

“That 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”.

COUNCIL MEETING
MONDAY 26 OCTOBER 2015

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

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

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

(File No 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 5 October 2015, as circulated, be taken as read and confirmed.

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

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

PURPOSE	DATE
Strategic Planning Workshop Bellerive Parking	12 October
Presentation – Economic Development Plan Presentation – Copping C-Cell and Update Trading Operations	
Draft Clarence Interim Planning Scheme	19 October

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.

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 MCFARLANE
MULTI-USER PATHWAY - ROKEBY**

(File No 10-03-05)

At Council's Meeting of 14 September 2015 it was **resolved:** *"That this Item lay on the Table for relisting in 2 meetings time"*.

The matter is now relisted for consideration.

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

"That Council is provided with a design plan and costings for a multi-user pathway from:

- 1 The round-a-bout at the Rokeby Police Academy to approximately 309 Rokeby Road.
- 2 A costing for acquisition of land for the Rokeby Highway to the foreshore.
- 3 Investigate the best position for its location and include land outside of the road reserve to maintain and create a permanent access route for the multi-user pathway along the road.
- 4 Costings for continuation for 309 Rokeby Road to the Lauderdale School intersection".

EXPLANATORY NOTES

Council has put the option out to the community with consultation of a "Multi-user Pathway" along South Arm Road from the Police Academy to Lauderdale School.

- a report is needed to ascertain costs and the implementation of the path with a sustainable, long term outcome.
- using the road reserve in any way is only a short term outcome.
- costs for construction of the pathway from the Academy to 203 Rokeby Road.
- then the extension from 203 South Arm Road to Lauderdale School.
- separating costs out will give options.
- acquiring land from South Arm Road to the Crown Land available for use as the Foreshore Trail needs to be costed and negotiated.

/ contd

**NOTICE OF MOTION – ALD MCFARLANE
MULTI-USER PATHWAY – ROKEBY /contd...**

- a time-frame is necessary for budgeting purposes.
- the report will give the community and the Tracks and Trails Committee guidance and security of access.

P K McFarlane
ALDERMAN

GENERAL MANAGER’S COMMENTS

Council at their Meeting of 22 June 2015 resolved: “That Clarence City Council request the Department of State Growth for a shared multi-purpose pathway along the South Arm Highway from Oakdowns to Lauderdale”.

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

The Southern Tasmanian Councils Authority has distributed its Quarterly Report for the period 1 April to 30 June 2015 (Attachment 1).

RECOMMENDATION:

That the Quarterly Report of the Southern Tasmanian Councils Authority for the Quarter ending 30 June 2015 be received.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

Quarterly Reports

The Copping Refuse Disposal Site Joint Authority has distributed its Quarterly Reports for the periods 1 January to 31 March 2015 and 1 April to 30 June 2015 (Attachments 2 and 3).

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2005 the Reports will be tabled in Closed Meeting.

Representative Reporting

Southern Tasmanian Councils Authority

Quarterly Report to Members

June 2015



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

This report covers the three-month period ending 30th June 2015. This report with all previous quarterly reports is published on the Authority's website: www.stca.tas.gov.au

The Southern Tasmanian Councils Authority (STCA) commenced on 1st July 2006.

Photo credit: Will Barbour

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QUARTERLY REPORT TO MEMBER COUNCILS DECEMBER 2014

REPORT SUMMARY

The Authority held an Ordinary Meetings on 13th April 2015

1. Mel Percival, Hobart International Airport

Mel Percival from the Hobart International Airport briefed the Board on the development of the Airport Master Plan and the runway extension

2. State Government Budget

The STCA attended the State Budget lock-up for peak bodies and provided a briefing to Board members

3. 2015 – 19 STCA Strategic Plan

The Board endorsed the new 2015 – 19 STCA Strategic Plan

4. Regional Events Funding

The Board considered a motion from the Brighton Council regarding regional events funding

5. Mary Massina, Planning Reform Update

Mary Massina, Executive Chair of the Planning Reform Taskforce provided a briefing to the Board on the work of the Taskforce and the development of the Single Statewide Planning Scheme

6. Southern Waste Strategy Authority (SWSA) Update

The Board received an update regarding the issue of trying to marry the STCA and the SWSA together

7. Local Government Reform

As per a previous resolution the Board considered the standing agenda item of local government reform

8. Social Media Policy

The Board endorsed a social media policy for use on the STCA social media accounts

9. Governance and Audit Committee

The Board endorsed a report from the Governance and Audit Committee

10. CEO Professional Development

The STCA Board considered a report to provide some reimbursement to the CEO for professional development activities with the Australian Institute of Company Directors

11. Employees

12. Finances

THE REPORT

1. Presentation – Mel Percival, Hobart International Airport

Mel Percival, General Manager of the Hobart International Airport joined the meeting and provided a presentation to the board.

Ms Percival spoke about the current development of the airport Master Plan, including the upcoming community consultation process. Under Federal Legislation all airports on Commonwealth land are required to prepare a Master Plan every five years. The Master Plan is a critical piece of work and outlines the future direction of the airport, in particular it identifies future growth and expansion of the airport terminal. The work on the expansion of the terminal has commenced and will take 18 months to complete. This will result in an improved and expanded departures and arrivals areas as well as better food and beverage services that showcase the best of Tasmania.

The Master Plan will also examine the impacts of growth of the airport to local traffic flows. Over the coming years traffic flows to the airport are expected to triple, this can be attributed to extra passenger flights, increased freight movements out of the airport and the likely expansion of the commercial and industrial precinct from growth in airport associated businesses. Mel spoke about the need for the airport, councils and the State Government to work together on the issue of increased traffic flows and come up with a solution that would benefit all stakeholders.

Mel's presentation also provided an update to the board on the status of the airport runway extension. It is on track and progressing as expected. There is a significant amount of planning and consultation work that needs to be undertaken before construction can commence. This planning work has is well underway and is examining issues such as nighttime construction times, increased lighting, extending the runway by certain amounts at each end and the increased air traffic on the runway and surrounds.

Ms Percival spoke of the benefits of the runway extension including the potential for larger planes to land at the airport making direct flights into Asia a possibility as well as the opportunity to expand Hobart as the Antarctic gateway. A longer runway also presents opportunities for increased freight to be sent to market direct from Hobart.

Ms Percival also detailed the new food and beverage operator at the airport and how there would be a greater use of Tasmanian produce in the food and beverage options. Ms Percival also answered a number of questions from the board about a range of issues associated with the airport's operation. The Board thanked Ms Percival for her attendance and reiterated that they looked forward to a continuing strong working relationship between the STCA and the Hobart International Airport.

2. State Government Budget

The STCA was invited to attend the pre State Budget Lock Up for peak bodies. The State Budget featured a range of initiatives and investments that benefitted local government and the southern Tasmanian region.

The State Government has forecast that the 2015/16 Budget will deliver a deficit of \$58 million, before returning a surplus of around \$100 million in 2016/17 and over the remainder of the forward estimates. This is a return to surplus three years ahead of schedule as outlined in last year's budget.

The centrepiece of the Budget is a major investment in infrastructure, designed to create 8,000 jobs over the forward estimates. Many of the road projects included in the Budget have been announced in the past 12 months, however it is important that their funding has been continued this year and over the forward estimates. Summarised below are some of the key projects and investment activities made by the State Government.

Significant Road Projects

- \$270 million over the next four years to maintain existing road infrastructure
- \$228 million to fund projects under the 10 year Action Plan for the Midland Highway, a detailed breakdown of the projects can be found at www.midlandhighway.tas.gov.au
- \$32 million for construction of a major project at Elwick Road, Goodwood Road and Howard Road intersections on the Brooker Highway
- \$21.9 million for the continued development of the Huon Highway/Summerleas Road project
- \$12 million for the completion of the Tasman Bridge Ramps project
- The remaining \$8 million of the \$15 million to complete Stage 2 of the South Arm Highway / Rokeby Main Road works
- \$8 million to improve traffic safety on the Huon Highway at Glendevie
- \$4 million for sealing of the Highland Lakes Road
- \$4 million for the Bruny Island Main Road

There is also \$59.8 million that will go to matching the Federal Government's input to Tasmania's Freight Rail Revitalisation Program.

The Budget allocates \$2.6 million for planning reform, including a new \$1.7 million commitment to accelerate the process so that we can implement the reforms sooner.

\$400,000 has been allocated for joint studies as part of the local government reform process.

The State Government is also providing around \$300 million worth of concessions to vulnerable Tasmanians, including \$14 million for water and sewerage concessions and around \$16.5 million for local government rates concessions.

\$8 million over two years for maintenance and new infrastructure development in Tasmanian Parks.

\$496 million for the continued re-development of the Royal Hobart Hospital

\$30 million for tranche two irrigation projects

\$8 million over two years for a new Business and Job Attraction Scheme

Extend the \$20,000 First Home builder support for 6 months with \$10,000 support for the remaining 6 months (since 1 Jan 2013 \$38 m in grants approved)

The Budget provides an addition \$5 million for the Regional Revival Fund, which will be targeted specifically at rural and regional areas of Tasmania and used to help upgrade valuable economic and social infrastructure.

\$4 million for Forestry Tasmania to fund its firefighting obligations as well as another \$4 million provided for other non-commercial activities including maintaining roads to access tourism sites.

There is also funding for Infrastructure Tasmania and the Office of the Co-ordinator General to fund their programs of work.

3. Draft 2015 – 19 STCA Strategic Plan

The Board resolved to endorse the new 2015 – 19 STCA Strategic Plan.

As per requirements under the *Local Government Act 1993*, and as part of good governance, the Authority is required to develop a five year strategic plan. The Strategic Plan is then utilised to develop the Annual Plan.

The CEO has been working with the Board and the Committee's to develop the Plan, it has been agreed to focus on six key themes.

The key themes are.

- Improved Physical Infrastructure
- Enhanced Economic Development
- Improved Environmental Performance
- Enhanced Social well-being
- Improved Inter-regional Cooperation and Local Government Sustainability
- Good Organisational Governance

A copy of the new STCA 2015 – 19 Strategic Plan can be found on the STCA website. www.stca.tas.gov.au

4. Regional Events Funding – Brighton Council Motion

The Board considered a motion from the Brighton Council regarding regional events funding.

On Monday 17 March 2014 the Brighton Council considered the following motion.

That Brighton Council initiate dialogue with southern councils with the view to setting up a regional fund in the 2015/16 financial period from which costs for events regarded as having regional significance; and paid for or largely paid for by a single council are drawn.

Whilst this motion wasn't adopted, the Brighton Council resolved that this item be submitted to the STCA for consideration on the agenda at the next Board meeting for discussion by member councils.

The STCA Board considered this motion and resolved not to proceed any further with the development of regional events funding.

There were a number of reasons why the Board felt that a regional events funding pool couldn't work. Firstly, how much funding would each council provide and what would be the total amount contained within the fund. There would need to be agreement from the 12 southern councils on each of these issues, which would be extremely difficult to attain.

It would also be difficult to determine what qualifies as a 'regional' event and how much funding should it receive. There were also issues around who would exactly decide what event receives funding.

Due to these issues the Board decided not to proceed any further with the development of a regional events funding pool.

5. Mary Massina, Planning Reform Taskforce

The Board received a briefing from Mary Massina, Executive Chair of the Planning Reform Taskforce.

Mary updated the board on some of the timelines around the development of the draft Statewide Planning Provisions, these will be presented to the Minister in December. The draft legislation to administer the Single Statewide Planning Scheme should be released in July for consultation.

Ms Massina highlighted that the Taskforce wants to look at what is working with the current interim schemes and regional provisions and utilise what works well and remove what doesn't. The drafting team is currently examining each of the

regional schemes and identifying the key differences. A Technical Reference Group will be created from local government planners to liaise regarding the drafting process. There will also be consultative groups from industry and business, the community sector and environment and heritage.

Ms Massina was asked about the future of the Regional Land Use Strategies and land use planning more broadly, this was outside her remit, but the issue was being considered by the Minister. Ms Massina assured the group that councils would have the opportunity in the new Scheme to put in local provisions to ensure functionality on the ground in each municipality.

The issue of amending the scheme was also raised and Ms Massina highlighted that the draft legislation will have provisions to allow this to be undertaken. The issue of third party appeals was also raised and the board were assured this is on the radar.

6. Southern Waste Strategy Authority (SWSA) Update

The Board received an update on the Southern Waste Strategy Authority (SWSA) and attempts to marry the two organisations together.

At the end of 2014 the STCA Board endorsed a Governance Paper and a set of Draft Terms of Reference to allow the transfer of roles and functions from SWSA into the STCA.

This was sent to SWSA for their Board's consideration, subsequently the STCA Board received correspondence from SWSA.

The correspondence from SWSA outlined that they would be presenting their member councils with three options for the future of the organisation.

- Winding up SWSA and returning any proceeds to member councils
- Transferring operations of SWSA to the STCA
- Maintaining SWSA as a separate legal entity hosted by a member council

The STCA sent out separate correspondence to all member councils identifying the advantages of SWSA's roles and functions being transferred to the STCA as well as a copy of the Governance Paper and the Draft Terms of Reference

After consideration by member councils the SWSA Board is reconvening in late April to vote on which is the preferred option moving forward.



SOUTHERN WASTE STRATEGY AUTHORITY

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5th March 2015

Alderman Sue Hickey
Chair
Southern Tasmanian Councils Authority
G.P.O. Box 503E
Hobart Tasmania 7001

Dear Alderman Hickey

Southern Regional Waste Group

I can advise that your letter of 28th January 2015 concerning the above matter together with the accompanying submission was submitted to the Board of SWSA at its meeting of 27th February 2015.

I can advise that Board has identified three options regarding a Southern Regional Waste Group post 30th June 2015 and they are:

- Winding up SWSA and returning any proceeds to Member Councils;
- Transferring operations of SWSA to STCA; or
- Maintaining SWSA as a separate legal entity hosted by one of the Member Councils.

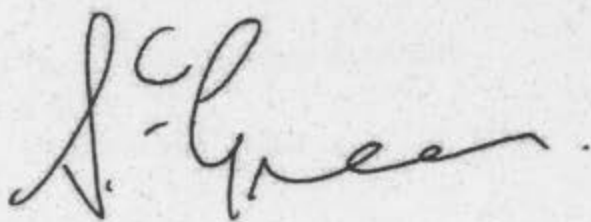
The Board is of a view that the future should be determined by its Member Councils which with exception of Hobart City Council are the same as the membership of STCA.

The Board is in the process of preparing correspondence which will be forwarded to all of our Member Councils, outlining the options and seeking their view on what action they would expect our Board to take.

The next meeting of the Board of SWSA will be held in the last week of April 2015 and it would be anticipated that a final decision will be made at that meeting.

I will write to you again after that meeting.

Yours faithfully

A handwritten signature in black ink, appearing to read 'A. Green', with a stylized flourish at the end.

Deputy Mayor Alex Green
Chair

19 March 2015

Name
Mayor
Council
Address 1
Address 2

Dear Mayor

Southern Waste Strategy Authority (SWSA)

As you may be aware, in the coming weeks your council will be asked to make a decision on the future on SWSA.

I understand SWSA will be writing to each council identifying three options for the future of a regional waste group in southern Tasmania. One of these options is for the roles and responsibilities of a regional waste group to be transferred to the STCA.

The STCA Board has developed a comprehensive Governance Paper and a set of Draft Terms of Reference identifying how the functions of a SWSA could be carried out within the STCA. I have included copies of the Governance Paper and the Draft Terms of Reference as part of this correspondence.

There are a number of benefits that would flow to member councils through the proposal to have the roles and functions of SWSA conducted by the STCA. Firstly, through the rationalisation of SWSA into the STCA, it is anticipated that there would be cost savings to member councils, for instance the consolidation of offices, removal of the duplication of accounting and HR services, a reduction in executive staff as well as other cost reductions through this rationalisation.

Bringing SWSA into the STCA would also place waste management and minimisation issues at the fore of key decision makers. The STCA meets regularly with a range of State and Federal politicians as well as key departmental staff and stakeholders.

There already exist great synergies between the two organisations, with both having the same membership area of local government municipalities to represent. These synergies also extend to the principal objective of the STCA which is *to enable members to work together to facilitate and coordinate agreed regional development strategies and actions to achieve sustainable economic, environmental and social outcomes for the southern region.*

This principal objective highlights STCA's commitment to working across the region to deliver better environmental outcomes for southern Tasmania and how the roles and functions of SWSA could seamlessly fit within the STCA.

This proposal includes the establishment of the Waste Management Strategy Group as a Committee of STCA to fulfill the roles and responsibilities of SWSA.

The STCA Board recognised that there are Councillors and Alderman from across the region with a strong interest and knowledge of waste management issues. That is why the Waste Management Strategy Group would seek Alderman and Councillor representatives from member councils allowing for their continued involvement in the regional waste management group.

The Waste Management Strategy Group would be able to develop a comprehensive program of activities and access funding for these activities through the STCA. It is expected that the new Waste Management Strategy Group would in the first instance conduct an audit of the current activities of SWSA and identify the key projects that should be undertaken. The audit could also include waste management projects being undertaken in other parts of Tasmania and the mainland to ensure Southern Tasmania is at the forefront of waste mitigation activities.

A strong regional waste group in Southern Tasmania is vitally important to deal with the ever increasing issue of waste management. The Board believes that the transfer of operations of SWSA into the STCA offers the best option for this to continue to occur.

If your council has any questions or concerns regarding this issue please don't hesitate to get in touch with the STCA CEO Brenton West.

Kind regards



Alderman Sue Hickey

Chair

Southern Tasmanian Councils Authority (STCA)

Regional Waste Group Governance Paper

SWSA Background

SWSA was formed in 2001 for a range of reasons and at the time there were no corresponding regional waste groups established in the north or the north west. However, by 2006 after a number of reports, a letter co-signed by the Director of the Environment and the CEO of LGAT was issued to all regional authorities and councils inviting them to look at the formation of joint authorities to tackle the issue of regional waste management.

It was intended that these groups would develop a regional waste strategy to address both statewide and regional waste management objectives, adopt a transparent funding formula by which member councils contribute and funds are used for regional waste management initiatives and a process for measuring and regularly reporting progress towards achieving regional waste management objectives.

SWSA undertakes a range of activities to help meet these objectives, an examination of a recent quarterly and annual reports better highlights some of the key activities of the Authority.

- Engaging in school visits as part of the education program as well as hosting classes at the Mount Nelson Sustainability Centre
- Donating to schools mobile garbage bins from the SWSA stock for the purpose of the development of worm farms
- Assisting in the organisation of the National Australian Education Sustainability Conference to be held in Hobart in November 2014
- Meeting regularly with the officers from the other regional waste groups as part of the statewide coordination
- Involved in the development and launch of the new statewide rethink waste website
- Operate the E-Waste collection system
- Run media advertising campaigns
- Helped fund and participate in the Garage Sail Trail Day
- Looking into the State Waste Levy and the Container Deposit Scheme

Governance of a Regional Waste Group within the STCA

The governance arrangements of a regional waste group within the STCA are a major issue that need to be addressed. Whilst, the STCA Board is made up of Mayors from across southern Tasmania, there are a number of elected representatives who have been serving on the SWSA Board and possess passion and expertise in the area of waste management. It would be beneficial for the regional waste body to have the best possible elected representatives and utilise those who have a passion and knowledge in this area.

It is therefore proposed that a Waste Management Strategy Group be established as a committee of the STCA. As the Waste Management

Strategy Group would sit inside the STCA, the Group would be chaired by a Mayor from the STCA Board. The STCA Waste Management Strategy Group would comprise a representative from each of the three-landfill site authorities, Hobart City Council, Glenorchy City Council and Copping with other councils being invited to also provide a representative. This representative could be any Alderman/Councillor from the council and would not have to be a Mayor. Each council could also appoint an officer to attend the Waste Management Strategy Group meetings with the elected representative and to work with the STCA CEO on waste management issues.

Purpose and Functions

The current purpose of SWSA is to facilitate integrated regional strategic planning in southern Tasmania, and to implement the Southern Waste Management Strategy.

The functions of SWSA are to provide the most cost effective management and facilitation of:

- municipal waste minimisation programs
- waste stream control and performance monitoring
- establishment of a non-municipal waste minimisation program
- monitoring of residual waste treatment technologies
- infrastructure developments
- landfill development strategy
- education and marketing programs
- represent the southern councils' views in the implementation of waste management processes at both a state and local level

The first task of the Waste Management Strategy Group would be to review its purpose and functions and make recommendations to the STCA Board. However, it is anticipated that they would be fairly similar, with the review allowing for the group to ensure that the purpose and functions are contemporary and match the needs of member councils. It would also be essential that the Waste Management Strategy Group conduct an audit of the activities of SWSA to determine the most appropriate functions for the new regional waste group.

