

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 MAY****TABLE OF CONTENTS**

ITEM	SUBJECT	PAGE
1.	APOLOGIES	5
2.	CONFIRMATION OF MINUTES	5
3.	MAYOR’S COMMUNICATION.....	5
4.	COUNCIL WORKSHOPS.....	5
5.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE	6
6.	TABLING OF PETITIONS	7
7.	PUBLIC QUESTION TIME	8
7.1	PUBLIC QUESTIONS ON NOTICE	8
7.2	ANSWERS TO QUESTIONS ON NOTICE.....	8
7.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	8
7.4	QUESTIONS WITHOUT NOTICE	8
8.	DEPUTATIONS BY MEMBERS OF THE PUBLIC.....	9
9.	MOTIONS ON NOTICE	10
9.1	NOTICE OF MOTION- ALD JAMES THE MOORINGS COLLECTION	10
10.	REPORTS FROM OUTSIDE BODIES	12
10.1	REPORTS FROM SINGLE AND JOINT AUTHORITIES.....	12
	• SOUTHERN TASMANIAN COUNCILS AUTHORITY	
	• COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY	
	• SOUTHERN WASTE STRATEGY AUTHORITY	
	• TASMANIAN WATER CORPORATION	
10.2	REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES ..	12

11.	REPORTS OF OFFICERS	13
11.1	WEEKLY BRIEFING REPORTS	13
11.2	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS	14
11.2.1	PETITION - DEVELOPMENT APPLICATION D-2016/420 AND SD-2016/45 – 4 AND 6 CHATSWORTH STREET, ROSE BAY – 4 MULTIPLE DWELLINGS	14

11.3 PLANNING AUTHORITY MATTERS

11.3.1	SUBDIVISION APPLICATION SD-2016/37 - 3 MALCOLMS HUT ROAD AND 992 RICHMOND ROAD, RICHMOND - BOUNDARY ADJUSTMENT	17
11.3.2	DEVELOPMENT APPLICATION D-2017/1 - 9 DOSSITER STREET, BELLERIVE – DWELLING ADDITION AND ALTERATIONS	32
11.3.3	DEVELOPMENT APPLICATION D-2017/101 - LEVEL 3, 31 CAMBRIDGE ROAD, BELLERIVE - INTENSIFICATION OF USE TO INCLUDE 3 GENERAL PRACTITIONERS	51

11.4 CUSTOMER SERVICE - NIL ITEMS

11.5 ASSET MANAGEMENT

11.5.1	KANGAROO BLUFF HISTORIC SITE	90
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11.6 FINANCIAL MANAGEMENT - NIL ITEMS

11.7 GOVERNANCE

11.7.1	QUARTERLY REPORT TO 31 MARCH 2017	116
11.7.2	CLARENCE CITY COUNCIL - RELATED PARTIES DISCLOSURE POLICY	117
11.7.3	PROPOSED LEASE OF RADIO TOWER AND BUILDING – WAVERLEY FLORA PARK – SURFSIDE RADIO NETWORK	133
12.	ALDERMEN’S QUESTION TIME	140
12.1	QUESTIONS ON NOTICE	140
12.2	ANSWERS TO QUESTIONS ON NOTICE	140
12.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE	140
12.4	QUESTIONS WITHOUT NOTICE	140

13.	CLOSED MEETING.....	141
13.1	APPLICATIONS FOR LEAVE OF ABSENCE	
13.2	Property Matter - RICHMOND	

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 May 2017, the Special Council (Planning Authority) Meeting held on 8 May 2017 and the Special Council Meeting held on 8 May 2017, as circulated, be taken as read and confirmed.

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

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

PURPOSE

Presentation - TasWater

DATE

8 May

Bayfield Street Streetscape Project
Bayview Secondary College MOU
Assessment Criteria for Tenders

15 May

RECOMMENDATION:

That Council notes the workshops conducted.

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

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

6. TABLING OF PETITIONS
(File No 10/03/12)

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

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

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

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

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

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

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

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION- ALD JAMES
THE MOORINGS COLLECTION**

(File Nos 10-03-05)

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

- “A. Council notes the existence of Mr John Sargent’s private collection of Derwent River and Eastern Shore memorabilia, known as ‘The Moorings Collection’, and acknowledges the possible heritage value of that collection to the City of Clarence.
- B. Council also notes the request from Mr Sargent for suggestions to enable the collection to remain within the community for the benefit of future generations.
- C. Council requests the General Manager liaise with Mr Sargent to assess the intrinsic value of the collection and report back on future display options by November 2017”.

EXPLANATORY NOTES

Mr Sargent’s maritime collection appears to have considerable historical value for the City. To lose such a collection would lessen our understanding and awareness of Clarence’s sea-faring past and its impact on us in defining who we are and how we evolved in this environment, particularly in the development of Clarence and especially Bellerive.

Correspondence from Mr Sargent indicates his desire for a long-term option to publically display the collection in Clarence. While there are no vacant buildings at this time to display the collection; other options should be considered in order to retain it in the City. A first step would be to work with Mr Sargent to curate the collection that is to select, organise and look after the objects, typically using professional or expert knowledge, with a view on what and how to interpret and display them. This would assist in formally valuing the collection as well as ascertaining short and long-term storage requirements.

Recognising, valuing and sharing the rich inheritance from the past enables and encourages participation in the cultural history of Clarence. To this end, an offer should be made to Mr Sargent to curate his collection. There will be some costs associated with the curation of the collection.

Strategic Relevance

Council is a leader in the recognition, celebration and promotion of cultural history at the Local Government level. Clarence was the first municipality to provide strategic direction for the recognition, management and promotion of cultural history in the City through the adoption of a Cultural History Plan. Council has considered the next iteration of the plan at a workshop and the next step is to formally endorse the draft plan to go a final round of public exhibition. The relevant sections of the 2009 and draft plans are:

Council's Cultural History Plan (2009-2013)

- “• *Support local historical societies with documentation, archiving and collection aspects of Clarence's history that are under threat. (Strategy 1 Action 2).*
- *Investigate opportunities for storage space for moveable heritage items. (Strategy 2 Action 4).*
- *Acknowledge the lack of a multipurpose history centre in Clarence. In recognition of this, take any opportunity that arises to utilise other spaces for this purpose, including exhibition space, and a history room. (Strategy 2 Action 7)”.*

Council's draft Cultural History Plan (2017-2022):

- “• *Explore options for the establishment of a community history centre in a central location in the City. Consult with history and community groups as to the envisaged usage of the history centre and what resources would be required. (Strategy 1 Action 1).*
- *Encourage and support history groups and community members to record and preserve the knowledge/stories/information/photos of life in Clarence held by Clarence residents who have rich/extensive knowledge base before it is lost. (Strategy 1 Action 8).*
- *Continue to assist local history groups where required in the conservation, promotion and cataloguing of their collections. (Strategy 3 Action 2)”.*

RH James
ALDERMAN

GENERAL MANAGER'S COMMENTS

A matter for Council determination.

10. REPORTS FROM OUTSIDE BODIES

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

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

Quarterly Reports

March Quarterly Report pending.

Representative Reporting

- **SOUTHERN WASTE STRATEGY AUTHORITY**

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

Quarterly Reports

September, December and March Quarterly Reports pending.

Representative Reporting

- **TASWATER CORPORATION**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 1, 8 and 15 May 2017 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 1, 8 and 15 May 2017 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**11.2.1 PETITION - DEVELOPMENT APPLICATION D-2016/420 AND SD-2016/45 –
4 AND 6 CHATSWORTH STREET, ROSE BAY – 4 MULTIPLE DWELLINGS**
(File No D-2016/420)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a petition received by Council on 27 April 2017, opposing an application for 4 Multiple Dwellings at 4 and 6 Chatsworth Street, Rose Bay.

RELATION TO PLANNING PROVISIONS

Not applicable.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council notes the intent of the petition and advises that amended plans for the proposal have been submitted to Council and the application will therefore be re-advertised for further public comment.

ASSOCIATED REPORT**1. BACKGROUND**

The property at 4 and 6 Chatsworth Street, Rose Bay is the subject of a development application proposing the construction of 4 Multiple Dwellings. The petition was received outside the statutory advertising period. Council has received amended plans for the development which will be advertised for public comment. The author of the petition, as an adjoining boundary owner, will be notified as part of this process.

2. REPORT IN DETAIL

The petition was received containing 63 signatures. The petition complies with the requirements of the Act and opposes the granting of a Planning Permit for the proposed development.

3. CONSULTATION

As discussed above, the revised proposal will be re-advertised which includes a notice in ‘The Mercury’, on the front boundary of the property and a letter sent to all adjoining property owners.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Not applicable.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

Not applicable.

7. FINANCIAL IMPLICATIONS

Not applicable.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

The petition opposes the granting of a Planning permit for the construction of 4 Multiple Dwellings at 4 and 6 Chatsworth Street, Rose Bay. It is recommended that Council notes the intent of the petition and advise the author of the petition that they will be re-advertised.

Attachments: Nil.

Ross Lovell
MANAGER CITY PLANNING

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 SUBDIVISION APPLICATION SD-2016/37 - 3 MALCOLMS HUT ROAD AND 992 RICHMOND ROAD, RICHMOND - BOUNDARY ADJUSTMENT
(File No SD-2016/37)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a boundary adjustment at 3 Malcolms Hut Road and 992 Richmond Road, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Resource and subject to the Bushfire Prone Areas, Landslide, Road and Railway Assets, Waterway and Coastal Protection 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.

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 24 May 2017.

CONSULTATION

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

- right of access;
- outstanding site works;
- noise;
- traffic safety;
- failure to meet minimum lot sizes; and
- future subdivision potential.

RECOMMENDATION:

- A. That the application for a boundary adjustment at 3 Malcolms Hut Road and 992 Richmond Road, Richmond (Cl Ref SD-2016/37) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
 2. ENG M8 – EASEMENTS.
 3. ADVICE – Any structures located within 3m of the new boundary should be referred to a Building Surveyor to ensure appropriate fire separation.
- 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 parcel at 992 Richmond Road supports a winery known as Puddleduck Vineyard and has been subject to several previous development applications as follows:

- D-2004/176 for dwelling additions, shed and cellar door sales application, approved on 30 December 2004;
- D-2008/334 for a new building for wine processing and storage building, approved on 6 November 2008;
- SD-2010/53 for a boundary adjustment, approved 31 January 2011;
- D-2013/271 for staged additions to cellar door sales (Winery/Agricultural Hospitality), approved on 30 September 2013.

The second parcel the subject of this application is 3 Malcolms Hut Road, which was approved for use as rural industry (wine processing) retrospectively by Council on 13 July 2015 under D-2014/309. The decision of Council was appealed to the Resource Management and Planning Appeal Tribunal (RMPAT) and the final permit issued on 26 October 2015 for the development, subject to conditions.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned Rural Resource under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme and is discretionary under Clause 9.7.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 9.0 – Special Provisions;
- Section 10.0 – Rural Resource Zone;
- Section E1.0 – Bushfire Prone Areas Code;
- Section E3.0 – Landslide Code;
- Section E5.0 – Road and Railway Assets Code;
- Section E11.0 – Waterway and Coastal Protection Code; and
- Section E27.0 – Natural Assets Code.

2.4. The application included a Bushfire Hazard Assessment which concluded that the proposed development is exempt under Clause E1.4(a) of the Bushfire Prone Areas Code. Similarly, the proposal is exempt under Clause E3.4(b) of the Landslide Code, in that the proposal does not create more than 2 new lots. The proposal is also exempt from the Road and Railway Assets Code in that the development would not change the access arrangements to either lot, or intensify existing accesses.

The Waterway and Coastal Protection Code is relevant to the proposed development as it relates to: “subdivision of a lot, all or a part of which is within a Waterway and Coastal Protection Area”. The development does, however, meet the relevant acceptable solutions of the Code in that the specific part of the site relevant to the proposed boundary adjustment is not affected by the Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is comprised of 2 parcels. The larger parcel is 12.19ha in area, located on the western side of Richmond Road and supports a Single Dwelling, several outbuildings, a winery comprised of a vineyard and an associated building for “cellar door sales”. It has frontage to Richmond Road and vehicular access from a small cul-de-sac head off Richmond Road.

The smaller parcel is located at the intersection of 3 Malcolms Hut Road, to the north-east of the main parcel and has an area of 2.37ha and frontage to both Malcolms Hut Road and Richmond Road.

There is a 6.0m right-of-way over the south-eastern part of 3 Malcolms Hut Road, which provides access to an adjacent parcel at 998 Richmond Road. There are 2 vehicular access points to 3 Malcolms Hut Road, being at the intersection of Malcolms Hut Road and Richmond Road and approximately 100m to the south of the intersection, at the location of the existing right-of-way.

The parcel supports a single dwelling and associated outbuildings and the winery itself and building used for wine processing on the southern part of the site.

3.2. The Proposal

The proposal is for the adjustment of boundaries between the 2 parcels, to transfer 1.37ha of land shown on the proposal plan in the attachments, from the smaller to the larger parcel. The resultant lots would be 13.56ha and 1ha in size.

The purpose of the proposal is to contain the winery and associated processing building with the main winery/cellar door known as Puddleduck Vineyard, within a single lot. The smaller lot, as a result of the proposal, would then contain a single dwelling, outbuildings and associated gardens.

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

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the Rural Resource Zone and Waterway and Coastal Protection and Natural Assets Codes with the exception of the following.

Rural Resource Zone

Clause	Standard	Acceptable Solution	Proposed
26.4.2 A2	Setback	Building setback from side and rear boundaries must be no less than: <ul style="list-style-type: none"> • 50m. 	Does not comply – 25m setback proposed.

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause 26.4.2 as follows.

Performance Criteria	Proposal
<i>“Building setback from side and rear boundaries must maintain the character of the surrounding rural landscape, having regard to all of the following:</i>	The proposed shared boundary location would be at the edge of the vineyard, on a part of the lot that slopes down to the east towards Richmond Road.
<i>(a) the topography of the site;</i>	
<i>(b) the size and shape of the site;</i>	The boundary would be sited to capture the vineyard and separate from the existing dwelling at 3 Malcolms Hut Road.

(c) <i>the location of existing buildings on the site;</i>	The location of the boundary would ensure sufficient separation from the existing dwelling at 3 Malcolms Hut Road to retain existing residential landscaping within the vicinity of the building, and separate the existing vineyard.
(d) <i>the proposed colours and external materials of the building;</i>	Not relevant, as no building works are proposed.
(e) <i>visual impact on skylines and prominent ridgelines;</i>	Not relevant.
(f) <i>impact on native vegetation;</i>	Not relevant, as the only physical works likely in relation to the proposal would be realignment of fencing associated with the new boundary.
(g) <i>be no less than:</i> i. <i>10m; or</i> ii. <i>5m for lots below the minimum lot size specified in the acceptable solution; or</i> iii. <i>the setback of an existing roofed building (other than an exempt building) from that boundary;</i> <i>unless the lot is narrower than 40m at the location of the proposed building site”.</i>	Not applicable. Complies – in that the existing lot is 2.37ha and the minimum lot size within the zone is 20ha. Not applicable.

Rural Resource Zone

Clause	Standard	Acceptable Solution	Proposed
26.5.2 A1	Reorganisation of boundaries	A lot is for public open space, a riparian or littoral reserve or utilities.	does not comply

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 26.5.2 as follows.

Performance Criteria	Proposal
“The reorganisation of boundaries must satisfy all of the following: (a) <i>all existing lots are adjoining or separated only by a road;</i>	The subject lots are adjoining.
(b) <i>no existing lot was formally a crown reserved road or other reserved land;</i>	Neither lot was previously reserved land.

<p>(c) <i>provide for the sustainable commercial operation of the land by either:</i></p> <ul style="list-style-type: none"> i. <i>encompassing all or most of the agricultural land and key agricultural infrastructure (including the primary dwelling) in one lot, the 'primary agricultural lot', as demonstrated by a whole farm management plan;</i> ii. <i>encompassing an existing or proposed non-agricultural rural resource use in one lot;</i> 	<p>The submitted purpose of the proposal is to consolidate the winery and associated processing buildings on one parcel, thus combining the key infrastructure associated with the approved winery/agricultural hospitality use.</p> <p>An agricultural report was submitted in support of the proposal, which concludes that: <i>'the proposed boundary adjustment will not result in any loss of agricultural land, in fact it will ensure the maintenance of agricultural activities'</i> on the land.</p> <p>On this basis and the detailed analysis undertaken by the agricultural consultant, it is considered that this requirement is met.</p>
<p>(d) <i>if a lot contains an existing dwelling, setbacks to new boundaries satisfy Clause 26.4.2;</i></p>	<p>The dwelling setback from the proposed boundary is compliant with Clause 26.4.2 (P2), the detail of which is discussed above.</p>
<p>(e) <i>if containing a dwelling, other than the primary dwelling, the dwelling is surplus to rural resource requirements of the primary agricultural lot;</i></p>	<p>Not applicable, in that each parcel supports 1 dwelling only.</p>
<p>(f) <i>a new vacant lot must:</i></p> <ul style="list-style-type: none"> i. <i>contain land surplus to rural resource requirements of the primary agricultural lot;</i> ii. <i>contain a building area capable of accommodating residential development satisfying Clauses 26.4.2 and 26.4.3;</i> iii. <i>not result in a significant increase in demand for public infrastructure or services;</i> 	<p>Not applicable, in that neither lot would be vacant.</p>

<p>(g) <i>all new lots must comply with the following:</i></p> <ul style="list-style-type: none"> <i>i. be no less than 1ha in size;</i> <i>ii. have a frontage of no less than 6m;</i> <i>iii. be serviced by safe vehicular access arrangements;</i> 	<p>The proposed lot, Lot 1, would be 1ha in size and would retain frontage to both Malcolms Hut Road and Richmond Road (in excess of 6m). There would be no change to the existing access arrangements to the dwelling, which has a vehicular access point on Malcolms Hut Road, adjacent the intersection with Richmond Road.</p>
<p>(h) <i>be consistent with any Local Area Objectives or Desired Future Character Statements provided for the area”.</i></p>	<p>Not applicable.</p>

Natural Assets Code

Clause	Standard	Acceptable Solution	Proposed
E27.9.1 A1	Subdivision – For a Negligible Impact	No acceptable solution.	Adjustment of boundaries proposed.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E27.9.1 as follows.

Performance Criteria	Proposal
“(a) <i>subdivision works, including accesses, fences and service locations are designed to minimise the clearance of native vegetation; and</i>	The proposed boundary would be located in an area clear of vegetation, and unaffected by the Natural Assets Code. The new fence would therefore require no clearing of native vegetation.
(b) <i>lots must be designed to contain a building envelope which reduces clearance of native vegetation to the minimum extent necessary to contain the anticipated use and any clearance required for bushfire management”.</i>	Each of the lots supports an existing dwelling and various buildings associated with the existing winery/agricultural use on the larger lot. No new buildings are proposed nor likely required, meaning that building envelopes are therefore unnecessary and this performance criterion is satisfied.

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. Right of Access

The representations raised concern in relation to an existing right-of-way over the subject property, maintenance issues relating to the right-of-way and the further complications likely to be caused by this proposal in terms of the number of future owners and possible gate arrangements.

- **Comment**

As noted in Section 3.1 above, there is an existing right-of-way over 3 Malcolms Hut Road that provides access from Richmond Road to an adjoining property to the south-west.

There would be no change to the construction and use of this right-of-way and it would remain relevant to the modified titles. To reiterate this, a condition has been included above requiring that this easement be brought forward.

The management of rights-of-way between landowners is not a matter that Council is involved in, or responsible for. These concerns are therefore not relevant to the determination of this application.

5.2. Outstanding Site Works

Concerns were raised that works required to the right-of-way by the decision of RMPAT in relation to 63/15P have not been undertaken and that this proposal should not be permitted to proceed until the resolution of the outstanding works.

- **Comment**

The decision made by RMPAT in relation to 63/15P included driveway and carpark construction works and a vehicle “turn out bay” within the existing right-of-way.

The works required by this decision are not relevant to the determination of this application and adjustment of boundaries proposed. That said, Council has recently approved the engineering plans for the necessary works and the owners have since undertaken to finalise the required works by Friday, 19 May 2017.

5.3. Noise

The generation of noise by the operation of the winery located on 3 Malcolms Hut Road was raised by the representations as being of concern, particularly in relation to the movement of metal containers within the property boundaries.

- **Comment**

The proposed development is for the adjustment of boundaries only. The winery (rural industry) has been approved by RMPAT independently of this matter, and noise generated by this business is not a relevant consideration in relation to the proposed boundary adjustment.

It is noted that the subject and surrounding properties to the west and south are within the Rural Resource Zone, and to the north and east within the Significant Agricultural Zone. It is a reasonable expectation of noise within such a rural area in conjunction with rural activities. Excessive noise, however, would become a relevant consideration in relation to the Environmental Management and Pollution Control Act 1994 and associated controls.

5.4. Traffic Safety

The representations raise concern that the upgrades proposed in relation to the upgrade to Richmond Road by the Department of State Growth (DSG) would create a safety risk for the existing property accesses between Richmond Road and Malcolms Hut Road, in that the road would effectively become 4 lanes in width where adjacent the site.

- **Comment**

By way of background, the Richmond Road – Cambridge to Richmond Master Plan proposes the upgrading of the road over the next 3 years through to 2018-2019 and includes a series of road improvements such as reduction in speed limit (undertaken), shoulder widening and junction improvements, which include the Malcolms Hut Road and Richmond Road intersection. The proposal does not alter the existing access arrangement and the DSG has not provided comment in response to the proposal, indicating that there is no concern with the proposed boundary adjustment.

5.5. Failure to Meet Minimum Lot Sizes

The representations raised concerns that the proposed development would not achieve the minimum lot size prescribed by Clause 26.5.2 in relation to the reorganisation of lot boundaries, specifically that 3 Malcolms Hut Road would be reduced to less than 1ha upon the future widening of Richmond Road as proposed by the Department of State Growth (DSG).

- **Comment**

The Richmond Road – Cambridge to Richmond Master Plan proposes works by the DSG in relation to the Richmond Road corridor. The DSG has not, however, provided comment in relation to this proposal and any future road widening in the vicinity of the site.

Lot 1 would achieve the minimum lot size of 1ha as required by the Scheme. It is considered that the requirements of the performance criterion to Clause 26.5.2 are satisfied.

5.6. Future Subdivision Potential

A concern raised by the representations was the proposal to increase the size of 992 Richmond Road would entitle the owners to subdivide further, in the future.

- **Comment**

The subject land is within the Rural Resource Zone under the Scheme, within which application may be made for approval to create new lots provided a minimum area of 20ha is achieved. The resultant lot would be 13.56ha, meaning that subdivision would not be possible within the current zoning under the Scheme. That said, the matter is not relevant to the determination of this proposal.

6. EXTERNAL REFERRALS

The proposal was referred to the Department of State Growth, which did not respond as part of the determination of this application.

