

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 22 FEBRUARY 2016

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

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

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

(File No 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 1 February 2016, as circulated, be taken as read and confirmed.

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

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

| PURPOSE | DATE |
|--|-------------|
| Lauderdale Football Oval/Changerooms | |
| Clarence Street High School Oval Lights | |
| Customer Service Charter | |
| Terms of Reference for the VA Steering Committee | 9 February |
| Cultural History Plan | |
| Bellerive Boardwalk | |
| Family Day Care Building Upgrade at Alma Street | 15 February |

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

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

FOOTPATH BETWEEN ROKEBY AND LAUDERDALE

Mr Stephen Heraghty asked a question which sought an update on discussions between the State Government and Council regarding the footpath between Rokeby and Lauderdale along South Arm Road.

ANSWER DETAILS

Council, at its Meeting on 22 June 2015 considered a Motion on Notice from an Alderman and resolved:

“That Clarence City Council requests the Department of State Growth for a shared multi-user pathway along the South Arm Highway from Oakdowns to Lauderdale”.

/ contd on Page 9...

ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE /contd...

Council wrote to the Department of State Growth on 29 June 2015 seeking advice for the creation of a safe active transport link for all users of the South Arm Highway between Oakdowns and Lauderdale.

The Department of State Growth wrote to Council on 2 September 2015 advising that the Department is in the process of developing a 10 year Infrastructure Investment Plan. This Plan is scheduled to be launched by the Tasmanian Government in the first quarter of the 2016 calendar year. Projects will be evaluated for inclusion in the Plan based on the objectives of the State Roads Infrastructure Services Policy launched by the Minister for Infrastructure in December 2015.

The Mayor has also met with the Minister for Infrastructure who has indicated that he will examine the priority for this project.

7.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

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

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION – ALD VON BERTOUCHE
DIGITAL RADIO**

(File Nos 10-03-05; 08-01-01)

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

“That Council writes to the Minister for Communications, Senator the Hon Mitch Fifield, and the Australian Communications and Media Authority seeking advice on the followings matters:

- what are the current plans, if any, for the provision of digital radio spectrum availability in Hobart and Southern Tasmania? and;
- what are the likely timelines for the provision of digital radio in Hobart and Southern Tasmania?”

EXPLANATORY NOTES

- Currently, there is no digital radio service in Hobart (Southern Tasmania). There is concern within the Clarence community that this situation has not been rectified.
- All mainland capital cities have a digital radio spectrum with digital radio services provided by the ABC.
- The ABC has advised that it cannot provide digital radio services until the Government releases digital spectrum for this service in Hobart.
- Digital radio can provide improved broadcast quality and options and may provide greater clarity for those with hearing problems.
- It is appropriate as a first step to make enquiries with the appropriate Minister and Government authority about the provision of digital radio services.

S von Bertouch
ALDERMAN

ACTING GENERAL MANAGER’S COMMENTS

A matter for Council determination.

10. REPORTS FROM OUTSIDE BODIES

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

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**
Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

December Quarterly Report pending.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**
Representatives: Ald Jock Campbell
(Ald Peter Cusick, Deputy Representative)

Quarterly Reports

September and December Quarterly Reports pending.

Representative Reporting

- **SOUTHERN WASTE STRATEGY AUTHORITY**
Representative: Ald Richard James
(Ald Sharyn von Bertouch, Proxy)

Quarterly Reports**Representative Reporting**

September and December Quarterly Reports pending.

- **TASWATER CORPORATION**

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

(File No 04-03-02)

Chairperson's Report – Alderman S von Bertouch

Report to Council for the 3 month period 1 October 2015 to 31 December 2015.

1. PRINCIPAL OBJECTIVES AND GOALS

The Committee's prime objectives are to:

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

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

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

A parking survey has been completed recording a 15% parking density along this section of Cambridge Road. Line marking is ready to commence.

2.2. Cambridge Road, Mornington – Painted Bike Lines

Currently being designed. Kerb and gutter is to be installed along the road to capture stormwater from roadway before flowing onto subdivision land. Parking survey revealed 10% parking density along Cambridge Road.

2.3. Clarence Foreshore Trail – Camelot Park to Pindos Park

An Aboriginal Heritage Survey has been conducted and approval has been given to commence construction to the edge of Pindos Park. A Permit to Conceal has been applied for to complete the path within the park where Aboriginal relics are present. This process will take several weeks. Construction of the first section will commenced at the end of January.

2.4 Acton Road to Cambridge Village – 1.5m wide Gravel Pathway

Pathway complete.

2.5 Mornington Roundabout Pedestrian/Cycling Underpass

Pitt and Sherry have been appointed to carry out a feasibility study to determine costings in order to make a submission to State Government for funding.

3. RECURRENT INITIATIVES

Further locations for bike parking facilities are being investigated.

4. DESIGN AND INVESTIGATION WORK IN PROGRESS**Clarence Street Safety Assessment Report**

The first meeting of Technical Working Group was held on 15 September 2015. The second meeting of Technical Working Group was held on 30 September 2015. Discussion was held at Council's Workshop on Monday, 9 November 2015 to consider the Technical Working Groups recommendations with Council supporting improvements of consisting of consistent bus stop spacing, providing discreet turning lane and rationalising the frequency and location of islands and standouts. Furthermore, at the same meeting on 7 December 2015, Council authorised the General Manager to undertake consultation with Bellerive Primary School and the Department of State Growth on the desirability and feasibility of traffic signals at Scott Street.

5. GOVERNANCE MATTERS

Committee Meeting

The Committee held 2 general meetings during the quarter on 5 October and 7 December 2015.

6. EXTERNAL LIAISON

CyclingSouth held meetings on 23 September and 18 November 2015.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Attachments: Nil.

Alderman Sharyn von Bertouch
CHAIRPERSON

TRACKS AND TRAILS ADVISORY COMMITTEE

(File No 07-06-09)

Chairperson's Report – Alderman R James

Report to Council for the 3 month period for 1 October 2015 to 31 December 2015.

1. PRINCIPAL OBJECTIVES AND GOALS

The Committee's prime objectives are to:

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

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

2. CAPITAL WORKS PROJECT**Rocky Tom Property at 429 Flagstaff Gully Road**

The property has been sold to a private owner and discussions have taken place with the new owner regarding the illegal dumping and remediation requirements.

Kangaroo Bay Rivulet Track

Safety fencing has been installed at 2 locations where golf balls were a safety concern (1st and 7th tee). A new perimeter fence is required in the Rosny Barn before the first stage of the track between the Barn and the Council building can be opened to the public. Quotes are being sought for the barn fencing.

Design options for the crossing of the rivulet between Council Offices and Eastlands has commenced.

Clarence Coastal Trail - Rokeby to Lauderdale

A letter was received from the Police Minister stating that the *“Government cannot allow for any proposal that borders or crossed the land of the Police Academy to proceed”*.

A petition was also received requesting a trail along the foreshore.

A meeting was held with the Mayor, General Manager and Ald James with the Commissioner of Police, Darren Hine on Monday, 30 November. Discussion took place around security and operations of the Academy.

3. RECURRENT INITIATIVES – MAINTENANCE AND UPGRADES**3.1 Tangara Trail**

Posts and signage have been installed in the Sandford section of the Tangara Trail to improve navigation for users.

Maintenance work has been carried out on the Tangara Trail on the Silver Peppermint Track to address erosion issues.

3.2 Trail Audit

An audit of tracks across the municipality has been completed including the Tangara Trail, Clarence Coastal Trail and tracks in reserves. This is being used to create a comprehensive database of all our tracks and guide the maintenance program.

3.3 Charles Darwin Trail

The Charles Darwin track off Aruma Street in Waverly Flora Park has been widened, resurfaced and landscaped.

4. DESIGN AND INVESTIGATION WORK IN PROGRESS

4.1 Blessington Track

An Aboriginal Heritage Assessment was carried out in October 2015 to check for Aboriginal relics on the site of the proposed track. A Permit will be required and the process is underway.

4.2 Meehan Range Strategic Plan

The Parks Planner is working on the draft management statement. After they have finished this draft, it requires internal review by specialists in the Department of Primary Industries, Water and the Environment. Following any updates from the specialists, it will be put out for public consultation which is expected to occur sometime in early 2016.

5. GOVERNANCE MATTERS

Committee Meeting

The Committee held 2 General Meetings during the quarter on 8 October 2015 and 3 December 2015 and 1 special meeting on 10 September 2015.

6. EXTERNAL LIAISON

Nil.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Attachments: Nil.

Alderman R James

CHAIRPERSON

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 1, 9 and 15 February 2016 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 1, 9 and 15 February 2016 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**11.2.1 PETITION – SPORTSGROUND LIGHTING D2015/504 - 25 WENTWORTH STREET, HOWRAH (CLARENCE HIGH SCHOOL OVAL)**

(File No W012-25)

EXECUTIVE SUMMARY**PURPOSE**

To consider the petition tabled at Council's Meeting of 11 January 2016, requesting Council support the planning application D-2015/504 for Sportsground Lighting installation at Clarence High School.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 is relevant.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

Consultation has been undertaken with the local community in regards to the provision of sportsground lighting as part of planning application D-2015/504.

FINANCIAL IMPLICATIONS

Funds have been allocated within the 2015/2016 Annual Plan to construct sportsground lighting at Clarence High School.

RECOMMENDATION:

- A. That Council notes the intent of the petition.
- B. That the petitioners be advised of Council's decision when resolved by Council sitting as a Planning Authority.

ASSOCIATED REPORT**1. BACKGROUND**

A petition with 124 signatures was tabled at Council's Meeting held on Monday, 11 January 2016 requesting:

"We, the undersigned, petition the Mayor and Aldermen of the City of Clarence to: Support the planning application for the above application – D-2015/504".

2. REPORT IN DETAIL

2.1. As part of the Annual Plan 2015/2016 Council allocated funds for the installation of Sportsground Lighting at Clarence High School.

2.2. The purpose of the Sportsground Lighting was to increase the utilisation of the ground following investment of funds in the form of a change room facility at the Clarence High School Oval (Oval). This accords with Council's Sport and Active Recreation Strategy adopted by Council on 5 May 2014 which inter alia resolved:

“d. Adopt a demand management approach for sporting facilities that includes:

- Develop Management Plans for each Sport and Active Recreation holding in accordance with Council's Open Space Strategy Principles;*
- Assess synthetic surfaces for sporting codes to encourage extended usage;*
- Improve lighting facilities to encourage extended usage;*
- Investigate opportunities for sharing of existing under – utilised facilities held in other tenures and;*
- Assess viability of new multi-use facilities for a variety of shared users and uses such as pre-season training season facilities for AFL, Soccer and Cricket”.*

Specifically, the intent of the capital allocation was to encourage extended usage and also to ensure the Oval could be used as pre-season training facilities for AFL.

2.3. Council were presented with the detailed background information on the lighting proposal at its Workshop held on 9 February 2016.

2.4. The planning consideration of this matter will be addressed at this meeting when Council sits as a Planning Authority.

3. CONSULTATION

3.1. Community Consultation

Consultation has been undertaken with the local community in regards to the provision of Sportsground Lighting as part of planning application D-2015/504.

3.2 State/Local Government Protocol

Nil.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

- 4.1. Council's Strategic Plan 2010/2015 within the Goal Area Social Inclusion contains the following Community Safety and Well-being Strategy to:

“Provide essential infrastructure to support, sustain and enhance community safety and social well-being”.

- 4.2. Council's Strategic Plan 2010-2015 under the Goal Area Social Inclusion has the following Public Spaces and Amenity Strategy to:

“Develop Plans to improve the amenity of public spaces, including:

- Future needs for public open space and recreation facilities”.*

- 4.3. Council's Sport and Active Recreation Strategy states:

“d. Adopt a demand management approach for sporting facilities that includes:

- Develop Management Plans for each Sport and Active Recreation holding in accordance with Council's Open Space Strategy Principles;*
- Assess synthetic surfaces for sporting codes to encourage extended usage;*
- Improve lighting facilities to encourage extended usage;*

- *Investigate opportunities for sharing of existing under – utilised facilities held in other tenures and;*
- *Assess viability of new multi-use facilities for a variety of shared users and uses such as pre-season training season facilities for AFL, Soccer and Cricket”.*

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

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

7. FINANCE

Funds have been allocated within the 2015/2016 Annual Plan to construct Sportsground Lighting at Clarence High School.

8. ANY OTHER UNIQUE ISSUES

This matter will be determined by Council sitting as a Planning Authority.

9. CONCLUSION

9.1 Council allocated funds for the installation of Sportsground Lighting at Clarence High School as part of the 2015/2016 Annual Plan.

9.2 The installation of Sportsground lighting at Clarence High School was to increase the utilisation of a Council facility for the whole community as well as to provide for additional night time training for AFL.

Attachments: Nil.

John Stevens
GROUP MANAGER ASSET MANAGEMENT

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-2015/510 - 474 MOUNT RUMNEY ROAD, MOUNT RUMNEY (WITH ACCESS OVER 381, 383, 455, 472 AND 491 MOUNT RUMNEY ROAD, MOUNT RUMNEY AND 44 ACTON COURT, ACTON PARK) - NEW DWELLING AND CHANGE OF USE TO TOURIST ACCOMMODATION (11 CABINS)

(File No D-2015/510)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a new Dwelling and Change of Use to Tourist Accommodation (11 cabins) at 474 Mount Rumney Road, Mount Rumney (with access over 381, 383, 455, 472 and 491 Mount Rumney Road, Mount Rumney and 44 Acton Court, Acton Park).

RELATION TO PLANNING PROVISIONS

The land is zoned Environmental Living and subject to the Bushfire Prone Areas, Landslide, Waterways and Coastal Protection, Natural Assets, and Parking and Access Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to expire on 24 February 2016.

CONSULTATION

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

- road/site access safety;
- pedestrian safety;
- native flora and fauna;
- amenity/scale of development;
- private road;
- private road upgrades;
- change of use status under CIPS 2015;
- potential fire escape for all of Mount Rumney;
- potential for Tangara Trail connections;
- water supply; and
- rental vehicles.

RECOMMENDATION:

A. That the Development Application for a new Dwelling and Change of Use to Tourist Accommodation (11 cabins) at 474 Mount Rumney Road, Mount Rumney (with access over 381, 383, 455, 472 and 491 Mount Rumney Road, Mount Rumney and 44 Acton Court, Acton Park) (CI Ref D-2015/510) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Access to the site for residents and guests is to be via Mount Rumney Road. The Acton Court access is to be utilised for emergency purposes only. Suitable signage should be installed within the site directing residents to the appropriate point of access for the site.
3. Internal road upgrades in accordance with BHMP prior to commencement of use.
4. An evacuation plan is required to be submitted to Council’s Manager City Planning to comply with Clause E1.5.1.1 A2 of the Clarence Interim Planning Scheme 2015.
5. ENG A6 – GRAVELLED CAR PARKING.
6. ENG S1 – INFRASTRUCTURE REPAIR.
7. ENG M1 – DESIGNS DA [remove “• service upgrades or relocations”].

ADVICE 3 – SPECIAL PLUMBING ADVICE.

ADVICE – Appropriate building surveying certification must be obtained for all existing buildings on-site for the approved intended uses prior to those uses commencing. Should this not be obtained, Council may be bound to commence proceedings.

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**

Application D-2015/421 was made for a Change of Use of the existing buildings on-site to Single Dwelling and Tourist Accommodation and for an addition to the existing outbuilding. This was approved on 24 December 2015.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned Environmental Living and subject to the Bushfire Prone Areas, Landslide, Waterways and Coastal Protection and Natural Assets Codes under the Scheme.
- 2.2.** The proposal is Discretionary because Visitor Accommodation is a discretionary use in the Environmental Living zone under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
 - Section 10 – Environmental Living Zone; and
 - Section E6.0 – Bushfire Prone Areas, Landslide, Waterways and Coastal Protection, Natural Assets, and Parking and Access Codes.
- 2.4.** Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The property is an undulating 61.74ha internal lot, encompassing a large area of relatively undisturbed native bushland. The land encompasses a hilltop and its surrounds and as such includes valleys, plateaus and a peak. There is an existing dwelling on the site, with associated outbuildings, as well as a single tourist accommodation cabin. There is an existing driveway and various farm vehicle trails around the site and as such, there will be minimum earthworks required for the dwelling construction.

3.2. The Proposal

The proposal is for the construction of a new Single Dwelling, 9 new tourist accommodation units, an administration building and a swimming pool and gym building, and 2 small storage sheds, as well as for a Change of Use to the existing Dwelling to a Tourist Accommodation unit. This will result in a total of 1 Single Dwelling, with associated swimming pool and outbuilding, and 11 tourist accommodation units, with associated outbuildings (for storage of cleaning equipment) and an administration building.

The buildings will be developed in 3 distinct clusters as shown on the attachments. The existing cluster of buildings will contain 2 tourist accommodation units, the administration building and the new dwelling and pool building as well as the existing outbuilding.

A new cluster of buildings toward the southern boundary will include 4 tourist accommodation units as well as an outbuilding for storage of cleaning products and the like.

The last cluster of buildings is toward the north, north-east of the site and will comprise 5 tourist accommodation units as well as an outbuilding for storage of cleaning products and the like.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme's relevant Acceptable Solutions of the Environmental Living Zone and the Bushfire Prone Areas, Landslide, Waterways and Coastal Protection, Natural Assets and Parking and Access Codes with the exception of the following.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|--------------|-----------------------|--|--|
| 14.3.2 A1 | Visitor Accommodation | Visitor accommodation must comply with all of the following: (a) is accommodated in existing buildings; (c) has a floor area of no more than 160m ² . | 1062m ² . 186m ² existing with 876m ² proposed as new buildings. |

The proposed variation can be supported pursuant to Performance Criteria P1 of Clause 14.3.2 for the following reasons.

- The tourist accommodation has been designed to ensure that it is contained within existing cleared areas on the site which are surrounded by vegetation that can be retained to ensure that the privacy of both the application site and adjacent properties is retained.
- All car parking is able to be contained on-site.
- The scale of the development is consistent with the character of other development in the area given the 3 discreet clusters of buildings and the overall size of the development site.

Environmental Living Zone

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|--------------|----------|--|--|
| 14.4.2 A2 | Setback | Building setback from side and rear boundaries must be no less than 30m. | Unit 6 is proposed to be setback 21.3m from the southern boundary. |

The proposed variation can be supported pursuant to Performance Criteria P2 of Clause 14.4.2 for the following reasons.

- The dwelling is sufficiently removed from the adjacent lot that overlooking of any future development should reasonably be achieved through the retention of vegetation on this site and the siting of any future development on the adjacent lot.
- Further, the site has been chosen for minimum vegetation removal from the application site due to existing clearing of the land.

Environmental Living Zone

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|-----------------|---|--|
| 14.4.3 A3 | Design | The combined gross floor area of buildings must be no more than 300m ² . | 1753m ² of combined gross floor area. |

The proposed variation can be supported pursuant to Performance Criteria P3 of Clause 14.4.3 for the following reason.

- All buildings are designed to be of a domestic scale and are clustered in locations to minimise impact on the landscape and natural values of the site.

Environmental Living Zone

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|-----------------|---|--|
| 14.4.4 A1 | Outbuildings | Outbuildings (including garages and carports not incorporated within the dwelling) must comply with all of the following: (a) have a combined floor area no more than 80m ² . | 367.6m ² total 343.6m ² existing with 24m ² additional proposed in this application. |

The proposed variation can be supported pursuant to Performance Criteria P1 of Clause 14.4.4 for the following reason.

- The new outbuildings are to be located within the new clusters of buildings and are both of a scale consistent with domestic development. They will not have a negative impact on the natural or landscape values of the area.

Landslide Code

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|-----------------|--|--|
| E3.6.2 A2 | Vulnerable Use | No Acceptable Solution. | 10 new tourist accommodation units proposed. |

The proposed variation can be supported pursuant to Performance Criteria P2 of Clause E3.6.2 for the following reasons.

- No part of the site is in a High Landslide Area.
- Emergency evacuation from the site is adequately addressed in the Bushfire Hazard Management plan to ensure that occupants of the site can evacuate safely in an emergency.

Landslide Code

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|---|--|--|
| E3.7.1 A1 | Building and Works, other than Minor Extensions | No Acceptable Solution. | 11 new habitable buildings proposed (10 tourist accommodation units and 1 dwelling). |

The proposed variation can be supported pursuant to Performance Criteria P1 of Clause E3.7.1 for the following reasons.

- No part of the site is in a High Landslide Area.
- Council engineers are satisfied that the landslide risk associated with the buildings and works is acceptable.

Natural Assets Code

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|--------------------|--|------------------------|
| E27.7.1 A1 | Operation of a use | Uses within a Residential use class. | Visitor accommodation. |

The proposed variation can be supported pursuant to Performance Criteria P1 of Clause E27.7.1 for the following reason.

- There are no active raptor nests identified on the site, or within a 1km radius of any of the proposed development.

Natural Assets Code

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|---|--|--|
| E27.8.1 A1 | Vegetation clearance or disturbance for a minor impact. | No Acceptable Solution. | Development of 9 new tourist accommodation units and a new dwelling, with associated infrastructure is proposed. |

The proposed variation can be supported pursuant to Performance Criteria P1 of Clause E27.8.1 for the following reasons.

- Development will be predominantly in the existing clearings on the site, but there will be pruning and removal of a small amount of priority vegetation for bushfire management purposes.
- There are no active raptor nests identified on the site, or within a 1km radius of any of the proposed development.

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. Road/Site Access Safety

Several representors are of the opinion that the standard of Mount Rumney Road is not sufficient to accommodate the increase in traffic this development will generate. This belief is stated to be because the road is narrow, unlit and stated to be in poor repair.

Other representors are of the opinion that the intersections and conditions within Acton Park area leaving the development site are not sufficient to accommodate an increase in traffic as a result of the development. This belief is stated to be because there are poor sight distances due to the undulations and curvature of the roads.

- **Comment**

The application was submitted and assessed on the understanding that all day-to-day access would be via the Mount Rumney Road access, with the Acton Court entry only being used in the case of emergencies.

Council engineers have assessed the proposal accordingly and determined that the likely increase in traffic along Mount Rumney Road will not result in any increased risk or detriment to road users. As such, this is considered to be appropriate access for the development with no changes required to the road to accommodate it.

The Acton Court access was never considered for use other than in emergencies. As such, a condition should be placed on the permit enforcing this requirement. This condition should include a requirement for internal signage directing guests to the appropriate means of entering and exiting the site.

5.2. Pedestrian Safety

Several representors have indicated that the Mount Rumney Road is heavily utilised by both pedestrians and cyclists. As there is no formed footpath the representors believe that these users are already at risk and any increase in traffic will result in an unreasonable increase in the risk to the safety of these user groups.

- **Comment**

As discussed above in relation to the safety of the road for vehicles, the existing condition for pedestrians and cyclists is not significantly altered by the proposed development. As such, there cannot reasonably be conditions imposed on the development requiring modifications or upgrades to Mount Rumney Road to improve the safety of these users.

5.3. Native Flora and Fauna

Several representors are concerned that the construction works and associated bushfire protection will result in a significant loss of native vegetation, causing detriment to native birds and animals. They are further concerned that the increase in vehicles on and around the site will also result in more “road kill” of the native animals.

- **Comment**

The bushfire report requires minimal removal of standing vegetation, with the majority of the management being ground clearing and pruning and management of existing vegetation, with the only clearing being for the buildings themselves and for the emergency exit roads/trails, should they require it.

Any vehicles within the site will be travelling at sufficiently low speeds to minimise potential conflict and subsequent killing of native animals. Vehicles external to the site cannot be considered under the provisions of the Planning Scheme.

As such, it is considered that the native flora and fauna on the site are adequately protected through the proposed development.

5.4. Amenity/Scale of Development

Several representors have indicated that the development of the tourist accommodation will result in a detriment to the enjoyment and amenity of their properties. This is indicated to be as a result of both a loss in privacy and the visibility of the accommodation units as a result of the clearing needed for both development and fire protection.

Representors have further indicated that the scale of the additional use of the site for visitor accommodation is inconsistent with the current use of the site and surrounds. They have further indicated that this change of use will result in an occupancy density which is not consistent with the surrounding, low density, residential land use.

- **Comment**

The property is significantly larger than those to the east and west of it and is in excess of 3 times the minimum lot size for the zone. As such, the site is capable of supporting the level of development proposed without increasing the actual density of the development beyond that which is considered reasonable for the zone purpose.

The development is clustered into 3 discrete areas, each of which has been located to minimise the clearing required for development and bushfire management, thus minimising the visual impact on surrounding properties as sufficient screening vegetation is able to be retained to help screen the development.

Further, other than the southern cluster of buildings, all buildings are set back well inside the permissible building setbacks to further assist in their screening from surrounding properties.

The property to the south is also zoned Environmental Living and is currently undeveloped. As such, any future development of the land to the south can be designed to ensure that adequate visual separation is retained between buildings on the 2 properties.

As such, the scale and density of the development is considered reasonable and should not be considered grounds for refusal of the proposal.

5.5. Private Road

One representor has questioned the cost of the road upgrade works required to comply with the bushfire management measures prescribed for the site. They have concerns regarding who will pay for the upgrade works and for the on-going maintenance of the private road given the increase in use by a single landowner.

- **Comment**

Upgrades to the private road will be a condition of approval and the use of the site as approved will not be able to commence until such time as the upgrades are completed in accordance with the bushfire hazard management plan.

The payment for these works is not a relevant planning consideration, and as such, Council cannot impose conditions requiring individual parties to pay for the works.

5.6. Private Road Upgrades

One representor has queried how other properties sharing the right-of-way can be accessed during the upgrade works as many of them have no alternative access available.

- **Comment**

The disturbance anticipated is similar to that of the routine repair and maintenance regime anticipated for a shared right-of-way. As such, access to properties is unlikely to be inhibited for any extended period of time as a result of the required works. In any event, this is not a relevant planning consideration and as such should not influence the decision regarding this proposal.

5.7. Change of Use Status under CIPS 2015

One representor indicated a belief that the development was prohibited under the Clarence Planning Scheme 2007 and has only become possible under the Clarence Interim Planning Scheme 2015. As such, they think that the use should not be supported by Council.

- **Comment**

The previous planning controls for the site under the Clarence Planning Scheme 2007 are no longer applicable and as such have no bearing on the assessment of the current proposal.

5.8. Potential Fire Escape for all of Mount Rumney

One representor has commended the use of the Acton Court site access as an alternate fire escape for the development. They have further highlighted the lack of alternate escape routes for the rest of Mount Rumney and subsequently requested that the developer be required to make this fire escape route available for the remainder of the residents of Mount Rumney.

- **Comment**

The planning scheme provides no opportunity to request such an access through the site. As such, there is no capacity to condition the application requiring the granting of this general access right.

5.9. Potential for Tangara Trail Connections

One representor has requested that Council require the developer to provide public pedestrian access (as an extension of the Tangara Trail network) between Acton Park and Mount Rumney along the emergency exit roads within the site.

- **Comment**

Neither the Planning Scheme, nor Council's Public Open Space Policy calls for the provision of Public Open Space in such developments, as this can only be applied to subdivision. As such, there is no capacity to require this connection as a condition of the approval of this application.

5.10. Water Supply

One representor is concerned that there is insufficient detail of how water is to be supplied to the site. They have indicated that should the TasWater service be upgraded to facilitate this development the service should be upgraded for the whole of Mount Rumney.

- **Comment**

As the site is not connected to TasWater's reticulated water supply and there is no mention in the application of any intention to seek to do so, it is understood that the intention of the applicants is to provide water tanks for both day-to-day on-site water usage and dedicated water storage for firefighting purposes.

Further, this application is not the appropriate mechanism for consideration of the adequacy of the water supply for Mount Rumney. Should the residents desire TasWater to service them, it is a matter which needs to be addressed directly with TasWater as the service provider.

5.11. Rental Vehicles

One representor has shared a concern that rental vehicles are typically not allowed to be driven on gravel roads, so they believe that the bulk of the visitors will not be able to access the site on the private road unless it is upgraded and sealed.

- **Comment**

Rental vehicle contracts are not a relevant planning consideration and as such cannot influence the determination of this application. In any event, a gravel driveway is not a gravel road, so it is unclear whether this would cause difficulty for tourists visiting the site.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

8.2. No developer contributions are required to comply with any Council policies.

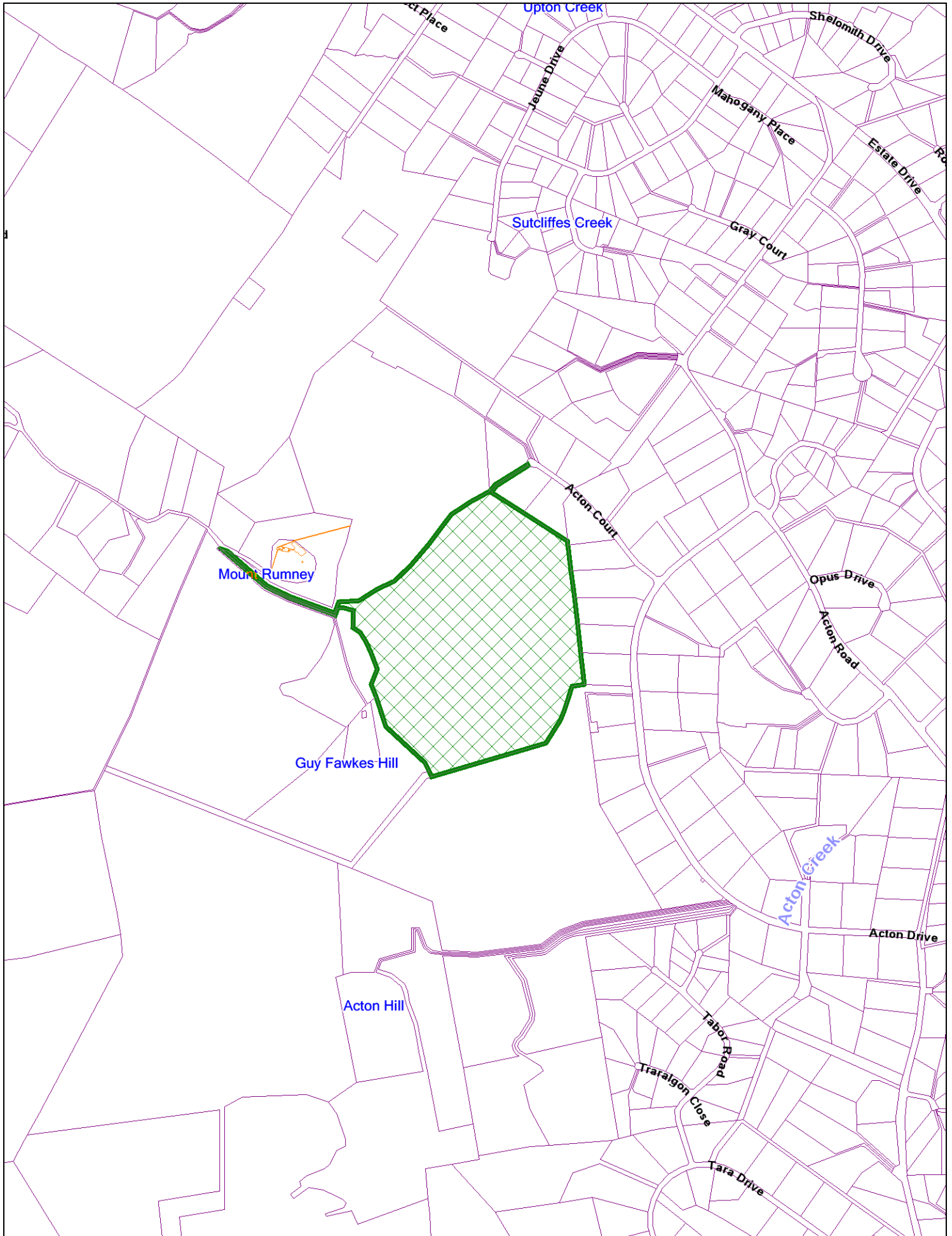
9. CONCLUSION

The proposal is for the construction of a new Single Dwelling, 9 new tourist accommodation units and for the change of use of the existing dwelling to tourist accommodation. This will result in a total of 11 tourist accommodation units and a single dwelling on the site. The proposal meets the relevant acceptable solutions and performance criteria of the Scheme and as such is recommended for conditional approval for the reasons detailed above.

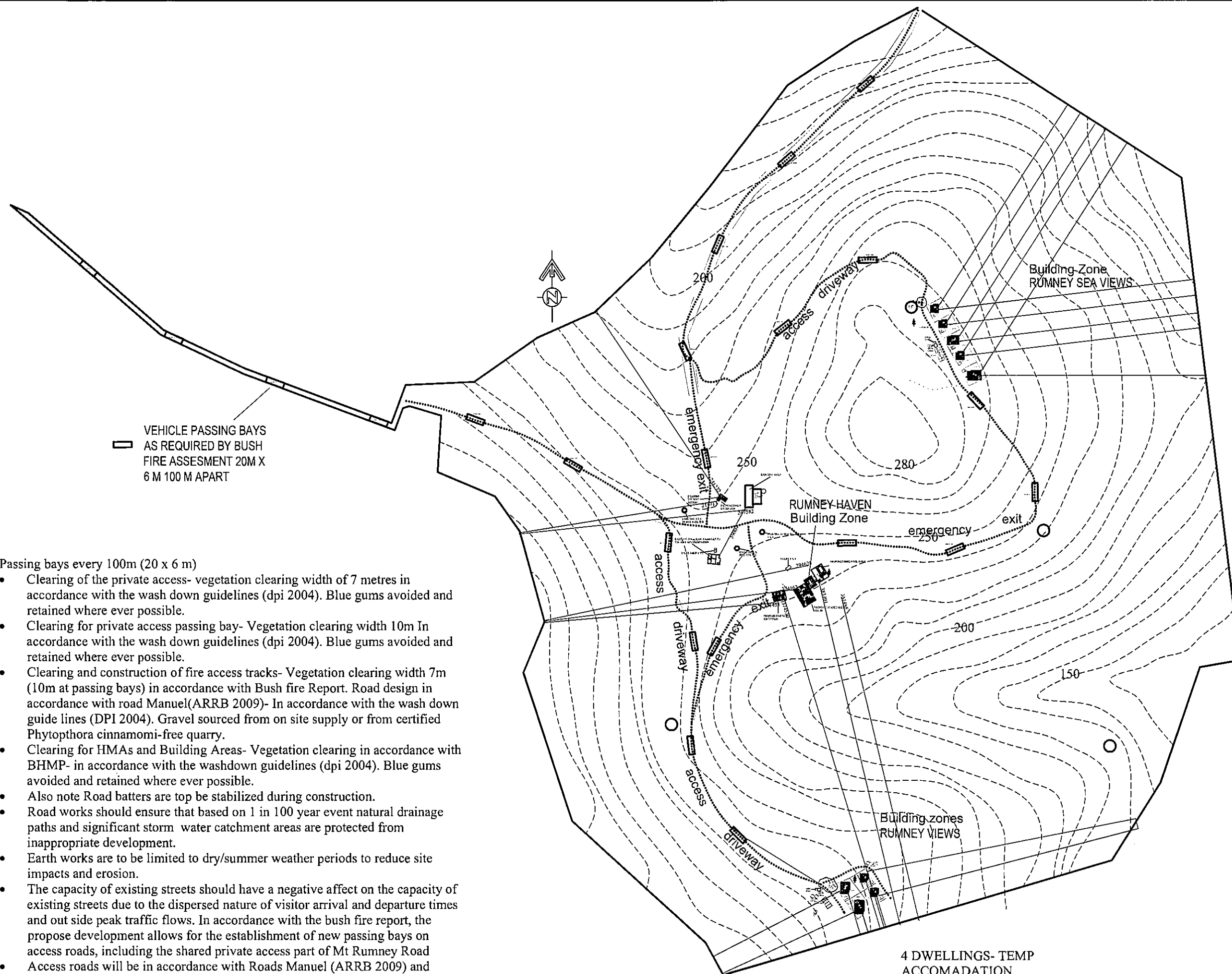
Attachments: 1. Location Plan (1)
2. Proposal Plan (36)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Clarence City Council



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 12 February 2016 **Scale:** 1:17,830 @A4



VEHICLE PASSING BAYS
AS REQUIRED BY BUSH
FIRE ASSESSMENT 20M X
6 M 100 M APART

Passing bays every 100m (20 x 6 m)

- Clearing of the private access- vegetation clearing width of 7 metres in accordance with the wash down guidelines (dpi 2004). Blue gums avoided and retained where ever possible.
- Clearing for private access passing bay- Vegetation clearing width 10m In accordance with the wash down guidelines (dpi 2004). Blue gums avoided and retained where ever possible.
- Clearing and construction of fire access tracks- Vegetation clearing width 7m (10m at passing bays) in accordance with Bush fire Report. Road design in accordance with road Manuel (ARRB 2009)- In accordance with the wash down guide lines (DPI 2004). Gravel sourced from on site supply or from certified Phytophthora cinnamomi-free quarry.
- Clearing for HMAs and Building Areas- Vegetation clearing in accordance with BHMP- in accordance with the washdown guidelines (dpi 2004). Blue gums avoided and retained where ever possible.
- Also note Road batters are top be stabilized during construction.
- Road works should ensure that based on 1 in 100 year event natural drainage paths and significant storm water catchment areas are protected from inappropriate development.
- Earth works are to be limited to dry/summer weather periods to reduce site impacts and erosion.
- The capacity of existing streets should have a negative affect on the capacity of existing streets due to the dispersed nature of visitor arrival and departure times and out side peak traffic flows. In accordance with the bush fire report, the propose development allows for the establishment of new passing bays on access roads, including the shared private access part of Mt Rumney Road
- Access roads will be in accordance with Roads Manuel (ARRB 2009) and Bushfire report requirements.
- There are no known Aboriginal relics present- authorities advised if any are discovered during earth works.

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**C CLEARY &
B SLOAN**

PROJECT ADDRESS:

**474 MOUNT RUMNEY
ROAD MOUNT
RUMNEY TAS 7170**

DATE:

4/01/2016

REVISION No:

1

DRAWN BY:

PK PH

SCALE:

1:4000

PROJECT:

**TOURIST
ACCOMADATION**

DRAWING TITLE:

OVERALL SITE PLAN

SHEET SIZE:

A3

JOB No:

15-077

SHEET No:

A-02

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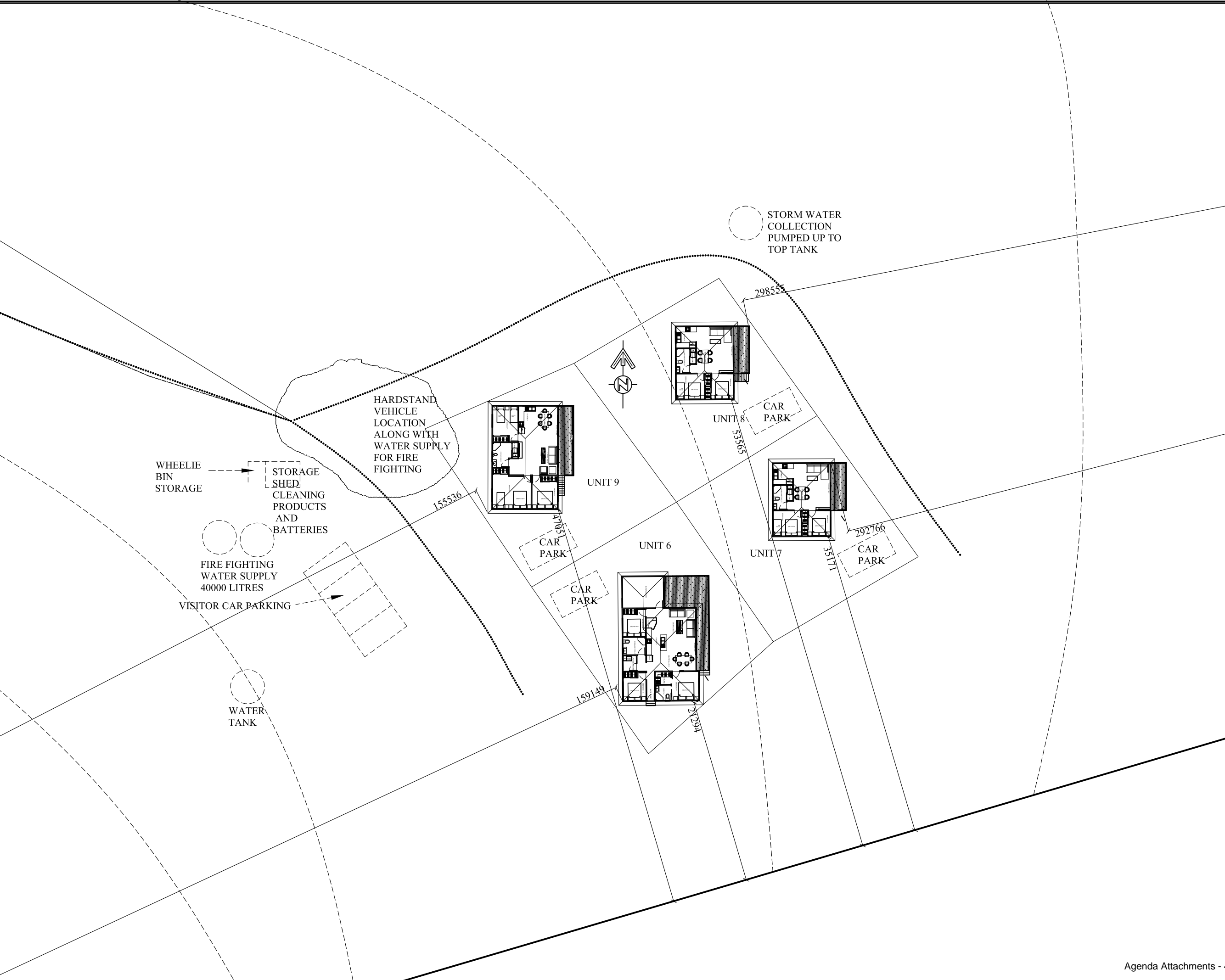
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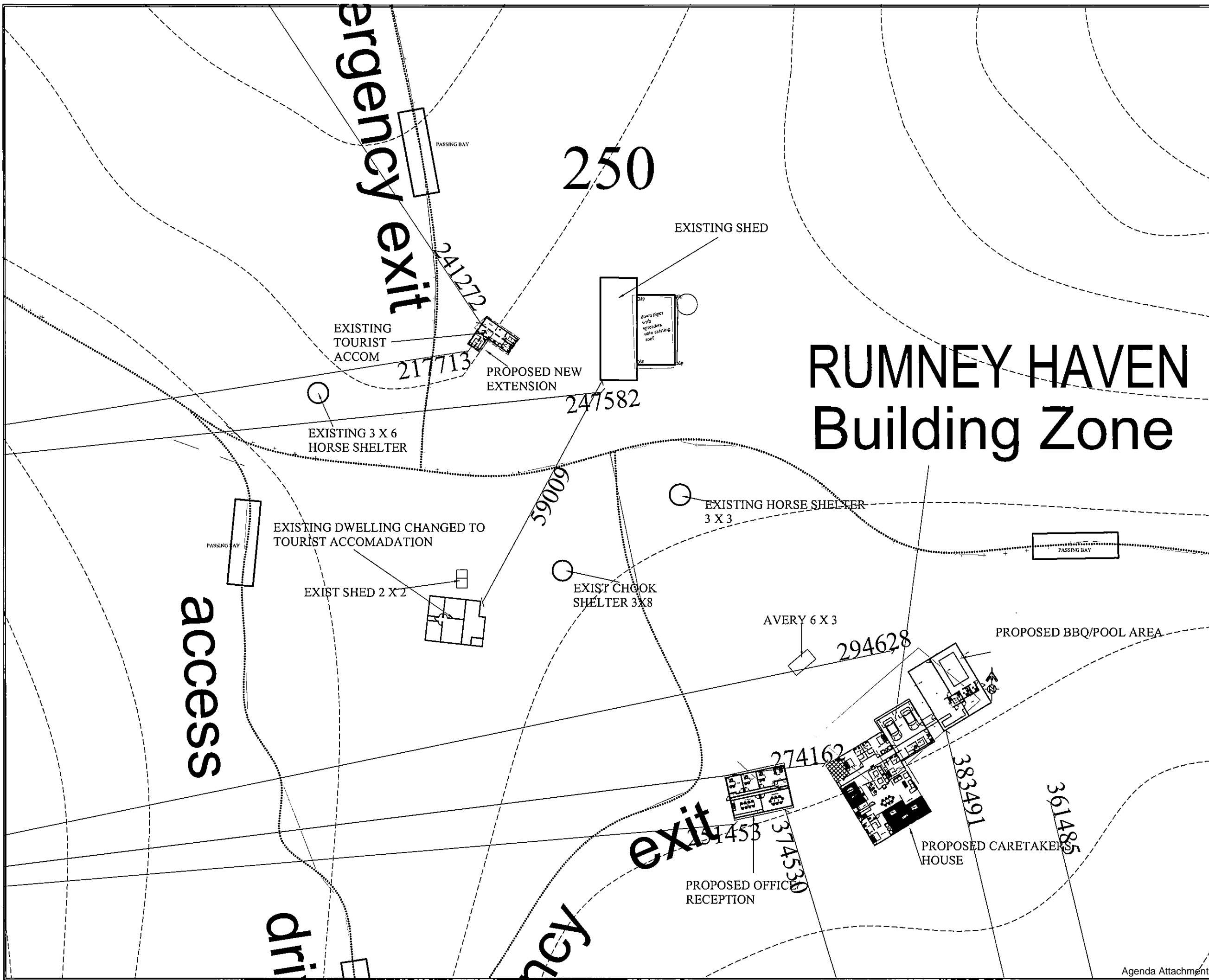
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PROJECT:
TOURIST ACCOMADATION

DRAWING TITLE:
RUMNEY VIEWS SITE PLAN

SHEET SIZE: **A3** JOB No: **15-077** SHEET No: **A-04**





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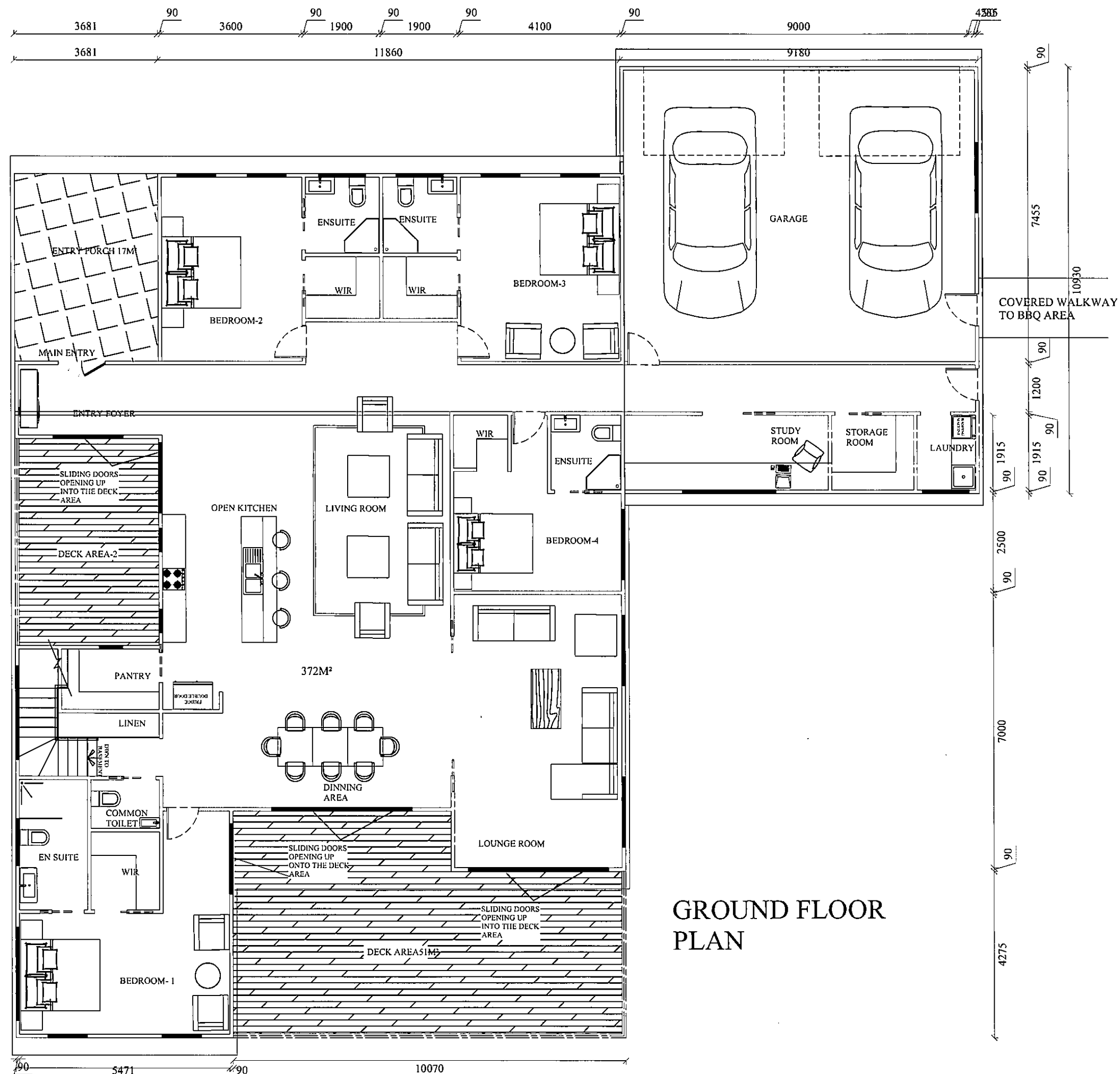
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PK PH 1:800

PROJECT:
TOURIST ACCOMADATION

DRAWING TITLE:
RUMNEY SITE PLAN

SHEET SIZE: JOB No: SHEET No:
A3 15-077 A-05



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PROJECT:

**TOURIST
 ACCOMADATION**

DRAWING TITLE:

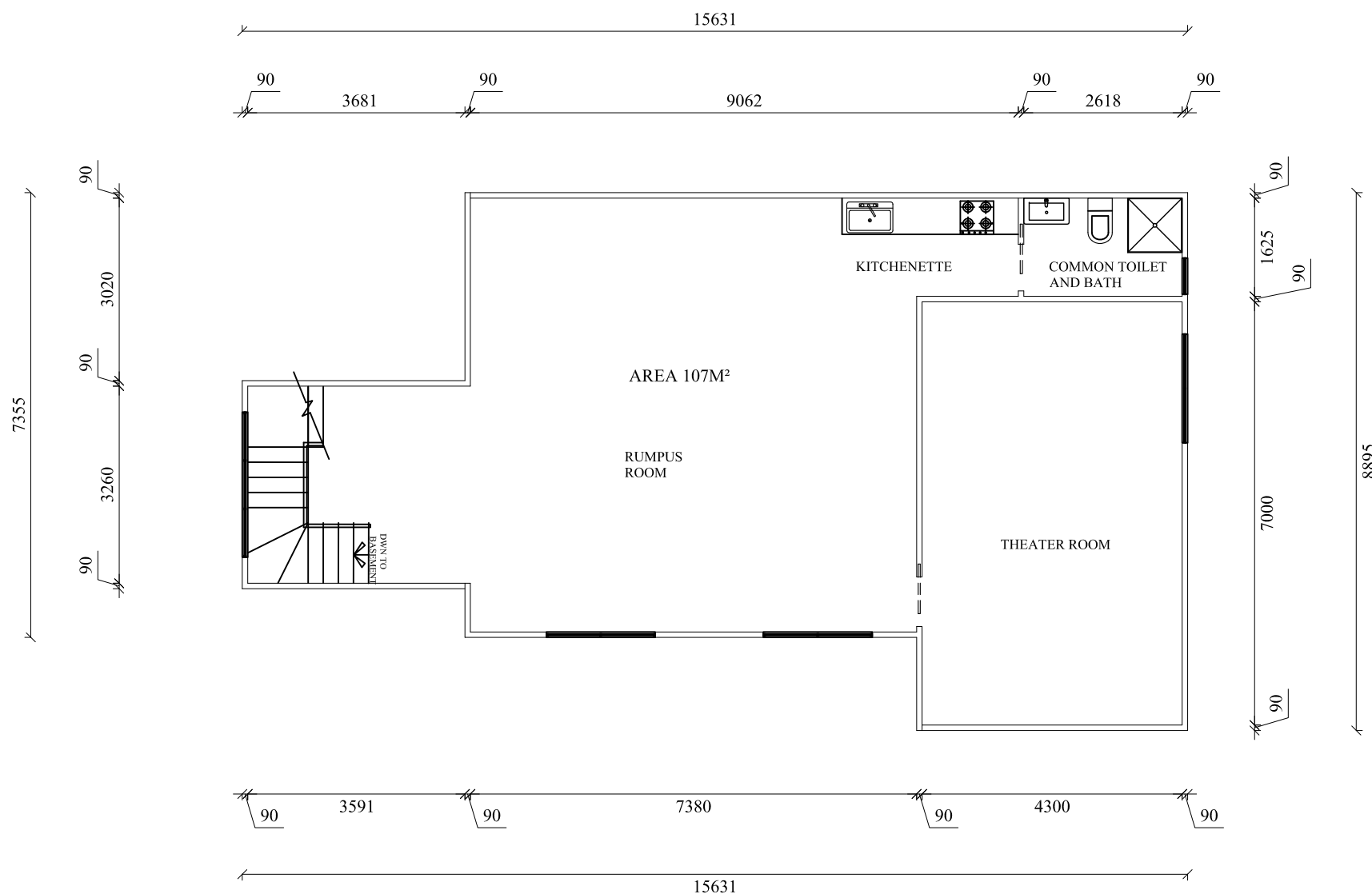
**CARETAKERS
 LODGE GROUND
 FLOOR PLAN**

SHEET SIZE:

A3 15-077

SHEET No:

A-06



BASEMENT
FLOOR PLAN

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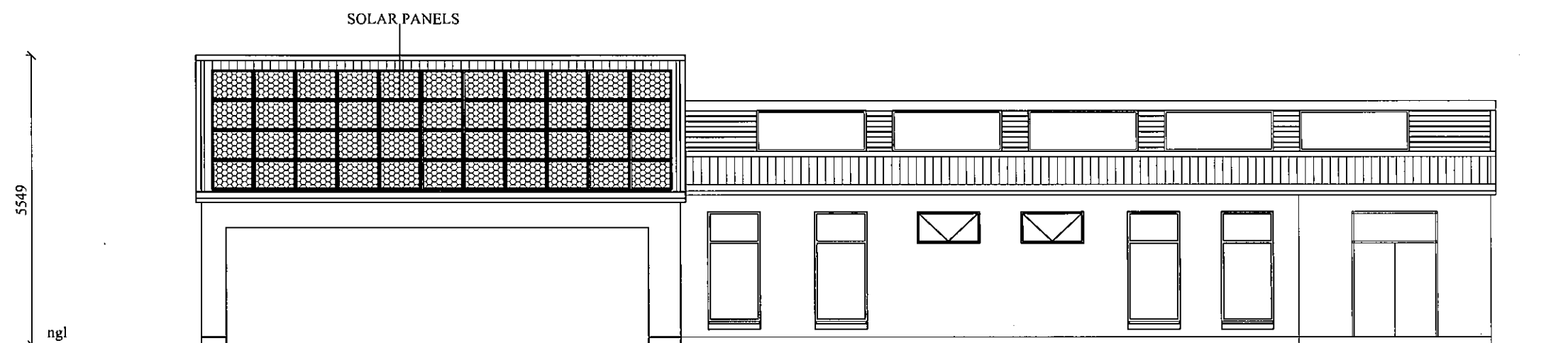
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PROJECT:
**TOURIST
ACCOMADATION**

DRAWING TITLE:
**CARETAKERS LWR
FLOOR PLAN**



SOUTHERN ELEVATION



NORTHERN ELEVATION

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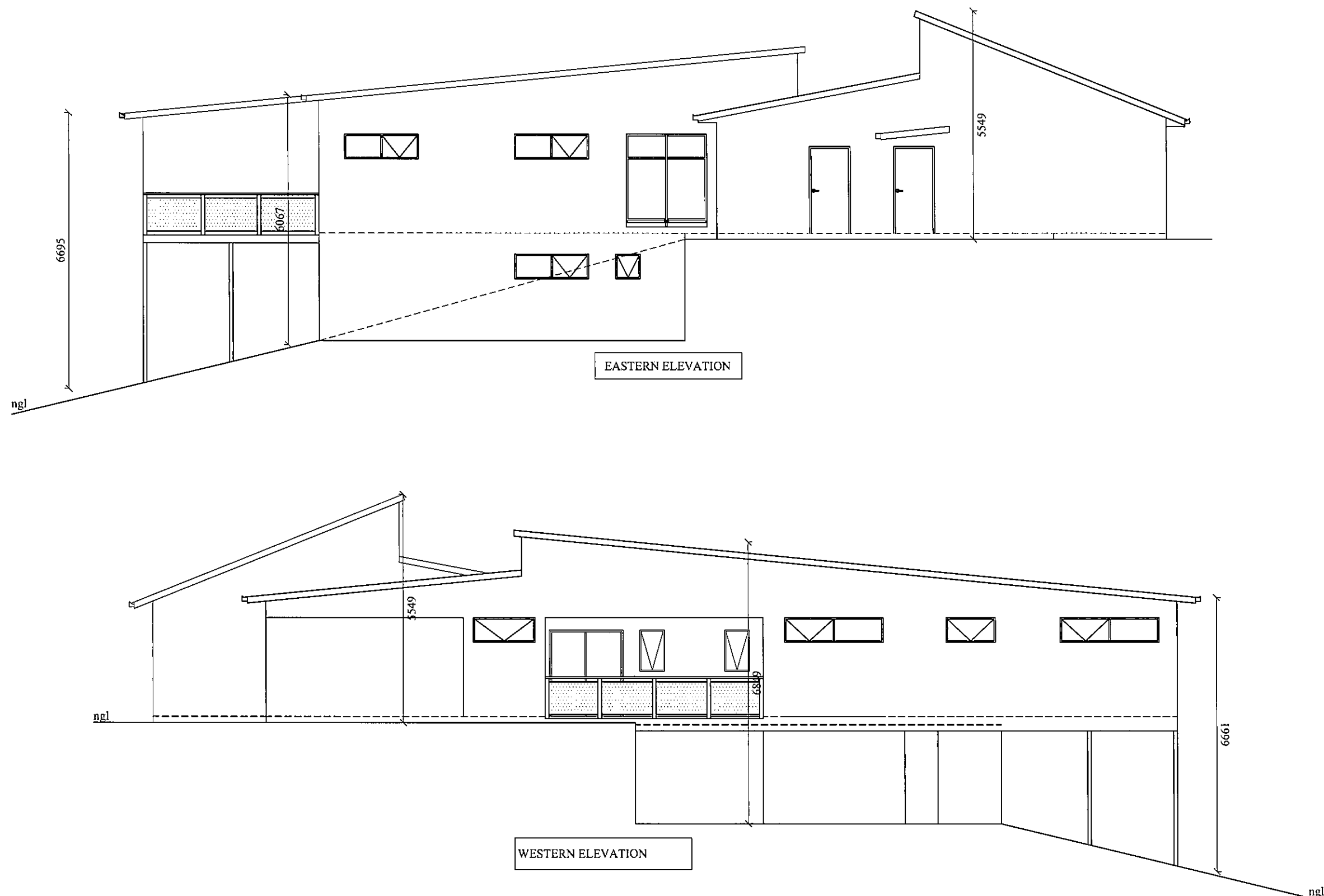
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PROJECT:
TOURIST ACCOMADATION

DRAWING TITLE:
CARETAKERS LODGE ELEVATIONS 1

SHEET SIZE: **A3** JOB No: **15-077** SHEET No: **A-08**



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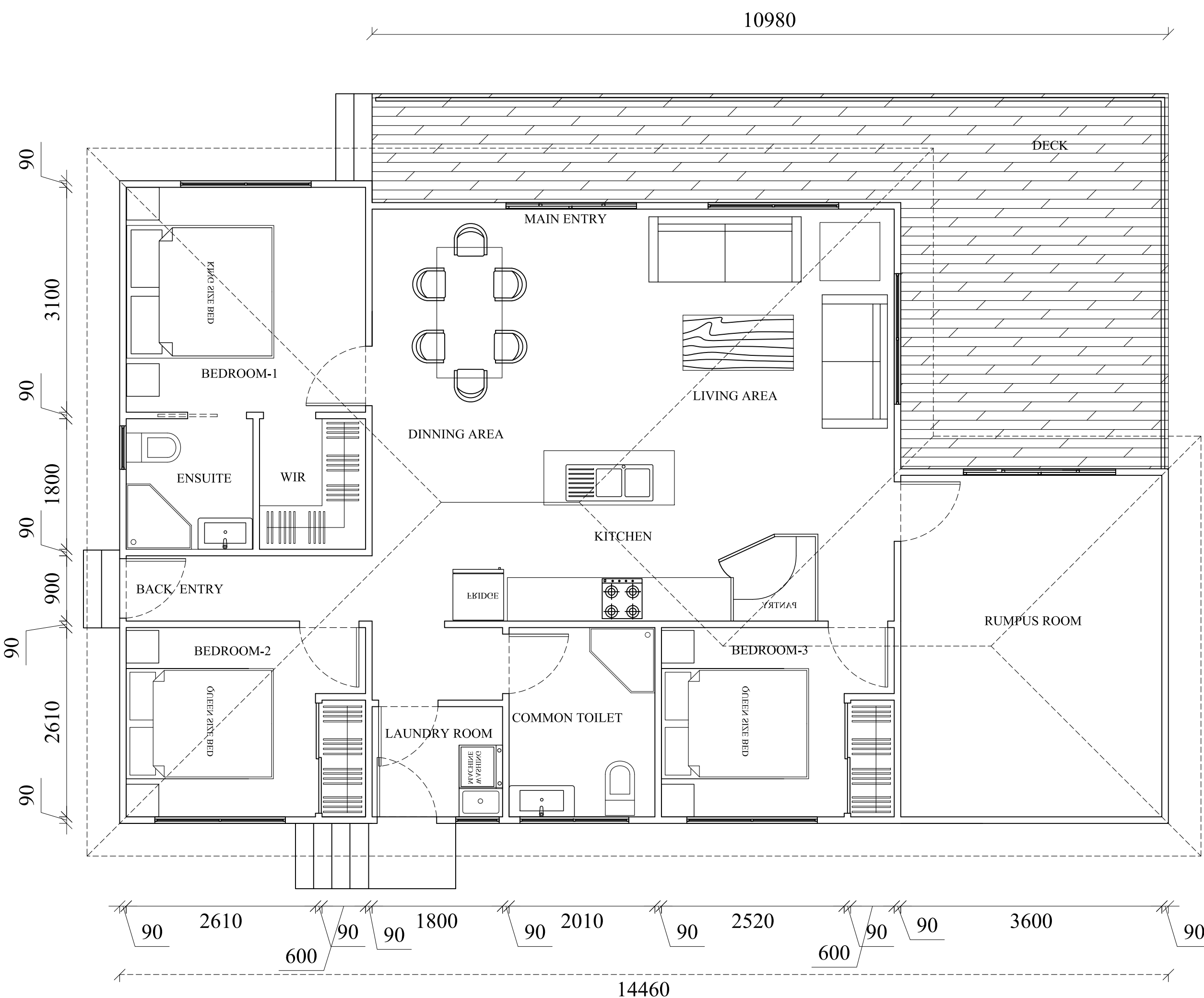
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PROJECT:
TOURIST ACCOMADATION

DRAWING TITLE:
CARETAKERS LODGE ELEVATIONS 2

| | | |
|--------------------------|--------------------------|--------------------------|
| SHEET SIZE: A3 | JOB No: 15-077 | SHEET No: A-09 |
|--------------------------|--------------------------|--------------------------|



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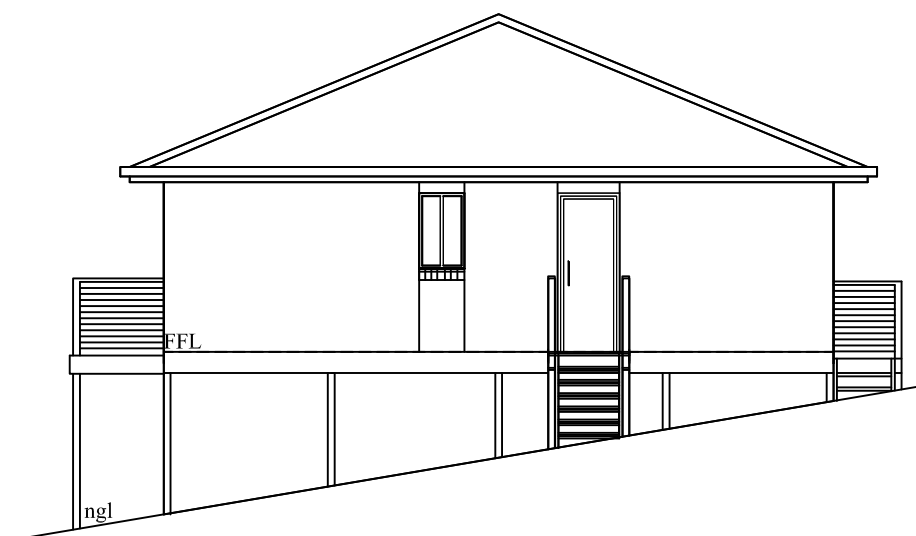
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PK PH

SCALE:
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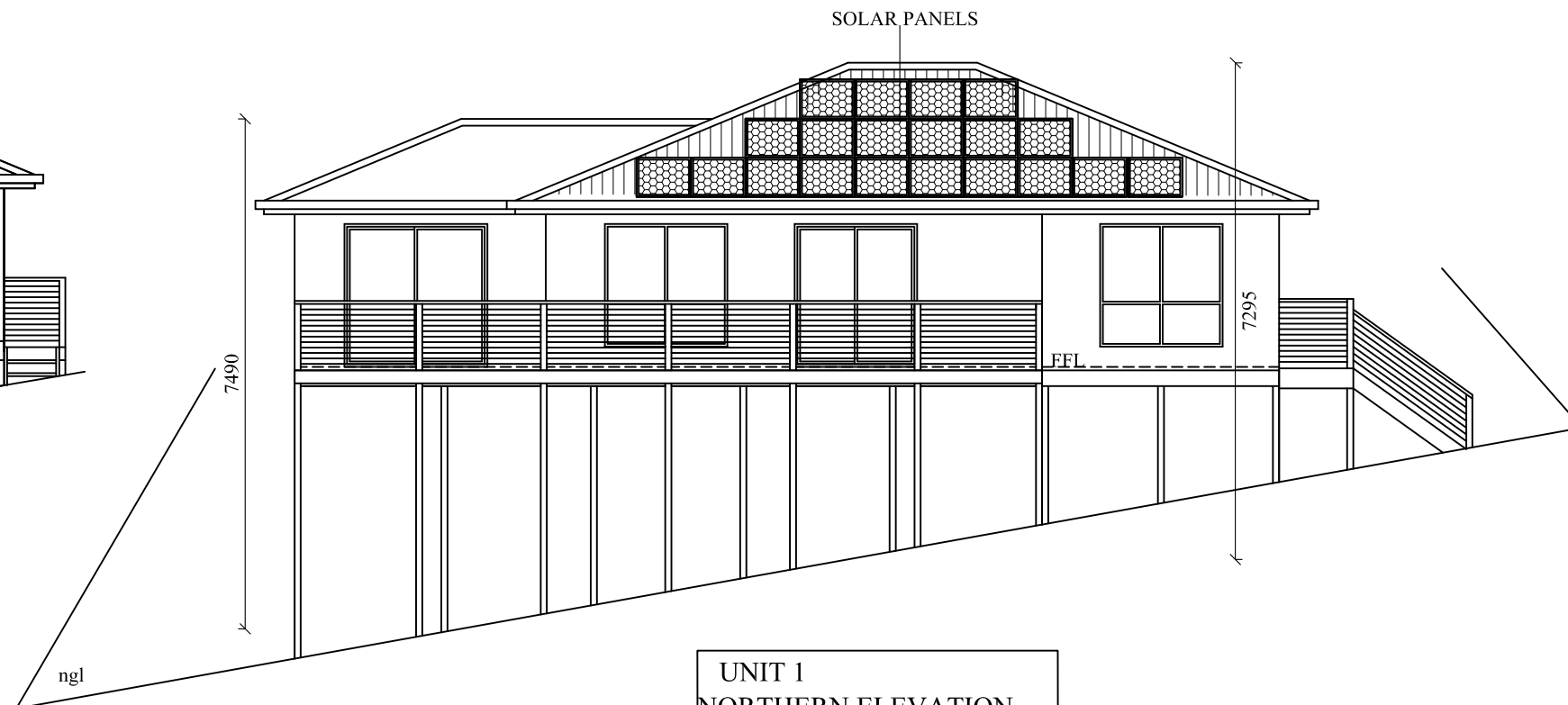
PROJECT:
**TOURIST
 ACCOMADATION**

DRAWING TITLE:
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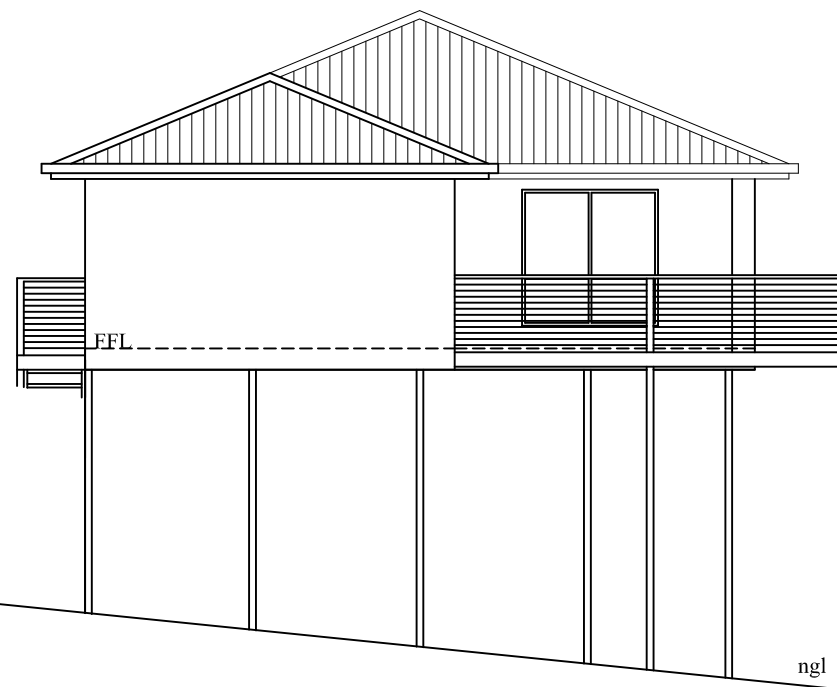
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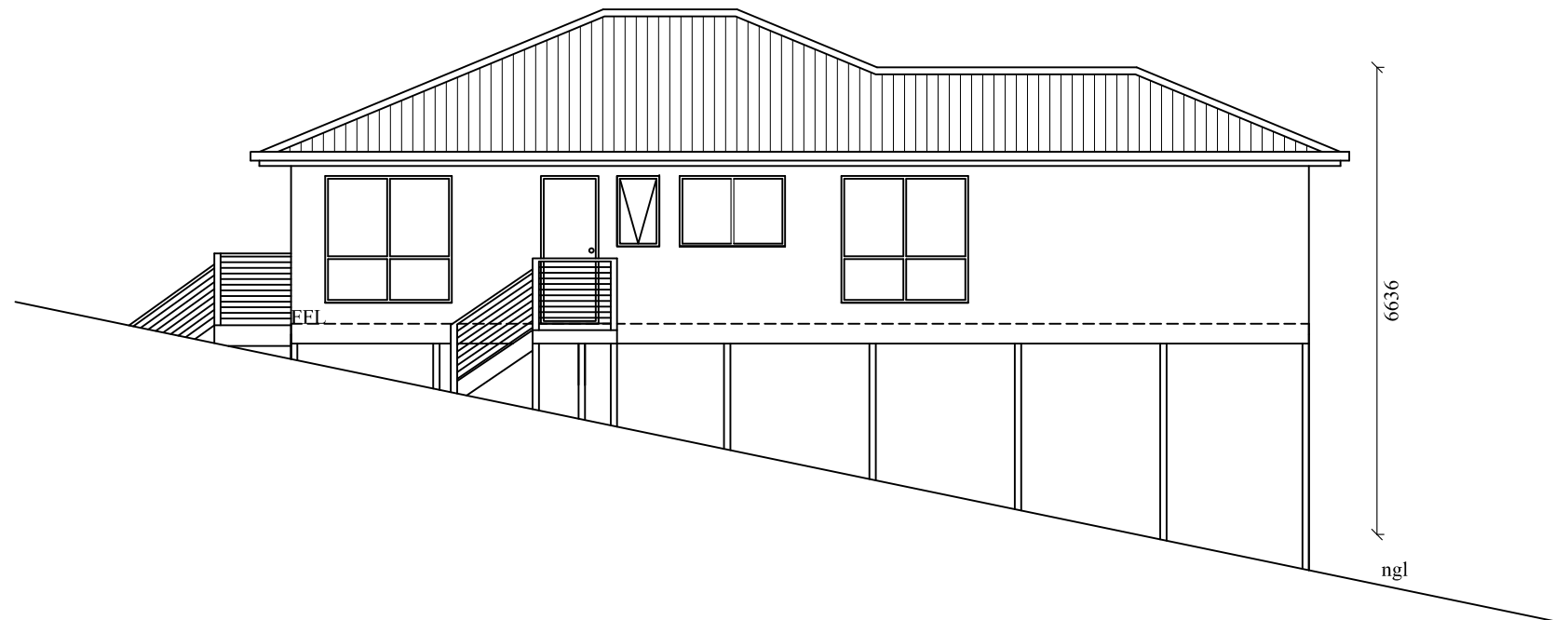
UNIT 1
WESTERN ELEVATION



UNIT 1
NORTHERN ELEVATION



UNIT 1
EASTERN ELEVATION



UNIT 1
SOUTHERN ELEVATION

DIMENSION NOTE:
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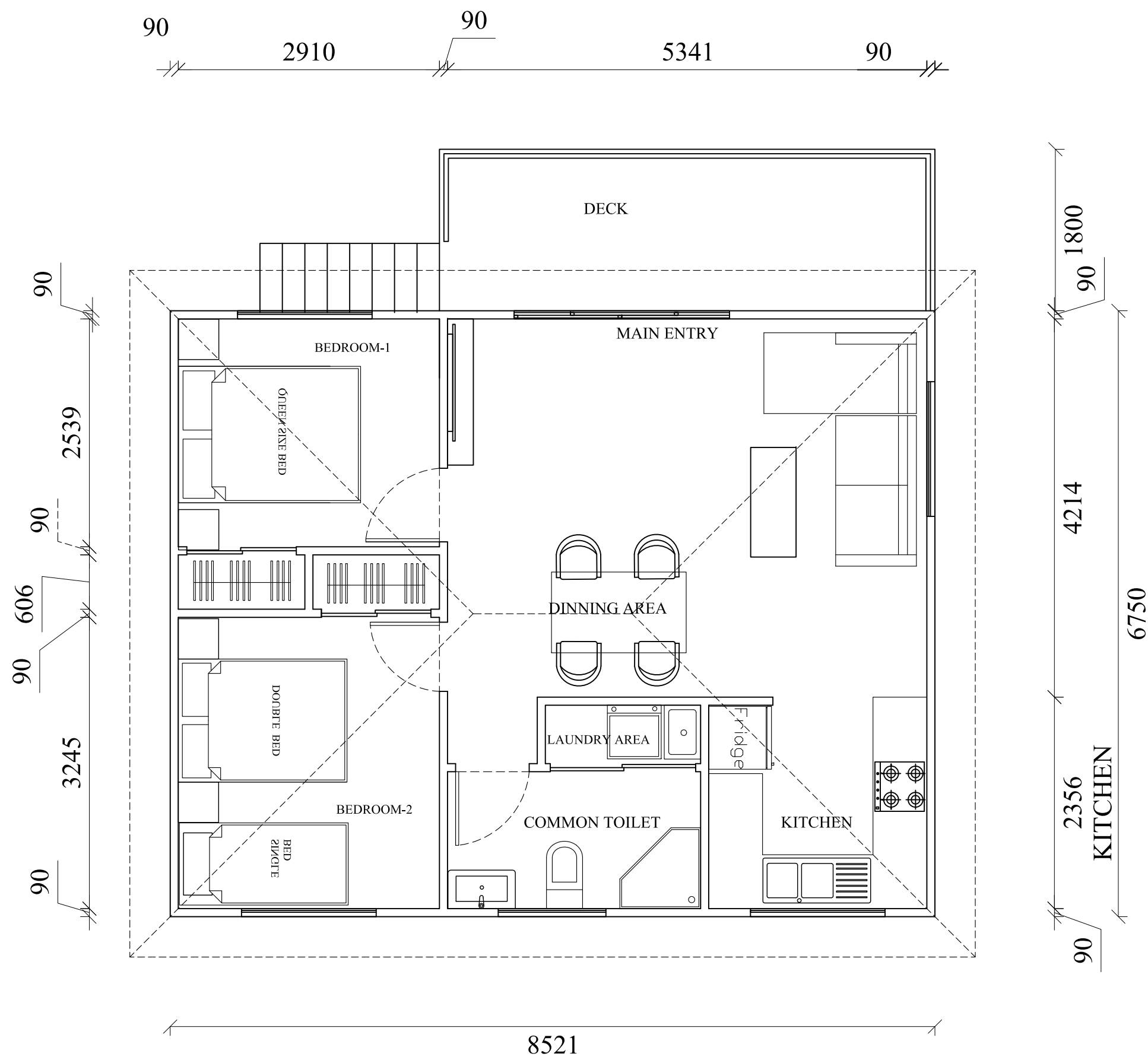
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PROJECT:
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ACCOMADATION**

DRAWING TITLE:
UNIT 1 ELEVATIONS



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SCALE:

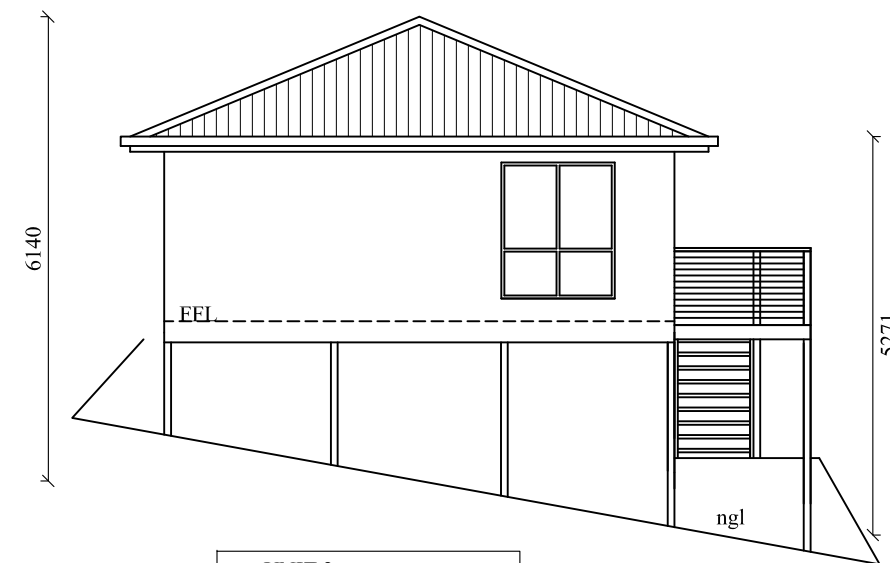
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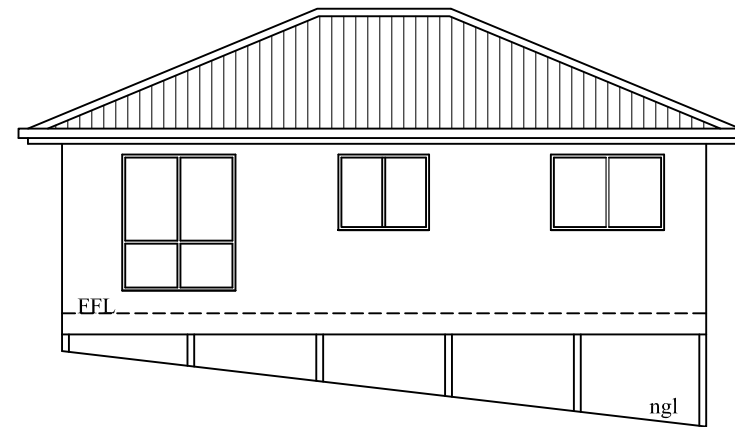
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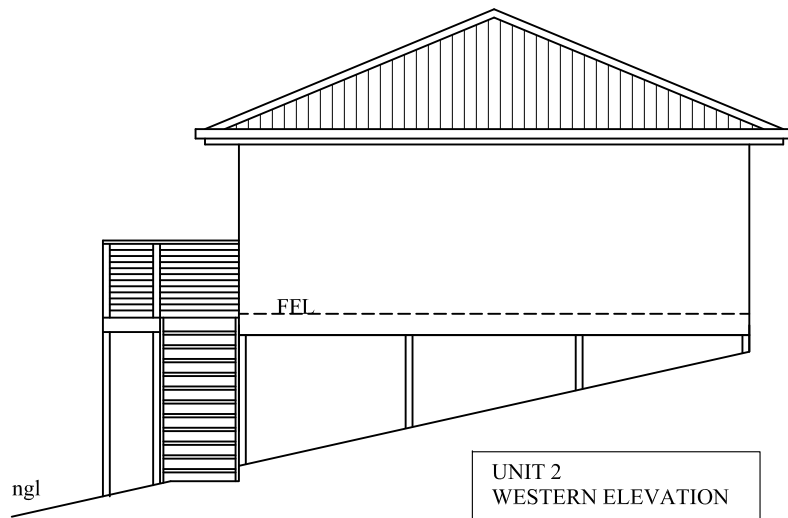
UNIT 2 FLOOR PLAN



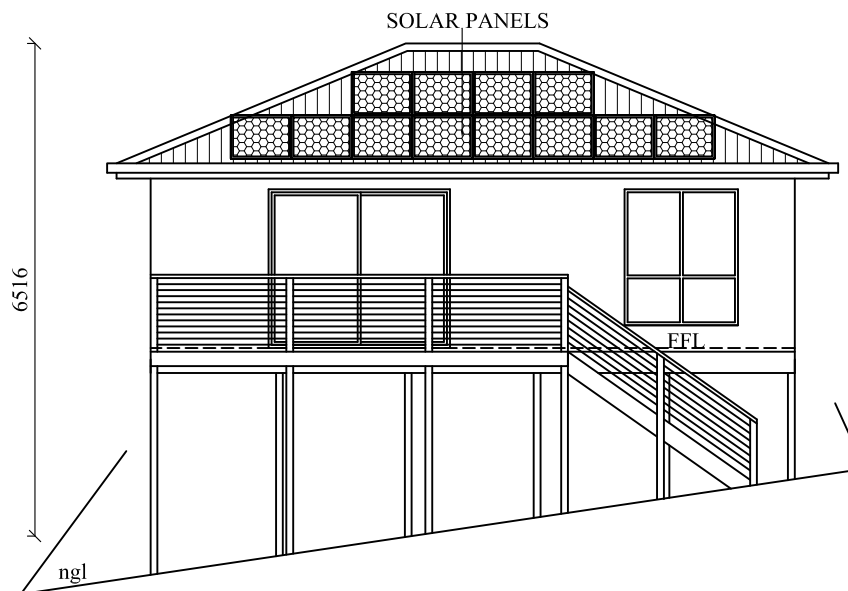
UNIT 2
EASTERN ELEVATION



UNIT 2
SOUTHERN ELEVATION



UNIT 2
WESTERN ELEVATION



UNIT 2
NORTHERN ELEVATION

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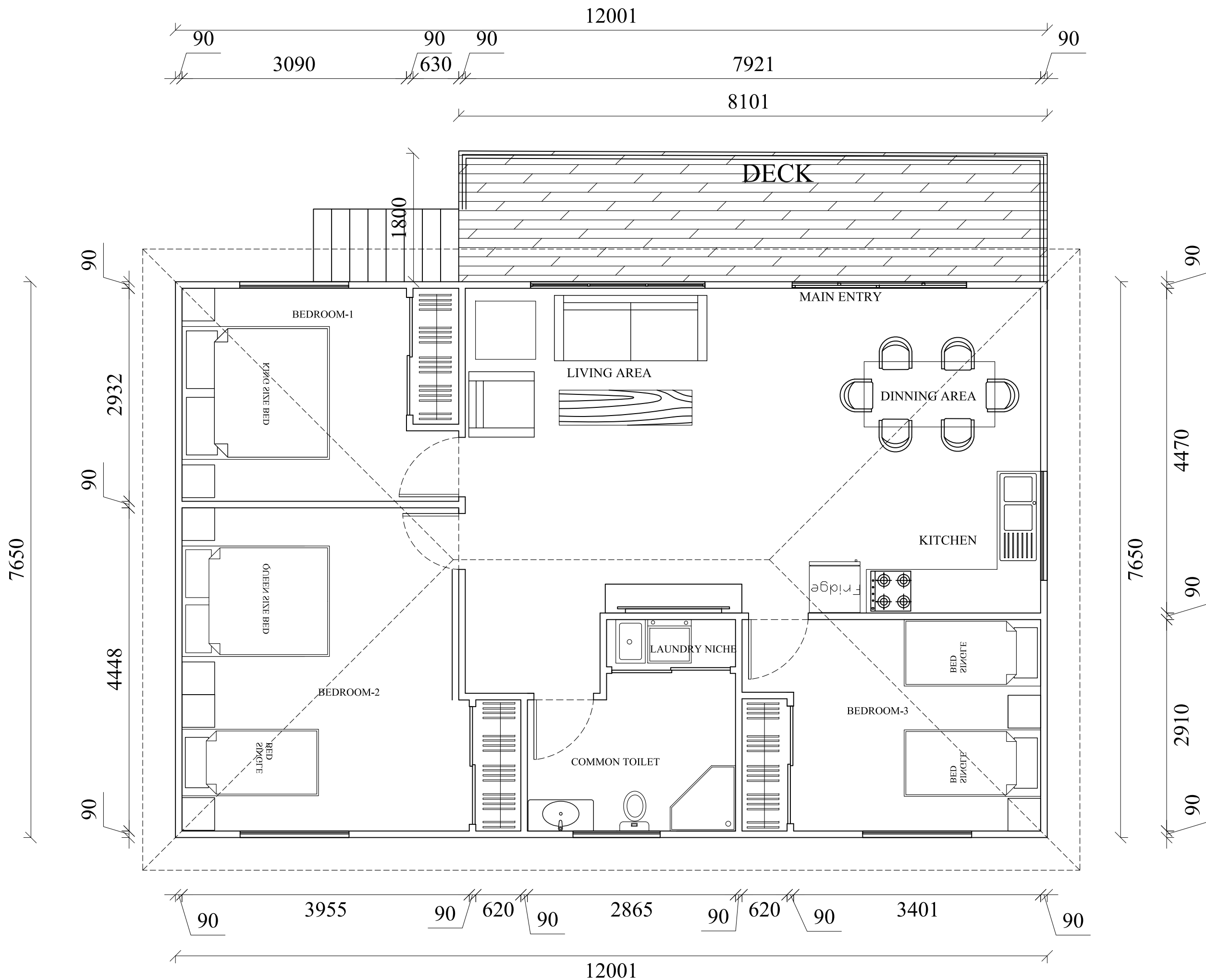
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PROJECT:
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ACCOMADATION**

DRAWING TITLE:
UNIT 2 ELEVATIONS



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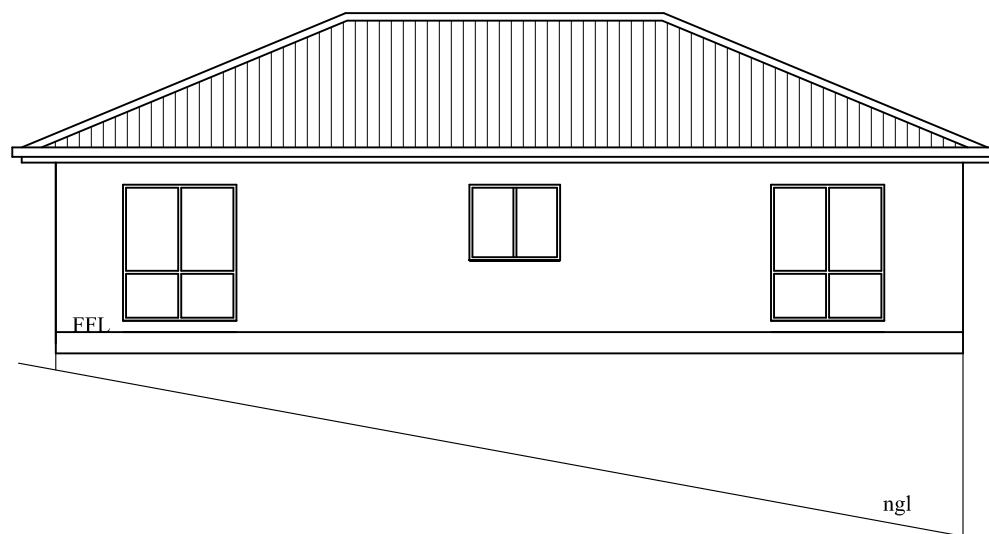
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SCALE:
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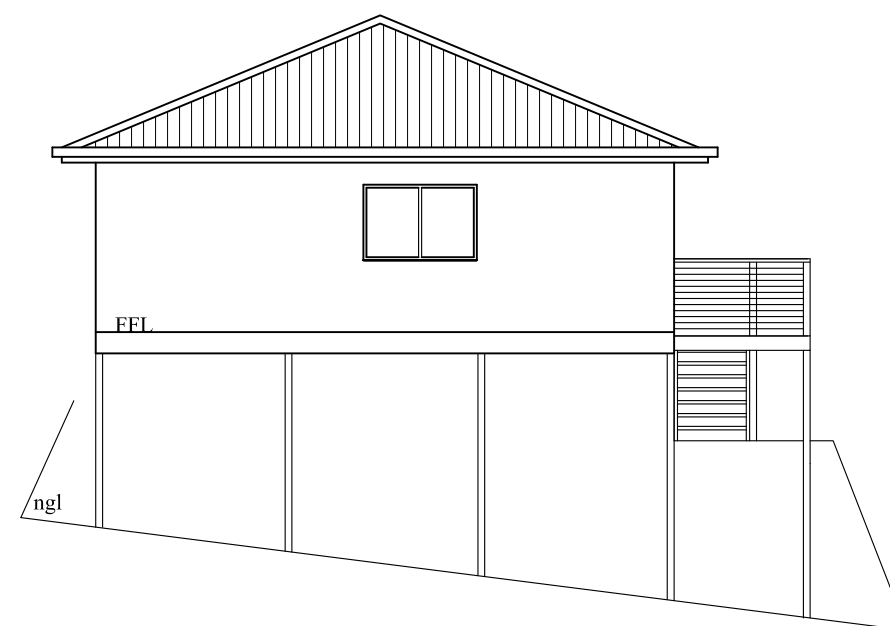
PROJECT:
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DRAWING TITLE:
UNIT 3 FLOOR PLAN

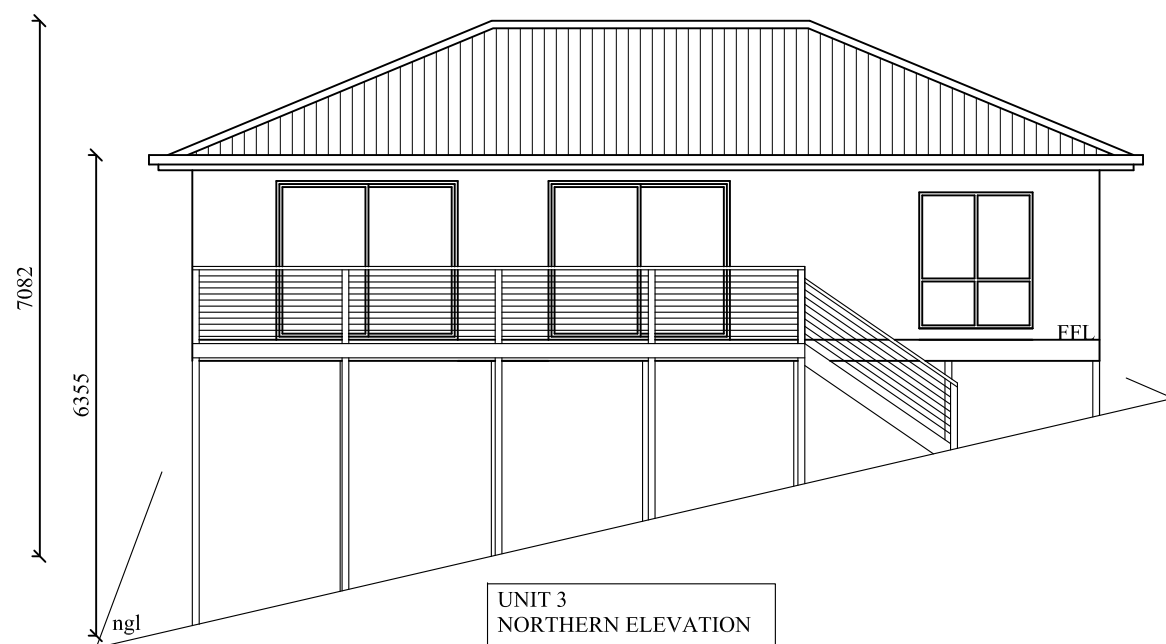
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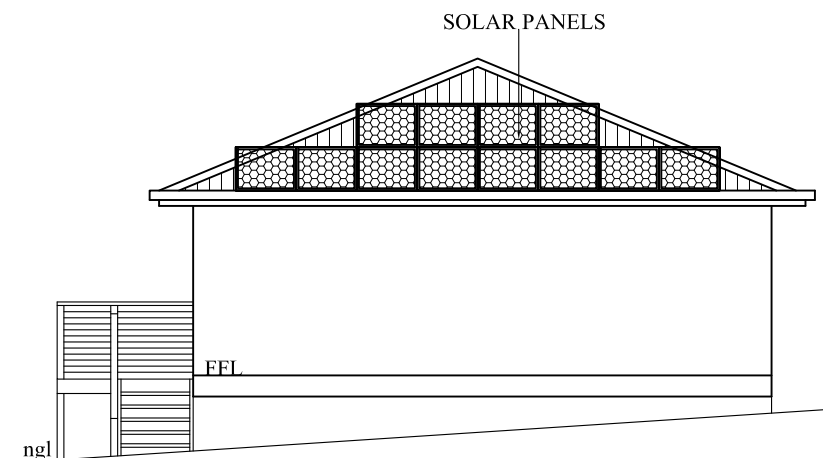
UNIT 3
SOUTHERN ELEVATION



UNIT 3
EASTERN ELEVATION



UNIT 3
NORTHERN ELEVATION



UNIT 3
WESTERN ELEVATION

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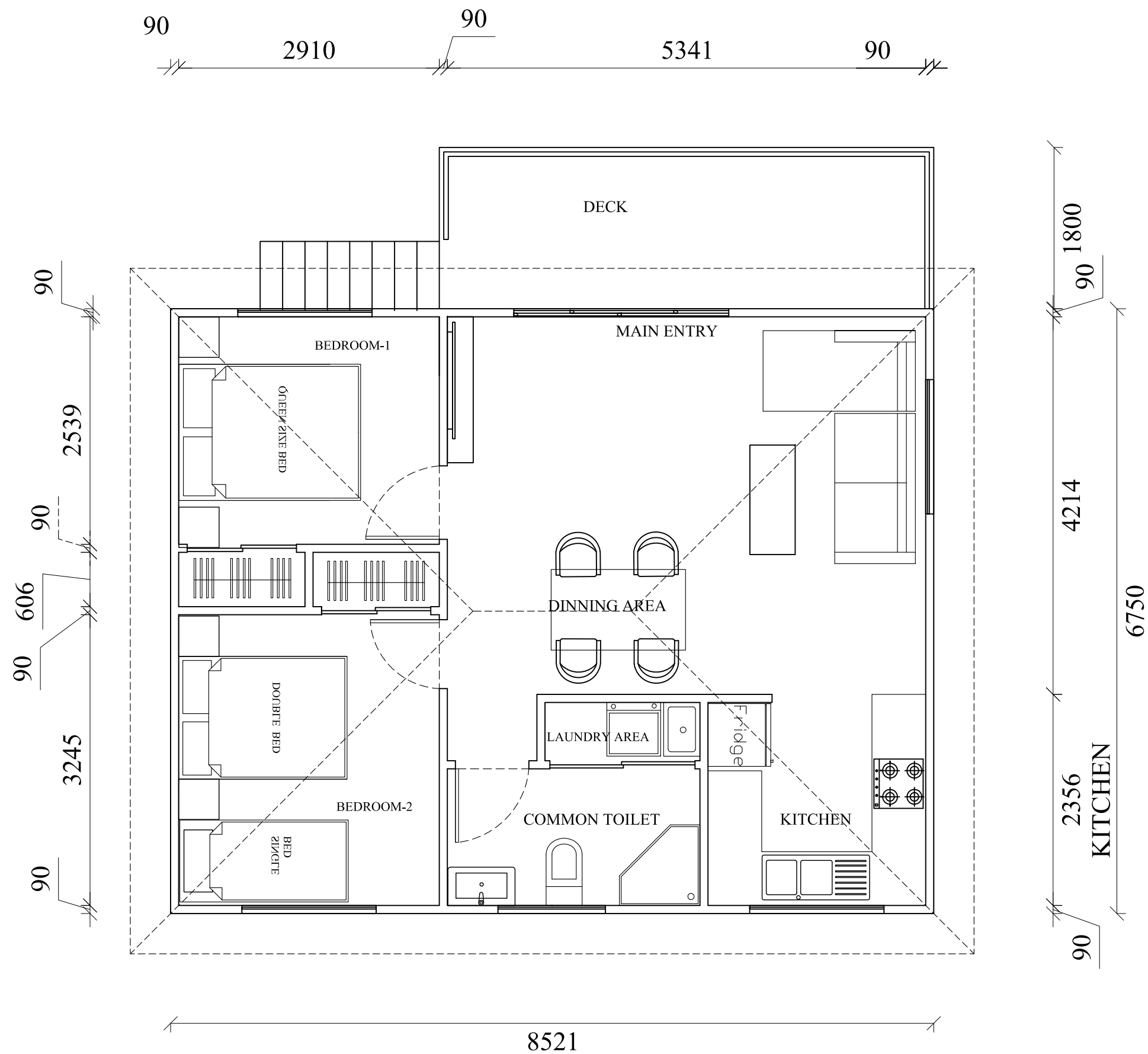
DATE:
11/11/2015

REVISION No:
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DRAWN BY: **PK PH** SCALE: **1:100**