The SWSA Legal Entity

It was noted that once the transfer of roles and responsibilities of a regional waste group to the STCA had occurred, a decision on the future of the SWSA legal entity would be a decision for participating member councils.

Administrative Support

Currently, SWSA is supported by a part-time Chief Executive Officer and a full-time Project Officer. The issues relating to employees of SWSA are a matter that would need to be dealt with by the SWSA Board. However, the STCA CEO, is a full-time employee and has the scope to undertake the increased workload, to support the Waste Management Strategy Group. With the roles and responsibilities of a regional waste group coming into the STCA

the need to produce separate quarterly and annual reports would no longer apply. The achievements and activities of the Waste Management Strategy Group would be contained within the STCA reports, much in the same way that occurs at the Cradle Coast Authority.

Regional Waste Group Funding

An issue with SWSA has always been how to establish an equitable funding model, particularly in southern Tasmania, which is a region that has a number of different landfills owned by different entities or groups of entities. This is an issue that doesn't occur in the north and north west of the state, it also allows those regions to raise more funds to dedicate to their regional waste group. For instance, in the 2013/14 financial year the Northern Waste Group had income of \$535,000 derived from a higher regional waste levy.

The Waste Management Strategy Group would be funded through the STCA. As part of the annual STCA budget process the Waste Management Strategy Group would highlight projects it required funding support for and these would be incorporated into the annual STCA budget approved by the Board. It could be expected that councils' would gain some financial savings through the consolidation of the two organisations or allow greater funding for waste minimisation activities. It should also be noted that if the transfer of SWSA funds was authorised by member councils, this could be used as seed funding for the Waste Management Strategy Group.

Project Staffing

SWSA's project work is currently supported by the employment of a full-time project officer. It is anticipated that the new Waste Management Strategy Group would undertake a sufficient program of work that would require the support of a project officer.

Draft Terms of Reference – Waste Management Strategy Group

Overview

The Waste Management Strategy Group is a committee of the STCA Board, responsible to the Board.

The Waste Management Strategy Group is an advisory committee to the STCA Board.

The Waste Management Strategy Group is established to facilitate strategic planning for waste management in southern Tasmania, and to implement the Southern Waste Management Strategy, the functions shall include:

- municipal waste minimisation programs
- waste stream control and performance monitoring
- establishment of a non-municipal waste minimisation program
- monitoring of residual waste treatment technologies
- infrastructure developments
- landfill development strategy
- education and marketing programs
- represent the southern councils' views in the implementation of waste management processes at both a state and local level

Membership

The Chairman of the Committee shall be appointed by the STCA Board, once every two years. The remaining members of the committee shall be appointed by the Board based upon the nominations received from member councils.

The membership of the Waste Management Strategy Group should reflect the diversity of the member councils of the STCA Board and be constituted as follows:

- Chair (Board member of the STCA)
- A representative from each of the three landfill operators across southern Tasmania, Hobart City Council, Glenorchy City Council and Copping Refuse Disposal Site Joint Authority, and;
- Remaining member councils be invited to provide a nominee each

Secretarial support

The STCA will provide secretariat support to the Waste Management Strategy Group.

Quorum

The quorum necessary for the transaction of business shall be [7] members. A duly convened meeting of the committee at which a quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the committee.

Frequency of meetings

The Waste Management Strategy Group shall meet at least 5 times a year at appropriate times in the reporting, planning and budget cycle.

Notice of meetings

Meetings of the Waste Management Strategy Group shall be called by the secretary

Unless otherwise agreed, notice of each meeting confirming the venue, time and date together with an agenda of items to be discussed, shall be forwarded to each member of the committee and any other person invited to attend no later than [5] working days before the date of the meeting. Supporting papers shall be sent to committee members and to other attendees with the Notice of Meeting or on another day before the day of meeting, as appropriate.

Minutes

The secretary shall minute the proceedings and resolutions of all meetings of the Waste Management Strategy Group.

The Chair shall ascertain, at the beginning of each meeting, the existence of any conflicts of interest and have them minuted accordingly.

Minutes of committee meetings shall be circulated promptly to all members of the committee and, tabled at the next STCA Board Meeting , unless a conflict of interest exists.

Conflict of Interest

If a member of the committee has declared a conflict of interest it is the responsibility of the Chair to ensure that appropriate actions are taken to ensure that the conflict of interest does not bring into question the propriety of decisions made by the committee.

Duties

The committee shall provide the most cost effective management and facilitation of:

- municipal waste minimisation programs
- waste stream control and performance monitoring
- establishment of a non-municipal waste minimisation program
- monitoring of residual waste treatment technologies
- infrastructure developments
- landfill development strategy
- education and marketing programs
- represent the southern councils' views in the implementation of waste management processes at both a state and local level

Reporting responsibilities

Following each meeting of the Committee, the Chairman shall report formally to the STCA Board on the proceedings of the Committee at the next available opportunity.

The Committee may make whatever recommendation to the STCA Board it deems appropriate on any matter within its remit where action or improvement is needed.

Public comment

While the Chair of the Southern Tasmanian Councils Authority (STCA) remains the spokesperson for the Authority, the Chair may delegate that responsibility to the Chair of the Waste Management Strategy Group for matters related to the duties of the Waste Management Strategy Group.

7. Local Government Reform

Since the start of 2015 the Minister for Local Government, the Hon. Peter Gutwein MP has started a process for councils to consider voluntary amalgamations and greater resource sharing.

The Minister outlined that any amalgamations must met the following principles.

1. be in the interest of ratepayers;
2. improve the level of services for communities;
3. preserve and maintain local representation; and
4. ensure that the financial status of the entities is strengthened

The Minister made a presentation to Councils in February and all Councils were asked to go away and consider whether they would like to take part in further work to assess any benefit in amalgamations or resource sharing.

All Councils are currently going through that process of assessing the Minister's offer and forming a council position on these issues.

The Board responded to these meetings called by Minister Gutwein examining the previously completed Munro Report. A briefing on the report was provided to the Board. The Governance and Audit Committee also looked at this issue in December, however it was difficult for the Committee to make any recommendations and pre-empt the meeting with Minister Gutwein in February.

Following the meetings with councils in early February the Board took the opportunity to discuss the issue and reflect on Minister Gutwein's presentation. It was agreed if there was an opportunity for member councils to work together and be more efficient it should be looked at. It was also agreed that the first step should be councils individually considering the offer by Minister Gutwein for funding to conduct feasibility studies into resource sharing and amalgamations.

Whilst LGAT are playing a leading role as part of this process, it was agreed by the STCA Board that this issue should remain a standing agenda item in case any member council had a particular issue they would like to raise with the group.

The issue was noted at the meeting, but due to a recent Local Government Association of Tasmania (LGAT) session there was nothing further that needed discussing.

8. Social Media Policy

The STCA Board endorsed a social media policy for the operation of the Authority's social media accounts.

The policy was developed through the Governance and Audit Committee.

Recently, as part of the STCA's efforts to increase its public profile the Authority has established a number of social media accounts under the trading name of Think South.

Presently, the CEO is guided by the STCA media spokesperson policy and posts content that is directly authorised by the Board and relates to specific activities of the Authority.

For example, at the media event conducted before the STCA Board meeting held at Brighton in February 2015 the CEO posted social media content including photos of the Mayors conducting a joint media conference in front of the Bridgewater Bridge.

Whilst the STCA media policy provides a good guide regarding social media use of these accounts, a more comprehensive and specific social media policy has been developed.

It is important to note this is a policy to govern Think South specific social media accounts and not individual board member social media accounts when they are acting in their capacity as Mayor of their municipality.

STCA Social Media Policy

The purpose of this Policy is to provide guidance to the use of social media accounts for the Southern Tasmanian Councils Authority (*Think South*).

Social media will be used to develop and maintain positive and collaborative relationships with our key stakeholders including member councils, government, the media and the community.

Social media will be used as a coordinated medium for strategic external communications.

The policy shall apply to the use of social media sites such Facebook, Twitter and YouTube. As well as new social media sites that may be used in the future.

This policy will only apply to the social media accounts of the Authority and not to the individual accounts of board members when they are acting in their capacity as Mayor of their municipality.

To maintain a professional social media account, posts directed at the Authority that contain the following will be removed and no response will be provided.

- Spam, junk or advertising
- Harassment or bullying
- Threatening or abusive behaviour including the use of profanities
- Racist, sexist or sexual discrimination
- Personal, confidential or copyrighted material
- Extreme material

The social media accounts of the Authority should be used to strategically promote the activities of the STCA, including relevant media events undertaken, highlighting positive project work and other issues as agreed by the Board.

The accounts can also be used to share positive events and news from member councils in a greater effort to promote local government across Southern Tasmania.

The Authority's social media accounts should not be used to post personal views.

The use of social media must not damage the Authority's reputation, disclose sensitive or confidential information and be of offensive or defamatory nature.

This policy shall be reviewed every two years to ensure that it maintains its relevance in the changing world of social media.

9. Governance and Audit Committee

The Board considered a report from the Governance and Audit Committee.

This report contained a number of items, some of which, due to their significance were considered as individual agenda items by the Board.

The Governance and Audit Committee provided a recommended set of updated Terms of Reference for the Committee. This was a necessary action undertaken by the Committee following the October 2014 local government elections and subsequently the new Committee reconvening. As part of this meeting the Chair provided all members of the Committee with a copy of the Terms of Reference, it was determined at this meeting that for good governance a review of the Terms of Reference should be conducted.

The review into the Governance and Audit Committee Terms of Reference found the major issue related to the overview paragraph on Committee Membership. In particular Committee resolved to change the ToR to reflect the change to the *Local Government Act 1993* that mandated new four year terms for Mayors and Deputy Mayors. A number of typographical errors were also fixed.

As has been discussed in a previous part of the report, the Committee examined a report into the development of the social media policy. The development of such a policy had been endorsed at the previous Committee meeting as the Authority had become increasingly active on social media through the establishment of Think South accounts. The usage of these accounts had been guided by the STCA media policy, but it was important that a more specific social media policy was also developed.

The Committee noted that whilst the STCA media policy provided a good guide regarding social media use of the Think South accounts, this new social media specific policy would allow for greater utilisation of the power of social media.

The Committee also identified that this was a policy to govern Think South specific social media accounts and not individual board member social media accounts when they are acting in their capacity as Mayor of their municipality.

A report on providing recompense to the CEO for professional development activities was also considered and agreed by the Board. The Board agreed to provide some reimbursement to the CEO after he undertook and graduated from the Australian Institute of Company Directors Course. This was considered as a separate agenda item by the Board.

10. CEO Professional Development

The Board considered a report on whether to provide any recompense to the CEO for professional development activities.

This issue was considered by the Governance and Audit Committee, and recommended to the Board that some reimbursement be provided.

In the second half of 2014 the CEO undertook some significant professional development, this involved the completion of the *Australian Institute of Company Directors* full Company Directors Course. The Course was first run in 1975 and is the most established director program in the world and has played a vital role in founding director knowledge and governance standards in Australia

The Company Directors Course five full day facilitated sessions on the following topics The Role of the Board and the Practice of Directorship, Directors' Duties and Responsibilities, Risk: Issues for Directors, Strategy: The Board's Role, Financial Literacy for Directors, Driving Financial Performance, The Board's Legal Environment, Decision Making, Achieving Board Effectiveness and Learning into Practice

The assessment to pass the Company Directors Course is the attendance to all of the facilitated sessions, and gaining 60% on the three hour exam and the 3,000 word assignment.

The CEO successfully completed the course at the end of last year.

The CEO funded the course cost personally. In his personal time the CEO also sits on the Board of Veranto Lifestyle Service, which is a disability service provider across Southern Tasmania. As part of the investment in their Directors, Veranto have offered to pay half of the course costs.

Included in the CEO's contract with the Authority is the provision that the employer will pay for:

“reasonable costs of the Officer (CEO) attending conferences, seminars, meetings, in-service training courses and study as approved by the Employer as reasonably necessary to enable the Officer to perform the Duties”

To facilitate his professional development the CEO also personally pays for memberships to the Australian Institute of Company Directors as well as Local Government Managers Australia.

The Board agreed to reimburse the CEO for some of the course costs for completing the Australian Institute of Company Directors Course.

11. Employees

Mr Brenton West, took up the role of full time Chief Executive Officer of the Authority on 1 July 2013. The Authority has previously employed other staff as government grant funding is obtained. It is intended that this process will continue. Currently Katrena Graham and Graham Green are employed to work on the Climate Change Adaption Project for the Northern and North West Councils.

12. Finance

A summary of financial performance for the fourth quarter of the 2014/15 financial year follows:

SOUTHERN TASMANIAN COUNCILS AUTHORITY

Financial Report as at 31st March 2015

	Actual at 30/06/15	Budget Year to Date	Budget 2014/15
	\$	\$	\$
Revenue plus opening balances			
STCA Consolidated Account	283,428	283,428	283,428
Regional GIS Project	24,664	24,664	24,664
Regional Planning	2,363	2,363	2,363
Water and Sewerage Owners Representatives	1,231	1,231	1,231
Climate Change adaptation project	44,365	44,365	44,365
Climate Change communication project	46,490	43,490	43,490
Regional Visioning	2,505	2,505	2,505
Local Government Structures Project	5,587	5,587	5,587
Tourism	10,460	10,460	10,460
Industrial Land use Study	4,972	4,972	4,972
SMART form	2,909	2,909	2,909
TOTAL REVENUE	430,746	427,746	427,746
Expenditure			
STCA Consolidated Account	(168,504)	(186,950)	(186,950)
Regional GIS Project	(0)	(0)	(0)
Regional Planning	(505)	(2,000)	(2,000)
Water and Sewerage Owners Representatives	0	0	0
Climate Change adaptation project	(12,090)	(36,100)	(36,100)
Climate Change communication project	(35,900)	(43,200)	(43,200)
Regional Visioning	0	0	0
Local Government Structures Project	0	0	0
Tourism	0	(0)	(0)
Industrial Land use Study	(3,308)	(4,000)	(4,000)
SMART form	0	(0)	(0)
TOTAL EXPENDITURE	(225,317)	(272,250)	(272,250)
Closing Balances			
STCA Consolidated Account	114,924	96,478	96,478
Regional GIS Project	24,664	24,664	24,664
Regional Planning	1,859	363	363
Water and Sewerage Owners Representatives	1,231	1,231	1,231
Climate Change adaptation project	44,036	45	45
Climate Change communication project	43,490	290	290
Regional Visioning	2,505	2,505	2,505
Local Government Structures Project	5,587	5,587	5,587
Tourism	10,460	10,460	10,460
Industrial Land use Study	1,664	972	972
SMART form	2,909	2,909	2,909
	213,919	145,504	145,504

It is to be noted that there are eleven separate accounts.

1. STCA consolidated account.

The operating account of the Authority currently the account has a balance of \$114,924.

2. Regional GIS Project.

NRM South made a financial contribution towards achievement of the Regional GIS initiative up to 30th June 2009.

In addition, member Councils agreed to contribute \$7,000 each in 2008/09 and \$10,000 each in 2009/10. There was a carryover of \$224,790 at the commencement of the year, which included a contribution of \$67,500 made in 2010/11 by Southern Water to cover 50% of the cost of aerial photography. The first round of aerial photography was completed during 2010/11 in spite of unfavourable flying conditions.

The aerial photography has now been paid for which has reduced the balance in the account to \$77,614. The Board set aside \$50,000 from this account for further LiDAR mapping of southern Tasmania. This has been completed and paid for leaving a balance of \$24,664

3. Regional Planning.

The Regional Planning Project is currently on hold whilst the State Government undertakes the Single Statewide Planning Scheme. Leaving a current balance of \$1,859.

4. Water and Sewerage Owners Representatives.

An allocation of \$1,231 was brought forward for the 2014/15 year.

5. Climate Change Adaptation Project.

This project is ongoing with the STCA receiving funding from the state government to complete a regional adaption plan and individual adaption plans for all northern councils.

6. Climate Change Communication Project.

Contributions of \$35,000 in total (Clarence, \$10,000, Hobart \$20,000 and Kingborough \$5,000) have been carried over to undertake the project now that the Regional Climate Change Adaptation Plan has been completed. This project is progressing with extra funding from the State Government and will be completed this year.

7. Regional visioning.

This project is funded by a contribution by Hobart City Council of \$5,000 carried over from 2009/10 and an allocation from the STCA Consolidated Account. This work has been undertaken and completed.

8. Local Government Structures Project.

Approval for a project under the Local Government Reform fund was given in December 2010. The total Australian Government grant of \$150,000, has been received and an independent evaluation study has been completed.

9. Tourism.

A total of \$10,460 has been brought forward for this financial year.

10. Industrial Land Use Study.

The Industrial Land Use study is an adjunct to the Regional Strategic Land Use Plan and has been jointly funded by a number of member councils and the Department of economic Development. The project has been finalised and endorsed by the Board with some residual funding brought forward.

11. SMART Forms

The STCA Board has endorsed a variation to the grant deed for this project to allow for the funds to be used to further develop the online planning system. Those funds have been used to pay for a contribution for this software.

The STCA Governance and Audit Committee is currently examining whether some of these completed project funds could be rolled into an STCA project account. This work is ongoing.

REPORTS FROM SINGLE AND JOINT AUTHORITIES /contd...
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- **SOUTHERN WASTE STRATEGY AUTHORITY**
Representative: Ald Richard James
(Ald Sharyn von Bertouch, Proxy)

Quarterly Reports

The Southern Waste Strategy Authority has distributed its Quarterly Report for the period 1 April to 30 June 2015 (Attachment 4).

RECOMMENDATION:

That the Quarterly Report of the Southern Waste Strategy Authority for the Quarter ending 30 June 2015 be received.

Representative Reporting

- **TASWATER CORPORATION**



Quarterly Report – June 2015

1. SUMMARY

This report on the general and financial performance of the Southern Waste Strategy Authority (SWSA) for the June 2015 quarter is provided to member councils, in accordance with Section 36B of the *Local Government Act 1993*.

2. GENERAL PERFORMANCE

2.1 PROJECTS

EDUCATION

The actions the Authority has been undertaking to restore the Educational Role of the Authority are described below under Future of SWSA.

As an interim measure, Members were asked if they could provide Educational Services on behalf of SWSA pending the determination of the arrangements which would be put in place for 2015/16.

As a result a significant number of school visits were made during the quarter by Members' employees on behalf of SWSA.

WASTE ADVISORY COMMITTEE

The Waste Advisory Committee met in May and the communique from that meeting is detailed below.

Communique

21st Meeting of the Waste Advisory Committee

TASMANIAN WASTE LEVY BENEFIT STUDY AND SURVEY OF WASTE TRANSFER STATIONS

The Waste Advisory Committee, a sub-Committee of the Environment Protection Authority Board, held its 21st meeting in Launceston on 1st May 2015.

The meeting discussed several issues including the final steps to complete the work on the Tasmanian Waste Levy Study, the results of a survey of waste transfer stations carried out by the EPA Division and the Waste Management Association of Australia's seminar on a Waste Levy.

Tasmanian Waste Levy Benefit Study

At the January meeting the Committee accepted the final report submitted by MRA Consulting Group subject to verification that it had addressed the Committee's comments. The Committee then forwarded the final Report to the Board of the Environment Protection Authority requesting that, in turn, it be sent to the Minister for the Environment and placed on the EPA web site. These steps were completed in April. The Report may be viewed at:

Tasmanian Waste Levy Benefit Study

Local Government - 2014 Waste Transfer Station and Kerbside Collection Survey

The EPA Division presented a paper setting out the results of a survey of waste transfer stations and kerbside collections. A very commendable 100% return rate was achieved. The findings included data on:

- where kerbside collections are being received;
- waste transfer stations and waste depots receiving kerbside waste;
- the infrastructure, facilities and data collection practices at Tasmania's 65 waste transfer stations;

The Committee asked for a further presentation on the data collected during the survey at the next meeting.

Waste Management Association of Australia (WMAA) Seminar

The Tasmanian branch of the WMAA held a seminar on Waste Levies in Hobart on 27 March. The seminar was well attended, although mainly from the south of the State, and received positive feedback.

Other matters

Other matters discussed by the Committee included updates on activities and projects from each of the three regional bodies. Following the meeting the Committee visited the Launceston Waste Centre at Remount Road to view recent developments.