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

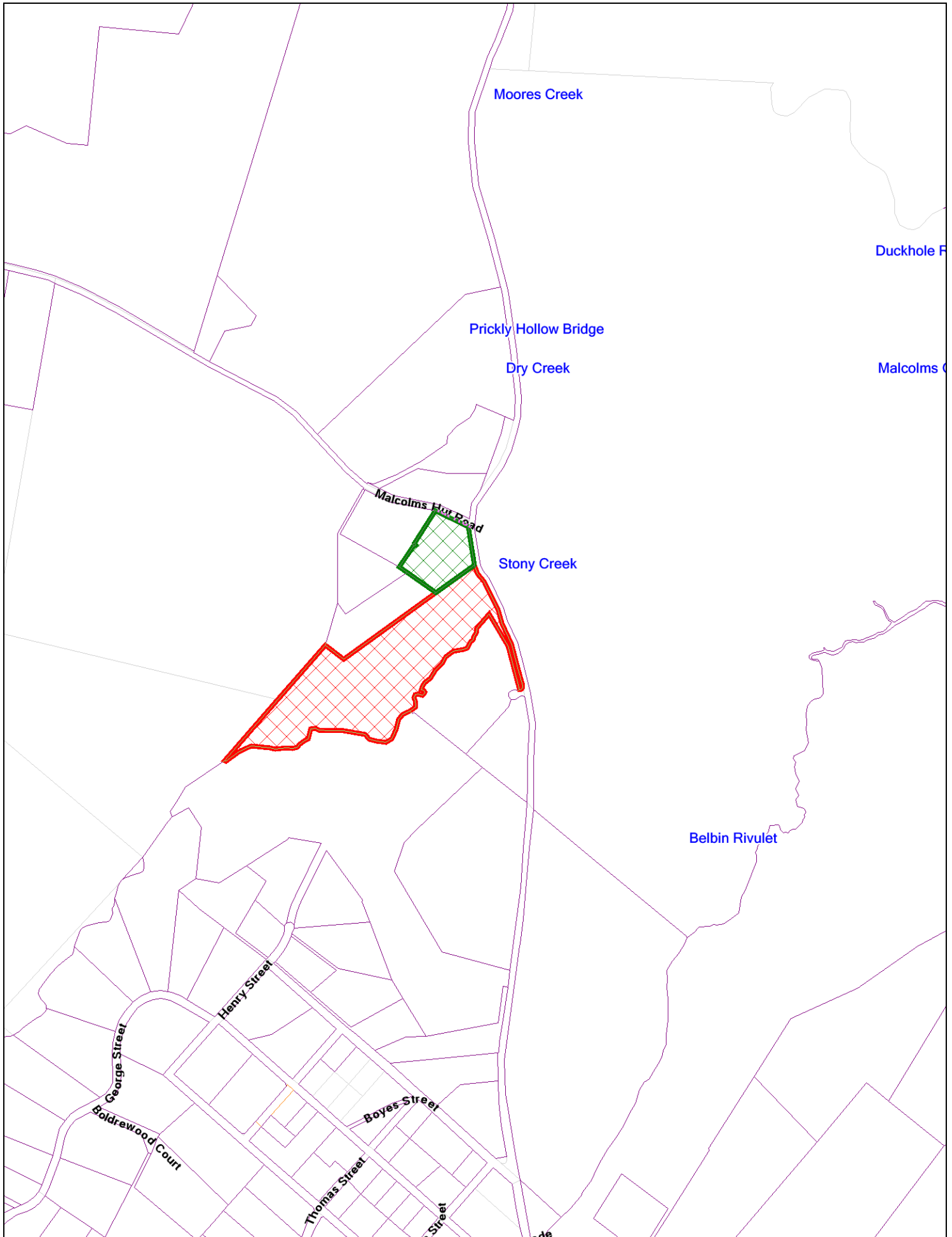
9. CONCLUSION

The proposal is for the adjustment of boundaries between 992 Richmond Road and 3 Malcolms Hut Road, Richmond. The proposal satisfies the relevant requirements of the Scheme and is therefore recommended for approval, subject to conditions.

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

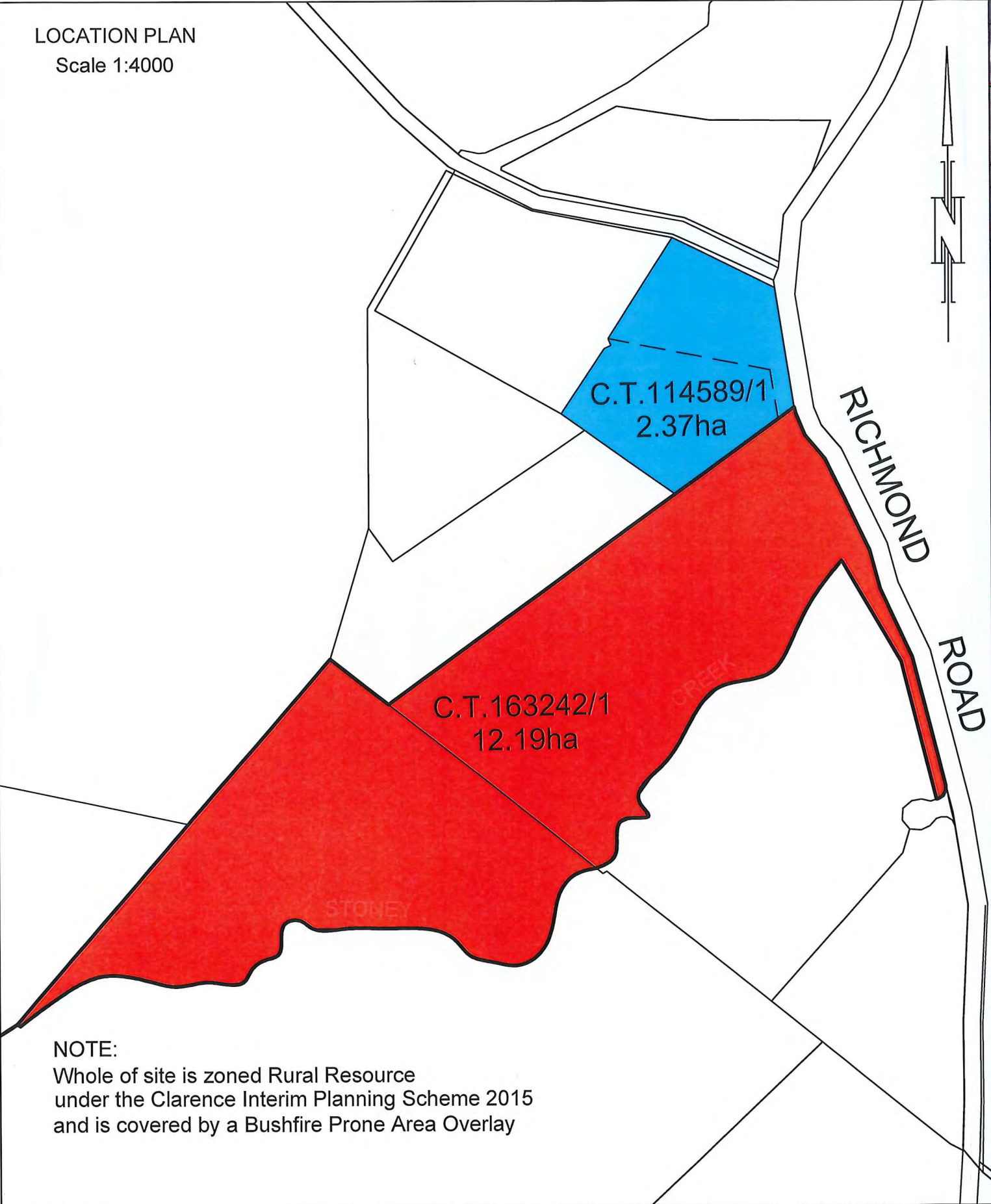
Ross Lovell
MANAGER CITY PLANNING

Clarence City Council



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LOCATION PLAN
Scale 1:4000



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

All measurements and areas are subject to the final survey.

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Base data from the LIST (www.thelist.tas.gov.au), © State of Tasmania



UNIT 1, 2 KENNEDY DRIVE
CAMBRIDGE 7170
PHONE: (03)6248 5898
EMAIL: admin@rbsurveyors.com
WEB: www.rbsurveyors.com

OWNER: Peter Brian Smith
Jacqueline Ann Brown & Darren Leigh John Brown

TITLE REF: C.T.114589/1, 163242/1

LOCATION: 3 Malcolms Hut Road, 992 Richmond Road
RICHMOND

Proposed Boundary Adjustment

Date:	01-09-2016	Reference:	BROWD02 6571-03
Scale:	SEE ABOVE	Municipality:	CLARENCE

3 Malcolms Hut Road & 992 Richmond Road, Richmond



Aerial image of the site, showing whole of subject parcels

11.3.2 DEVELOPMENT APPLICATION D-2017/1 - 9 DOSSITER STREET, BELLERIVE - DWELLING ADDITION AND ALTERATIONS
(File No D-2017/1)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling addition and alterations at 9 Dossiter Street, Bellerive.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise discretion within the statutory 42 day period which has been extended with the consent of the applicant and now expires on 24 May 2017.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the impact on solar access as an issue.

RECOMMENDATION:

- A. That the Development Application for dwelling addition and alterations at 9 Dossiter Street, Bellerive (CI Ref D-2017/1) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. The development must meet all required Conditions of Approval specified by TasWater notice dated 9 January 2017 (TWDA 2017/00019-CCC).

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

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned General Residential under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions in respect of building envelope under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
 - Section 10.0 – General Residential Zone; and
 - Section E6.0 – Parking and Access Code.
- 2.4.** Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act 1993 (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 905m² lot with frontage and access to Dossiter Street. The site is located within an established residential area at Bellerive, and supports an existing weatherboard-clad, single-storey dwelling and carport/outbuilding, located to the south of the dwelling. It slopes down to the south-east, has some existing landscaping within proximity of the dwelling and has some views to the south towards the river, city and mountain.

3.2. The Proposal

The proposal is for the addition of an upper level and modifications to the existing dwelling on the subject property. The proposed development would result in a double-storey, 4 bedroom dwelling with an additional deck area on the upper level of the dwelling. The dwelling would have a total living area of 201m², would be 6.99m in height above natural ground level at its highest point and would be clad using a combination of cement sheet, timber cladding and Colorbond.

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

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the General Residential Zone and Parking and Access Codes with the exception of the following.

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.2 A3	Setbacks and building envelope for all dwellings	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p>	<p>complies</p> <p>Does not comply, as 1200mm protrusion at eastern wall of dwelling, outside building envelope.</p> <p>not applicable</p>

		(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).	not applicable
--	--	---	----------------

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

Performance Criterion	Comment
<p><i>“The siting and scale of a dwelling must:</i></p> <p><i>(a) not cause unreasonable loss of amenity by:</i></p> <p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p>	<p>Shadow diagrams were submitted in support of the application that satisfactorily demonstrate there would not be an unreasonable loss of amenity to the habitable rooms of adjoining residences, or to associated private open spaces.</p> <p>The submitted diagrams show the impact of the proposed dwelling additions upon the neighbouring properties at 7 and 11 Dossiter Street, and compare the impact of the proposal to a (hypothetical) development that is at the maximum size possible under the Scheme as a permitted dwelling within the building envelope.</p> <p>Firstly in relation to solar access to habitable rooms, the neighbouring dwelling most affected by this proposal is to the east at 11 Dossiter Street. The living/dining room is one large room that comprises the rear (southernmost) part of the dwelling, meaning that irrespective of the development proposed by this application the dwelling has poor solar access to its living areas. The garage of the dwelling at 11 Dossiter Street is also off-set to the west, meaning that it additionally casts a shadow on the living areas at the southern part of the dwelling.</p>

	<p>An analysis of the likely shadows cast by this proposal indicates that the neighbouring dwelling would at present have sunlight available to the western window of the living/dining room and outdoor living area between 12.30pm and 3pm (for 2.5hrs), which it appears would likely be reduced by 30 - 60 minutes as a result of this proposal. Conversely, a single-storey dwelling is located to the east of 11 Dossiter Street and it is evident that there would be reasonable solar access to the living areas of 11 Dossiter Street prior to 12pm at Winter Solstice.</p> <p>The submitted shadow diagrams show the likely impact of a dwelling compliant with the building envelope, and clearly indicate that the shadow cast by a compliant dwelling would be far greater than that proposed (that is because a compliant building could be up to 8.5m in height). On this basis, it is considered that the impact of the proposal would not be unreasonable in terms of the loss of amenity, given the orientation of 11 Dossiter Street, and the limited extent of the likely impact.</p>
<p>(ii) <i>overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>In relation to private open space, the neighbouring dwelling at 11 Dossiter Street has 2 outdoor living areas, one to its east and one to the south.</p> <p>The submitted diagrams show the impact of the proposed dwelling additions upon the private open space associated with the neighbouring dwellings at 7 and 11 Dossiter Street, and compare the impact of the proposal to a development compliant with the building envelope.</p>

	<p>Analysis of the likely shadows cast over the private open space area to the west of 11 Dossiter Street by this proposal indicates that the open space would at present have sunlight available to the western area of open space between 11am and 1pm (for 2hrs), which it appears would likely be reduced by 30 minutes as a result of this proposal.</p> <p>The submitted shadow diagrams show the likely impact of a dwelling compliant with the building envelope, and clearly indicate that the shadow cast over the private open space of both 7 and 11 Dossiter Street by a compliant dwelling would be far greater than that proposed by this application. On this basis, it is considered that the impact of the proposal upon private open space would not be unreasonable in terms of the loss of amenity.</p>
(iii) <i>overshadowing of an adjoining vacant lot; or</i>	not relevant
(iv) <i>visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	The visual impact of the proposed wall adjacent the eastern boundary is considered reasonable, in that the wall would be 6.99m in height at a distance of 2.48m from the eastern property boundary. This wall would be finished using a combination of Colorbond and timber cladding, which would be consistent with the range of cladding types in the vicinity of the site.
(b) <i>provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i>	The surrounding area is characterised by a range of separation distances between dwellings, noting that the additions would not extend beyond the existing footprint of the existing dwelling.

5. REPRESENTATION ISSUES

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

5.1. Impact on Solar Access

The representor raised concerns in respect of the impact of the proposed dwelling upon solar access, in particular in relation to impact of the proposed additions upon afternoon sunlight to the living areas of their dwelling.

- **Comment**

The application relies upon a variation to the acceptable solutions in relation to the prescribed building envelope. The proposal satisfies the performance criteria relevant to the building envelope – the detailed discussion relating to which is included above in Section 4.0.

It is considered that the proposal would not have an unreasonable impact in comparison to a dwelling compliant with the acceptable solutions relating to building envelope, upon the outdoor and indoor living areas of the neighbouring dwellings. This is illustrated by the attachments.

It is further noted that the orientation of dwelling at the neighbouring property to the east is poor in terms of solar access, in that the living areas are oriented to the south. The solar access of these spaces are already constrained by the dwelling itself and by the garage, which is slightly off-set to the north-west and further compromises the already limited amount of sunlight available to the living area.

The refusal of the proposal is based on overshadowing, therefore does not warrant the refusal of this proposal.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

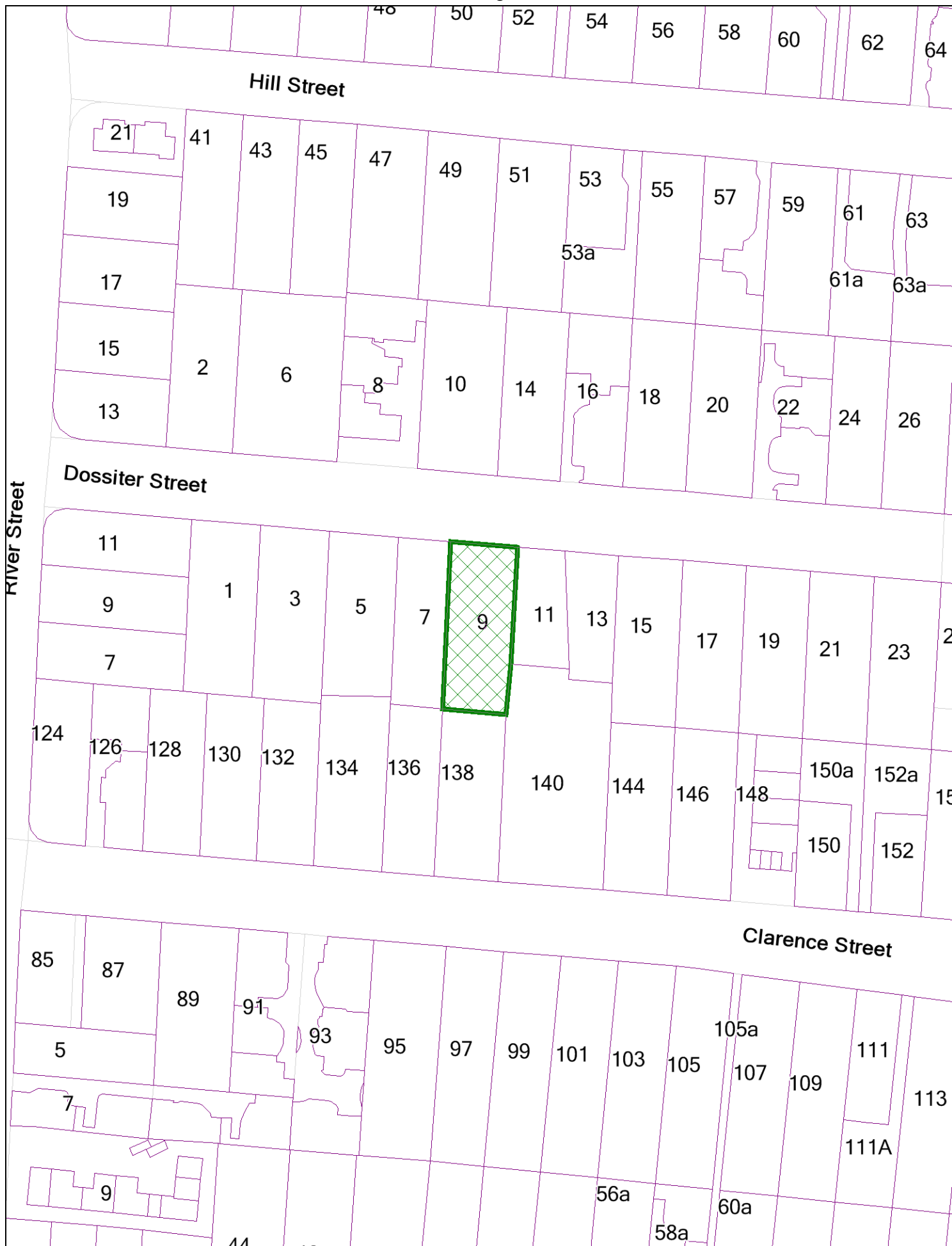
9. CONCLUSION

The proposal is for a second storey addition and alterations to an existing dwelling at 9 Dossiter Street, Bellerive. The development satisfies the relevant requirements of the Scheme and is therefore recommended for approval subject to conditions.

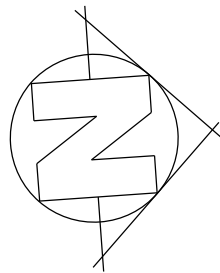
Attachments: 1. Location Plan (1)
2. Proposal Plan (8)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

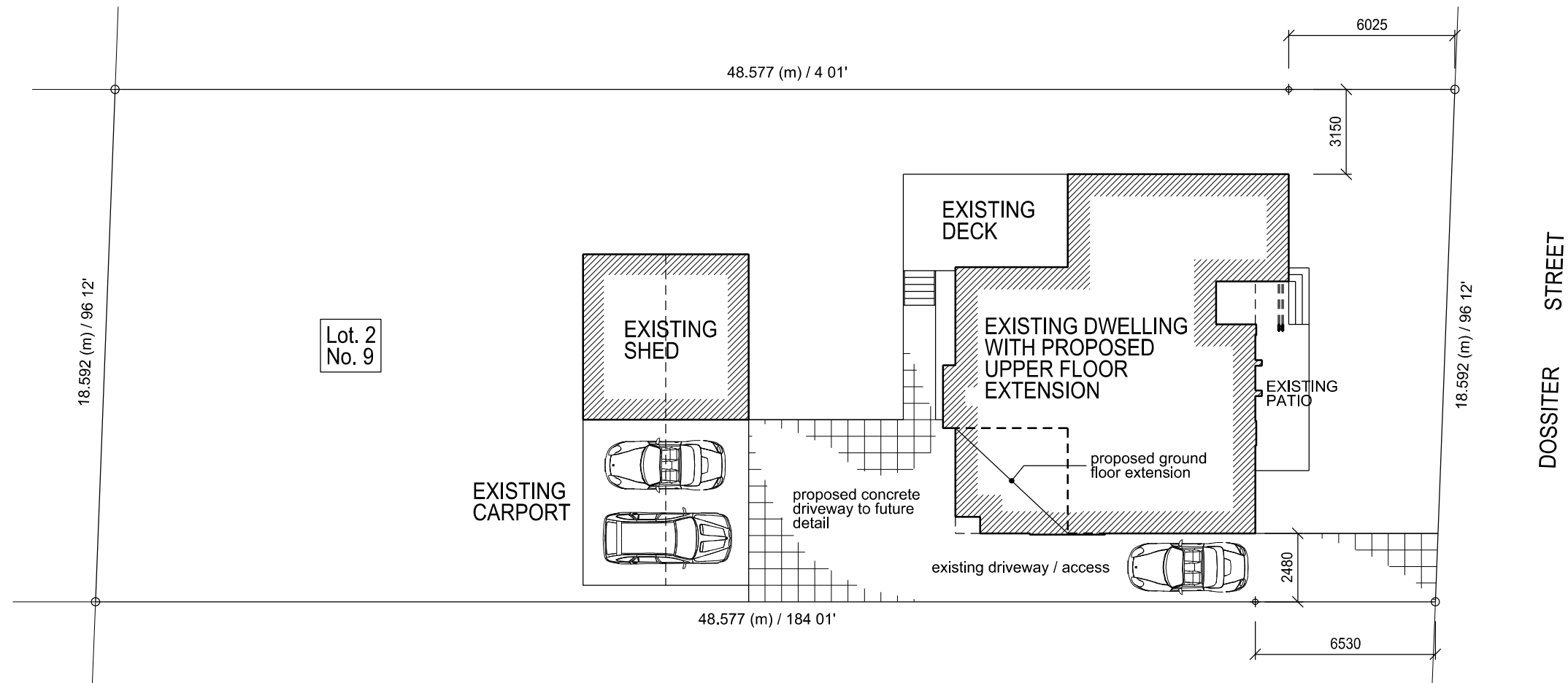
Clarence City Council



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(CT: 76145 / 2)



SITE PLAN

scale 1:200

John Weston
Architectural Design
Level. 2, 121 Macquarie Street
Hobart 7000 Tasmania
p: 0427 040 343
e: johnwestonarchitecturaldesign@gmail.com

DRAWING:

Site Plan

CLIENT:

John & Cassie Xintavelonis

DRAWN:

JW

DRAWING NUMBER:

A01

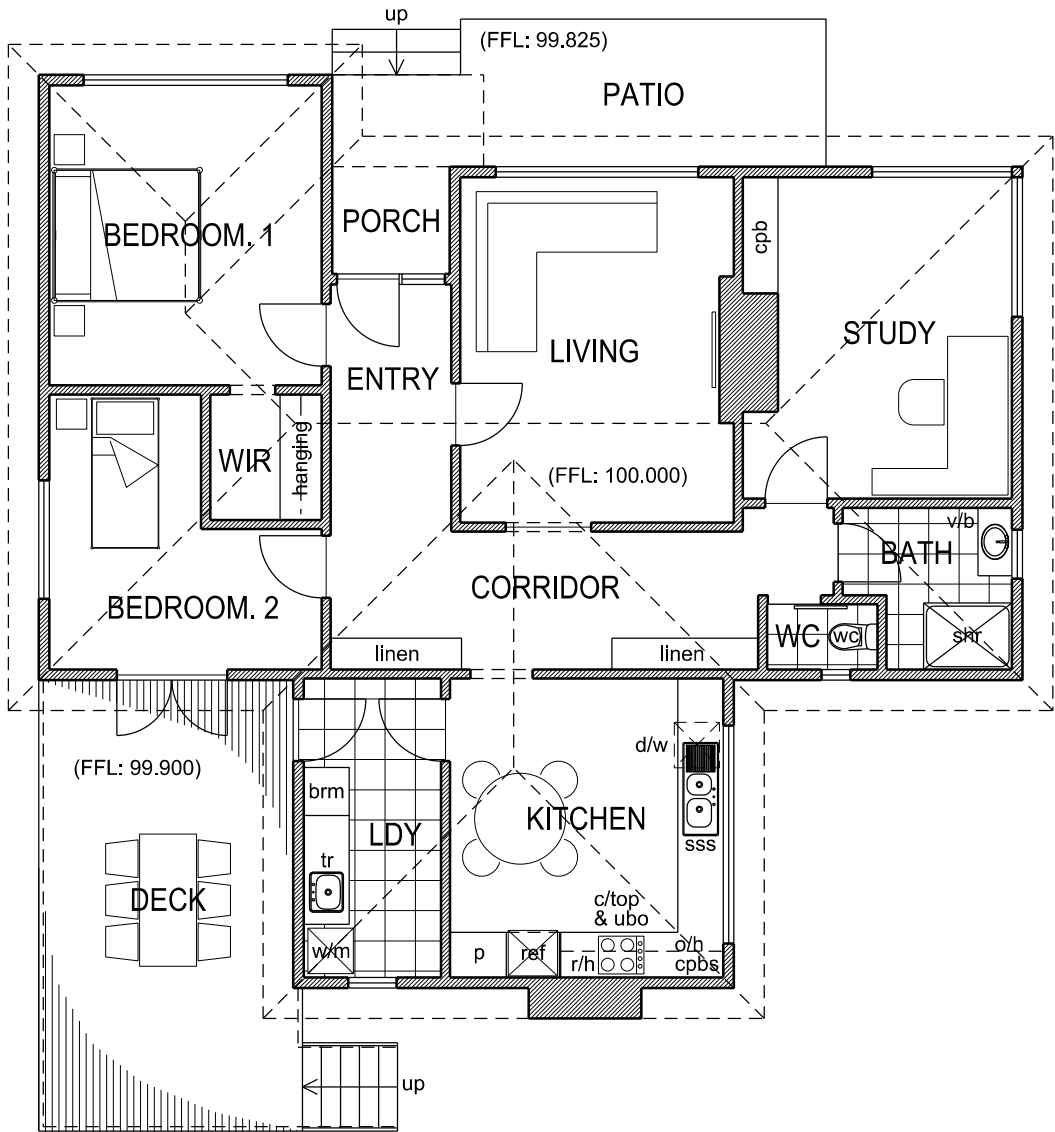
PROJECT ADDRESS:

9 Dossiter Street, Bellerive Tasmania

DATE:

Oct 2016

EXISTING FLOOR AREAS:	
Dwelling (measured from external face of external walls) -	115.33 m2
Deck -	20.32 m2
Patio / Porch -	13.70 m2



EXISTING FLOOR PLAN
scale 1:100

PLANNING APPLICATION SET

John Weston

Architectural Design

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DRAWING:

Existing Floor Plan

CLIENT:

John & Cassie Xintavelonis

PROJECT ADDRESS:

9 Dossiter Street, Bellerive Tasmania

DRAWN:

JW

DATE:

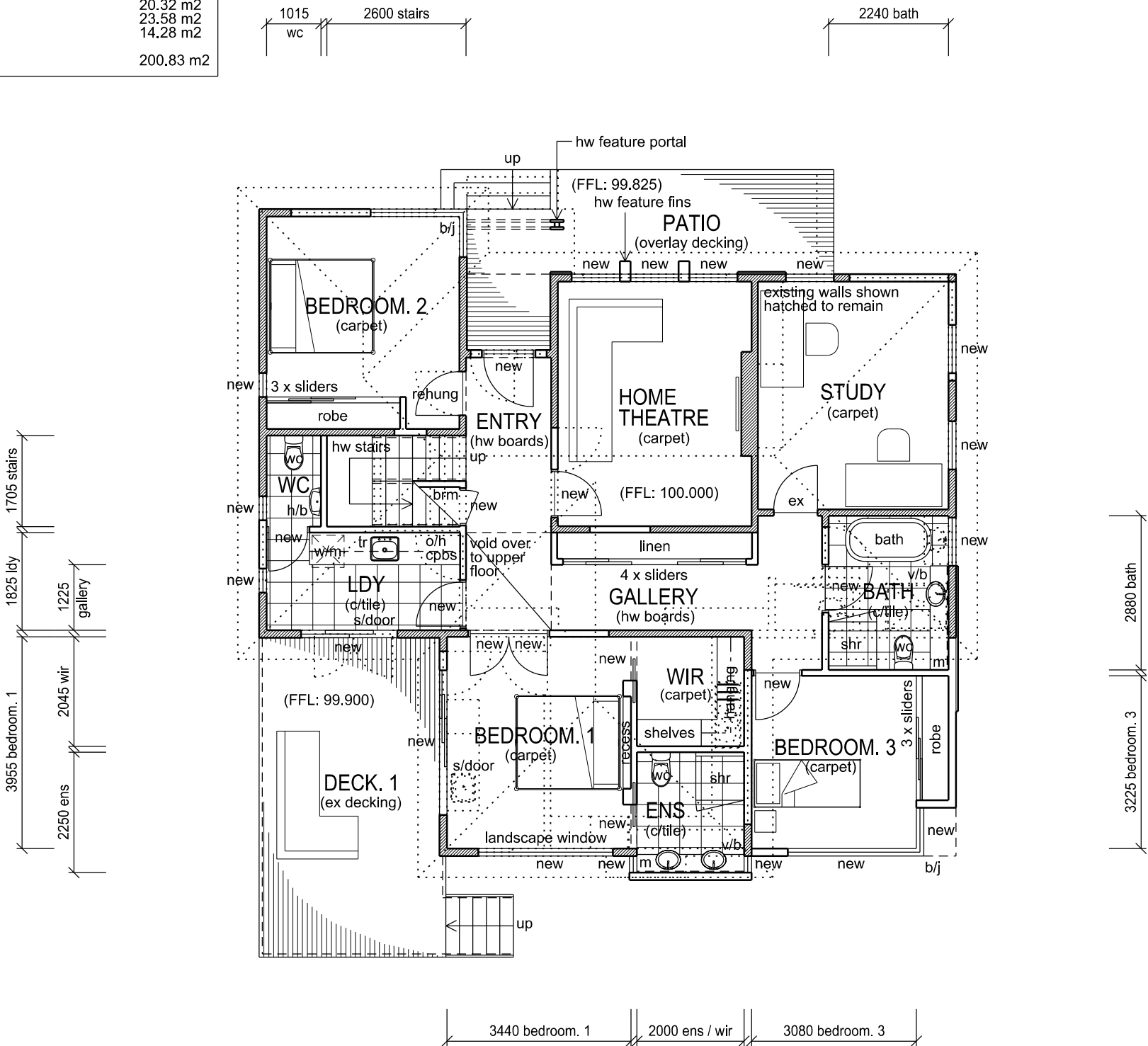
Oct 2016

DRAWING NUMBER:

A02

PROPOSED FLOOR AREAS:

Extended Ground Floor (measured from external face of external walls) -	15.71 m2
Proposed Upper Floor (measured from external face of external walls) -	69.79 m2
Deck. 1 -	20.32 m2
Alfresco / Deck. 2 -	23.58 m2
Patio / Porch -	14.28 m2
TOTAL LIVING AREA (minus decks & patio / porch) -	200.83 m2



PROPOSED GROUND FLOOR PLAN
scale 1:100

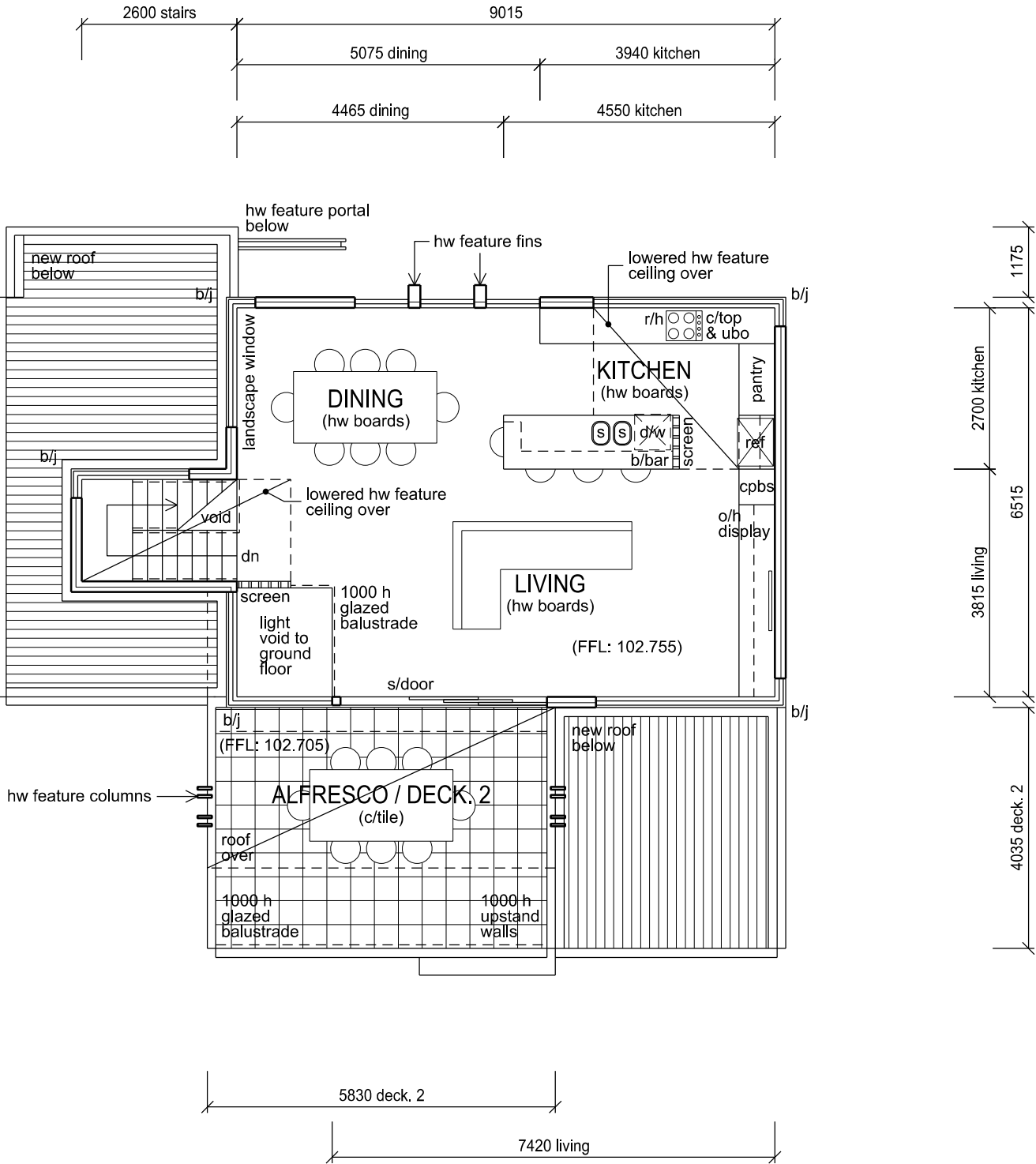
PLANNING APPLICATION SET

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DRAWING: Proposed Ground Floor Plan		
CLIENT: John & Cassie Xintavelonis	DRAWN: JW	DRAWING NUMBER: A03
PROJECT ADDRESS: 9 Dossiter Street, Bellerive Tasmania	DATE: Oct 2016	

PROPOSED FLOOR AREAS:

Extended Ground Floor (measured from external face of external walls) -	15.71 m2
Proposed Upper Floor (measured from external face of external walls) -	69.79 m2
Deck. 1 -	20.32 m2
Alfresco / Deck. 2 -	23.58 m2
Patio / Porch -	14.28 m2
TOTAL LIVING AREA (minus decks & patio / porch) -	200.83 m2



PROPOSED UPPER FLOOR PLAN
scale 1:100

PLANNING APPLICATION SET

John Weston

Architectural Design

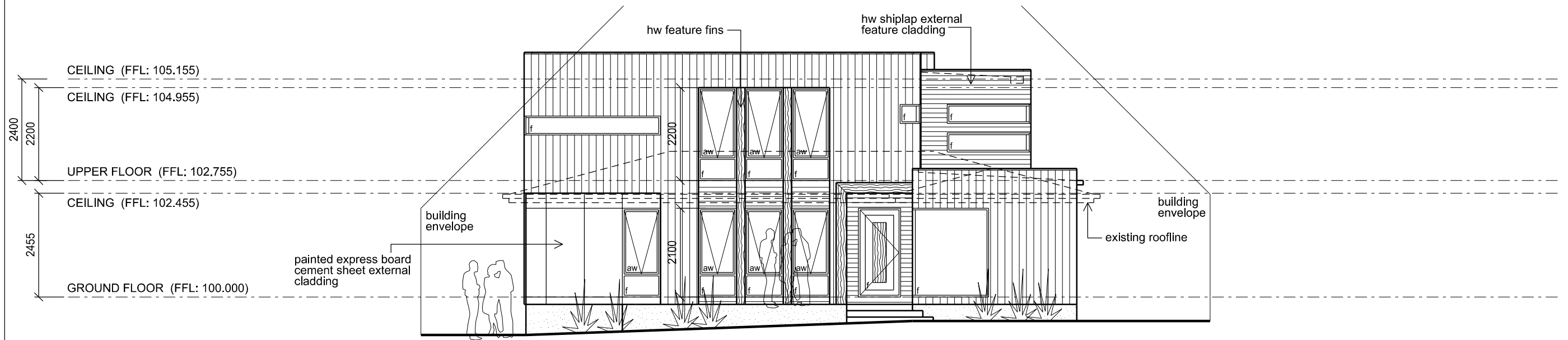
Level 2, 121 Macquarie Street

Hobart 7000 Tasmania

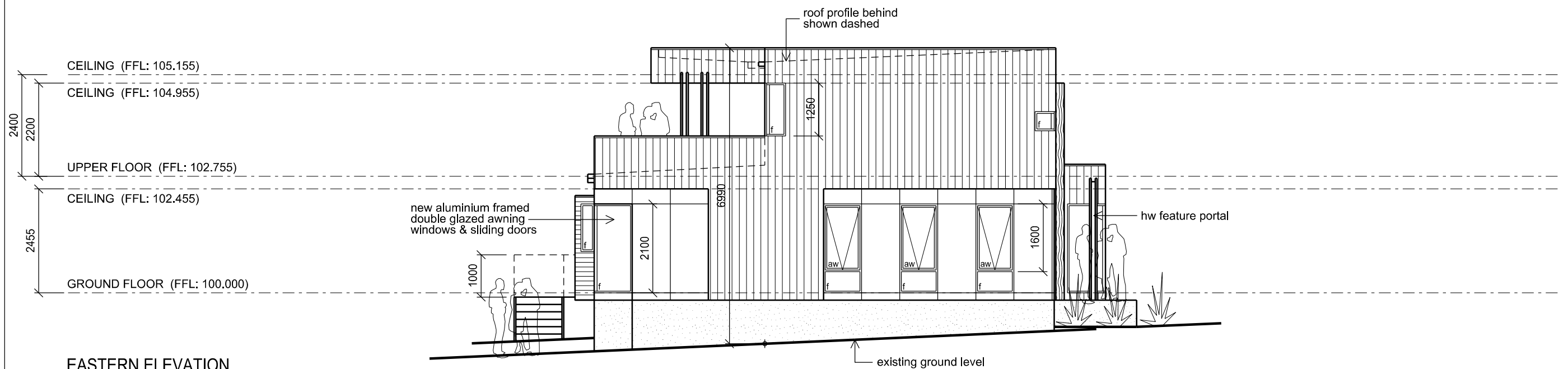
P: 0427 040 343

E: johnwestonarchitecturaldesign@gmail.com

DRAWING: Proposed Upper Floor Plan		
CLIENT:	DRAWN:	DRAWING NUMBER:
John & Cassie Xintavelonis	JW	A04
PROJECT ADDRESS:	DATE:	
9 Dossiter Street, Bellerive Tasmania	Oct 2016	



NORTHERN ELEVATION



EASTERN ELEVATION

PROPOSED EXTERNAL ELEVATIONS. 1

scale 1:100

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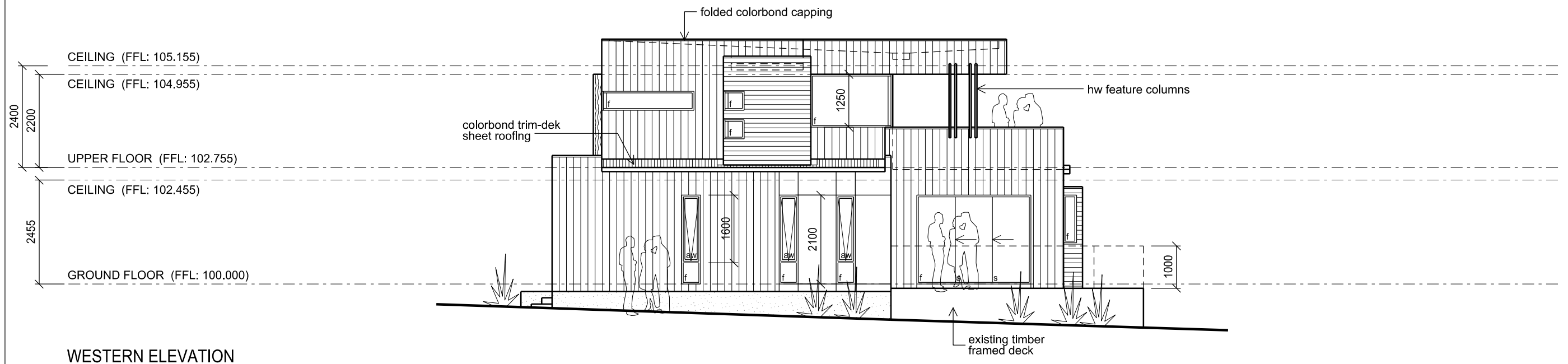
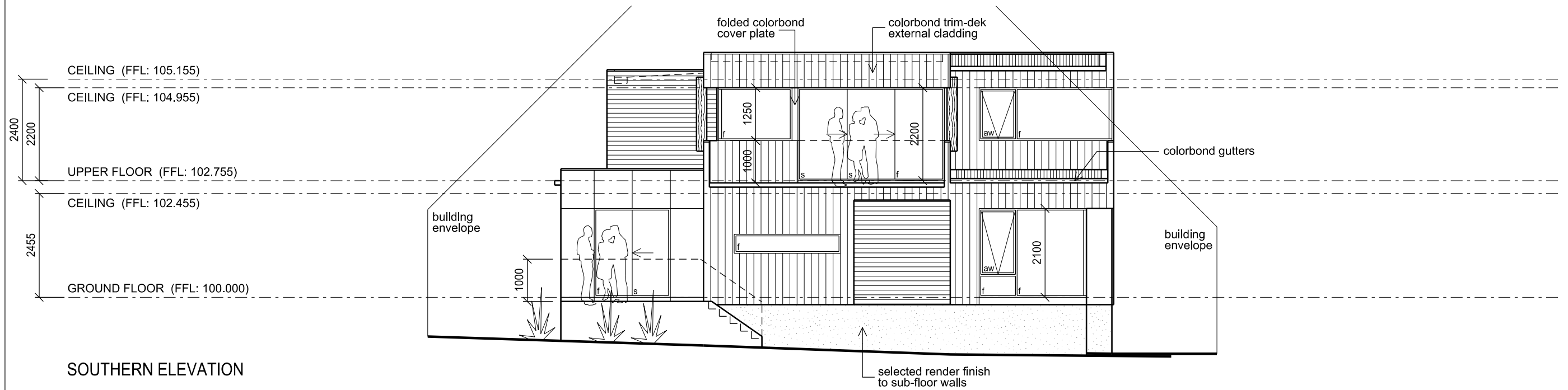
DRAWING: Proposed External Elevations. 1		
CLIENT: John & Cassie Xintavelonis	DRAWN: JW	DRAWING NUMBER: A05
PROJECT ADDRESS: 9 Dossiter Street, Bellerive Tasmania	DATE: Oct 2016	

PLANNING APPLICATION SET

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PROPOSED EXTERNAL ELEVATIONS. 2

scale 1:100

PLANNING APPLICATION SET

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 Hobart 7000 Tasmania
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 e: johnwestonarchitecturaldesign@gmail.com

DRAWING: Proposed External Elevations. 2		
CLIENT:	DRAWN:	DRAWING NUMBER:
John & Cassie Xintavelonis	JW	A06
PROJECT ADDRESS:	DATE:	
9 Dossiter Street, Bellerive Tasmania	Oct 2016	

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9.00am 21st June



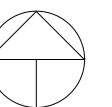
12.00pm 21st June



3.00pm 21st June

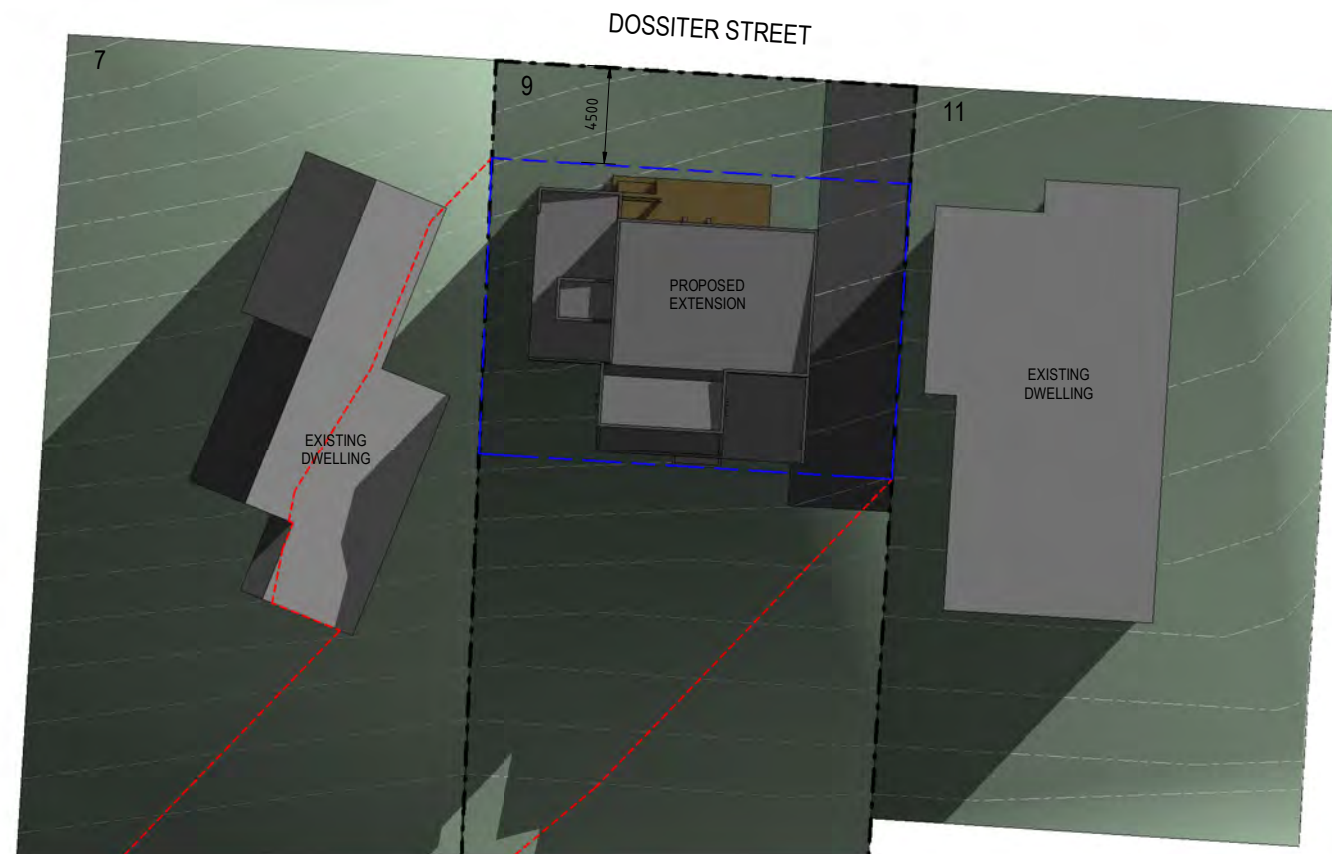
PLANNING APPLICATION

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 Hobart 7000 Tasmania
 P: 0427 040 343
 E: johnwestonarchitecturaldesign@gmail.com