PROJECT:
**TOURIST
ACCOMADATION**

DRAWING TITLE:
UNIT 3 ELEVATIONS



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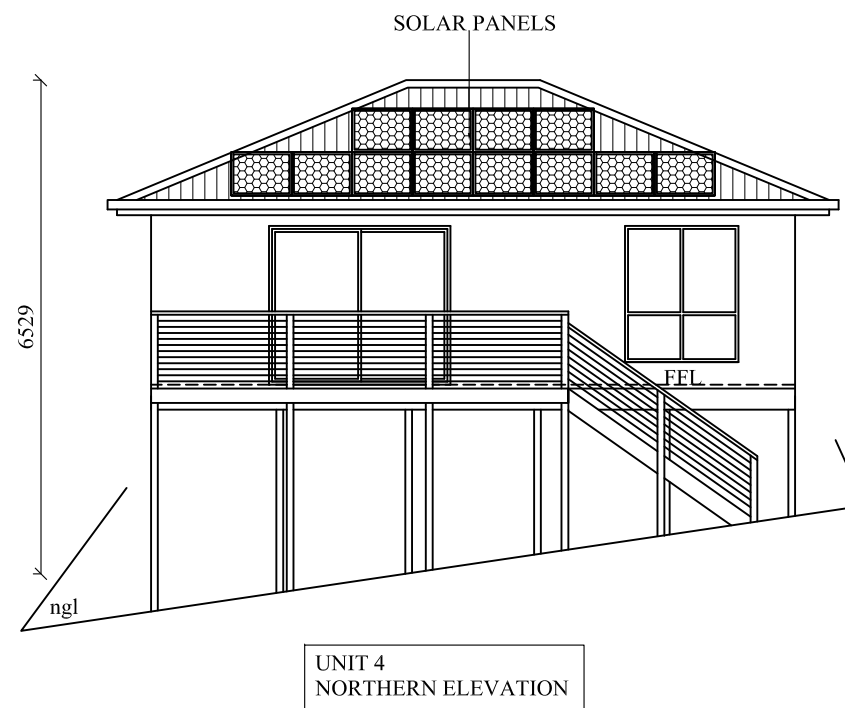
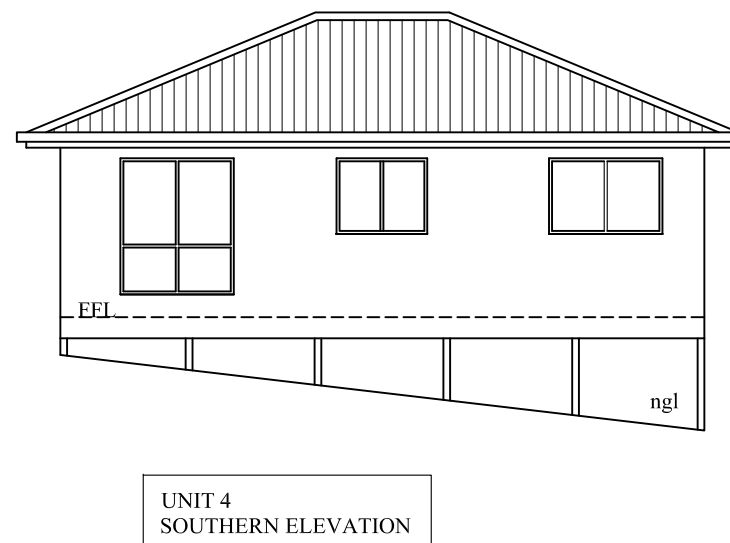
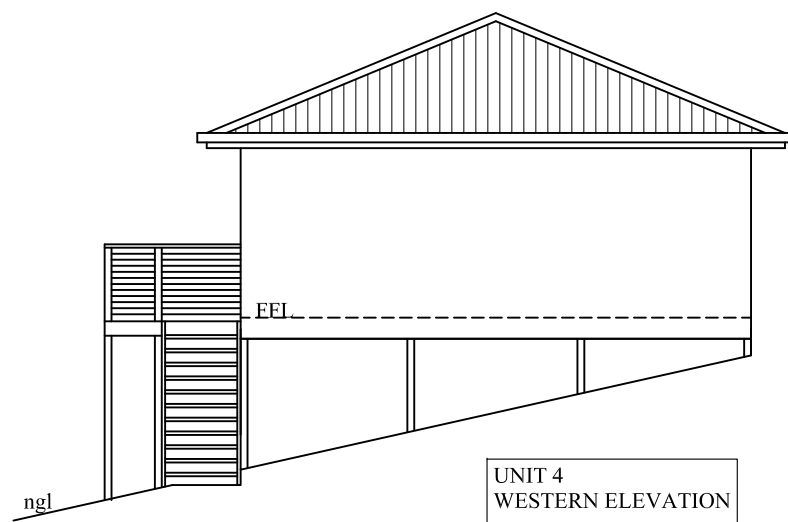
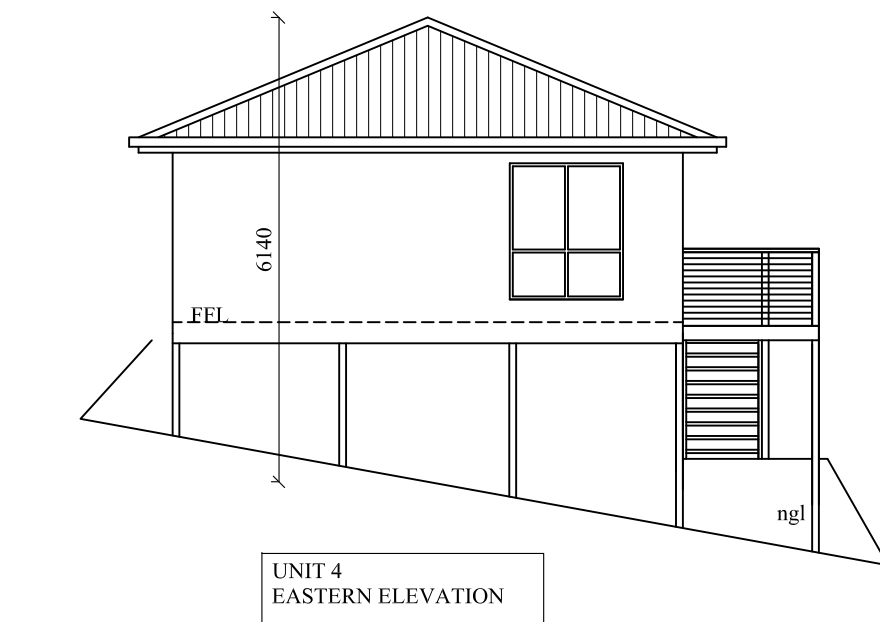
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SCALE:
1:50

PROJECT:
TOURIST ACCOMADATION

DRAWING TITLE:
UNIT 4 FLOOR PLAN



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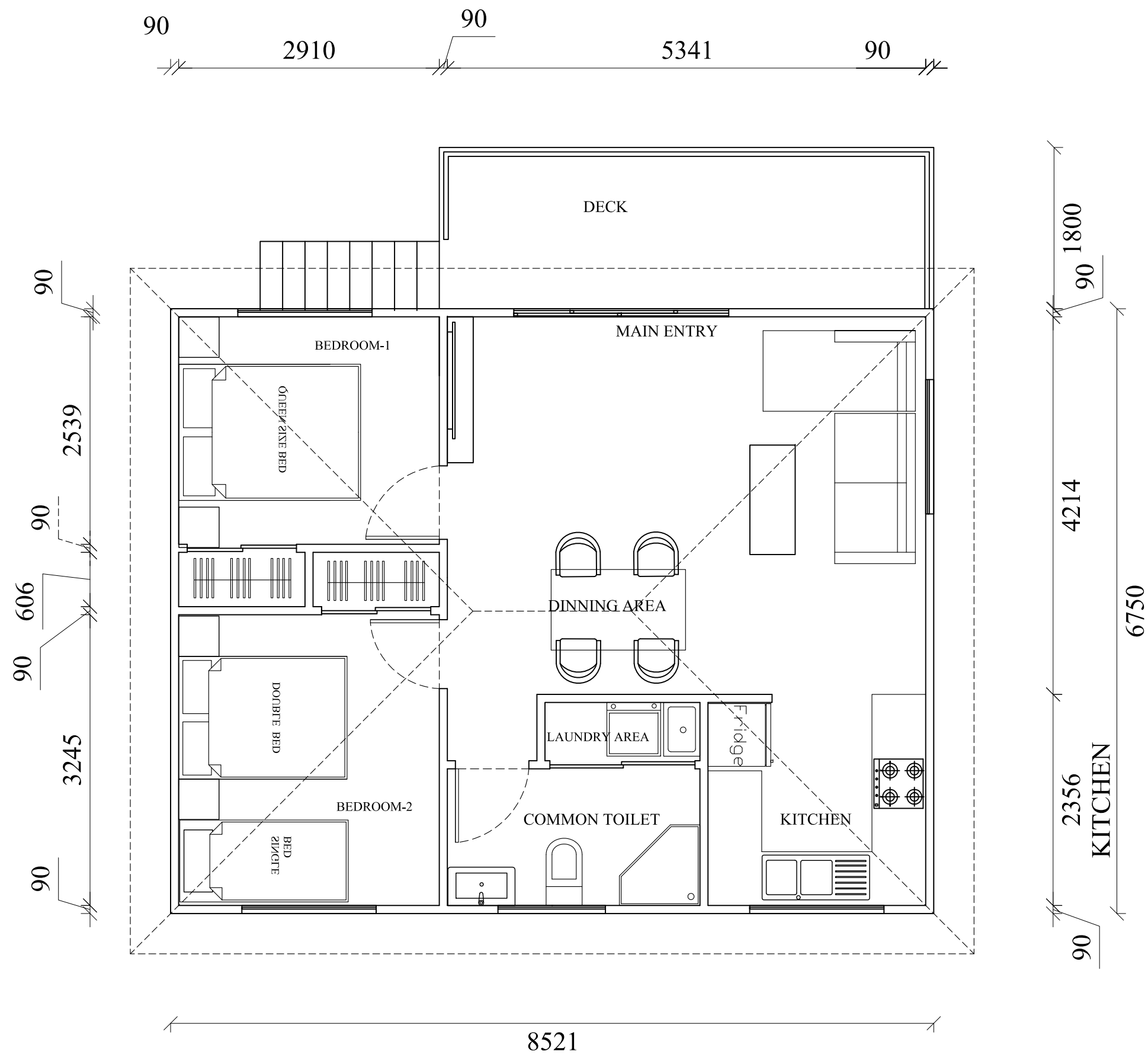
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REVISION No:
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DRAWN BY: **PK PH** SCALE: **1:100**

PROJECT:
**TOURIST
ACCOMADATION**

DRAWING TITLE:
UNIT 4 ELEVATIONS



DIMENSION NOTE:
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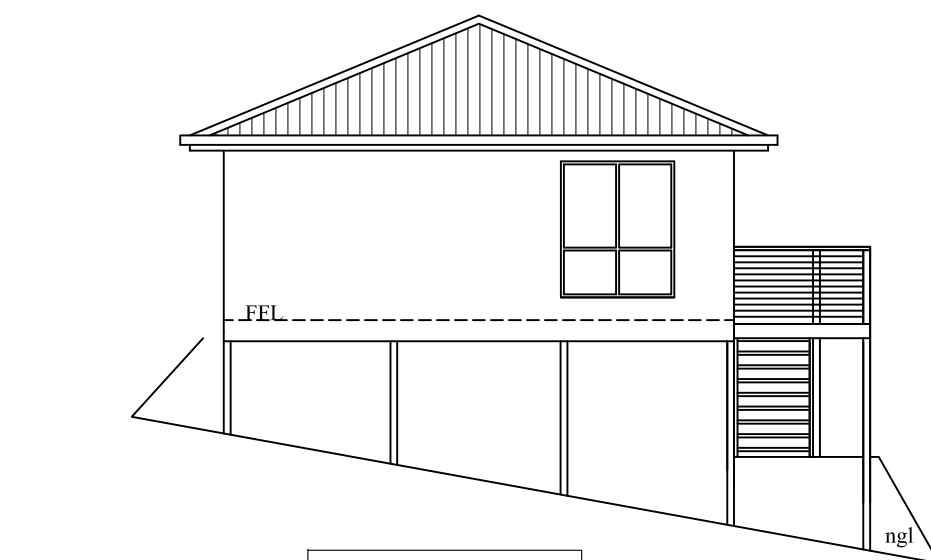
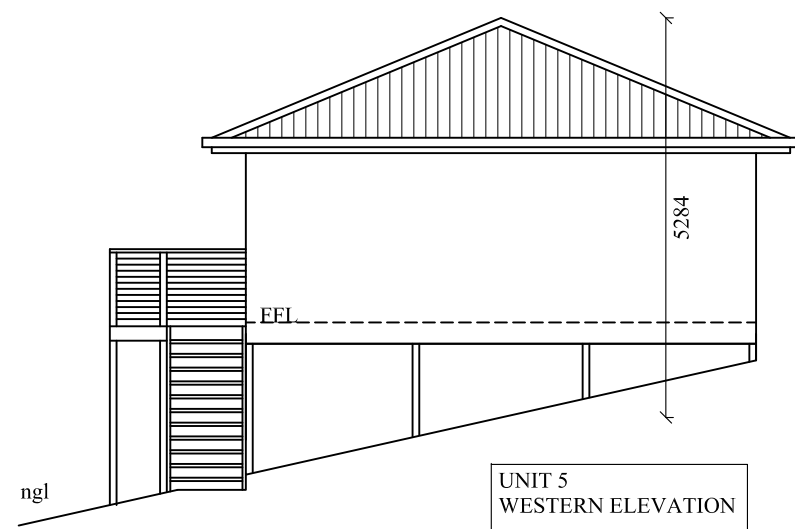
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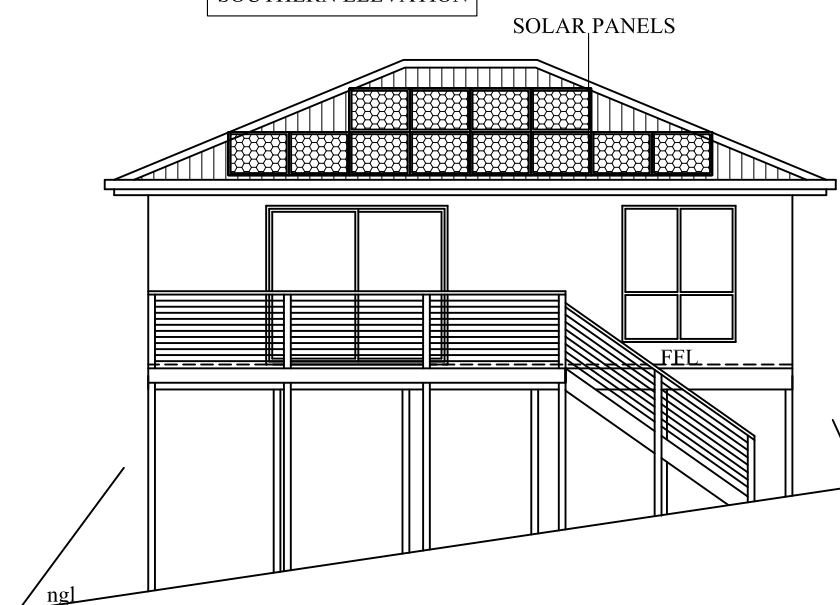
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PROJECT:
TOURIST ACCOMADATION

DRAWING TITLE:
UNIT 5 FLOOR PLAN

UNIT 5
EASTERN ELEVATIONUNIT 5
SOUTHERN ELEVATIONUNIT 5
WESTERN ELEVATION

6524

UNIT 5
NORTHERN ELEVATION

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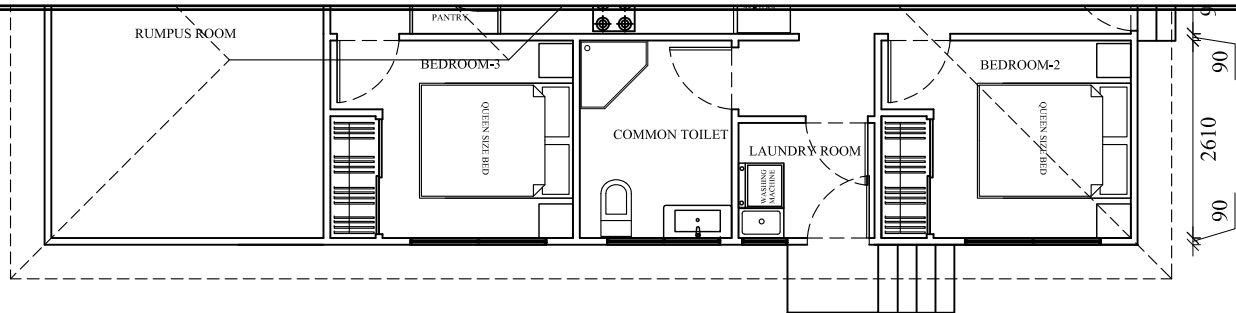
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PROJECT:
**TOURIST
ACCOMADATION**

DRAWING TITLE:
UNIT 5 ELEVATIONS



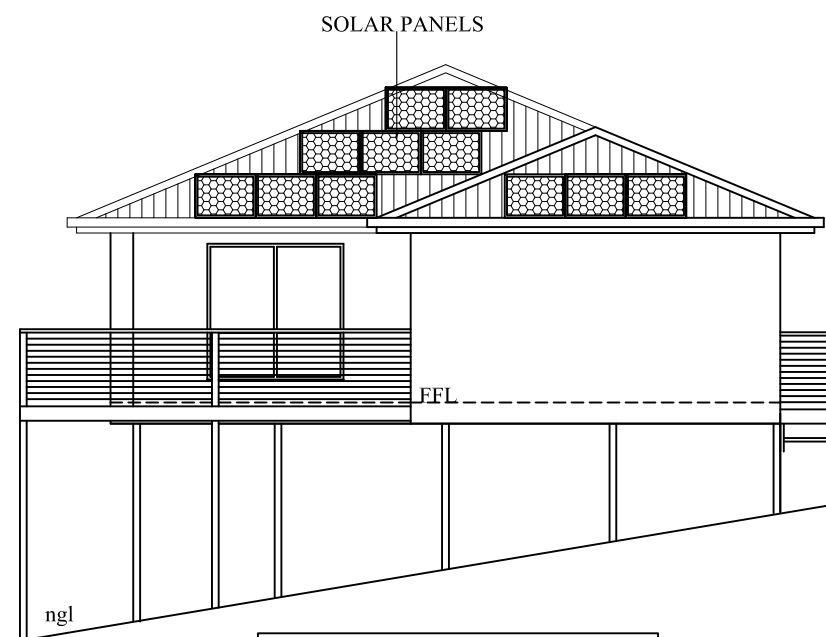
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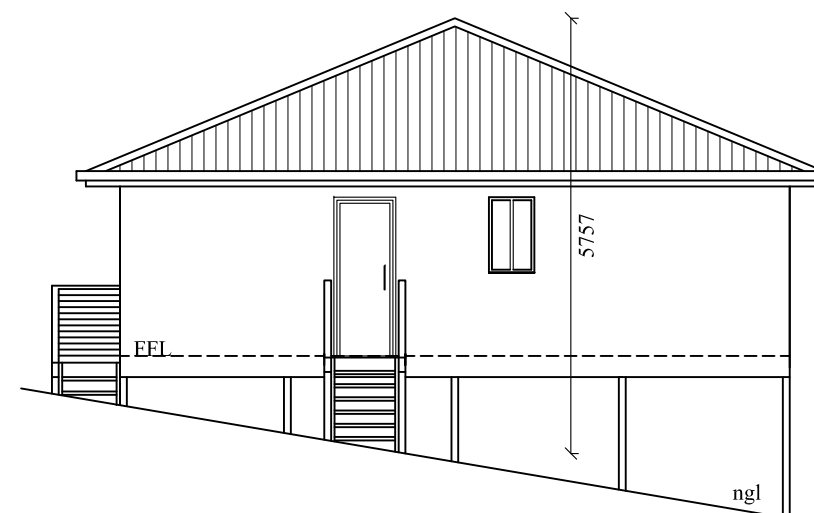
UNIT 6- 111.2M²
WESTERN ELEVATION



UNIT 6- 111.2M²
EASTERN ELEVATION



UNIT 6- 111.2M²
NORTHERN ELEVATION



UNIT 6- 111.2M²
SOUTHERN ELEVATION

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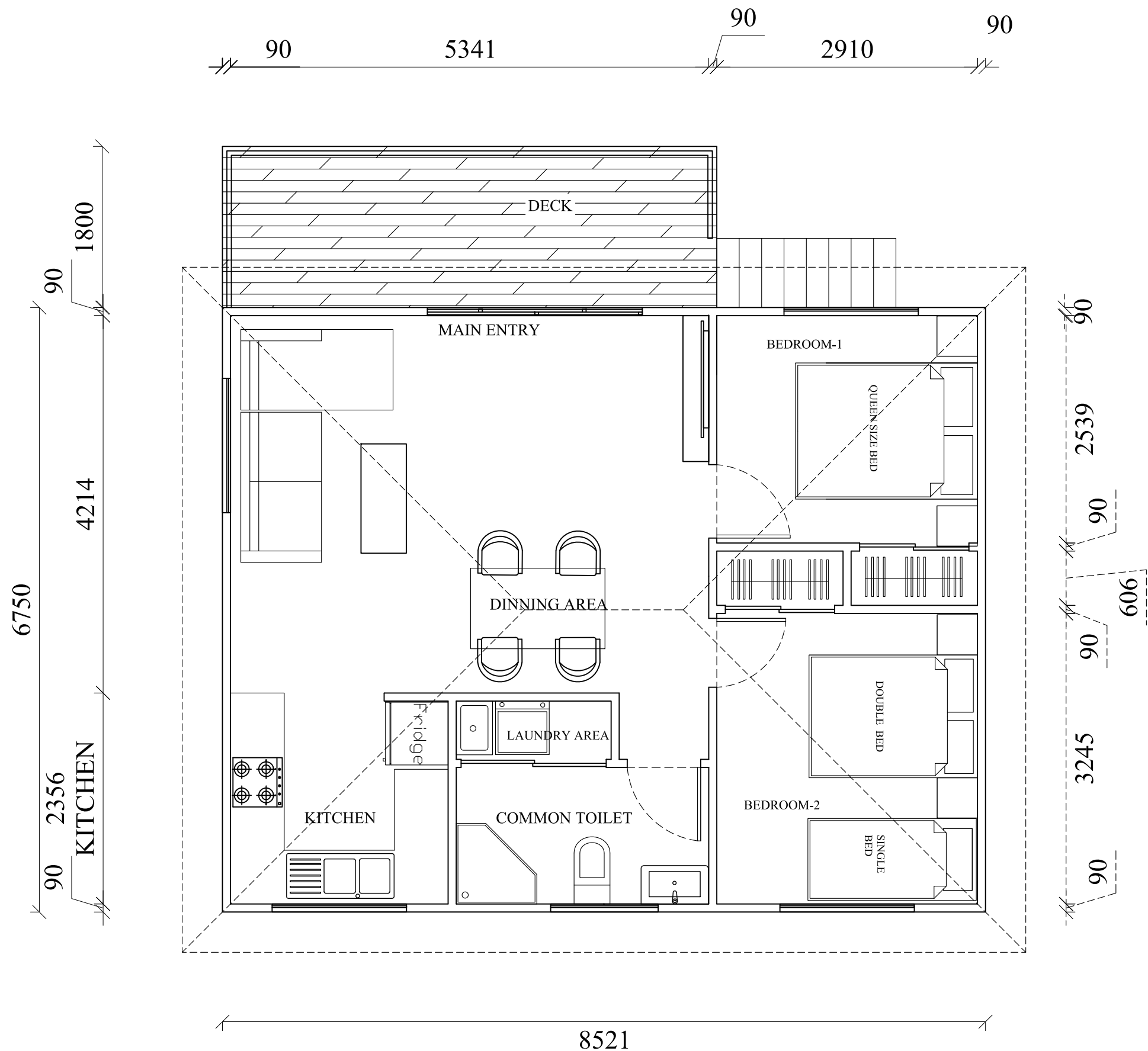
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PROJECT:
**TOURIST
ACCOMADATION**

DRAWING TITLE:
UNIT 6 ELEVATIONS

SHEET SIZE: JOB No: SHEET No:
A3 15-077 A-21



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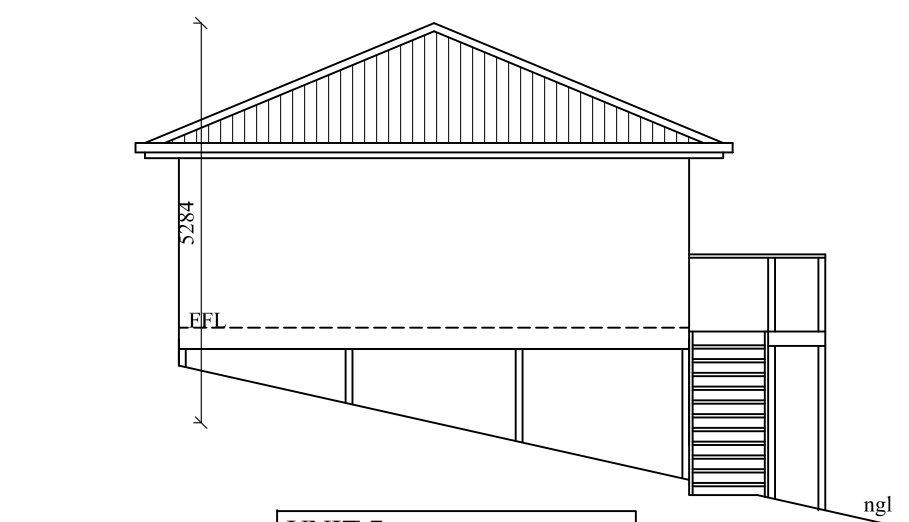
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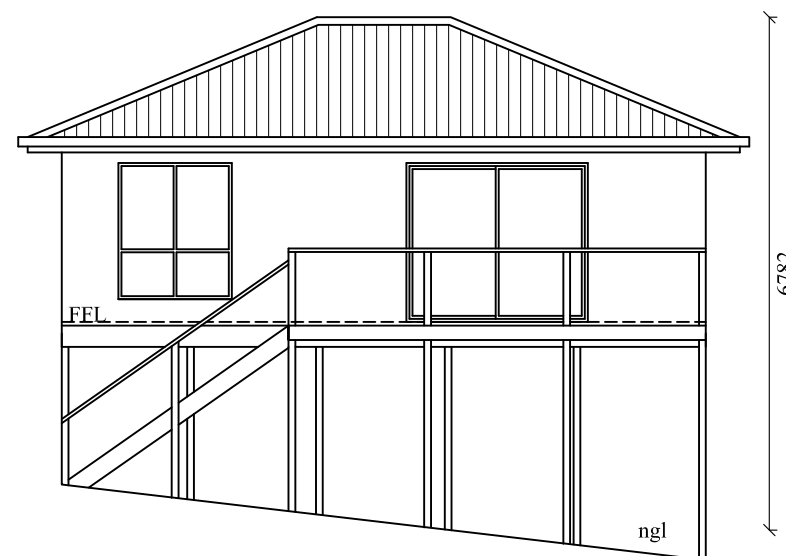
PROJECT:
TOURIST ACCOMADATION

DRAWING TITLE:
UNIT 7 FLOOR PLAN

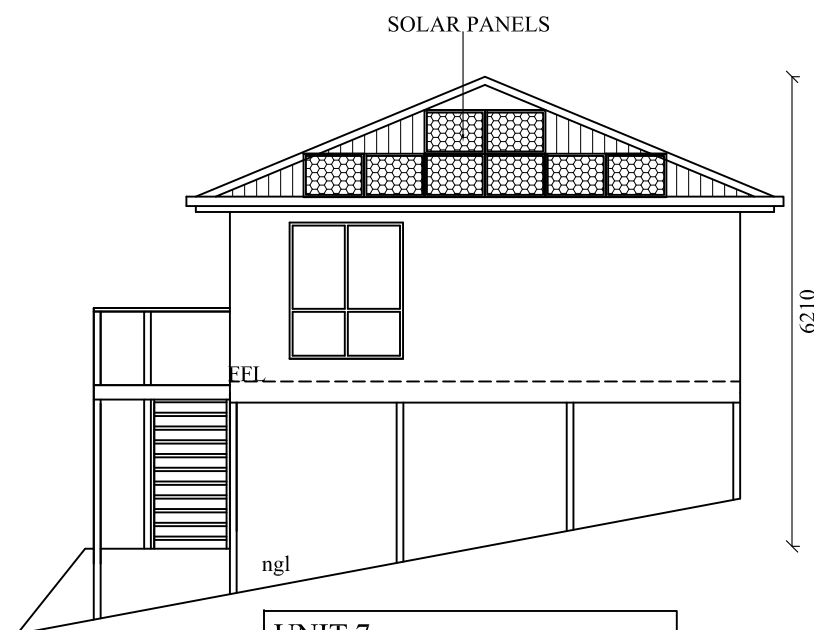
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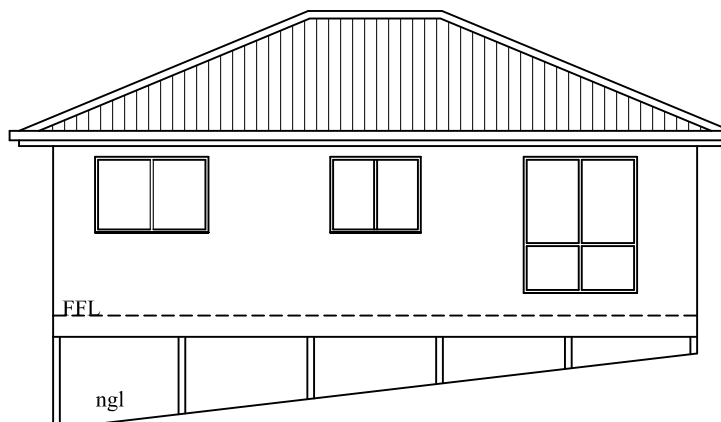
UNIT 7
SOUTHERN ELEVATION



UNIT 7
EASTERN ELEVATION



UNIT 7
NORTHERN ELEVATION



UNIT 7
WESTERN ELEVATION

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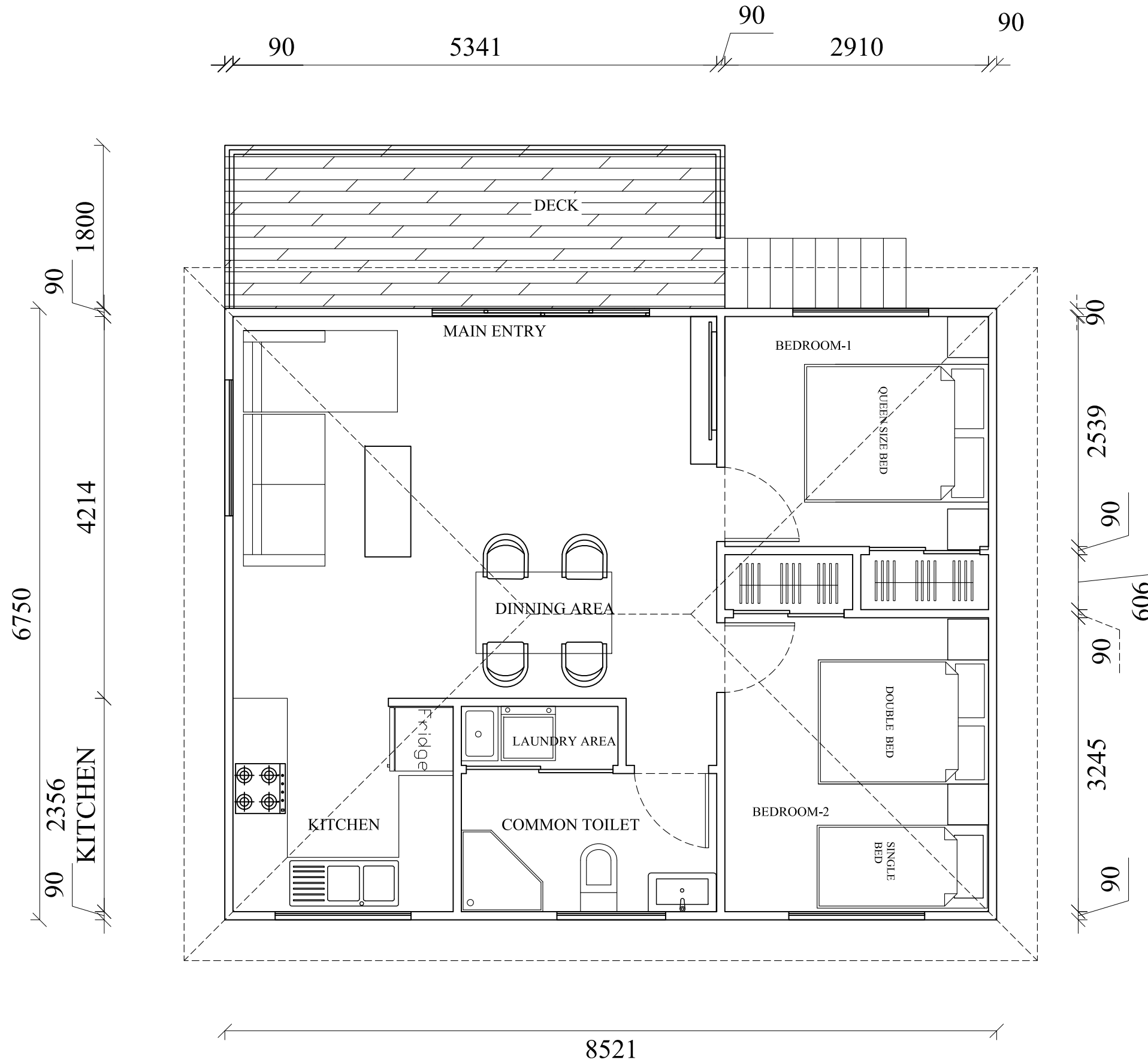
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DRAWN BY: **PK PH** SCALE: **1:100**

PROJECT:
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ACCOMADATION**

DRAWING TITLE:
UNIT 7 ELEVATIONS

SHEET SIZE: **A3** JOB No: **15-077** SHEET No: **A-23**



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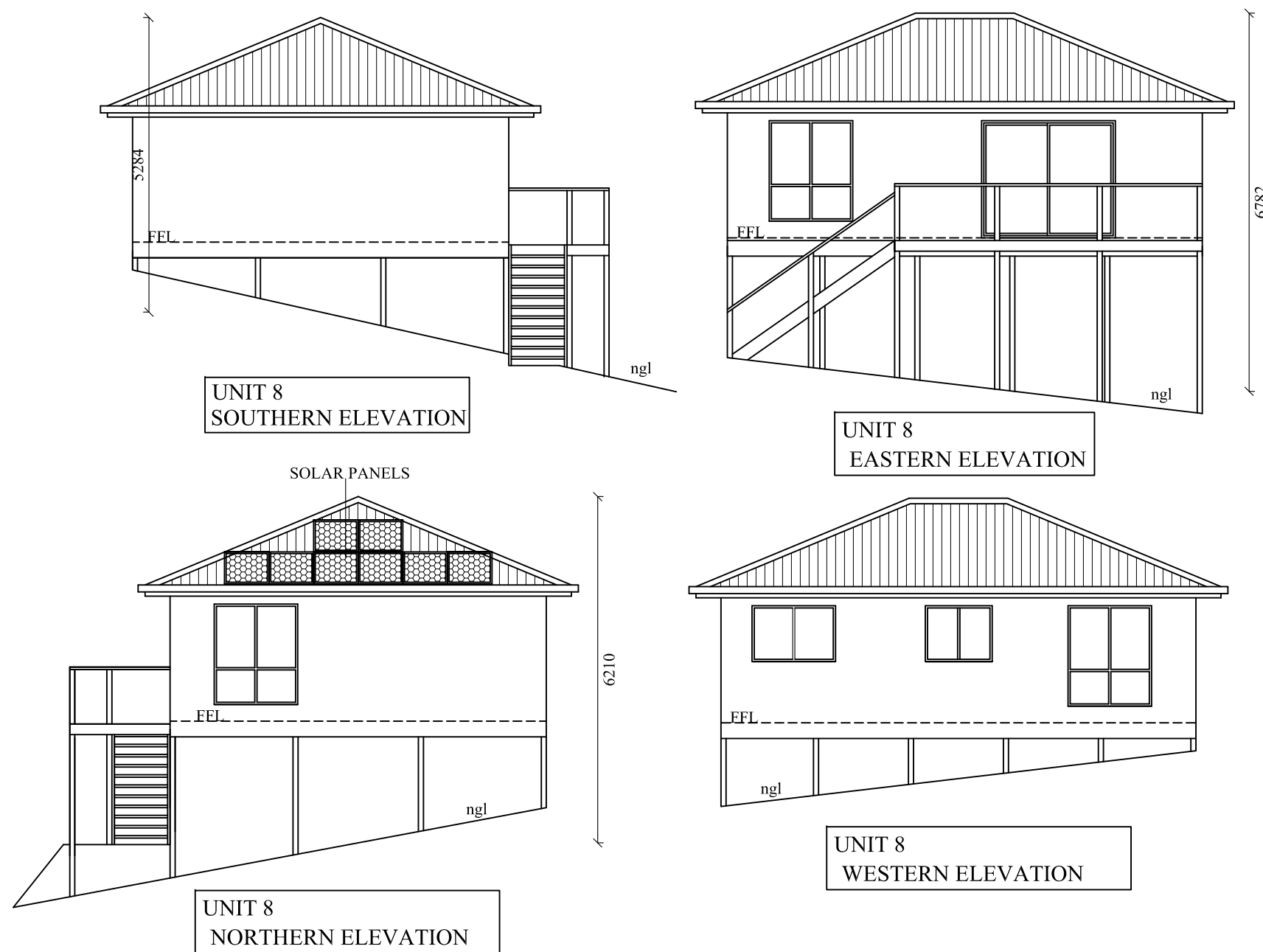
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PROJECT:
TOURIST ACCOMADATION

DRAWING TITLE:
UNIT 8 FLOOR PLAN

SHEET SIZE: **A3** JOB No: **15-077** SHEET No: **A-24**



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B SLOAN**

PROJECT ADDRESS:
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ROAD MOUNT
RUMNEY TAS 7170**

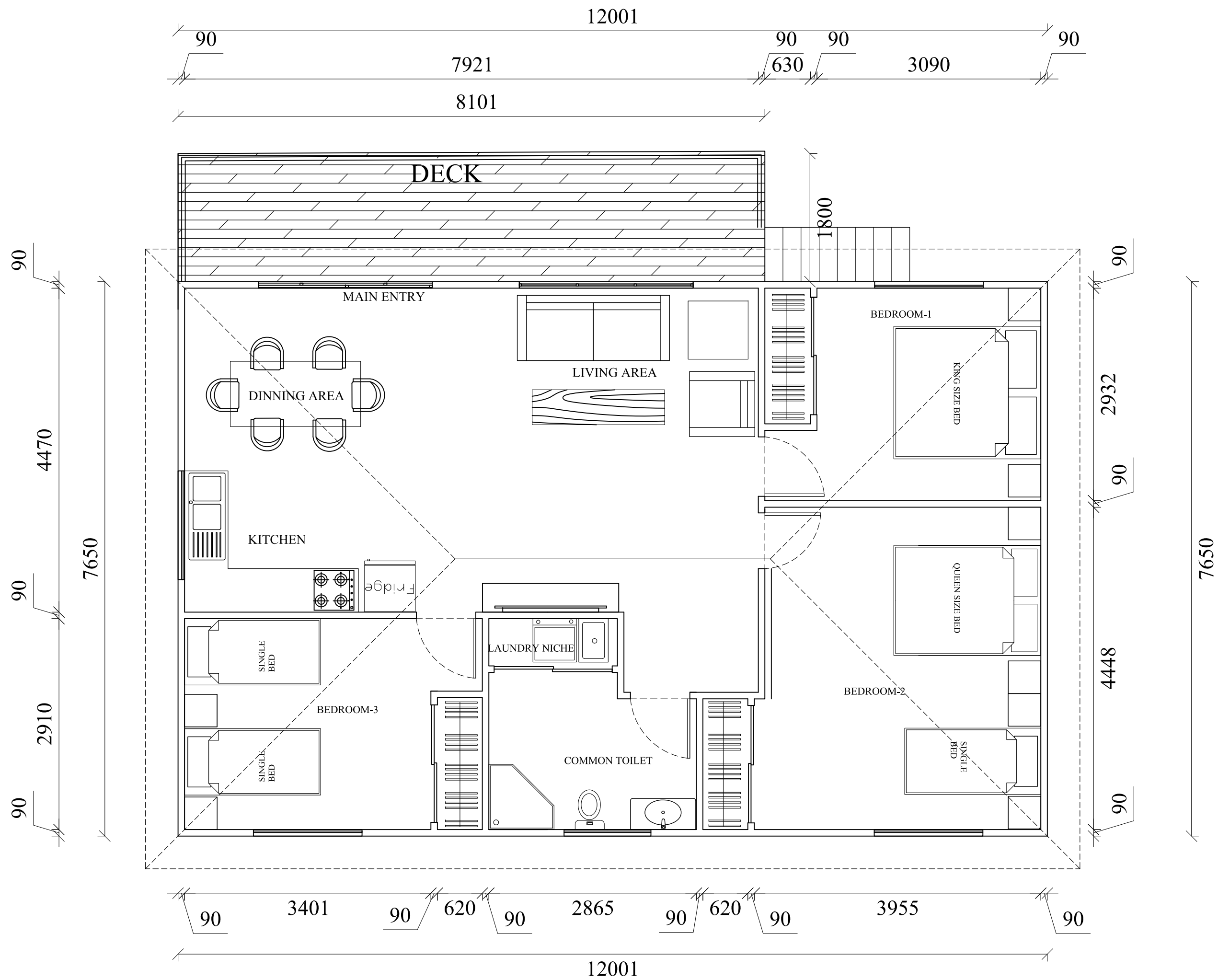
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11/11/2015

REVISION No:
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DRAWN BY: **PK PH** SCALE: **1:100**

PROJECT:
**TOURIST
ACCOMADATION**

DRAWING TITLE:
UNIT 8 ELEVATIONS



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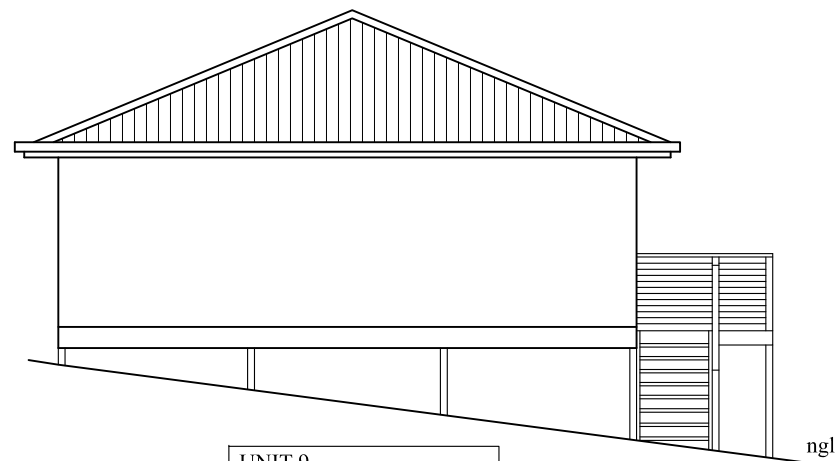
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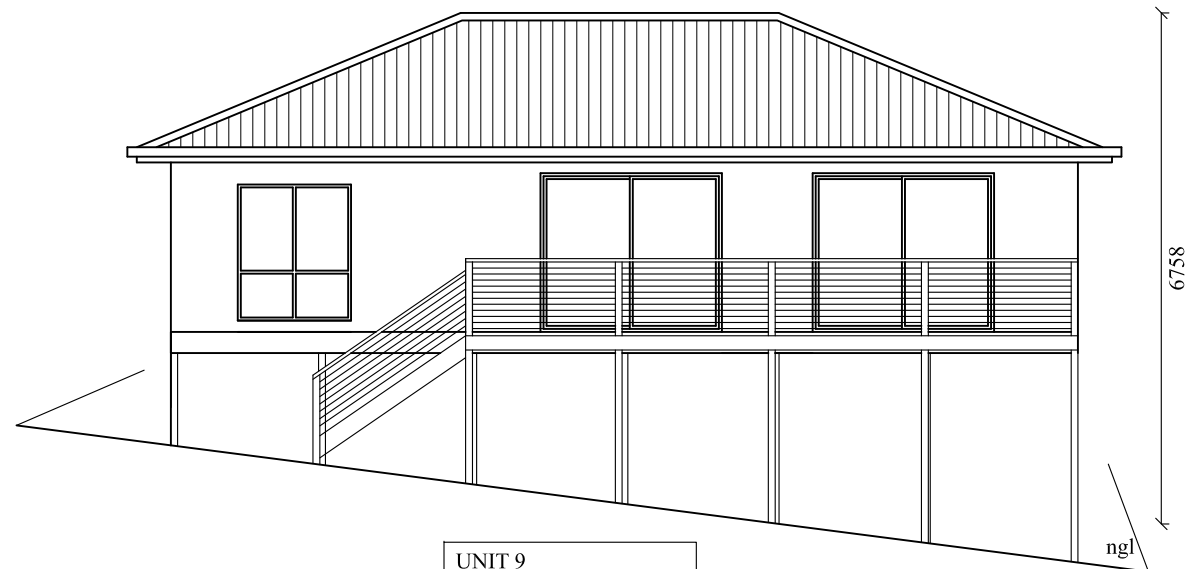
PROJECT:
TOURIST ACCOMADATION

DRAWING TITLE:
UNIT 9 FLOOR PLAN

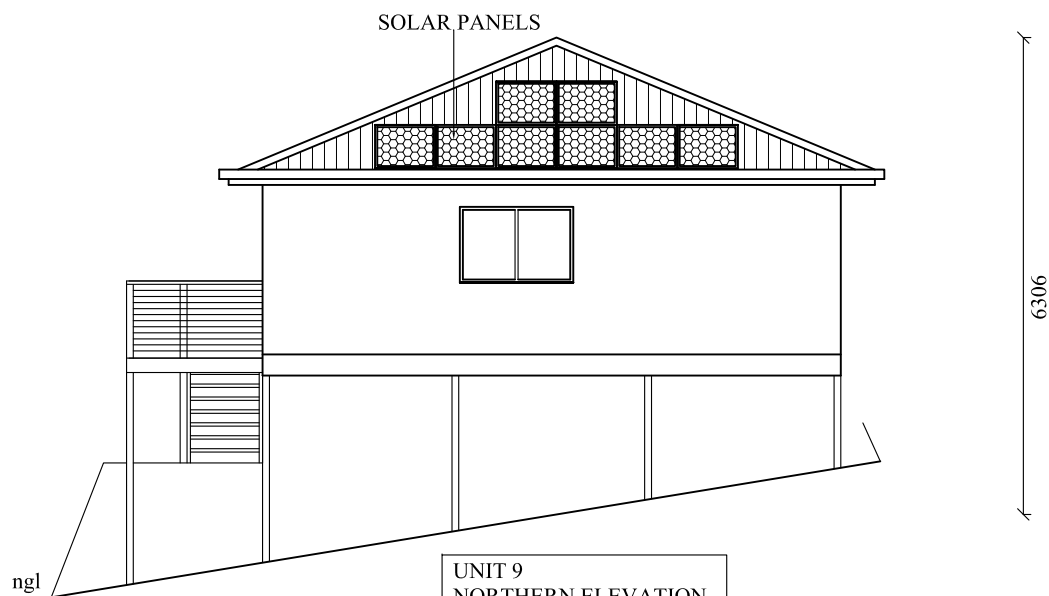
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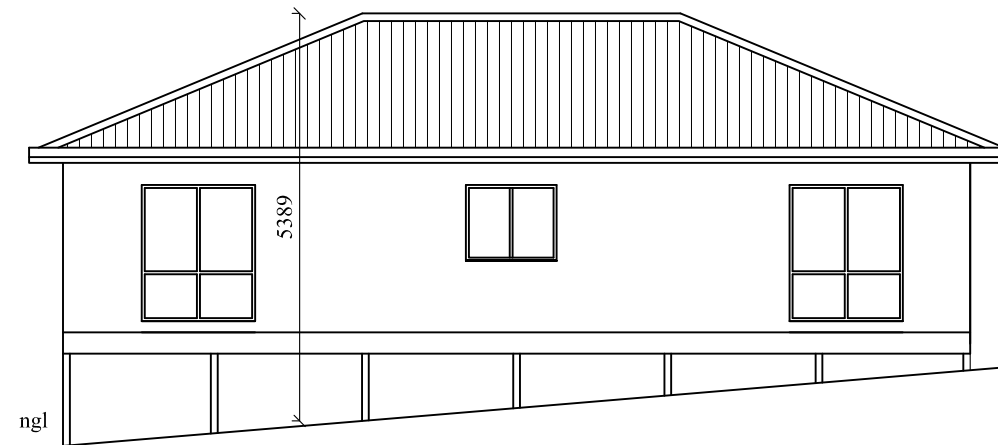
UNIT 9
SOUTHERN ELEVATION



UNIT 9
EASTERN ELEVATION



UNIT 9
NORTHERN ELEVATION



UNIT 9
WESTERN ELEVATION

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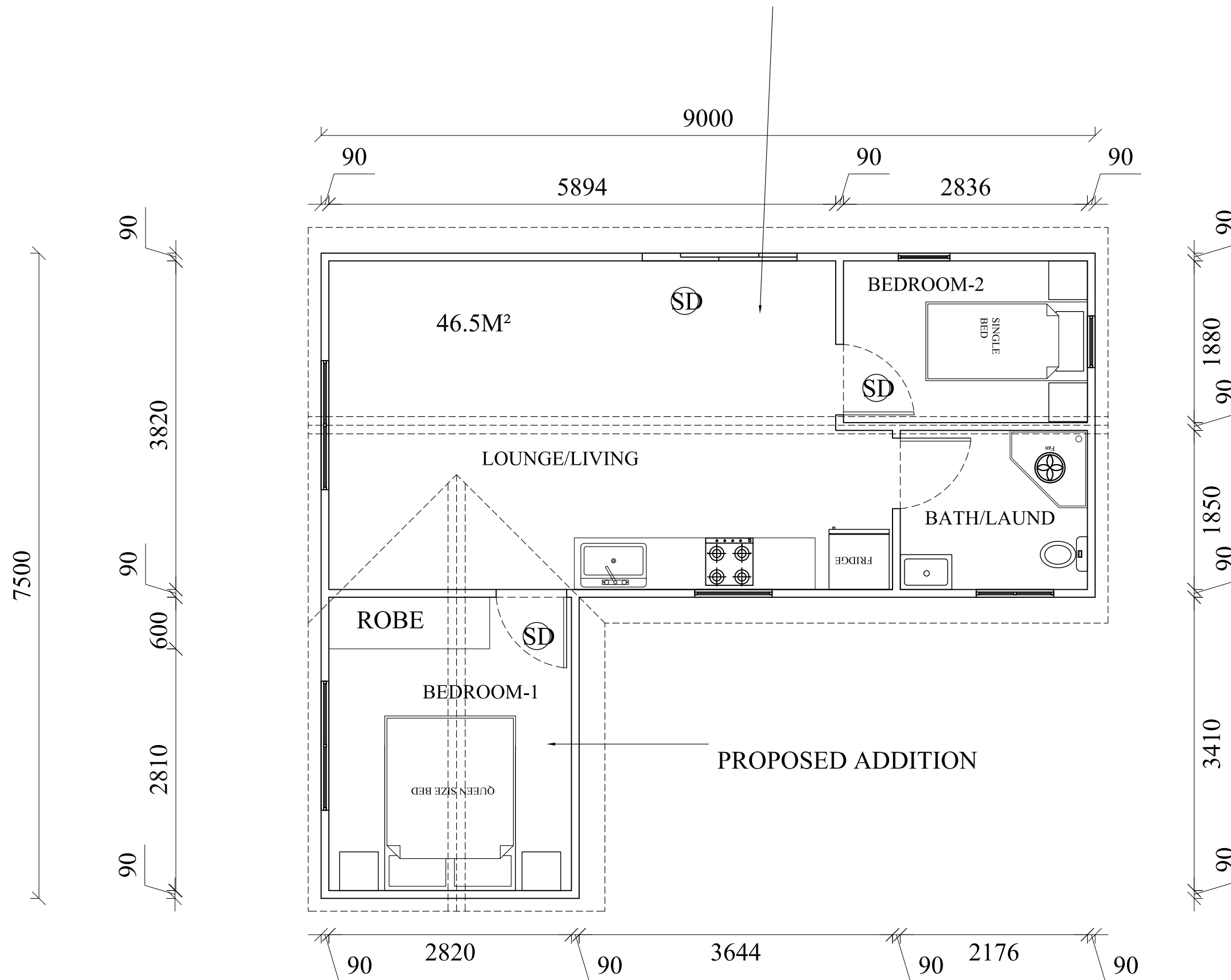
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PK PH 1:100

PROJECT:
**TOURIST
ACCOMADATION**

DRAWING TITLE:
UNIT 9 ELEVATIONS

SHEET SIZE: JOB No: SHEET No:
A3 15-077 A-27

EXISTING TOURIST ACCOMADATION



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SCALE:
1:50

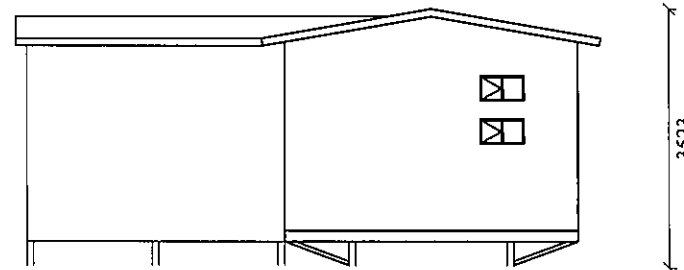
PROJECT:
**TOURIST
 ACCOMADATION**

DRAWING TITLE:
**EXISTING CABIN
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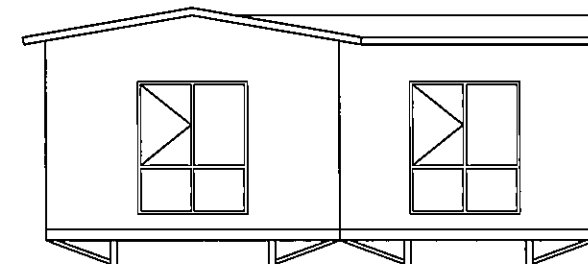
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JOB No:
15-077