The next meeting of the Committee will be in Hobart on July 31st 2015.

EPA Tasmania – www.epa.tas.gov.au

Department of State Growth – www.stategrowth.tas.gov.au

Rethink Waste – www.rethinkwaste.com.au

In view of the fact that the term of its representative on WAC (CEO) would expire early in the new financial year, the Board also determined that the CEO should continue as its representative until his term expired following which the Board would appoint a new permanent representative.

GARAGE SALE TRAIL

The Authority was approached by the Garage Sale Trail to again participate in the 2015 Garage Sale Trail on 24/10/15. The Board agreed to participate in the event on a similar basis to 2014 when SWSA met 50% of the cost of participation which was matched by the Member Councils. All Member Councils agreed to participate on this basis.

2.2 GOVERNANCE

PROGRESS OF WASTE LEVY

This matter has not progressed during this quarter.

FUTURE OF SWSA

As previously advised the Board at its meeting on 27th February 2015 received a report on the possible future of SWSA post 30th June 2015. The Board determined that its preferred option was to maintain SWSA as a separate legal entity with a different method of operation and funding and to seek the views of Members.

At its May Meeting, the Board considered Members' responses to the Board's request

Six (6) Members favoured the Board's preferred option unconditionally, two (2) Members favoured the Board's preferred option conditionally and three (3) Members favoured winding up the Authority.

On the basis of these responses, the Board determined that it would continue operations in 2015/16. It further agreed that no contribution would be sought from Members for 2015/16 with all activities being funded from the accumulated surplus (see financial report below).

It resolved that it would seek expressions of interest from Members to supply both Administrative and Educational Services. The Board had previously advised the Chief Executive Officer in accordance

with the requirements of his contract that the position would be made redundant at 30/6/15. This would mean that the Authority would employ no staff post 30th June 2015.

At the following meeting in June, the Board received submissions from Glenorchy and Clarence Councils offering to provide services in 2015/16.

The Board determined that it would accept Glenorchy's offer to provide Administrative Services and to accept the offers from both Councils to provide educational services from 1st July 2015.

Arrangements have been concluded with these Councils to provide these services.

3. FINANCIAL PERFORMANCE

3.1 PROFIT & LOSS

The financial report attached below to 30th June 2015 indicates a surplus for the year of \$27,478 compared to the budgeted anticipated deficit of \$2,784. This is the amount shown in the now audited Financial Statements. The Accumulated Funds at 30/6/15 are \$208,649. Operations in 2015/16 will be funded from the Accumulated Surplus.

The improvement results from a deliberate decision of the Board to restrict expenditure in late 2014/15 until such time as the future of the organisation was clearer.

There is no reason to anticipate that SWSA will not be able to pay any amounts owing when they fall due.

Profit & Loss [Budget Analysis]

July 2014 through June 2015

24/09/2015
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	Selected Period	Budgeted	\$ Difference	% Difference
Income				
Member Contributions	\$223,866.00	\$223,866.00	\$0.00	0.0%
Other Income	\$24,112.88	\$10,000.00	\$14,112.88	141.1%
Interest Received	\$2,285.11	\$2,000.00	\$285.11	14.3%
Total Income	\$250,263.77	\$235,866.00	\$14,397.77	6.1%
Cost of Sales				
Gross Profit	\$250,263.77	\$235,866.00	\$14,397.77	6.1%
Expenses				
Employment Expenses				
Fringe Benefits Tax	\$3,045.13	\$3,400.00	-\$354.87	(10.4%)
Parking - DES	\$440.00	\$450.00	-\$10.00	(2.2%)
Parking - SDC	\$440.00	\$450.00	-\$10.00	(2.2%)
Wages & Salaries	\$143,780.72	\$120,500.00	\$23,280.72	19.3%
Superannuation	\$10,955.78	\$18,000.00	-\$5,044.22	(31.5%)
Workers' Compensation	\$1,001.77	\$1,250.00	-\$248.23	(19.9%)
LS & Annual Leave Accrual	-\$32,320.52	\$3,000.00	-\$35,320.52	(1,177.4%)
Total Employment Expenses	\$127,342.88	\$145,050.00	-\$17,707.12	(12.2%)
Operating Expenses				
Accounting	\$450.00	\$500.00	-\$50.00	(10.0%)
Audit	\$5,270.00	\$5,000.00	\$270.00	5.4%
Advertising & Promotion	\$17,370.54	\$15,000.00	\$2,370.54	15.8%
Bank Charges	\$481.40	\$600.00	-\$118.60	(19.8%)
Consultants & Contractors	\$14,845.00	\$5,000.00	\$9,845.00	196.9%
Garage Sale Trail	\$20,000.00	\$20,000.00	\$0.00	0.0%
General Expenses	\$4,834.88	\$3,000.00	\$1,834.88	61.2%
Grants	\$4,000.00	\$13,000.00	-\$9,000.00	(69.2%)
Insurance	\$2,285.84	\$2,500.00	-\$214.16	(8.6%)
Motor Vehicle Expenses				
MVX - DES	\$4,458.79	\$5,000.00	-\$541.21	(10.9%)
MVX - SDC	\$3,908.39	\$5,000.00	-\$1,091.61	(21.8%)
Printing Postage & Stationery	\$1,008.42	\$2,000.00	-\$991.58	(49.6%)
Rent	\$5,992.12	\$5,500.00	\$492.12	8.9%
Subscriptions	\$878.28	\$1,000.00	-\$23.72	(2.4%)
Telephone	\$3,745.48	\$4,500.00	-\$754.52	(16.8%)
Travel & Entertainment	\$1,384.87	\$3,000.00	-\$1,615.13	(53.8%)
Depreciation Expense				
Motor Vehicles (depreciation)	\$1,892.00	\$2,000.00	-\$108.00	(5.4%)
Plant & Equipment (depreciatn)	\$238.00	\$1,000.00	-\$762.00	(76.2%)
Non-operating Expenses				
Loss on Disposal of Assets	\$2,302.00	\$0.00	\$2,302.00	NA
Total Expenses	\$222,784.89	\$238,650.00	-\$15,865.11	(6.6%)
Operating Profit	\$27,478.88	-\$2,784.00	\$30,262.88	1,087.0%
Other Income				
Other Expenses				
Net Surplus / (Deficit)	\$27,478.88	-\$2,784.00	\$30,262.88	1,087.0%

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

(File No 04-03-02)

Chairperson's Report – Alderman S von Bertouch

Report to Council for the 3 month period 1 July 2015 to 30 September 2015.

1. PRINCIPAL OBJECTIVES AND GOALS

The Committee's prime objectives are to:

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

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

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

Parking survey has been completed recording a 15% parking density along this section of Cambridge Road.

2.2. Cambridge Road, Mornington – Painted Bike Lines

Investigation and design has commenced.

2.3. Tranmere Road – Missing Section of Foreshore Trail

Construction has now been completed.

2.4. Flagstaff Gully Road – Fairway Rise to Flagstaff Gully Road

Construction has now been completed.

2.5. Clarence Foreshore Trail – Camelot Park to Pindos Park

Waiting on completion of the Aboriginal Heritage assessment of the path alignment before proceeding with construction. Crown Land Services have issued a Works Permit for the project.

3. RECURRENT INITIATIVES

Further locations for bike parking facilities are being investigated.

4. DESIGN AND INVESTIGATION WORK IN PROGRESS

Clarence Street Safety Assessment Report

Meetings have been held on 15 September and 30 September with representatives of Department of State Growth, RACT, Metro, Safety Advisory Council and Bicycle Network Tasmania to assess the feasibility of these recommendations and how they will impact the design and function of Clarence Street.

5. GOVERNANCE MATTERS.

Committee Meeting

The Committee held 1 meeting during the quarter on 24 August 2015.

6. EXTERNAL LIAISON

CyclingSouth Meetings held on 1 July and 23 September 2015.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Attachments: Nil.

Alderman Sharyn von Bertouch

CHAIRPERSON

TRACKS AND TRAILS ADVISORY COMMITTEE

(File No 07-06-09)

Chairperson's Report – Alderman R James

Report to Council for the 3 month period for 1 July 2015 to 30 September 2015.

1. PRINCIPAL OBJECTIVES AND GOALS

The Committee's prime objectives are to:

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

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

2. CAPITAL WORKS PROJECT**Meehan Range and Clarence Mountain Bike Park**

A new extension has been added to the Corkscrew Track within the Mountain Bike Park, a beginners by-pass has been constructed on the XC loop and upgrades have been carried out on the Grassy Valley Descent Track.

Council has signed a licence agreement with Hansens Quarry to allow the public to use tracks on their land. Signage which includes Hansens logo has been installed at track intersections where the Skyline Fire Trail meets with the Stringbark Gully Track, Big Hill By-pass Track and Flagstaff Hill Track.

A new track has been constructed to the Council-owned summit of Flagstaff Hill and work has started on a new Caves Hill Track (track construction work is being donated by Dirt Art and the Meehan Range Trail Groomers at no cost to Council).

429 Flagstaff Gully Road – Rocky Tom

The Committee recognise the significant recreational values of this property that is currently for sale and moved the following motion at its Meeting held on 13 August 2015.

“MOTION: The Tracks and Trails Committee recommends that Council acquire this area as Public Open Space to create a Meehan Skyline Trail that links Pilchers Hill Reserve with the Meehan Range Recreation Area and Clarence Mountain Bike Park and to secure public access to Rocky Tom and Caves Hill.

The resolution was carried by the Committee”.

Council officers are currently assessing the property to determine the extent of illegal dumping and remediation costs. This will be discussed at a future Council Workshop.

Kangaroo Bay Rivulet Track

Work has commenced on the track inside Rosny Barn. A fencing contractor has been awarded the work to fabricate and erect safety fencing which is scheduled to be installed in October/November prior to track work commencing.

Clarence Coastal Trail - Rokeby to Lauderdale

The Tracks and Trails Committee moved the following motion at its Meeting held on 10 September 2015.

“MOTION: The Tracks and Trails committee wish Council to continue discussions with the Minister. The committee recommends that the Mayor and Chair of the Tracks and Trails Committee communicate with the Minister of Infrastructure requesting that the track be reconsidered in light of the previous commitments Council has made to the development of the trail for the Clarence and broader community.

The communication should cover elements such as:

- *Establishment of a Tracks and Trails Committee*
- *Development and adoption of Tracks and Trails Strategies*
- *Development and adoption of Tracks and Trails Action Plans*
- *Zoning in respective planning schemes*
- *Community survey*
- *Budgeting*

Council acknowledges that the Academy has security requirements and is receptive to addressing these concerns through:

- *Fencing*
- *Management plans*

CARRIED UNANIMOUSLY”.

3. RECURRENT INITIATIVES – MAINTENANCE AND UPGRADES

Tracks and Trails Action Plan 2015-2020

The Action Plan was adopted by Council

4. DESIGN AND INVESTIGATION WORK IN PROGRESS

Blessington Track

An Aboriginal Heritage Assessment will be carried out in October to check for Aboriginal relics on the site of the proposed track.

5. GOVERNANCE MATTERS.

Committee Meeting

The Committee held 2 General Meetings during the quarter on 16 July 2015 and 13 August 2015 and 1 special meeting on 10 September 2015.

6. EXTERNAL LIAISON

Nil.

RECOMMENDATION:

That the Chairperson's Report be received by Council.

Attachments: Nil.

Alderman R James
CHAIRPERSON

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 5, 12 and 19 October 2015 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 5, 12 and 19 October 2015 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

Nil.

11.3 PLANNING AUTHORITY MATTERS

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

11.3.1 DEVELOPMENT APPLICATION D-2015/364 - 9 ORMOND STREET, BELLERIVE - ADDITIONS TO DWELLING
(File No D-2015/364)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an addition to an existing single dwelling at 9 Ormond Street, Bellerive.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 28 October 2015 with the written agreement of the applicant.

CONSULTATION

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

- visual bulk and overshadowing; and
- location of sewer main.

RECOMMENDATION:

- A. That the Development Application for additions to dwelling at 9 Ormond Street, Bellerive (CI Ref D-2015/364) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLAN [retaining wall of the “planter” with a minimum setback of 1.5m from the south-eastern boundary].
 3. ENG A1 – NEW ACCESS replace “each lot must be provided with a minimum 3.0m” with “The new access must be a minimum 3.6m” [TSD R-09].
 4. ENG S1 – INFRASTRUCTURE REPAIR.

5. The development must meet all required Conditions of Approval specified by TasWater notice dated 5 October 2015 (TWDA 2015/01427-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 a Discretionary development because it does not meet the Acceptable Solutions prescribed in the General Residential Zone.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
 - Section 10 – General Residential Zone;
 - Section E6.0 – Parking and Access Code; and
 - Section E7.0 – Stormwater Management Code.
- 2.4.** Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The property has an area of 931m² and currently contains an existing weatherboard dwelling and garage. The lot has a slope of approximately 12% and is a corner lot with frontage to Ormond Street and Bignell Street.

Existing vehicle access is from Bignell Street. The area surrounding the subject site is similarly zoned General Residential.

3.2. The Proposal

The proposal is for a single-storey addition to the existing dwelling. The addition would contain a new bedroom, a bathroom, living area, kitchen and deck. The proposal also includes a new 8.445m x 3.68m carport.

The dwelling addition would be setback 5.9m from the frontage boundary (Bignell Street) and 1.16m from the southern side boundary. A ground level deck at the rear of the dwelling would be constructed to the eastern side boundary. The addition would have a maximum height of 5.1m above natural ground level.

The carport addition would be setback 5.705m from the frontage boundary (Ormond Street) and 0.15m from the eastern side boundary. The carport would have a maximum height of 2.7m above natural ground level.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by ss51(2) of the Act, take into consideration:

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions (zone and codes) with the exception of the following.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Building Envelope (Side Boundary Setback)	Buildings/structures within 1.5m must have a total length adjoining the boundary not exceeding 9m.	<ul style="list-style-type: none"> • Eastern boundary (carport and deck) with total structure length of 13.355m (Variation of 4.355m). • Southern boundary (wall of master bedroom and retaining wall) total length of 11.4m (Variation of 2.4m).

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

- The proposed additions are single-storey, which is consistent with other buildings in the surrounding area.
- The buildings feature a number of different wall materials, which minimises the expanses of the walls therefore reducing visual bulk and minimising impact on adjoining properties.
- The deck would be located below natural ground level and would have minimal impact on adjoining properties.
- The proposed carport would be unlikely to overshadow any private outdoor space or windows of habitable rooms of the adjacent property at 11 Ormond Street, which is upslope of the subject site and features a parking area alongside the proposed structure.
- The separation of the carport and deck from the boundary is commensurate with other buildings in the area, most notably 11 Ormond Street, which also features buildings close to property boundaries.
- Regarding the southern side boundary, due to a representation in opposition to the proposed boundary setback variation, the applicant has submitted an amended plan showing the proposed planter box retaining wall with a setback of 1.5m.

The amended plan is compliant with the setback requirements of the Scheme. The applicant has advised that they are supportive of the planning permit (if granted) being conditioned to require the amended plan being submitted for endorsement. A suitable condition is recommended.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.3 A2	Private Open Space	<p>A dwelling must have an area of private open space which is not located to the south-east of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21 June.</p> <p>Private open space is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north.</p>	The area of private open space directly accessible from the living area of the building would be located on the south-eastern side of dwelling between dwelling and road alignment.

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

- The proposed addition features a significant area directly accessible from the dwelling, which would provide for outdoor activities.
- Although located between the dwelling and frontage, the property would have approximately 300m² of land on the north and west of the site with excellent access to sunlight, which could be used for outdoor living.

4.3. External Referrals

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

5. REPRESENTATION ISSUES

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

5.1. Visual Bulk and Overshadowing

The representor is concerned that the proposed visual bulk of the proposed addition would have a negative impact on the property at 2 Bignell Street. The representor is also concerned that the proposed addition would overshadow the north-facing living area windows of the dwelling at 2 Bignell Street.

- **Comment**

As discussed above, the applicant has agreed to modify the design to comply with the boundary setback requirements relating to the southern boundary shared with 2 Bignell Street; however, the proposal still requires the variation concerning the eastern side boundary.

5.2. Location of Sewer Main

The representor is concerned that the proposed additions would impact the sewer main which services 2 Bignell Street and 11 Ormond Street.

- **Comment**

TasWater is supportive of the proposal subject to conditions. TasWater has issued an amended condition document in response to the representor's concerns after being contacted directly by the representor.

6. STATE POLICIES AND ACT OBJECTIVES

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

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

7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

8. CONCLUSION

The proposal seeks approval for additions to an existing Single Dwelling at 9 Ormond Street, Bellerive. The application meets the relevant acceptable solutions and performance criteria of the Scheme.

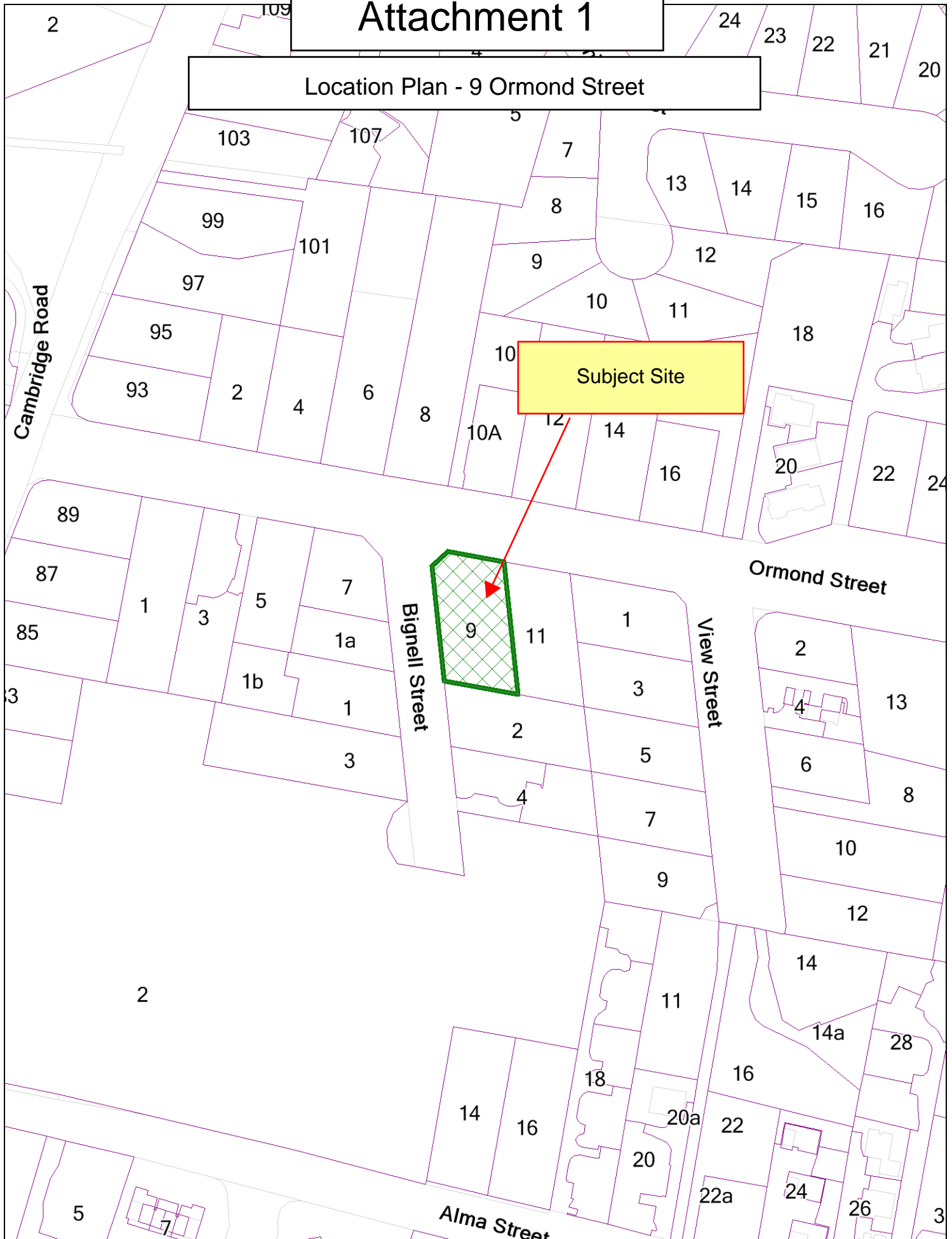
The proposal is recommended for approval.