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DRAWING:	SHADOW STUDY - WINTER SOLSTICE		
CLIENT:	JOHN XINTAVELONIS	DRAWN:	TH
PROJECT ADDRESS:	9 DOSSITER STREET, BELLERIVE, TAS	DATE:	30-03-17
Agenda Attachments - 9 Dossiter Street, Bellerive Page 8 of 10			SD3



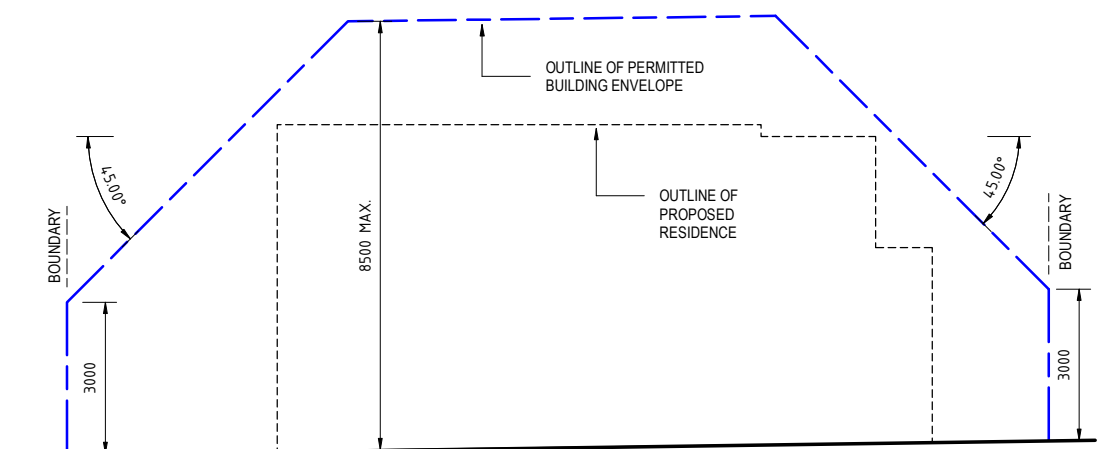
9.00am 21st June



12.00pm 21st June



3.00pm 21st June



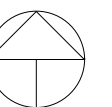
BUILDING ENVELOPE (STREET ELEVATION)

PLANNING APPLICATION

- — — BLUE DASHED LINE DENOTES FOOTPRINT OF PERMITTED BUILDING ENVELOPE (REFER SHEET SD3 FOR BUILDING ENVELOPE ELEVATION DETAILS)
- - - - RED DASHED LINE DENOTES EXTENT OF SHADOW CAST FROM PERMITTED BUILDING ENVELOPE

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 E: johnwestonarchitecturaldesign@gmail.com

DRAWING: SHADOW STUDY - WINTER SOLSTICE			
CLIENT:	JOHN XINTAVELONIS	DRAWN:	TH
PROJECT ADDRESS:	9 DOSSITER STREET, BELLERIVE, TAS	DATE:	30-03-17
Agenda Attachments - 9 Dossiter Street, Bellerive Page 9 of 10			DRAWING NUMBER: SD3



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9 Dossiter Street, BELLERIVE



Site viewed from Dossiter Street, looking south at 9 Dossiter Street



Site viewed from Dossiter Street, looking southwest at 11 Dossiter and 9 Dossiter Street

11.3.3 DEVELOPMENT APPLICATION D-2017/101 - LEVEL 3, 31 CAMBRIDGE ROAD, BELLERIVE - INTENSIFICATION OF USE TO INCLUDE 3 GENERAL PRACTITIONERS

(File No D-2017/101)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for an intensification of use to allow 3 General Practitioners to operate from the site at Level 3, 31 Cambridge Road, Bellerive.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 24 May 2017.

CONSULTATION

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

RECOMMENDATION:

A. That the Development Application for Intensification of use to include 3 General Practitioners at Level 3, 31 Cambridge Road, Bellerive (Cl Ref D-2017/101) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. No more than 3 General Practitioners may receive patients on-site at any one time.
3. GEN C2 – CASH-IN-LIEU [\$60 000] [6].

4. The permit conditions in D-2015/98 continue to apply to the site, except that 3 General Practitioners can operate in addition to the practitioners listed in Condition 3 of D-2015/98.
- 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

D-2015/98 for a Change of Use to "Consulting Rooms" was approved by Council on 11 May 2017 (see Agenda report and Permit in Attachment 4). The business was described by the proponent as a holistic wellness centre and employed allied health professionals and holistic wellness practitioners. Medical practitioners such as doctors, surgeons and dentists were not included.

Condition 4 of this permit required a cash-in-lieu contribution of \$50,000. Following the meeting, a payment plan was entered into which the applicant was to pay in instalments. The applicant is up to date with the payments and \$18000 remains to be paid over the next 12 months.

In February 2017, it came to Council's attention that the business was employing a General Practitioner. Following meetings with the applicant, the applicant applied for a permit for 3 General Practitioners to operate from the site which is the subject of this application. The applicant agreed to cease offering the General Practitioner services until such time a permit was granted.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned General Business under the Scheme. The proposed use is best defined as a "Medical Centre" which is a permitted use in the zone.

2.2. The proposal is discretionary as it requires a variation to the car parking requirements in the Parking and Access Code.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Business Zones; and
- Section E6.0 – Parking and Access Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is Level 3 of the Bellerive Quay Building, located at 31 Cambridge Road, Bellerive which includes 7 consulting rooms, office space and therapy and physio rooms.

3.2. The Proposal

The proposal is for change of the approved use to include 3 General Practitioners. This requires a variation to the current Permit conditions to allow up to 3 of the 7 consultancy rooms to be used for general practice.

The proposal seeks a variation to the Parking and Access Code to reduce the amount of cash-in-lieu from \$90,000 to \$60,000.

The applicant is also proposing that cash-in-lieu be paid over the next 2 years as the General Practitioner positions are filled with \$10,000 to be paid every 6 months as per the table below. This means payment for the first General Practitioner would not commence until 31 July 2018.

Date	Amount	Cumulative Total
31/7/2017 (as per current agreement)	\$9000	\$41,000
31/12/2017 (as per current agreement)	\$9000	\$50,000
31/7/2018	\$10,000	\$60,000
31/12/2018 (or when GP fte is 1)	\$10,000	\$70,000
31/7/2019 (or when GP fte is 1.5)	\$10,000	\$80,000
31/12/2019 (or when GP fte is 2)	\$10,000	\$90,000
31/7/2020 (or when GP fte is 2.5)	\$10,000	\$100,000
31/12/2020 (or when GP fte is 3)	\$10,000	\$110,000

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 Parking and Access Codes with the exception of the following.

Parking and Access Code:

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.6.1 A1	Number of Car Parking spaces	The number of on-site car parking spaces must be: (a) no less than the number specified in Table E6.1; except if:	No additional car parking spaces are to be provided on-site. Cash-in-lieu to be paid for 6 spaces (\$60,000) is proposed.

		<p>(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>nine additional car parking spaces are required for the 3 General Practitioners</p>	
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The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E6.6.1 as follows.

Performance Criteria	Proposal
<p>The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:</p> <p><i>“(a) car parking demand;</i></p>	<p>Under the Parking and Access Code, the proposal will generate a car parking requirement at a rate of 5 car parking spaces per practitioner. Taking into account the “credit” of the existing use, the number of spaces that would be required is 9. As additional car parking cannot be provided on-site, a cash-in-lieu contribution would be required for these 9 spaces at a rate of \$10,000 per space.</p> <p>The applicant has applied for a variation to the number of spaces that are required on the basis that less car parking is required under the provisions of the State Planning Provisions (SPP).</p> <p>Table C2.1 of the SPP will require that 4 spaces per practitioner be required for consulting rooms. It is considered that as the SPP has significant status and will be introduced over the next 1 – 2 years, it likely to have determining weight in any appeal.</p>

	It is recommended that the proposal to reduce the number of spaces required should be approved and a condition be included requiring cash-in-lieu for 6 car parking spaces.
<i>(b) the availability of on-street and public car parking in the locality;</i>	Public parking is available behind the Bellerive Quay building, off Percy Street and along street frontages around the site. Parking studies of the area are undertaken approximately every 2 years with the most recent being April 2015 until the 2017 report is finalised. The study showed that the public car parks in the Bellerive area exceed the 85% peak occupancy target (which is Council's service level target).
<i>(c) the availability and frequency of public transport within a 400m walking distance of the site;</i>	Public transport is available along Cambridge Road.
<i>(d) the availability and likely use of other modes of transport;</i>	Other modes of transport such as bicycle riding and walking are encouraged.
<i>(e) the availability and suitability of alternative arrangements for car parking provision;</i>	No alternatives are proposed.
<i>(f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;</i>	The public car parks in the area serve many businesses in the area and may reduce demand through the consolidation of shared car parking spaces.
<i>(g) any car parking deficiency or surplus associated with the existing use of the land;</i>	The site currently is deficient in the number of spaces required. When the site was originally developed (D-1979/25), 39 spaces were not able to be provided on-site and cash-in-lieu taken. D-2015/98 for the current use of consulting rooms also required cash-in-lieu for 5 car parking spaces which was a waiving of 22 spaces, in view of the lower patient generation rate of the particular services offered.

<i>(h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;</i>	The car parking calculations take into account the recent permit for the site.
<i>(i) the appropriateness of a financial contribution in-lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</i>	Cash-in-lieu for car parking deficits have been taken for recent planning applications in the area, the most recent being the approval of the Hotel and Hospitality Training Scheme in Kangaroo Bay which required a \$840,000 cash-in-lieu contribution. Council is currently considering options for providing additional car parking in the area.
<i>(j) any verified prior payment of a financial contribution in-lieu of parking for the land;</i>	Cash-in-lieu has been partially paid for the current use of the site with a payment plan.
<i>(k) any relevant parking plan for the area adopted by Council;</i>	Council has adopted an Interim Car Parking Plan which requires 5 spaces per practitioner to be provided on-site or a cash-in-lieu contribution. This rate is consistent with the number required in Table E6.1.
<i>(l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code”.</i>	not applicable

Parking and Access Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.6.1 A2	Number of Car Parking spaces	No Acceptable Solution	The applicant is proposing to vary the cash-in-lieu contribution by reducing the number of spaces required from 9 to 6 to be consistent with the State Planning Provisions.

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

Performance Criteria	Proposal
<i>“Use and Development on land within the Activity Centres specified in Table E6.3 must make a cash-in-lieu payment for any deficient spaces at the rate specified in Table E6.3. Alternative arrangements may be made in accordance with any parking plan adopted by Council”.</i>	<p>It is considered that it is appropriate that cash-in-lieu be taken for the development to facilitate the provision of additional parking in the area. However, a payment plan as proposed by the applicant should not be accepted, as the applicant has already been providing a General Practitioner service contrary of the planning permit and this has implications on parking availability in the area to a greater extent than the approved use.</p> <p>The applicant intends that a General Practitioner will recommence services if and when the application is approved. However, it is appropriate that the cash-in-lieu payment be made prior to the commencement of the use, rather than delayed via the requested payment plan. This is due to the impact of the use on car parking demand in the area, the current car parking availability problems and the consequent need to provide additional car parking in Bellerive.</p>

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 2016-2026 or any other relevant Council Policy.

8. CONCLUSION

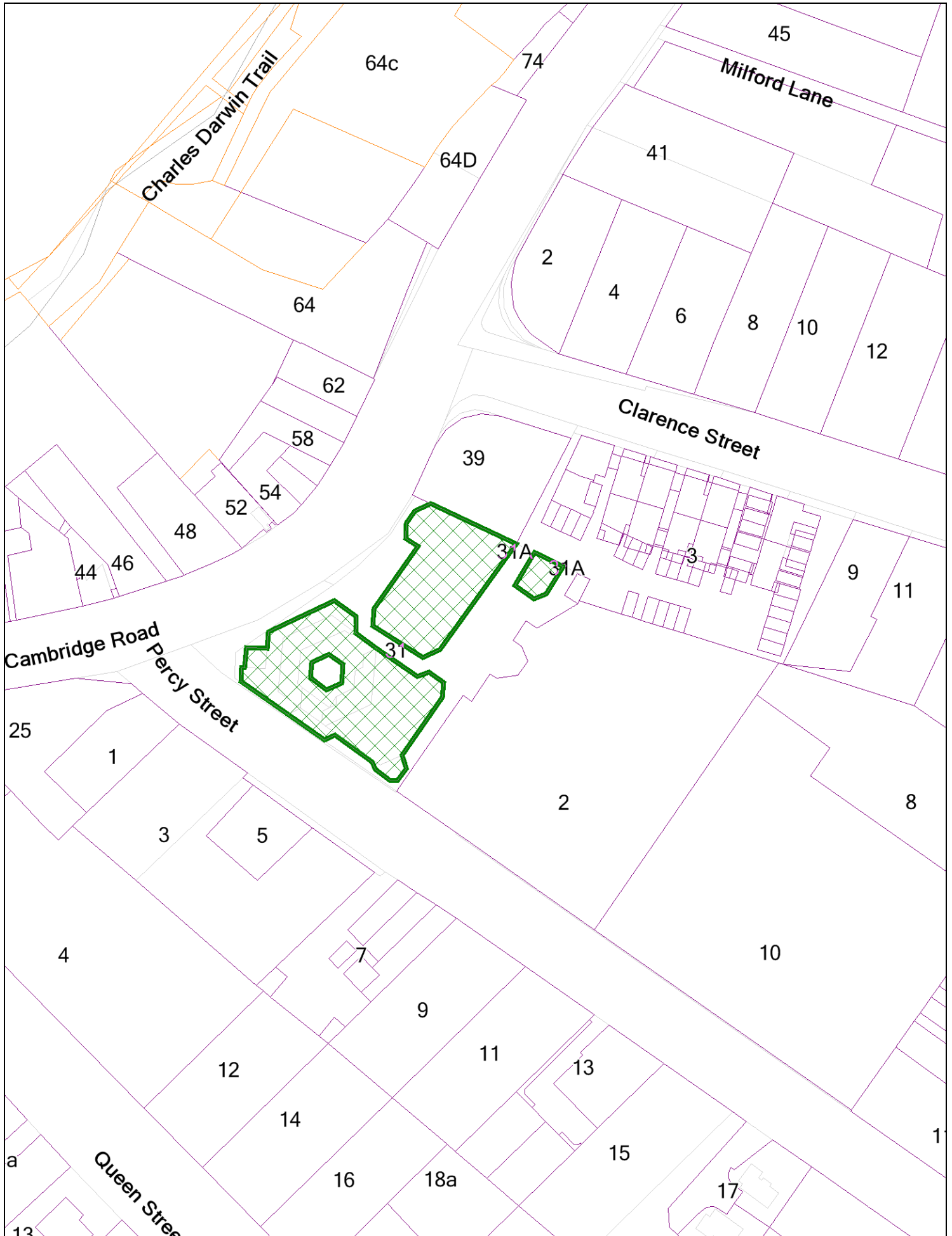
The proposal is to vary the number of car parking spaces under the Parking and Access Code. The applicant is requesting that cash-in-lieu be paid for 6 of the 9 car parking spaces generated by the 3 General Practitioners proposed to operate from the site. It is recommended that the application be approved on the basis that the parking generation rate is consistent with the State Planning Provisions.

Attachments: 1. Location Plan (1)
2. Report and Plan (8)
3. Site Photo (1)
4. Council Associated Report and Permit D-2015/98 (19)

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:** Monday, 15 May 2017 **Scale:** 1:1,072 @A4



14 March 2017

Ross Lovell
Manager City Planning
Clarence City Council
PO Box 96
ROSNY PARK TAS 7018

Via email: cityplanning@ccc.tas.gov.au

Dear Ross

LEVEL 3, 31 CAMBRIDGE ROAD, BELLERIVE - BELLERIVE QUAY HEALTH HUB

Please find attached an application for an intensification of the existing approved use for the Bellerive Quay Health Hub.

The following figure describes the location:



Figure 1: Location & aerial (Source: The LIST)

smithstreetstudio | ireneinc

49 Tasma St, North Hobart, TAS 7000

Tel (03) 6234 9281

Fax (03) 6231 4727

Mob 0418 346 283

Email planning@ireneinc.com.au

ABN 78 114 905 074

BACKGROUND

In 20015 and application was made and approved for 'Consulting rooms or Health Centre' for the Bellerive Quay Health Hub, the business has since been established and operated as proposed providing health care specialising in clients with complex or chronic health care needs where health plans incorporate one or several of the range of services the Health Hub provides.

The Permit was approved subject to a number of conditions including:

2. *Not more than 7 full time equivalent allied health and holistic wellness practitioners may receive patients on-site at any one time.*
3. *The consulting rooms must only be used by the following practitioners: specialist medical practitioners; nurse practitioners; midwives; lactation consultants; child health nurses; physiotherapists; osteopathy, exercise physiology; occupational therapists; speech therapists; psychologists; dietitians; nutritionist; naturopaths; wellness coaches; hypnotherapists; Bowen therapy/baby Bowen; massage therapists; reiki; acupuncturists; Feldenkrais; chakra balancing and crystal healing.*

As the Health Hub has become established over the last 20 months, it has become clear that there would be benefit to both the clients and the business operation to include some specialist general practitioners within the mix of services provided.

As the existing approval was on the basis of a low intensity operation based on long appointment times the inclusion of general practitioners opens up the potential for increased intensity as they are able to see and bill for shorter appointment times than that originally envisioned.

This proposal therefore seeks approval for a variation to the current Permit conditions to allow up to 3 of the existing 7 consultancy rooms to be occupied for general practice. While it is not intended that all of the 3 spaces would immediately or even in the short to medium term, be occupied for general practice, rather the services would be increased gradually as the business develops and suitable practitioners can be found.

The following provide detail in relation to the relevant provisions of the *Clarence Interim Planning Scheme 2015*.

USE

The applicable Use Class is 'Business and professional services', which is defined by the Scheme as follows:

use of land for administration, clerical, technical, professional or similar activities. Examples include a bank, call centre, consulting room, funeral parlour, medical centre, office, post office, real estate agency, travel agency and veterinary centre.

There are 2 uses which may be considered relevant to the proposal:

Consulting room: means use of land by a registered practitioner of any therapeutic art or science, other than service provided by a medical centre.

Medical Centre: means use of land to provide health services (including preventative care, diagnosis, medical and surgical treatment, and counselling) to out-patients only.

Given that some but not all the therapies offered at the Health Hub both presently and in the future the use most applicable would appear to be medical centre.

It should be noted that the previous Scheme had a single use definition which covered both the current 'Consulting room' and 'Medical Centre'.

ZONE PROVISIONS

The subject site is within the General Business Zone where ‘Business and professional services’ is a permitted and unqualified use class in accordance with the use table for the zone (CI 21.2).

There are no relevant Use or Development Standards of the zone which are relevant to the proposal.

PARKING AND ACCESS CODE

USE STANDARDS

The use standards of the Code include:

E6.6.1 Number of Car Parking Spaces

Objective: To ensure that:

- (a) there is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport.*
- (b) a use or development does not detract from the amenity of users or the locality by:*
 - (i) preventing regular parking overspill;*
 - (ii) minimising the impact of car parking on heritage and local character.*
- (c) there is enough car parking to meet the reasonable needs of all users of a use or development, taking into account:*
 - (i) the level of parking available on or outside of the land;*
 - (ii) the impact on the demand for and supply of car parking associated with approved but uncompleted uses and developments and the future occupation of vacant premises; and*
 - (iii) the access afforded by other modes of transport.*
- (d) where car parking cannot be provided for onsite, a cash contribution toward the development of public parking facilities may be required.*

SCHEME STANDARD	RESPONSE
<p>A1</p> <p><i>The number of on-site car parking spaces must be:</i></p> <p><i>(a) no less than the number specified in Table E6.1;</i></p> <p><i>except if:</i></p> <p><i>(i) the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</i></p>	<p>Table E6.1 requires 5 spaces per person providing health services for a medical centre. This would equate to 5 for each of the 7 consult rooms therefore generating 35 spaces. This rate is consistent with the parking requirements of the previous Planning Scheme when the current approval was granted (and provided for by the adopted parking plan).</p> <p>The existing approval for the low intensity consulting rooms was on the basis of the following:</p> <ul style="list-style-type: none">• 8 spaces credited to previous office use• 5 spaces required by permit condition as cash in lieu (\$50,000)• Therefore total provision of 13 spaces (consistent with Table E6.1’s generation for ‘consultant rooms’ @ 1/30m2 floor area) <p>This means an approved rate of 1.857 spaces per</p>

existing consult room.

The new application for 3 of the rooms to be converted from the approved low intensity use to an unrestricted rate, to allow for the inclusion of ordinary GP services, would trigger additional generation of spaces up to the required amount of the planning scheme, that is:

- 3.143 spaces per consult room
- 9 spaces (rounded down from 9.429 in accordance with the table notes) for the proposed 3 GP rooms

As there is no ability to provide additional parking spaces on the site the application is required to be considered against performance criteria P1.

P1

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

- car parking demand;*
- the availability of on-street and public car parking in the locality;*
- the availability and frequency of public transport within a 400m walking distance of the site;*
- the availability and likely use of other modes of transport;*
- the availability and suitability of alternative arrangements for car parking provision;*
- any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- any car parking deficiency or surplus associated with the existing use of the land;*
- any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- the appropriateness of a financial contribution in lieu of parking towards the*

a) Parking demand

In considering the parking demand that the proposal will create it is considered relevant to consider the recently released State Planning Provisions, where Table C2.1 Parking Space Requirements, of the Parking and Sustainable Transport Code requires as follows:

Use	Parking spaces requirements Car
Doctors' surgery, clinic, consulting room	4 spaces per practitioner

Given that the above parking rates are anticipated to come in to effect in coming months, it is considered that they prescribe the forward planning direction adopted for consistent application state-wide and as such it is reasonable to consider this an appropriate generation rate for the proposal.