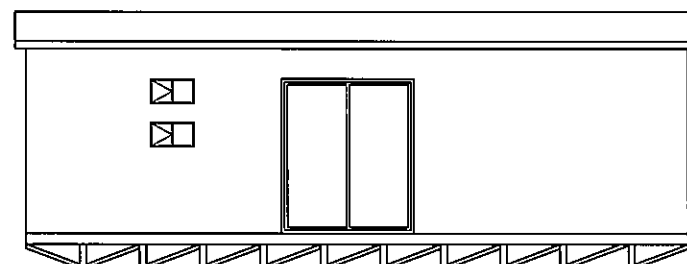
SHEET No:
A-28



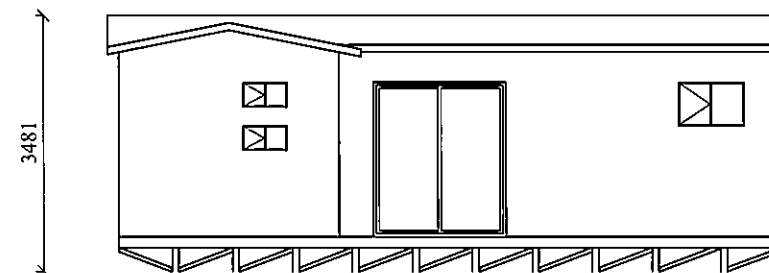
EXISTING CABIN
EASTERN ELEVATION



EXISTING CABIN
WESTERN ELEVATION



EXISTING CABIN
NORTHERN ELEVATION



EXISTING CABIN
SOUTHERN ELEVATION

DIMENSION NOTE:
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DATE:

4/01/2016

REVISION No:

1

DRAWN BY:

PK PH

SCALE:

1:100

PROJECT:

**TOURIST
ACCOMADATION**

DRAWING TITLE:

**EXISTING CABIN
ELEVATIONS**

SHEET SIZE:

A3

JOB No:

15-077

SHEET No:

A-29

DIMENSION NOTE:
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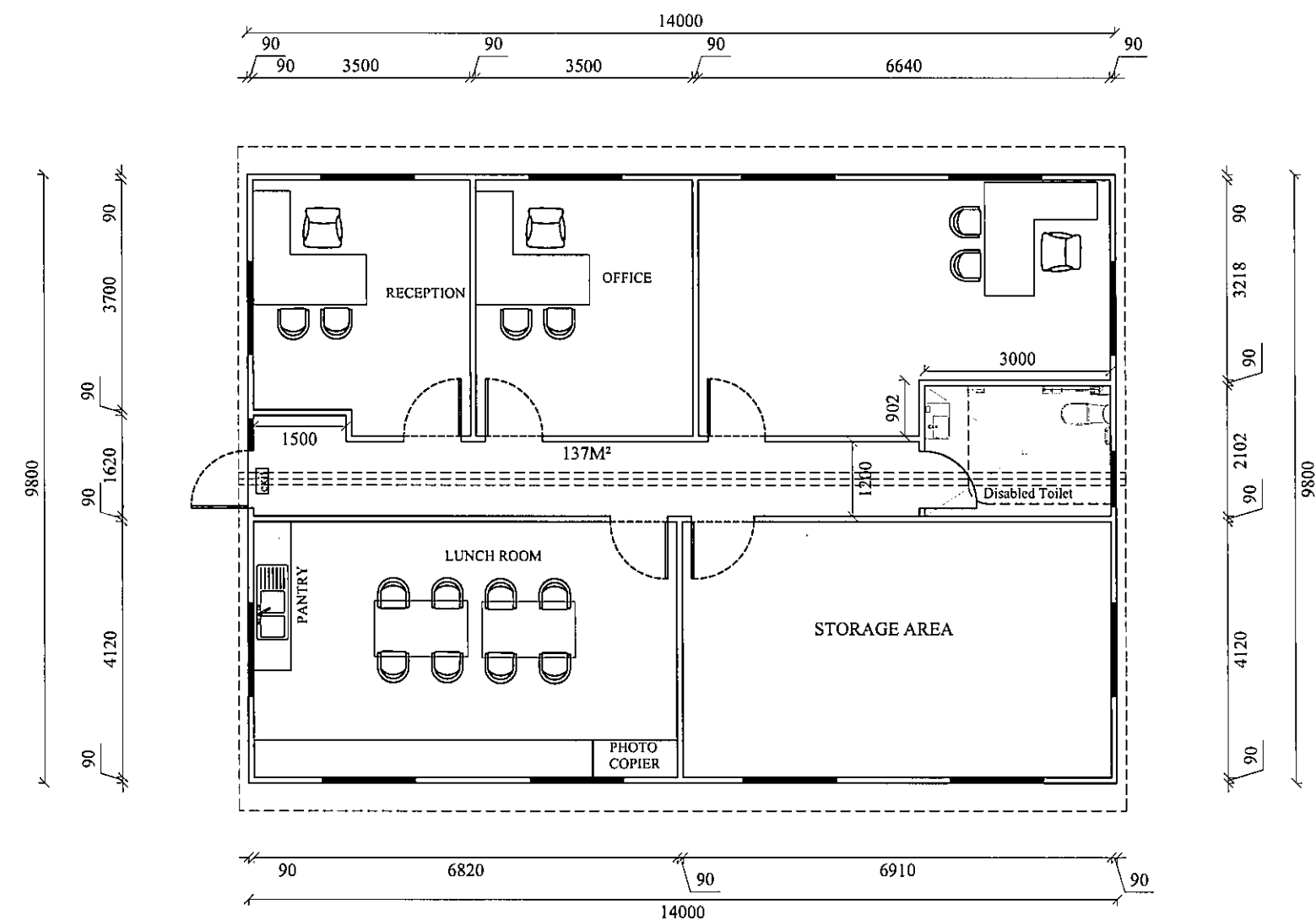
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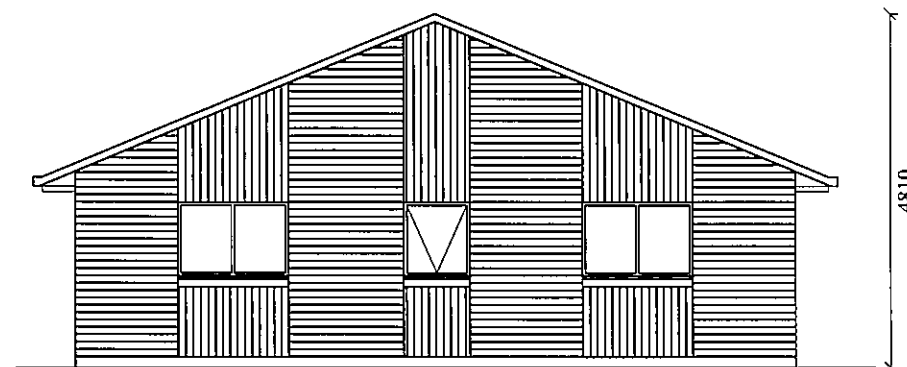
PROJECT:
TOURIST ACCOMADATION

DRAWING TITLE:
OFFICE/RECEPTION FLOOR PLAN

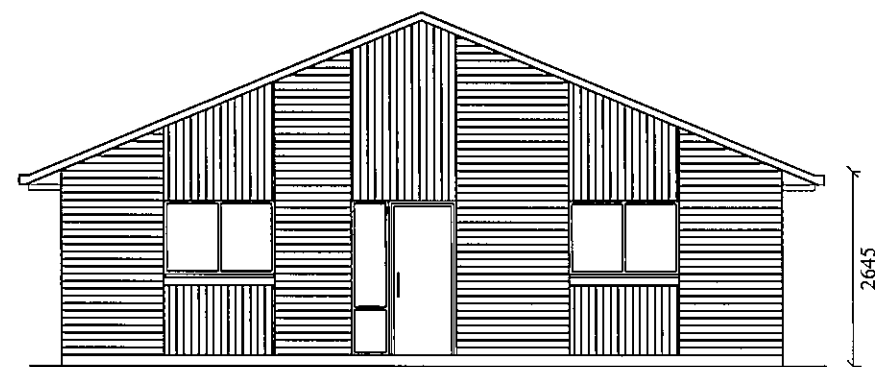
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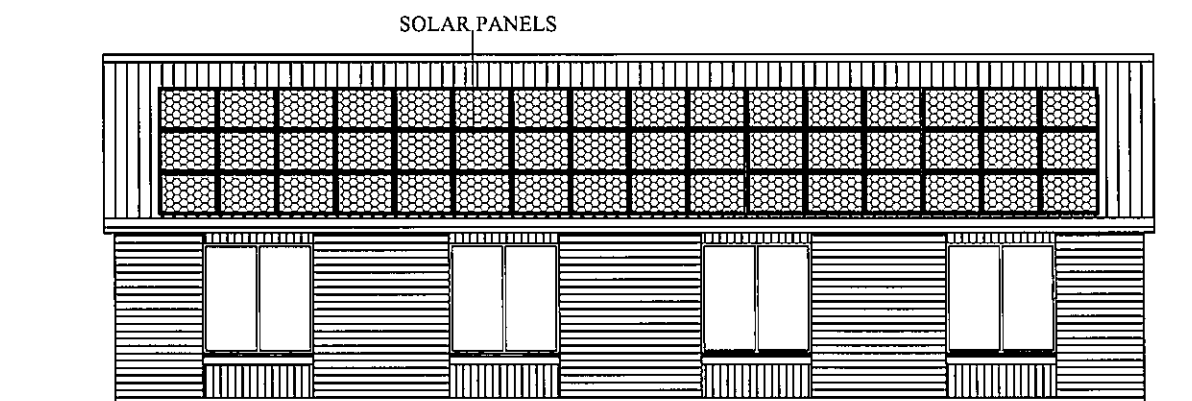
OFFICE / RECEPTION



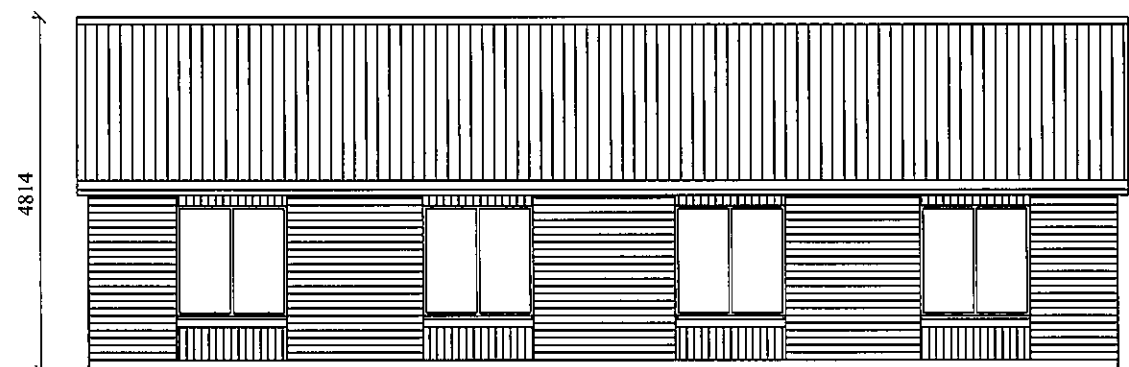
OFFICE BLOCK
EASTERN ELEVATION



OFFICE BLOCK
WESTERN ELEVATION



OFFICE BLOCK
NORTHERN ELEVATION



OFFICE BLOCK
SOUTHERN ELEVATION

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4/01/2016

REVISION No:

1

DRAWN BY:

PK PH

SCALE:

1:100

PROJECT:

**TOURIST
ACCOMADATION**

DRAWING TITLE:

OFFICE ELEVATIONS

SHEET SIZE:

A3

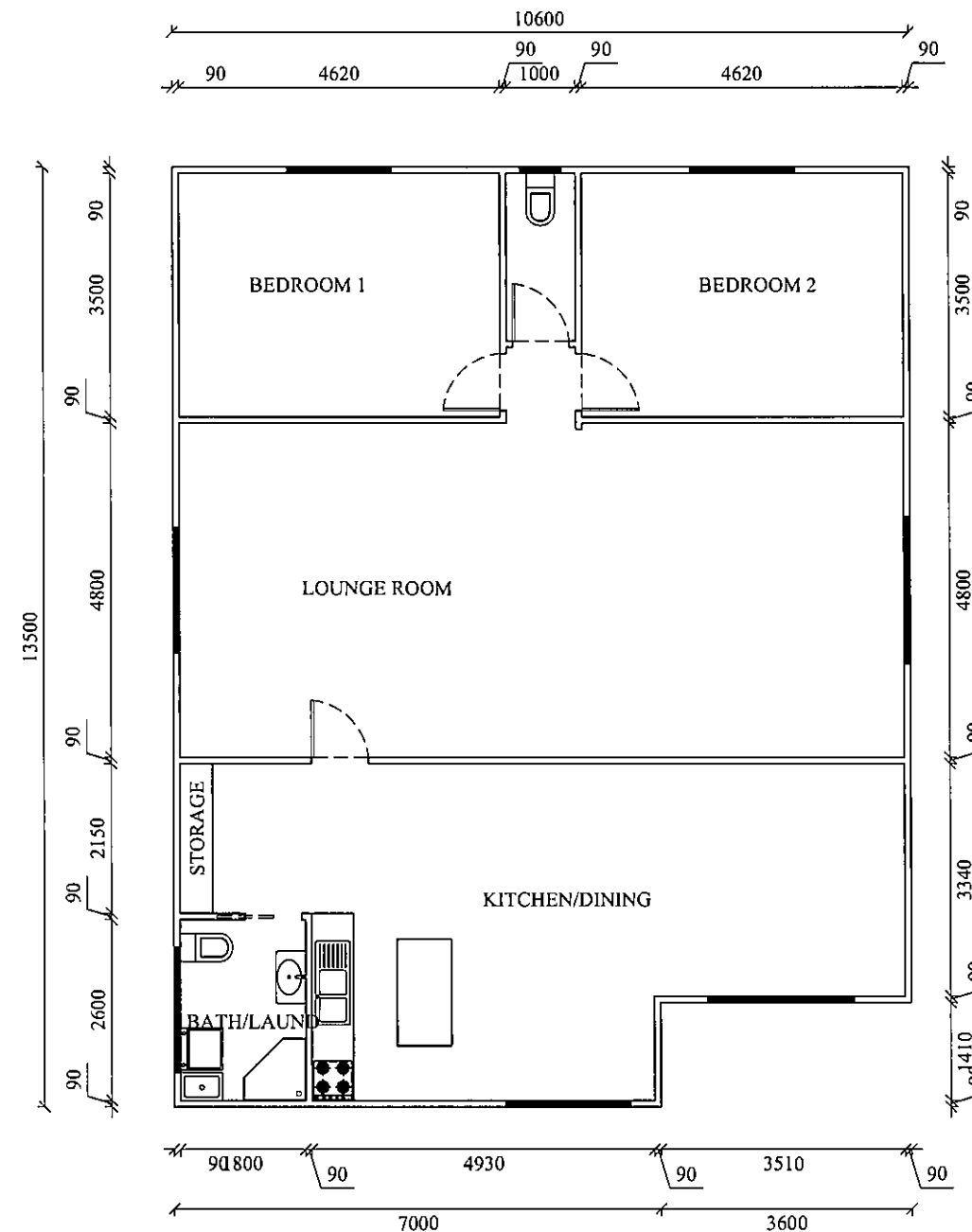
JOB No:

15-077

SHEET No:

A-31

EXISTING DWELLING CONVERTED TO TOURIST ACCOMADATION



QUAKERS BARN FLOOR PLAN

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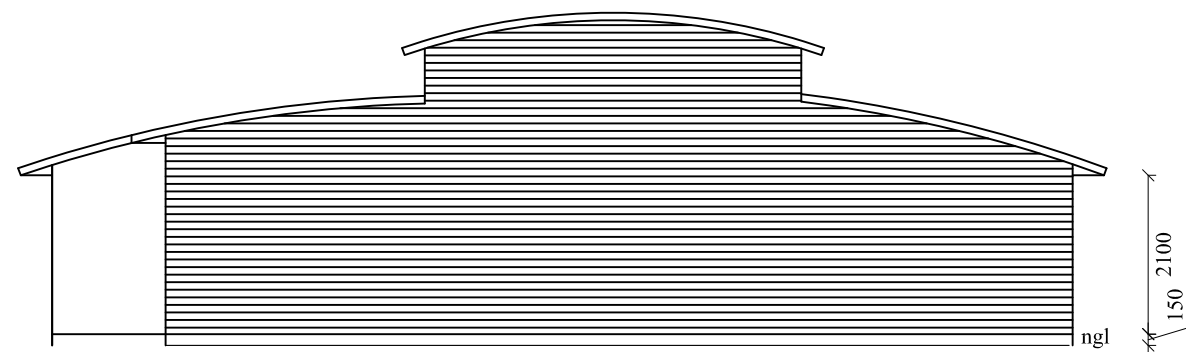
REVISION No:
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DRAWN BY: **PK PH** SCALE: **1:100**

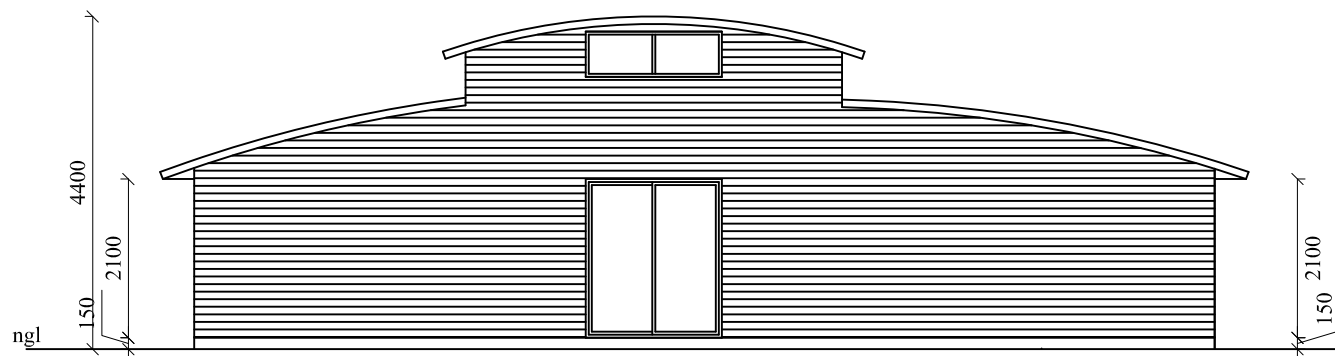
PROJECT:
TOURIST ACCOMADATION

DRAWING TITLE:
QUAKERS BARN FLOOR PLAN

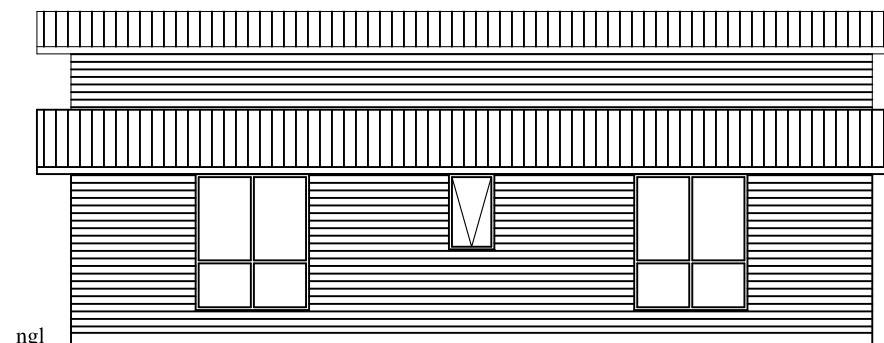
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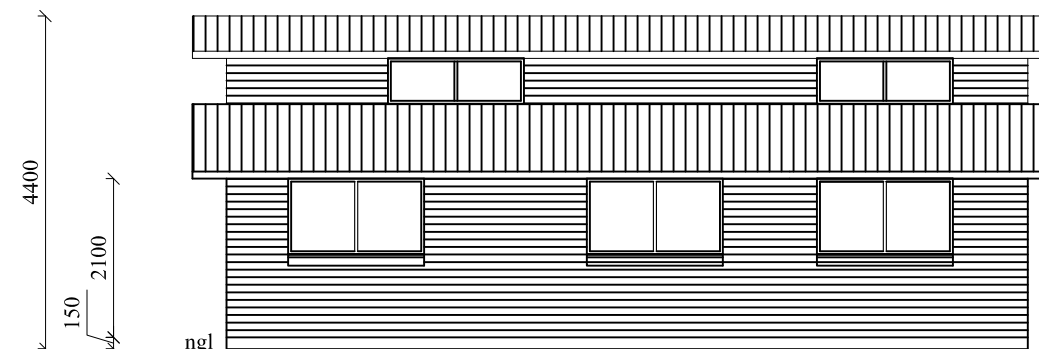
WESTERN ELEVATION



EASTERN ELEVATION



SOUTHERN ELEVATION



NORTHERN ELEVATION

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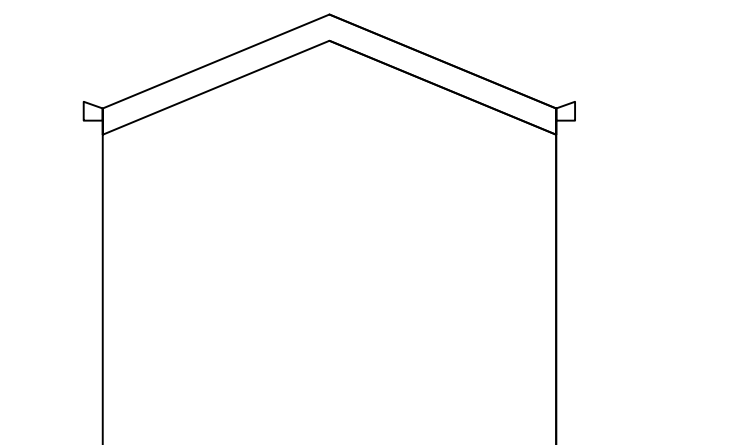
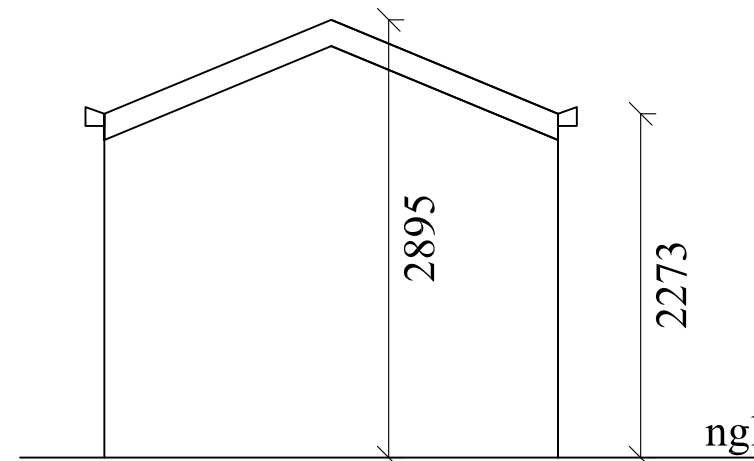
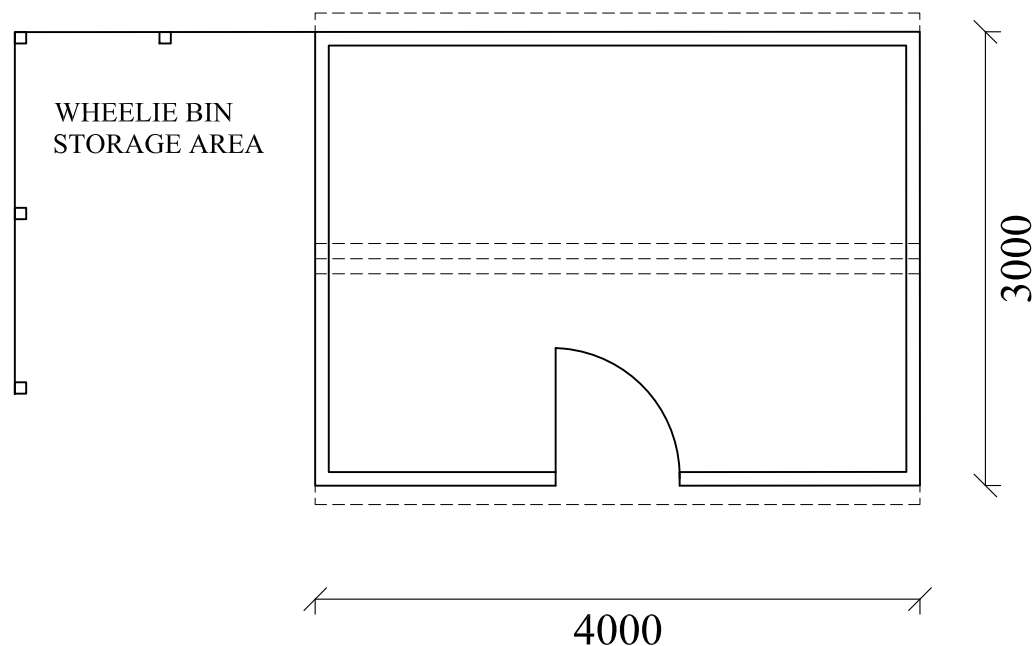
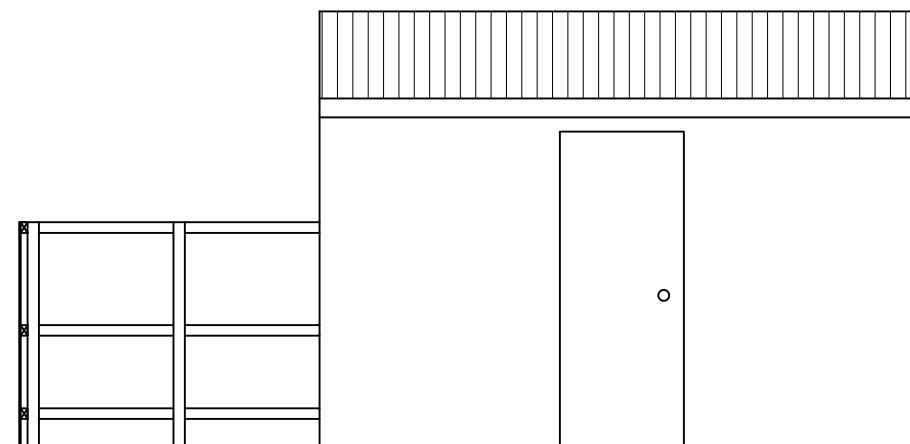
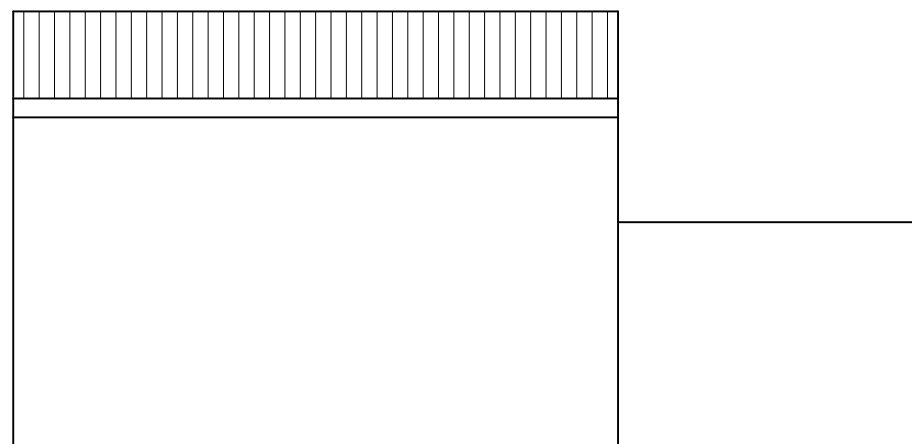
DATE:
18/11/2015

REVISION No:
1

DRAWN BY: SCALE:
PK PH 1:100

PROJECT:
**TOURIST
ACCOMADATION**

DRAWING TITLE:
**QUAKERS BARN
ELEVATIONS**



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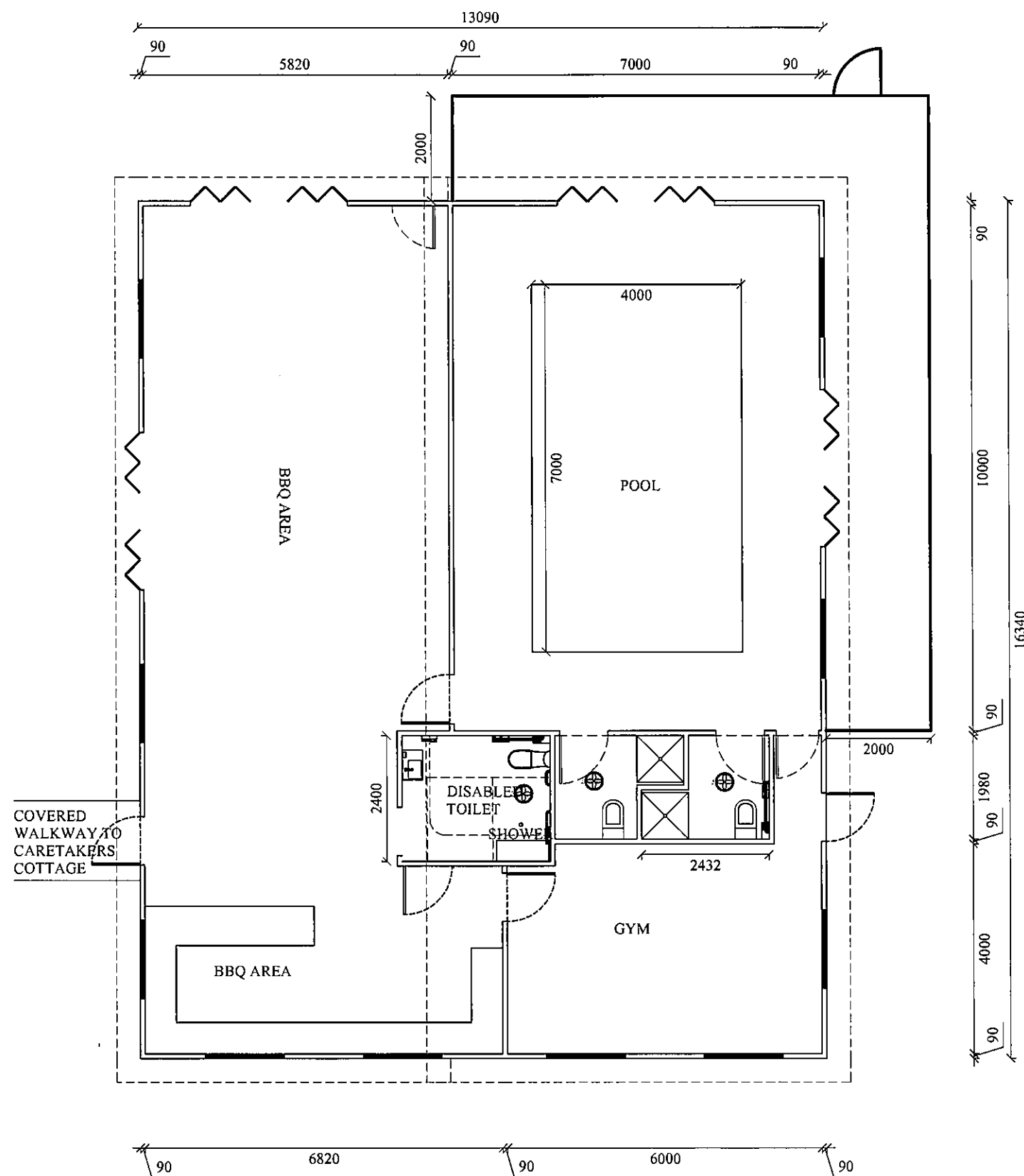
REVISION No:
0

DRAWN BY:
PK PH

SCALE:
1:50

PROJECT:
**TOURIST
ACCOMADATION**

DRAWING TITLE:
**STORAGE SHEDS
NEAR UNITS**



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474 MOUNT RUMNEY ROAD MOUNT RUMNEY TAS 7170

DATE:
4/01/2016

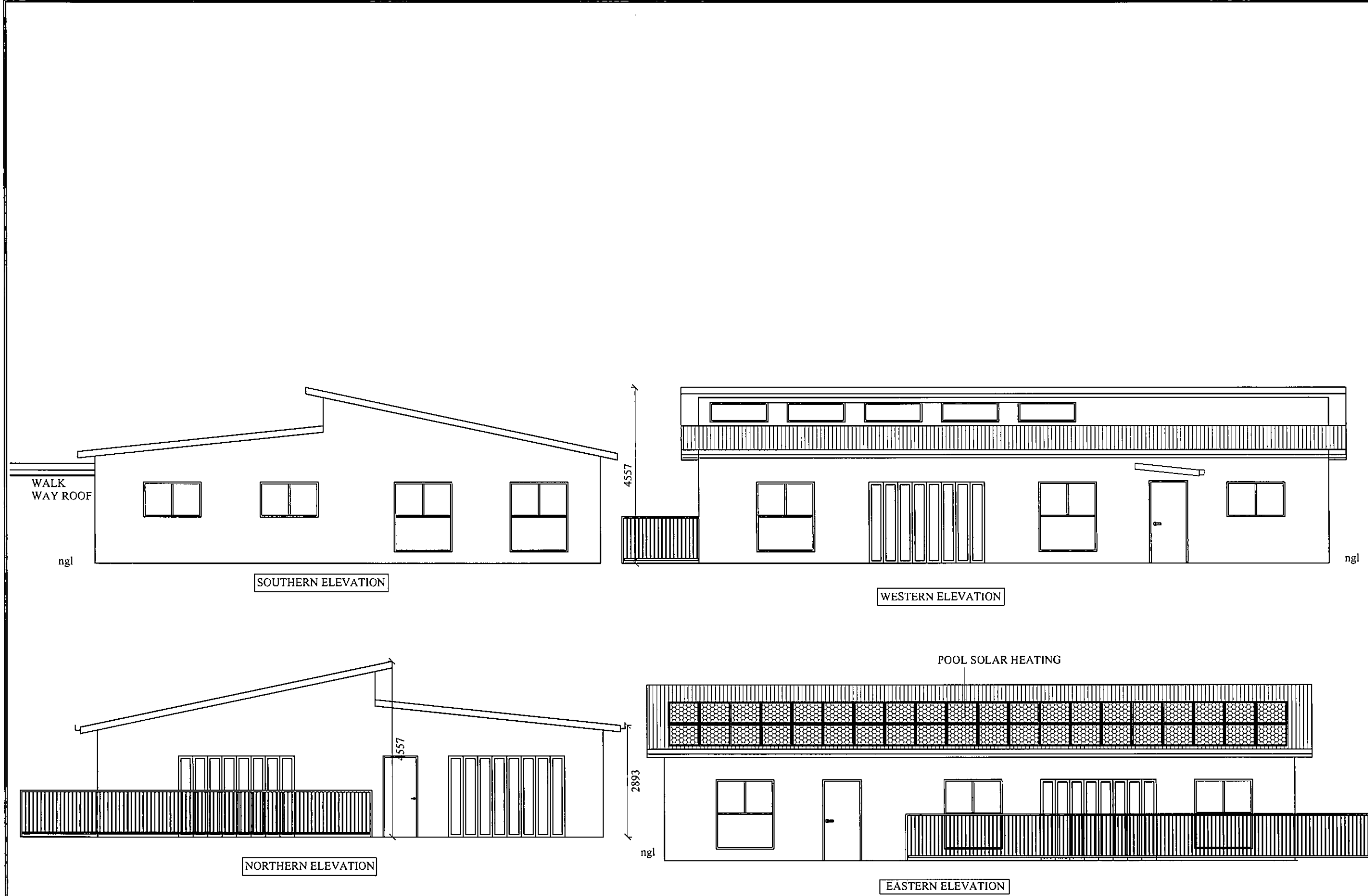
REVISION No:
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DRAWN BY: **PK PH** SCALE: **1:100**

PROJECT:
TOURIST ACCOMADATION

DRAWING TITLE:
CARETAKERS LODGE BBQ/POOL GYM FLOOR PLAN

SHEET SIZE: **A3** JOB No: **15-077** SHEET No: **A-35**



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DATE:
4/01/2016

REVISION No:
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DRAWN BY: **PK PH** SCALE: **1:100**

PROJECT:
TOURIST ACCOMADATION

DRAWING TITLE:
CARETAKERS LODGE BBQ/POOL GYM ELEVATIONS

SHEET SIZE: **A3** JOB No: **15-077** SHEET No: **A-36**

Stage Development

Stage 1 ■ 2 dwellings Rumney sea views
Caretakers
Quakers
Office

Stage 2 ■ 2 dwellings Rumney sea views
Extension existing dwelling

Stage 3 ■ 1 x dwelling Rumney sea views
Entertainment

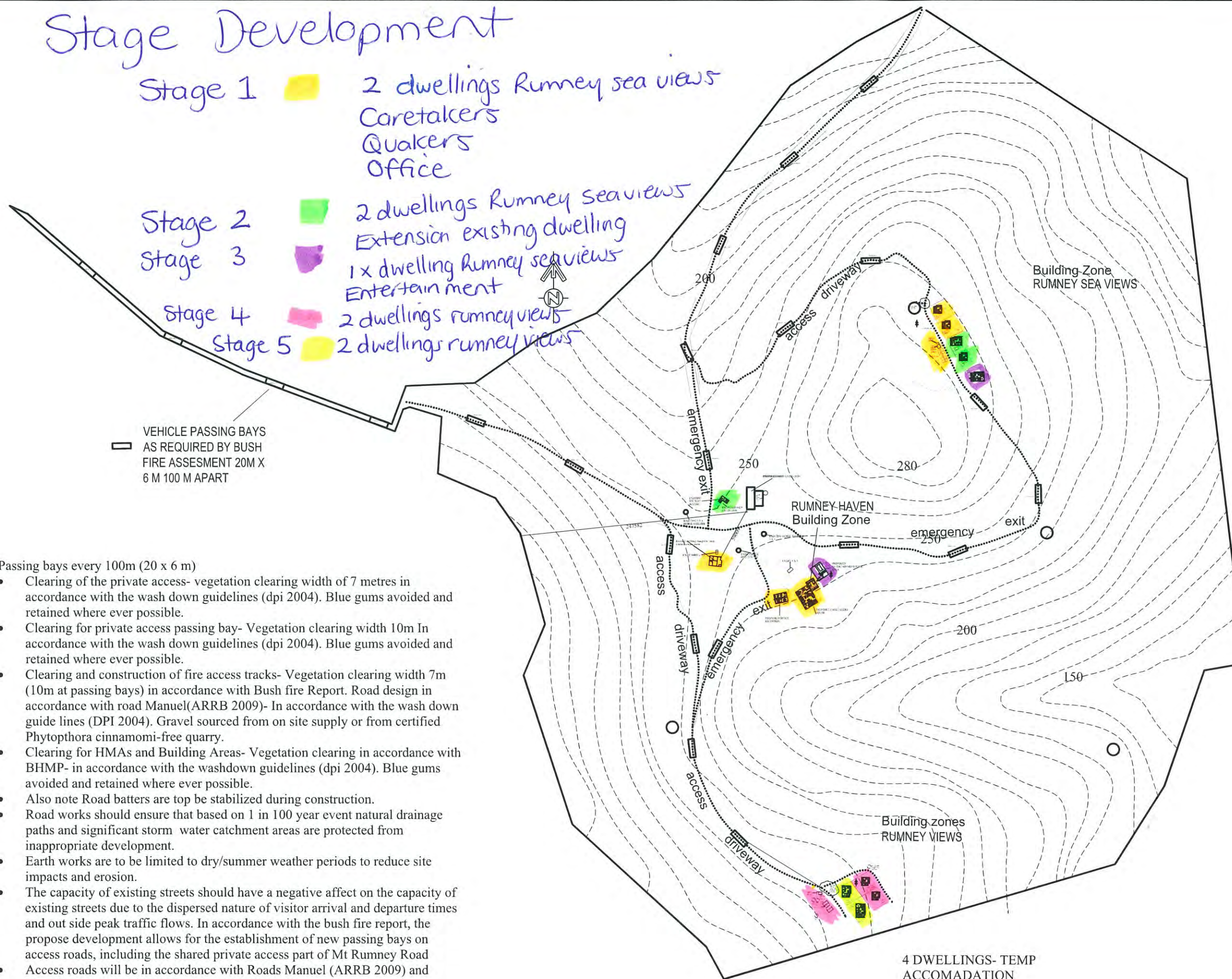
Stage 4 ■ 2 dwellings rumney views

Stage 5 ■ 2 dwellings rumney views

VEHICLE PASSING BAYS
AS REQUIRED BY BUSH
FIRE ASSESSMENT 20M X
6 M 100 M APART

Passing bays every 100m (20 x 6 m)

- Clearing of the private access- vegetation clearing width of 7 metres in accordance with the wash down guidelines (dpi 2004). Blue gums avoided and retained where ever possible.
- Clearing for private access passing bay- Vegetation clearing width 10m In accordance with the wash down guidelines (dpi 2004). Blue gums avoided and retained where ever possible.
- Clearing and construction of fire access tracks- Vegetation clearing width 7m (10m at passing bays) in accordance with Bush fire Report. Road design in accordance with road Manuel (ARRB 2009)- In accordance with the wash down guide lines (DPI 2004). Gravel sourced from on site supply or from certified Phytophthora cinnamomi-free quarry.
- Clearing for HMAs and Building Areas- Vegetation clearing in accordance with BHMP- in accordance with the washdown guidelines (dpi 2004). Blue gums avoided and retained where ever possible.
- Also note Road batters are top be stabilized during construction.
- Road works should ensure that based on 1 in 100 year event natural drainage paths and significant storm water catchment areas are protected from inappropriate development.
- Earth works are to be limited to dry/summer weather periods to reduce site impacts and erosion.
- The capacity of existing streets should have a negative affect on the capacity of existing streets due to the dispersed nature of visitor arrival and departure times and out side peak traffic flows. In accordance with the bush fire report, the propose development allows for the establishment of new passing bays on access roads, including the shared private access part of Mt Rumney Road
- Access roads will be in accordance with Roads Manuel (ARRB 2009) and Bushfire report requirements.
- There are no known Aboriginal relics present- authorities advised if any are discovered during earth works.



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DATE:
11/11/2015

REVISION No:
0

DRAWN BY: **PK PH** SCALE:
1:4000

PROJECT:
**TOURIST
ACCOMADATION**

DRAWING TITLE:
OVERALL SITE PLAN

SHEET SIZE: **A3** JOB No: **15077** SHEET No: **A-02**

Clarence City Council



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11.3.2 DEVELOPMENT APPLICATION D-2015/504 - 25 WENTWORTH STREET, BELLERIVE - SPORTSGROUND LIGHTING
(File No D-2015/504)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Sportsground Lighting at 25 Wentworth Street, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned Community Purpose under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 24 February 2016.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 5 representations and 1 petition (in support) was received raising the following issues:

- effect on amenity caused by glare from lights;
- noise;
- height of poles;
- the lights are located in close proximity to Wentworth Park and Blundstone Arena;
- request to limit hours of operation;
- concern that the information conflicts with previous advice from Council; and
- loss of property values.

RECOMMENDATION:

- A. That the Development Application for Sportsground Lighting at 25 Wentworth Street, Bellerive (CI Ref D-2015/504) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. Operation of the lights must be within the following hours:
Monday – Saturday: 8.00am to 9.00pm only.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

**DEVELOPMENT APPLICATION D-2015/504 - 25 WENTWORTH STREET,
BELLERIVE - SPORTS GROUND LIGHTING /contd...**

ASSOCIATED REPORT**1. BACKGROUND**

Approval was granted in 2013 (D-2013/297) for additions to the existing school which consisted of a new sports pavilion and barrier fence. A minor amendment was approved in 2014 to alter the location of the sports pavilion.

The most recent permit given was for a long jump pit (D-2014/396) which was approved in December 2014.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Community Purpose under the Scheme.

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications; and
- Section 10 – Community Purpose Zone.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site contains the Clarence High School and associated car parking and landscaping. The site includes a sportsground which is used by a number of user groups including the Clarence Little Athletics and the Clarence Junior Football Club.

3.2. The Proposal

The proposal is to install training standard sports lighting which consists of 4 poles, painted black, with a maximum height of 27m and with 2 lamps on each pole. The poles are located around the perimeter of the athletics track and are located 24m from the boundary to South Street, 17m to the boundary to Clarence Street and are well clear of all other property boundaries.

The height of the poles proposed is set on the Australian Standard AS 2560 for Sportsground Lighting which provides criteria to control the spread of glare from any lighting system. Section 8.2 of this Standard specifies that the minimum angle of elevation for training level lights must be a minimum of 20 degrees. As the Clarence High School oval includes a 400m athletic track and the poles are located some distance from the centre of ground, the poles must be 27m high to meet the Standard.

The old method to provide flood lighting to sportsgrounds involved a series of low poles around 14m in height that simply casts light across the ground, which resulted in direct glare onto the ground to adjacent properties. By using narrow beam lights on high poles, the light is cast in a defined pattern that matches the ground dimensions and its direction is downwards and not across the ground.

As proposed, the lights will be used during evenings, mainly in the winter season and with operating hours extending until 9.30pm. However, as will be discussed below, reduction of the hours until 9.00pm was considered reasonable.

4. PLANNING ASSESSMENT**4.1. Determining Applications [Section 8.10]**

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

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

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|--------------------|---|--|
| 17.3.1 A1 | Hours of operation | Hours of operation within 50m of a residential zone must be within: (a) 8am to 8pm, Monday to Friday; (b) 9am to 6pm Saturdays; (c) 10am to 5pm Sundays and Public Holidays. | Operating hours until 9.30pm every day as proposed and advertised. |

A variation can be supported pursuant to Performance Criteria P1 of Clause 17.3.1 for the following reasons.

- The proposed hours of operation are consistent with the existing lights at Wentworth Park, which operate until 9.30pm. However, following the representation period, it was considered that the operation hours could be reduced to 9.00pm and will operate Mondays to Saturdays. The hours compare well to the operating hours of the lights at Lindisfarne Memorial Park, which operate until 8.30pm Monday to Thursday and 8.30am to 10.00pm Saturday.

- The sportsground is currently used by a number of sporting groups during daylight hours all year round. The lights will allow these groups to train in winter. It is considered that lights are a reasonable addition to an existing and well utilised facility and will provide a community benefit to many members of the community. It is considered that the proposal will not result in an unreasonable impact of the residential amenity of the area.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|--------------|-----------------|-------------------------------|----------|
| 17.4.1 A1 | Building height | 10m | 27m |

The proposed variation can be supported pursuant to Performance Criteria P1 of Clause 17.4.1 for the following reasons.

- There is no Desired Future Character Statements provided for the area.
- The proposal is for light poles which require a Building Permit but cannot reasonably be compared to buildings.
- The proposed lights will not overshadow adjacent public space.
- The lights are not located in close proximity to buildings on the site.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 5 representations and 1 petition (in support) were received. The following issues were raised by the representors.

5.1. Effect on Amenity Caused by Glare from Lights

Concern was raised that the proposal will result in an impact on amenity to adjoining properties. It was also raised that the proposed lights will have a detrimental impact on the views to the Derwent River at night.

- **Comment**

The Acceptable Solution of Clause 17.3.3 of the Scheme provides that flood lighting of sport and recreational facilities within 200m of a residential zone must comply with AS 4282-1997-1.4.7, which provides standards to control light spill to nearby residential lots. The application includes a report demonstrating that the proposal meets this standard and therefore the Acceptable Solution in relation to potential light spill.

5.2. Noise

Concern was raised the proposal will result in additional noise from users of the site and from any additional maintenance of the ground such as mowing.

- **Comment**

The ground is already used by numerous sporting groups during the evening and the additional hours provided by the lights are not considered to have a significant impact on the amenity of the area.

5.3. Height of Poles

Concern was raised that height of the poles will result in a loss of amenity to the surrounding area as they will be highly visible from the surrounding area.

- **Comment**

The proposal meets the Acceptable Solutions of the Scheme in relation to building height, therefore this issue cannot be of determining weight.

5.4. The Lights are Located in Close Proximity to Wentworth Park and Blundstone Arena

Concern was raised that the nearby Wentworth Park and Blundstone Arena could be utilised instead as they already have lights.

- **Comment**

Council provides lights on a number of sportsgrounds around Clarence, not just Wentworth Park and Blundstone Arena. However, demand for some of these grounds exceeds the facilities available and Council is making the application to meet the demand from users groups in the community. In particular, Wentworth Park is fully booked and therefore does not provide an alternative to those groups wanting to use grounds for training in the evenings.

5.5. Request to Limit Hours of Operation

It was requested that hours of operation be limited to 9.00pm and to specified days of the week.

- **Comment**

The applicant is agreeable to the hours of operation being reduced to 9.00pm Mondays to Saturdays (Sundays are not required). This can be done without operational impacts.

5.6. Concern that the Information Conflicts with Previous Advice from Council

Concerns were raised that Council had previously stated in meetings with residents that lights were not proposed at the ground.

- **Comment**

When Council representatives met with residents previously, there were no plans to install lights at the ground. However, demand for sporting grounds has increased and in order to provide adequate facilities to the community, Council has made the current application for lights.

5.7. Loss of Property Values

Concerns were raised that the proposal will result in a loss of property values to the surrounding area.

- **Comment**

There is no evidence to demonstrate that the proposal will have a loss of property values and this issue is not a valid planning consideration and cannot be given determining weight.

5.8. A petition with 124 signatures in support of the proposal was tabled at Council's Meeting of 11 January 2016.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

The proposal is for the installation of light poles at 25 Wentworth Street, Bellerive and is recommended for approval.