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

Ross Lovell
MANAGER CITY PLANNING

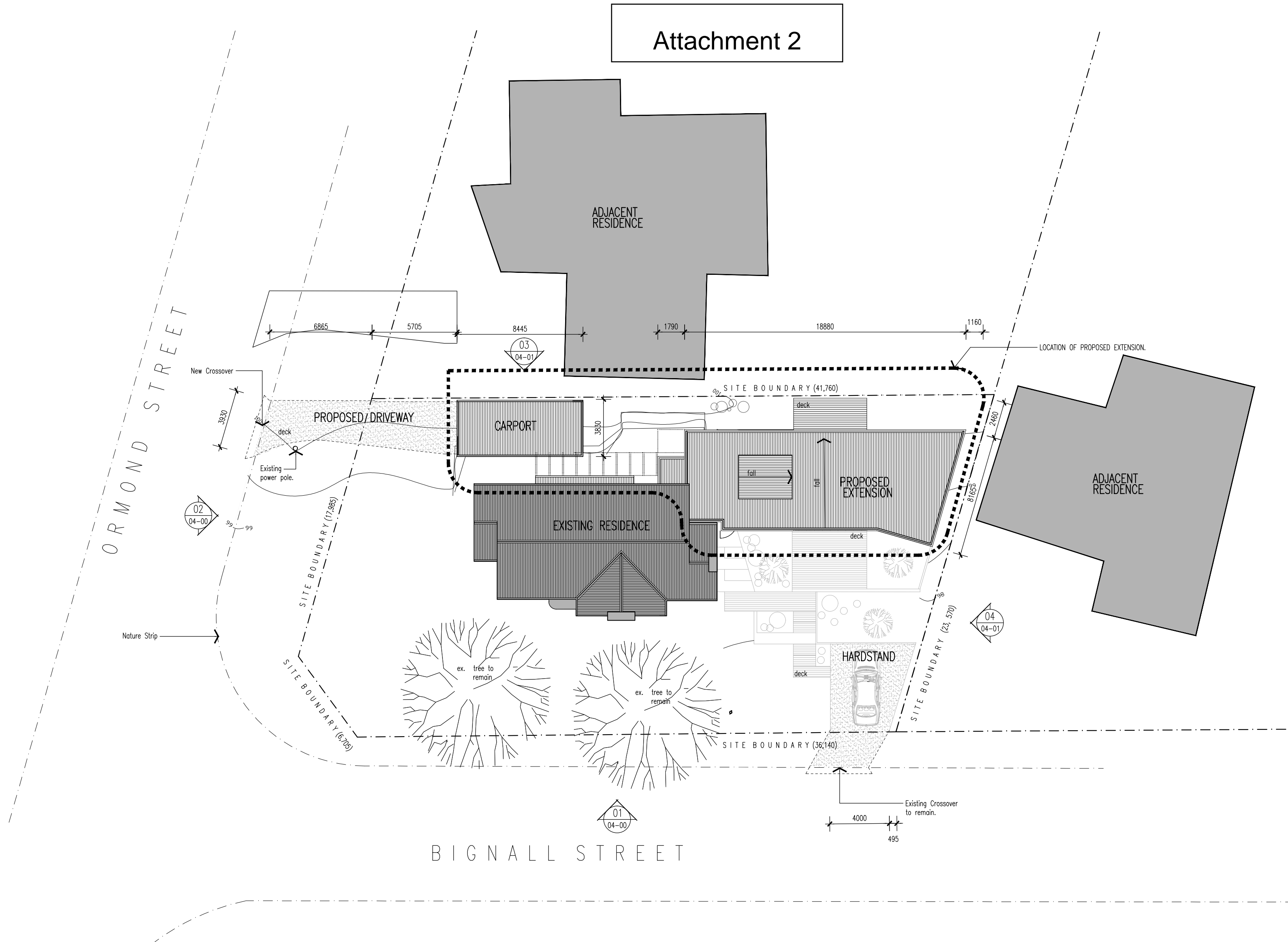
Attachment 1

Location Plan - 9 Ormond Street

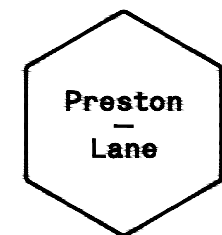


Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Thursday, 15 October 2015 **Scale:** 1:1,505 @A4

Attachment 2



Site Area: 93m²
Existing Floor Plan: 118m²
Proposed Total Floor Plan: 270m²
Site Cover: 29% cover



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Proprietor
KIER AND MELANIE WILSON

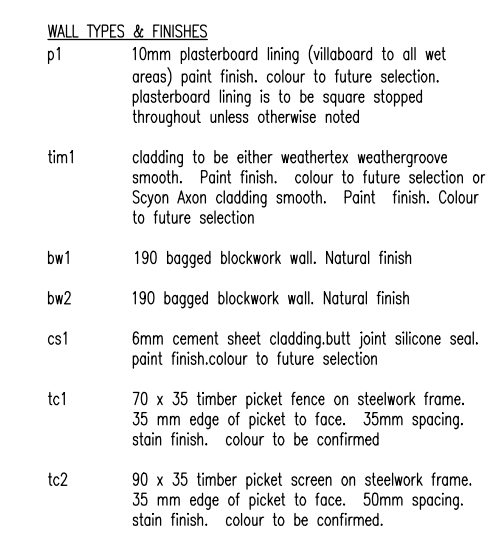
Project
9 ORMOND STREET
ALTERATION + ADDITION

Drawing
SITE PLAN

Scale
1:200 @ A2

Revision			
A	03/09/15	Planning Development Drawings	RE DL
B	18/09/15	Planning Development Revised	RE DL

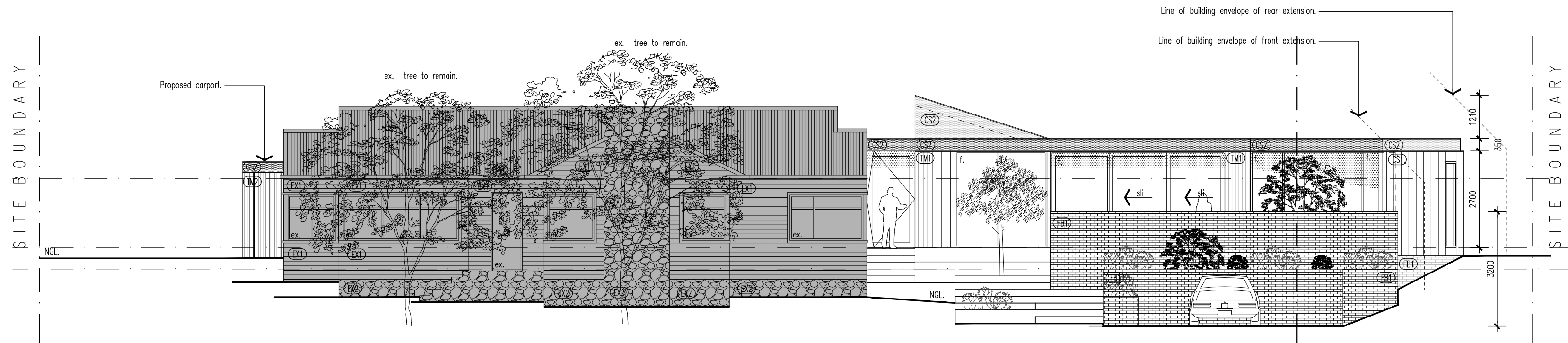
Project No
15076



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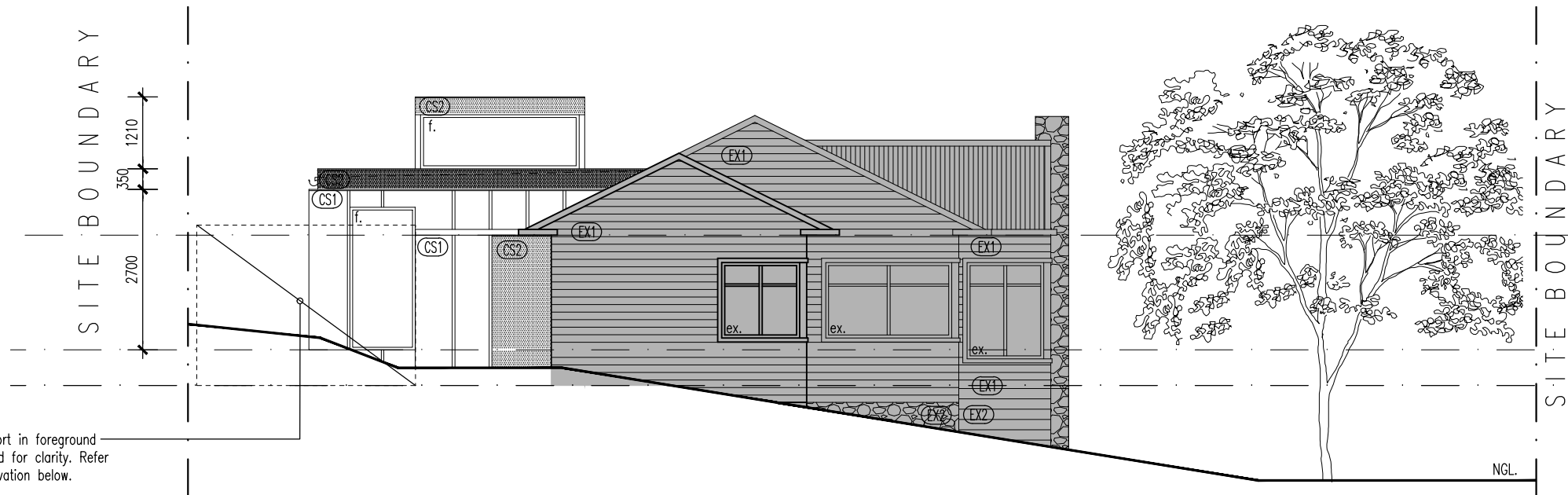
Proprietor	KIER AND MELANIE WILSON		
Project	9 ORMOND STREET ALTERATION + ADDITION		
Drawing	PROPOSED FLOOR PLAN		
Scale	1:100 @ A2		
Revision			
A	03/09/15	Planning Development Drawings	RE DL
B	18/09/15	Planning Development Revised	RE DL
Project No			

ORMOND STREET



1 WEST ELEVATION
A02-00 1: 100

BIGNALL STREET



2 NORTH ELEVATION
A02-00 1: 100

BIGNALL STREET



2 NORTH ELEVATION - CARPORT
A02-00 1: 100

ORMOND STREET

- Finished Schedule
- (CS1) 6mm cement sheet, 70 x 35 oak battens on edge over joints. Paint finish, Charcoal in colour.
 - (CS2) 6mm Cement sheet lining. Butt joint, silicon seal. Paint finish, White in colour.
 - (FB1) Adfri Smooth Stone 10.83 half height Ivory (white) face block work, mortar colour to match
 - (TM1) Shiplap horizontal timber boards (Zero rebate), on 35mm battens . Oil finish to future selection.
 - (GB1) Clear toughened laminated safety glass balustrade, to AS1288
 - (EX1) Existing weatherboards new paint finish.
 - (EX2) Existing sand stone, make good where affected by these works.
- aw Awning window
f Fixed glazing
sj Silicon joint
ex Existing glazing

Preston Lane

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Proprietor KIER AND MELANIE WILSON

Project 9 ORMOND STREET
ALTERATION & ADDITION

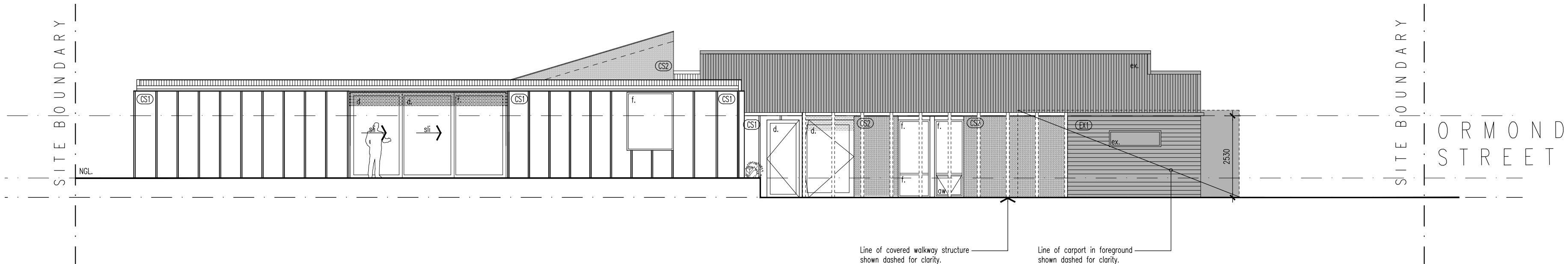
Drawing ELEVATIONS

Scale 1:100 @ A2

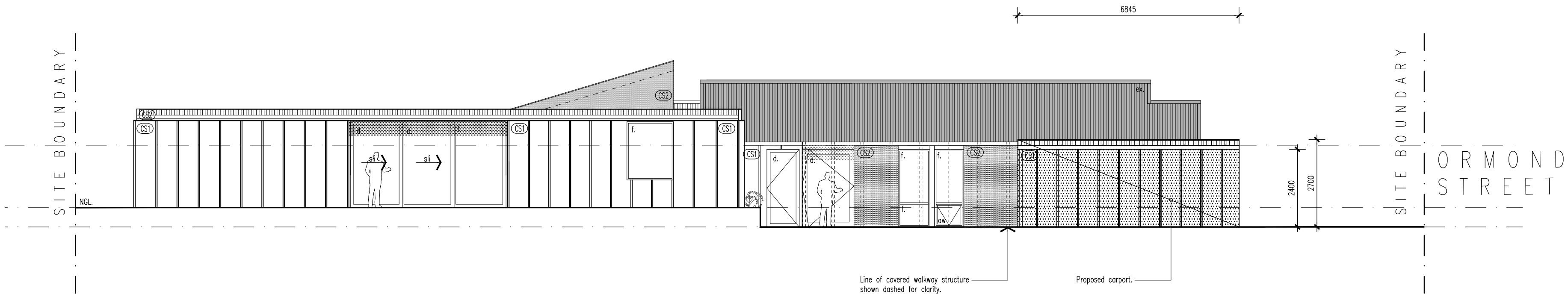
Revision

A	03/09/15	Planning Development Drawings	RE	DL
B	18/09/15	Planning Development Revised	RE	DL

Project No 15076



3 EAST ELEVATION
A02-00 1: 100



3 EAST ELEVATION
A02-00 1: 100



4 SOUTH ELEVATION
A02-00 1: 100

- Finished Schedule
- (CS1) 6mm cement sheet, 70 x 35 oak battens on edge over joints. Paint finish, Charcoal in colour.
 - (CS2) 6mm Cement sheet lining. Butt joint, silicon seal. Paint finish, White in colour.
 - (FB1) Adbri Smooth Stone 10.83 half height Ivory (white) face block work, mortar colour to match
 - (TM1) Shiplap horizontal timber boards (Zero rebate), on 35mm battens . Oil finish to future selection.
 - (GB1) Clear toughened laminated safety glass balustrade, to AS1288
 - (EX1) Existing weatherboards new paint finish.
 - (EX2) Existing sand stone, make good where affected by these works.
- aw Awning window
f Fixed glazing
sj Silicon joint
ex Existing glazing



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Project 9 ORMOND STREET
ALTERATION & ADDITION

Drawing ELEVATIONS

Scale 1:100 @ A2

Revision

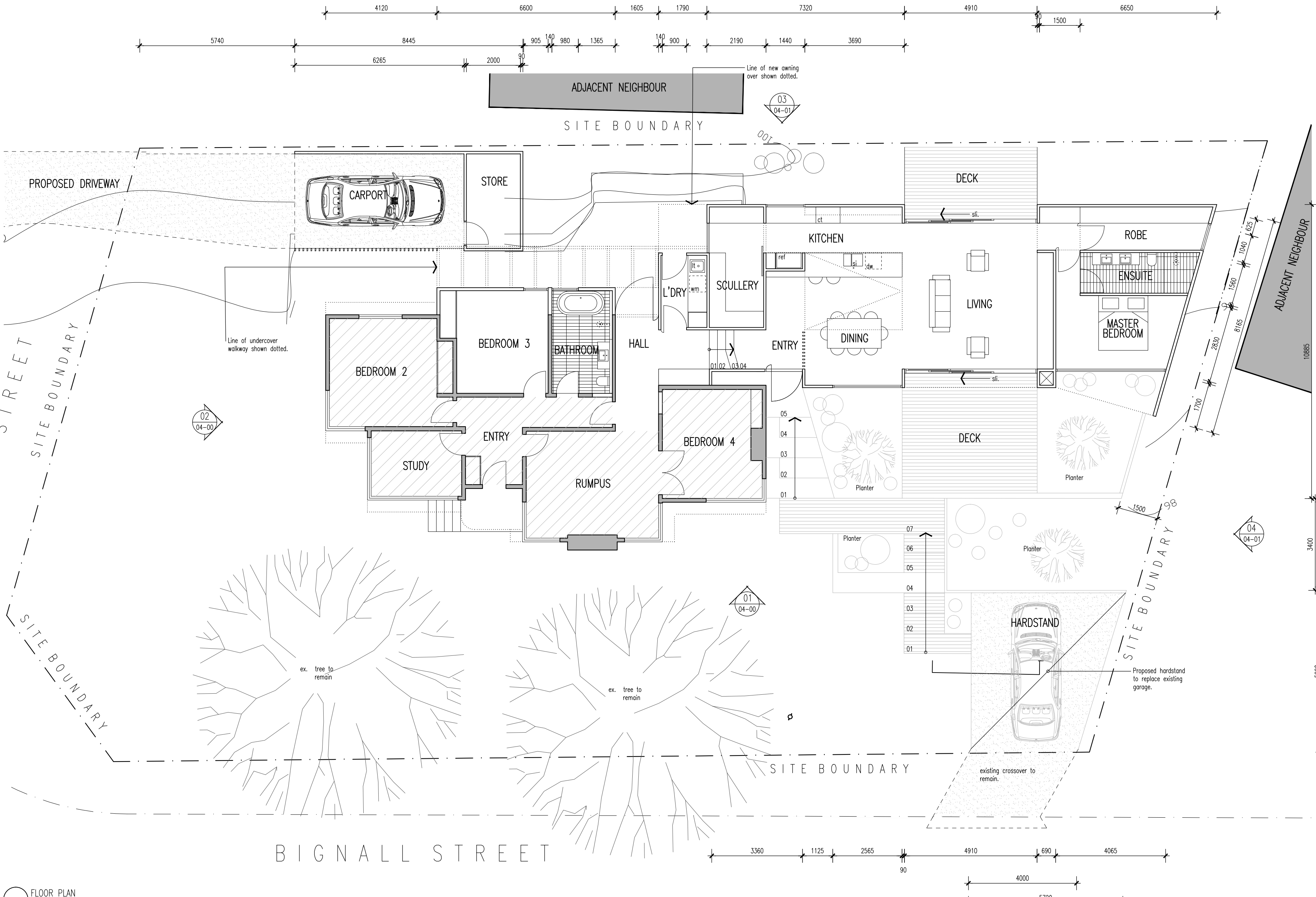
A	03/09/15	Planning Development Drawings	RE	DL
B	18/09/15	Planning Development Revised	RE	DL

Project No 15076

Agenda Attachments - 9 Ormond Street - Page 5 of 8

A04-01

Attachment 3



WALL TYPES & FINISHES	
p1	10mm plasterboard lining (villoboard to all wet areas) paint finish, colour to future selection. plasterboard lining is to be square stopped throughout, unless otherwise noted
tim1	cladding to be either weathertex weathergroove smooth. Paint finish, colour to future selection or Scyon Axon cladding smooth. Paint finish. Colour to future selection
bw1	190 bagged blockwork wall. Natural finish
bw2	190 bagged blockwork wall. Natural finish
cs1	6mm cement sheet cladding,butt joint silicone seal. paint finish,colour to future selection
tc1	70 x 35 timber picket fence on steelwork frame. 35 mm edge of picket to face. 35mm spacing. stain finish. colour to be confirmed
tc2	90 x 35 timber picket screen on steelwork frame. 35 mm edge of picket to face. 50mm spacing. stain finish. colour to be confirmed.