This would reduce the deficit by 3 spaces to a total of 6.

b) Parking availability

Public car parks including on and off street parking areas are all located either directly adjacent or in close proximity to the site.

c) Public Transport

Public transport is located directly adjacent to the site.

d) Transport modes

Alternative transport modes in addition to public transport would be available to some staff and

<p><i>cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;</i></p> <p>(j) <i>any verified prior payment of a financial contribution in lieu of parking for the land;</i></p> <p>(k) <i>any relevant parking plan for the area adopted by Council;</i></p> <p>(l) <i>the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;</i></p>	<p>clients through walking or cycling.</p> <p>e) Alternative arrangements None applicable.</p> <p>f) Reduction in demand The parking provided in the area is largely in public facilities given that very few private commercial properties in the centre have their own private parking provision, this helps to reduce demand through efficiency of consolidation and reduction in individual trips.</p> <p>g) Parking deficiency or surplus The existing approved use is currently operating at approximately 60% capacity and therefore currently creating a current surplus.</p> <p>h) Credit allowed for The existing approval takes account of the original parking generation deemed to be approved with the original development of the property.</p> <p>i) Appropriateness of cash in lieu Council provide public parking within the Bellerive centre</p> <p>j) Prior cash in lieu payment As detailed the previous approval required cash in lieu of \$50,000</p> <p>k) Parking Plan No alteration to requirements relevant</p> <p>l) Heritage Not applicable to subject site.</p>
<p>A2</p> <p><i>No Acceptable Solution.</i></p>	<p>The performance criteria P2 must be met.</p>
<p>P2</p> <p><i>Use and Development on land within the Activity Centres specified in Table E6.3 must make a cash in lieu payment for any deficient spaces at the rate specified in Table E6.3. Alternative arrangements may be made in accordance with any parking plan adopted by Council.</i></p>	<p>Table 6.3 requires \$10,000 per space as detailed below. As detailed above the deficiency of 6 spaces would require cash in lieu of \$60, 000.</p> <p>As it is not proposed that the whole approved 3 GP positions would be taken up at once (or at all) and, it is anticipated to occur gradually over the next year or 2 (and may eventually only ever reach between 2 - 3 FTE places) staged payment as the GP (or other non-restricted practitioner) positions are filled would still ensure that the parking provided (via cash in lieu payment) matched the growth of the services.</p> <p>It is therefore requested that any condition requiring cash in lieu include the provision for payment as the use is taken up.</p>

Table E6.1 Number of Car Parking Spaces Required		
Use Class: Business and professional services		
Medical centre	5	for each person providing health services
Business and professional services, except as otherwise specified in this table.	1	for each 30m ² of floor area
Table E6.3 Rate for payment of cash in lieu for deficient car parking spaces		
Bellerive / Kangaroo Bay	\$10,000 per space	

E6.6.4 Number of Bicycle Parking Spaces

Objective: To ensure enough bicycle parking is provided to meet the needs of likely users and by so doing to encourage cycling as a healthy and environmentally friendly mode of transport for commuter, shopping and recreational trips.

SCHEME STANDARD	RESPONSE
A1 <i>The number of on-site bicycle parking spaces provided must be no less than the number specified in Table E6.2.</i>	Table E6.2 below requires the generation of bike parking spaces for this use on the basis of practitioner numbers. As there is no change to the number of practitioners proposed and in accordance with Table Operation notes there are no spaces required to meet A1.

Table E6.2 Number and Class of Bicycle Parking Spaces Required					
Land Use Term	Employee ... bicycle parking requirement	Class	Visitor/customer... requirement	Class	
Use class: Business and professional services					
Medical centre	1 for each 8 practitioners	1 or 2	1 for each 4 practitioners	3	
Operation of Table E6.2					
...(b) Where an existing use or development is extended or intensified, the number of additional bicycle parking spaces required must be calculated on the amount of extension or intensification, provided the existing number of bicycle parking spaces is not reduced.					
...(d) No new bicycle parking spaces are required to be provided for a change of use in an existing building where there is no increase in the floor area of the building and floor area used is less than 500m2.					

There are no relevant development standards of this Code and there are no other scheme provisions relevant to the proposal.

PERMIT CONDITIONS AND PAYMENT SCHEDULE

The existing Permit required \$50,000 cash-in-lieu which was arranged to be paid in instalments, with the remaining 2 payments of \$9000 being due in July and December 2017.

The existing operation is running at approximately 60% of its approved occupancy and it is therefore requested that the Permit conditions incorporate staged payment of the outstanding amount and the additional payment required through the current application to allow the financial burden to be staged.

It is also requested that to avoid the confusion of 2 separately operative permits that the new Permit override the previous Permit in relation to cash-in-lieu payments and to clarify that up to 3 of the consultant room will be able to operate unrestricted by practitioner type.

The following table provides a payment schedule which provides a suggestion in relation to future payments:

Date	Amount	Cumulative Total
31/7/2017 (as per current agreement)	\$9000	\$41,000
31/12/2017 (as per current agreement)	\$9000	\$50,000
31/7/2018	\$10,000	\$60,000
31/12/2018 (or when GP fte is 1)	\$10,000	\$70,000
31/7/2019 (or when GP fte is 1.5)	\$10,000	\$80,000
31/12/2019 (or when GP fte is 2)	\$10,000	\$90,000
31/7/2020 (or when GP fte is 2.5)	\$10,000	\$100,000
31/12/2020 (or when GP fte is 3)	\$10,000	\$110,000

Should you have any questions in relation to any of the above or any other aspect of the application, or need to discuss any detail, please contact me.

Yours faithfully



Jacqui Blowfield
Senior Planner
IRENEINC PLANNING

Note:
Builder and subcontractors to verify all dimensions and levels prior to the commencement of any work. Give 24 hours minimum notice where amendments are required to design of working drawings. These drawings are to be read in conjunction with engineers and surveyors drawings and notes. Do not scale drawings. Dimensions are to take preference over scale. Building specification and engineers drawings shall override architectural drawings.

Important Notice for Attention of Owner:
The owners attention is drawn to the fact that foundations and associated drainage in all sites requires continuing maintenance to assist footing performance. Advice for foundation maintenance is contained in the CSIRO building technology file 18 and it is the owners responsibility to maintain the site in accordance with this document.

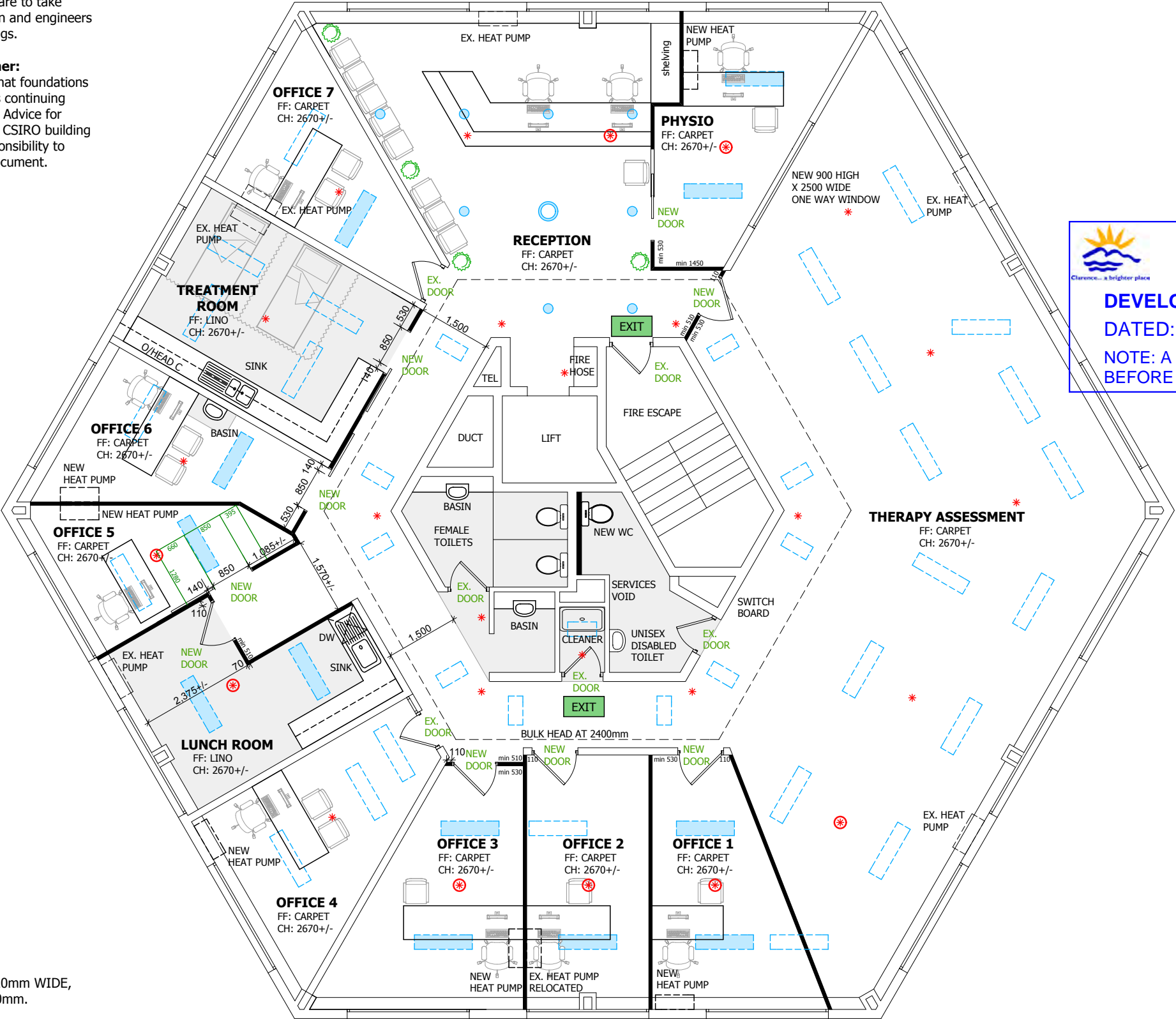
- NOTES:**
- 2 LIGHT, 36W FLUORESCENT LIGHT FITTINGS ADJUSTED TO SUIT NEW PARTITION WALLS. (EXACT LOCATIONS TO BE CHECKED ONSITE)
 - PENDANT LIGHT FITTING (28W)
 - RECESSED LED DOWN LIGHT (15W)
 - EXIT
 - EXISTING EXIT LIGHTING (EXACT LOCATIONS TO BE CHECKED ONSITE)
 - EXISTING FIRE SPRINKLER (EXACT LOCATIONS TO BE CHECKED ONSITE)
 - NEW FIRE SPRINKLER TO MATCH EXISTING. SPRINKLER ALTERATIONS AND ADDITIONS BY LICENSED TFS CONTRACTOR, WITH CERTIFICATION PROVIDED UPON COMPLETION.

ALL NEW DOORS TO BE A MINIMUM OF 920mm WIDE, WITH A MINIMUM CLEAR OPENING OF 850mm.


REFER TO as 1428.1 - 2009 13.3 CIRCULATION SPACES AT DOORWAYS FOR MINIMUM DISTANCES FROM ADJACENT WALLS.

ALL NEW STUDWORK 70mm.

© THIS PLAN MAY NOT BE USED FOR ANY PURPOSE WITHOUT THE CONSENT OR LICENSE OF PRECISION DESIGN AND DRAFTING



Katie Court
a : 17 Waverley Avenue,
Mount Stuart. TAS. 7000
m : 0400 598 990
e : katie.court1@gmail.com



**CITY OF CLARENCE
PLANNING APPROVAL**
DEVELOPMENT PERMIT NO: D-2015/98
DATED: 11/5/2015
NOTE: A separate Building Approval must be obtained BEFORE the commencement of any building works

JOB : WELLNESS FACILITY

AT : LEVEL 3, 31 CAMBRIDGE ROAD, BELLERIVE

FOR : MS L SPROULE

DRAWING TITLE :		
PROPOSED FLOOR PLAN		
DRAWN:	DATE:	DWG NO. :
KC	04.02.15	02
SCALE:	1:100	

Level 3, 31 Cambridge Road, BELLERIVE



Aerial image of site.

11.3.2 DEVELOPMENT APPLICATION D-2015/98 - LEVEL 3, 31 CAMBRIDGE ROAD, BELLERIVE - CHANGE OF USE TO CONSULTING ROOMS (File No D-2015/98)
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EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for a Change of Use from Office to Consulting Rooms at 31 Cambridge Road, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned Commercial and subject to the Bellerive Centre Overlay under the Clarence Planning Scheme 2007 (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 2005.

Council is required to exercise a discretion within the statutory 42 day period which has been extended to expire on 12 May 2015.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for Change of Use to Consulting Rooms at Level 3, 31 Cambridge Road, Bellerive (Cl Ref D-2015/98) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. Not more than 7 full time equivalent allied health and holistic wellness practitioners may receive patients on-site at any one time.
 3. The consulting rooms must only be used by the following practitioners: specialist medical practitioners; nurse practitioners; midwives; lactation consultants; child health nurses; physiotherapists; osteopathy, exercise physiology; occupational therapists; speech therapists; psychologists; dieticians; nutritionist; naturopaths; wellness coaches; hypnotherapists; Bowen therapy/baby Bowen; massage therapists; reiki; acupuncturists; Feldenkrais; chakra balancing and crystal healing.

4. GEN C2 – CASH-IN-LIEU. [\$50,000] [5 spaces].

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.

Decision:	MOVED Ald Thurley SECONDED Ald Cusick
	“A. That Council adopts the officer’s recommendation, subject to Condition 4 being deleted.
	B. That the reasons for Council’s decision in respect of this matter be recorded as follows.
	<ul style="list-style-type: none">• A requirement to pay cash-in-lieu for car parking would stop the business from proceeding.• A major part of the business model relies on an outreach service. This will reduce the numbers of patients needing to visit the site and therefore, will minimise car parking needs for the premises.• The proposal will be great benefit to the local community and will be a much better use of a previously underutilised space”.
	The MOTION was put and LOST
FOR	AGAINST
Ald Campbell	Ald Chong
Ald Cusick	Ald Hulme
Ald Doust	Ald James
Ald Thurley	Ald McFarlane
	Ald Peers
	Ald von Bertouch
	Ald Walker
	Ald Chipman (abstained)

**DEVELOPMENT APPLICATION D-2015/98 - LEVEL 3, 31 CAMBRIDGE ROAD,
BELLERIVE - CHANGE OF USE TO CONSULTING ROOMS /Decision contd...**

FORESHADOWED MOTION

MOVED Ald James **SECONDED** Ald von Bertouch

“That the Recommendation be adopted”.

CARRIED

FOR

Ald Chong
Ald Cusick
Ald Hulme
Ald James
Ald McFarlane
Ald Peers
Ald von Bertouch
Ald Walker

AGAINST

Ald Campbell
Ald Doust
Ald Thurley
Ald Chipman (abstained)

11.3.2 DEVELOPMENT APPLICATION D-2015/98 - LEVEL 3, 31 CAMBRIDGE ROAD, BELLERIVE - CHANGE OF USE TO CONSULTING ROOMS (File No D-2015/98)
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EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for a Change of Use from Office to Consulting Rooms at 31 Cambridge Road, Bellerive.

RELATION TO PLANNING PROVISIONS

The land is zoned Commercial and subject to the Bellerive Centre Overlay under the Clarence Planning Scheme 2007 (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 2005.

Council is required to exercise a discretion within the statutory 42 day period which has been extended to expire on 12 May 2015.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for Change of Use to Consulting Rooms at Level 3, 31 Cambridge Road, Bellerive (Cl Ref D-2015/98) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. Not more than 7 full time equivalent allied health and holistic wellness practitioners may receive patients on-site at any one time.
 3. The consulting rooms must only be used by the following practitioners: specialist medical practitioners; nurse practitioners; midwives; lactation consultants; child health nurses; physiotherapists; osteopathy, exercise physiology; occupational therapists; speech therapists; psychologists; dieticians; nutritionist; naturopaths; wellness coaches; hypnotherapists; Bowen therapy/baby Bowen; massage therapists; reiki; acupuncturists; Feldenkrais; chakra balancing and crystal healing.
 4. GEN C2 – CASH-IN-LIEU. [\$50,000] [5 spaces].

- 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 Commercial and subject to the Bellerive Centre Overlay under the Scheme.

2.2. The proposal is for a Change of Use to Consulting Rooms and seeks a variation of 27 car parking spaces, which is Discretionary under the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 6 – Commercial zones;
- Section 7 – Bellerive Centre Overlay; and
- Section 8.1 – Off-Street Car Parking and Loading.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is Level 3 of the Bellerive Quay Building, located at 31 Cambridge Road, Bellerive. It is the whole of level 3 of Strata "Flat 2" and has a total floor area of 336m². The existing use of this tenancy is approved as office.

3.2. The Proposal

The proposal is for a Change of Use from Office to Consulting Rooms which is described by the proponent as a holistic wellness centre. The centre will comprise allied health practitioners (the term “allied health” does not apply to medical health professionals such as doctors, surgeons or dentists) and holistic wellness practitioners. The practitioners to be working from the site were purported by the applicant’s original documentation to be specialist medical and nurse practitioners, midwives, child health nurses, physiotherapists, occupational therapists, psychologists, dieticians, naturopaths, Bowen and massage therapists and acupuncturists. However, a brochure for the proposed “holistic wellness centre” provided by the proponent subsequent to advertising the application provides the following list of practitioners:

- specialist medical practitioners:
- nurse practitioners;
- midwives;
- lactation consultants;
- child health nurses;
- physiotherapists;
- osteopathy;
- exercise physiology;
- occupational therapists;
- speech therapists;
- psychologists;
- dieticians;
- nutritionist;
- naturopaths;
- wellness coaches;
- hypnotherapists;
- Bowen therapy/baby Bowen;
- massage therapists;

- reiki;
- acupuncturists;
- Feldenkrais;
- chakra balancing; and
- crystal healing.

The proposal will divide the tenancy into a reception/waiting area, a treatment room, a large therapy assessment area, a lunch room, a central amenities and stairs area and 8 offices. One of the offices is for the practice manager and the remaining 7 are for consultants (1 of whom works 3 days a week as a nurse and 2 days a week as a business manager).

There are no external works associated with this application.

4. PLANNING ASSESSMENT

4.1. Planning Policy Framework [Section 2]

The proposed use is consistent with the Objectives identified in the Scheme's Planning Policy Framework, in particular Section 2.2.3(c)(i) - Economic Development as it may contribute positively to the economic development of Bellerive and Clarence generally through an increase in local business spending. Increasing these services will attract a greater number of people and other businesses in the area will benefit.

Additionally, the Clarence Planning Policy, Cash-in-Lieu for Car Parking of Section 2.3.2 is relevant. The purpose of this policy is to “*provide an alternative for developers who are unable to provide on-site car parking generated by their commercial proposals*”. Should Council consider a cash-in-lieu contribution for car parking appropriate, the rate of payment in Bellerive is \$10,000 per space in accordance with Clause 2.3.2(c) – Cash-in-Lieu for Car Parking.

Reference to these principles is also contained in the discussion below.

4.2. General Decision Requirements [Section 3.3.1]

- “(a) General requirements:*
- (i) The Objectives of the Act.*
 - (iv) The Purposes of the Zone.*
 - (v) The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
 - (ix) The impact upon established retail and industrial hierarchies or rural industries and their need for growth and investment.*
- (c) Infrastructure requirements:*
- (i) The availability of existing public utility services.*
 - (vi) The provision of access, loading, parking and manoeuvring of vehicles.*
 - (viii) The need for access to public transport facilities”.*

The proposal has been considered and is in keeping with the General Requirements of the Scheme, except Clause 3.3.1(c)(vi) being parking provision and which is discussed in more detail below.

4.3. Commercial Zone

The purpose of the Commercial zone is to encourage a range of business centres for retailing and other complimentary commercial, entertainment and community uses.

The proposal is defined as “Consulting Rooms or Health Centre”. This is a Discretionary use in the zone.

As there is no development proposed to accompany the Change of Use, there are no relevant Use and Development Standards for the application.

4.4. Bellerive Centre Overlay

The purpose of the Bellerive Centre Overlay is to provide a positive direction for the Bellerive Village commercial area by providing new commercial and community opportunities, whilst maintaining the character of the area. This is to be achieved by encouraging commercial redevelopment at a human scale.

The proposal is for the internal fit-out of an existing office building, with no external alterations proposed. As such, there are no relevant development standards for the proposal and it is not inconsistent with the Bellerive Centre overlay.

4.5. Off-Street Car Parking and Loading

Purpose

The purpose of Section 8.1 of the Scheme relating to Off-Street Parking and Loading is:

- “(a) To ensure the provision of an appropriate number of car parking spaces, having regard to the activities on the land and the nature of the locality.*
- (b) To ensure that the design and location of car parking areas:*
 - (i) Achieves a good standard of urban design.*
 - (ii) Creates a safe environment for users at all times.*
 - (iii) Enables easy and efficient use.*
 - (iv) Protects the role and function of nearby roads.*
 - (v) Facilitates the use of public transport and the movement and delivery of goods”.*

Parking Demand under the Scheme

The use is defined as “Consulting Rooms” which is defined as: *“Land used by a medical, dental practitioner, or by a registered practitioner of any therapeutic art or science, including a maternal and child welfare centre, an x-ray centre, a medical clinic and a community health centre”.*

The proposed car parking demand calculated as per the Parking Table at Clause 8.1.5 of the Scheme is as follows.

Land Use	Generator	Rate	Number of Bays Required	Number of Credits from Previous Approved Use
Consulting Rooms or Health Centre	7 Consultants	5 per practitioner	35	336m ² @ 1/45m ² (office) = 8
Total Deficit			35 - 8	27

The application is for a Change of Use from Office to Consulting Rooms with up to 7 full time equivalent practitioners on-site at any one time. This generates a car parking demand of 5 spaces per practitioner, or 35 spaces. The previous use of the site was an Office, which generates a car parking demand of 1 space per 45m² of leasable floor area. This provides a car parking credit of 8 spaces. As such, the proposal under the parking table would require an additional 27 car parking spaces.

Council may accept a cash-in-lieu payment for car spaces that cannot be provided on-site pursuant to Clause 8.1.3(v) and Clause 2.3.2(c) of the Scheme at \$10,000 per space in Bellerive. Accordingly, Council could require a cash-in-lieu contribution of \$270,000 for the 27 car parking space shortfall should it wish to do so.

Application of the Cash-in-Lieu Policy in Bellerive

Council has sought to apply its Cash-in-Lieu Policy over a number of years. However, this was tested in the case of an application for residential and commercial tenancies at 3 Clarence Street. The proponent appealed Council's refusal on a number of grounds which included a deficiency of 15 on-site car parking spaces. In handing down its decision of 23 September 2011, which overturned Council's decision, the Resource Management and Planning Appeals Tribunal (RMPAT) decided that there was sufficient car parking in the local area to waive the Scheme requirement for car parking.

Council applied a cash-in-lieu requirement for 8 car parking spaces for a residential and commercial development (D-2013/418) at 14-18 Cambridge Road in July last year. The proponent did not appeal Council's decision.

In April last year, Council also approved a general practitioners surgery at 48 Cambridge Road with a cash-in-lieu requirement for a deficit of 15 on-site car parking spaces. The proponent appealed Council's decision and the matter was eventually settled through mediation.

It was agreed that part of the cash-in-lieu contribution be paid with the balance of spaces provided by private arrangement (details to be submitted to Council annually).

So far the arguments for waiving car parking have generally focused on whether there is sufficient car parking in the locality. This issue is further considered in the section below.

The Case for Waiving Car Parking in Bellerive

The relevant Use and Development Standards listed at Clause 8.1.3 are:

“(iv) A permit may be granted to:

- reduce the number of car spaces required or to waive the requirement for onsite car parking.*

The application to reduce, waive or vary must be considered as a Discretionary Development in accordance with Clause 3.1.8”.

In determining such an application regard must be had to Specific Decision Requirement Clause 8.1.4(h):

“The requirement for car spaces will only be reduced or waived, where it is justified that:

- (i) The supply of car parking in the locality is in excess of the anticipated demand;*
- (ii) Reduction in car parking demand is due to the sharing of car spaces by multiple uses because of variation of car parking demand over time;*
- (iii) The existing use of the land or previous approvals have already resulted in a car parking supply deficiency;*
- (iv) Local traffic management dictate a reduced demand;*
- (v) Local amenity, including pedestrian amenity, will be significantly enhanced; or*
- (vi) Any relevant Clarence Planning Policy”.*

Council undertakes a parking occupancy survey every 2 years and reviews its activity centre parking strategy. The latest survey was carried out in early December 2014. This survey found the off-street car parking adjacent to the subject site has already reached nearly 80% occupancy, with some peak hour occupancy close to 90%. Council’s acceptable service level on a car park close to a commercial area is generally 85%.

The Percy Street car park on the opposite side of the road has an occupancy level of 60%. All the on-street parking restrictions are 1 hour parking or less, which may not necessarily be suitable for the applicant's business. As such, Council's Traffic Engineer advises that demand for car parking in the locality is at capacity.