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

Ross Lovell
MANAGER CITY PLANNING

Clarence City Council



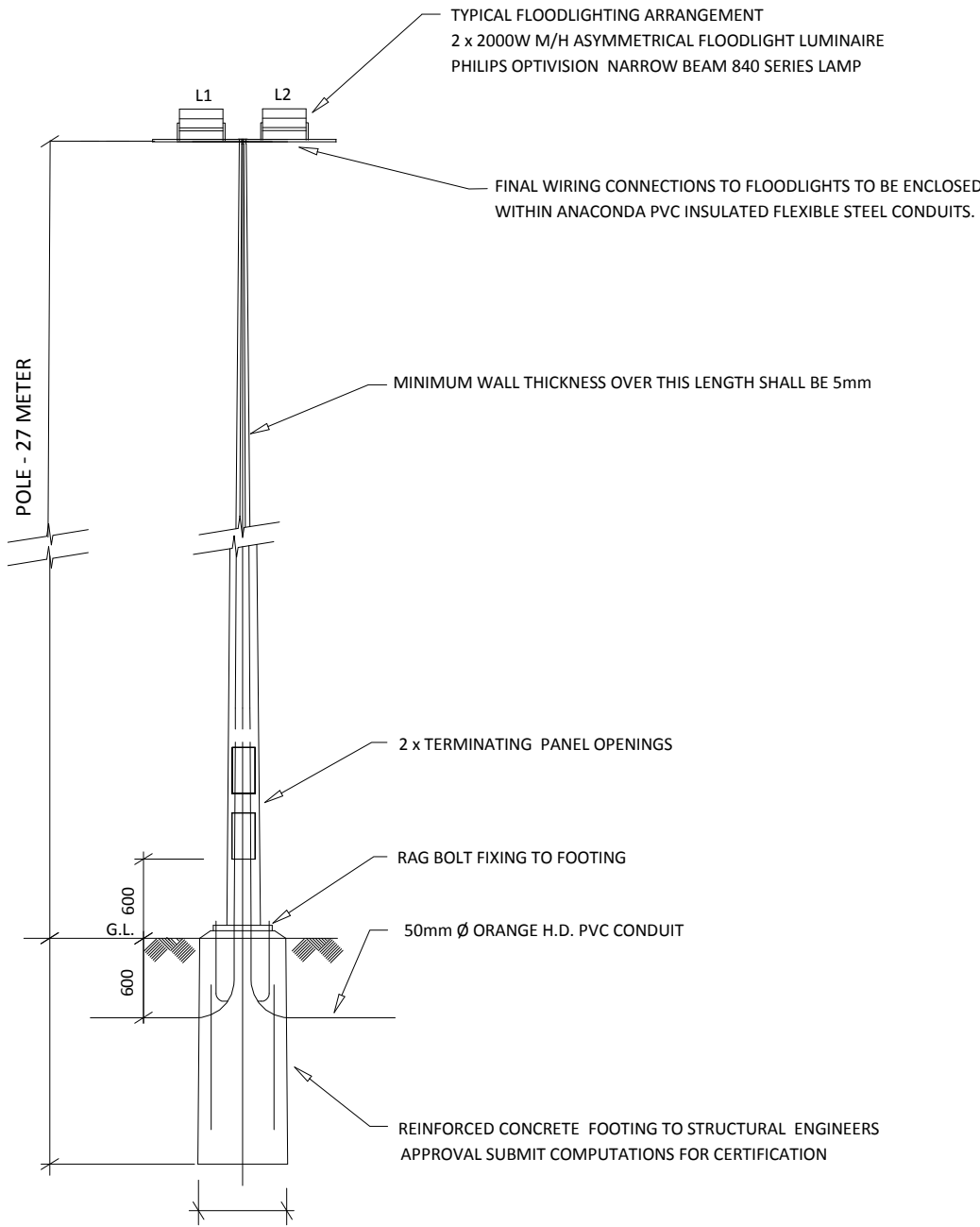
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| Luminaire Schedule | | | | | |
|--------------------|-----------|-------------|-------|------------------------------------|-------------|
| Symbol | No. Lamps | Lumens/Lamp | LLF | Description | Pole Height |
| | 1 | 220000 | 0.750 | Philips MVP507 NB_60 1xMHN-LA2000W | 27 Meters |

| Calculation Summary | | | | | | | |
|---------------------|-------------|-------|-------|-----|-----|---------|---------|
| Label | CalcType | Units | Avg | Max | Min | Min/Avg | Min/Max |
| AFL Ground | Illuminance | Lux | 54.08 | 75 | 28 | 0.52 | 0.37 |

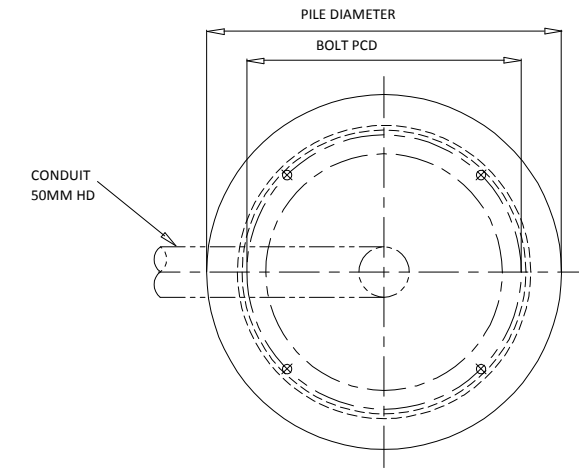
| Expanded Luminaire Location Summary | | | | |
|-------------------------------------|-------|---------|---------|----|
| LumNo | Label | X-Aimpt | Y-Aimpt | Z |
| 1 | A | 38.19 | 31.321 | 27 |
| 2 | A | 27.769 | -17.074 | 27 |
| 3 | A | 15.576 | -26.901 | 27 |
| 4 | A | -32.172 | -36.735 | 27 |
| 5 | A | -37.225 | -32.826 | 27 |
| 6 | A | -30.568 | 18.46 | 27 |
| 7 | A | -17.799 | 29.976 | 27 |
| 8 | A | 34.432 | 35.3 | 27 |



FIXED LIGHTING POLE DETAIL
(P1 SHOWN)

NOTES

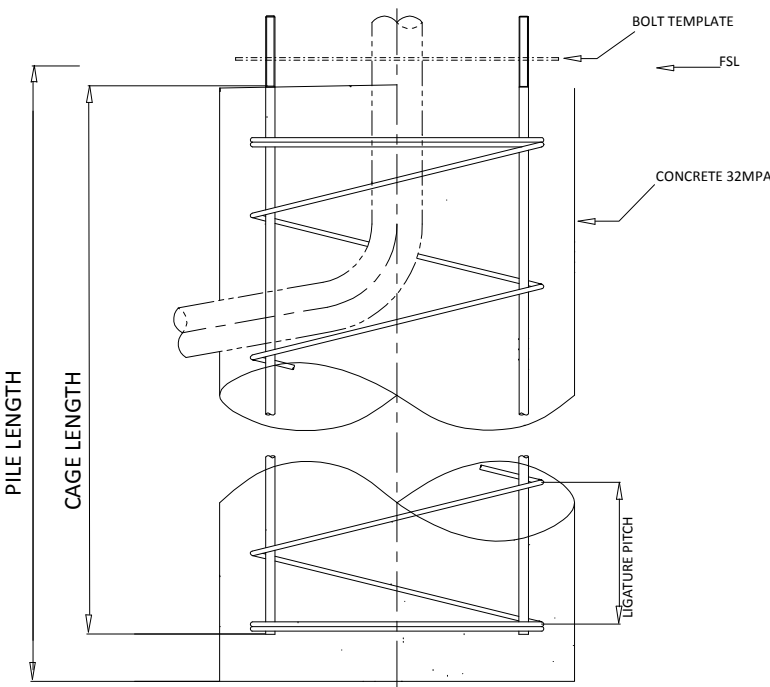
1. FINAL POLE LOCATIONS TO BE MARKED AND CONFIRMED ON SITE



FOOTING EXAMPLE 27 METER FIXED POLE

NOTES

1. FINAL POLE LOCATIONS TO BE MARKED AND CONFIRMED ON SITE
2. ALL DETAIL SHALL BE CONFIRMED VIA A GEOTECHNICAL REPORT AND FOOTING ENGINEERING



FOOTING EXAMPLE 27 METER FIXED POLE

NOTES

1. FINAL POLE LOCATIONS TO BE MARKED AND CONFIRMED ON SITE
2. ALL DETAIL SHALL BE CONFIRMED VIA A GEOTECHNICAL REPORT AND FOOTING ENGINEERING

Site Plan - Clarence High School Sports - Ground Lighting



Date: 19 November 2015

Scale: 1:2,500 @A4

Obtrusive Light - Compliance Report

AS 4282-1997, Pre-Curfew, Residential - Light Surrounds
Filename: Clarence High School
17/09/2015 10:28:02 AM

Illuminance

Maximum Allowable Value: 10 Lux

Calculations Tested (2):

| Calculation Label | Test Results | Max. Illum. |
|-----------------------|--------------|-------------|
| Clarence St_Ill_Seg1 | PASS | 1 |
| Wentworth St_Ill_Seg1 | PASS | 1 |

Luminous Intensity (Cd) Per Luminaire

Maximum Allowable Value: 7500 Cd
Control Angle: 80 Degrees

Luminaire Locations Tested (8)

Test Results: **PASS**

All Luminaire Locations (8):


| Lum.No. | Label | Cd | Tilt | Roll | Spin |
|---------|-------|------|------|------|------|
| 1 | A | 528 | 0 | 0 | 0 |
| 4 | A | 528 | 0 | 0 | 0 |
| 5 | A | 528 | 0 | 0 | 0 |
| 8 | A | 528 | 0 | 0 | 0 |
| 2 | A | 2793 | 2 | 0 | 0 |
| 3 | A | 2793 | 2 | 0 | 0 |
| 6 | A | 2793 | 2 | 0 | 0 |
| 7 | A | 2793 | 2 | 0 | 0 |

Threshold Increment (TI)

Maximum Allowable Value: 20 %

Calculations Tested (2):

| Calculation Label | Adaptation Luminance | Test Results |
|-------------------|----------------------|--------------|
| Clarence_TI_2 | 1 | PASS |
| Wentworth St_TI_3 | 1 | PASS |



Simon Gullifer (MIES)

Development Application for Sports Ground Lighting

Clarence High School Sports Ground

25A Wentworth Street, Bellerive

Clarence City Council has funded a project to install training standard sports ground lighting at the Clarence High School Sports Ground, 25A Wentworth Street, Howrah. This sports ground is held by Council under a Lease from the Department of Education and is managed and maintained by Council. The Department have provided Crown consent to lodge the Development Application.

The sports ground is predominantly used by junior sporting clubs with the main users being the Clarence Little Athletics Club and the Clarence Junior Football Club. During the summer season the ground is also hired by Cricket Tasmania for lower grade cricket games.

A concept design for the lighting has been prepared by Rexel Lighting and this Development Application is based on that design. This lighting design will allow the football codes to train on the ground in the evenings during the winter season. It is noted that the lighting level is not to a standard to allow for competition matches. The intended "*Maintained average horizontal illuminance Lux*" level is to be average of 50 Lux across the playing surface.

The design meets the lighting design requirements and criteria contained within Australian Standard AS 2560 Part 2.3 2007 Sports Lighting for Football (All codes) (Level of play – Amateur level training) and Australian Standard AS 4282-1997 Control of Obtrusive Effects of Outdoor Lighting.

The lighting system involves the installation of 4 steel poles of 27m in height with 2 lamps on each pole. The location of the poles is as shown on the attached plans.

All conduits for the required electrical cabling are underground and have been installed as a part of the initial development of the ground. Any further cabling that may be required during construction will again be underground.

All poles and fittings must be designed in accordance with Australian Standard AS 4676.2000 for a coastal zone with a nominal minimum service life of 30 years and will be painted black.

Yours sincerely

Gary Rumbold

Project Officer

Clarence City Council



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11.3.3 DEVELOPMENT APPLICATION D-2015/546 - 36 LINCOLN STREET, LINDISFARNE - AMENDMENT TO PREVIOUSLY APPROVED PLANS (D-2014/134)
(File No D-2015/546)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an amendment to previously approved plans (D-2014/134) at 36 Lincoln Street, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Business under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 23 February 2016.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and there were no representations received.

RECOMMENDATION:

- A. That the Development Application for amendment to previously approved plans (D-2014/134) at 36 Lincoln Street, Lindisfarne (CI Ref D-2015/546) be refused for the following reasons.
1. The proposal does not comply with Performance Criteria of 21.4.3 P1 (b), 21.4.3 P1 (c) and 21.4.3 (h) of the Scheme as it does not make a positive contribution to the streetscape or provide for an active frontage to Wellington Road.
 2. The proposal does not comply with Performance Criteria 21.4.4 (b) and (c) of the Scheme as it does not allow for passive surveillance of Wellington Road.
 3. The proposal is inconsistent with the Desired Future Character Statements of the zone as it does not provide an active façade to Wellington Road.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

| |
|--|
| DEVELOPMENT APPLICATION D-2015/546 - 36 LINCOLN STREET, LINDISFARNE - AMENDMENT TO PREVIOUSLY APPROVED PLANS (D-2014/134) /contd... |
|--|

ASSOCIATED REPORT

1. BACKGROUND

The site is currently used as a Pharmacy which was granted a planning permit as a Local Shop (D-2013/33) at Council's Meeting on 15 April 2013. A subsequent application for signage was approved at Council's Meeting on 2 December 2013 (D-2013/302).

At Council's Meeting of 12 January 2015, a permit for alterations and additions to the pharmacy (D-2014/134) was granted. The application provided for a door and window facing Wellington Road, however, following negotiation with the applicant prior to the grant of the permit, it was agreed that a larger window to Wellington Road should be provided to ensure a better response to streetscape values. The permit was conditioned accordingly and an amended plan was subsequently approved on 27 August 2015.

A minor amendment to permit D-2014/134 to relocate the existing door on Franklin Street further north along the elevation and to retain the existing doors and windows was also approved on 27 August 2015.

A recent report on signage on the addition (D-2015/548) was approved on 1 February 2016.

An application for a canopy (D-2015/547) is also being considered at this Council meeting.

Building works are currently underway on the site and while an Occupancy Permit has been issued, the Building Surveyor has not yet undertaken his final inspection and Council has not issued a Completion Certificate.

On inspection it is apparent that the work is nearly complete, although the Wellington Street door and window referred to above have yet to be installed.

2. STATUTORY IMPLICATIONS

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

2.2. The proposal is Discretionary because it does not meet the Acceptable Solutions under the Scheme regarding building design passive surveillance.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications; and
- Section 10 – General Business Zone.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site contains a pharmacy which has frontage to 3 streets, Lincoln Street, Wellington Road and Franklin Street. The building currently has its main pedestrian entrance onto Franklin Street. The site is located within the shopping precinct of Lindisfarne and is surrounded by commercial development.

3.2. The Proposal

The proposal is to amend the plans approved by D-2014/134 by removing the door and window fronting Wellington Road. The result will be a blank wall painted in the colours of the existing business.

The proposal included a planning submission responding to the requirements of the Scheme. Letters from AM Solutions dated 29 and 30 September 2015 were also submitted with the application indicating that there were issues with the location of the door into the Wellington Road frontage due to security and privacy reasons. A further letter from the Tasmanian Pharmacy Authority dated 23 October 2015 provided advice to the pharmacy operators that the door (on Wellington Road) was to remain locked at all times so that security of the dispensary is not compromised. Evidently the internal shop layout chosen by the retailer places the prescription medicines too close to the approved Wellington Street doorway to ensure adequate security. While changing the internal layout of the premises could resolve this matter, as a compromise officers have suggested replacing the door with an unobscured window of similar size or moving the door further along the wall. If glazing were provided of similar dimensions to the previous permit, the building would retain surveillance over the street and appear open to it, rather than as a back wall.

These alternatives were suggested to the applicant, however, Council has not received any indication as to whether the applicant would consider amending their proposal.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

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

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|--------------|----------|--|--|
| 21.4.3 A3 | Design | <p>(b) For alterations to an existing building provide windows and door openings at ground level in the front façade no less than 40% of the surface area of the ground level façade.</p> <p>(c) For new building or alterations to an existing façade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 30% of the length of the façade.</p> <p>(h) Be consistent with any Desired Future Character Statements provided for the area.</p> | <p>No windows on door on the elevation fronting Wellington Road.</p> <p>100% of wall fronting Wellington Street façade is blank.</p> |

P1 of 21.4.3 provides that building design must enhance the streetscape. An assessment against the relevant criteria is discussed below.

“(b) provides windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces”.

The site is unique as it has frontages to 3 streets with the existing pedestrian entrance to the site being from Franklin Street. The previously approved plans (D-2014/134) to include a window and door on the frontage to Wellington Road were supported on the basis that the inclusion of a window and door into a previously blank wall enhanced the streetscape and provided an active frontage to Wellington Road.

Currently, the Wellington Road frontage presents as the rear of the building with no pedestrian access to the street. Further north, the supermarket also effectively has the rear of the building facing Wellington Road. If approved, the poor presentation to the street will be exacerbated as the partly constructed additions extend the wall further along the Wellington Road boundary and will provide a back wall covered in advertising creating an unfriendly pedestrian street.

It is considered that the proposal will have a detrimental impact on the streetscape by resulting in a closed wall to Wellington Road, which does not provide for an active frontage to the street or passive surveillance. Instead the rear wall will simply be an advertising surface. Therefore it is not consistent with the above criteria.

“(c) treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space”.

The applicant has proposed that advertising colours and signage will provide colour and detailing to the blank wall and that street art or a community notice board could be required if Council considers necessary. It is considered that the colours and advertising signage on the wall does not make a positive contribution to the streetscape and therefore, does not meet the above criteria. A community notice or the like would be a pointless contribution, as the footpath would be distinctly unfriendly to pedestrians who might otherwise view such information.

“(h) be consistent with any Desired Future Character Statements provided for the area”.

The relevant Desired Future Character Statement is that: *“Lindisfarne will retain its traditional strip shopping centre function, all infill or redeveloped buildings will achieve integrated façade treatments and maximise opportunities for active frontages with passing pedestrians”.*

Whilst the original development of the site resulted in the Wellington Street frontage appearing as the rear of the building, the most recent expansion permit (D-2014/134) sought to improve the amenity of the commercial area and particularly the Wellington Road precinct, which clearly presents the greatest opportunity for future growth in the centre, by requiring an active frontage to Wellington Road by introducing windows and doors on this frontage.

The current proposal, however, clearly removes any opportunity for the site to have an active frontage for passing pedestrians to Wellington Road and will have a detrimental impact on the amenity of the area. Therefore the proposal is not consistent with the above performance criteria.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|--------------|----------------------|--|---|
| 21.4.4 A1 | Passive Surveillance | <p>(b) For new buildings or alterations to an existing façade provide windows and door openings at ground level in the front façade which amount to no less than 40% of the surface area of the ground level façade.</p> <p>(c) For new buildings or alterations to an existing façade provide windows and door openings at ground level in the façade of any wall which faces a public space or a car park which amount to no less than 30% of the surface area of the ground level façade.</p> | No windows or door on the elevation fronting Wellington Road. |

The Objective of 21.4.1 is to: “*ensure that building design provides for the safety of the public*”.

P1 of 21.4.4 proves that building design must provide for passive surveillance of public spaces. An assessment against the relevant criteria is as follows.

“(b) locate windows to adequately overlook the street and adjoining public spaces”.

The proposal removes the windows from the Wellington Road frontage and therefore does not provide any opportunity for overlooking the street.

“(c) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the buildings and vice versa”.

As above, the proposal will remove the approved windows and door which would allow for pedestrians to see into the building and vice versa.

5. EXTERNAL REFERRALS

No external referrals were required or undertaken as part of this 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

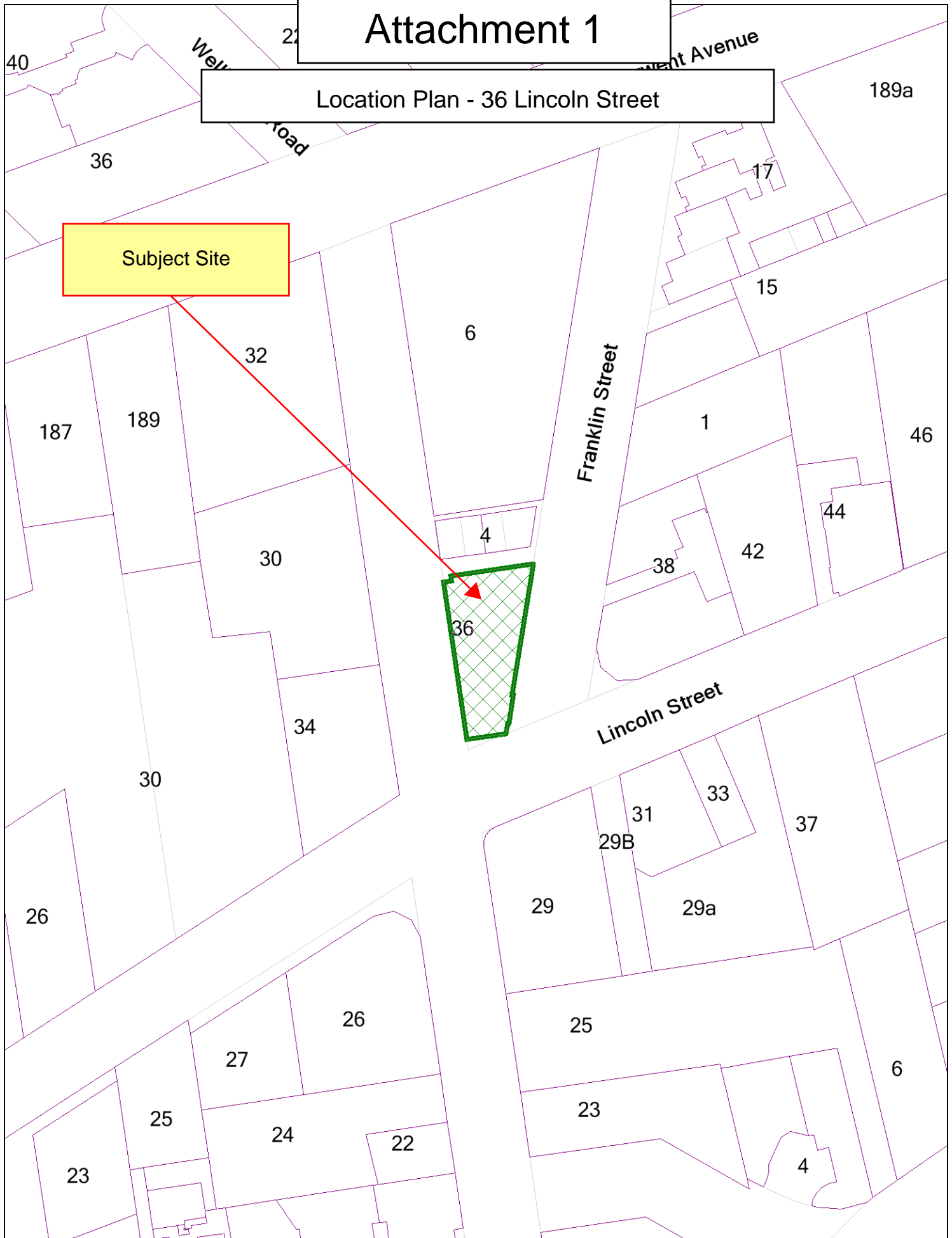
The proposal to amend the previously approved plans for D-2014/134 by removing the approved door and window on the Wellington Street frontage be refused as it is inconsistent with the Performance Criteria for the General Business Zone.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan - 36 Lincoln Street



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Attachment 2

le tactile indicators
n min 600 x 1000mm
with AS1428.4

190 Blockwalls core fill (Refer CD09)

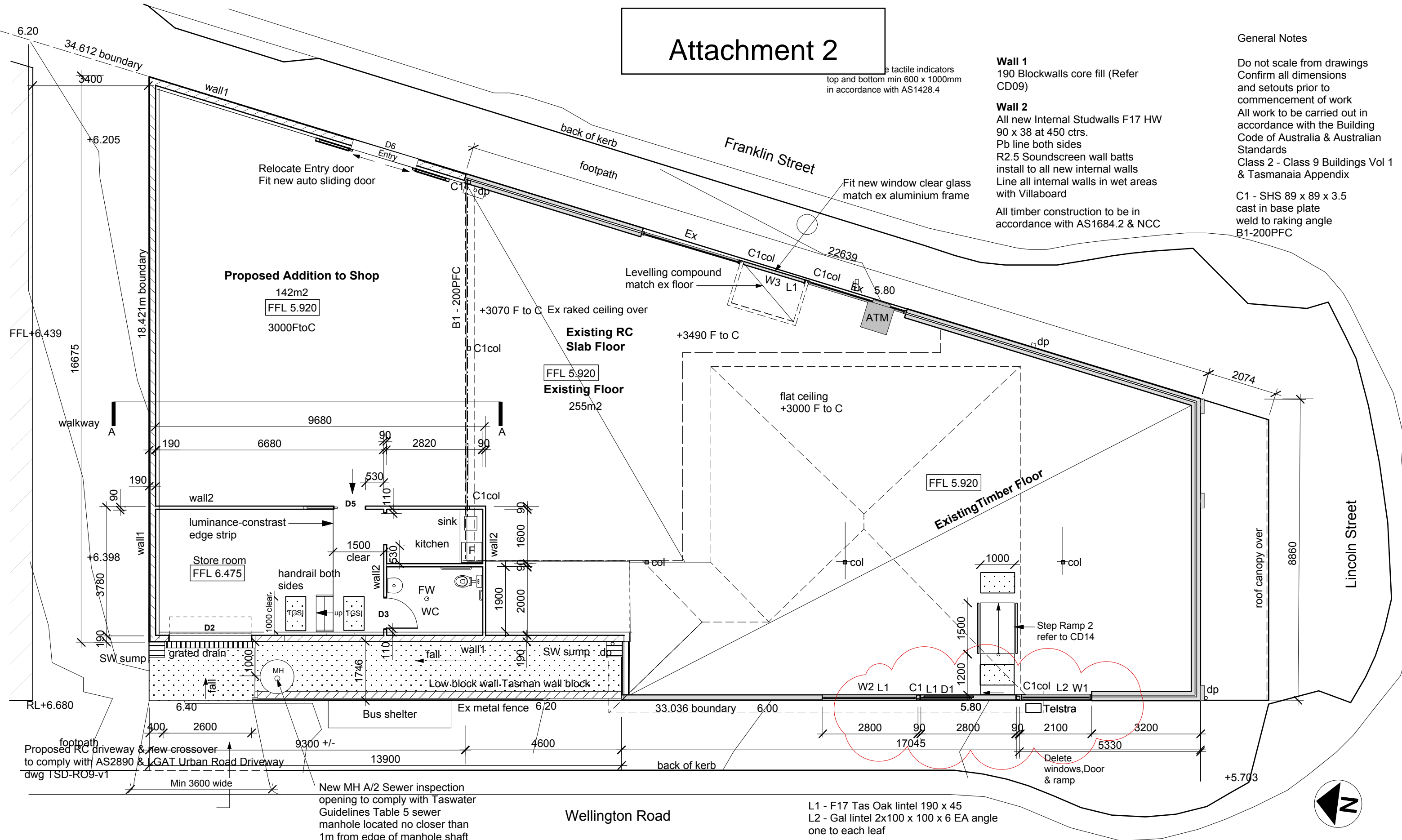
All new Internal Studwalls F17 HW
90 x 38 at 450 ctrs.
Pb line both sides
R2.5 Soundscreen wall batts
install to all new internal walls
Line all internal walls in wet areas
with Villaboard

All timber construction to be in accordance with AS1684.2 & NCC

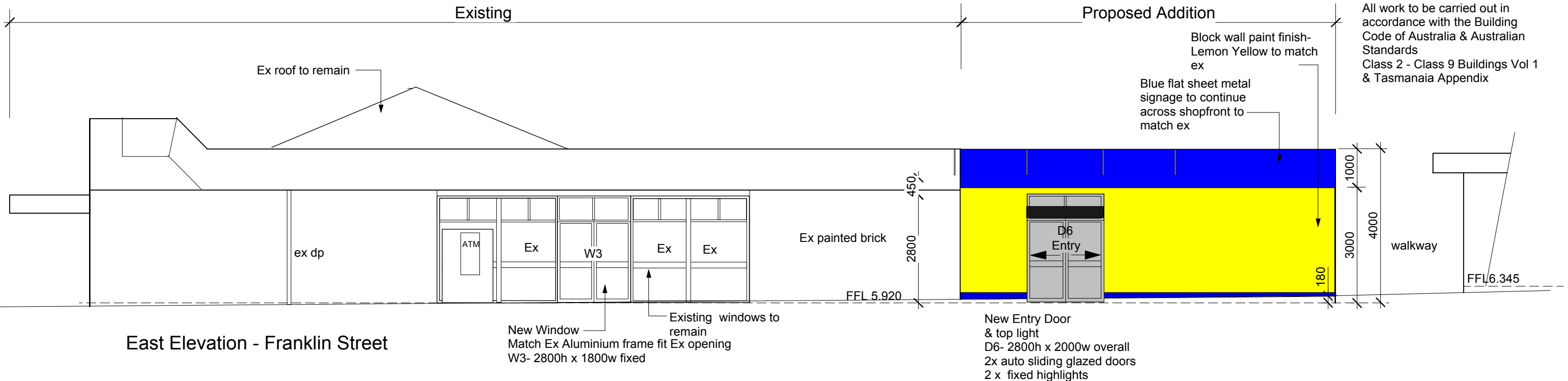
General Notes

Do not scale from drawings
Confirm all dimensions
and setouts prior to
commencement of work
All work to be carried out in
accordance with the Building
Code of Australia & Australian
Standards
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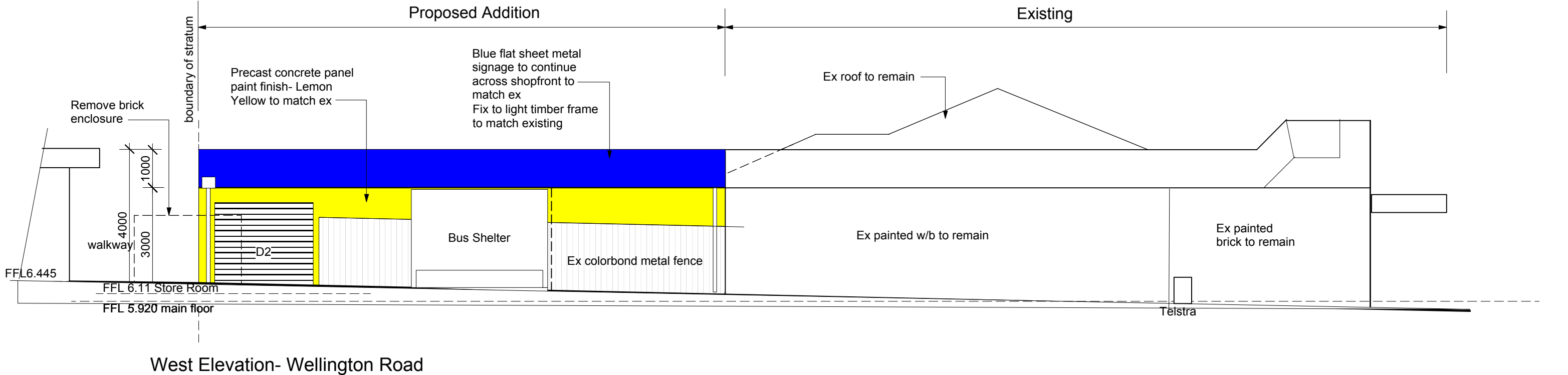
C1 - SHS 89 x 89 x 3.5
cast in base plate
weld to raking angle
B1-200PFC

[illegible]

Do not scale from drawings
Confirm all dimensions
and setouts prior to
commencement of work
All work to be carried out in
accordance with the Building
Code of Australia & Australian
Standards
Class 2 - Class 9 Buildings Vol 1
& Tasmanaia Appendix



East Elevation - Franklin Street



West Elevation- Wellington Road

| | | | | | | | | |
|---|----------|--|---------------------|--|--|---|-------------------|----------------------|
| B | 23/12/15 | Proposed deletion of W1,W2 & D1 windows & Doors facing Wellington Rd | <div>012345 M</div> | | P H I L L I P M U S K E T T A R C H I T E C T | Project Title <div>Proposed Addition Chemist Warehouse 36 Lincoln St Lindisfarne</div> | Project Manager | Project ID 152454 |
| | | | | | | | Drawn By | Scale 1:100 @ A3 |
| | | | | | | | Reviewed By PM | Drawing No. CD05 |
| No. | Date | Issue Notes | | | 176a Campbell Street Hobart Ph:03 62369469 Email:phillipmuskett @bigpond.com Accreditation No CC1034X | Drawing Title <div>East & West Elevations</div> | Date 21/7/2015 | of |
| | | | | | | | CAD File Name | 14 |
| Agenda Attachments - 36 Lincoln Street (D-2014/134) - Page 3 of 4 | | | | | | | | |

Attachment 3



Site viewed from Wellington Road.

**11.3.4 DEVELOPMENT APPLICATION D-2015/547 - 36 LINCOLN STREET,
LINDISFARNE - CANOPY**
(File No D-2015/547)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a canopy addition to an existing building (currently operating as a Discount Chemist) at 36 Lincoln Street, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned General Business under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 24 February 2016.

CONSULTATION

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

- detrimental impact on the streetscape; and
- colour scheme.

RECOMMENDATION:

A. That the Development Application for Canopy at 36 Lincoln Street, Lindisfarne (C1 Ref D-2015/547) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN F5 – PART 5 AGREEMENT [the use of Council land for the development].
3. PROP 1 – LICENCE AGREEMENT.
4. GEN S1 – SIGN CONSENT.

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

**DEVELOPMENT APPLICATION D-2015/546 - 36 LINCOLN STREET,
LINDISFARNE – CANOPY /contd...**

ASSOCIATED REPORT**1. BACKGROUND**

The site is currently used as a Pharmacy which was granted a planning permit as a Local Shop (D-2013/33) at Council's Meeting of 15 April 2013. A subsequent application for signage was approved at Council's Meeting on 2 December 2013 (D-2013/302).

At Council's Meeting of 12 January 2015, a permit for alterations and additions to the pharmacy (D-2014/134) was granted. The application provided for a door and window facing Wellington Road, however, following negotiation with the applicant prior to the grant of the permit, it was agreed that a larger window to Wellington Road should be provided to ensure a better response to streetscape values. The permit was conditioned accordingly and an amended plan was subsequently approved on 27 August 2015. An amendment application (D-2015/546) seeks to remove this requirement and is also being considered at this Council meeting.

A minor amendment to permit D-2014/134 to relocate the existing door on Franklin Street further north along the elevation and to retain the existing doors and windows was also approved on 27 August 2015.

A recent approval for signage on the addition (D-2015/548) was approved on 1 February 2016.

Building works are currently underway on the site and while an Occupancy Permit has been issued, the Building Surveyor has not yet undertaken his final inspection and Council has not issued a Completion Certificate. On inspection it is apparent that the work is nearly complete, although the Wellington Street door and window referred to above have yet to be installed.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned General Business under the Scheme.
- 2.2.** The proposal is Discretionary because it does not meet the Acceptable Solutions under the Scheme regarding front setback requirements.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications; and
 - Section 10 – General Business Zone.
- 2.4.** Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

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

The site contains a Pharmacy which has frontage to 3 streets, Lincoln Street, Wellington Road and Franklin Street. The building currently has its main pedestrian entrance onto Franklin Street. The site is located within the shopping precinct of Lindisfarne and is surrounded by commercial development.

3.2. The Proposal

The proposal is for a canopy addition over the entrance from Franklin Street. The canopy will be located 2.8m above natural ground level and will extend over Council’s footpath. The proposal required the consent of Council to lodge the application which was granted. Consent has been given on the condition that a Part 5 and licence agreement be entered into prior to the issue of a Building Permit.

4. PLANNING ASSESSMENT**4.1. Determining Applications [Section 8.10]**

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

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

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|-----------------|--|--|
| 21.4.2 A1 | Design | Building setback from frontage must be parallel to the frontage and must be no more than the alignment of adjoining buildings. | The canopy extends past the property boundary over the road reserve. |

The Objective of 21.4.2 of the Scheme is that *“building setback contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone”.*

The relevant Performance Criteria provides that building setback from frontage must *“provide that small variations in building alignment only where appropriate to break up long building facades, provided that no potential concealment or entrapment opportunity is created”.*

The proposal is considered to meet the relevant Performance Criteria of 21.4.2 for the following reasons.

- The canopy provides a small variation to the building line of the existing building and provides a canopy over the footpath which increases the pedestrian amenity of the area. The proposal canopy is compatible with the shops on the opposite side of Franklin Street, many which include canopies over the footpath.
- There are no changes to the existing footprint.
- The proposal provides for a greater pedestrian amenity by providing shelter over the entrance to the building.

The proposal canopy does not propose any advertising, however, after having regard to the amount of existing and approved advertising on the building, it is considered appropriate to include a condition preventing advertising being placed on the canopy.

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. Issue

Concern was raised that the proposal will result in a detrimental impact on the streetscape.

- **Comment**

As discussed above it is considered that the canopy will increase the pedestrian amenity of users of the site by providing a shelter from weather over the entrance to the building.

5.2. Issue

Concern was raised that the colour scheme is “garish” and detracts from the visual amenity of the area.

- **Comment**

The proposal is for a canopy to an existing building and is consistent with the colour scheme. In any case, a change to the colour scheme of the building would not require a planning permit.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

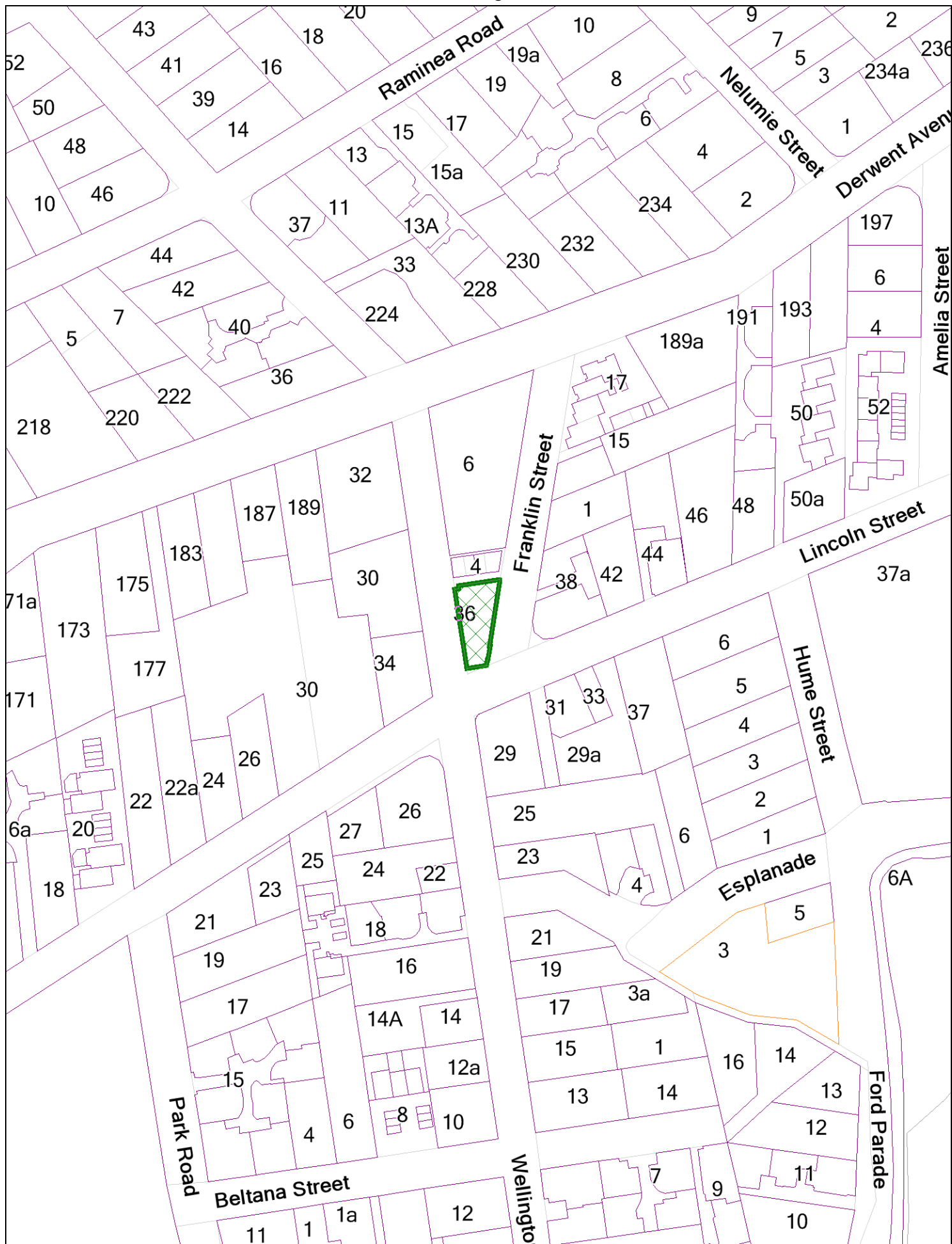
9. CONCLUSION

The proposal is for a canopy addition to the Franklin Street elevation of the existing building. It is considered that the proposal meets the requirements of the Scheme and is recommended for approval.

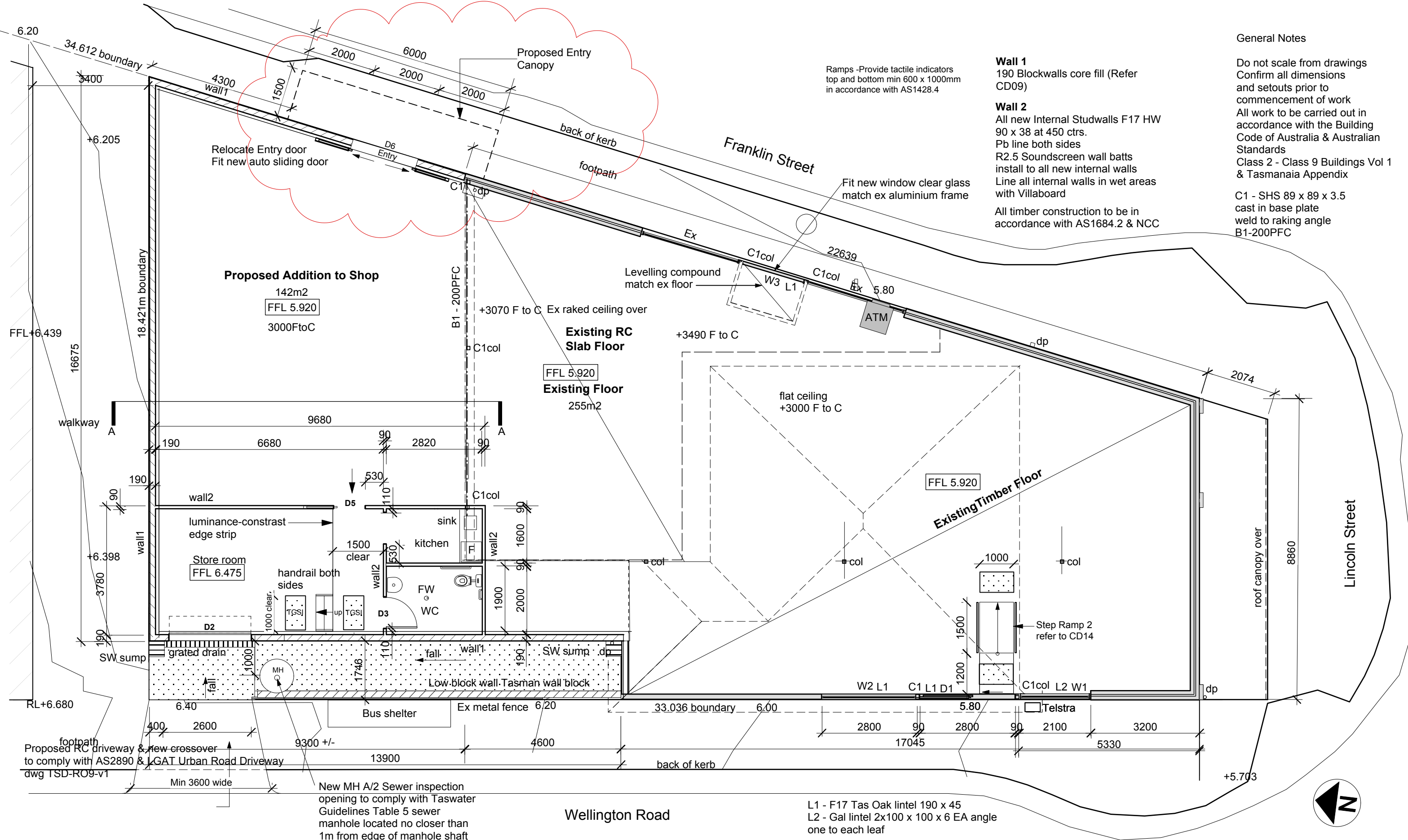
Attachments: 1. Location Plan (1)
2. Proposal Plan (3)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Clarence City Council



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 12 February 2016 **Scale:** 1:1,922 @A4



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& Tasmania Appendix
C1 - SHS 89 x 89 x 3.5
cast in base plate
weld to raking angle
B1-200PFC

Wall 1
190 Blockwalls core fill (Refer
CD09)
Wall 2
All new Internal Studwalls F17 HW
90 x 38 at 450 ctrs.
Pb line both sides
R2.5 Soundscreen wall batts
install to all new internal walls
Line all internal walls in wet areas
with Villaboard
All timber construction to be in
accordance with AS1684.2 & NCC

Ramps -Provide tactile indicators
top and bottom min 600 x 1000mm
in accordance with AS1428.4

Fit new window clear glass
match ex aluminium frame

Levelling compound
match ex floor

+3070 F to C Ex raked ceiling over

+3490 F to C

flat ceiling
+3000 F to C

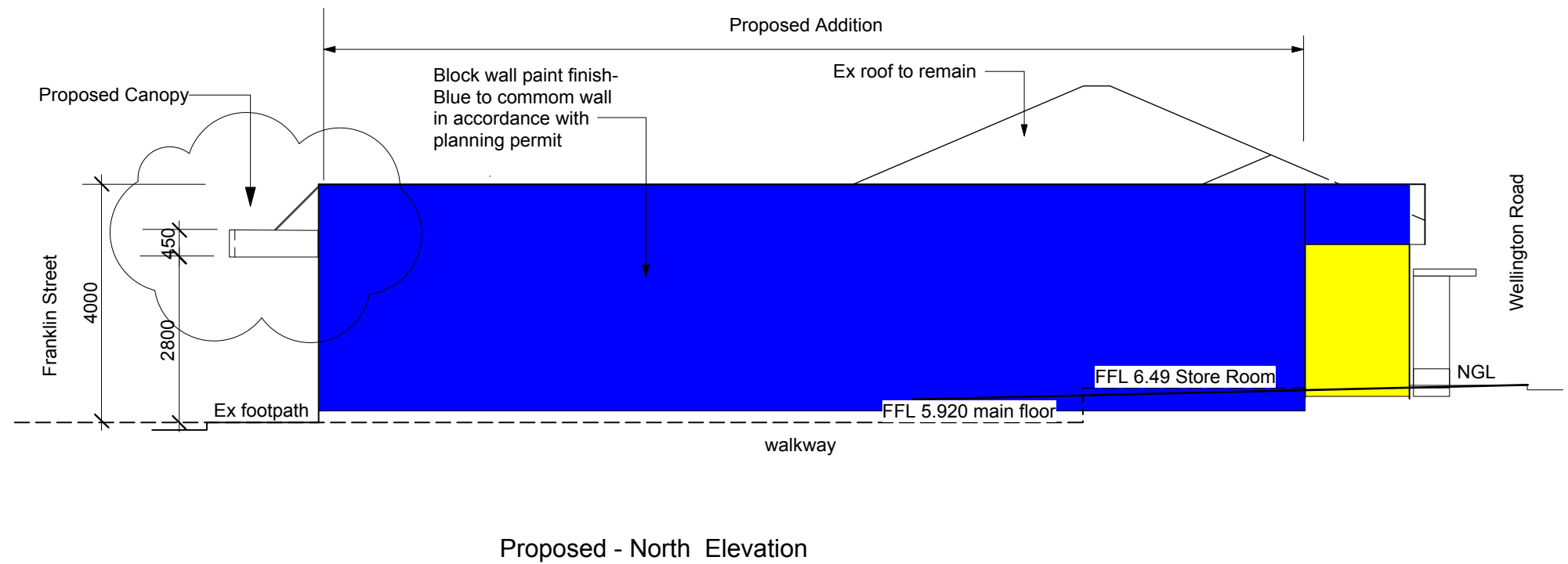
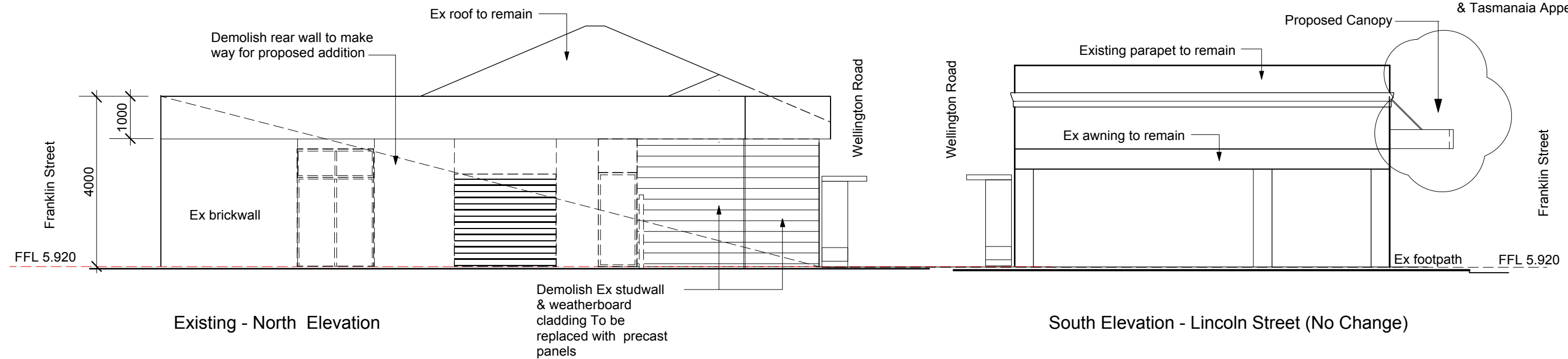
Step Ramp 2
refer to CD14

L1 - F17 Tas Oak lintel 190 x 45
L2 - Gal lintel 2x100 x 100 x 6 EA angle
one to each leaf

| | | | | | | | | | |
|-----|----------|-----------------------|---------------------|--|--|--|---|-------------------|--|
| C | 27/10/15 | Proposed Entry Canopy | <div>012345 M</div> | | | P H I L L I P M U S K E T T A R C H I T E C T | Project Title <div>Proposed Addition Chemist Warehouse 36 Lincoln St Lindisfarne</div> | Project Manager | Project ID 152454 |
| | | | | | | | | Drawn By | Scale 1:100 @ A3 |
| | | | | | | | | Reviewed By | Drawing No. <div>CD03</div> <div>of</div> <div>14</div> |
| No. | Date | Issue Notes | | | | 176a Campbell Street Hobart Ph:03 62369469 Email:phillipmuskett @bigpond.com Accreditation No CC1034X | Drawing Title <div>Proposed Floor Plan</div> | Date 21/7/2015 | CAD File Name |

Agenda Attachments - 36 Lincoln Street (D-2015/547) - Page 2 of 5

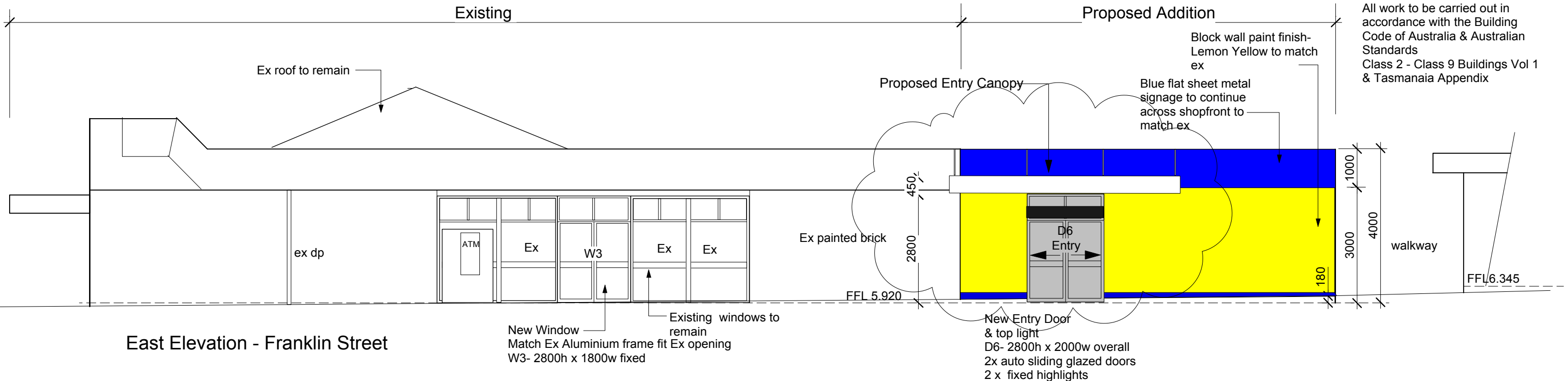
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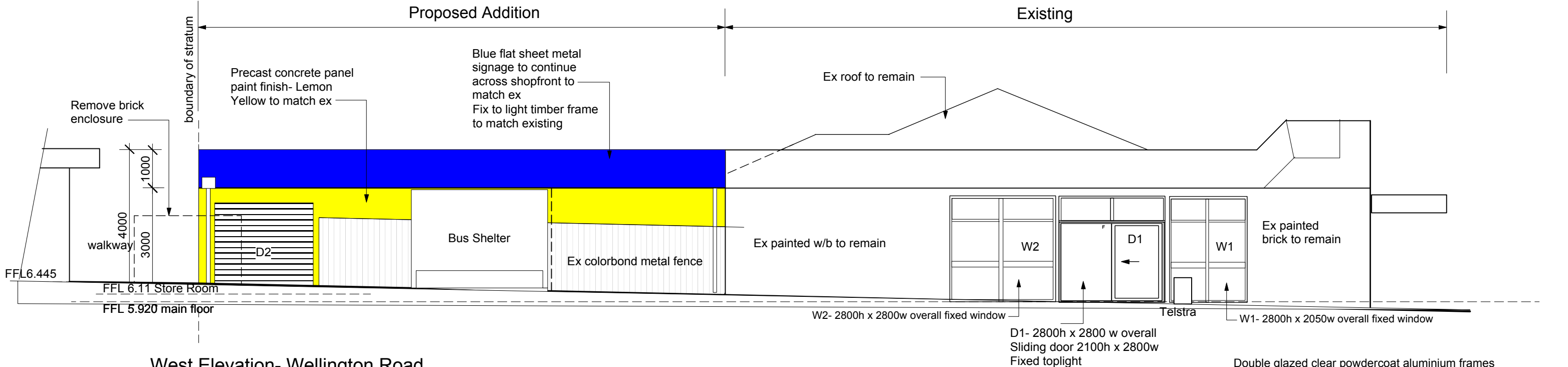
| | | | | | | | | |
|-----|---------|-----------------------|---------------------|--|--|---|-------------------|--|
| A | 2/12/15 | Proposed Entry Canopy | <div>012345 M</div> | | P H I L L I P M U S K E T T A R C H I T E C T | Project Title <div>Proposed Addition Chemist Warehouse 36 Lincoln St Lindisfarne</div> | Project Manager | Project ID 152454 |
| | | | | | | | Drawn By | Scale 1:100 @ A3 |
| No. | Date | Issue Notes | | | 176a Campbell Street Hobart Ph:03 62369469 Email:phillipmuskett @bigpond.com Accreditation No CC1034X | Drawing Title <div>N & SElevations</div> | Reviewed By | Drawing No. <div>CD04</div> <div>_____ of _____</div> <div>14</div> |
| | | | | | | | Date 21/7/2015 | |
| | | | | | | | CAD File Name | |

Agenda Attachments - 36 Lincoln Street (D-2015/547) - Page 3 of 5

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East Elevation - Franklin Street



West Elevation- Wellington Road

Double glazed clear powdercoat aluminium frames
Sliding Doors - G James 245 Series 4/10air/4 clear
UV 4.0 & SHGC 0.63
Windows - Ullrich 4/8air/4 clear
UV 4.014 & SHGC 0.586

| | | | | | | | |
|-----|---------|-----------------------|---------------------|---|---|--|--|
| A | 2/12/15 | Proposed Entry Canopy | <div>012345 M</div> | <div>PHILLIP MUSKETT ARCHITECT</div> <div>176a Campbell Street Hobart Ph:03 62369469 Email:phillipmuskett@bigpond.com</div> <div>Accreditation No CC1034X</div> | Project Title Proposed Addition Chemist Warehouse 36 Lincoln St Lindisfarne | Project Manager Drawn By Reviewed By PM Date 21/7/2015 CAD File Name | Project ID 152454 Scale 1:100 @ A3 Drawing No. CD05 of 14 |
| | | | | | | | |
| No. | Date | Issue Notes | | | Drawing Title East & West Elevations | | |

36 Lincoln Street, LINDISFARNE



Site viewed from Franklin Street, looking west



Site viewed from intersection of Franklin and Lincoln Streets, looking northeast

**11.3.5 DEVELOPMENT APPLICATION D-2015/560 - 27 FRANKLIN STREET,
RICHMOND - DWELLING**
(File No D-2015/560)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 27 Franklin Street, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Historic Heritage 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 solution for building envelope, private outdoor space and sunlight and overshadowing under the zone. The proposal is also Discretionary under the Historic Heritage Code.