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Proprietor KIER AND MELANIE WILSON

Project 9 ORMOND STREET
ALTERATION + ADDITION

Drawing

PROPOSED FLOOR PLAN

Scale 1:100 @ A2

Revision					
A	03/09/15	Planning Development Drawings	RE	DL	
B	18/09/15	Planning Development Revised	RE	DL	

Project No _____

Attachment 4

9 Ormond Street, BELLERIVE



Site viewed from Ormond Street



Site viewed from Bignell Street showing existing garage and boundary with 2 Bignell Street



Site viewed from Ormond Street Showing location for proposed new access

11.3.2 DEVELOPMENT APPLICATION D-2015/307 - 13 PARK STREET, BELLERIVE - 2 MULTIPLE DWELLINGS (1 EXISTING + 1 NEW)
(File No D-2015/307)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings (1 existing plus 1 new) at 13 Park Street, Bellerive.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to expire on 28 October 2015.

CONSULTATION

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

- details on plans; and
- overshadowing.

RECOMMENDATION:

A. That the Development Application for 2 Multiple Dwellings (1 existing + 1 new) at 13 Park Street, Bellerive (CI Ref D-2015/307) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG M1 – DESIGNS DA.
3. ENG A5 – SEALED CAR PARKING.
4. ENG S1 – INFRASTRUCTURE REPAIR.
5. ENG S4 – STORMWATER CONNECTIONS.
6. The development must meet all required Conditions of Approval specified by TasWater notice dated 07/08/2015 (TWDA 2015/01202-CCC).

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

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

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

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

2.3. The relevant parts of the Scheme are:

- Section 8.10 – Determining Applications;
- Section 6 – General Residential Zone; and
- Section 7 – 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 regularly shaped 1114m² lot on the southern side of Park Street, Bellerive. There is an existing dwelling located to the street front of the property, with a carport and lawn at the rear of the site. The site is surrounded by residential development in the form of both Single and Multiple Dwellings.

3.2. The Proposal

The proposal is for the construction of a new dwelling at the rear of the existing dwelling at 13 Park Street, Bellerive. The new dwelling will be 2 storeys and will include 3 bedrooms and an incorporated 2 car garage.

It is also proposed to relocate the existing carport so that it is adjacent to the western boundary between the existing and the proposed dwellings.

There are no changes proposed to the existing dwelling.

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

“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by 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 the Parking and Access Code with the exception of the following.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.3 A2 (c)	Site coverage and private open space for all dwellings	A dwelling must have an area of private open space that: (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom);	The existing dwelling does not have direct access to the Private Open Space.

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

- The existing dwelling has access to the Private Open Space through the laundry at the rear and via an entrance hallway at the front. The front area is directly adjacent to the living area, with good solar access. Further, as this is the existing situation which has adequately served the dwelling since its construction it is considered appropriate.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.4 A1	Sunlight and overshadowing for all dwellings	A dwelling must have at least 1 habitable room (other than a bedroom) in which there is a window that faces between 30° west of north and 30° east of north.	The new dwelling does not have any windows to habitable rooms within 30° of east-west alignment.

The proposed variation can be supported pursuant to the Performance Criteria P1 of Clause 10.4.4 for the following reason.

- The new dwelling has been oriented to gain views toward the River Derwent and to minimise overlooking of the existing dwelling on the site. It will receive afternoon sunlight to all habitable, living rooms and as such is considered to meet the Performance Criterion.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A3	Privacy for all dwellings	A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least: (a) 2.5m; or (b) 1m if: (i) it is separated by a screen of at least 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.	The driveway is directly adjacent to 2 bedrooms of the existing dwelling.

The proposed variation can be supported pursuant to the Performance Criteria P3 of Clause 10.4.6 for the following reason.

- The location of the driveway in relation to the house ensures that there will be no headlights aimed directly into the rooms adjacent to it. The driveway is short enough that vehicles will be travelling at a low enough speed to ensure that there is not unreasonable traffic noise created by passing vehicles. As such, the development is considered to meet the Performance Criterion.

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. Detail on Plans

Representors have indicated a belief that the plans are not accurate. They have identified the fact that there is no Bedroom 2 shown on the plans for the proposed new dwelling. That is to say that there are only Bedrooms 1, 3 and 4. They have further indicated a belief that the plans are not accurate as the walk in wardrobe shown on the western side of the upstairs bedroom does not protrude out into the western elevation at all.

- **Comment**

The numbering of the bedrooms is indicative of a change in the plans during the design phase which was not identified by the applicant. All dimensions are accurate on the plans and there is no other atypical labelling of rooms.

The walk in wardrobe is contained entirely within the roof cavity on the western side. As it is not considered habitable, it does not have a minimum ceiling height and accordingly will be 1.5m high at the lowest point. It will not protrude beyond the wall line shown in the elevations.

As such, the plans are considered to be an accurate representation of the proposed works on-site.

5.2. Overshadowing

Representors are concerned that extent of the protrusion of the proposed new dwelling outside of the building envelope will result in unreasonable overshadowing of adjoining properties, reducing winter sunlight to an unacceptable amount.

- **Comment**

The dwellings are entirely within the building envelope for the site, which is the only section of the planning scheme that enables consideration of the impacts of the development in terms of overshadowing of adjacent properties. As such, this is not a matter that can be considered when determining this application.

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

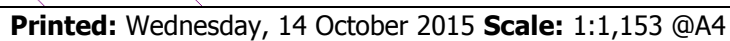
There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy. Developer contributions are not required to comply with any Council policies.

9. CONCLUSION

The proposal is for 2 Multiple Dwellings (1 existing and 1 new). The proposal meets the Acceptable Solutions and the Performance Criteria of the Scheme and is therefore recommended for conditional approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (16)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING



IMPORTANT

- 1. USE WRITTEN DIMENSIONS ONLY.
- 2. DO NOT SCALE DRAWINGS.
- 3. THE CONTRACTOR IS TO CHECK ALL LEVELS, DATUMS, AND DIMENSIONS IN RELATION TO THE DRAWINGS AND THE SITE BEFORE PROCEEDING WITH THE WORK OR SHOP DRAWINGS.
- 4. ENSURE THAT THIS DRAWING AND ANY ACCOMPANYING DETAILS AND/OR SPECIFICATIONS HAVE BEEN STAMPED AS 'APPROVED' BY THE RELEVANT LOCAL AUTHORITY.
- 5. THE PROPRIETOR IS TO ENSURE THAT ANY "CONDITIONS OF APPROVAL" ISSUED BY THE BUILDING SURVEYOR, RELEVANT COUNCIL AND OTHER STATUTORY AUTHORITIES ARE PASSED ONTO THE CONTRACTOR BEFORE CONSTRUCTION BEGINS.
- 6. MATERIALS AND WORKMANSHIP SHALL CONFORM WITH RELEVANT STANDARDS, BUILDING CODE OF AUSTRALIA AND PRODUCT MANUFACTURERS WRITTEN INSTRUCTIONS.
- 7. ANY ALTERATION TO THE CONSTRUCTION AND/OR MATERIALS INDICATED IN THESE DRAWINGS IS TO BE APPROVED BY THE DESIGNER, THE ENGINEER, THE BUILDING SURVEYOR, AND THE PROPRIETOR BEFORE PROCEEDING WITH THE WORK.
- 8. IF IN DOUBT:- ASK!! CONTACT THE BUILDING DESIGNER AND/OR RELEVANT CONSULTANT.

SITE COVERAGE (as per Hobart Interim Planning Scheme)

EXISTING RESIDENCE - 127.68m².

EXISTING CARPORT (to be re-located) - 39.12m².

PROPOSED TWO STOREY RESIDENCE (including upper level deck areas) - 215.03m².

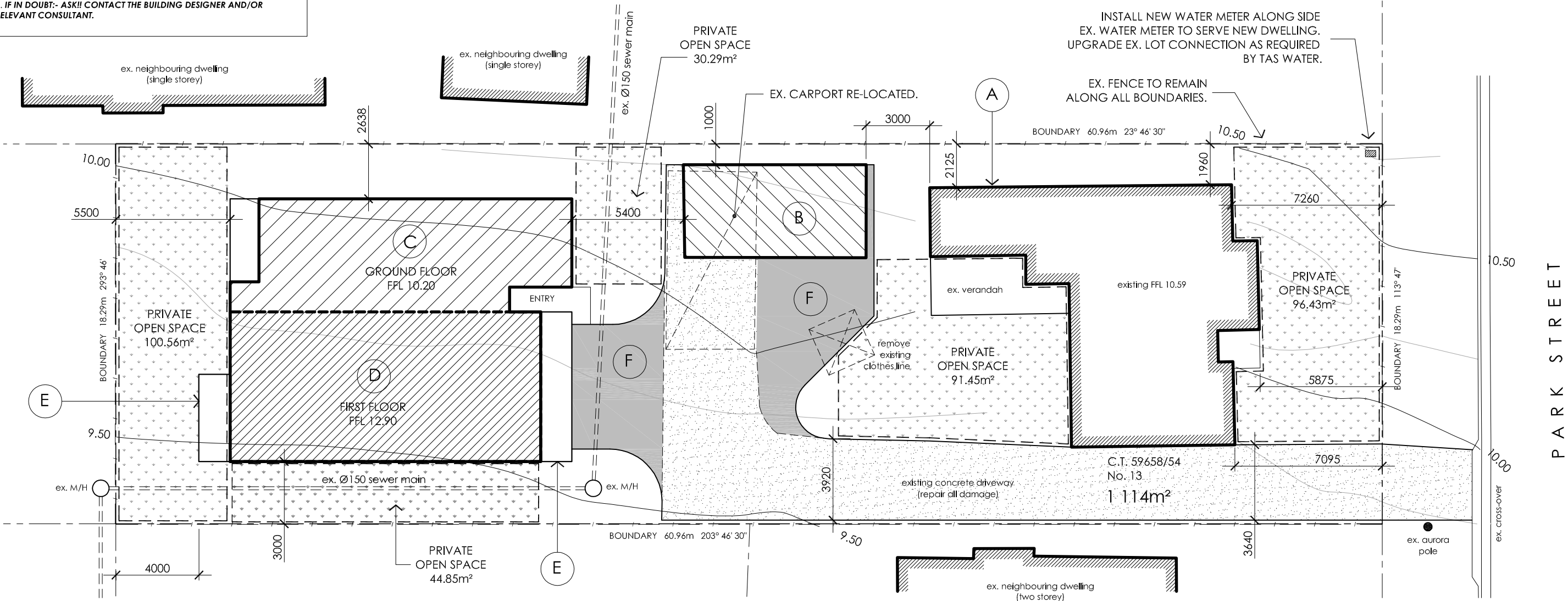
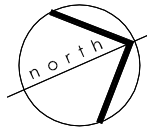
TOTAL - 381.83m²

SITE AREA - 1 114m²

TOTAL SITE COVERAGE - 28.10%

Attachment 2

- A EXISTING SINGLE STOREY RESIDENCE.
- B EXISTING CARPORT TO BE RELOCATED AND NEW CLADDING ADDED TO SIDES.
- C OUTLINE OF PROPOSED RESIDENCE GROUND FLOOR LEVEL.
- D OUTLINE OF PROPOSED RESIDENCE FIRST FLOOR LEVEL.
- E OUTLINE OF PROPOSED DECK AT FIRST FLOOR LEVEL.
- F EXTENSION TO EXISTING DRIVEWAY.



SITE PLAN 1:200

MATT GILLEY | building designer

PO Box 224 Lindisfarne Tasmania 7015 p: 0437499238 e: matt.gilley@bigpond.com

issue	description	date
A.	NEW DWELLING FFL'S RAISED 300mm.	4.9.15
B.	SETBACKS ADDED.	10.9.15

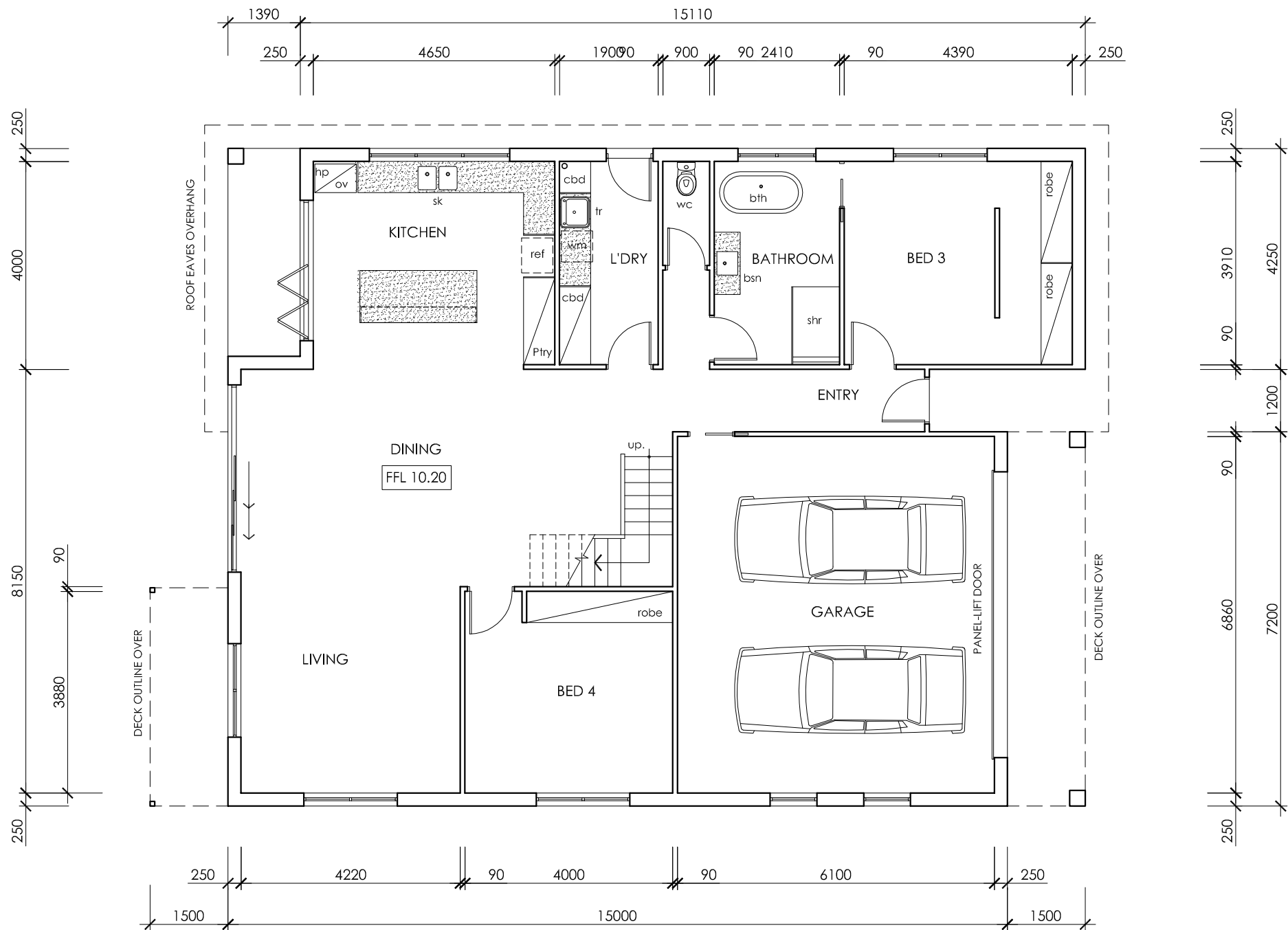
project	PROPOSED RESIDENCE 13 PARK STREET BELLERIVE
proprietor	P. CHAMPION

drawing	SITE PLAN	
scale	project no.	drawing no.
1:200	1242	
date	drawn	
JUL 2015	Agenda Attachments - 13 Park Street IMG	

WALL KEY

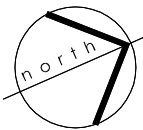
NEW 90mm TIMBER STUD WALL FRAME.

NEW 250mm BRICK VENEER WALL.



GROUND FLOOR PLAN 1:100

BUILDING AREA - 189.40m²



MATT GILLEY | building designer

PO Box 224 Lindisfarne Tasmania 7015 p: 0437499238 e: matt.gilley@bigpond.com

issue	description	date
A.	FFL'S RAISED 300mm.	4.9.15

project

PROPOSED RESIDENCE
13 PARK STREET
BELLERIVE

proprietor

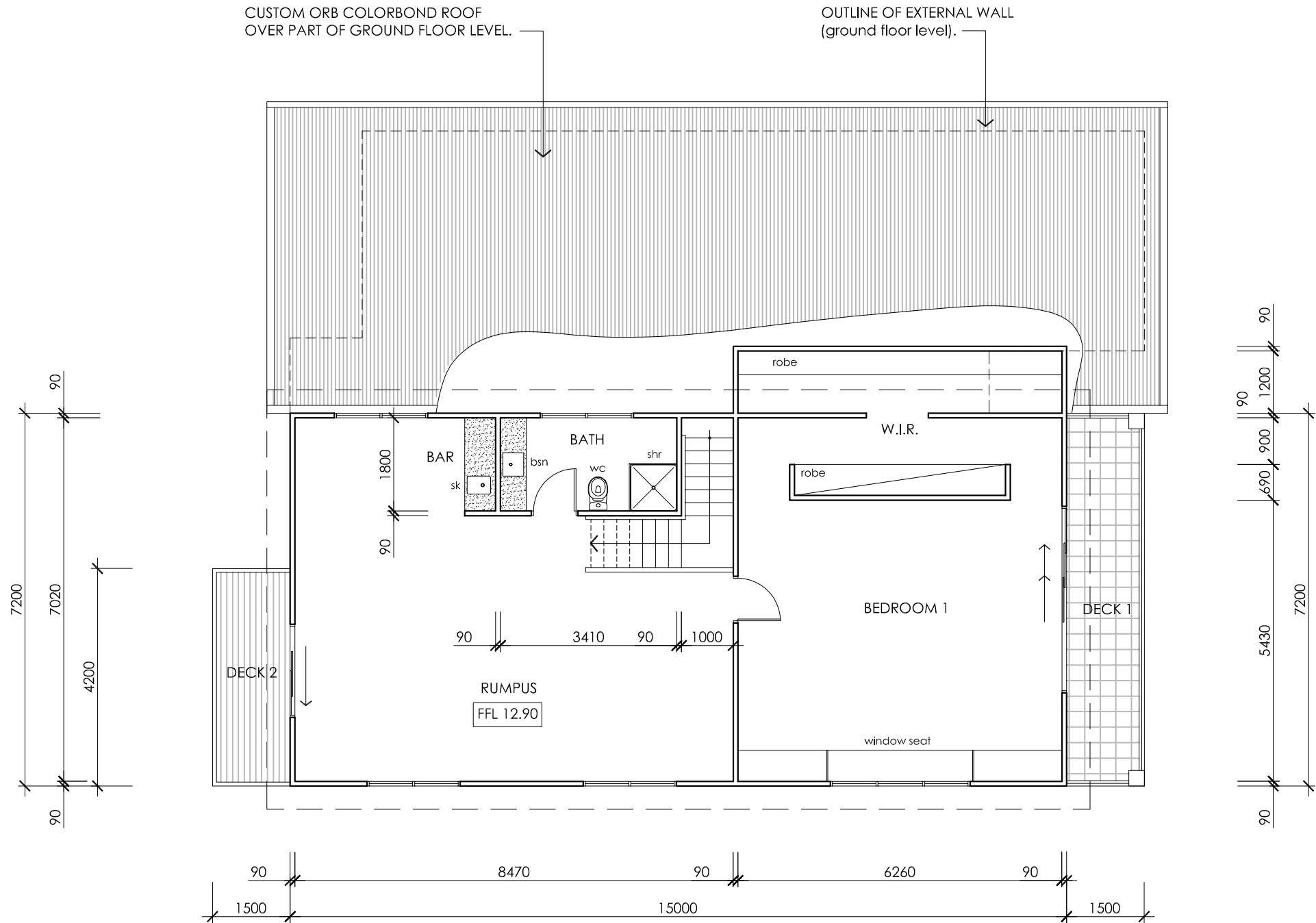
P. CHAMPION

drawing			GROUND FLOOR PLAN
scale	project no.	drawing no.	
1:100	1242		
date	drawn	Agenda Attachments - 13 Park Street Page 3 of 18	
JUL 2015	MG		

WALL KEY

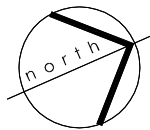
NEW 90mm TIMBER STUD WALL FRAME.

NEW 250mm BRICK VENEER WALL.