No evidence has been provided by the applicant of a reduction in car parking demand due to the sharing of car spaces by multiple uses because of variation of car parking demand over time. There is no evidence to support waiving the requirement for on-site car parking in this regard.

The Case for Varying the Parking Standard

In support of this application a planning submission has been provided. The submission compares the proposed use with that of the "most intensive form of development" which can be considered under the definition, being general practice or the like, in which a practitioner receives 4 patients in an hour. In the applicant's submission, the subject practitioners will see a maximum of 6-7 clients per day. The applicant contends the following allied practitioners are constrained by the medical benefits scheme which restricts them to billing Medicare to just 3 patients per hour:

- physiotherapists;
- osteopathy;
- occupational therapists;
- speech therapists;
- psychologists; and
- dieticians.

Whilst some allied health practitioners could potentially see more patients per hour they would not get the Medicare refund which makes this unlikely. Some of the practitioners listed would only see 1 or 2 patients per hour.

The proponent's "holistic wellness centre" will also comprise the following medical and holistic healing practitioners:

- specialist medical practitioners;
- nurse practitioners;
- midwives;
- lactation consultants;
- child health nurses;
- exercise physiology;
- nutritionist;
- naturopaths;
- wellness coaches;
- hypnotherapists;
- Bowen therapy/baby Bowen;
- massage therapists;
- reiki;
- acupuncturists;
- Feldenkrais;
- chakra balancing; and
- crystal healing.

Whilst it is unclear how many patients the above practitioners will receive, it is considered reasonable that most, if not all, would see less than a general practitioner. The applicants further contend that about 50% of their practice will be out-reach and thereby have a much lesser impact on car parking.

The proponent has also indicated that as 1 of the practitioners is part time, the Scheme requirement should apply a commensurate reduction of 2 spaces. This rationale ignores a "worst case scenario" where all practitioners are receiving patients.

On this basis the applicants believe that the practice will require 25% of the car parking of a general practitioner and contend that the car parking requirement should be reduced accordingly.

In the absence of any empirical evidence it is impossible to realise a suitable figure based on the future operation of the practice. Notwithstanding this, it is recognised that car parking demand for such a practice is likely to be significantly less than the Scheme standard, which considers a worst case scenario of general practitioners and an alternative rate should be considered. A review of comparable parking rates has been considered below.

- The City of Hobart Planning Scheme requirement for consulting rooms is 1 space per 30m². Based upon the Bellerive floor area of 336m² this equates to a requirement of 12 spaces.
- The Glenorchy Planning Scheme requirement for consulting rooms is 4 spaces per consulting room or 1 space per 25m² of Gross Floor Area (GFA) with a minimum of 4 spaces (whichever is greater). A maximum of 28 spaces would be required.
- The Kingborough Planning Scheme requires 1 space per 30m² (12 spaces) or 4 spaces per consulting room whichever is greater (28 spaces would be required).
- The Clarence Draft Interim Planning Scheme was endorsed by Council at its Meeting on 17 March 2014. In accordance with the regional provisions the parking requirement is 5 spaces for each person providing health services. A minimum of 35 spaces would be required.

- The minimum number of parking spaces required by medical centres is 4 per 100m² gross floor area based on the New South Wales Roads and Traffic Authority (RTA) survey conducted in 1991. This rate is based on Sunday and Monday parking figures and reflects the mean parking demand surveyed on those days. For reference the 85th percent demand produced a rate of 5 spaces per 100m² gross floor area. As the average length of stay at a medical centre is approximately 27 minutes, parking facilities must be provided in a convenient location.

The property has a floor area as described in the title of 336m² would require a total of 13 spaces.

Although none of the above examples fully describe the operation of the applicant's practice, it is considered that the RTA figure provides a significant discount and therefore might be appropriate, bearing in mind the nature of the proposed business model.

On this basis (discounting the 8 spaces credited to the approved Office floor area) there is a net increase in demand for 5 car parking spaces. As the supply of car parking in the local area is at capacity, it is appropriate for Council to apply a cash-in-lieu requirement in order to facilitate further public car parking in the future. As such, under the policy for cash-in-lieu the requirement is \$50,000 (5 x \$10,000).

If this figure is considered reasonable it can only be applied specifically to the applicant's practice of allied health professionals with a suitable condition of any approval prohibiting use by any other health care professionals (general practitioner, dentist etc).

It would appear appropriate for Council to seek cash-in-lieu for the deficit of additional car parking spaces which are generated by the development but which cannot be provided on-site. This is consistent with recent decisions in respect of recent developments.

In this case, cash-in-lieu payment can be directed into a fund to develop more car parking in Bellerive, to serve this business. Council has shown its commitment already by its previous redevelopment of the Percy Street car park where it purchased additional land to expand public car parking.

4.6. External Referrals

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

5. STATE POLICIES AND ACT OBJECTIVES

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

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

6. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

6.2. Developer contributions are required to comply with Council's Cash-in-Lieu for Car Parking Policy. The Cash-in-Lieu for Car Parking Policy in the Scheme requires \$10,000 per space for the Bellerive area. The applicant has requested this amount to be waived but, as discussed above, it is considered appropriate for Council to seek cash-in-lieu for the deficit of 5 additional car parking spaces which are generated by the development but which cannot be provided on-site.

6.3. In the future, the new Interim Planning Scheme will allow greater local flexibility in administering the Car Parking Code. It will do this by allowing an adopted local car parking plan for each centre to be developed in order to provide clearer direction for car parking requirements in the unique situation of those centres. It is appropriate, given Bellerive's recent history that a car parking plan be developed for the centre in the short-term.

7. CONCLUSION

The proposed Change of the Use at 31 Cambridge Road, Bellerive from office to Consulting Rooms is recommended for conditional approval. The applicant requests that all deficit parking be waived and consequently no cash-in-lieu parking contribution should be required. For the reasons set out in the report, this is not considered appropriate. However, it is recommended that the resulting deficiency of car parking be dealt with by condition imposing a cash-in-lieu payment of \$50,000.

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

Ross Lovell
MANAGER CITY PLANNING



Clarence... a brighter place

Clarence City Council

PLANNING PERMIT

LAND USE PLANNING AND APPROVALS ACT 1993

Development No: D-2015/98

Approval Date: 11 May 2015

Description: Change of use to Consulting Rooms

Address: Level 3, 31 Cambridge Road, Bellerive

This permit is granted, subject to the following conditions:

General Conditions:

1. The use or development must only be undertaken in accordance with the endorsed plans and any permit conditions and must not be altered without the consent of Council.
2. Not more than 7 full time equivalent allied health and holistic wellness practitioners may receive patients on-site at any one time.
3. The consulting rooms must only be used by the following practitioners: specialist medical practitioners; nurse practitioners; midwives; lactation consultants; child health nurses; physiotherapists; osteopathy, exercise physiology; occupational therapists; speech therapists; psychologists; dieticians; nutritionist; naturopaths; wellness coaches; hypnotherapists; Bowen therapy/baby Bowen; massage therapists; reiki; acupuncturists; Feldenkrais; chakra balancing and crystal healing.
4. A cash contribution totalling \$50,000 must be provided in lieu of the 5 car parking spaces which cannot be provided onsite. This contribution must be paid prior to the commencement of the use.

The following advice is also provided:

- a. This Permit will lapse after 2 years from the date on which it is granted unless the development / use has been substantially commenced. Upon request, under Section 53(5A)

of the Land Use Planning and Approvals Act 1993 Council may grant an extension of time for a further 2 years. A further 2 years may be granted upon request under Section 53(5B) of the Land Use Planning and Approvals Act 1993. Any such requests must be made in writing and within 6 months of the day on which the permit has lapsed.

- b. This is a town planning permit only. A Building Application must be submitted and a Permit issued before the use/development may commence.



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11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 KANGAROO BLUFF HISTORIC SITE**

(File No G23-20)

EXECUTIVE SUMMARY**PURPOSE**

To consider the formal taking over of the management of the Kangaroo Bluff Historic Site.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016 – 2026 provides a range of strategic commitments towards the development, enhancement and provision of cultural activities and facilities, including the establishment of a cultural creative precinct in the Rosny Park/Bellerive area and support for cultural history in general terms.

Council has not formally adopted a Policy position specifically regarding the Kangaroo Bluff Historic Site property. The facility is recognised as a "*Site of Cultural Tourism*" in Council's Cultural History Plan (Note: this Plan is currently undergoing a review).

LEGISLATIVE REQUIREMENTS

The proposal is to transfer the managing authority of the Kangaroo Bluff Historic Site to Council under Section 29(2) of the National Parks and Reserves Management Act, 2002. This, in turn, would legally obligate Council to manage the site in accordance with the requirements stipulated under the Statutory Management Plan for the site (Registered Plan Number LM 146) on an on-going basis.

CONSULTATION

There has been correspondence and meeting held with the State Government regarding this proposal for a number of years.

FINANCIAL IMPLICATIONS

There are potential significant financial implications for Council given the possible extent of works identified in any future site management plan. The timelines and extent of such works could be managed over an extended timeframe should it agree to take on the management responsibilities. The extent of these costs to Council cannot be readily determined unless and until a full review of the asset condition and the various Management Plans associated with the facility have been assessed and brought up to date and, based on this, a costing for general recurrent maintenance and a programmed rehabilitation/maintenance regime is prepared.

Subject to a specific budget allocation, external "heritage expertise" will need to be engaged for this purpose. This is anticipated to cost in the order of \$50,000.

RECOMMENDATION:

- A. That Council agrees to provide specific and formal consent to the transfer of the management authority of the Kangaroo Bluff Historic Site from Tasmanian Parks and Wildlife Service under the National Parks and Reserves Management Act, 2002.
- B. That Council seek early consideration for the current Management Plan to be altered by the removal of limitations concerning future development (including consideration of commercial opportunities on the site) to enhance the facility's use, as a community cultural asset.
- C. That Council consider the inclusion of funding for the review of the Management Plans for the facility in its budget for the 2017/18 financial year.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Kangaroo Bluff Historic Site is a Crown owned facility managed by the Parks and Wildlife Service.
- 1.2.** Council has previously expressed an interest in taking over the management of the Kangaroo Bluff Fort facilities and dialogue was sought in the early 2000's to advance this.
- 1.3.** The potential for Council to take over management of the site was identified as a possibility in the 2006 State Government/Clarence City Council partnership agreement.
- 1.4.** Although dialogue on this component of the partnership agreement commenced, little progress was made beyond initial discussions (refer to Attachment 3 - 2007 Memo to Aldermen from GMAM).
- 1.5.** The possibility for Council to take over this facility with the aim to better utilise and promote the facility as a significant tourism and cultural community asset has long been discussed on an informal basis.

- 1.6.** Some Workshop briefings have been provided which have outlined the range of issues and opportunities that such an arrangement would entail.
- 1.7.** Communications between the State Government and Council have continued over the years on this possibility and a formal proposal has now been presented by the State Government for Council's consideration.

2. REPORT IN DETAIL

The Proposal

- 2.1.** The Secretary for the Department of Primary Industry Parks Water and the Environment has written to Council regarding the possibility of Council becoming the Management Authority for the Kangaroo Bluff Fort. A copy of the letter is Attachment 1.
- 2.2.** The purpose of the letter is to officially initiate the transfer of managing authority of the Kangaroo Bluff Historic Site (Attachment 2 — Registered Plan Number LM 146) from the Tasmanian Parks and Wildlife Service (PWS) to the Clarence City Council as per Section 29(2) of the National Parks and Reserves Management Act, 2002. The letter further explains that in order to proceed, Section 29(2) of the Act requires that, prior to transferring managing authority, Council, as the “prescribed body”, must provide specific and formal consent. Once this consent has been provided, the necessary paperwork in the form of an Order (Statutory Rule) can be prepared for the Governor's signature.
- 2.3.** By becoming a managing authority under the Act, Council would assume all the functions and powers of a managing authority as set out under Section 30 of the Act — “Functions and powers of managing authority in relation to reserved land”. The Act would oblige Council as the management authority to:

“...for any reserved land for which there is a management plan is to manage that land for the purpose of giving effect to the management plan and in accordance with that plan”

Although the Act expressly authorises that a Management Authority:

“...may do, or arrange for the doing of, all things he, she or it considers necessary, including the erection or construction of any buildings or other works and the purchase or other acquisition of any things”.....

There are, however, some major impediments in the Plan that should be raised at the earliest possible point (refer to Management Plan Content).

Management Plan Content

2.4. The registered Management Plan (LM 146) for the site was developed in 1981 (Kangaroo Bluff Historic Site - Management Plan 1981). Although this plan in the guise of an overview document, is the only Management Plan for the facility that has official statutory status and unless changed or replaced, will guide all of Council’s obligations for the site. Particular features and provisions contained in the Plan are summarised as follows:

- must maintain and facilitate visitor access (pathways steps etc);
- provide for visitor facilities and site security;
- upkeep the grounds, (including management of root systems that impact on structures);
- provision of toilet facilities (note these have been close for some time);
- provision of site interpretation and publications for education of visitors;
- preservation of site and structures in accordance with Australia ICOMOS guidelines and the Burra Charter;
- envisages a permanent staffing resource allocation of 2 FTE’s;
- tourism and promotion;
- precludes development which diminish harm or obscure its cultural values; and
- expressly constrains/precludes restaurant/food dispensing enterprise at the site.

Management of Asset

- 2.5.** A comprehensive profile of the site, its condition and the maintenance requirements for the facility was undertaken commissioned by the State Government in the late 1990's early 2000's (refer Kangaroo Bluff Strategic Asset Management Plan 2002). This document, although now quite out of date, is more technically considered and serves as a comprehensive base line for the proper asset management and maintenance of the facility, compared with that of the official Management Plan (LM 146).
- 2.6.** There are in the 2002 Strategic Asset Management Plan costings (totalling \$226,500) for site improvements. These figures are not based on any quantity assessment and would require complete review based on a reassessment of the site conditions and requirements. The costings focussed on issues of access and use and did not touch on the remediation restoration and on-going maintenance costs associated with the fort structures. Little of these works have been undertaken to date.
- 2.7.** The proposal will entail full responsibility for the management and maintenance of this important heritage asset. There are substantial responsibilities involved with this site and these are well documented in the Kangaroo Bluff Strategic Asset Management Plan 2002. Significant capital outlay has previously been costed to bring this asset into a state which will allow it to be accessed more fully by the public. The costs involved would account for the lack of action to date by the State Government in turning this facility from its current use as a recreation area; to a visitation space of historic interest (ie a more substantially resourced "tourist attraction").
- 2.8.** In order for Council to fully consider how the future management of the site is to occur, it will need to be fully informed on the extent of work required at the site in the context of the Kangaroo Bluff Strategic Asset Management Plan 2002 and how Council wishes to enhance its use and relevance in a strategic context.

- 2.9.** The Strategic Asset Management Plan 2002 is no longer current and now requires review and updating. This would require the engagement of specific heritage expertise given the nature of the built fabric of the fort. The writer of the original report is based in Sydney and is no longer available. Options for this work may need to be sourced elsewhere and consequently could be more costly to obtain. Following this exercise, estimates can then be prepared which deal with both the capital improvements required, as well as recurrent maintenance and operational costs.

Future Opportunity

- 2.10.** In addition to the maintenance responsibilities, further consideration is also needed on available options to identify what business and operational models may best suit the facility and overall site management; including whether there is scope for complimentary commercial development to occur. Again, further specialist advice would need to be obtained to consider this more fully.
- 2.11.** The current proposal from the Minister indicates that any hand over would be on the basis of Council becoming a “Management Authority” for the site (as is the case with Rosny Hill), based on the old Kangaroo Bluff Management Plan 1981. However, this Plan limits any commercial arrangement that may otherwise be envisaged as complimenting the sites further development.
- 2.12.** A number of similar fort/battery facilities exist in other state capital cities the most notable and comparable of these being in Sydney; namely, the Georges Head Battery, Middle Head Fort and Fort Denison. All Sydney facilities are managed by National Parks and Wildlife Services. As is the case with the Kangaroo Bluff Fort, both the Georges Head and Middle Head are managed in an identical manner as “day visit” areas with self-interpretation. There is some parking revenue at both the Sydney sites. Formal guided tours (possibly by volunteers) are, however, conducted between October and May each year.

- 2.13.** The Fort Denison facility is operated on a commercial basis with fully paid guided tours, a restaurant and is available for function hire. Market scale and interest demand is a critical element in determining commercial capacity and how best to manage a facility such as Kangaroo Bluff Fort.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

There has been correspondence and meeting held with the State Government regarding this proposal for a number of years.

3.3. Other

The matter has previously been discussed at Council Workshops.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

- 4.1.** Council's Strategic Plan 2016 – 2026 provides a range of strategic commitments towards the development, enhancement and provision of cultural activities and facilities, including the establishment of a cultural creative precinct in the Rosny Park/Bellerive area and support for cultural history in general terms.

- 4.2.** Council has not formally adopted a Policy position specifically regarding the Kangaroo Bluff Historic Site property. The facility is recognised as a "Site of Cultural Tourism" in Council's Cultural History Plan (Note: this Plan is currently undergoing a review).

5. EXTERNAL IMPACTS

None identified.

6. RISK AND LEGAL IMPLICATIONS

- 6.1.** The proposal is to transfer the managing authority of the Kangaroo Bluff Historic Site to Council under Section 29(2) of the National Parks and Reserves Management Act, 2002. This, in turn, would legally obligate Council to manage the site in accordance with the requirements stipulated under the Statutory Management Plan for the site (Registered Plan Number LM 146) on an on-going basis.
- 6.2.** Given the nature of the site and its unique characteristics there are significant risk management considerations in the on-going management and maintenance of this facility. This will entail the development of a site specific Risk Assessment and Management Plan.

7. FINANCIAL IMPLICATIONS

- 7.1.** There are potential significant financial implications for Council given the possible extent of works identified in any future site management plan. The timelines and extent of such works could be managed over an extended timeframe should it agree to take on the management responsibilities. The extent of these costs to Council cannot be readily determined unless and until a full review of the asset condition and the various Management Plans associated with the facility have been assessed and brought up to date and, based on this, a costing for general recurrent maintenance and a programmed rehabilitation/maintenance regime is prepared.
- 7.2.** Subject to a specific budget allocation, external “heritage expertise” will need to be engaged for this purpose. This is anticipated to cost in the order of \$50,000.

8. ANY OTHER UNIQUE ISSUES

- 8.1.** Apart from a few heritage listed Council owned buildings, which are maintained in accordance with established heritage management plans, Council does not have in house expertise in the management of historic sites such as the Kangaroo Bluff battery. Council will therefore rely heavily on external expertise for this purpose.

- 8.2.** The circumstances in Council consideration of this proposal is without full knowledge of the order of recurrent financial and resourcing commitments that will be involved and the order of capital costs required for potential enhancements of the site in the future. It may be that following the undertaking of the initial assessments of the site as recommended, that Council will need to further consider the financial impacts involved in the management relationship and whether on-going commitment remains in Council's and Clarence community's best interest.

9. CONCLUSION

- 9.1.** The purpose of this report is to present to Council the basis of taking over the management of the Kangaroo Bluff Historic Site.
- 9.2.** The advice contained in this report provides some background of past and future considerations associated with the Kangaroo Bluff Fort proposal. A more comprehensive review of the costs, responsibilities and management options is also recommended as the next step in the acceptance of this responsibility.

Attachments: 1. Letter from DPIPWE (2)
2. Plan (1)
3. Memo to Ald from GMAM (13)

Andrew Paul
GENERAL MANAGER

Department of Primary Industries, Parks, Water & Environment

Hobart GPO Box 44, Hobart, Tasmania, 7001
Launceston PO Box 46, Kings Meadows, Tasmania, 7249
Devonport PO Box 303, Devonport, Tasmania, 7310
Ph 1300 368 550
Web www.dpipwe.tas.gov.au



Tasmanian
Government

Copy to Alice

*Al, can you please request
to Council to enable
Council to formally
"consent" to the
transfer.*

Alice

Alderman Doug Chipman
Mayor
Clarence City Council
PO Box 96
ROSNY PARK TAS 7018

Dear Mayor Chipman

Transfer of managing authority of Kangaroo Bluff Historic Site under Section 29 (1)(b), (2), and (9) the *National Parks and Reserves Management Act, 2002*.

I am writing to you to officially initiate the transfer of managing authority of the Kangaroo Bluff Historic Site (Attachment 1 – Registered Plan Number LM 146) from the Tasmania Parks and Wildlife Service (PWS) to the Clarence City Council as per Section 29(2) of the *National Parks and Reserves Management Act 2002* (the Act).

In order to proceed, Section 29(2) of the Act requires that, prior to transferring managing authority, the council, as the 'prescribed body', must provide specific and formal consent. Once this consent has been provided, the necessary paperwork in the form of an Order (Statutory Rule) can be prepared for the Governor's signature.

By becoming a managing authority under the Act, the council would assume all the functions and powers of a managing authority as set out under Section 30 – 'Functions and powers of managing authority in relation to reserved land'.

For the council's information, there is an existing statutory management plan for the Kangaroo Bluff Historic Site (Attachment 2). This management plan, though from 1981, remains a statutory document until it is either replaced or rescinded (either in whole or in part) as per Section 19 of the Act. A Strategic Asset Management Plan (SAMP) was prepared in 2002 (Attachment 3) to manage the site's heritage assets and infrastructure. Though not a statutory document, the council is obligated to have regard to its recommendations until it is either updated or replaced in consultation with Heritage Tasmania. Where the management plan is silent, or differs on any issue of management, the council is obligated to have regard to the requirements of the Act. The council should seek its own legal advice in the interpretation of legislation.

There are no outstanding financial issues associated with becoming the managing authority for Kangaroo Bluff Historic Site.

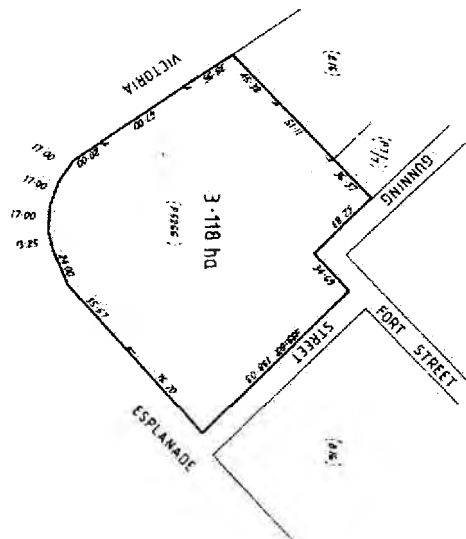
Should you have any questions or concerns regarding this process, please contact Shannon Fox, the PWS southern region planning officer, by telephone on 6165 4057 or by email to shannon.fox@parks.tas.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. Whittington', with a stylized, flowing script.

John Whittington
SECRETARY

28 April 2017



92731

[illegible]



Clarence... a brighter place

Memo

To: MAYOR & ALDERMEN THROUGH GENERAL MANAGER

From: GROUP MANAGER ASSET MANAGEMENT

Subject: KANGAROO BLUFF FORT

Date: 24 OCTOBER 2007 **File:** 10-01-03, 10-06-08, G23/20 **Init:** JJ:JH
A318226. DOC

A number of Aldermen have raised the issue on the progress of discussions with the State Government on the future management of the Kangaroo Bluff Fort in the context of the Partnership Agreement.

From Council's perspective the Crown is indivisible but the management of land with the State Government is spread over many Departments. Progress to date has been slow as the original lead agencies identified in the Partnership Agreement changed with the transfer of responsibility between the Department of Tourism, Arts and the Environment (DTAE) and the Department of Primary Industries and Water (DPIW).