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 24 February 2016 with the written agreement of the applicant.

CONSULTATION

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

- rear setback variation;
- excavation required for buildings;
- use of proposed outbuilding; and
- location of easement.

RECOMMENDATION:

A. That the Development Application for Dwelling at 27 Franklin Street, Richmond (CI Ref D-2015/560) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [- east and west facing walls of the “lean-to” on the outbuilding inset 300mm to 500mm from the walls of the remainder of the outbuilding; and
- the correct location of natural ground level and the maximum height of the structure above natural ground level].
3. GEN M7 – DOMESTIC USE - Replace “building” with “outbuilding”.

4. All external surfaces must be finished in muted colours sympathetic to the surrounding heritage precinct to the satisfaction of Council's Manager City Planning. Details of the colour scheme must be submitted and approved prior to the issue of a building permit.
 5. ENG A1 – NEW CROSSOVER [TSD-R09] - Replace 3.0m with 3.6m.
 6. ENG S1 – INFRASTRUCTURE REPAIR.
 7. Prior to building approval the existing stormwater pipe within the easement must be identified and the foundations of the proposed dwelling are to be located more than 1.0m away from the side of the pipe and deep enough to facilitate excavation of the pipeline.
 8. LAND 1A – LANDSCAPE PLAN – Insert after first sentence “The plan must demonstrate how the site is to be landscaped/fenced in order to enhance the property and to reduce conflict with historic streetscapes”. And delete “estimated cost of landscaping works”.
 9. ADVICE – It is the developer's responsibility to ensure that construction activities do not affect the integrity of any services or structures on adjoining properties as a result of excavations near property boundaries.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

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

2.2. The proposal is a Discretionary development because it does not meet certain Acceptable Solutions prescribed in the General Residential Zone and Historic Heritage Code.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10.0 – General Residential Zone; and
- Section E13.0 – Historic Heritage 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 has an area of 1403m² and a slope of approximately 1 in 9 on the western side (rear) of the site and 1 in 20 on the eastern side of the lot. The lot has frontage and vehicle access to Franklin Street. The property contains a shed with a floor area of approximately 25m².

The area surrounding the subject site is similarly zoned General Residential featuring a mixture of Single and Multiple Dwelling developments. Land adjacent to the west (rear) of the site at 28 Percy Street is currently vacant. Land adjacent to the south of the site at 23A Franklin Street contains an existing heritage listed dwelling and guest accommodation. Another property adjoining on the southern boundary at 25 Franklin Street also contains a dwelling.

3.2. The Proposal

The proposal is for a new single-storey dwelling and outbuilding. The dwelling would contain 4 bedrooms, 2 bathrooms, a rumpus room, study, a single-car attached garage, courtyard and an open plan living/kitchen/dining area.

The proposed dwelling would have a height of 5.852m at its highest point above natural ground level and would be constructed using brick walls with a corrugated iron roof. The dwelling would have setbacks of 5.424m from the frontage boundary, 3m from the northern side boundary, and 5.121m from the southern side boundary and 32.241m from the rear boundary.

The proposed outbuilding would have a height of 4.254m at its highest point above natural ground level (NGL) and would be constructed using steel with corrugated iron cladding. The outbuilding would have setbacks of 12.077m from the northern side boundary, 2.6m from the southern side boundary and 2.6m from the rear boundary. The applicant has advised that the building would be for the purpose of storing a caravan and as a domestic workshop.

The existing shed on the site would be demolished.

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 also 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 setback) | Buildings/structures must be contained within a building envelope determined by projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level (required setback of 4.8m in this case) | 2.6m rear boundary setback (variation of 2.2m) |

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

- The proposed building would not overshadow the north-facing wall or outdoor space areas of adjacent dwellings, which are located approximately 20m from the site of the outbuilding.
- The size and bulk of the proposed building (much of which would be located below natural ground level) is of a scale, which is commensurate with other residential buildings in the area.
- A level of separation (approximately 20m to nearby dwellings and approximately 5.5m to a hut at 23A Franklin Street) would be provided between the building and buildings on adjacent lots, which is compatible with that prevailing in the surrounding area, which is typically as low as 3m on some lots.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|-----------|--------------------|---|---|
| 10.4.3 A2 | Private Open Space | A dwelling must have an area of private open space that is in one location and is at least 24m ² with a minimum dimension of 4m, is directly accessible from, and adjacent to, a habitable room. The private open space must not be located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21 June. | Minimum dimension of courtyard would be 3.7m. The courtyard would be located to the south-west of the dwelling. |

The proposed variation can be supported pursuant to Performance Criteria (P2) of Clause 10.4.3 for the following reason.

- The proposed dwelling features a significant area of land at the rear of the dwelling (approximately 500m²) directly accessible from the dwelling, which would provide for outdoor activities and would have excellent access to direct sunlight.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|-----------|----------|--|---|
| 10.4.4 A1 | Sunlight | A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north. | The main living area would be orientated 90 degrees west of north |

The proposed variation can be supported pursuant to Performance Criteria (1) of Clause 10.4.4 for the following reason.

- The dwelling has 1 window of a habitable room (study) that would be located in a position to allow afternoon sunlight to enter as required.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|------------|---|-------------------------------|-----------------------------|
| E13.8.1 A1 | Demolition of Building in a Heritage Precinct | No Acceptable Solution | Demolition of existing shed |

The proposed variation can be supported pursuant to Performance Criteria (P1) of Clause E13.8.1 for the following reason.

- Council's Heritage Officer has advised the demolition of the existing shed, which is not a building of heritage significance, would not contribute to a loss of historic cultural heritage significance of the precinct.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|-----------------------------|---|-------------------------------|--------------------------|
| E13.8.2 A1, A2 and A5 | Design and Siting of Buildings in a Heritage Precinct | No Acceptable Solutions | Dwelling and outbuilding |

The proposed variation can be supported pursuant to Performance Criteria (P1, P2 and P5) of Clause E13.8.2 for the following reasons provided by Council's Heritage Officer.

- The proposed dwelling incorporates roof pitches and vertical window proportions that reflect the predominant Georgian style of architecture prevalent throughout the Richmond Township.
- The proposed dwelling would be located in accordance with prevailing setbacks to Franklin Street.
- The proposed outbuilding would be located within an excavated area at the rear of the site which would assist with reduction of impact to adjacent property and broader precinct.
- The buildings would not be confused with original historic fabric associated with nearby historic places in the locality.
- The overall form and style of the proposed dwelling conforms to a simplistic interpretation of Georgian architecture.
- The buildings would repeat the rhythm, spatial characteristics and character of historic places and other contributory buildings in the area.

- The Heritage Officer has also recommended a number of conditions to ensure that the development is undertaken in accordance with the performance criteria. The conditions (landscaping/fencing, colours of external building materials and modification of the “lean-to” section of the outbuilding) have been discussed with the applicant who is supportive of the application being approved on this basis.

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 2 representations were received. The following issues were raised by the representors.

5.1. Rear Setback Variation

One representor is concerned that the location of and bulk of the outbuilding would obstruct views from the adjacent property at 23A Franklin Street.

- **Comment**

As discussed above, the placement of the proposed outbuilding satisfies the Performance Criteria of the building envelope standard. Nevertheless, Council’s Heritage Officer has advised that the placement of the building would minimise impact on the values of the heritage precinct, particularly as the building would be located in an excavated area, which would lower the height of the building above natural ground level.

5.2. Excavation Required for Buildings

Representors are concerned that the excavation required for the proposed buildings would cause stability and drainage problems on the adjacent properties at 23A and 25 Franklin Street.

- **Comment**

Should a planning permit be granted, the developer would need to submit design details with the application for a building permit demonstrating how the land would be excavated and retained to ensure that the stability and drainage of adjacent properties is not compromised.

If granted, it is recommended that an advice clause be included on the planning permit to ensure that the developer is aware of their responsibility to ensure that construction activities do not affect the integrity of any services or structures on adjoining properties as a result of excavations near property boundaries.

5.3. Use of Proposed Outbuilding

Representors are concerned that the outbuilding would be used for commercial or noise generating activities. One representor seeks clarification on whether the building would be habitable and have power connected.

- **Comment**

The proposed outbuilding would be a residential non-habitable building under the Building Code of Australia. As discussed, the applicant has advised that the building would be used storing a caravan and as a domestic workshop. Noise limits for such purposes are controlled under the Environmental Management and Pollution Control Act, 1994 (EMPCA) and as such are not relevant to the assessment of this application. There is no power under the Scheme to control electricity connections; however, a power connection should be anticipated for any domestic outbuildings.

5.4. Location of Easement

One representor has raised concern that the proposal plan does not show an easement along the boundary of 23A, 25 and 27 Franklin Street.

- **Comment**

A drainage easement is located alongside the northern boundary of 23A and 25 Franklin Street; but is not located on 27 Franklin Street.

Accordingly, the easement is not required to be identified on the proposal plans.

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

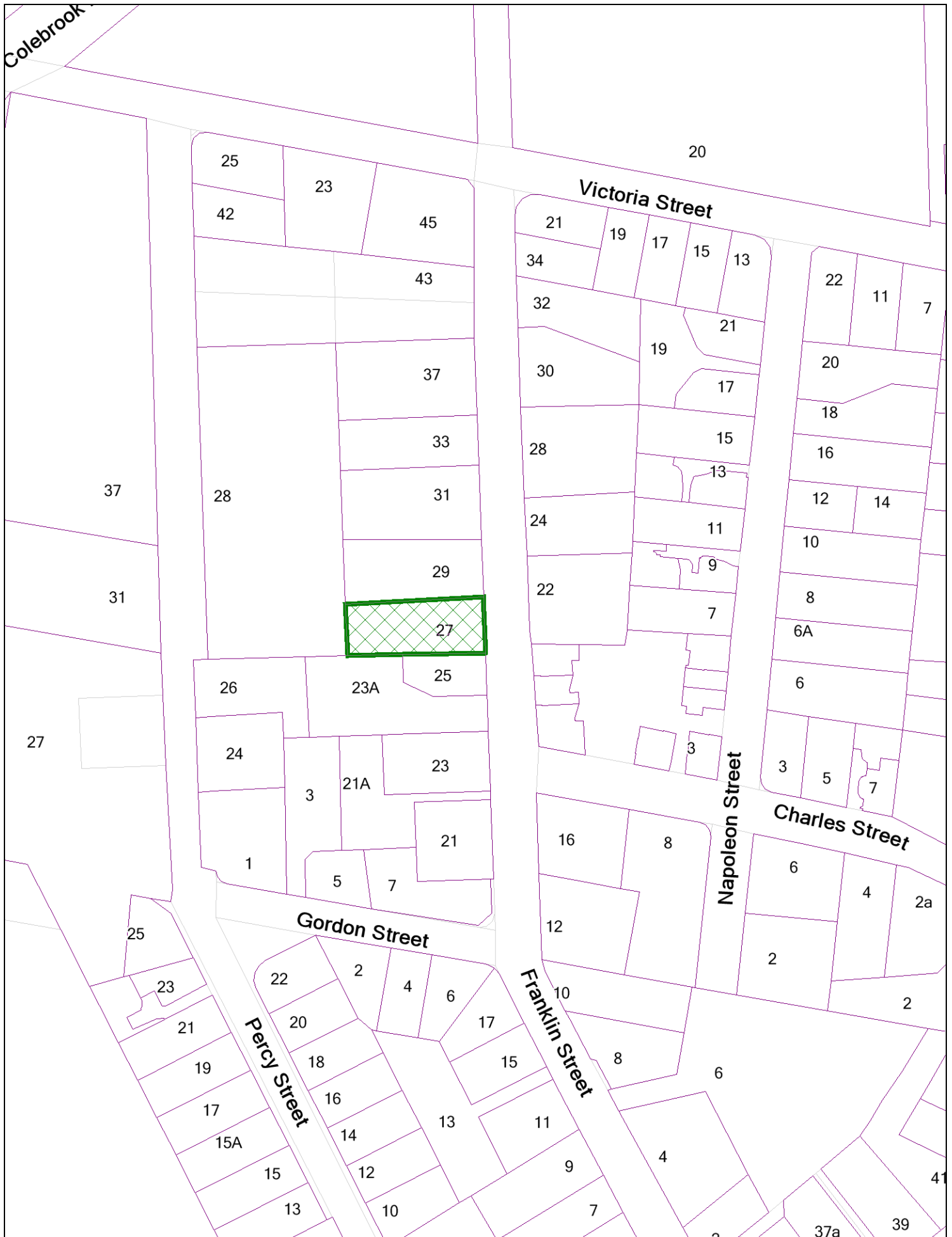
The proposal seeks approval for a dwelling at 27 Franklin Street, Richmond. The application meets the relevant acceptable solutions and performance criteria of the Scheme.

The proposal is recommended for approval subject to conditions.

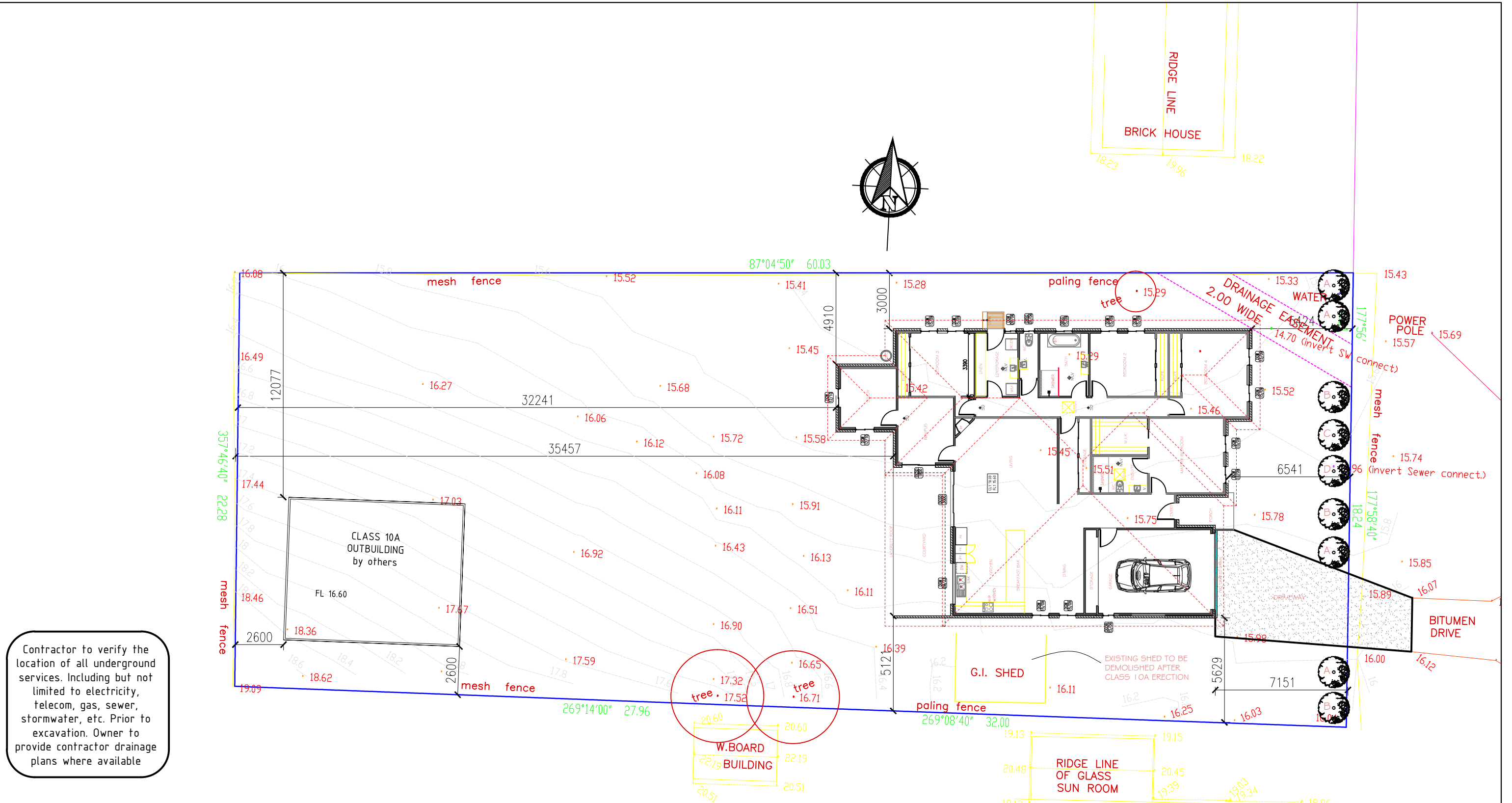
Attachments: 1. Location Plan (1)
2. Proposal Plans (6)
3. Amended Outbuilding Plan (1)
4. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING

Clarence City Council



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, 11 February 2016 **Scale:** 1:2,088 @A4



Contractor to verify the location of all underground services. Including but not limited to electricity, telecom, gas, sewer, stormwater, etc. Prior to excavation. Owner to provide contractor drainage plans where available

| Landscaping | | | |
|-------------|---|---------------------------------------|-----------------|
| A | - | Adonis "Burgundy" | 3.0m H x 1.5m W |
| B | - | Carpet Rose White | 0.7m H x 1.0m W |
| C | - | Phornium "Purple Haze" | 1.2m H x 1.5m W |
| D | - | Leucophyta Brown Nane "Silver Nugget" | 0.5m H x 0.5m W |

OH&S HAZARD
Type: public safety
Solution: provision of safety fencing around construction area

| Date | Rev. | Description | Drawn By | SITE DESCRIPTION |
|------------|------|------------------------------|------------|---|
| 07/01/2015 | C | Issued for Planning Approval | D. Jackson | |
| | | | | WIND CLASS - AS4055 |
| | | | | SOIL CLASS - AS2870 |
| | | | | CLIMATE ZONE - 26 |
| | | | | ENERGY RATING - 6.0 Stars |
| | | | | TITLE SP160289 - Lot 4 1403m ² |

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Client: S & M McCarthy
Project: 27 Franklin Street, Richmond Tasmania
Title: Proposed Site Plan
Scale: Scale 1:200

Drawn: D. Jackson
Designed: D. Jackson
Date: 17/09/2015
Page: 2 of 2

Job Number: 15D0908
Drawing: A02
Revision: C

IT IS THE BUILDERS RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UNDERGROUND SERVICES, INCLUDING BUT NOT LIMITED TO; GAS, WATER, SEWER, STORM WATER, ELECTRICITY, TELECOMMUNICATIONS.

LEVELS TO BE CONFIRMED BY BUILDER PRIOR TO CONSTRUCTION

REMOVE ANY SOIL, CONCRETE, PAINT OR OTHER POTENTIAL POLLUTANTS FROM ANY AREA NOT WITHIN THE SITE BOUNDARY, TO MINIMISE POLLUTION THROUGH RUN OFF IN THE RETICULATED STORMWATER SYSTEM.

RETICULATED WATER MAINS AND ELECTRICAL CONNECTION TRENCHED TOGETHER. NOTES AS PER SEWER AND STORMWATER TRENCHING ABOVE.

SOLID WASTE MATERIAL TO BE STORED AND REMOVED FROM SITE REGULARLY.

REMOVABLE WC TO BE INSTALLED ON SITE DURING CONSTRUCTION UPTO THE POINT WHERE MAIN SEWER LINE IS CONNECTED.

STOCK PILES TO BE STABILISED AS SHOWN ON DETAIL SD9.

VEHICLES/MACHINERY ACCESSING THE SITE TO USE HARDENED ACCESS POINT AND TO BE THOROUGHLY WASHED (HIGH PRESSURE) TO REMOVE SOIL AND PLANT MATERIAL BEFORE LEAVING SITE.

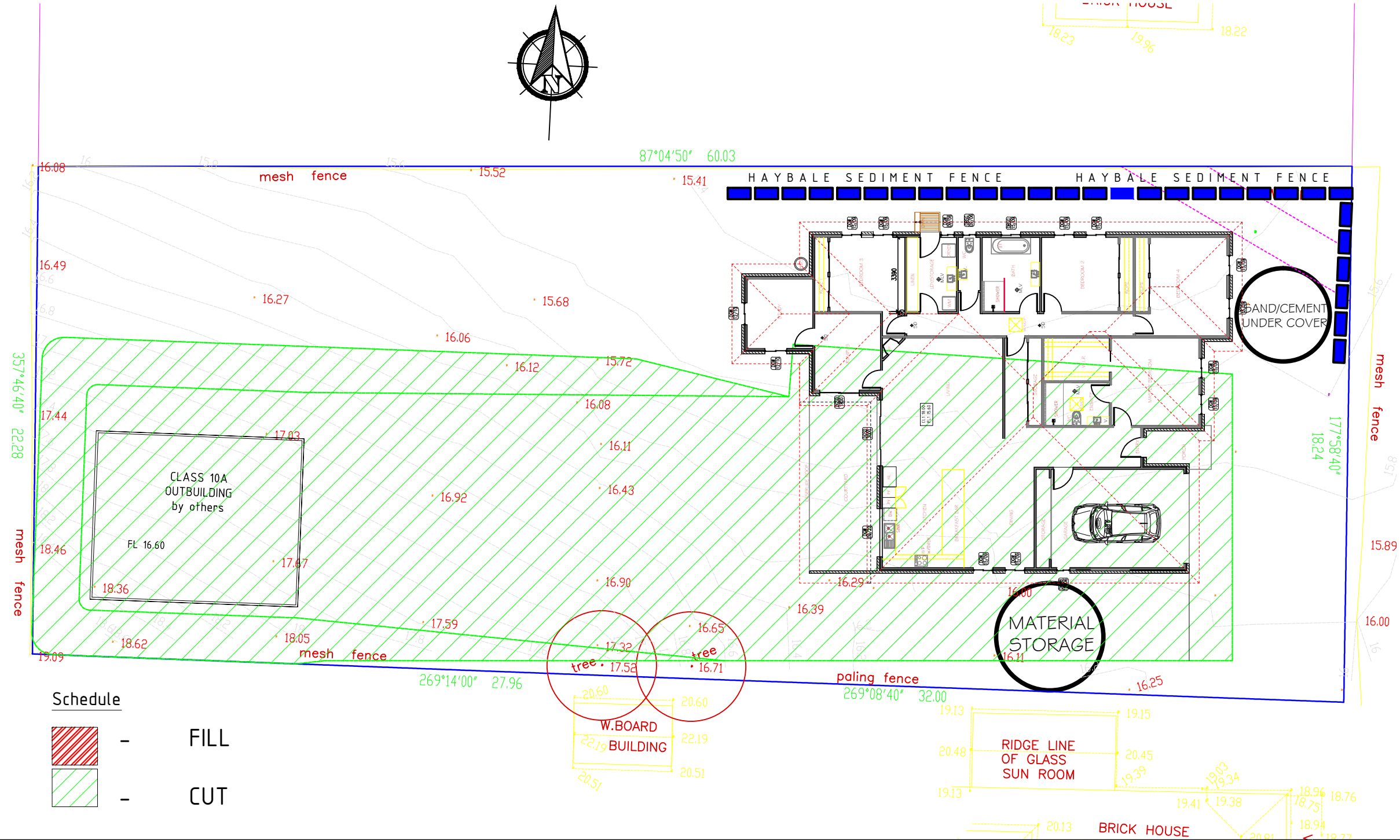
WATER DIVERSION BARRIER (DIVERSION OF UPSLOPE WATER) CONSTRUCTED FROM SAND OR GRAVEL FILLED BAGS IN ACCORDANCE WITH DRAWING SD1.

SILT TRAP/STORM WATER PIT PROVIDE FILTRATION BARRIER AS PER DETAIL SD10.

REVEGETATION & LONG TERM EROSION CONTROLS:

ONLY REMOVE VEGETATION AS REQUIRED DURING CONSTRUCTION. TREAT HEAVILY CLAYED SOILS WITH GYPSUM OR LIME AT A RATE OF 10t/ha TO STABILISE CLAY PARTICLES. TEMPORARY STABILISATION CAN BE GAINED BY SOWING RYECORN/OATS AT 40kg/ha AND RYEGRASS var. CONCORDE AT 10kg/ha OR SIMILAR FAST ROOTING GRASSES/CROPS (WITH ADVICE FROM AGRONOMIST) TO HOLD TOGETHER TOP SOIL. PERMANENT GROUND STABILISATION CAN BE ACHIEVED USING TURF OR OTHER GRASS MIXES OF FINE LEAF RYES, FESCUSES, POA, CLOVERS, ETC. GARDEN AREAS TO BE MULCHED WITH WATER EFFICIENT PLANTINGS THAT HAVE QUICK ESTABLISHMENT TIMES TO BE USED IN INITIAL GARDEN BEDS.

WHERE TUNNEL EROSION IS A EVIDENT THE TUNNELED AREA MUST BE COMPLETELY BROKEN UP AND RECONSOLIDATED TO INTERRUPT CHANNLED FLOWS OF WATER AND THEN STABILISED WITH VEGETATION. DEEP RIP ACROSS THE SLOPE MAKING SURE THAT THESE RIP LINES ARE DEEPER THAN THE BOTTOM OF THE TUNNELS. COMPACT USING RUBBER WHEELED TRACTOR ON AREAS OF SHALLOW TUNNELING. TUNNELS DEEPER THAN THE RIPPERS ARE BEST EXCAVATED AND REPACKED.



Schedule

- FILL
- CUT

| Date | Rev. | Description | Drawn By | SITE DESCRIPTION |
|------------|------|------------------------------|------------|---|
| 07/01/2015 | C | Issued for Planning Approval | D. Jackson | |
| | | | | WIND CLASS - AS4055 |
| | | | | SOIL CLASS - AS2870 |
| | | | | CLIMATE ZONE - 26 |
| | | | | ENERGY RATING - 6.0 Stars |
| | | | | TITLE SP160289 - Lot 4 1403m ² |

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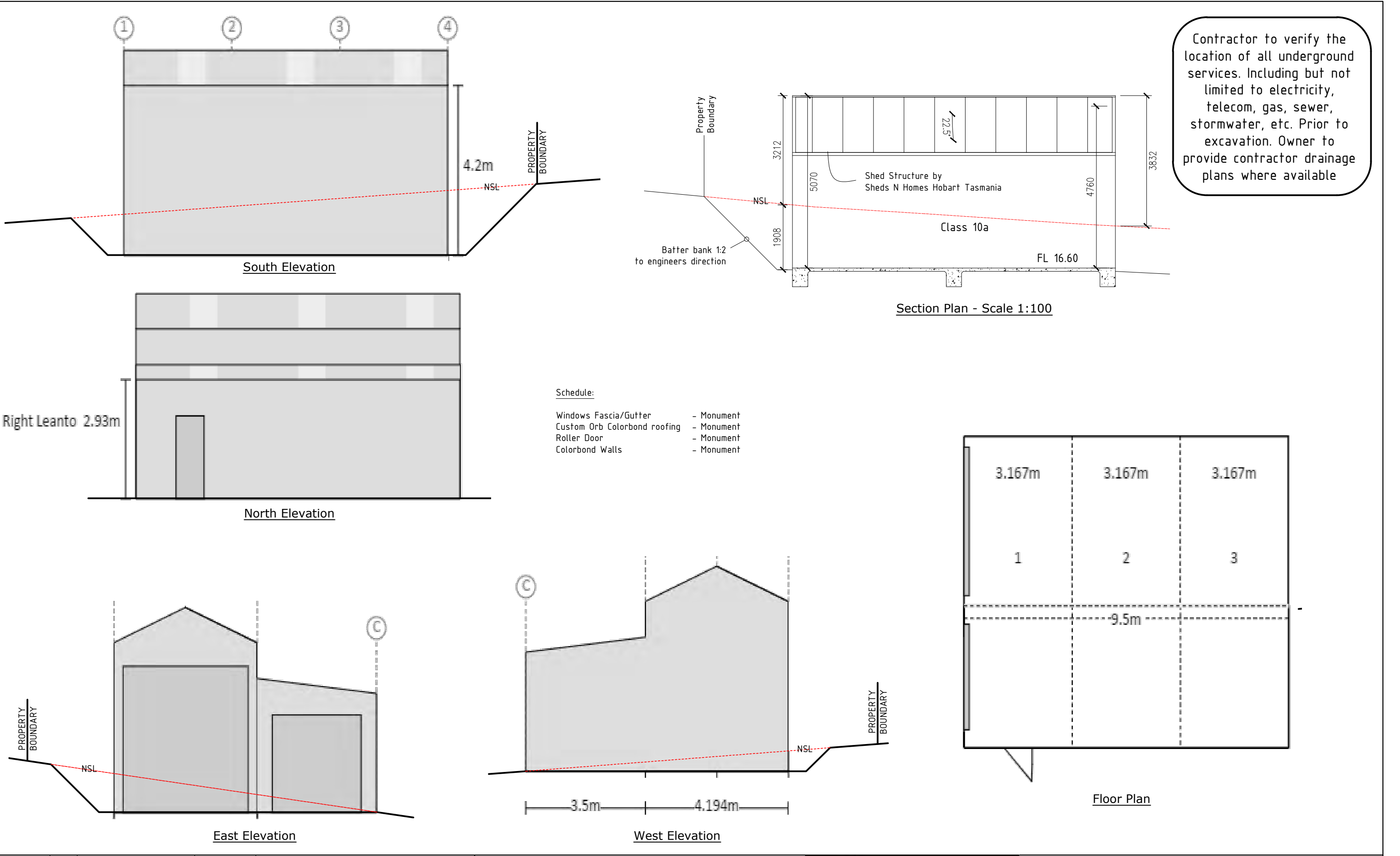
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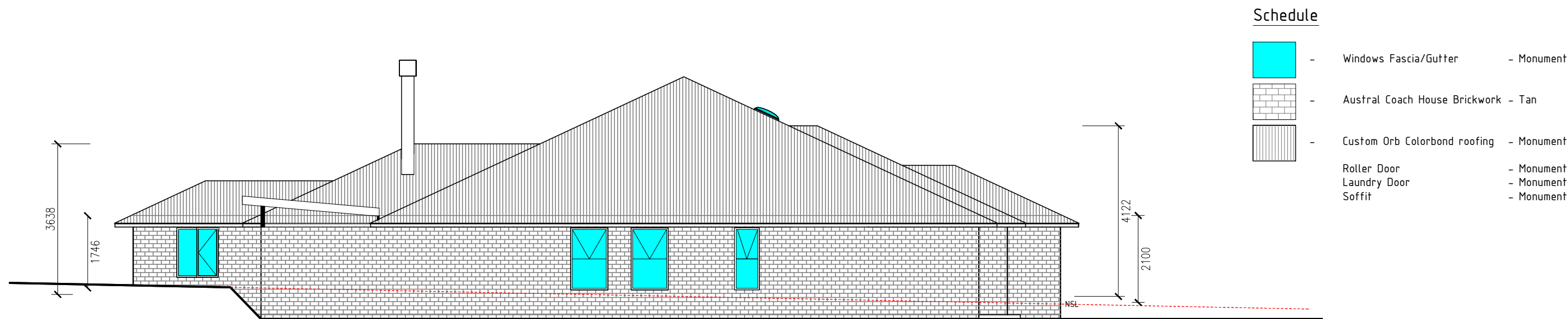


Client: S & M McCarthy
Project: 27 Franklin Street, Richmond Tasmania
Title: Storm Water Management Plan - SWMP
Scale: Scale 1:100

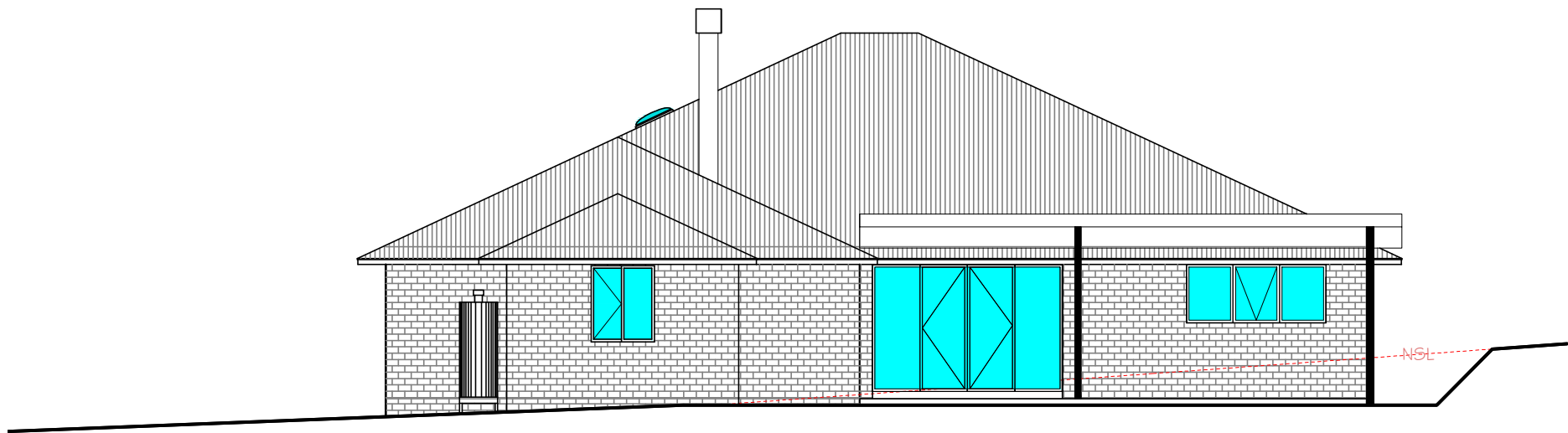
Drawn : D. Jackson
Designed : D. Jackson
Date : 17/09/2015
Page : 3 of 10
Drawing : M01
Revision : C




| Date | Rev. | Description | Drawn By | SITE DESCRIPTION | | | | ARCHIMOB PTY LTD | | | Client: S & M McCarthy | | |
|------------|------|------------------------------|------------|---|--|--|--|--|--|--|--|--|--|
| 16/12/2015 | A | Issued for Planning Approval | D. Jackson | WIND CLASS - AS4055 | | | | ARCHITECTURE, INTERIORS + 3D VISUALISATION | | | Project: 27 Franklin Street, Richmond Tasmania | | |
| | | | | SOIL CLASS - AS2870 | | | | | | | Title: Class 10a Details | | |
| | | | | CLIMATE ZONE - 26 | | | | | | | Scale: Scale 1:100 | | |
| | | | | ENERGY RATING - 6.0 Stars | | | | | | | Drawn : D. Jackson | | |
| | | | | TITLE SP160289 - Lot 4 1403m ² | | | | | | | Designed : D. Jackson | | |
| | | | | | | | | | | | Date: 17/09/2015 | | |
| | | | | | | | | | | | Agenda Attachments - 27 Franklin Street - Page 4 of 10 | | |
| | | | | | | | | | | | Drawing: A03 | | |
| | | | | | | | | | | | REVISION: A | | |



SOUTH ELEVATION

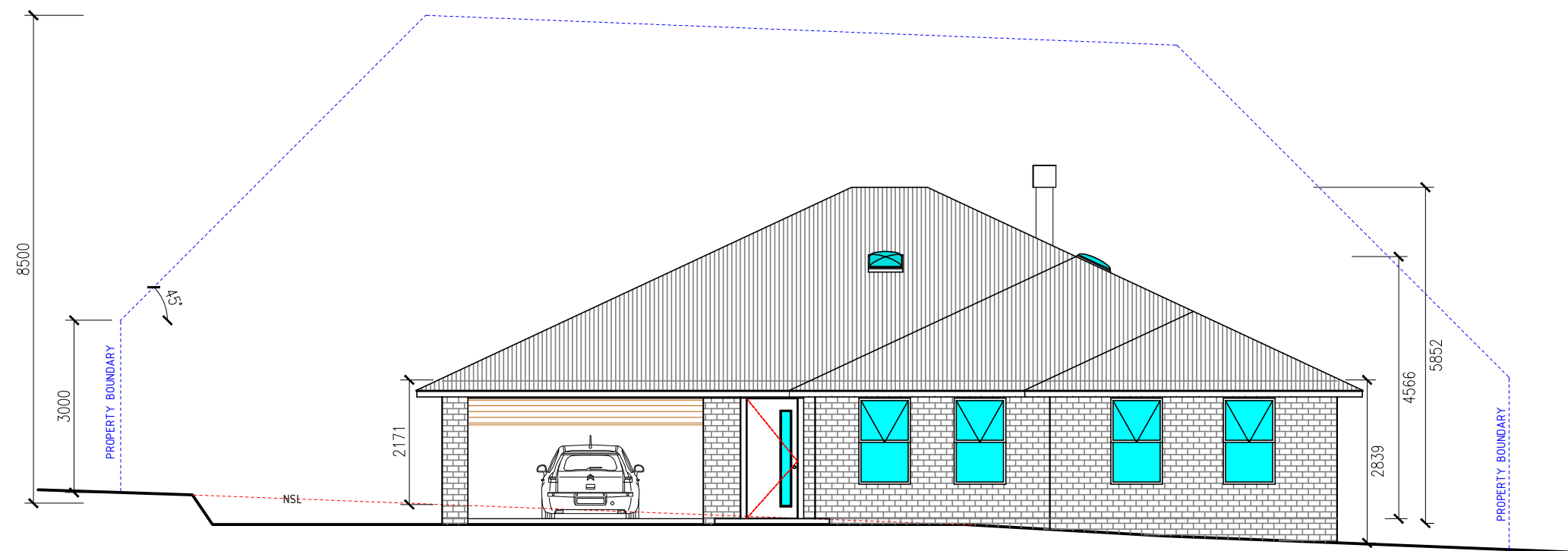


WEST ELEVATION

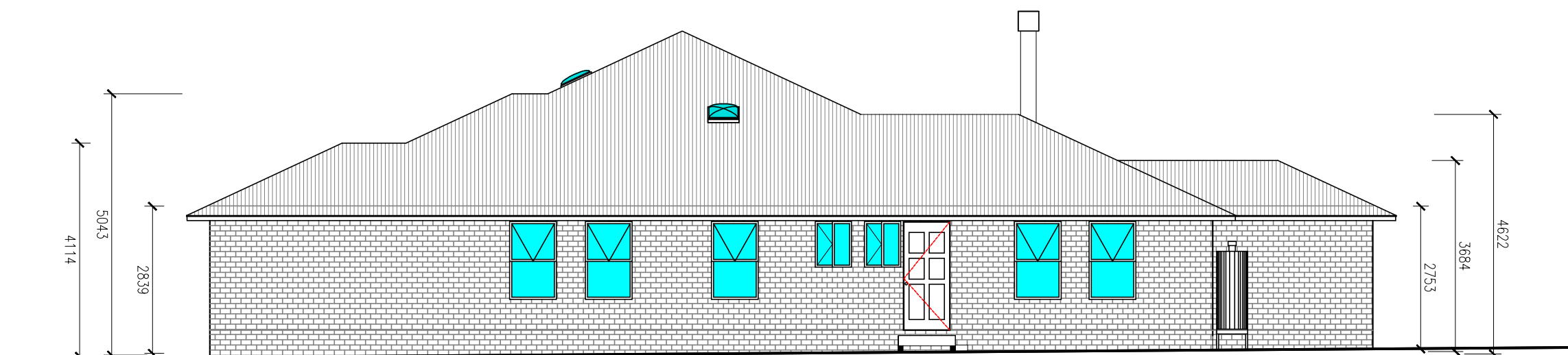
| Date | Rev. | Description | Drawn By | SITE DESCRIPTION | | ARCHIMOB PTY LTD | | Client: S & M McCarthy | |
|------------|------|------------------------------|------------|---|--|---|--|---|---|
| 16/12/2015 | A | Issued for Planning Approval | D. Jackson | WIND CLASS - AS4055 SOIL CLASS - AS2870 CLIMATE ZONE - 26 ENERGY RATING - 6.0 Stars TITLE SP160289 - Lot 4 1403m ² | | ARCHITECTURE, INTERIORS + 3D VISUALISATION | | Project: 27 Franklin Street, Richmond Tasmania Title: Elevations Scale: Scale 1:100 | |
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| | | | | a: PO BOX 538, South Hobart, Tasmania AUS m: 0417 583 588 e: admin@archimob.com.au w: www.archimob.com.au | |  | | Drawn : D. Jackson Designed : D. Jackson | Date: 17/09/2015 Base: 16/09/2015 Drawing : A05 |
| | | | | | | | | JOB NUMBER: 15D0908 | Agenda Attachments - 27 Franklin Street - Page 6 of 10 REVISION: A |

Schedule

| | | |
|---|---------------------------------|------------|
|  | - Windows Fascia/Gutter | - Monument |
|  | - Austral Coach House Brickwork | - Tan |
|  | - Custom Orb Colorbond roofing | - Monument |
| | Roller Door | - Monument |
| | Laundry Door | - Monument |
| | Soffit | - Monument |

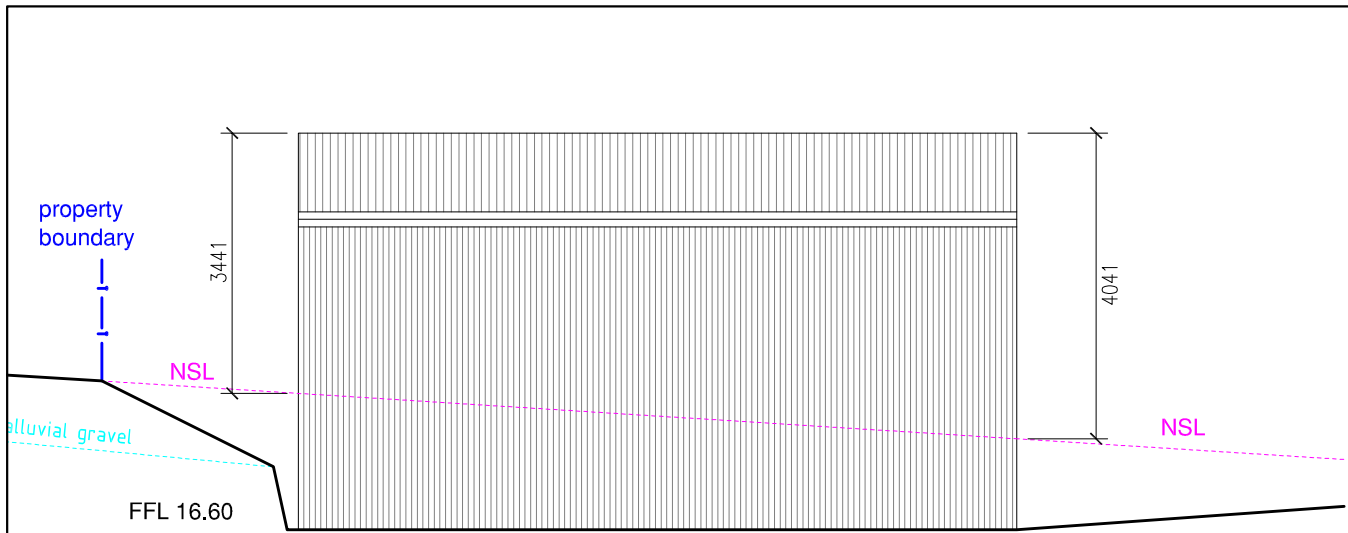


EAST ELEVATION

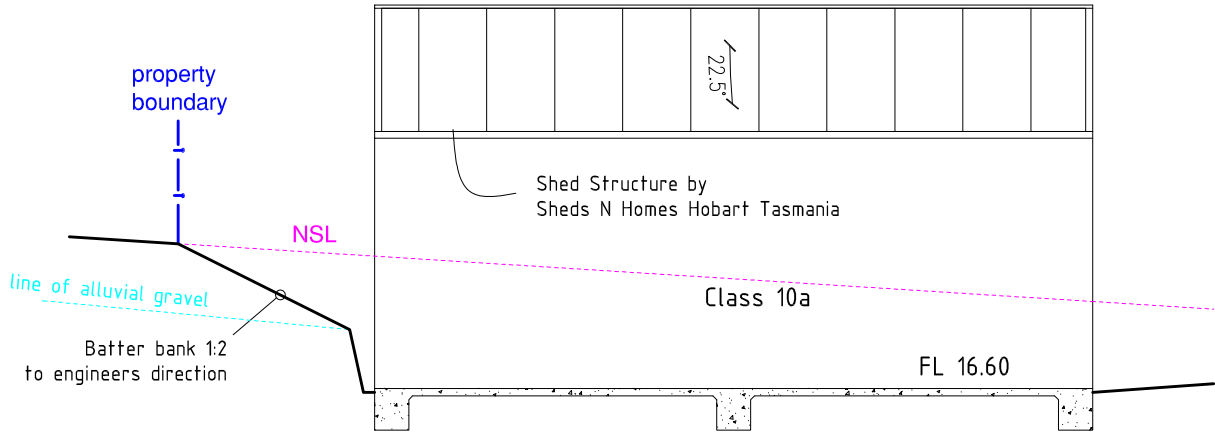


NORTH ELEVATION

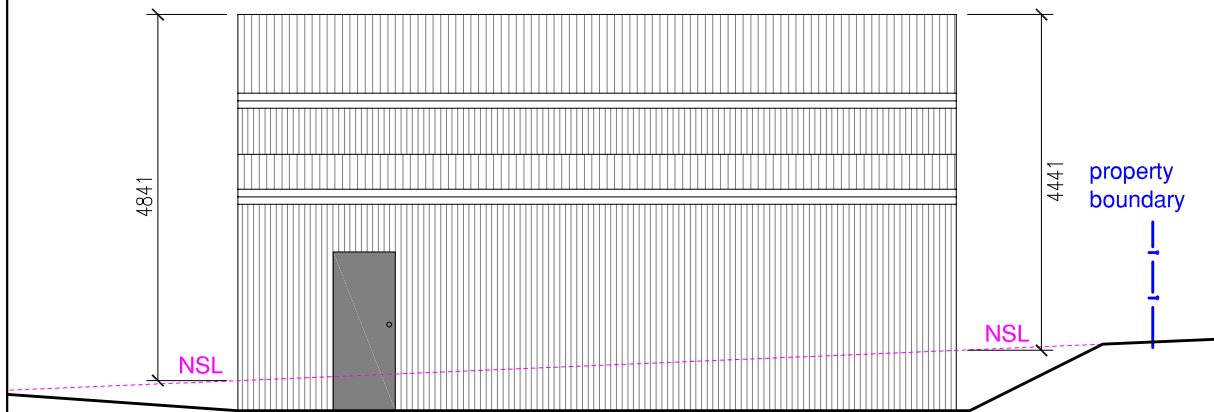
| Date | Rev. | Description | Drawn By | SITE DESCRIPTION | ARCHIMOB PTY LTD ARCHITECTURE, INTERIORS + 3D VISUALISATION | | Client: S & M McCarthy Project: 27 Franklin Street, Richmond Tasmania Title: Elevations Scale: Scale 1:100 | |
|------------|------|------------------------------|------------|---|--|--|---|---|
| 16/12/2015 | A | Issued for Planning Approval | D. Jackson | WIND CLASS - AS4055 SOIL CLASS - AS2870 CLIMATE ZONE - 26 ENERGY RATING - 6.0 Stars TITLE SP160289 - Lot 4 1403m ² | | | | |
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| | | | | | | | Drawn : D. Jackson Designed : D. Jackson Date: 17/09/2015 Job Number: 15D0908 | Agenda Attachments - 27 Franklin Street - Page 7 of 10 Drawing : A05a REVISION: A |