FIRST FLOOR PLAN 1:100

BUILDING AREA - 116.67m²



MATT GILLEY | building designer

PO Box 224 Lindisfame Tasmania 7015 p: 0437499238 e: matt.gilley@bigpond.com

issue	description	date
A.	FFL'S RAISED 300mm.	4.9.15

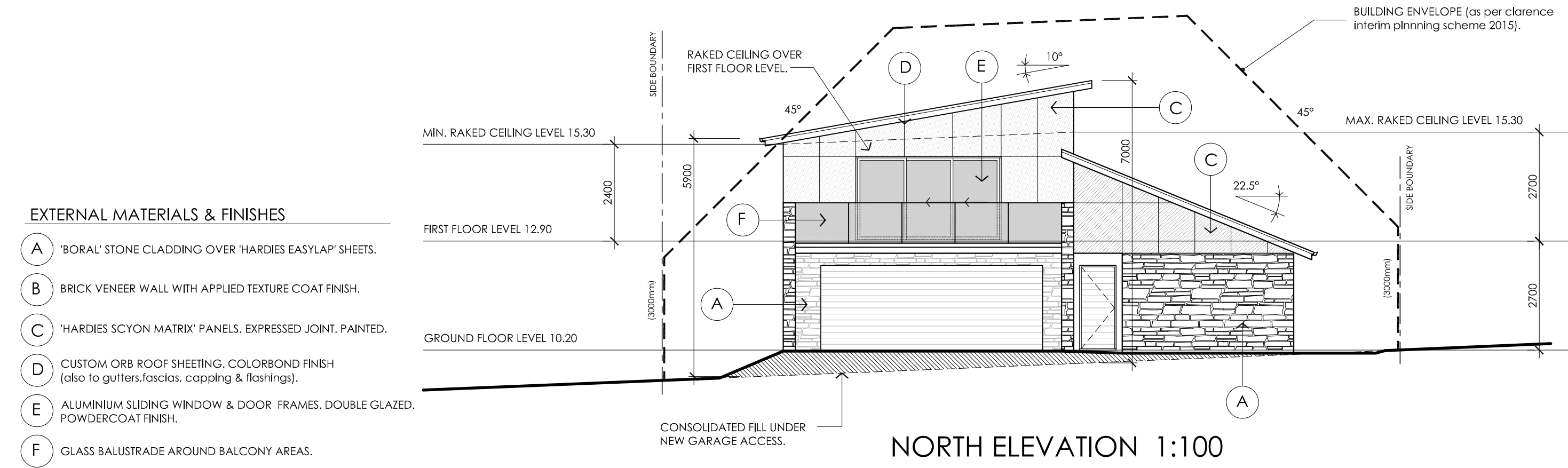
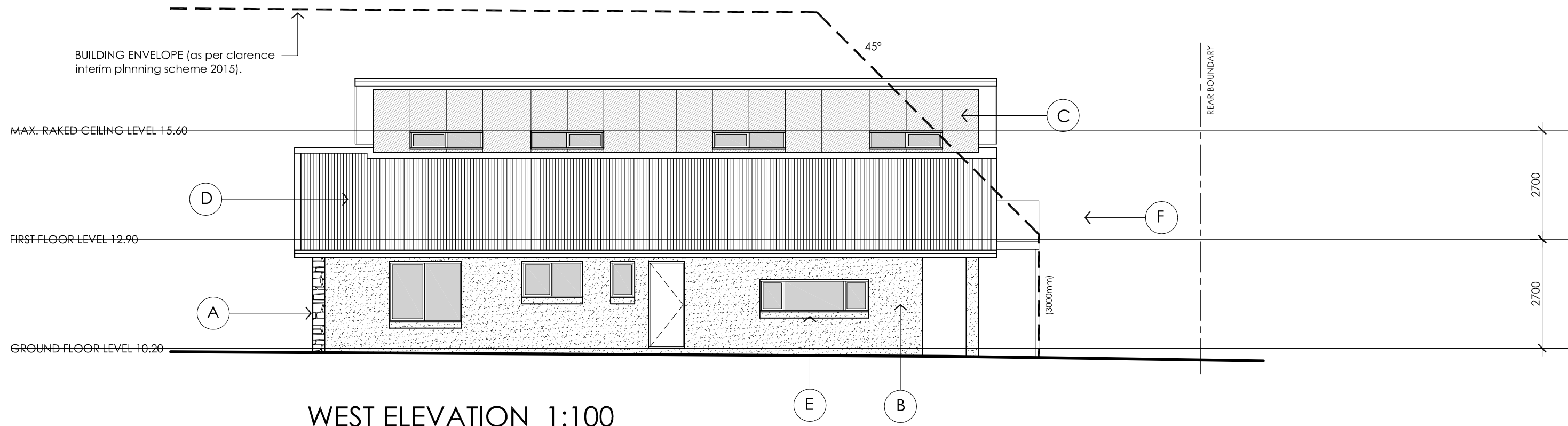
project

PROPOSED RESIDENCE
13 PARK STREET
BELLERIVE

proprietor

P. CHAMPION

drawing			FIRST FLOOR PLAN
scale	project no.	drawing no.	
1:100	1242		
date	drawn	Agenda Attachments - 13 Park Street Page 4 of 18	
JUL 2015	IMB		



- EXTERNAL MATERIALS & FINISHES
- A 'BORAL' STONE CLADDING OVER 'HARDIES EASYLAP' SHEETS.
 - B BRICK VENEER WALL WITH APPLIED TEXTURE COAT FINISH.
 - C 'HARDIES SCYON MATRIX' PANELS. EXPRESSED JOINT. PAINTED.
 - D CUSTOM ORB ROOF SHEETING. COLORBOND FINISH (also to gutters, fascias, capping & flashings).
 - E ALUMINIUM SLIDING WINDOW & DOOR FRAMES. DOUBLE GLAZED. POWDERCOAT FINISH.
 - F GLASS BALUSTRADE AROUND BALCONY AREAS.

MATT GILLEY | building designer

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issue	description	date
A.	FFL'S RAISED 300mm.	4.9.15
B.	MAX. HEIGHT ADDED.	10.9.15

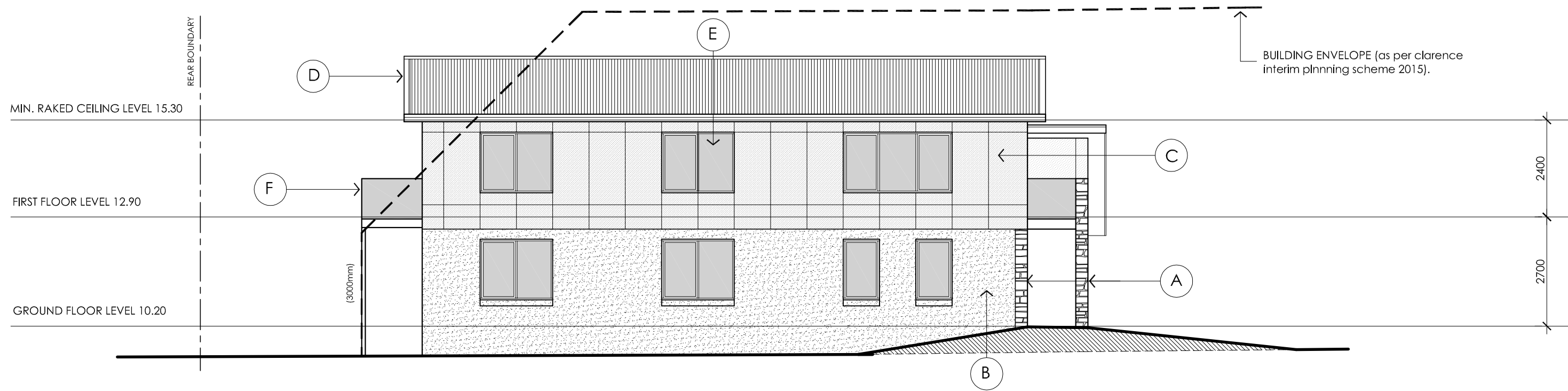
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PROPOSED RESIDENCE
13 PARK STREET
BELLERIVE

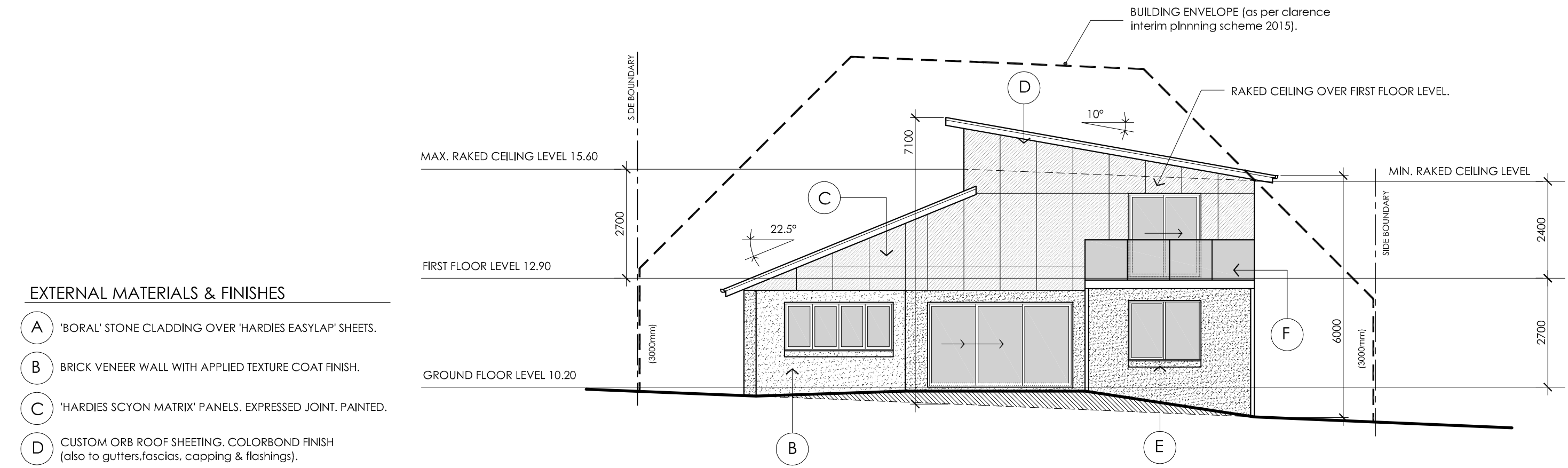
proprietor

P. CHAMPION

drawing			ELEVATIONS
scale	project no.	drawing no.	
1:100	1242		
date	drawn		
JUL 2015	Agenda Attachments - 13 Park Street MIG		



EAST ELEVATION 1:100



SOUTH ELEVATION 1:100

EXTERNAL MATERIALS & FINISHES

- A 'BORAL' STONE CLADDING OVER 'HARDIES EASYLAP' SHEETS.
- B BRICK VENEER WALL WITH APPLIED TEXTURE COAT FINISH.
- C 'HARDIES SCYON MATRIX' PANELS. EXPRESSED JOINT. PAINTED.
- D CUSTOM ORB ROOF SHEETING. COLORBOND FINISH (also to gutters,fascias, capping & flashings).
- E ALUMINIUM SLIDING WINDOW & DOOR FRAMES. DOUBLE GLAZED. POWDERCOAT FINISH.
- F GLASS BALUSTRADE AROUND BALCONY AREAS.

MATT GILLEY | building designer

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issue	description	date
A.	FFL'S RAISED 300mm, MAX. HEIGHT ADDED.	4.9.15
B.	MAX. HEIGHT ADDED.	10.9.15

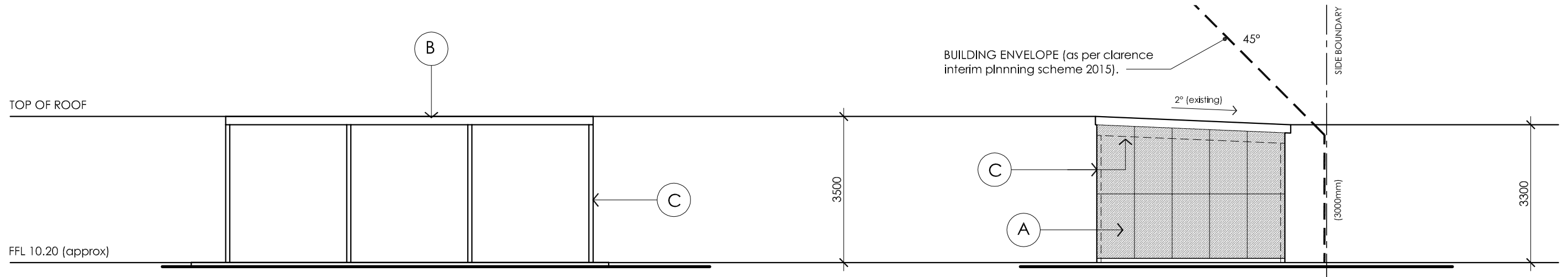
project

PROPOSED RESIDENCE
13 PARK STREET
BELLERIVE

proprietor

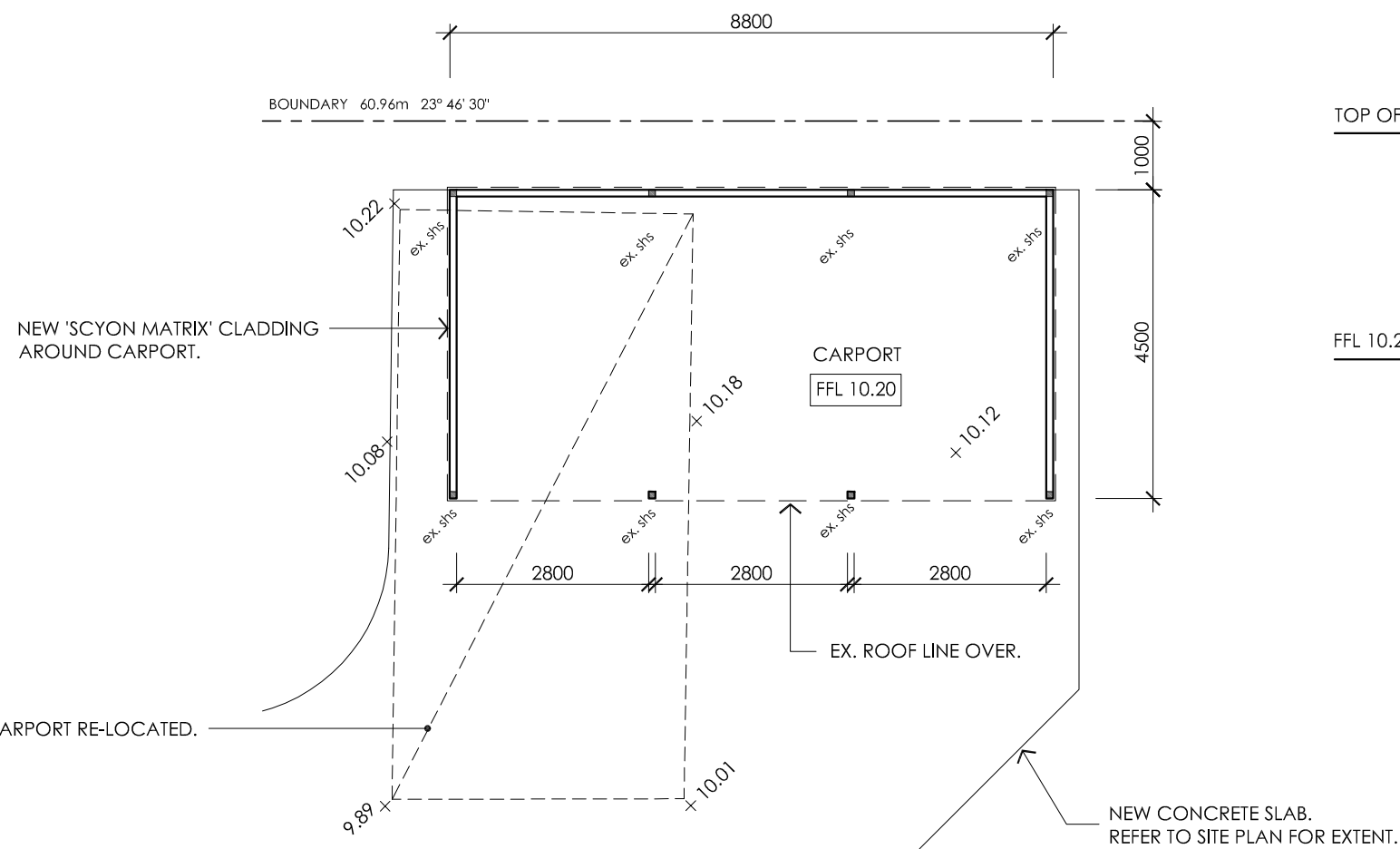
P. CHAMPION

drawing			ELEVATIONS
scale	project no.	drawing no.	
1:100	1242		
date	drawn		
JUL 2015	Agenda Attachments - 13 Park Street MG		

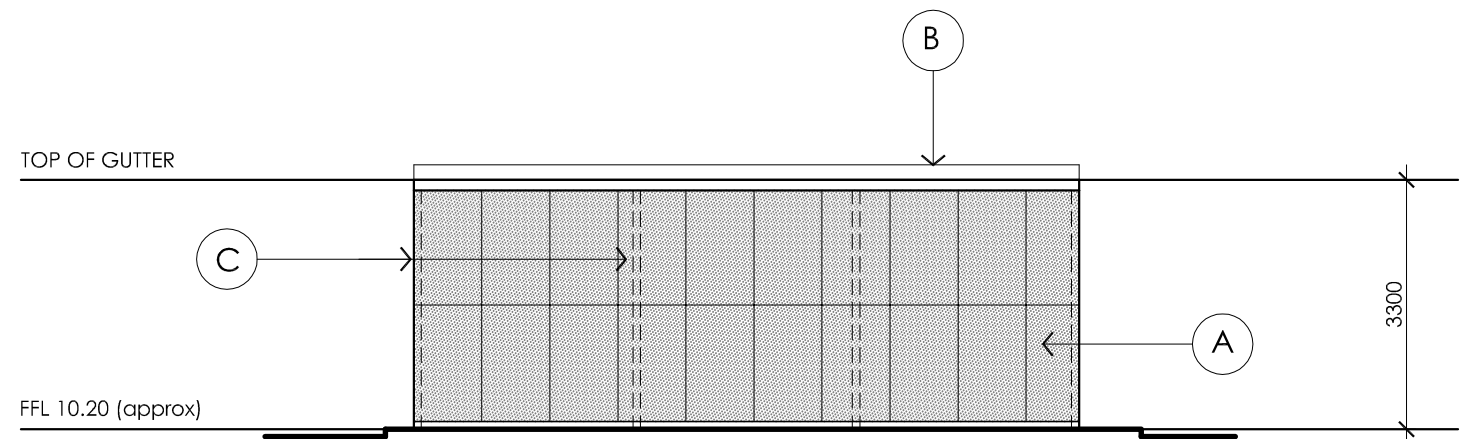


EAST ELEVATION 1:100

NORTH ELEVATION 1:100
REVERSE FOR SOUTH ELEVATION



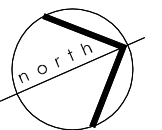
CARPORT PLAN 1:100



WEST ELEVATION 1:100

EXTERNAL MATERIALS & FINISHES

- A** REMOVE EX. METAL SHEET CLADDING AND REPLACE WITH NEW 'HARDIES SCYON MATRIX' PANELS. EXPRESSED JOINT. PAINTED.
- B** EXISTING 'TRIMDEK' ROOF SHEETING.
- C** EXISTING STEEL COLUMNS & ROOF FRAME. NEW PAINT FINISH.