Eventually a Working Group was established between Council and staff from Parks and Wildlife within DTAE who assumed responsibility for the management of the Kangaroo Bluff site. The first meeting of the Working Group occurred on 23 May 2007 and was chaired by Mr Scott Gadd, Secretary of DTAE and also attended by Council's General Manager. At that meeting Mr Gadd made it quite clear that he wanted a process that gave serious consideration to transferring the site to the Council and instructed the Working Group to determine which agency was best positioned to manage the site and then what would be the best management regime, i.e. transfer of ownership, lease, licence or management authority under the National Parks and Reserves Management Act 2002. Currently the Working Group members are considering options in regard to the agency that would be best positioned to manage the facility, i.e. Council or Parks & Wildlife, however progress is slow. Currently the General Manager is scheduling a meeting with the Secretary of DTAE to expedite DTAE's progress on the matter.

As part of the consideration of management of the site, the Kangaroo Bluff Strategic Asset Management Plan 2002 is a relevant document. The Kangaroo Bluff Strategic Asset Management Plan 2002 is not a management plan in accordance with section 21 of the National Parks and Reserves Management Act, however, it does support the management objectives of Parks & Wildlife Services for its historic sites. The Summary of Recommendations within that Report recommend a systematic approach to address the fabric conservation, access, safety, interpretation and ongoing maintenance issues. Whilst

processes, if adopted, would be spread over a number of years and would be dependent upon budget provisions from whichever agency or group of agencies ultimately accept responsibility for the site.

The attached shows the section 9 Summary and Recommendations from within the 2002 Report.

For your information.

John Stevens
GROUP MANAGER ASSET MANAGEMENT

Attachment

Attachment

9.00 SUMMARY OF RECOMMENDATIONS

The recommended approach to the strategic asset management of Kangaroo Bluff Historic Site is to systematically address the fabric conservation, access, safety, interpretation and ongoing maintenance issues while upgrading the Site to promote and accommodate increased local and tourist visitation.

Most of these issues cannot be achieved immediately but must be staged over at least five years, including the preparation and monitoring of samples. The solutions to each problem have effects on other issues and it is difficult to address each in isolation.

No	Activity	Priority*/ Responsibility	Performance Indicators	Notes
1	Fabric Conservation The highest priorities for fabric conservation are:			
1.1	Inspection by a structural engineer of various structural issues throughout the Site and superintendence of any urgent works arising (eg deteriorated iron beams, cracked stone lintols, movement of gun emplacement no.3).	P1 DPIWE^	Better understanding of priorities for fabric conservation.	Also important site safety issue. May result in some areas being temporarily fenced. See App F2/Item 12
1.2	Treatment of the deterioration of the steel beam and cement roofs in the Blindage R05 and in the Caponiers, R15 and R16 and in the niches of the No 2 and No 3 Gun Emplacements.	P2 DPIWE^	Deterioration which may result in structural problems halted.	Also important site safety issue. See App F2/Item 27
1.3	Stabilisation of the merlons and other embankments which are significant parts of the historic fabric of the Battery, including gradual vegetation control, reshaping and returfing.	P2 DPIWE^	Significant fabric conserved. Original design of the Battery better understood by visitors. Site looks well cared for.	Also important site safety issue. Merlons & embankments are significant man-made features of equal heritage significance to the site as the stonewalls. See App F2/Item 16
1.4	Stabilisation/reconstruction of walls in the No1 Gun Stores (between R01 to R02). Work includes the removal of stored building materials from these rooms under the supervision of an	P2 DPIWE^	Significant fabric conserved. Rooms can be opened for public inspection.	See App F2/Item 5

No	Activity	Priority*/ Responsibility	Performance Indicators	Notes
	archaeologist.			
1.5	Continued treatment of salt damage to stone in areas where damage is most severe possibly including some stone replacement and replacement of existing sacrificial render areas (see especially interiors of Caponiers R15 & R16).	P2 DPIWE^	Significant fabric conserved. Site looks well cared for.	See App F2/Item 19
1.6	Resolution of the conservation of the rendered southern walls in the SW and SE Passages (i.e: stabilisation of the drummy render).	P2 DPIWE^	Significant fabric conserved. Site looks well cared for.	See App F2/Item 29
1.7	Treatment of the deterioration of brickwork from the ceilings and the brick arches to the stone niches throughout R06 to R14 (especially room R06).	P3 DPIWE^	Significant fabric conserved. Site looks well cared for.	The current deterioration is not enough to affect the structural stability of the underground areas but further gradual deterioration could do so. See App F2/Item 4
1.8	Archival recording of stone and brick details where future loss through salt decay of masonry is a possibility.	P2 DPIWE^	Significant fabric recorded for future reconstruction	Possible volunteer involvement form TAFE See App F2/Item 11
1.9	Stabilisation of the south ditch embankment and the Caponier ditch embankments including investigation and recording of existing drainage systems (All without major disruption to the frog populations).	P1 DPIWE^ / CCC (south ditch only, lower embankment partially on CCC area)	Significant fabric conserved. Original design of the Battery better understood by visitors. Site safer & looks well cared for. Frog habitat better protected. Site drainage understood & improved.	Also important site safety issue. Possible Community/ Coastcare involvement See App F2/Item 17

No	Activity	Priority*/ Responsibility	Performance Indicators	Notes
2.	Conservation Samples The approach will include the need for sample or investigative conservation approaches and the monitoring and of these samples:			
2.1	Sample of the reshaping and the application of reinforced turf to merlons and embankments	P1 DPIWE^	Better understanding of conservation/maintenance priorities	Possible volunteer involvement from TAFE/Community
2.2	Further samples of sacrificial render on various substrates.	P1 DPIWE^	Ditto	
2.3	Samples of locating or re-creating the 'weep holes' originally specified at the bottom of the Ditch retaining walls.	P2 DPIWE^	Ditto	
2.4	Sample removal of black coating from underground areas following analysis of coating. This will need to be done on the full variety of surfaces, brick roofs, render, stonework.	P2 DPIWE^	Ditto	
2.5	Sample repair and stabilisation of cement render in SW & SE Passages.	P1 DPIWE^	Ditto	
2.6	Pruning and relaying existing remnant Hawthorn hedges and of new hedges created with new sterile Hawthorn plantings (removal and replanting may prove to be more economical and more environmentally friendly).	P1 DPIWE^	Ditto	
3.	Site Safety and Access – New Works The proposed solution for improved visitor safety and amenity (including heritage interpretation and site promotion) is mainly through:			
3.1	Consultants for Landscape Design, Civil Engineering advice and Signage documentation	P1		Ensure all new works are subject to rec. consultation & approval processes & thoroughly co-ordinated

No	Activity	Priority*/ Responsibility	Performance Indicators	Notes
				See App F3/Items 1-3
3.2	<p>Removal of dangerous trees (or regular extensive removal of limbs from trees) in the inner Battery area (especially over any of the proposed defined pathways).</p> <p>New large native trees to be planted in Outer Battery area as part of proposed 'Native Grassland' see 6.1</p>	<p>P1</p> <p>DPIWE^</p>	<p>Site Safety Improved.</p>	<p>Horticulturalist's report recommends tree removal, as further pruning will increase structural instability of trees.</p> <p>See App F3/Item 7</p>
3.3	<p>New 'defined pathways'.</p> <p>The work may involve rebuilding of some existing paths and stairs on the Site and the removal of others. Where paths are adjacent to a steep slope they will need a handrails.</p>	<p>P1</p> <p>DPIWE^</p> <p>CCC responsible for pathways on lower embankments partially on CCC area</p>	<p>Site Safety & Visitor Access improved.</p> <p>Benefits also for fabric conservation and interpretation by improving the drainage of, and decreasing the erosion of, the historic earth formations.</p>	<p>Possible volunteer involvement from TAFE/Community</p> <p>See App F3/Items 9 & 12</p>
3.4	<p>Removal of existing timber & concrete stairs and provision of new steel stairs to the NE and NW Passageways.</p>	<p>P1</p> <p>DPIWE^</p>	<p>Site Safety & Visitor Access improved.</p>	<p>New stairs to satisfy BCA requirements and allow access to drains and to monitor fabric condition under.</p> <p>Possible lighting to treads.</p> <p>See App F3/Item 17</p>
3.5	<p>Reinstatement of the Hawthorn hedge around the Ditch walls to prevent falls and the provision of gates to the Caponier roofs between the hedges. A native hedge to be used on the southern Battery embankment above the frog pond.</p>	<p>P2</p> <p>DPIWE^</p>	<p>Site Safety & Visitor Access improved.</p> <p>Hedge replacement also has heritage interpretation benefits.</p>	<p>Possible volunteer involvement from TAFE/Community.</p> <p>Sterile Hawthorn available from Westlands Nursery at Seven Mile Beach.</p> <p>See App F3/Item 8</p>

No	Activity	Priority*/ Responsibility	Performance Indicators	Notes
3.6	Improved on-site directional signage making visitors aware of the need to stay on defined pathways, including the night lighting of such signage at the main entrance to the Fort.	P1 DPIWE^	Site safety & visitor access improved.	See also new interpretive site signage at 6.3 below See App F3/Item 11
3.7	A new (glossy) brochure on the significance of the Site and how to get there (eg: in the Parks & Wildlife Historic Sites series).	P1 DPIWE^/ Tourism Tas.	Site access and appreciation improved. Visitor numbers increase.	Increased visitation will help secure funding for urgent site safety, conservation & maintenance works See App F4/Item 3
3.8	New remote signage directing visitors along the best vehicular route to and from the Site.	P1 DPIWE^/ CCC	Site access improved. Visitor numbers increase.	Ditto 3.6 Subject to consultation with residents. See App F3/Item 10
3.9	Incorporation of the Site into a heritage trail for South East Tasmania.	P1 DPIWE^/CCC/ Tourism Tas.	Site access and appreciation improved. Visitor numbers increase.	Ditto 3.6 Sign positioning subject to consultation with residents.
4.	Cyclical Maintenance (see Appendix F1) The most important ongoing maintenance checks are:			
4.1	Checking and maintaining locking system barring unauthorised entry to underground rooms.	P1 DPIWE^	Site security and reduced vandalism.	
4.2	Maintaining the vehicular access control to carpark	P1 DPIWE^/ Residents	Site security and reduced vandalism.	Suggested new carpark at 6.5 would negate need for opening & closing gate daily.
4.3	Checking and maintaining Site drainage system	P1 DPIWE^ CCC (south ditch only-lower embankment partially on CCC area)	Improved fabric conservation.	
4.4	Upkeep of paint finishes to original metal elements	P3 DPIWE^	Improved fabric conservation.	

No	Activity	Priority*/ Responsibility	Performance Indicators	Notes
4.5	Checking and maintaining defined pathways and upkeep of turfed areas.	P1 DPIWE^ / CCC responsible for pathways on lower embankments	Site safety & presentation	Reduced fire hazard. Possible volunteer input
4.6	Gradual tree and weed control, removal of dangerous limbs.	P1 DPIWE^/ CCC responsible for vegetation on lower embankments	Site safety & presentation	Possible volunteer input
5	Catch-Up Maintenance In addition there are immediate fabric repair/maintenance issues:			
5.1	Replacement of burnt area of floor in Room R08	P1 DPIWE^	Improved Site presentation/safety	See App F2/Item 9
5.2	Conservation treatment of the Armstrong guns in the No. 2 & No. 3 Gun Emplacements.	P2 DPIWE^	Conservation of significant fabric/ improved site presentation	Possible volunteer involvement (eg STAVAS/HAMST) Note National heritage significance of site & such original elements. See App F2/Item 25
5.3	Treatment of the concrete supports in the No. 2 & No 3 Gun Emplacements.	P1 DPIWE^	Improved Site maintenance/presentation	As above. See App F2/Item 10
5.4	Conservation treatment of original timber remnants on the Site	P2 DPIWE^	Conservation of significant fabric/ improved site presentation	See App F2/Item 8
5.5	Turfing throughout the Battery, possibly with Stratum Turf or similar to steeper slopes.	P3 DPIWE^	Improved Site maintenance/presentation	Also improved conservation to underground areas by site water control. See App F2/Items 14 & 16

No	Activity	Priority*/ Responsibility	Performance Indicators	Notes
5.6	Conservation, including extensive reconstruction, of the terracotta surface drains around the Site (Parade Ground and above sunken Passageways S09, S11, S12 and S14) including the drainage connections through the embedded downpipes (at the junctions of S09-S11 and S12-S14).	P2 DPIWE^	Conservation of significant fabric/ improved site drainage & presentation	Possible volunteer involvement. See App F2/Item 1
5.7	Replacement of male WC cistern in toilet block.	P2 DPIWE^	Improved visitor amenity	See App F2/Item 26
5.8	Gradual removal of trees damaging heritage fabric and creating drainage problems. In particular trees on the SE Merlon over Rooms R03 and R04. Trees and their roots are also damaging the form of other mounds and ditches Allow lead-time for documentation & approval.	P2 DPIWE^	Improved interpretation & conservation of heritage fabric. Also improved conservation to underground areas by Site water control.	Note National heritage significance of site & that mounds etc are part of significant original elements. See App F2/Item 15
5.9	Conservation of the Caponier steel entrance manholes and steel gun embrasures.	P3 DPIWE^	Conservation of significant fabric/ improved site presentation	See App F2/Item 9
6.	General Site Presentation and Improvement In addition the following actions are recommended to improve the presentation and interpretation of the Site:			
6.1	Possible creation, maintenance and promotion of a Bellerive Bluff Native Grassland Area with relevant interpretive signage.	P1 DPIWE^/ CCC/ Community	Improved conservation of indigenous flora & fauna. Improved site & neighbourhood amenity/ increased visitation.	Also an education resource- see Grassland walk in Domain See App F4/Item 5

No	Activity	Priority*/ Responsibility	Performance Indicators	Notes
6.2	Possible planting of new potentially large Eucalypts, native to the terrain, in the outer Native Grassland Area to compensate for removal of the existing larger dangerous and fabric-destructive trees inside the Battery.	P1 DPIWE^ / CCC / Community	Improved conservation of indigenous flora & fauna. Improved site & neighbourhood amenity/ increased visitation.	See App F4/Item 5
6.3	Improved interpretive signage throughout the Site, including the underground rooms.	P1 DPIWE^	Improved appreciation of historic site. Increase in visitor numbers.	Possible community contribution (eg Bellerive Historical Society, Bellerive Lions Club). See App F4/Item 7
6.4	The addition of discrete benches along the defined pathways.	P2 DPIWE^	Improved visitor amenity	See App F4/Item 4
6.5	Possible new carpark at the Site entrance and replacement of the entrance road with a path (accessible by maintenance vehicles). This would delete the need to have a boom gate opened and closed everyday as the carpark would be sufficiently removed to prevent 'drive-in vandalism'.	P3 DPIWE^ / CCC	Decrease in reliance of community for vehicular control. Improved site presentation through more site devoted to 'Native Grassland Area'.	This is an option worth exploring but community views must be taken into account. Subject to full Council Development Approval process. See App F4/Item 8
6.6	Provision of a mown grass 'event carpark' for event use.	P3 CCC/ DPIWE^	Improved Site / neighbourhood amenity	Subject to full Council Development Approval process including community consultation.
6.7	The upgrading of the existing toilet facility to meet new Disability Access Codes	P3 DPIWE^ / CCC	Improved visitor amenity Increased use for events/ tours etc.	Subject to demand from increased visitation. See App F4/Item 10
6.8	Possible provision of a kiosk and storage area (possibly for community volunteer running/use).	P3 DPIWE^ / CCC	Improved visitor/ community amenity.	Subject to demand from increased visitation. Subject to full Council Development Approval process. See App F4/Item 5

No	Activity	Priority*/ Responsibility	Performance Indicators	Notes
6.9	The provision of litterbins at the carpark.	P1 DPIWE/ CCC	Improved Site / neighbourhood amenity	See App F4/Item 12
6.10	The undergrounding of the power supply to the Underground Magazines and the provision of such supply to all the underground rooms and to the main entrance signs and possibly to some discreet lighting of steps and paths.	P3 DPIWE^ / HEC/ CCC	Improved Site / neighbourhood amenity/ site safety/ security.	See App F4/Item 11
6.11	Reinstatement of some of the original finishes in the underground rooms (where sufficient evidence exists) such as limewash.	P3 DPIWE^	Conservation of heritage fabric. Improved presentation.	Possible TAFE / community volunteer input. See App F2/Item 28
6.12	Improvements to the gun emplacements including possible reconstruction of gun mountings and other machinery.	P3 DPIWE^ / Community	Improved interpretation of historic site.	See App F4/Item 17
6.13	Possible reconstruction of the front entrance gates using evidence from the Alexandra Battery.	P3 DPIWE^ / Community	Improved interpretation of historic site.	Can also consider future trial use of gates to improve site security. See App F4/Item 16
7.	Ongoing Site Management and Funding			
7.1	The establishment of a Friends of the Bluff community group, closely associated with existing groups with an interest in the Site.	P1 DPIWE^ / CCC/ Community	Improved community understanding & involvement. Improved communication between DPIWE/ CCC & Community	Friends Group would be for maximum 5-year period to facilitate implementation of this SAMP. Need a quarterly newsletter
7.2	The promotion of the Site for more cultural events such as walking tours and the Summer Jazz concerts. Other events could include plays and costumed mock firings of guns to mark important celebrations.	P2 CCC/ DPIWE^ / Tourism Tasmania	Improved Site appreciation & visitation.	Increased visitation will assist in obtaining funding for urgent maintenance, improvement & conservation works.

No	Activity	Priority* / Responsibility	Performance Indicators	Notes
7.3	The encouragement for more groups to include the Bluff in their guided tours.	P2 Tourism Tas/ DPIWE^ / CCC.	Increased site visitation & appreciation	Subject to site safety /amenity improvements.
7.4	Circulate the Plan to relevant DPIWE and Parks and Wildlife Service staff	P1 DPIWE^	Support for SAMP throughout DPIWE.	
7.5	Hold a public forum to communicate the recommendations of this Plan, in particular to propose a 'Friends of the Battery' coalition	P1 DPIWE^	Improved community understanding & involvement.	Could also discuss projects (in order of priority) that could be implemented with voluntary work (eg pathways) &/or funds raised by the 'Friends of the Battery', eg New Signage.
7.6	Implement the Maintenance Strategy in this Strategic Asset Management Plan	P1 DPIWE^	Improved Site presentation/ conservation/ safety.	Review after any 'New Works' implemented (see 6.0 above)
7.7	Begin discussions with Treasury re Capital Works funding towards site safety, fabric conservation, and other works to this important heritage site.	P1 DPIWE^	Implementation of all or majority of SAMP recommendations.	(For estimated costs see Appendix F of SAMP)
7.8	On adoption of the Plan hold discussions with Clarence City Council on whether some or all of the Site would be better managed by Council (subject to funding from State Government).	P1 DPIWE^ / CCC	Better understanding of responsibilities. Better site presentation and co-ordination with adjacent open space and public facilities.	Eg As a minimum carpark, toilets, rubbish bins, seats, signage, temporary events.
7.9	Enter into a formal agreement with Clarence Council and the users of the gravel driveway on the northwest boundary of the Site so that they are responsible for maintenance of the driveway and control of	P1 DPIWE^ (CCC to facilitate)	Improved site & neighbour security Improved control of firebreak. Improved site presentation.	Council has underground services in this area.

No	Activity	Priority*/ Responsibility	Performance Indicators	Notes
	access through a new gate at the Gunning Street entrance to the driveway.			

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 QUARTERLY REPORT TO 31 MARCH 2017**

(File No 10/02/05)

EXECUTIVE SUMMARY**PURPOSE**

To consider the General Manager's Quarterly Report covering the period 1 January 2017 to 31 March 2017.

RELATION TO EXISTING POLICY/PLANS

The Report uses as its base the Annual Plan adopted by Council and is consistent with Council's previously adopted Strategic Plan 2016-2026.

LEGISLATIVE REQUIREMENTS

There is no specific legislative requirement associated with regular internal reporting.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

The Quarterly Report provides details of Council's financial performance for the period.

RECOMMENDATION

That the Quarterly Report to 31 March 2017 be received.

ASSOCIATED REPORT

The Quarterly Report to 31 March 2017 has been provided under separate cover.

Andrew Paul

GENERAL MANAGER

11.7.2 CLARENCE CITY COUNCIL - RELATED PARTIES DISCLOSURE POLICY

(File No 10-17- 01)

EXECUTIVE SUMMARY**PURPOSE**

To consider the introduction of a new Clarence City Council - Related Parties Disclosure Policy to support new accounting standards disclosure and reporting requirements.

RELATION TO EXISTING POLICY/PLANS

The proposed Policy does not directly relate to any existing Council Policies, however, is consistent with Council's commitment to open and transparent government.

LEGISLATIVE REQUIREMENTS

The Local Government Act, 1993 already places obligations on Councils, Aldermen and staff to declare conflicts of interest and to disclose transactions for the purpose of annual reporting. The new accounting standards AASB Standard 124 are being applied to Councils as a compliance measure by the Auditor General from the current Financial Year.

CONSULTATION

Consultation has occurred in the communication of the new requirements. This has included involvement in the working party in the development of disclosure and reporting guidelines and the provision of regional briefings for Aldermen and staff on the new requirements, as well as a direct briefing being provided by the Deputy Auditor General to a Council Workshop.

FINANCIAL IMPLICATIONS

No financial implications are anticipated in the introduction of this new measure.

RECOMMENDATION:

- A. That Council formally notes the new disclosure and reporting requirements being introduced under the AASB Standard 124 for Related Party Disclosures.
- B. That Council formally adopts the Clarence City Council - Related Parties Disclosure Policy.

ASSOCIATED REPORT**1. BACKGROUND**

1.1. The introduction of new accounting standards, which came into effect from July 2016, now has new disclosure and reporting requirements.

1.2. The reporting requirements apply to Aldermen and senior management.

2. REPORT IN DETAIL

- 2.1.** The purpose of this report is to support and to formally adopt a new Policy – Clarence City Council - Related Parties Disclosure Policy.
- 2.2.** A detailed briefing on the new disclosure requirements and the nature of the reporting that may arise from the disclosure process has been provided to the Aldermen at a recent Workshop.
- 2.3.** The new requirements are based on establishing a clear basis for determining related entities and related parties with whom an Alderman or a senior staff member has connection or association with. As part of the process, Aldermen and senior staff will be required to complete declaration forms:
- by 1 July for the forthcoming financial year; and
 - updated during the year and at year end.

To provide:

- details of their close family members and any controlled (or jointly controlled) businesses;
 - details of any likely transactions, to the best of their knowledge, between themselves or their related parties and Council.
- 2.4.** In order to provide practical assistance to Councils, the Audit Office, with the support and assistance of an industry working party, have developed a “model” Policy which outlines the processes involved in the disclosure, registration of declarations; the “materiality” assessment of disclosures and the level of reporting.
- 2.5.** A draft Clarence City Council - Related Parties Disclosure Policy has been prepared based on the “model” (refer Attachment). The draft addresses both the existing Local Government Act, 1993 based disclosures and the new AABS Standard 124 disclosure requirements into a single Policy and declaration process.

- 2.6.** Specifically, to ensure alignment between the 2 declaration requirements and the register of interests required under Section 54 of the Local Government Act, 1993 related parties under this Policy will extend to those parties called up as “close associates” under Section 51 of the Local Government Act, 1993. Those parties are detailed in the Draft Policy.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

Consultation has occurred in the communication of the new requirements between the Tasmanian Audit Office, LGAT and Councils. This has included involvement in the working party in the development of disclosure and reporting guidelines.

3.3. Other

The Tasmanian Audit Office and LGAT have provided regional briefings for Aldermen and staff on the new requirements, as well as a direct briefing being provided by the Deputy Auditor General to a Council Workshop.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The proposed Policy does not directly relate to any existing Council Policies, however, is consistent with Council’s commitment to open and transparent government.

5. EXTERNAL IMPACTS

None Identified.

6. RISK AND LEGAL IMPLICATIONS

- 6.1.** The Local Government Act, 1993 already places obligations on Councils, Aldermen and staff to declare conflicts of interest and to disclose transactions for the purpose of annual reporting.