South Elevation



Section Plan - Scale 1:100

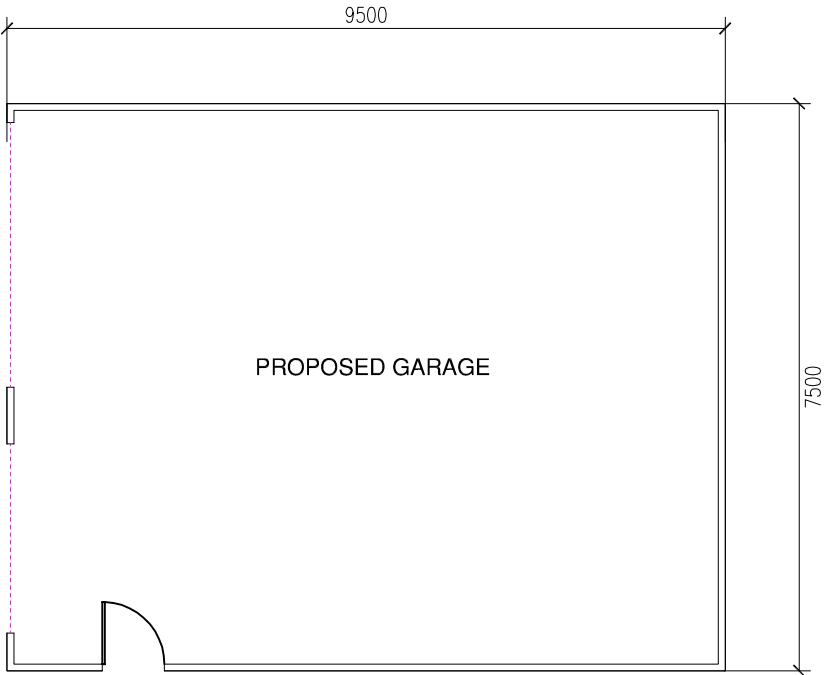


North Elevation

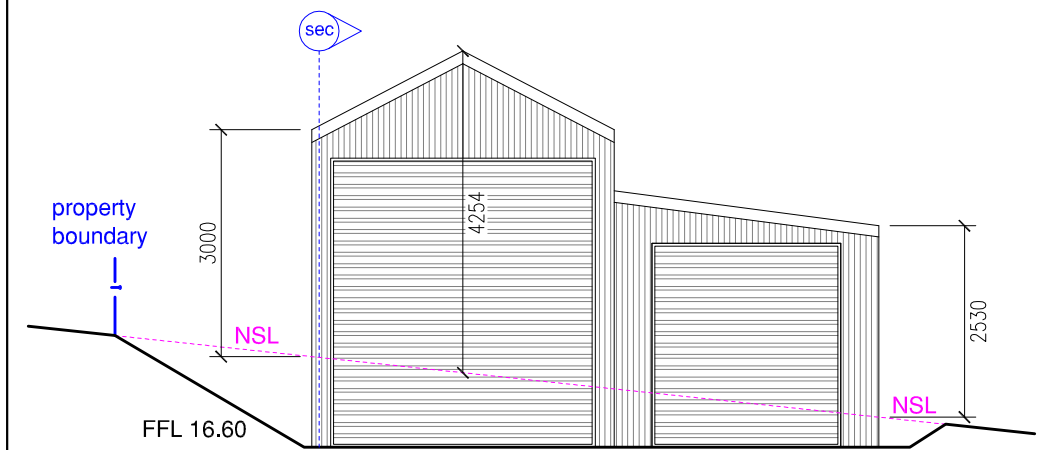
Schedule:

- Windows Fascia/Gutter - Monument
- Custom Orb Colorbond roofing - Monument
- Roller Door - Monument
- Colorbond Walls - Monument

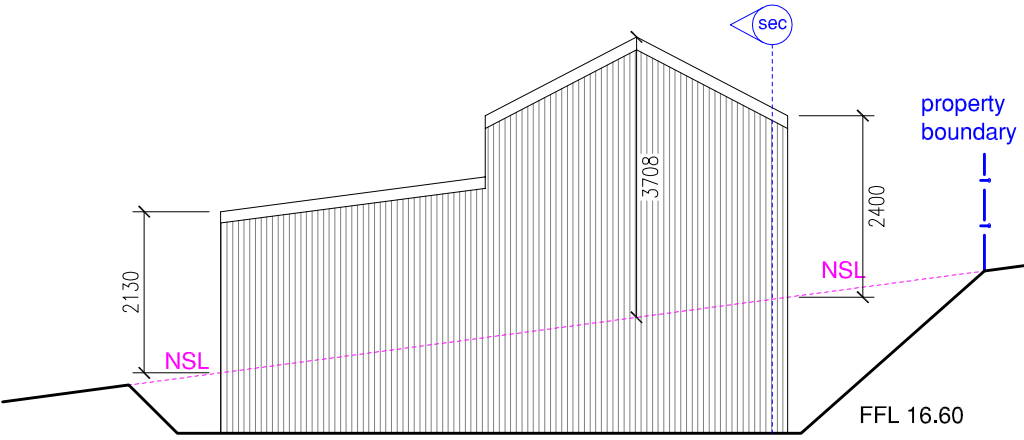
SHED DESIGN BY SHEDS N HOMES TASMANIA



Floor Plan



East Elevation



West Elevation

| Date | Rev. | Description | Drawn By | SITE DESCRIPTION |
|------------|------|------------------------------|------------|---|
| 07/01/2015 | C | Issued for Planning Approval | D. Jackson | |
| | | | | WIND CLASS - AS4055 |
| | | | | SOIL CLASS - AS2870 |
| | | | | CLIMATE ZONE - 26 |
| | | | | ENERGY RATING - 6.0 Stars |
| | | | | TITLE SP160289 - Lot 4 1403m ² |

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C:\Users\danonjackson\design\Pictures\ARCHI\AMDB logo_black.png

Client: S & M McCarthy
Project: 27 Franklin Street, Richmond Tasmania
Title: Class 10a Details
Scale: Scale 1:100

| | | |
|-----------------------|-------------------|-------------------------------|
| Drawn : D. Jackson | Date : 17/09/2015 | Checked by: M. PETTIT CC5092U |
| Designed : D. Jackson | Date : 17/09/2015 | Checked by: M. PETTIT CC5092U |
| JOB NUMBER: 15D0908 | Revision: A03 | REVISION: C |

27 Franklin Street, RICHMOND



Site viewed from Franklin Street showing existing streetscape



Site viewed from Franklin Street showing existing shed



Site viewed from western (rear boundary)



Site viewed from western (rear boundary) showing existing slope of land and boundary between 23A and 25 Franklin Street

11.3.6 DEVELOPMENT APPLICATION D-2015/329 - 476 SOUTH ARM ROAD, LAUDERDALE - ALTERATIONS AND EXTENSIONS TO SHOPPING CENTRE

(File No D-2015/329)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for alterations and extensions to a Shopping Centre at 476 South Arm Road, Lauderdale.

RELATION TO PLANNING PROVISIONS

The land is zoned Local Business and subject to the Potentially Contaminated Land, Road and Railway Assets, Waterways and Coastal Protection, Inundation Prone Areas, Coastal Erosion Hazard, Parking and Access, Signage and Stormwater Management Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In addition, the site is subject to the Lauderdale Neighbourhood Centre Specific Area 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 has been extended with the written consent of the applicant to expire on 24 February 2016.

CONSULTATION

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

- roadway access (past the existing 3 residential units) to the rear car park and delivery entrance of the commercial development;
- proposed new position of the residential car parking; and
- logic of placing a disabled toilet at the top of a flight of steps.

RECOMMENDATION:

A. That the Development Application for Alterations and Extensions to Shopping Centre at 476 South Arm Road, Lauderdale (CI Ref D-2015/329) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLANS [
 - deletion of all vehicular ingress and egress to the rear of shopping centre via the driveway to the north of that building;

- provision only for residential access/turning areas to the north of the shopping centre building with not less than 3 car parking spaces to be assigned to each of the residences; and
 - a 2.1m high fence with a 2m wide landscaping strip to the north side must be provided for the entire interface of the rear shopping centre car park with the residential driveway and parking area].
3. GEN AM4 – CONSTRUCTION HOURS.
 4. Hours of operation of the approved uses must be within:
 - (a) 7.00am to 9.00pm Monday to Saturday inclusive;
 - (b) 9.00am to 5.00pm Sundays and Public Holidays except for office and administrative tasks.
 5. Noise emissions measured at the boundary of a residential zone must not exceed the following:
 - (a) 55dB(A) (LAeq) between the hours of 7.00am to 7.00pm;
 - (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00pm to 7.00am;
 - (c) 65dB(A) (LAmax) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness. Noise levels are to be averaged over a 15 minute time interval.
 6. External lighting must comply with all of the following:
 - (a) be turned off between 10.00pm and 6.00am, except for security lighting;
 - (b) security lighting must be baffled to ensure they do not cause emission of light outside the zone.
 7. Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site within 50m of a residential zone must be within the hours of:
 - (a) 7.00am to 5.00pm Monday to Friday inclusive;
 - (b) 9.00am to 5.00pm Saturdays;
 - (b) 10.00am to 12noon Sundays and public holidays.
 8. Not less than 77 car parking spaces must be provided on-site prior to the commencement of the use. Each space, including disabled parking, must be clearly marked and used solely for parking purposes.

Plans showing the layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with Section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking. The Plans must provide for external lighting to illuminate car parking areas and pathways.

- Suitable signage must be provided to direct staff employed at the shopping centre to park at the rear of the building. Accessible car parking for people with a disability in accordance with the requirements of the National Construction Code of Australia must be provided as close as practicable to the main building entrance.
9. The signs (approved envelopes) must be maintained at all times in good repair and in a clean, tidy and safe condition. The signs must not be illuminated without the further consent of Council.
 10. GEN AM3 - EXTERNAL COLOURS - Add after final sentence “Walls of the building facing a residential zone must be coloured using colours with a light reflectance value not greater than 40 percent”.
 11. GEN F5 – PART 5 AGREEMENT [incorporate the Maintenance Management Schedule/Regime obligations for the stormwater treatment facility and a requirement to report to Council on an annual basis demonstrating that all maintenance requirements for the facility have been met.] Add at beginning of first sentence “Prior to commencement of use or the issuing of a completion certificate (whichever occurs first)...”.
 12. ENG A5 – SEALED CAR PARKING.
 13. ENG S1 – INFRASTRUCTURE REPAIR.
 14. ENG M1 – DESIGNS DA.
 15. All stormwater run-off from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010. Detailed engineering designs, accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model), must be submitted to Council’s Group Manager Asset Management for approval prior to the issue of a building or plumbing permit. This report is to include the maintenance management regime/replacement requirements for the treatment facility.
 16. LAND 1A – LANDSCAPE PLAN [after first sentence insert “The landscape plan must provide for a fence and vegetation screen between the existing residential units on the site and the car park loading area. It must also provide for vegetation along the front boundary and through the car parking areas”.
 17. LAND 3 – LANDSCAPE BOND (COMMERCIAL).

18. The development must meet all required Conditions of Approval specified by TasWater notice dated 24 August 2015 (TWDA 2015/01298-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

The centre is a long established use on the site. Recent approvals include:

- alterations and extensions to the existing Lauderdale Shopping Centre – December 2011 which included:
 - additions to the former grocery shop (505m²);
 - extend the existing pharmacy tenancy (158m²);
 - remove the existing service station canopy and convert the building to a shop tenancy;
 - reduce the number of tenancies from 7 to 8;
 - increase car parking from 34 to 38 spaces;
 - construct new loading facilities (1 large loading bay to the former grocery shop and a further 3 smaller delivery bays);
 - provide a pedestrian link through to the Lauderdale Tavern site; and improve the appearance of the centre (paint exterior);
- nine 9 Multiple Dwellings (D-2009/476) - 2 July 2010;
- strata titles for the commercial tenancies were registered in 1997.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned Local Business and subject to the Potentially Contaminated Land, Road and Railway Assets, Inundation Prone Areas, Parking and Access and Stormwater Management codes under the Scheme. In addition, the site is subject to the Lauderdale Neighbourhood Centre Specific Area Plan.

An area of the land (to the rear of the application site) is zoned Rural Living and is also Waterways and Coastal Protection and Coastal Erosion Hazard codes, which are not applicable to the development proposed.

2.2. The proposal is Discretionary for the following reasons:

- a Supermarket (although part of the General Retail and Hire use class) is a Discretionary use in the zone;
- does not meet the Acceptable Solutions for the Lauderdale Neighbourhood Centre Specific Area Plan;
- does not meet the Acceptable Solutions for the Signage Code;
- does not meet the Acceptable Solutions for the Stormwater Management Code; and
- does not meet the Acceptable Solutions for the Inundation Prone Areas Code.

2.3. The relevant parts of the Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – Local Business Zone;
- Section E6.0 – Potentially Contaminated Land, Road and Railway Assets, Inundation Prone Areas, Parking and Access, Signage and Stormwater Management Codes; and
- Section F2.0 Lauderdale Neighbourhood Centre Specific Area Plan.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The property is a 2.078ha lot containing the shopping centre, former service station, associated car parking area and 3 Multiple Dwellings (of the 9 approved).

The site is generally flat and is surrounded by the Foreshore Tavern to the north and a rural residential property to the south. The site has views towards Ralphs Bay.

Contamination caused by the former service station (not included as part of this application) is currently being remediated to the satisfaction of the Environment Protection Authority and Council's Environmental Health Officers.

The lot is zoned Local Business and Rural Living with the proposed development contained wholly within the Local Business zone.

Site ingress and egress is by a 2 way access to South Arm Road to the south with a secondary access to the north. The latter has been upgraded recently to a 2 way access to service the approved Multiple Dwellings.

3.2. The Proposal

The proposal is for the redevelopment and additions of the Lauderdale Shopping Centre which will extend the floor area from 1230m² to 1583m² (an overall increase of 353m²).

- Shop 1 to be divided into 2 tenancies, being a chemist 210m² and bakery 330m². The latter tenancy would have an alfresco dining area and landscaping created by removing the current loading bay; entry to both tenancies is by the existing entrance at the top of the ramp.

- Shops 2-7 and internal passage ways and tenancies combined to create a Shop 150m² and Food Shop 447m²; the Shop tenancy is to be created by also extending the front of the premises to the building line of the existing Shop 1; entrance to both tenancies is via a new airlock which also extends the front of the building to the forward building line of existing Shop 1; the Food Shop tenancy also comprises rear extensions which include an undercover bin/loading area (49.5m²), storage facilities (135m²) and administration/staff facilities (106m²).
- The exterior of the building is to be refurbished and painted to improve and modernise the overall appearance. A sign for the “Lauderdale Shopping Centre” is proposed above the main entrance with approximate locations identified for other tenancies; materials comprise painted concrete panels, fibre cement cladding, colorbond and glazing.
- The car parking forecourt is proposed to be redesigned to improve efficiency with additional car parking to the rear; loading and servicing is proposed along the southern side and rear of the building; opportunities are identified for additional landscaping; the 85 spaces identified is in excess of the 77 spaces required under the Scheme for Food Services and General Retail and Convenience Store; there is considered to be an insignificant increase in floor area to require exclusive motorcycle and bicycle parking spaces; no changes are proposed to existing vehicular ingress and egress points.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The Rural Living Zone; Potentially Contaminated Land, Waterways and Coastal Protection and Coastal Erosion Hazard Codes are not relevant as either development is occurring outside the affected areas or exemptions apply.

The proposal meets the Scheme’s relevant Acceptable Solutions of the Local Business Zone; Inundation Prone Areas, Parking and Access, Stormwater Management, Road and Railways Assets Codes; and Lauderdale Neighbourhood Centre Specific Area Plan with the exception of the following.

Lauderdale Neighbourhood Centre Specific Area Plan

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|-----------------|--------------------------------------|------------------------------------|
| F2.4.1 | Urban Design | None | All requirements are discretionary |

The proposal can be supported pursuant to Performance Criteria P1 of Clause F2.4.1 for the following reasons.

- The development is considered to complement and contribute to the specific character of the neighbourhood activity centre and the coastal setting of Ralphs Bay.
- The development is considered to consolidate the functions of the neighbourhood activity centre into clearly articulated and organised site management.

- The development within the neighbourhood activity centre should address measures for protection from the impacts of coastal hazards and climate change, as it does not require discretion under any of the applicable climate change codes.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------|----------|-------------------------------|------------------------------------|
| F.2.4.2 | Building | None | All requirements are discretionary |

The proposal can be supported pursuant to Performance Criteria 1 and 2 of Clause F2.4.2 for the following reasons.

- Buildings are single storey, will be a vast improvement on the streetscape and address the street as much as possible given the existing location. Although fenestration is reduced on the food shop, the façade is greatly improved.
- Signage will be appropriate to the location.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|--------|--------------------|-------------------------------|------------------------------------|
| F2.4.3 | Parking and Access | None | All requirements are discretionary |

The proposal can be supported pursuant to Performance Criteria P1 of Clause F2.4.3 for the following reason.

- Patrons' parking is located at the front of the site with access provided to the boundary of the neighbouring Tavern to allow for a future car park link. This is an excellent response as it will lead to the future creation of a link which is a key objective of the Lauderdale Structure Plan.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|--------|-------------|-------------------------------|----------------|
| F2.4.4 | Landscaping | None | Refer to plans |

The proposed variation can be supported pursuant to Performance Criteria P1 of Clause F2.4.4 for the following reason.

- The landscaping proposals are conceptual but can be conditioned and will comply with the criteria.

Signage Code

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------|-------------------------------|---|--|
| E17.7.1 | Standards for signs A1 and A2 | <p>A sign must comply with the standards listed in Table E.17.2.</p> <p>The number of signs per business per street frontage must comply with the following:</p> <p>(a) maximum of 1 of each sign type.</p> | There are 5 signs proposed on a single elevation which do not comply with the table. |

The proposed variation can be supported pursuant to Performance Criteria 1 and 2 of the Clause for the following reasons.

- The signs are integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape.
- The signs are of appropriate dimensions so as not to dominate the streetscape or premises.

Stormwater Management Code

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|--------|----------------------------------|--|--|
| E7.7.1 | Stormwater Drainage and Disposal | A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600m ² ; (b) new car parking is provided for more than 6 cars. | Detailed designs have not been lodged but can be conditioned |

The proposed variation can be supported pursuant to Performance Criteria P2 of the Clause for the following reason.

- Council's Development Engineer is satisfied that a stormwater system for the development can be conditioned to incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010.

Inundation Prone Areas Code

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|--|--|--|
| E15.7.2 A2 | Coastal Inundation Medium Hazard Areas | An extension to an existing habitable building must comply with one of the following: (a) new habitable rooms must comply with both of the following: (i) floor level no lower than the Minimum Level for the Coastal Inundation Low Hazard Area in Table E15.1, (ii) floor area of the extension no more than 40m ² from the date of commencement of this planning scheme; (b) new habitable rooms must be above ground floor. | The habitable building extensions is greater than 40m ² |

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

- There are no new habitable rooms (as defined by the Scheme).
- The proposed additions and extensions are not considered to be significant enough to increase the risk to users of the site, adjoining or nearby land and public infrastructure.

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. Roadway Access (past the existing 3 residential units) to the Rear Car Park and Delivery Entrance of the Commercial Development

The representor is concerned with the roadway access to the rear car park and delivery entrance (bakery and chemist) of the commercial development, given that the driveway is in proximity to the residences and does not have the benefit of the additional separation afforded by a road reserve.

- **Comment**

The 3 residential units were constructed by the previous shopping centre owner as the first stage of 9e such units. The new owners have elected not to complete this permit and have instead lodged the subject application for additions and alterations to the shopping centre.

Notwithstanding this, it would be a reasonable expectation of owners/residents to expect that traffic along the private driveway would be residential and limited in nature.

Council officers have discussed the issue with the applicant who has agreed to amend the proposal to prevent access to the rear of the building past the residential units, with all traffic movements to the rear of the shopping centre accessing via the southern side of the building.

It is therefore recommended that a condition be attached to any approval requiring amended plans to prevent access and provide suitable screening between the residences and the rear of the shopping centre. A condition is also recommended limiting delivery hours.

5.2. Proposed New Position of the Residential Car Parking

The representor is concerned that the proposed relocation of the 3 residential car parking spaces is too remote from the residences.

- **Comment**

The proposed changes discussed at Section 5.1 (above) would allow the 3 car parking spaces to be closely located to the residences.

5.3. Placing a Disabled Toilet

A representor questioned the logic of placing a disabled toilet at the top of a flight of steps.

- **Comment**

The facility has level access with the office, staff facilities and rear access to the building. The requirement for, and of, disability access is a matter for the Building Code.

6. EXTERNAL REFERRALS

The proposal was referred to TasWater which has provided a number of conditions to be included on the planning permit if granted. Additionally, the application was referred to the Department of State Growth as the proposal is located adjacent to a State road, however, a response has not been forthcoming.

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

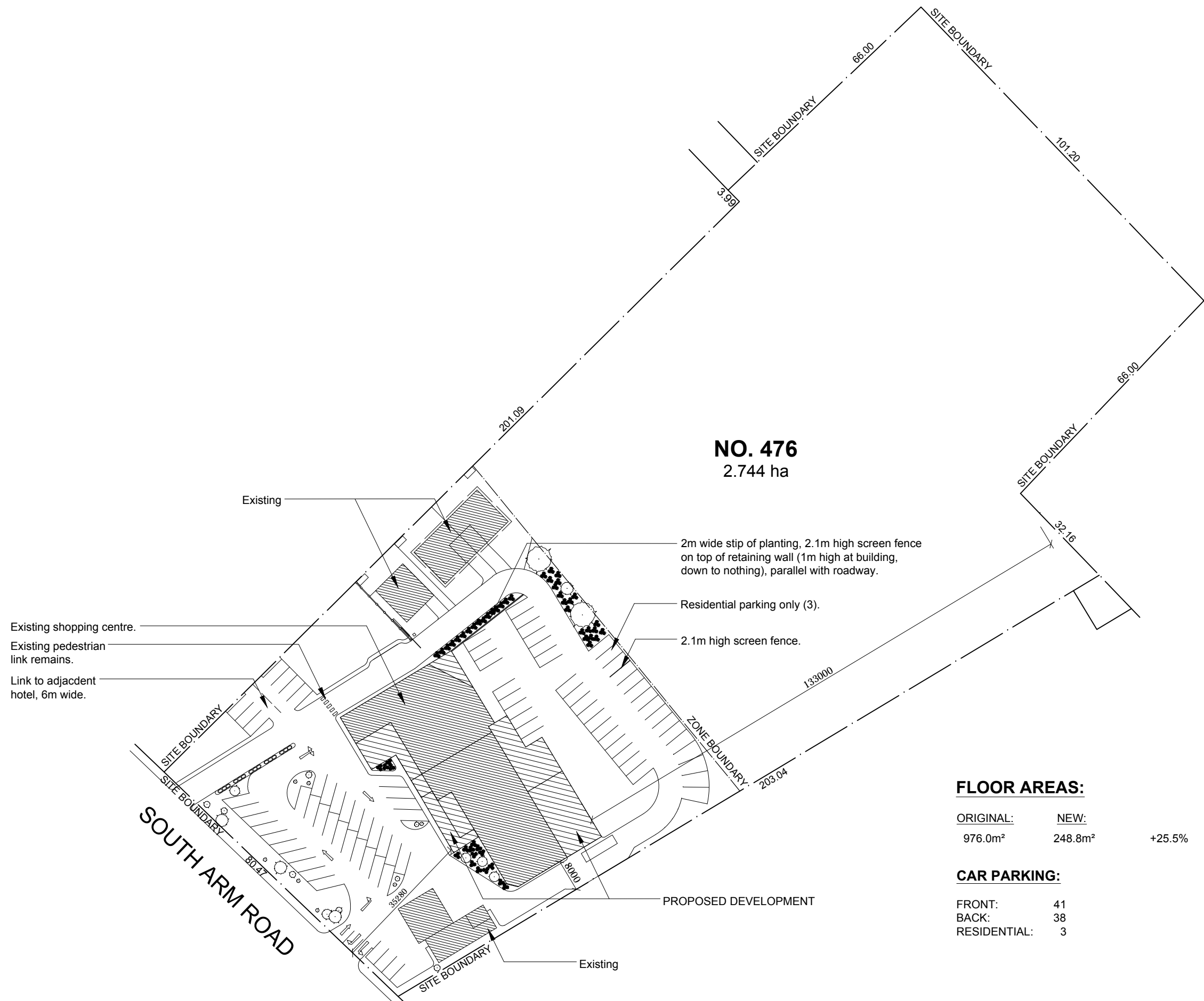
9. CONCLUSION

The proposed alterations and extensions to the Lauderdale Shopping Centre at 476 South Arm Road, Lauderdale is recommended for approval subject to reasonable and relevant conditions.

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

Ross Lovell
MANAGER CITY PLANNING

Agenda Attachments - 476 South Arm Road - Page 1 of 5



FLOOR AREAS:

| ORIGINAL: | NEW: | |
|---------------------|---------------------|--------|
| 976.0m ² | 248.8m ² | +25.5% |

CAR PARKING:

| | |
|--------------|----|
| FRONT: | 41 |
| BACK: | 38 |
| RESIDENTIAL: | 3 |

gary reed building design

residential, commercial and industrial building design,
plumbing and drainage design, construction management,
housing energy rating, thermal performance efficiency.
accreditation no. CC841f

9 warwick street hobart tasmania 7000
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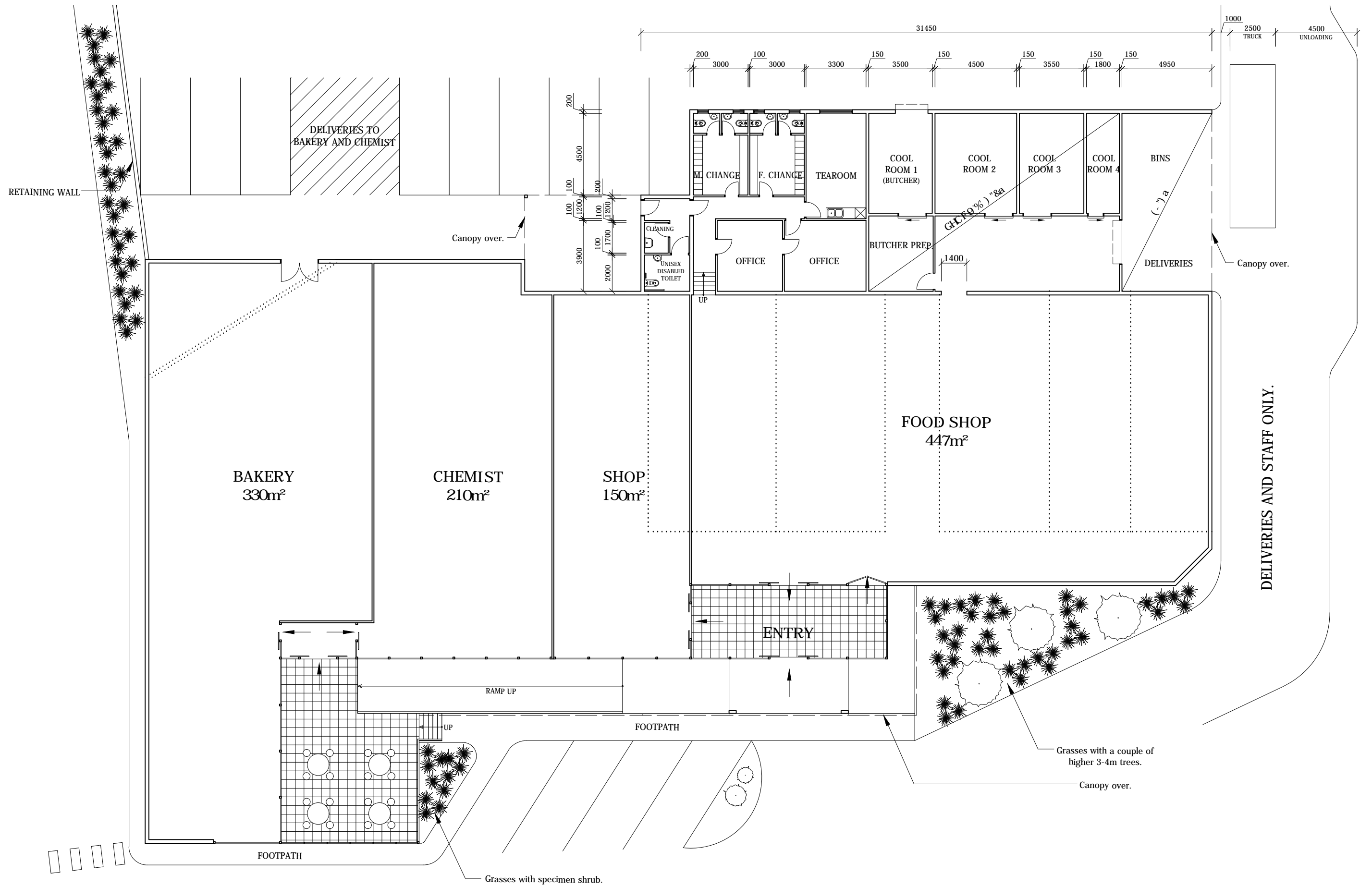


DEVELOPMENT PROPOSAL
LAUDERDALE SHOPPING CENTRE
476 SOUTH ARM ROAD
LAUDERDALE TAS

Drawn: L Mrosek Date: January 2016 Scale: 1:1000 Project No: 15.047

Site Plan

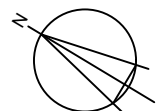
SK.01



gary reed building design

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**DEVELOPMENT PROPOSAL
LAUDERDALE SHOPPING CENTRE
476 SOUTH ARM ROAD
LAUDERDALE TAS**

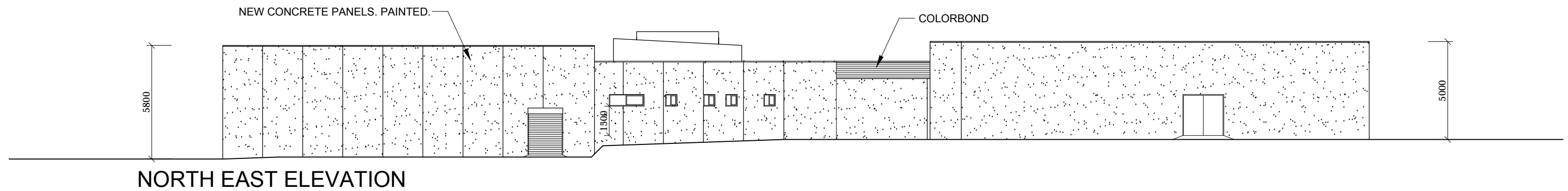
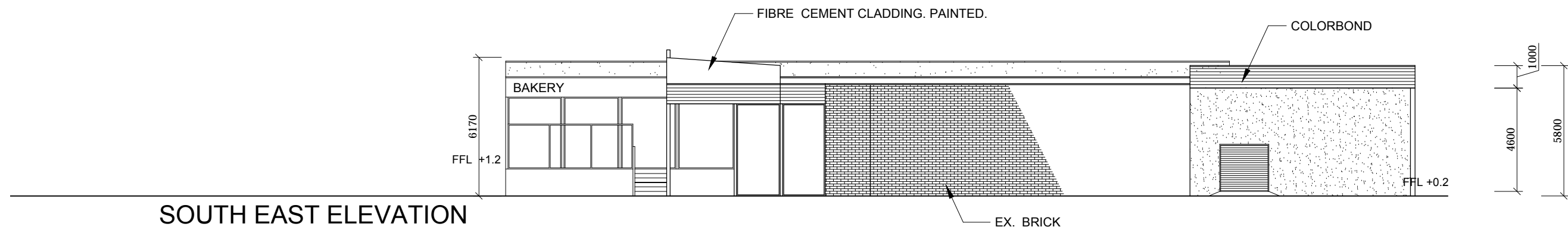
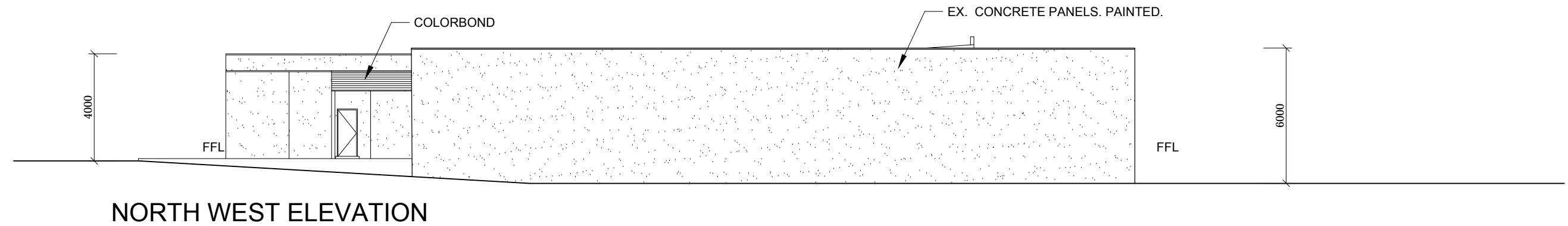
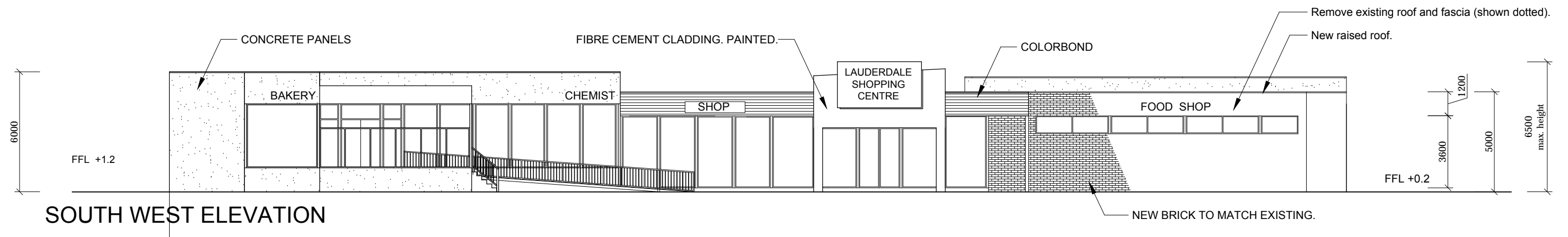
Drawn: L Mrosek Date: January 2016

Scale: 1:200

Project No: 15.047

Floor Plan

SK.02



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**DEVELOPMENT PROPOSAL
LAUDERDALE SHOPPING CENTRE
476 SOUTH ARM ROAD
LAUDERDALE TAS**

Drawn: L Mrosek Date: January 2016

Scale: 1:200

Project No: 15.047

Elevations

SK.03

476 South Arm Road, LAUDERDALE



Site of existing shopping centre, viewed from internal driveway looking southeast



Site viewed from internal driveway, looking northeast to rear of shopping centre

11.3.7 SUBDIVISION APPLICATION SD-2015/58 - 101 CANOPUS ROAD, MOUNT RUMNEY - 3 LOT SUBDIVISION
(File No SD-2015/58)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 3 lot subdivision at 101 Canopus Road, Mount Rumney.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 24 February 2016 with the written agreement of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 3 representations were received raising the following issues:

- Public Open Space contribution;
- natural values.

RECOMMENDATION:

A. That the application for a 3 lot subdivision at 101 Canopus Road, Mount Rumney (CI Ref SD-2015/58) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [building envelope on Lot 2 modified to ensure it is clear of the Lowland Poa labillardierei grassland].
3. GEN POS4 – POS CONTRIBUTION [4%] [Lots 2, 3 and 4].
4. GEN F5 – PART 5 AGREEMENT – Insert after first “Council” “and the owners of all the other lots shown on the endorsed plan” [the implementation and on-going maintenance of the Hazard Management Areas identified in the Bushfire Report and Bushfire Hazard Management Plan prepared by Thomas O’Connor dated November 2015].

5. ENG M7 – WEED MANAGEMENT PLAN.
 6. ENG A3 – COMBINED ACCESSES [TSD R-03 and TSD R-04].
 7. ENG A7 – REDUNDANT CROSSOVER.
 8. ENG M2 – DESIGNS SD - Delete “road design (including line marking), road stormwater drainage and stormwater drainage”.
 9. ENG M8 – EASEMENTS.
 10. The development must meet all required Conditions of Approval specified by TasWater notice dated 14 December 2015 (TWDA 2015/01802-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Rural Living and subject to the Bushfire-Prone Areas, Landslide, and Natural Assets Codes under the Scheme.

2.2. The proposal is a Discretionary development as it proposes subdivision of land creating new lots. The proposal is also Discretionary under the Landslide, On-site Wastewater Management, and Natural Assets Codes.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 9.7 – Subdivision;
- Section 13 – Rural Living Zone;
- Section E1.0 – Bushfire-Prone Areas Code;
- Section E3.0 – Landslide Code;

- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code; and
- Section E27.0 – Natural Assets 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 land is comprised of 2 land titles with a combined area of 8.143ha. The property contains the Mount Canopus Observatory and several other smaller ancillary buildings, which the applicant has advised is now closed. The site has frontage and vehicle access to Canopus Road and is mostly covered in native vegetation.

The surrounding area is similarly zoned Rural Living containing land mostly occupied with Single Dwellings. Two lots immediately adjacent to the northern boundary of the site are zoned Open Space with 1 of the lots owned by TasWater and containing a reservoir. The second lot at 127 Canopus Road is owned by Council and is currently vacant public open space with an area of 7762m².

3.2. The Proposal

The proposal is for a 3 lot subdivision plus the balance lot. Lots 2 and 3 would be internal lots with areas of 2ha and 2.13ha respectively. Lots 1 and 4 would each have an area of 2ha. All lots would have frontage and access to Canopus Road via a shared vehicle crossover and driveway with access strips providing access to Lots 2 and 3. The former observatory and outbuildings would be contained on Lot 1, while another former observatory building on the southern side of the site would be located on Lot 4.

A building envelope is proposed on each lot. The applicant has provided a bushfire hazard management plan demonstrating how the building envelopes and surrounding areas could be maintained to enable future buildings to be constructed. As some of the hazard management areas shown on the plan would be located on other lots within the subdivision (no third party land would be affected), Part 5 Agreements under LUPAA are proposed to enable future owners of the lots to maintain parts of hazard management areas that extend onto other lots.

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 also 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 |
|--|-------------------------------|---|---|
| 13.5.1 A2 – Rural Living Zone | Lot Design – Building Area | Each lot must provide a minimum building area that is rectangular in shape and: <ul style="list-style-type: none"> - is clear of the frontage, side and rear boundary setbacks; - not subject to any codes in this planning scheme; - clear of title restrictions such as easements and restrictive covenants; - has an average slope of no more than 1 in 5; and - is a minimum of 30 m x 30 m in size. | <ul style="list-style-type: none"> - Lot 1 building area located 10m from lot boundary. - All building areas subject to Natural Assets Code and Bushfire-Prone Areas Code. - Slope of building area for Lot 4 (1 in 4.5) exceeds 1 in 5. |

The proposed variation can be supported pursuant to Performance Criteria (P2) of Clause 13.5.1 for the following reasons.

- The applicant has demonstrated through the submission of natural values and bushfire hazard management assessments that the lots are reasonably capable of accommodating residential use and development, which meet the applicable standards in the Natural Assets (see below) and Bushfire-Prone Areas codes.
- The building areas are located in positions, which meet the acceptable boundary setback requirements of the zone and would provide opportunity for future development to achieve reasonable solar access.
- There would be adequate area within the Lot 4 building area to provide opportunity for future development, which could be designed to minimise the requirement for earth works.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|--|-------------------------------|-------------------------------|--|
| 13.5.1 A4 – Rural Living Zone | Lot Design – Internal Lots | No lot is an internal lot | Lots 2 and 3 would be internal lots |

The proposed variation can be supported pursuant to Performance Criteria (P4) of Clause 13.5.1 for the following reasons.

- The access strips to the lots would be via a road existing prior to the planning scheme coming into effect.
- The use of access strips is the only way to effectively provide for the rear of the land to be subdivided therefore contributing to the more efficient use of rural living land.
- The access strips would not be located adjacent to existing adjoining properties.

- The access strips are of sufficient width to provide sealed access and necessary passing bays.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|--|--|---|--|
| 13.5.1 A5 – Rural Living Zone | Lot Design – Setback for Existing Buildings | Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback (20m from a side boundary) | The existing observatory building would be located 10m from the southern boundary of Lot 1 |

The proposed variation can be supported pursuant to Performance Criteria (P5) of Clause 13.5.1 (13.4.2 A2) for the following reasons.

- The existing building has been part of the landscape for some period of time and is therefore compatible with the surrounding landscape.
- There would be no overlooking and loss of privacy to the adjacent properties (the area alongside the southern boundary of the proposed Lot 1 would be the combined 11m wide access strips to Lots 2 and 3).

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|-------------------------------|---|---|---|
| E3.8.1 – Landslide Code | Subdivision of land within a landslide hazard area | No Acceptable Solution for Subdivision | All 4 lots partially located within the low landslide hazard area (approximately 30% of total land area affected) |

The proposed variation can be supported pursuant to Performance Criteria (P1) of Clause E3.8.1 for the following reason.

- The proponent has advised that the building envelopes are located outside the Landslide Hazard Code; however, part of the access strips (approximately 80m) to Lots 2 and 3 would be located within the Code. Council's Development Engineer has advised that as the access would be located on a relatively flat part of the land, the proposal is an acceptable risk under the Code.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---|-------------|----------------------------------|---|
| E27.9.1 A1 (Minor Impact) – Natural Assets Code | Subdivision | No Acceptable Solution | The natural values assessment submitted by the applicant has identified the presence of 2 threatened flora species - dry Eucalyptus viminalis grassy forest and woodland (DGL), and Lowland Poa labillardierei grassland (GPL), which are considered to be priority vegetation under the Scheme. The application does not propose the clearance of any DGL woodland; however, 33m of the boundary would be located within the DGL area providing for fencing to be erected. The proposal would provide for approximately 143m ² of GPL to be cleared within the building envelope on Lot 2, while approximately 37m of fencing along the boundary of Lot 2 could potentially be erected within the GPL area. |

The proposed variation can be supported pursuant to Performance Criteria (P1) of Clause E27.9.1 for the following reason.

- In order to ensure that the impact of the subdivision on the priority vegetation is minimised, the applicant has agreed to modify the building envelope on Lot 2 in order to avoid the GPL. A suitable condition requiring an amended plan showing same is recommended. Otherwise, given the location of the DGL and GPL vegetation, the zone subdivision requirements and the hazard management areas required, it is considered that the subdivision has been designed to minimise the clearance of native vegetation and the impact on priority vegetation. Lot boundaries have been located predominantly outside areas containing priority vegetation as necessary to achieve compliance with the minimum lot size of the zone and to allow the proposed access driveway to Lots 2 and 3 to be located within an existing cleared area.

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 3 representations were received. The following issues were raised by the representors.

5.1. Public Open Space Contribution

Representors have raised concern that no Public Open Space (POS) would be provided on the site for use by surrounding residents who currently use the property for walking.

- **Comment**

As discussed below, due to the location of existing POS at 127 Canopus Road, it is not considered appropriate to require the provision of additional POS from the subdivider. Also, as the land is not identified in Council's Tracks and Trails Strategy this is no requirement for the developer to provide access to a linear track across the land.

5.2. Natural Values

The proposal was referred to the Department of Primary Industries, Parks Water and Environment, which due to the age of the current survey (2011), has recommended a follow up survey be undertaken to detail the present extent of threatened native vegetation and weeds. Representors also seek clarification on how the proposal would impact the natural values of the land.

- **Comment**

The Scheme does not specify when an assessment of natural values is invalid due to time elapsed since a survey was undertaken; however, the author of the report has clarified that the priority vegetation on the site would not have changed significantly since the survey was undertaken. On this basis, the natural values assessment is relevant to enable an assessment of the impact of the proposal on natural values to be completed.

The Scheme does not provide for a follow-up survey to be undertaken should a permit be granted for the subdivision. In any case, the applicant has agreed to alter the location of the building envelope on Lot 2 to ensure that it is clear of the identified GPL.

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

Developer contributions are required to comply with the following Council Policies.

Public Open Space

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

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

- Clarence Tracks and Trails Strategy 2012;
- Positive Ageing Plan 2012-2016;
- Clarence Coast and Bushland Strategy (August 2011);
- Community Health and Wellbeing Plan 2013-2018; and
- Draft Sport and Active Recreation Strategy.

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

The subject site is zoned Rural Living and would be afforded a high level of access to both local and regional recreational opportunities. The site would also benefit from its proximity to Council's POS network and associated facilities, in particular an existing undeveloped parcel of POS at 127 Canopus Road (7762m²).

No POS land is proposed to be provided to Council as part of this application and nor is it considered desirable to require it on this occasion. In this instance it is more appropriate that the proposal contributes to the enhancement of Council's existing POS network and associated facilities.

While Section 117 of the Local Government (Building and Miscellaneous Provisions) Act, 1993 provides for a maximum of up to 5% of the value the entire site to be taken as cash-in-lieu of POS, should a permit be granted for the subdivision, it would be considered appropriate to limit the contribution only to the additional lots created (Lots 2, 3 and 4), representing the increased demand for POS generated by the proposal and not the entire subject site. Due to the location of the site and the areas of each lot, which would provide opportunity for private recreation on the land, it is considered that the proposal would not generate a significant demand for, or derive benefit from local POS facilities. On this basis it is considered unnecessary to charge a contribution for local facilities. Accordingly, the contribution should reflect the likely increased demand on regional facilities.

Given that an area of POS can function at both the regional and local level it is difficult to quantify the ratio between the 2. However, it is noted that for previous subdivisions, which involve land benefitting only from provision of regional facilities, a contribution of 4% of the value of the land has been charged. It is also recommended on this occasion that a total of 4% of the value of Lots 2, 3 and 4 be charged as a contribution to the provision of POS at the regional level. A suitable condition is recommended.

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 3 lot plus balance subdivision at 101 Mount Canopus Road, Mount Canopus. The application meets the relevant Acceptable Solutions and Performance Criteria of the Scheme.

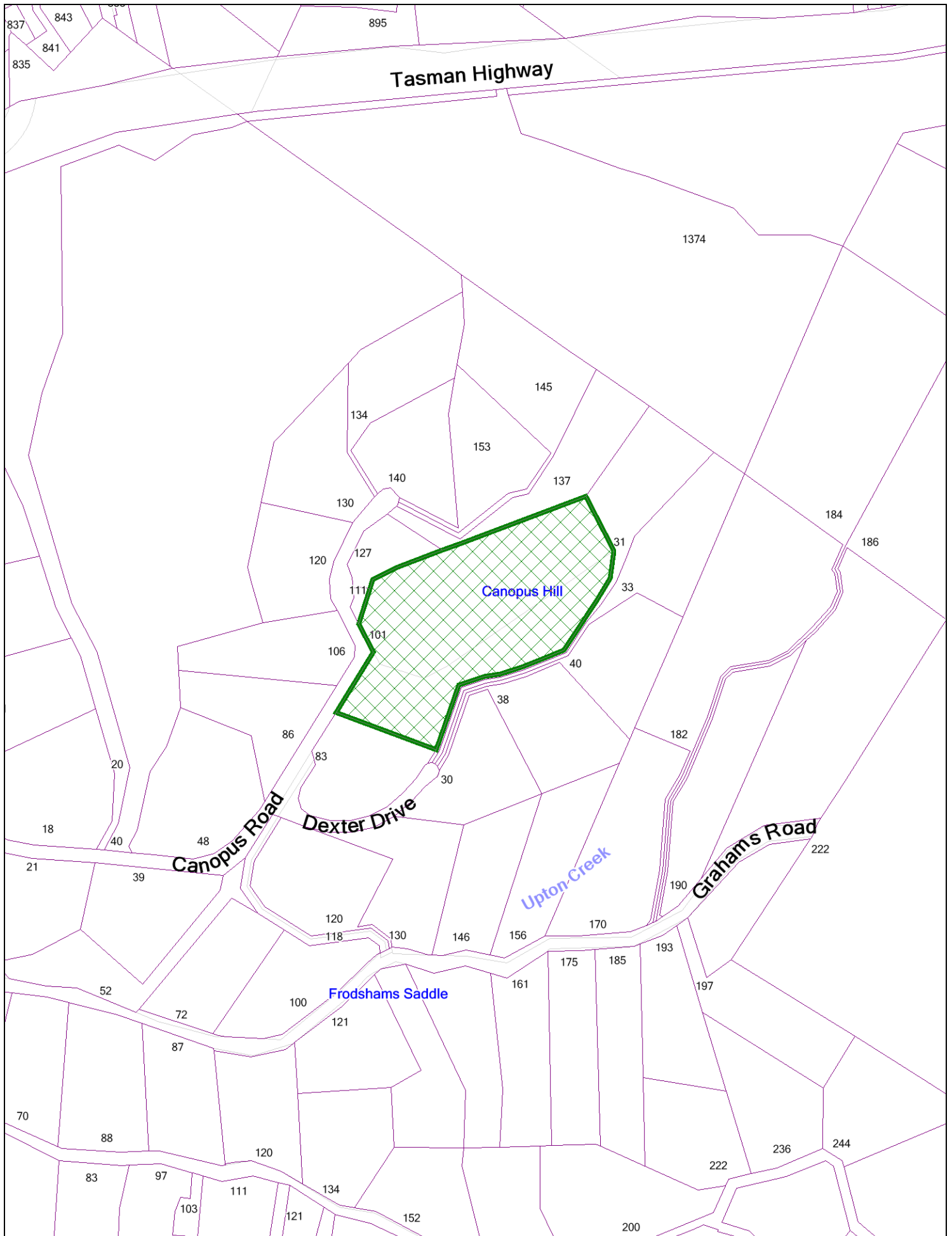
The proposal is recommended for approval subject to conditions.