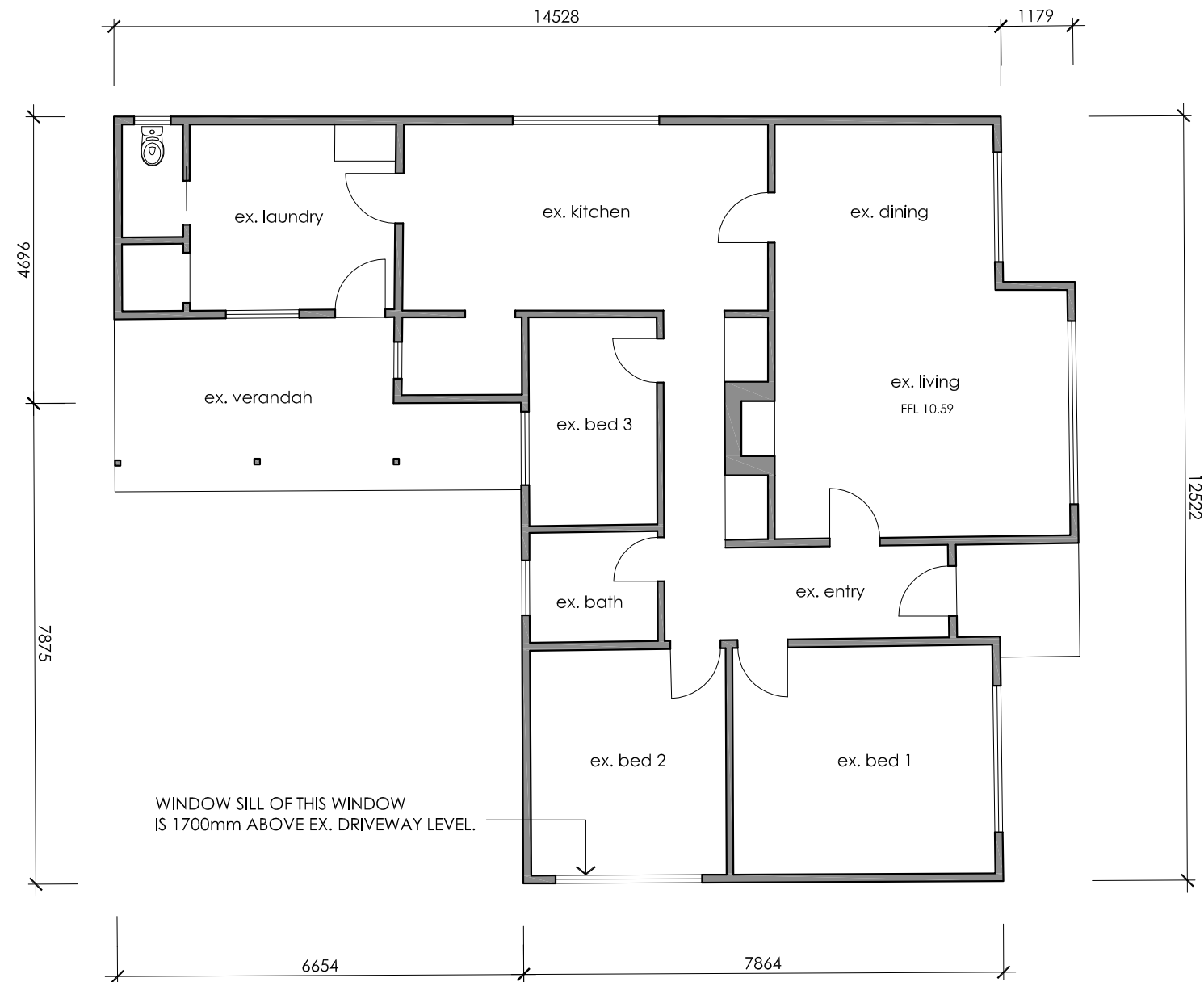
MATT GILLEY | building designer

PO Box 224 Lindisfarne Tasmania 7015 p: 0437499238 e: matt.gilley@bigpond.com

issue	description	date
A.	CAR PORT DIMENSIONS ADDED.	4.9.15

project	PROPOSED RESIDENCE 13 PARK STREET BELLERIVE	
proprietor	P. CHAMPION	

drawing CARPORT PLAN & ELEVATIONS		
scale 1:100	project no. 1242	drawing no. A06
date JUL 2015	drawn Agenda Attachments - 13 Park Street MIG	



FLOOR PLAN 1:100

EXISTING WEATHERBOARD RESIDENCE
(external outline taken from surveyor's detail plan)



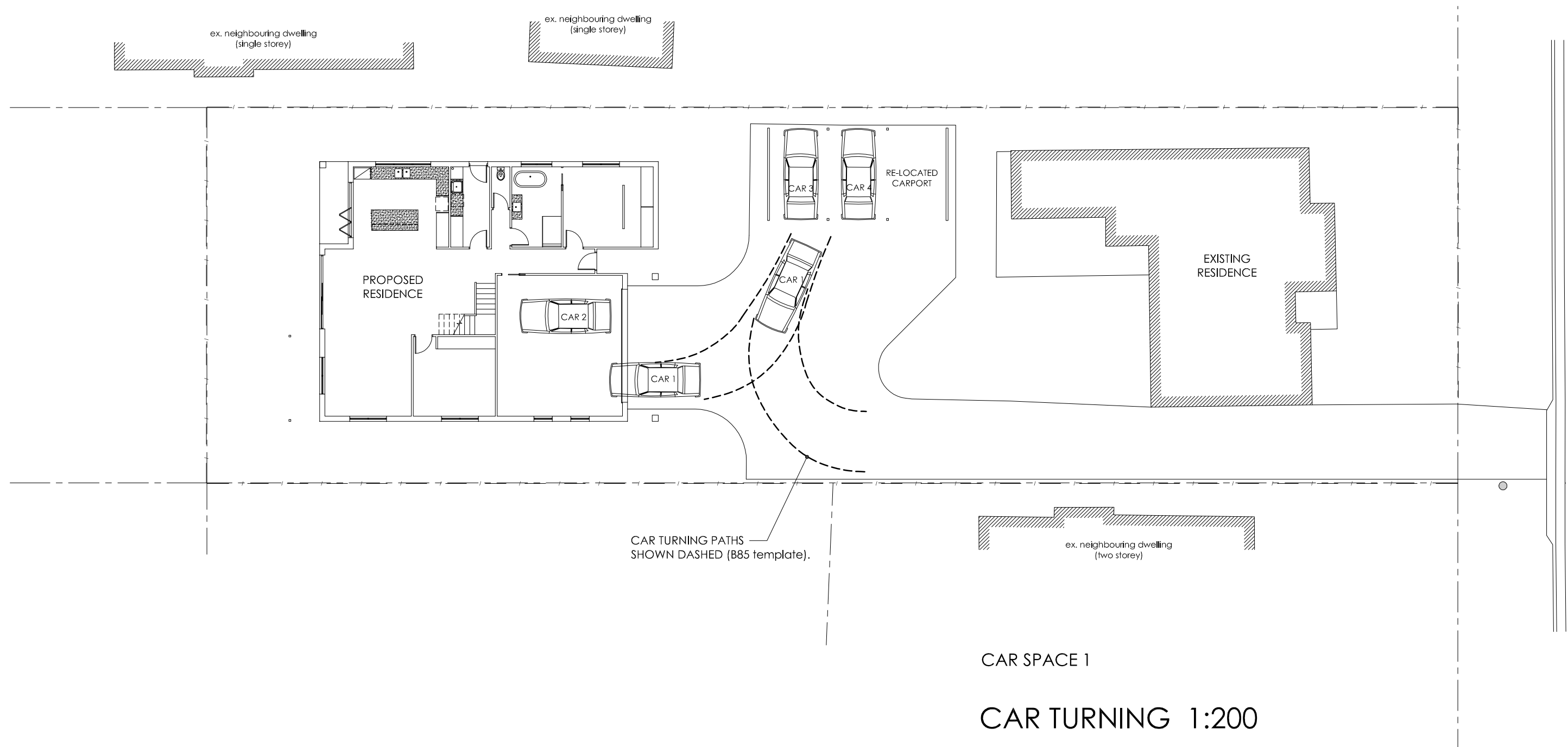
MATT GILLEY | building designer

PO Box 224 Lindisfarne Tasmania 7015 p: 0437499238 e: matt.gilley@bigpond.com

issue	description	date
A.	EXISTING RESIDENCE FLOOR PLAN.	4.9.15

project	PROPOSED RESIDENCE 13 PARK STREET BELLERIVE
proprietor	P. CHAMPION

drawing	EXISTING RESIDENCE FLOOR PLAN	
scale	project no.	drawing no.
1:100	1242	
date	drawn	ADZ Agenda Attachments - 13 Park Street Page 8 of 18 MG
SEP 2015	MG	



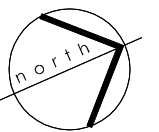
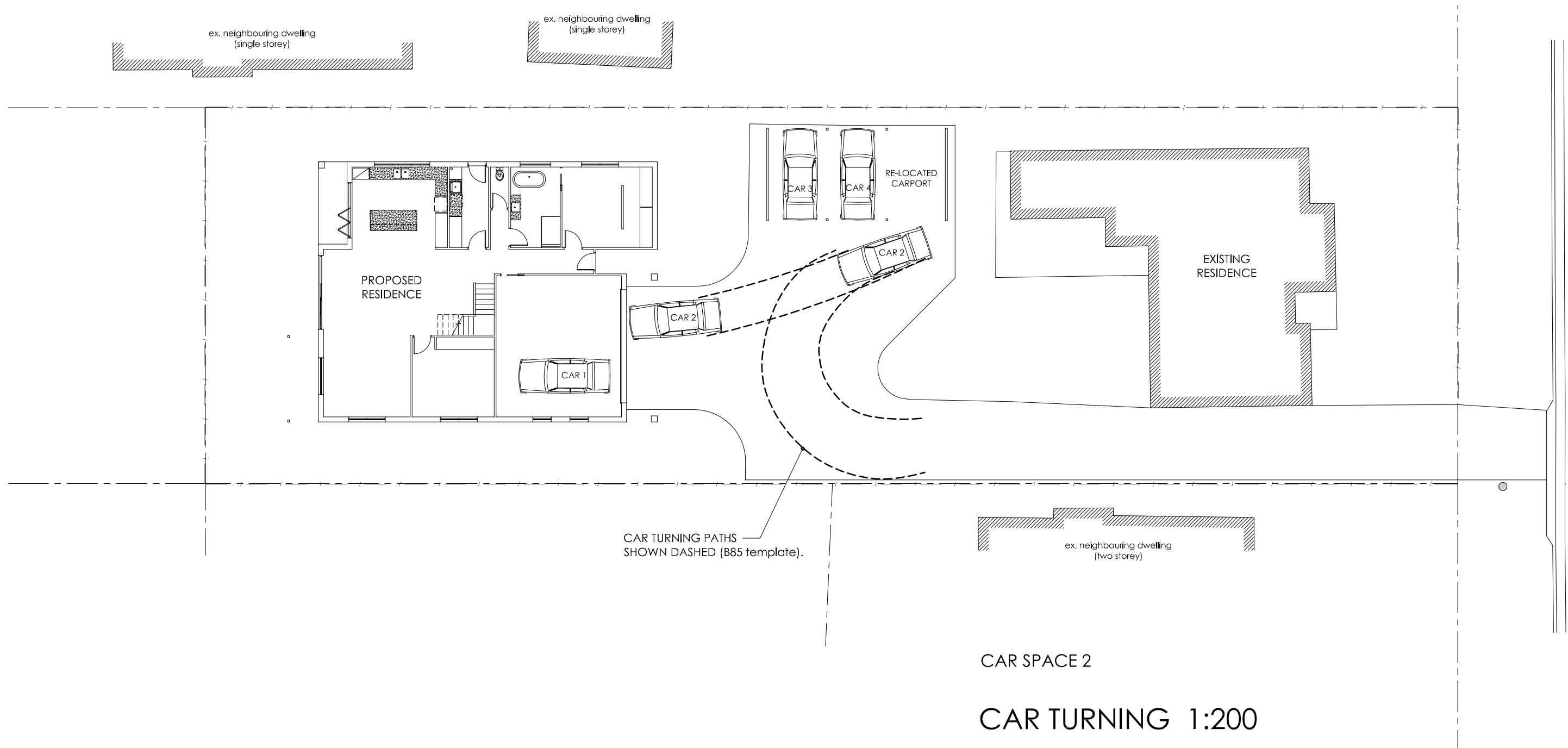
MATT GILLEY | building designer

PO Box 224 Lindisfame Tasmania 7015 p: 0437499238 e: matt.gilley@bigpond.com

issue	description	date

project	PROPOSED RESIDENCE 13 PARK STREET BELLERIVE
proprietor	P. CHAMPION

drawing CAR TURNING - SPACE 1		
scale	project no.	drawing no.
1:200	1242	
date	drawn	CO1
JUL 2015	Agenda Attachments - 13 Park Street IMG	



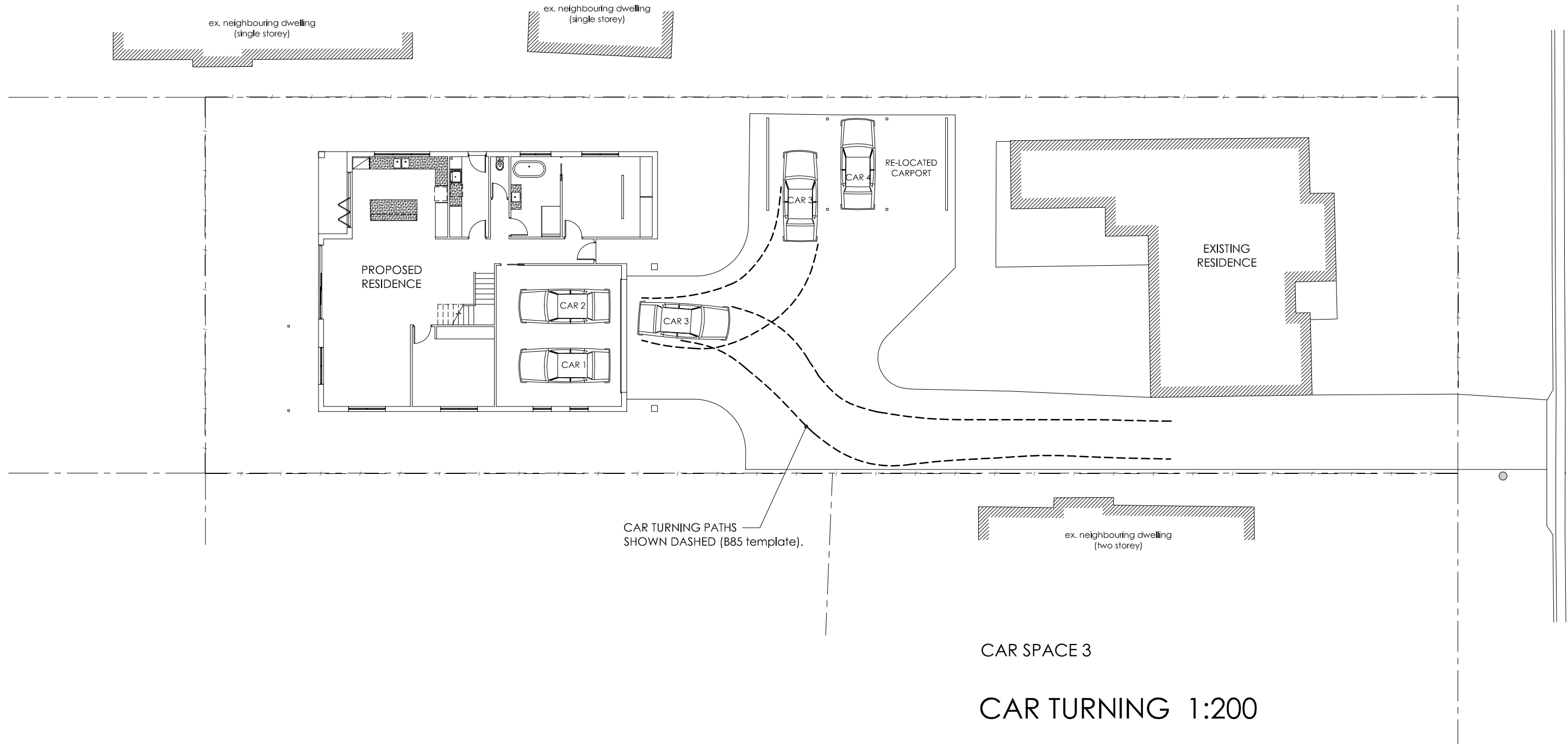
MATT GILLEY | building designer

PO Box 224 Lindisfarne Tasmania 7015 p: 0437499238 e: matt.gilley@bigpond.com

issue	description	date

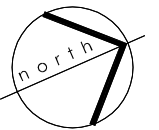
project	PROPOSED RESIDENCE 13 PARK STREET BELLERIVE
proprietor	P. CHAMPION

drawing	CAR TURNING - SPACE 2	
scale	project no.	drawing no.
1:200	1242	
date	drawn	CO2 Agenda Attachments - 13 Park Street Page 10 of 18 IMG
JUL 2015		



CAR SPACE 3

CAR TURNING 1:200



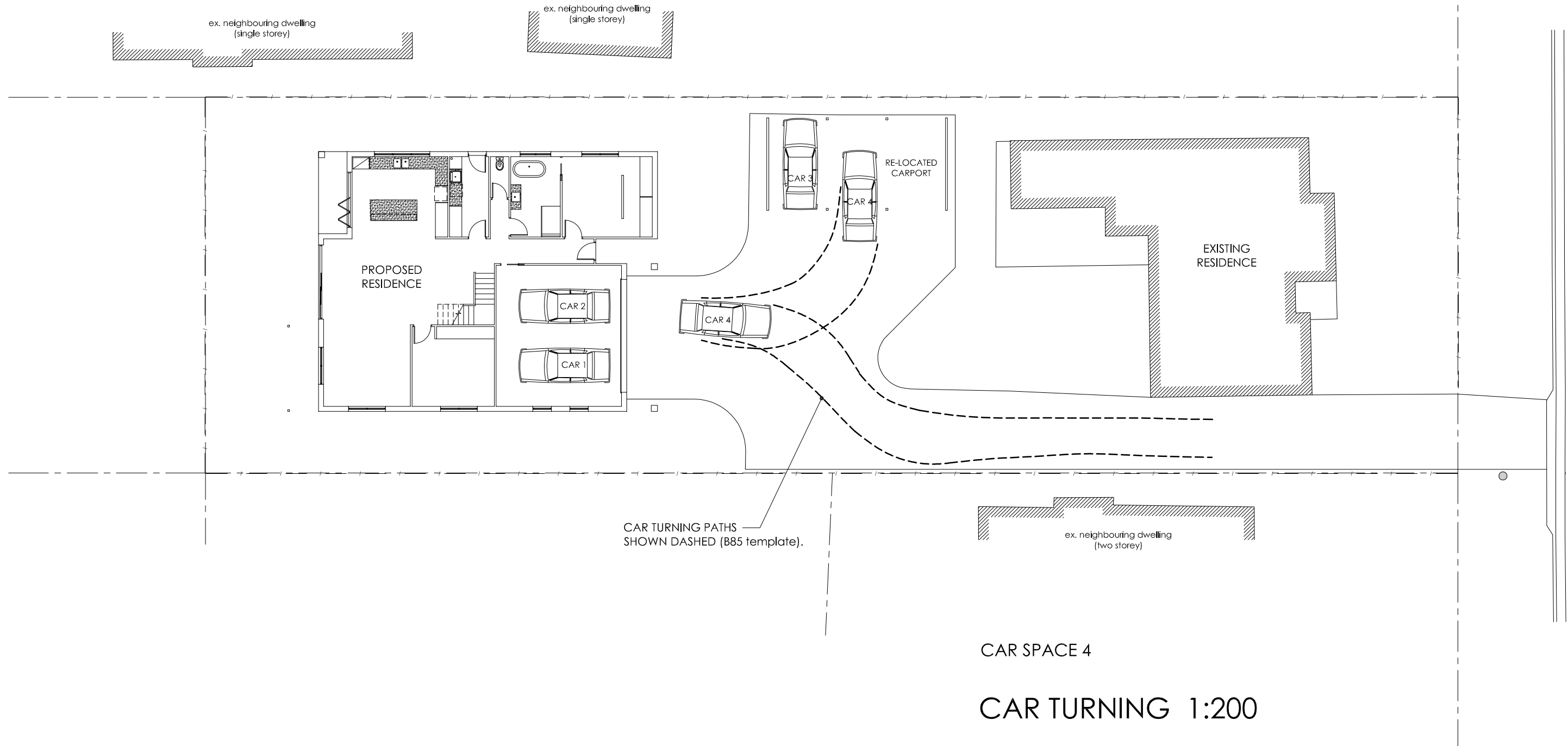
MATT GILLEY | building designer

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issue	description	date

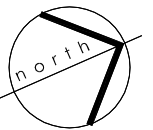
project	PROPOSED RESIDENCE 13 PARK STREET BELLERIVE
proprietor	P. CHAMPION

drawing CAR TURNING - SPACE 3		
scale 1:200	project no. 1242	drawing no. C03
date JUL 2015	drawn Agenda Attachments - 13 Park Street IMG	