6.2. The new accounting standards AASB Standard 124 are being applied to Councils as a compliance measure by the Auditor General from the current Financial Year.

6.3. The new draft Policy seeks to cover off on both these obligations under a single Policy and reporting framework.

7. FINANCIAL IMPLICATIONS

None identified.

8. ANY OTHER UNIQUE ISSUES

None identified.

9. CONCLUSION

It is appropriate that Council establish a Policy and reporting framework that is consistent with industry measures and that this Policy covers off on all of these related disclosure and reporting requirements within a single process.

Attachments: 1. Draft Policy - Related Parties Disclosure Policy (12)

Andrew Paul
GENERAL MANAGER



Clarence City Council

TITLE	Related Party Disclosures Policy
APPROVAL DATE	Council Meeting TBC
REVISION DATES	Nil
ASSOCIATED LEGISLATION	<i>Local Government Act 1993; Audit Act 2008; Archives Act 1983; Privacy Act 1988; Personal Information Protection Act 2004 and Right to Information Act 2009.</i>
ASSOCIATED POLICIES	Relevant Accounting Standards applicable to Local Government in Tasmania
POLICY RESPONSIBILITY	Corporate Support and Finance Workgroups
REVIEW	On an as needs basis.

Acknowledgement

This Policy uses, with permission, material developed by the Queensland Government (Department of Infrastructure, Local Government and Planning).

It is based on the Model developed through a working group comprising representatives from the Tasmanian Audit Office, the Local Government Division of the Department of Premier and Cabinet, Clarence City Council and the Local Government Association of Tasmania.

Contents

Definition of Key terms	3
Scope.....	5
Summary of the Standard.....	5
Links to other legislation and Australian Accounting Standards.....	5
Identifying Related Parties.....	6
1. Broad Related Parties Framework	6
2. Key Management Personnel (KMP)	7
3. Close Family Members and Close Associates	7
Council Entities and Subsidiaries	8
Entities Controlled (or jointly controlled) by KMP or their Close Family Members or Close Associates	8
Related Party Disclosures to Council	9
1. Disclosures	9
2. Disclosure Requirements	9
Register of Related Party Disclosures and Transactions	9
1. Maintain a Register	9
2. Contents of Register.....	9
Related Party Disclosures and Reporting by Council.....	10
1. Scope of Reporting	10
2. Assessment of Materiality for Disclosure Reporting.....	11
3. Consultation on Disclosure Details.....	11
4. Annual Report/Financial Statements Disclosure Content.....	11
Privacy and right to information	12

Definition of Key terms

Term	Meaning
Arm's length terms	<p>Terms between the parties that are reasonable in the circumstances of the transaction that would result from:</p> <ul style="list-style-type: none"> • neither party bearing the other any special duty or obligation, and • the parties being unrelated and uninfluenced by the other, and • each party having acted in its own interest.
Close Family Member	<p>Family members of Key Management Personnel (KMP) who may be expected to influence, or be influenced by, that person in their dealings with the entity. This includes, but is not limited to, that person's spouse or domestic partner; and the children and dependents of that person or that person's spouse or domestic partner.</p>
Control of an entity	<p>You control an entity if you have:</p> <ol style="list-style-type: none"> a) power over the entity; b) exposure, or rights, to variable returns from involvement with the entity; and c) the ability to use your power over the entity to affect the amount of your returns.
Declaration by KMP	<p>An annual declaration of close family members and entities that the KMP or their close family members control or jointly control, as per Appendix 1, updated during the year as necessary.</p>
Entities controlled by KMPs	<p>Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.</p> <p>You control an entity if you have:</p> <ul style="list-style-type: none"> • power over the entity; • exposure, or rights, to variable returns from involvement with the entity; and • the ability to use your power over the entity to affect the amount of your returns.
Entities related to Council	<p>Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council.</p>
Joint control of an entity	<p>To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.</p>
Key Management Personnel (KMP)	<p>Persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly. In the Council context this includes the Mayor, all aldermen or councillors, the General Manager and senior Council officers as outlined in the policy.</p>

KMP Compensation	<p>All employee benefits. Employee benefits are all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered to the entity. It also includes such consideration paid on behalf of a parent of the entity in respect of the entity. Compensation includes:</p> <ul style="list-style-type: none"> a) short-term employee benefits, such as wages, salaries and social security contributions, paid annual leave and paid sick leave, profit-sharing and bonuses (if payable within twelve months of the end of the period) and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for current employees; b) post-employment benefits such as pensions, other retirement benefits, post-employment life insurance and post-employment medical care; c) other long-term employee benefits, including long-service leave or sabbatical leave, jubilee or other long-service benefits, long-term disability benefits and, if they are not payable wholly within twelve months after the end of the period, profit-sharing, bonuses and deferred compensation; d) termination benefits; and e) share-based payment.
Materiality	<p>Information is material when, if omitted or misstated, it could influence decisions that users make on the basis of financial information about a specific reporting entity.</p> <p>Omissions or misstatements of items are material if they could, individually or collectively, influence the economic decisions that users make on the basis of the financial statements. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor.</p>
Ordinary Citizen Transactions (OCTs)	<p>Transactions that an ordinary citizen would undertake with Council are usually not material to related party disclosure requirements. OCTs do not apply if the terms and conditions are different to those offered to the general public.</p>
Related Party of Council	<p>People and entities, such as companies, trusts and associations, can be related parties of Council. Most commonly these will be entities related to Council, KMP of Council (including elected members), close family members of KMP and entities that are controlled or jointly controlled by KMP or their close family members.</p>
Related Party Transaction	<p>A transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.</p>

Scope

This policy outlines what is expected of elected members and staff of Council in relation to Australian Accounting Standard AASB 124 ***Related Party Disclosures*** (AASB 124).

Specifically, the policy outlines the disclosure requirements under AASB 124 of Key Management Personnel (KMP), which includes elected members. It also outlines the procedures Council will follow to collect, store, manage and report on related party relationships, transactions and commitments.

Under the ***Local Government Act 1993*** and the ***Audit Act 2008*** all local governments in Tasmania must produce annual financial statements that comply with Australian Accounting Standards.

Summary of the Standard

From 1 July 2016, local governments (councils) must disclose related party relationships, transactions and outstanding balances, including commitments, in their annual financial statements.

The objective of the Standard is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

Council's related parties are likely to include the Mayor, Aldermen, General Manager, senior executive staff, their close family members and any entities that they control or jointly control. Any transactions between Council and these parties, whether monetary or not, may need to be identified and disclosed.

Links to other legislation and Australian Accounting Standards

There is overlap between the requirements of AASB 124 and the interest provisions in the *Local Government Act 1993* (LGA).

Beyond the provisions of AASB 124 the LGA requires certain disclosures. Council will make these disclosures separately where not adequately covered by AASB 124 disclosures.

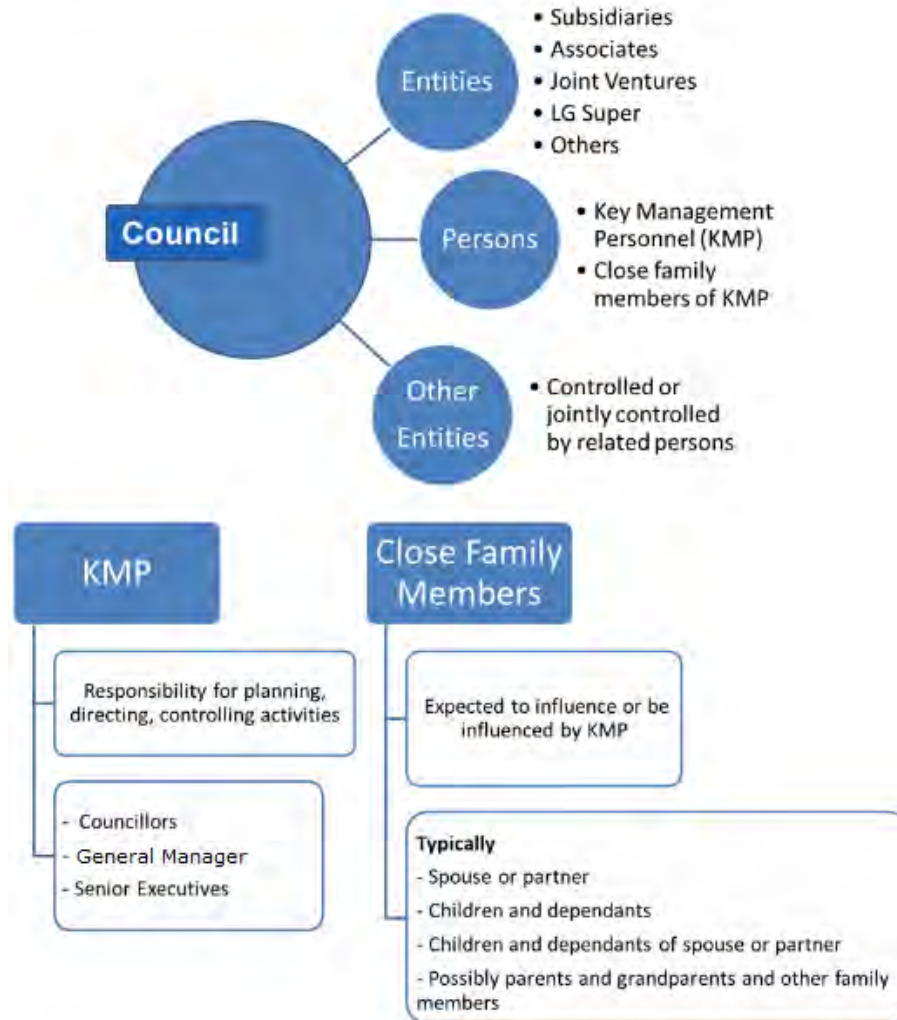
Other legislation referred to in this policy include the ***Audit Act 2008***, ***Archives Act 1983***, ***Privacy Act 1988***, ***Personal Information Protection Act 2004*** (PIP Act) and ***Right to Information Act 2009***.

Other Australian Accounting Standards referred to in this policy include AASB 10 ***Consolidated Financial Statements***; AASB 11 ***Joint Arrangements***; AASB 128 ***Investments in Associates and Joint Ventures***.

Identifying Related Parties

1. Broad Related Parties Framework

The following diagram gives an overview of common related parties that a council will have:



2. Key Management Personnel (KMP)

The General Manager will establish, review and maintain a list of Key Management Personnel for Council.

Upon commencement of this Policy the key Management Personnel (KMP) for Clarence Council are:

- Mayor
- Deputy Mayor
- Aldermen
- General Manager
- Senior executive staff (i.e. members of the Corporate Executive)

Those persons identified as KMP will be required to complete an annual declaration which outlines the entities, if any, that are controlled or jointly controlled by that KMP or their close family members and which are likely to have transactions with Council.

3. Close Family Members and Close Associates

For the purpose of this Policy, Close Family Members includes:

- that person's children and spouse or domestic partner;
- the parents and grandparents of that person or their spouse or their domestic partner;
- children of that person's spouse or domestic partner; and
- dependents of that person or of that person's spouse or domestic partner.

To ensure alignment between this declaration, the financial dealings notification under Sect 84 (2) (b) and the register of interests required under Section 54 of the Local Government Act 1993 related parties under this Policy will extend to those parties called up as "close associates" under Section 51 of the Local Government Act 1993.

Section 51

For the purposes of this Part, a person is a close associate of a councillor or member if that person is—

- (a) a body corporate of which the councillor or member is a director or a member of the governing body; or*
- (b) a proprietary company in which the councillor or member is a shareholder; or*
- (c) a public company in which the councillor or member is directly or indirectly a substantial shareholder; or*
- (d) a beneficiary under a trust or an object of a discretionary trust of which the councillor or member is a trustee; or*
- (e) a business partner of the councillor or member; or*

- (f) *the employer or an employee of the councillor or member; or*
- (g) *a person from whom the councillor or member has received, or might reasonably be expected to receive, a fee, commission or other reward for providing professional or other services in relation to a matter being dealt with or to be dealt with by the council, council committee, special committee, controlling authority, single authority or joint authority; or*
- (h) *the spouse or partner of the councillor, member, councillor's son or daughter or member's son or daughter; or*
- (i) *the son, daughter, brother, sister, mother or father of the councillor or member or of their spouse or partner*

Council Entities and Subsidiaries

For the purpose of this Policy, entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements.

When assessing whether Council has control or joint control over an entity, Council will need to consider AASB 10 *Consolidated Financial Statements* and AASB 11 *Joint Arrangements*. AASB 128 *Investments in Associates and Joint Ventures* details the criteria for determining whether Council has significant influence over an entity.

Entities Controlled (or jointly controlled) by KMP or their Close Family Members or Close Associates

KMP will exercise their best judgement in identifying related parties before declaring, or not declaring, an entity over which they, or a close member of the family, or close associate, have control or joint control.

Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

When assessing whether or not a KMP or close member of their family or close associate controls, or jointly controls, an entity, Council may need to refer to AASB 10 *Consolidated Financial Statements* and AASB 11 *Investments in Associates and Joint Ventures*.

Related Party Disclosures to Council

1. Disclosures

All KMPs will be asked to provide their declarations by 1 July each year covering the forthcoming financial year. In addition, an updated declaration for the previous financial year will also be provided.

It is the responsibility of all identified KMPs to update their declaration should they become aware of a change, error or omission.

It is the responsibility of General Manager to seek a declaration upon a change of KMP.

2. Disclosure Requirements

The General Manager and the Corporate Treasurer are responsible for ensuring that the information is disclosed in Council's Financial Statements to the extent, and in the manner stipulated by AASB 124.

Council will use the declarations of KMP to establish a list of related parties for the purposes of identifying transactions and reporting under AASB 124.

Updates will be provided to KMP and Council staff periodically on changes arising from amendments to Australian Accounting Standards, applicable legislation or policy and procedural requirements.

Register of Related Party Disclosures and Transactions

1. Maintain a Register

The General Manager and the Corporate Secretary are responsible for maintaining and keeping up to date a register of related party transactions that captures and records the information for each existing or potential related party transaction (including ordinary citizen transactions assessed as being material in nature) during a financial year.

2. Contents of Register

The contents of the register of related party transactions must detail for each related party transaction:

- the description of the related party transaction;
- the name of the related party;
- the nature of the related party's relationship with Council;
- whether the notified related party transaction is existing or potential;
- a description of the transactional documents the subject of the related party transaction.

Related Party Disclosures and Reporting by Council

1. Scope of Reporting

Each year Council will declare the following related party transactions:

- 1) Transactions with Council subsidiaries, by transaction type.
- 2) KMP compensation, including:
 - short-term employee benefits;
 - post-employment benefits;
 - long-term benefits; and
 - termination benefits.
- 3) Transactions with other related parties, including:
 - purchases or sales of goods (finished or unfinished);
 - purchases or sales of property and other assets;
 - rendering or receiving of services;
 - leases;
 - transfers of research and development;
 - transfers under licence agreements;
 - transfers under finance arrangements (including loans and equity contributions in cash or in kind);
 - provision of guarantees or collateral;
 - commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised); and
 - settlement of liabilities on behalf of the entity, or by the entity on behalf of that related party.
- 4) Transactions of a similar nature will be disclosed in aggregate except when separate disclosure is necessary for an understanding of the effects of a related party transaction on the financial statements of Council, having regard to the following criteria:
 - the nature of the related party transaction
 - the significance of the transaction (individually or collectively) in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by Council)
 - whether the transaction is carried out on non-arm's length terms
 - whether the nature of the transaction is outside normal day-to-day business operations.
- 5) Outstanding balances in relation to transactions with related parties, including:
 - Entities controlled by KMPs; and
 - Bad or doubtful debts in respect of amounts owed by related parties.
- 6) Non-monetary transactions such as use of facilities, peppercorn rents.

2. Assessment of Materiality for Disclosure Reporting

The General Manager and the Corporate Treasurer will assess the materiality of the related party transactions that have been captured prior to disclosure.

Council does not have to disclose transactions that are not material. In determining materiality, the size and nature of the transaction individually and collectively will be considered and, where appropriate, assessment will be made in consultation with the Tasmanian Audit Office.

Council will not capture or disclose Ordinary Citizen Transactions (OCTs) with related parties.

OCTs are those transactions that occur on at volumes, qualities, terms and conditions that are available and offered to the general public.

The Council will not disclose non-material transactions.

3. Consultation on Disclosure Details

If a KMP or close associate is named individually in disclosure reports, the KMP will be given a copy of the intended disclosure for review and information purposes. Feedback must be provided within 14 days.

4. Annual Report/Financial Statements Disclosure Content

In making disclosures in the annual financial statements Council will include:

Relationships between a parent and its subsidiaries, irrespective of whether there have been transactions between them.

1) KMP compensation in total and for each of the following categories:

- short-term employee benefits;
- post-employment benefits;
- other long-term benefits; and
- termination benefits.

2) Where related party transactions have occurred:

- the nature of the related party relationship; and
- information about the transactions, outstanding balances and commitments, including terms and conditions.

3) Separate disclosure in aggregate for each category of related party transactions.

Note: Transactions that are individually significant, either because of their amount or nature, are included in the aggregate disclosure but also need to be disclosed separately.

4) The types of transactions disclosed such as:

- purchases or sales of goods;

- purchases or sales of property and other assets or rendering or receiving property and other assets or rendering or receiving goods;
- rendering or receiving of services;
- leases;
- guarantees given or received;
- commitments;
- loans and settlements of liabilities;
- expense recognised during the period in respect of bad debts; and
- provision for doubtful debts relating to outstanding balances.

Privacy and right to information

Council must comply with the requirements of the Archives Act 1983 (Tasmania), Privacy Act 1988 (Commonwealth), Personal Information Protection Act 2004 (Tasmania) and Right to Information 2009 (Tasmania) in the collection, storage, management, disclosure and reporting of information.

A declaration statement from KMP is incorporated into the Declaration of Related Party Transactions Form (Appendix 1) to enable the disclosure and reporting of information in accordance with AASB 124. A Related Party Information Collection Notice will be provided to KMP and included in their Declarations.

11.7.3 PROPOSED LEASE OF RADIO TOWER AND BUILDING – WAVERLEY FLORA PARK – SURFSIDE RADIO NETWORK
(File No A030-29a)**EXECUTIVE SUMMARY****PURPOSE**

To consider entering into a lease agreement with Surfside Radio Network, trading as Surf FM, to utilise a disused radio tower and building within the Waverley Flora Park.

RELATION TO EXISTING POLICY/PLANS

Council's Leased Facilities and Term of Lease Policy is applicable.

LEGISLATIVE REQUIREMENTS

Section 177 of the Local Government Act, 1993 is applicable.

CONSULTATION

Consultation has occurred between Council officers and representatives from Surf FM.

No public consultation has occurred in regard to the proposal.

FINANCIAL IMPLICATIONS

There are no direct implications on Council's Annual Plan.

RECOMMENDATION:

- A. That in accordance with Section 177 of the Local Government Act, 1993 Council gives notice of intention to lease the disused building and tower within the Waverley Flora Park to Surf FM for broadcasting.
- B. That once the notice of intention process to lease is finalised and provided that no objections are received and all necessary approvals are in place, Council enters into a lease agreement with Surf FM for an initial term of 1 year, with an option for a further 5 years in accordance with the delegation issued to the General Manager under Section 179 of the Local Government Act, 1993.
- C. That the annual rental for the term of the lease be in accordance with Council's Leased Facilities and Term of Lease Policy.

NB: A Decision on this Item requires an Absolute Majority of Council.

PROPOSED LEASE OF RADIO TOWER AND BUILDING – WAVERLEY FLORA PARK – SURFSIDE RADIO NETWORK /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council owns a disused building and radio tower within the Waverley Flora Park. Refer Attachment 1 for photos of site. The building was previously used as infrastructure for Council and privately operated radio communications equipment.
- 1.2.** Surf FM a radio station based in Melbourne's outer south-east has approached Council to lease the building and tower to enable broadcasting in Tasmania.

2. REPORT IN DETAIL

- 2.1.** Council has been approached by Surf FM radio station to lease an old disused building and tower within the Waverley Flora Park to broadcast in Tasmania. The building is a simple Besser block constructed single room structure with a small steel constructed tower.
- 2.2.** The building and tower within Waverley Flora Park were last used in 2005 by Hansen Building Products Pty Ltd, when the company then vacated the site and installed equipment on the nearby communications tower on the reservoir. Council had previously relocated its equipment in order to gain better reception coverage. The structure was built by Council and other than using it as the power source for its microwave link located on the nearby water reservoir; it is otherwise surplus to Council requirements. Some more structure utilisation would be an advantage to Council.
- 2.3.** Since 2005 the building has remained vacant with the surrounding fence falling into disrepair. Although surplus to Council requirements, both the building and the tower are in a reasonable condition.

- 2.4.** Surf FM has been operating since 2001 and is a “narrow-cast” radio station broadcasting initially from Frankston in Victoria. It broadcasts contemporary music and has expanded to Seaford, Cranbourne, Berwick and Doveton. The station also has several radio licences in South East Queensland. Structurally, Surf FM is a privately owned business and its Frankston radio station operates from the owners premises. The extended network involves other sites being leased, where it installs its own broadcasting equipment.
- 2.5.** One of the radio station owners was born in Tasmania and is keen to expand into the State. The existence of suitable premises would assist in realising this objective.
- 2.6.** Surf FM would like to enter into a lease with Council for an initial term of 1 year, with an option for a further 5 years to establish its broadcasting licence for Hobart and to install the necessary equipment on the tower and within the building. As part of this arrangement, Surf FM will need to apply to the Australia Communication and Media Authority for relevant licencing of its operations. The initial 1 year lease would provide the timeframe necessary to gain approvals and to establish market relevance. Thereafter the lease would, if proven successful, operate on a more long-term basis.
- 2.7.** The surrounding fence would need to be reinstated by the applicant and Surf FM would also be required to undertake all necessary engineering certification and maintenance of the facility (building and tower). Some concessional off-set will need to remain for access to Council’s power supply from the building.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Consultation has occurred between Council officers and representatives from Surf FM.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's Leased Facilities and Term of Lease Policy is applicable.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

6.1. The Local Government Act, 1993 allows for Council to dispose of its land by leasing, however, draws very clear definition between ordinary Council landholding and land which is classified as "public land". If Council intends to lease public land it is to undertake formal public processes in accordance with the Act, as though it's disposing of public land. Although the initial 1 year lease term would not require this public notification process, it would be prudent given the applicants longer-term aspirations to ensure that this compliance requirement is dealt with initially in advance.

6.2. The disposal of public land by leasing is required to follow a set statutory process. The process is:

- a Council resolution by absolute majority is required;
- Council is to publish its intention in the daily newspaper on 2 separate occasions;
- Council is to notify the public that objections may be made to Council within 21 days;
- if Council does not receive any objections it may lease or otherwise dispose of the land, however, before disposing of any land, Council is to obtain a valuation of the land from the Valuer General or another land valuer;
- if Council receives objections it must consider any objection received and advise the objector of its decision; and

- the objector may appeal to the Resource Management and Planning Appeals Tribunal (RMPAT) against Council's decision within 14 days a decision of which is final.

7. FINANCIAL IMPLICATIONS

The Recommendation has no direct implications on Council's Annual Plan. Given the nature of use and condition of the premises, the rental anticipated would be set at a nominal rate of \$500 per annum.

8. ANY OTHER UNIQUE ISSUES

None identified.

9. CONCLUSION

The lease of the disused building and tower to Surf FM is supported. There are some advantages of gaining occupancy of an otherwise unused asset that could over time become subject to vandalism.

Attachments: 1. Site Photos (2)

Andrew Paul
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 PROPERTY MATTER - RICHMOND

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

- proposals to acquire land or an interest in land or for the disposal of land;
- applications by Aldermen for a Leave of Absence.

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”.