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

Clarence City Council



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 12 February 2016 **Scale:** 1:7,163 @A4

PLAN OF SUBDIVISION



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Owner University of Tasmania

Location 'Canopus Hill Observatory' 101 Canopus Road, Mt Rumney

Title Ref. FR 27709/4 & FR 26605/7

Council Clarence City Council

Clarence Interim Planning Scheme 2015

This plan has been prepared only for the purpose of obtaining preliminary subdivision approval FR om the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey.

Schedule Of Easements Existing Pipeline easement to be carried forward. Right of Way for Lot 1 over Lots 2 & 3. Right of Way for Lot 4 over Lot 3. Reciprocal Rights of Way for 2 & 3 as reqd.

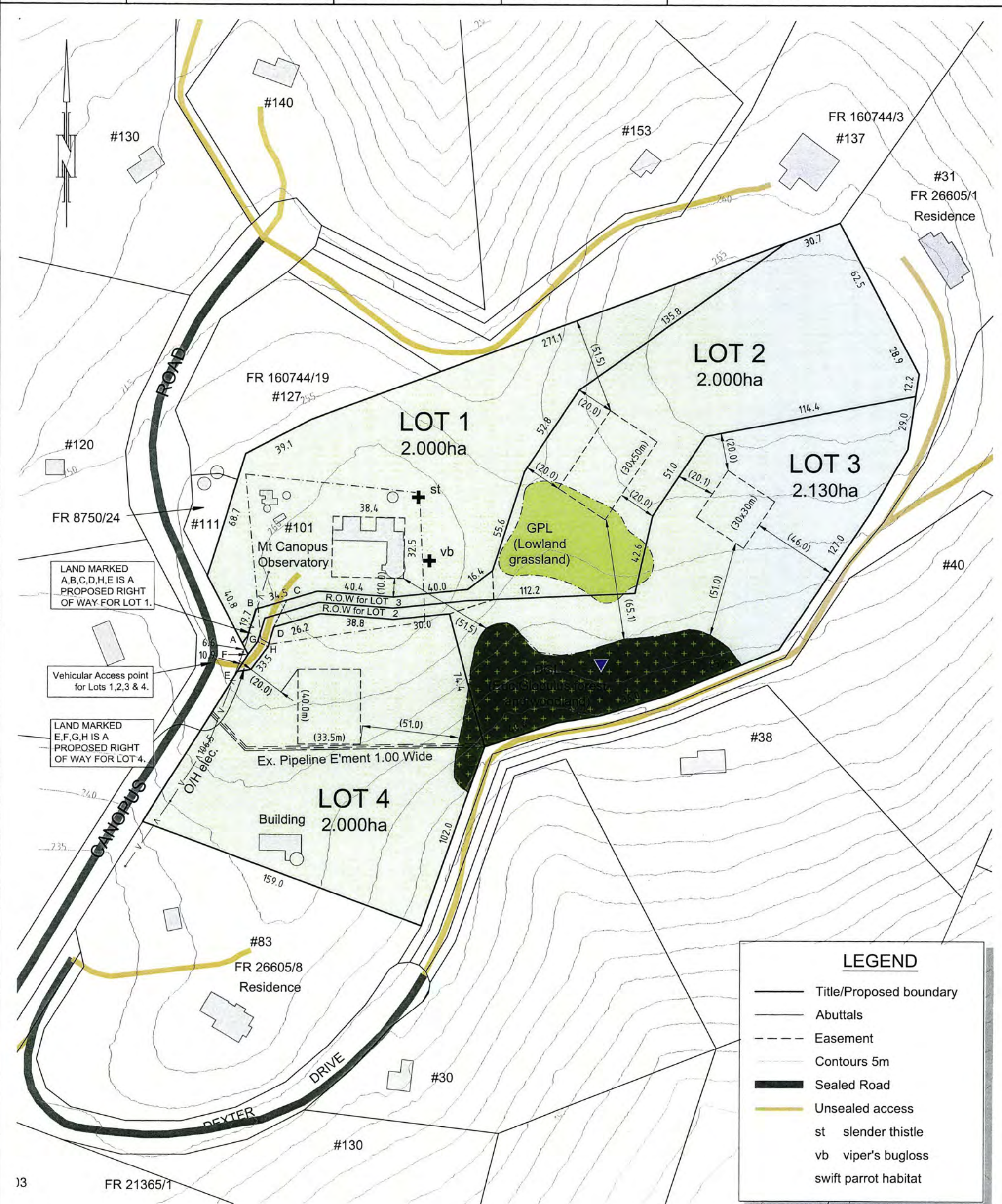
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Date 15 December 2015

Our Ref. T778M-1F

Map ref: 5226

MGA94 Centroid: E 535 465 N 5 256 095



LEGEND

- Title/Proposed boundary
- Abutments
- - - Easement
- Contours 5m
- Sealed Road
- Unsealed access
- st slender thistle
- vb viper's bugloss
- swift parrot habitat

PLAN OF SUBDIVISION



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Schedule Of Easements

Existing Pipeline easement to be carried forward. Right of Way for Lot 1 over Lots 2 & 3. Right of Way for Lot 4 over Lot 3. Reciprocal Rights of Way for 2 & 3 as reqd.

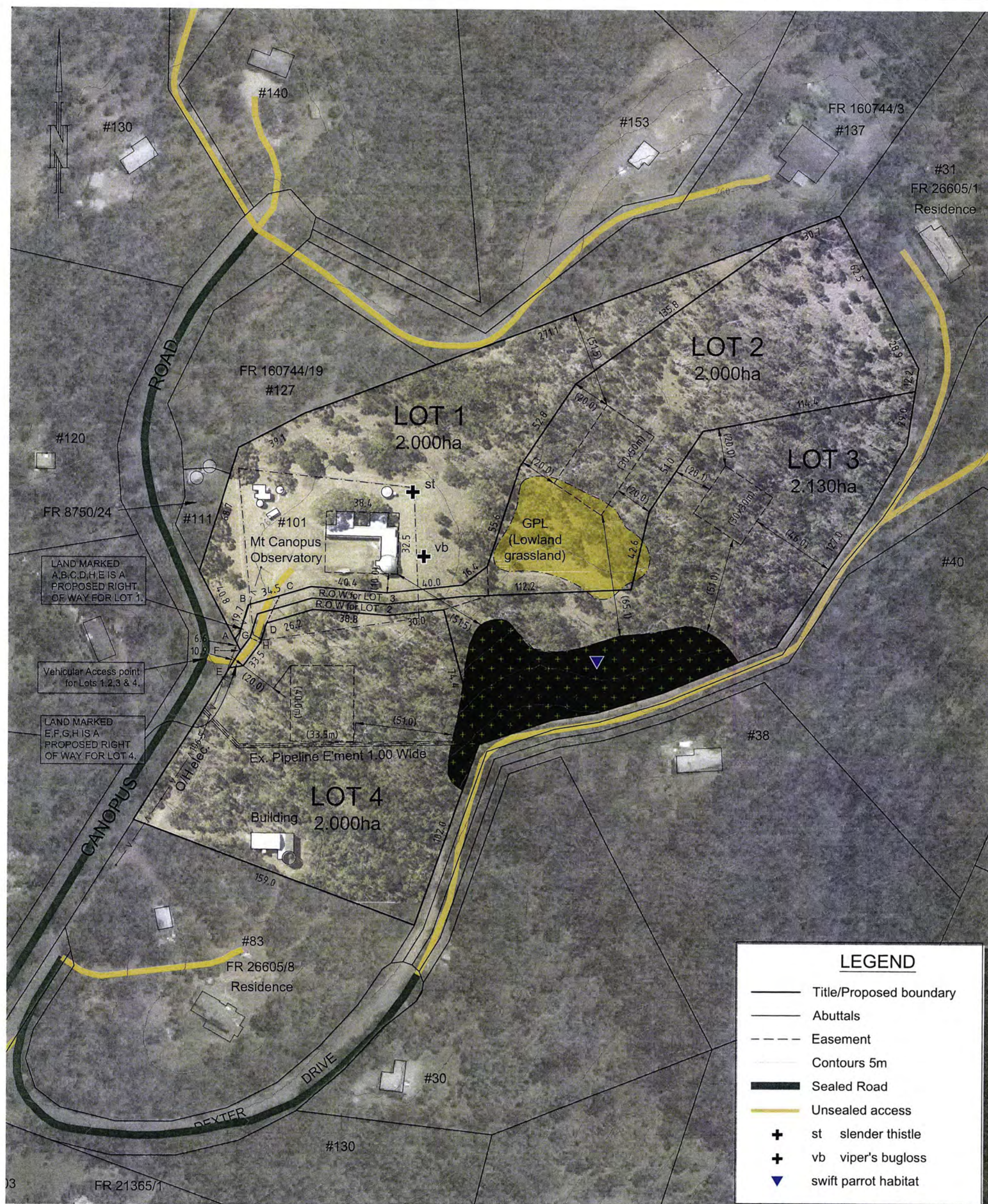
Scale 1:2000

Date 15 December 2015

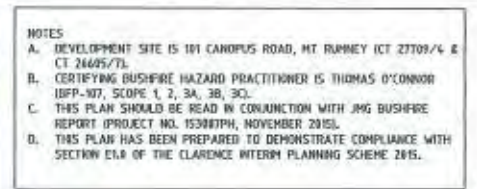
Our Ref. T778M-1F (p)

Map ref: 5226

MGA94 Centroid: E 535 465 N 5 256 095



- LEGEND**
- Title/Proposed boundary
 - Abutments
 - Easement
 - Contours 5m
 - Sealed Road
 - Unsealed access
 - st slender thistle
 - vb viper's bugloss
 - swift parrot habitat



- HAZARD MANAGEMENT AREA
(DENOTES MAXIMUM EXTENT)
- HABITABLE BUILDING AREA (BAL-19)
- EXISTING HYDRANT
(APPROXIMATE LOCATION)

| REV | DATE | REMARK |
|--|------|--------|
|   | | |
| Johnstone McGee & Gandy Pty. Ltd. Incorporating Dale P Luck & Associates ACH 009 547 170 ABN 74 074 434 852 | | |
| 117 Harrington Street, Hillcrest, Tas 48-61 Elizabeth Street, Launceston, Tas www.jmgp.net.au info@jmgp.net.au info@jmgp.net.au | | |

PROJECT
101 CANOPUS ROAD
SUBDIVISION

TITLE
BUSHFIRE HAZARD
MANAGEMENT PLAN

| | |
|----------------------------------|------|
| Accepted (LIC#AFR) gibson@fms | Date |
| Accepted (LIC#00000000) | Date |
| Approved (LIC#) Kemp Manager | Date |

This document shall be signed "Accepted" by ALL to authorize it to the user. ALL accept no liability whatsoever to manufacturers or contractors.

| | | |
|------------------------------------|-------------|------------|
| SCALES <input type="checkbox"/> 33 | DESIGNED BY | DRAWN BY |
| | EXAMINER | 1.0X000000 |
| 1.2300 | PLOT DATE | 04/11/2005 |

DO NOT SCALE. Use only Report dimensions. Locations of points. WINGS: Available & show plot details on separate view. CONTRACTOR to check. Available & show plot details on separate view. CONTRACTOR to check. Available. Initially, contract only. CONTRACTOR to site check all dimensions and notes. Variations of all items. DO NOT SCALE. Dimensions may be dimensional dimensions scaled to display details from this document.

PLOT DETAILS B01 - 30MP/30W

PROJECT NO. J153087PH

DWG. NO. B01

REVISION

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101 Canopus Road, MOUNT RUMNEY



Site viewed from within Lot 1 showing location of existing access proposed to be upgraded to a shared access for all 4 lots



Site viewed from within Lot 1 showing the existing main observatory building



Site viewed from within Lot 1 looking north showing area between existing observatory compound and Canopus Road



Site viewed from existing access showing approximate location of proposed access strips

| |
|------------------------------|
| 11.4 CUSTOMER SERVICE |
|------------------------------|

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 PUBLIC ART CODE IMPLEMENTATION PROCEDURES**

(File No 24-03-03)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is for Council to consider adopting the Public Art Code Implementation Procedures and Public Art Code Guidelines for Developers. The procedures and guidelines provide a framework for the implementation of the Clarence Interim Planning Scheme 2015 E24.0 Public Art Code.

RELATION TO EXISTING POLICY/PLANS

- Clarence Interim Planning Scheme 2015;
- Public Art Policy;
- Cultural Arts Plan;
- Strategic Plan.

LEGISLATIVE REQUIREMENTS

To assist in implementing the Clarence Interim Planning Scheme 2015 requirements.

CONSULTATION

The Cultural Arts Plan and Public Art Policy were subject to community consultation and public exhibition.

The Clarence Interim Planning Scheme (CIPS) 2015 was publicly exhibited in accordance with statutory requirements from Saturday, 18 July 2015 until Monday, 31 August 2015. During this exhibition period 126 representations and 2 late submissions were received. The representation raised numerous issues none of which related to the E24.0 Public Art Code.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

That Council adopts the Public Art Code Implementation Procedures and Public Art Code Guidelines for Developers, which are to be made available on Council's website.

PUBLIC ART CODE IMPLEMENTATION PROCEDURES /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council's Cultural Arts Plan 2012 – 2016 and Public Art Policy 2013 were adopted with the purpose of providing strategic direction for Council in the area of arts and associated Cultural activities, including the incorporation of a provision for a public art contribution for major developments.
- 1.2.** The Clarence Interim Planning Scheme (CIPS) 2015 includes controls that require a developer contribution for Public Art if the value of the commercial development is \$1M or more. Procedures and guidelines are required to assist with the implementation of the planning controls.

2. REPORT IN DETAIL

- 2.1.** Contained within the Public Art Policy are a number of key actions to facilitate the development of Public Art within the city many of which are being implemented through the Cultural Arts Plan. The Public Art Policy provides a strategic approach in managing the acquisition and management of public artworks within the city.
- 2.2.** Controls are included within the Clarence Interim Planning Scheme 2015 to support a Developer Contributions Scheme for Public Art within the City as part of major developments.

- 2.3.** The trigger points for the scheme are: all applications for use or development within the zones listed as Central Business, General Business, Commercial, Kangaroo Bay, Recreation, Open Space, with a value of over \$1,000,000, must provide public artworks at a ratio of at least 1% of the cost of the development, or make a cash contribution to a Council's Public Art Fund to be allocated to Public Art on Public Land within the precinct containing the development site. A cap of \$20,000 per contribution, whether as a public artwork or cash contribution, applies.
- 2.4.** Based on approvals in recent years approximately 2 - 3 developments per annum would trigger a developer contribution to Public Art within the City. Recently a permit was issued in Rosny Park which has already required such a contribution.
- 2.5.** The proposed Public Art Implementation Procedure and Public Art Code Guidelines have been developed to facilitate the implementation of the CIPS 2015 requirements under the Developer Contributions Scheme.

3. CONSULTATION

- 3.1.** The Cultural Arts Plan and Public Art Policy were subject to community consultation and public exhibition.

The CIPS 2015 was publicly exhibited in accordance with statutory requirements from Saturday, 18 July 2015 until Monday, 31 August 2015. During this exhibition period 126 representations and 2 late submissions were received. The representation raised numerous issues none of which related to the E24.0 Public Art Code.

- 3.2. State/Local Government Protocol**
Nil.

3.3. Other

A Workshop was held with Council on the proposed Developer Contribution Scheme and later the development of the Public Art Code Implementation Procedure and Guidelines for Developers.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

4.1. The implementation of the of the Developer Contributions Scheme is consistent with Council's Strategic Plan 2010 – 2015, specifically:

Goal Area - Environment: City Planning

Ensure Planning Scheme:

- Remains Contemporary;
- Responds to changing needs of our community;

And

Goal Area - Social Inclusion: Public Spaces and Amenity

- Prepare plans to create a sense of place for local communities;
- Develop plans to improve the amenity of public spaces, including:
 - beautification and enhancement of streetscapes.

Also the Cultural Arts Plan 2012-2017 is relevant, specifically:

Collections and Art Assets: Public Art, actions 3.6 to 3.15

5. EXTERNAL IMPACTS

Each development application for a commercial development within the specified zones in excess of \$1,000,000 must comply with the Public Art Code requirements of the Interim Planning Scheme 2015.

6. RISK AND LEGAL IMPLICATIONS

The procedures and guidelines have been developed to provide clarity to developers and to assist in minimising any risks associated with implementing the CIPS 2015 Public Art Code requirements.

7. FINANCIAL IMPLICATIONS

7.1. A Public Arts Fund has been setup by Council.

7.2. The Public Arts Fund shall be administered by the Arts and Cultural Development Co-ordinator reporting to Manager Health and Community Development with reference to Manager City Planning in regard to the guidelines and criteria as set out in the Public Art policy 2013, Cultural Arts Plan 2012 – 2016 or its successor and the Clarence Planning Scheme 2015: E24.0 Public Art Code.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

The Public Art Code Implementation Procedure and Public Art Code Developer Guidelines will facilitate compliance with the Planning Scheme Public Art Code and provide a clear framework for the commissioning and management of public art in the City.

Attachments: 1. Public Art Code Implementation Procedure (3)
2. Public Art Code Guidelines for Developers (10)
3. Public Art Assessment Criteria (1)

John Toohey
ACTING GENERAL MANAGER



Clarence City Council Public Art Code - Implementation Procedure

I. Planning Scheme requirements

In accordance with the Public Art Code as set out in the Clarence Interim Planning Scheme 2015, commercial developments within the City of Clarence exceeding \$1M in value and contained within the prescribed zones stated in the code must:

- a) Provide public art works valued at a ratio of at least 1% of the cost of the development up to a value of at least \$20,000. Such contribution must be provided in a form and location agreed to by Council.

OR

- b) Provide a contribution to public art at a ratio of 1% of the cost of the development, up to a maximum of \$20,000. Such contribution must be made as a cash payment to the Clarence City Council Public Arts Fund to be allocated to public art on public land within the precinct containing the development site within 2yrs of the completion of the development.

2. Implementation procedure

The owner(s), or the applicant on behalf of the owner(s), shall comply with the Clarence Interim Planning Scheme 2015 E24.0 Public Art Code through the following:

- (i) obtaining approval of public art, in accordance with these guidelines, as part of a planning permit application, elect to either obtain approval from the Council for an Artist to undertake a Public Art Project (Option 1) or pay the contribution to public art (Option 2); and
- (ii) in conjunction with the above chosen option;
 - (a) Option 1 –
prior to the issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist. Details of proposed artists and artwork are to be submitted with the Development Application. The developer and Council will enter into an agreement under Part 5 of the Land Use and Planning Approvals Act, as a condition of the planning permit, which sets out the conditions for the implementation, approval and maintenance of the Public Art.

OR

- (b) Option 2 –
prior to the issue of a Building Permit for the development, pay the above public art contribution amount to the Public Arts Fund.

Conditions

The purpose of this provision is to implement the City's Cultural Arts Plan, including the Clarence Public Art Policy.

Public Art provided under the code, in fulfilment of a condition of Planning Approval shall not require a further Development Application for the artwork.

Council has the right to accrue funds from multiple developments within a precinct for the commissioning of a major artwork.

Council must commission the artwork from the Public Arts Fund within 2yrs of the completion of the development.

Exclusions

Art projects ineligible for consideration include:

- Business logo
- Directional elements such as signage
- 'Art objects' which are mass produced such as fountains, statuary or playground equipment
- Art reproductions
- Landscaping elements which would normally be associated with the project

Approval of artwork

- The approval of the Council shall be required prior to the creation and installation of the Public Art. Authority to grant approval will rest with the Manager Health and Community Development on advice from the Public Art Panel.

Public Art Panel

The panel shall consist of:

- One representative from Clarence City Council City Planning Group reporting to Manager City Planning
- Arts and Cultural Development Coordinator reporting to Manager Health and Community Development
- One independent representative from Arts Tasmania's public art scheme
- Independent representatives to provide specialist advice as required

Assessment of public art proposals shall be carried out in accordance with the guidelines and criteria as set out in the Public Art Policy 2013 and be evaluated against the assessment criteria as described in Attachment A.

Public Art Fund

The Public Arts Fund has been set up by Clarence City Council to facilitate the creation of Public Artworks in the city of Clarence. Money is accrued into the Public Arts Fund through Council's capital works program and annual operating budget, State and Federal Government grants and contributions, sponsorship, donations and partnerships and through the Public Art Code contained within the Clarence Interim Planning Scheme 2015.

The fund enables developers to fulfil their obligations under the Clarence Interim Planning Scheme 2015 E24.0 Public Art Code, via a direct cash contribution to Council. This method is appropriate for developers who do not wish to take on the Public Art Commissioning process themselves.

The public art fund shall be administered by the Arts and Cultural Development Coordinator reporting to Manager Health and Community Development with reference to the Manager City Planning in regard to the guidelines and criteria as set out in the Public Art policy 2013, Cultural Arts Plan 2012 – 2016 or its successor, and the Clarence Interim Planning Scheme 2015: E24.0 Public Art Code.

Public Art Code Guidelines for Developers

A set of guidelines has been developed to assist developers in complying with the Public Art Code. In addition Council officers shall provide advice to developers to assist in compliance with the code.



Public Art Code - Guidelines for Developers

The Purpose of these Guidelines

These guidelines have been created to help you to incorporate Public Art into your development, as required by the Public Art Code set out in the Clarence Interim Planning Scheme 2015.

The Planning Scheme requires all developments, within the prescribed zones, over the value of \$1,000,000 to make a contribution of one per cent (1%) of the estimated total project cost (up to a maximum of \$20,000) for the development of Public Artworks.

You have the option of coordinating the Public Art project yourself (in liaison with the Council), or providing a cash-in-lieu contribution to the Council, in which case the Council will coordinate the Public Art project. Where coordinated by Council the artworks will be located within the precinct, nearby the development site and be completed within 2 years of the development completion. Council will install a plaque acknowledging the artist and the contribution of the developer in the creation of the Public Art.

Where you choose to coordinate the Public Art project yourself, the proposed Public Art needs to be approved by the Council.

Designs for the Public Art, including drawings, location, materials, name and résumé of artist, must be submitted to the Council, using the form attached to these Guidelines.

These Guidelines explain the different ways you can work with artists, the Council and your design team. You can choose the method that most suits your circumstances.

1. What is the Public Art Code?

Council's Public Art Code Implementation procedure states:

The owner(s), or the applicant on behalf of the owner(s), must comply with the Clarence Interim Planning Scheme 2015 E24.0 Public Art Code through the following:

- (i) obtaining approval of public art, in accordance with these guidelines, as part of a planning permit application, elect to either obtain approval from the Council for an Artist to undertake a Public Art Project (Option 1) or pay the contribution to public arts fund (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development; and
 - (ii) in conjunction with the above chosen option:
 - (a) Option 1
prior to the issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist. Details of proposed artists and artwork are to be submitted with the Development Application. The developer and Council will enter into an agreement under Part 5 of the Land Use and Planning Approvals Act, as a condition of the planning permit, which sets out the conditions for the implementation, approval and maintenance of the Public Art.
- OR
- (b) Option 2
prior to the issue of an Building Permit for the development, pay the public art contribution amount to the Public Arts Fund.

2. The 2 options available to you as an Owner/Applicant

To comply with the Public Art Code Use or Development Standards the following two options are available;

Option 1 – Obtain Approval from the Clarence City Council for an Artist to Undertake a Public Art Project/commission

If you choose to coordinate a Public Art project yourself, you must complete a Statutory Declaration¹, declaring that you will:

- (a) obtain approval from the Council for a Public Art project; and
- (b) ensure that the approved Public Art is installed and maintained in accordance with the Part 5 Agreement set out in the planning permit.

After receiving your Statutory Declaration, Council will wait for you to submit your proposed Public Art project. Council approval for the Public Artwork must be obtained before a Building Permit can be issued for the development.

More information about the process to follow if you choose this option is provided under the heading “Steps to Coordinate a Public Art Project” below.

Option 2 – Pay the Cash-in-Lieu Public Art Contribution to the Council's Public Arts Fund

Your Public Art contribution may alternatively be satisfied by cash-in-lieu.

If you choose this option, you must complete a Statutory Declaration declaring that you will pay a cash-in-lieu contribution to Clarence City Council.

Upon receipt of the Statutory Declaration, the City will issue an invoice for your cash-in-lieu contribution.

Council will not issue your Building Permit until the invoice for the cash-in-lieu contribution has been paid to, and received by, the Council.

If you decide not proceed with the development and cancel the Building Permit any contribution paid to Council's Public Arts Fund will be refunded accordingly.

3. What is Public Art?

The primary purpose of the City's Public Art Policy is to facilitate the provision of art works that are pleasing and accessible to the public as well as to users of the development, and which will last for the life of the development. For the purpose of this Policy, public art may be located within a building, provided that it is at ground floor level, highly visible to the public, accessible (such as in a public foyer location) and contributes to the streetscape through its visibility.

Benefits of a Structured Public Art Program

Public Art helps to create good commercial streetscapes that:

- Are a place for public activity, meeting and enjoyment;
- Provide a setting for encouraging building owners to improve the quality of buildings when framed by high quality, attractive streetscapes;
- Enhance property values and the profitability of businesses by creating exposure in a place that people are attracted to;
- Create a sense of place;
- Build cohesive and strong communities through place;
- Create an urban environment that reflects pride;
- Contribute to the built and natural environment;

- Restore and revitalise urban centres;
- Shape and reflect regional identity and distinctiveness;
- Create meeting places and focal points;
- Create opportunities for artists;
- Stimulate social interaction;
- Stimulate cultural tourism;
- Provide marketing and promotional opportunities;
- Encourage partnerships between all levels of government agencies and business.

Art works which are accessible to the public contribute to the overall feeling of community wellbeing and enrich the texture of civic life. Art works often provide a talking point and opportunity for wonder, reflection and enjoyment above and beyond the art involved in building design.

Definitions

Public art is any permanent or temporary art object presented in the public arena, outside of the traditional gallery system, where it is accessible to a broad audience. The public arena can be indoor or outdoor spaces that are accessible to the public including parks, plazas, public building foyers, natural areas.

Public art works can include not only what we might consider ‘high’ or ‘fine’ art or ‘monumental’ works but also design elements such as street furniture, balustrading, architectural details, streetscape elements, interpretive materials. Public art can include iconic or permanent works or works that use new media – projection, lighting or natural elements.

Public art can be:

- Functional: seating, lighting, bollards etc;
- Decorative: for example incorporated imagery or sculpture in a structure such as paving;
- Iconic: stand-alone sculptural works;
- Integrated: fully incorporated within the design such as floor or window design;
- Site specific: specifically for and responsive to a particular site, thematically or through use of scale or materials;
- Interpretive: to describe or educate, inform on issues, events, situations for example plaques, murals, text based works;
- Commemorative/celebratory: Acknowledging or recalling an event, activity or person important to the local community - temporary or permanent.

4. Steps to Coordinate a Public Art Project

The steps you need to follow if you choose to coordinate a Public Art project yourself (Option 1 above) rather than paying a cash-in-lieu contribution to the City are listed below.

a. Before the Building Permit: Talk to the Arts and Cultural Development Coordinator

Before you apply for a Planning and Building Permit when your project is subject to the Public Art Code, contact the City of Clarence's Arts and Cultural Development Coordinator (ACDC) to discuss your project. Their contact details are listed at the end of these Guidelines.

The ACDC will be able to give you advice relevant to your particular development and will liaise with other Council Officers to help the project run smoothly.

They will be able to talk to you in detail about finding an artist and implementing the project if you need more information than is provided in these Guidelines.

You will need to submit a preliminary Public Art proposal including a brief written description in of the concept/type of work you are proposing (e.g. sculpture, surface treatment, functional piece such as bench, bollard etc.) for consideration by the Arts and Cultural Development Coordinator who will provide written in principle approval to proceed to the next stage if satisfied with your proposal.

b. Before the Building Permit: How to find an artist

i. Commissioning models

There are many commissioning models for the selection of artists and the method used will depend on each circumstance – how the project has come about, project stakeholders, funding and scale of the project.

Adopting a selection process which is open, transparent and structured to most appropriately address the needs of each project will assist in identifying the artist who best fits the agreed criteria.

Advertising and calling for expressions of interest (EOI) reaches a large number of suitably qualified potential project artists. Other processes include direct commissioning, targeted expressions of interest or competitions.

In the majority of situations an open expression of interest model is likely to be preferred.

Suggestions for information required in EOIs to select appropriate artists:

- A written response to the project brief
- A short CV

- Up to ten labeled images of previous, relevant work
- Slide list detailing the works, materials, dates, clients
- Availability

ii. **Artist's brief**

In order to convey the precise details of the expectations of a new work of public art an Artist Brief must be developed.

The brief will be the basis upon which an artist will decide to take on the commission.

Key components for the artists brief are:

- Streetscape contribution/compatibility;
- Project background – the organization, its history and role;
- City profile – community information, history, geography, population, issues etc;
- The site – a detailed description of the site and its topography, location, environment, community, history and any special conditions relating to the site;
- Rationale for the project;
- Audience for the work;
- Project constraints – legal, planning issues, safety;
- Budget – total budget and what it includes, support, in-kind;
- Project timetable and anticipated completion;
- Insurance;
- Project managers, contacts, support, consultation;
- Procedure for applications;
- Selection criteria for the artist.

iii. **Contracting**

Once a successful artist has been selected for the commission a project contract will be drawn up. The contract should outline the following:

- The parties involved and their role;
- A description of the commission;
- Fee schedule;
- Budget;
- Project timetable and anticipated completion;
- Approval stages in the project;
- Project managers, contacts, support, consultation;
- Insurance;
- Copyright, moral rights;
- Documentation required e.g. maintenance schedule;
- Dispute resolution procedure.

iv. Risk assessment

All public art is by its very nature in the public realm and should therefore be evaluated for potential public risk prior to construction approval.

At the concept stage consideration should be given to:

- Engineering specifications;
- Choice and suitability of materials;
- Risk minimisation strategies;
- Entrapment standards;
- Pedestrian access;
- Close to kerbs/traffic?;
- How will the community interact with it?
- Environmental impact upon the work and the work on the environment;
- Relevant building codes;
- Disability discrimination act compliance.

v. Maintenance

As part of the commissioning process the artist must provide a maintenance schedule for the work.

The schedule should consider the following:

- Specify all materials used in construction including the main body of the work, fixtures, fittings, footings, surface treatments;
- Manufacturer's technical specifications for any materials used in the work and recommended cleaning methods;
- Provide details of any operating equipment, components e.g. lights, software, recommended suppliers for replacements, maintenance recommendations;
- Provide photographs of the work during fabrication and installation;
- Provide Material Safety data Sheets where relevant.

vi. Publicity/signage/interpretation

When commissioning a work of public art consideration should be given to publicity for the project. Some areas to consider are:

- Community consultation on the commissioning of the work;
- Is the work likely to be controversial and how to address perceived concerns;
- Signage – what type of signage, information to be included: artist name, title, date, the commissioner of the work, any funding partners;
- Press releases, photos;
- Budget allocations for signage;
- Will there be a formal launch?

c. Obtaining the Building Permit: Formal Project Approval

After you have chosen an artist and entered into a contract with them, **if necessary**, the artist will complete a final design for consideration by yourself and the project manager/architect.

Talk to the ACDC to assess if any subsequent permits are required for the proposed artwork. You will then need to submit an Application for Art Work Design to Council, using the form attached to these Guidelines. Included should be a contract between the developer and the artist, and if necessary full working drawings (including an indication of where the art work is located) and a detailed budget.

If Council through its Public Art Panel is satisfied with your application, it will grant full approval for the Public Art project, and if you have satisfied the other building requirements and planning conditions of your development, a building permit will be issued.

d. After the Building Permit has been issued

Final design, fabrication and installation

Once your building permit has been issued, the artist can begin fabrication.

During the fabrication and installation phase, you and your staff may be able to assist the artist. This may include purchasing materials, providing contacts for fabricators and solving technical problems through discussion with your experts.

If you need or wish to vary the nature of the approved art work you must contact the ACDC to get approval to the variation before proceeding. Once the artwork is completed you will need to contact the ACDC to arrange a site inspection to confirm that the works have been done in accordance with the approval conditions.

Once the project is completed

When the Public Art is installed, a launch or opening helps to create a sense of importance and occasion and also provides good publicity and public relations for you and the artist.

A launch can take the shape of a short ceremony with brief speeches by yourself or others involved in the project and a VIP or media personality, followed by some refreshments. It could also include special events such as musicians and other entertainers and incorporate the opening of your building, especially if the artist has been involved from the early drawing stages and included art works in the overall design of the building.

5. What is the Public Arts Fund?

The Public Arts Fund has been set up by Clarence City Council to facilitate the creation of Public Artworks in the city of Clarence. Money is accrued into the Public Arts Fund through Council's capital works program and annual operating budget, State and Federal Government grants and contributions, sponsorship, donations and partnerships and contributions through the Public Art Code contained within the Clarence Interim Planning Scheme 2015.

The fund enables developers to fulfil their obligations under the Clarence Interim Planning Scheme 2015 E24.0 Public Art Code, via a direct cash contribution to Council. This method is appropriate for developers who do not wish to take on the Public Art Commissioning process themselves.

Where a developer opts to make a cash contribution, Council will use the Public Arts Fund to commission Public Artworks to be located within the precinct nearby the development site. Council will commission works to be completed within two years of receipt of funds from the developer. Where multiple developments are in close proximity Council will accrue funds to commission a major work on Council land as close as practicable to the developments.

The commissioning process will be carried out through the model deemed most appropriate for the development taking into consideration how the project has come about, project stakeholders and scale of the project. This can be through an expression of interest (EOI) model, direct commissioning, targeted expressions of interest or competitions.

The public art fund shall be administered by the Arts and Cultural Development Coordinator reporting to Manager Health and Community Development with reference to the Manager City Planning in regard to the guidelines and criteria as set out in the Public Art policy 2013, Cultural Arts Plan 2012 – 2016 or its successor, and the Clarence Planning Scheme 2015: E24.0 Public Art Code.

Authority to grant approval of the final artwork will rest with the Manager of Health and Community Development on advice from the Public Art Panel.

The Public Art panel shall consist of:

- One representative from Clarence City Council City Planning Group reporting to Manager City Planning;
- Arts and Cultural Development Officer reporting to Manager Health and Community Development;
- One independent representative from Arts Tasmania's public art scheme;
- Independent representatives to provide specialist advice as required.

Acknowledgement of the developer's contribution to the artwork will be made through the installation of a plaque near the artwork.

Should the developer choose not to proceed with the development any contribution made to the Public Arts Fund will be refunded accordingly within 30 days of the cancellation of the building permit upon receipt of an invoice from the developer.

For further information:

Arts and Cultural Development Coordinator

03 6217 9606

tcockburn@ccc.tas.gov.au



Clarence City Council Public Code

Public Art Assessment Criteria

Assessment of public art proposals shall be carried out by the Public Art Panel in accordance with the guidelines and criteria as set out in the Public Art Policy 2013:

Evaluation and approval of all public artworks proposed by the City of Clarence, other public authorities, individuals and other groups will be based on the following criteria:

- Relevance to the objectives and actions of the Cultural Arts Plan 2012 - 2016, Collections management Policy 2010, and the principles of this Public Art Policy;
- Standards of excellence and innovation;
- The integrity of the work;
- Relevance and appropriateness of the work to the context of its site;
- Consistency with current planning, heritage and environmental policies and consideration of public safety and the public's access to and use of the public domain;
- Consideration of maintenance and durability requirements;
- Calibre of the applicant as evidenced by their relevant experience and qualifications as a professional contemporary artist and the quality of their previous work as demonstrated by their support material;
- Suitability and viability of the artist's proposed approach to the commission and their capacity to professionally manage and deliver the project;
- The benefit of the commission to the City of Clarence public art collection and to the artist's own professional practice;
- Ability of the proposed artwork to enrich the public environment and enhance the general public's access to, and understanding of, contemporary art from diverse fields of practice.

11.7.2 CUSTOMER SERVICE CHARTER

(File No 10-18-00)

EXECUTIVE SUMMARY

PURPOSE

To adopt the revised Customer Service Charter.

RELATION TO EXISTING POLICY/PLANS

The revised Charter is an update of the previous Customer Service Charter.

LEGISLATIVE REQUIREMENTS

Under the Local Government Act, 1993 Council is required to review the Customer Service Charter every 2 years.

CONSULTATION

Discussions undertaken with the Corporate Executive Committee and an Alderman's Workshop were held to consider proposed changes.

FINANCIAL IMPLICATIONS

There will be some costs associated with the production of a brochure. Funds are available in Council's 2015/16 Budget for this purpose.

RECOMMENDATION:

That Council adopts the revised Customer Service Charter.

ASSOCIATED REPORT

1. BACKGROUND

- 1.1.** Under the Local Government Act, 1993 Council is to review the Customer Service Charter every 2 years. Council introduced the initial Customer Service Charter in January 2006.
- 1.2.** An Alderman's Workshop was held to discuss the proposed changes to the Customer Service Charter.
- 1.3.** The revised Customer Service Charter is based on the previous Charter and feedback from the discussions.

2. REPORT IN DETAIL

2.1. The Customer Service Charter is a public expression of Council's attitude towards Council customers and the provision of service. It is a commitment to delivering a high quality of service to Council customers and it is about what a customer can expect when dealing with Council.

2.2. The Customer Service Charter is divided into 3 parts:

- Principles and Values;
- Standards; and
- Complaints Procedure.

Part 1 – Principles and Values

These are about how Council deals with a customer and what the customer can expect.

There are no changes proposed to this part of the Charter.

Part 2 – Standards

These are Council's list of services and performance measures taken from:

- community and industry norms (best practice);
- legislative timeframes; and
- Council standards taken from the Annual Plan.

This section has a number of changes including, for example:

- a response time to posts on social media include Facebook and Twitter;
- replacing 42 days for progress of planning and subdivision applications with 28 days for permitted applications and 42 days for discretionary applications; and
- a standard to issue Building Completion Certificates.

Part 3 – Complaints Procedure

The relevant Local Government Regulations state that the Customer Service Charter must address:

- the manner in which a complaint is to be made;
- the manner in which a response to a complaint is to be made;
- opportunities for a review of a response by the General Manager;
- the periods within which complaints are to be dealt with; and
- other actions that may be taken if a complainant is dissatisfied by the response.

The information relating to external contacts has been updated.

- 2.3.** The Customer Service Charter will be made available to the public via Council's offices and website.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

Nil.

3.3. Other

A Workshop was held with Aldermen on proposed changes and discussions on the review of the Customer Service Charter have been undertaken with the Corporate Executive Committee.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

There is no inconsistency with Council's adopted Strategic Plan 2010-2015 or any other Council Policy.

5. EXTERNAL IMPACTS

No significant impacts anticipated.

6. RISK AND LEGAL IMPLICATIONS

The Local Government Act, 1993 requires Council to review its Customer Service Charter every 2 years.

7. FINANCIAL IMPLICATIONS

There will be some costs associated with the production of a new brochure. Funds are available in Council's 2015/16 Budget for this purpose.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

That Council adopts the revised Clarence City Council Customer Service Charter.

Attachments: 1. Revised Customer Service Charter (7)

John Toohey
ACTING GENERAL MANAGER

-

CLARENCE CITY COUNCIL

CUSTOMER SERVICE CHARTER

(REVISED 2016)

WE WANT TO DELIVER THE BEST SERVICE WE CAN AND OUR COMMITMENT TO YOU IS:

You can expect that:

We will provide a prompt, friendly, courteous and efficient service
We will provide clear and accurate information
We will respect, listen and respond to your concerns
We will respect your privacy
We will keep you informed of the progress of your enquiry

We will:

Greet you in a friendly way and identify ourselves
Have our customer service counters attended at all times
Answer and return telephone calls promptly
Respond to your correspondence promptly
Be helpful and sensitive to your needs
Communicate clearly and in plain language
Work with you to solve problems

You can help us by:

Treating our staff with mutual respect
Respecting the rights of other people
Providing accurate and complete information in your dealings with us
Respecting the community in which we live
Working with us to solve problems

**WE WILL DEAL WITH YOUR ENQUIRY AS QUICKLY AS POSSIBLE.
THE FOLLOWING STANDARDS PROVIDE YOU WITH A GUIDE ON HOW WE
WILL RESPOND.**

| Service | Standard |
|--|--------------------------|
| We Will: | |
| Answer your telephone call – Expectation is all calls answered in 5 rings | within 5 rings |
| Return your call | 1 working day |
| Reply to your correspondence | 10 days |
| Acknowledge your correspondence if a detailed reply is required that may take additional time to research within | 10 days |
| Respond to complaints within (dissatisfaction of service) | 10 days |
| Notify you as soon as practical if there is a delay in our service commitment | |
| Provide after hours service for emergencies** | |
| Leave a “visit card” with contact details if we call to your residence and you are not home | |
| Endeavour to refer you to an appropriate service provider if Council cannot provide the service you require | |
| Response to Social media posts (facebook and twitter) | 2 hours on business days |
| Building | |
| Process a Building Permit | 7 days |
| Process a Building Certificate | 12 days |
| Issue Building Completion Certificates | 7 days |
| Community Arts | |
| Hold new exhibitions at Schoolhouse Gallery | Monthly |
| Dogs | |
| Respond to urgent incidents | 24 hours/7 days |
| Respond to routine incidents | 1 working day |
| Drainage / Stormwater | |
| Respond to drainage emergencies | 24 hours/7 days |
| Respond to seepage/drainage problems within | 10 days |

Environmental Health

Respond to food complaints within

48 hours

Respond to urgent environmental nuisances

24 hours/7 days

Inspect registered food premises

As per statutory requirement

Conduct immunisation clinics

Fortnightly

Conduct school immunisation clinics

As per recommended schedule

Finance

Payment of accounts

By due date

Respond to rates enquiries

10 days

Fire Hazards

Respond to fire hazard notifications

5 days

Governance

Review Council's Strategic Plan

Every 2 years

Conduct AGM and publish Annual Report

Each November/December

Publication of Council Newsletter

4 times a year

Council meeting agenda made available

4 days prior to meeting

Human Resources

Acknowledge receipt of all job applications within

5 days

Respond to outcomes of applications on conclusion of interview process

10 days

Planning / Subdivision

Process a permitted Planning or Subdivision Application

28 days

Process a discretionary Planning or Subdivision Application

42 days

Plumbing

Process a Plumbing Permit

14 days

Process a Special Plumbing Permit

14 days

Undertake Plumbing Inspections

1 working day

Roads

| | |
|--|------------------------------|
| Inspect, assess and respond to requests about potholes, edge breaks and cracks within | 14 days |
| Grade unsealed roads | 3 times per year if required |
| Pick up identified large quantities of roadside litter on Council owned roads where a nuisance exists within | 5 days |
| Attend to identified damaged road furniture within | 14 days |
| Road sweeping of Council owned roads with kerb and gutter | Every 8 weeks |

Waste*

| | |
|------------------------|---------------|
| Garbage Collection | Weekly |
| Recyclable Collection | Fortnightly |
| Green waste Collection | Every 4 weeks |
| Bulk waste Collection | Each November |

* Depending on the area in which you live, some services may not be available.

**An emergency is regarded as an incident that threatens life or property or one that may cause environmental harm.

COMPLAINTS

If you are not satisfied with our service in any respect, or we have made a mistake, please bring your complaint to us directly so that the matter can be resolved.

All staff are responsible for dealing with complaints relating to their area. Please contact the staff member who is dealing with your request and they will work with you so that the matter can be resolved.

A complaint can be made by phone, in person, in writing or by email. We will try to resolve the complaint as quickly as possible and get back to you by your preferred method of response. Anonymous complaints may only be accepted and dealt with if the matter is considered to be serious and there is a risk to persons and property.

While most problems can usually be resolved quickly, there are times when detailed investigation is required. If it will take time, we will keep you informed of the progress of your complaint.

If your complaint is of a serious matter or is a complex one, please put it in writing and address it to the General Manager, who will arrange for the appropriate manager to deal with it.

If you are still not satisfied with the outcome, you can ask for a review of your complaint by the General Manager who will investigate the matter and contact you about it.

You may also seek the advice of an Alderman who may take up the matter on your behalf.

If you are still not satisfied with Council's resolution to your complaint, there are other external avenues available:

- The Ombudsman
- Office of the Anti-Discrimination Commissioner
- Director, Division of Local Government, Security & Emergency Management

While you can refer your complaint directly to these bodies at any time, we strongly encourage you to approach Council to investigate your complaint first.

Any administrative decision where Council has a statutory decision making role may be subject to a further review under the *Judicial Review Act 2000*.

PRIVACY INFORMATION PROTECTION

Personal Information provided by a customer to council is protected in accordance with the requirements of the *Personal Information Protection Act 2004* and the *Right to Information Act 2009*.

EXTERNAL ORGANISATIONS

The Ombudsman
Ground Floor, 99 Bathurst Street
HOBART TAS 7000
Phone: 1800 001 170
Email: ombudsman@ombudsman.tas.gov.au

Office of the Anti-Discrimination Commissioner
Level 1, 54 Victoria Street
HOBART TAS 7000
Phone: (03) 6165 7515 or 1300 305 062

Director
Division of Local Government, Security & Emergency Management
Department of Premier and Cabinet
Level 5, 15 Murray Street
HOBART TAS 7000
GPO Box 123, HOBART TAS 7001
Phone: 03 6232 7022
Email: lgd@dpac.tas.gov.au

CONTACT COUNCIL

In person:

Council offices at 38 Bligh Street, Rosny Park
are open Monday to Friday 8.30am – 5.15pm.

By phone:

(03) 6217 9500

By email:

clarence@ccc.tas.gov.au

By Fax:

(03) 6245 8700

In writing:

The General Manager
PO Box 96, ROSNY PARK TAS 7018

Aldermen:

Contact details for the Mayor and Aldermen are located on Council's website
www.ccc.tas.gov.au or in the Infobook/Community Directory.

11.7.3 PUBLISHING OF CLOSED MEETING DECISIONS

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To formalise Council's practice of publishing certain Closed Meeting decisions in the public Minutes.

RELATION TO EXISTING POLICY/PLANS

Council has an adopted Meeting Procedures Policy which addresses aspects of Council's meeting practice not covered under the Local Government (Meeting Procedures) Regulations 2015.

LEGISLATIVE REQUIREMENTS

There are no provisions in the Local Government (Meeting Procedures) Regulations 2015 that cover or govern the current Council practice of publishing Closed Meeting decisions.

CONSULTATION

The matter was the subject of Council Workshops in mid-2015 and on 9 February 2016.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

A matter for Council.

ASSOCIATED REPORT**1. BACKGROUND**

The Local Government (Meeting Procedures) Regulations 2015 provide a discretionary power to Council to release material dealt with in Closed Meeting. Council's past practice has been to include a recommendation in some Closed Meeting decisions to enable communication of the Council's decision to relevant parties and/or the general public.

2. REPORT IN DETAIL

- 2.1.** There are no provisions in the Local Government (Meeting Procedures) Regulations 2015 that cover or govern the current Council practice of publishing Closed Meeting decisions including stipulating the method of recording a publication of this nature. The extent of publishing of any Closed Meeting deliberation and decision is a matter of Council discretion. This is clearly stated as a discretionary power that Council can exercise and Council can also govern the extent of disclosure that may be permitted and the degree of confidentiality that is otherwise required in respect to Closed Meeting matters.
- 2.2.** Workshop discussions occurred in mid-2015 in relation to Council's adopted meeting practices and whether certain Closed Meeting matters and decisions should be published in the public domain. It was recognised that whilst the listing of certain matters in Closed Meeting was appropriate there were certain decisions where full disclosure could occur, particularly where they relate to a matter of public interest and a public process (eg tendering).
- 2.3.** These discussions led to the introduction of an informal policy for certain decisions to be authorised by Council for publication in the public Minutes. Council did not at the initial stage wish to formalise this new policy as Aldermen favoured testing the effectiveness of the introduced practice. The new policy has been in place since June 2015 and has taken the form of publishing the full motion passed in the Closed Meeting segment, including the Mover, Seconder and the casting of votes on that Motion. To give effect to this, a component of the actual decision is worded along the following lines: *"That the Council decision only be recorded on the public Minutes"*.

2.4. A recent query has been raised as to whether the matter of publishing the decision (in a format that includes the voting on the item) is appropriate. The initial Workshop discussions which gave rise to the current practice did not canvass the matter of voting disclosure. The primary concerns and views expressed at the Workshop centred on the merits of increased transparency of the Council decision made in Closed Meeting. How the information was to be presented was not discussed. Hence the practice of full minuted publication of the procedures that support the motions was implemented for completeness.

2.5. A Workshop was held to discuss this particular issue on 9 February 2016. It was acknowledged that Council values the increased transparency of Council decisions being published in the public Minutes. It was also noted that recording of the casting of votes could lead to Aldermen being asked by members of the public to explain why they voted in a particular way and given that the discussion and deliberations of the Closed Meeting matter remain confidential it could place Aldermen in a difficult position in needing to retain the overarching confidentiality obligations.

2.6. The options for Council in this matter are as follows.

Option 1: discontinue the practice of publishing Closed Meeting decisions in the public Minutes.

Option 2: continue with the publication of certain Closed Meeting decisions in the public minutes including Motion details and how votes were cast.

Option 3: continue with the publication of certain Closed Meeting decisions in the public Minutes without disclosure of Motion details and how votes were cast.

3. CONSULTATION

3.1. Community Consultation

Not applicable.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Council Workshop discussions have occurred which gave rise to the current practice of publishing certain Closed Meeting decisions in the public Minutes.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council has an adopted Meeting Procedures Policy which addresses aspects of Council's meeting practice not covered under the Local Government (Meeting Procedures) Regulations 2015.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

The Local Government (Meeting Procedures) Regulations 2015 contain a discretionary power for Council to deal with release of Closed Meeting matters.

7. FINANCIAL IMPLICATIONS

Nil.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

Council has had an informal policy on publishing of Closed Meeting decisions in the public Minutes since June 2015. It is recommended that this policy and the extent of published disclosure now be formalised to provide clarity and consistency.

Attachments: Nil.

John Toohey
ACTING GENERAL MANAGER

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 TENDER T1076-15 – SUPPLY ONLY BITUMINOUS CONCRETE

13.3 TENDER T1073-15 - KANGAROO BAY PARKLANDS

These reports have been listed in the Closed Meeting section of the Council agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulation 2015 as the detail covered in the report relates to:

- contracts and tenders for the supply of goods and services; and
- 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”.