in this park, proximity of schools and child care facilities and sporting grounds.
- **Richmond Riverbanks**
This area has been designated as an on-lead exercise area due to the resident duck population.
- **1a Beach Street Bellerive**
This area east of Beach Street immediately behind Luttrell Avenue is to be on-lead due to the multi-user pathway which cuts through this narrow area.
- **Bellerive Boardwalk Perimeter**
Dogs will be permitted on-lead on the perimeter only, to allow dogs to remain on the multi-user pathway from Victoria Esplanade to Kangaroo Bay Drive.
- **Clarence Coastal Trail**
The coastal track from Roches Beach to Seven Mile Beach declared on-lead due to the variety of users and the physical characteristics of the track.
- **Rosny Hill Nature Recreation Area**
To be declared as on-lead due to the existing wildlife and future development in this area.

- **Nature Recreation Areas**
All Nature Recreation Areas declared by the Parks and Wildlife Service are declared to be on-lead exercise areas at all times, includes Gordons Hill Nature Recreation Area.
- **Seven Mile Beach**
Day Use Area 4 east to Sandy Point. This area is managed by the Parks and Wildlife Service.
- **All Dune tracks**
All access ways onto council beaches are declared on-lead until the dog reaches the beach proper, to minimise damage to the dune systems, and protect wildlife in the area.

Restricted Areas

The following areas will be declared as “Restricted Areas” under the provisions of Section 23 of the Dog Control Act 2000, except in relation to guide or hearing dogs.

Beaches

Dogs will be restricted from entering the following beaches between the hours of 10.00am and 6.00pm during the period from 1 December to 1 March each year.

At all other times dog must be under “effective control” as defined under the Dog Control Act 2000. This restriction applies to the following beaches:

- **Howrah Beach**
- **Bellerive Beach**
From the Beach Street access east to Second Bluff.
- **Cremorne Beach**
- **Opossum Bay Beach**
- **South Arm Beach**
- **Roches Beach**
From Bambra Street entrance to Mays Point.
- **Seven Mile Beach**
 - Council owned section from Esplanade to Day Use Area 1.
 - Day Use Area 1 east to Day Use Area 2. This area is managed by the Parks & Wildlife Service.
- **Middle Clifton Beach**
This area is managed by the Parks & Wildlife Service.

Dogs will be restricted from entering the following beaches between the hours of 10.00am and 6.00pm during the period from 1 December to 1 March each year.

At all other times dog must be kept on-lead. This restriction applies to the following beaches:

- **Seven Mile Beach**

Day Use Area 3 east to Day Use Area 4. This area is managed by the Parks & Wildlife Service.

- **South Clifton Beach**

This area is managed by the Parks & Wildlife Service

The reason for this restriction is because the above beaches are popular with families during the summer period.

Dogs will be restricted from entering the following beaches at any time on any day of the year:

- **Little Howrah Beach**

The reason for declaring this beach to be restricted is due to its size and sheltered nature and its historical use.

- **Bellerive Beach**

From the beach access at Beach Street west to First Bluff to provide dog free alternative in an area which is popular with families.

Sporting Recreation Grounds and Perimeters

Dogs will be restricted from entering all Council sports grounds and perimeters at any time on any day of the year. The reason for this restriction is in order to assist in maintaining the grounds to an acceptable level.

In Kangaroo Bay access will be allowed on-lead on Council land directly adjacent to Rosny College for the purpose of accessing the multi-user pathway.

Bellerive Board Walk

Dogs will be restricted from entering all areas beyond the waterside perimeter of the Bellerive Boardwalk multi-user pathway any time on any day of the year. The reason for this restriction is that the recreation of dogs on this area is contrary to development plans for the area and inconsistent with the use of this area for outdoor dining.

Village Green, Richmond

Dogs will be restricted from entering The Village Green at Richmond at any time on any day of the year. The reason for this restriction is this area is used by residents and visitors to enjoy the facilities nearby and traditionally dogs have not been permitted in this area.

Bellerive Beach Play (Rotary) Park

Dogs will be restricted from entering the Bellerive Play Park at any time on any day of the year. The reason for this restriction is due to numerous family orientated facilities in this park, and the adjoining section of Bellerive Beach

which is restricted to dogs at any time on any day of the year. However dogs may be walked on-lead through this area on the multi-user pathway only.

Pipe Clay Lagoon, Clifton Beach

Parks and Wildlife managed foreshore of Pipe Clay Lagoon, Clifton Beach restricted to dogs from 1 October to 31 March each year. The reason for this is in order to protect the native migratory birds using the area. At all other times dogs must be on-lead.

Five Mile Beach

Parks and Wildlife managed foreshore of Five Mile Beach will be restricted to Dogs from 1 October to 31 March each year. The reason for this is in order to protect the native migratory birds using the area. At all other times dogs must be on-lead.

Dune Access Tracks

Dogs will be restricted from entering the dune areas of a beach and any dune track that runs parallel to the foreshore at any time on any day of the year. The reason for this restriction is in order to protect the dune environment from excessive erosion.

Training Areas

The following parcel of land will be declared as a “Training Area” under the provisions of Section 21 of the Dog Control Act 2000.

- **South Street Reserve, Bellerive**

Prohibited Areas

The following areas will be declared as a “Prohibited Area” under the provisions of Section 22 of the Dog Control Act 2000.

- **Pipe Clay Lagoon**

The Council owned area of Pipe Clay Lagoon, from a point opposite number 91 Cremorne Avenue west to a point adjacent to number 201 Cremorne Avenue, dogs will be prohibited from entering as it provides an important habitat for resident and native migratory wading birds.

- **Racecourse Flats**

The Council owned area east of South Arm Road known as Racecourse Flats, dogs will be prohibited from entering as it provides an important habitat for resident and native migratory wading birds.

- **North Clifton**
Prohibited to dogs at all times due to native wildlife in this area. This area is managed by the Parks and Wildlife Service.
- **Five Mile Beach**
Prohibited to dogs at all times from Pittwater Bluff south for approximately 3km where sign posted due to native wildlife in this area. This area is managed by the Parks and Wildlife Service.
- **Sandy Point, Seven Mile Beach**
Prohibited to dogs at all times for 1km on each side of the point where sign posted due to native wildlife in this area. This area is managed by the Parks and Wildlife Service.
- **Nature Reserves**
All Nature Reserves declared by Parks and Wildlife Service are prohibited to dogs at all times due to native wildlife in this area.

Public Areas subject to Effective Control Provisions

For public land not specifically declared under the provisions of the Dog Control Act 2000, and where land is not already defined under Section 28 of the Act as a prohibited public area, a dog is required to be under “effective control”.

Effective control is a term defined under Section 4 of the Dog Control Act 2000. For public space areas a dog is under effective control if it is on a lead not exceeding 2 metres long held by a person of sufficient age and strength to control the dog; or off the lead and within sight, in close proximity and immediately responsive to the person’s commands; or tethered to a fixed object by a lead not exceeding 2 metres long for a period not exceeding 30 minutes. It is not intended that these areas be declared under the Dog Control Act, as this provision of the legislation is sufficient to cover their intended use.

12. ALDERMEN'S QUESTION TIME

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

12.1 QUESTIONS ON NOTICE

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

Nil

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

12.4 QUESTIONS WITHOUT NOTICE

An Alderman may ask a Question without Notice of the Chairman or another Alderman or the General Manager. Note: the Chairman may refuse to accept a Question without Notice if it does not relate to the activities of the Council. A person who is asked a Question without Notice may decline to answer the question.

Questions without notice and their answers will not be recorded in the minutes.

The Chairman may refuse to accept a question if it does not relate to Council's activities.

The Chairman may require a question without notice to be put in writing. The Chairman, an Alderman or the General Manager may decline to answer a question without notice.

13. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

- 13.1 APPLICATIONS FOR LEAVE OF ABSENCE
- 13.2 JOINT AUTHORITY MATTER
- 13.3 TENDER T1046-15 – SUPPLY OF ELECTRICITY TO CONTESTABLE SITES
- 13.4 DEVELOPMENT PROPOSAL - ROSNY
- 13.5 TENDER T991-14 – HOWRAH BOWLS INDOOR FACILITY STAGE 1 – HOWRAH BOWLS CLUB, 11 HOWRAH ROAD, HOWRAH
- 13.6 EXPRESSION OF INTEREST – LAUDERDALE URBAN EXPANSION FEASIBILITY STUDY

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:

- information that, if disclosed, is likely to give a commercial advantage or disadvantage to a person with whom council is conducting or proposes to conduct, business;
- commercial information of a confidential nature that, if disclosed, is likely to prejudice the commercial position of the person who supplied it, or confer a commercial advantage on a competitor of the council; or reveal a trade secret;
- contracts and tenders for the supply of goods and services;
- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
- applications by Aldermen for a Leave of Absence;

Note: The decision to move into Closed Meeting requires an absolute majority of Council.

The content of reports and details of the Council decisions in respect to items listed in “Closed Meeting” are to be kept “confidential” and are not to be communicated, reproduced or published unless authorised by the Council.

PROCEDURAL MOTION

“That the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting room”.