CAR SPACE 4

CAR TURNING 1:200



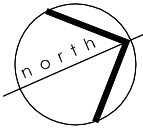
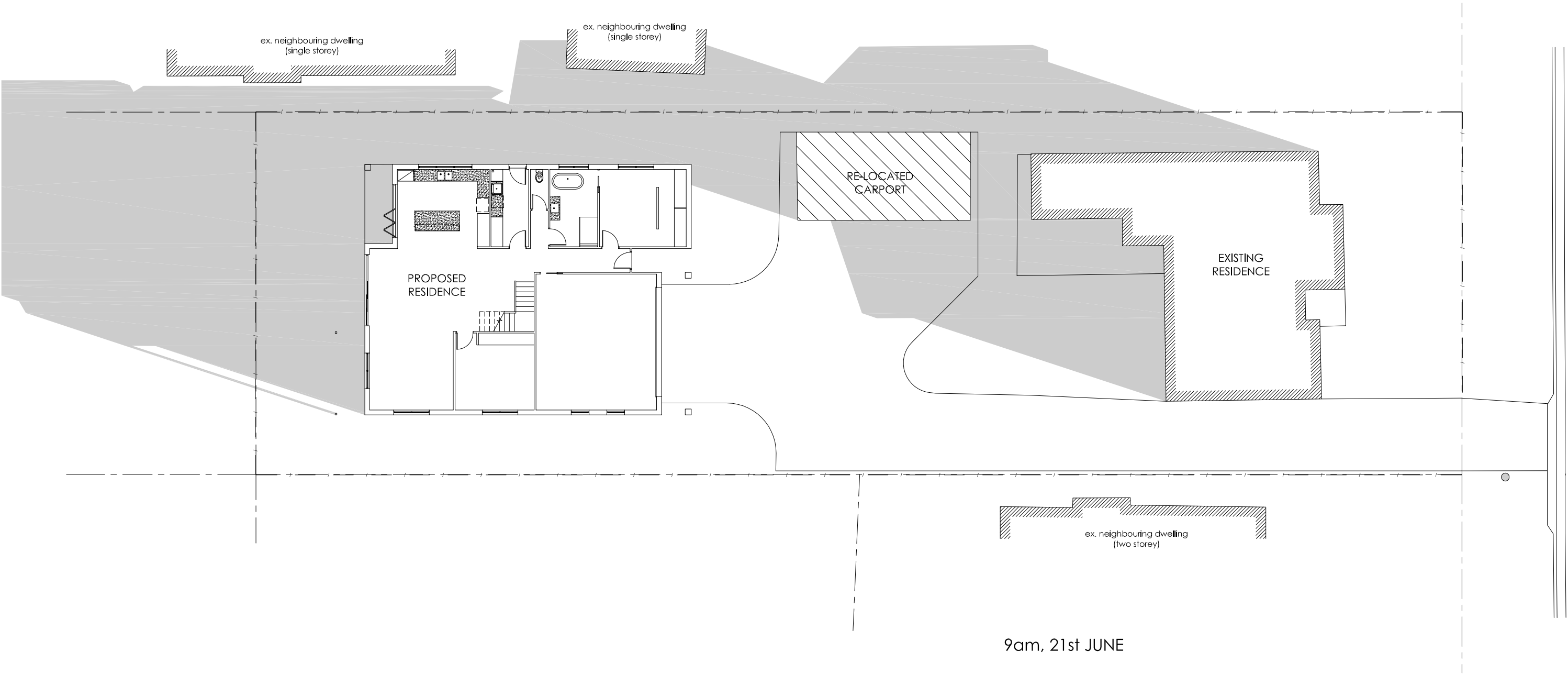
MATT GILLEY | building designer

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issue	description	date

project	PROPOSED RESIDENCE 13 PARK STREET BELLERIVE
proprietor	P. CHAMPION

drawing	CAR TURNING - SPACE 4	
scale	project no.	drawing no.
1:200	1242	
date	drawn	C04
JUL 2015	Agenda Attachments - 13 Park Street IMG	



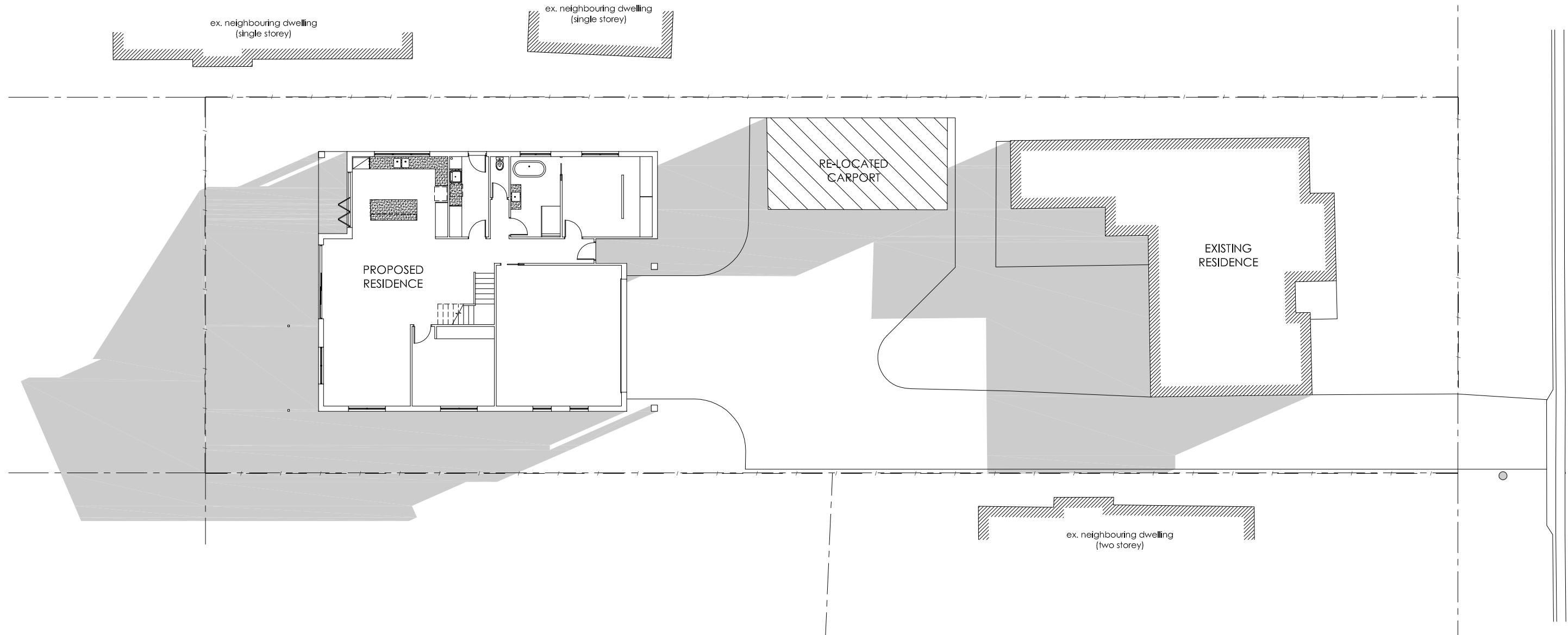
MATT GILLEY | building designer

PO Box 224 Lindisfame Tasmania 7015 p: 0437499238 e: matt.gilley@bigpond.com

issue	description	date
A.	ADDITIONAL SHADOWS.	4.9.15

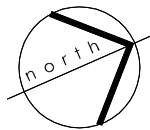
project	PROPOSED RESIDENCE 13 PARK STREET BELLERIVE
proprietor	P. CHAMPION

drawing SUN SHADOW PLAN		
scale 1:200	project no. 1242	drawing no. SSQ1
date JUL 2015	drawn Agenda Attachments IMG	



12pm, 21st JUNE

SUN SHADOW PLAN 1:200



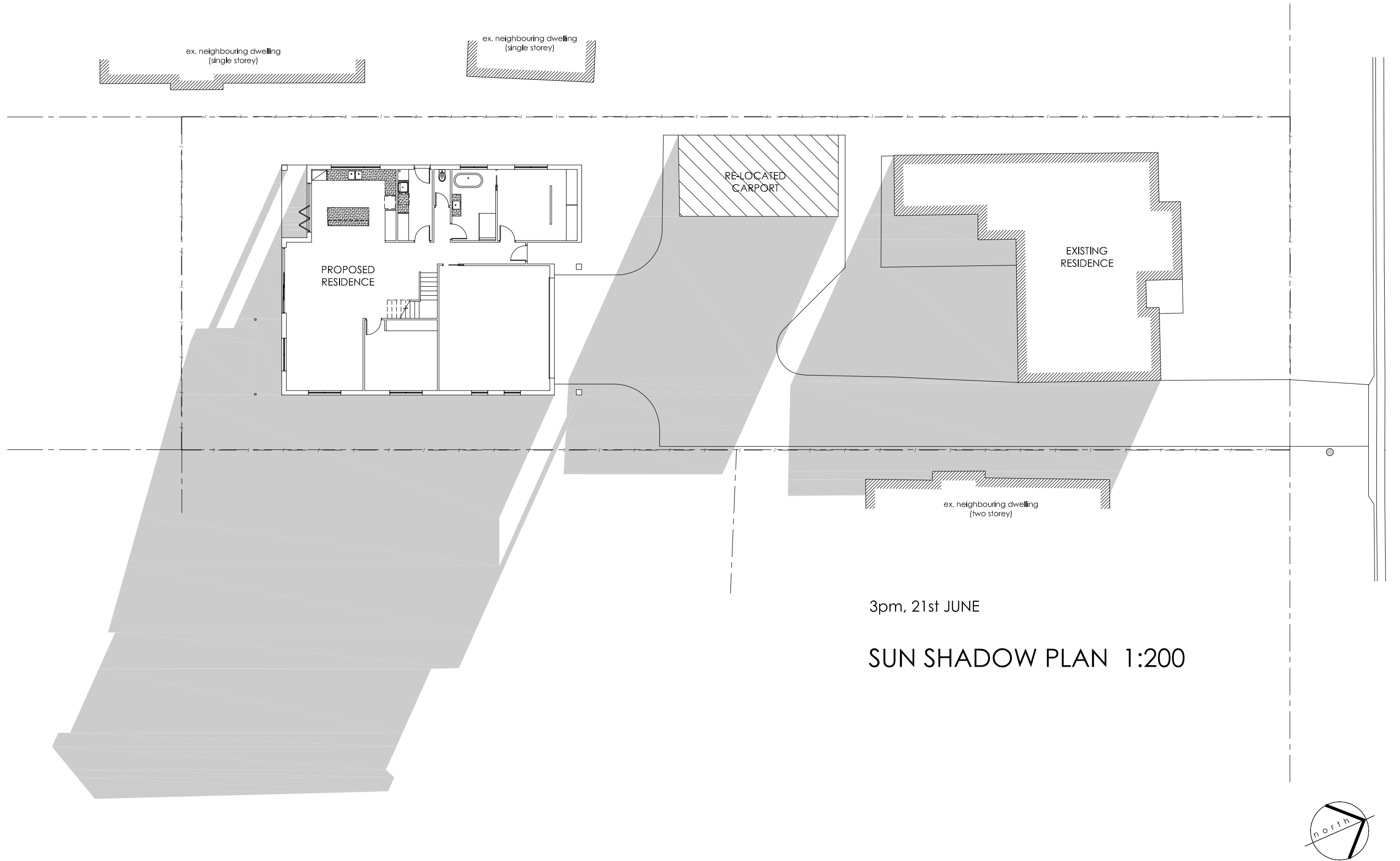
MATT GILLEY | building designer

PO Box 224 Lindisfame Tasmania 7015 p: 0437499238 e: matt.gilley@bigpond.com

issue	description	date
A.	ADDITIONAL SHADOWS.	4.9.15

project	PROPOSED RESIDENCE 13 PARK STREET BELLERIVE
proprietor	P. CHAMPION

drawing SUN SHADOW PLAN		
scale 1:200	project no. 1242	drawing no.
date JUL 2015	drawn Agenda Attachments - 13 Park Street IMG	SS02



3pm, 21st JUNE

SUN SHADOW PLAN 1:200

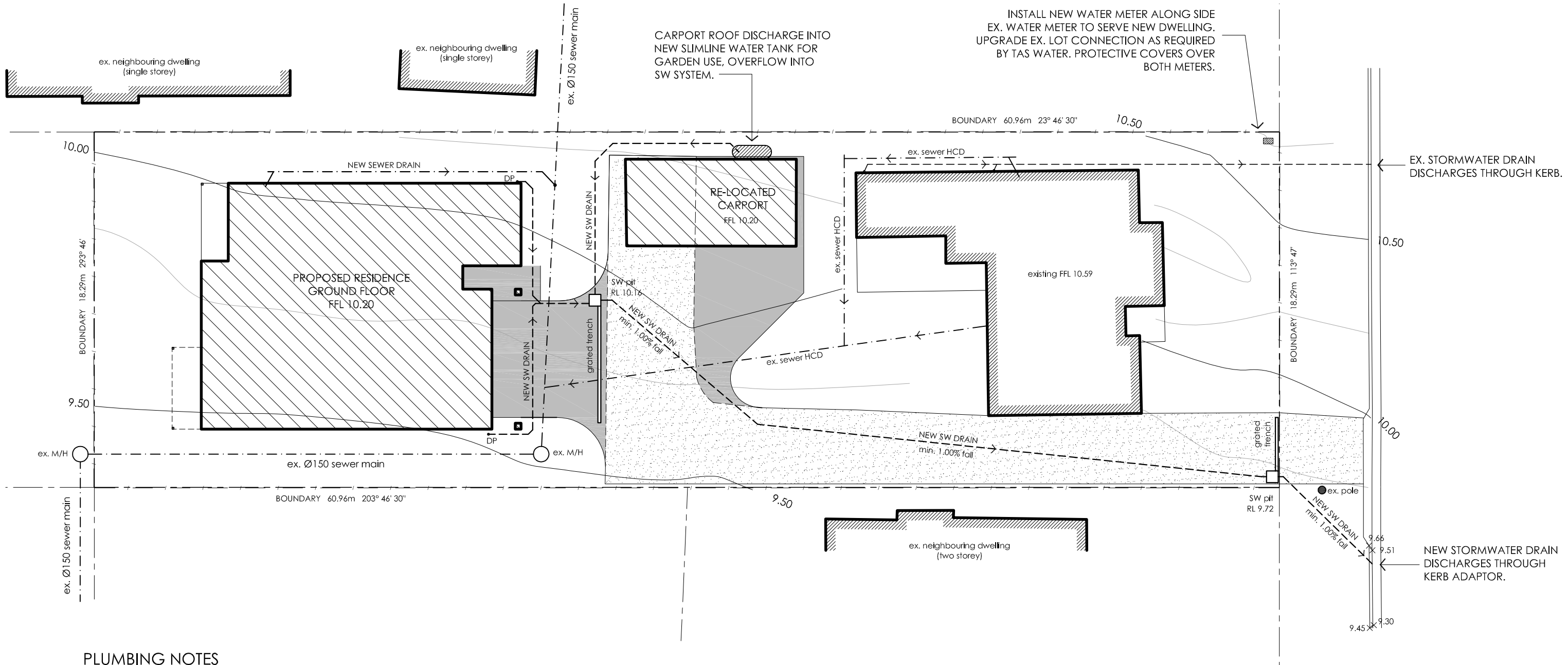
MATT GILLEY | building designer

PO Box 224 Lindisfarne Tasmania 7015 p: 0437499238 e: matt.gilley@bigpond.com

issue	description	date
A.	ADDITIONAL SHADOWS.	4.9.15

project	PROPOSED RESIDENCE 13 PARK STREET BELLERIVE	
proprietor	P. CHAMPION	

drawing SUN SHADOW PLAN		
scale 1:200	project no. 1242	drawing no. SS03
date JUL 2015	drawn Agenda Attachments IMG	



PLUMBING NOTES

ALL PLUMBING & DRAINAGE SHALL COMPLY WITH THE NATIONAL PLUMBING CODE, AS3500, AND LOCAL COUNCIL RULES / REGULATIONS.

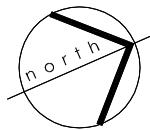
LOCATION OF ALL RELEVANT EXISTING DRAINS SHALL BE LOCATED ON SITE PRIOR TO ANY WORK COMMENCING. WHERE POSSIBLE ALL DRAINS AND PIPES ARE TO BE CONCEALED FROM VIEW.

SW pit NEW STORMWATER PIT WITH TRAFFICABLE GALV. GRATE.

grated trench NEW STORMWATER TRENCH WITH TRAFFICABLE GALV. GRATE.

PLUMBING PLAN 1:200

CONCEPT ONLY



MATT GILLEY | building designer

PO Box 224 Lindisfame Tasmania 7015 p: 0437499238 e: matt.gilley@bigpond.com

issue	description	date
A.	REVISED STORM WATER DRAINAGE.	4.9.15

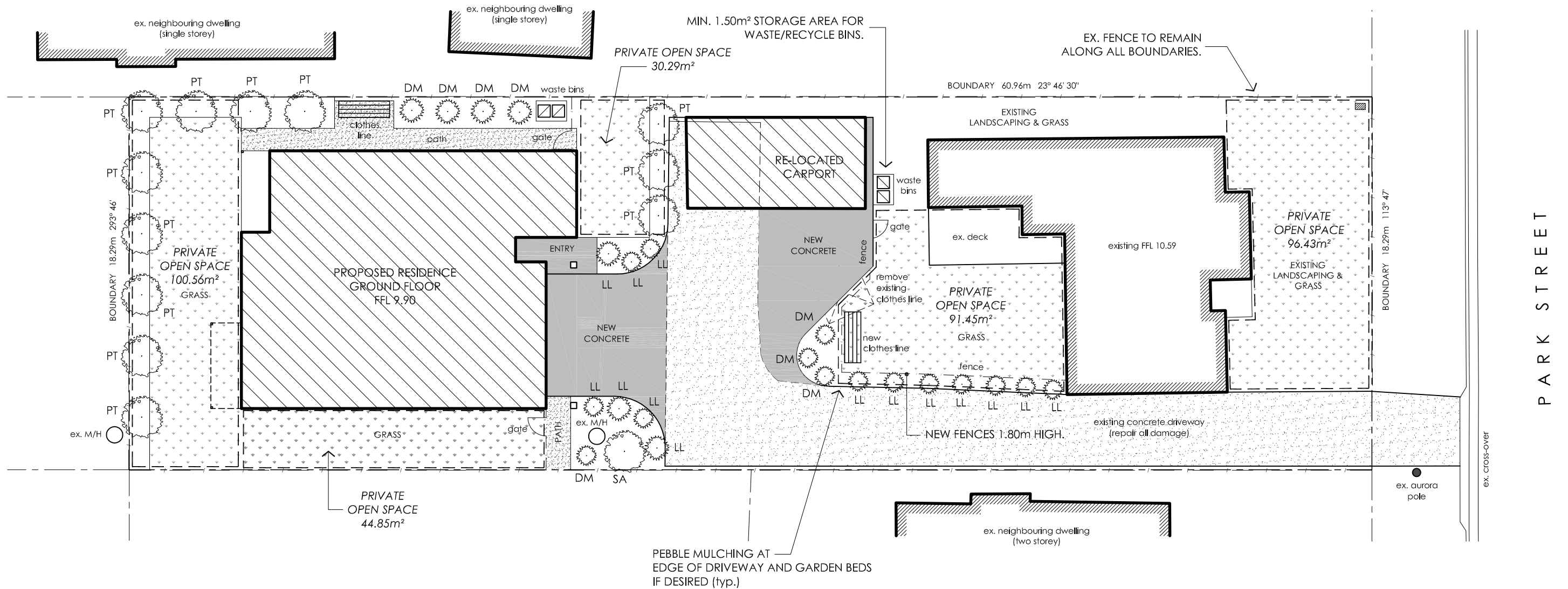
project

PROPOSED RESIDENCE
13 PARK STREET
BELLERIVE

proprietor

P. CHAMPION

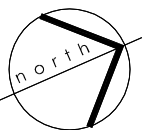
drawing			PLUMBING PLAN
scale	project no.	drawing no.	
1:200	1242		
date	drawn		
JUL 2015	Agenda Attachments - 13 Park Street MIG		



- STRIP TOP SOIL OF EXISTING WEEDS AND GRASS COVER.
- INSTALL NEW TOP SOIL WHERE NECESSARY, AND NEW GARDEN DRIP WATERING SYSTEM (with fitted timer device) TO ALL NEW LANDSCAPED AREAS.
- MULCHING SHALL BE PROVIDED TO ALL GARDEN BEDS. BUILDER TO CONFIRM TYPE TO BE USED. PROVIDE 75 - 100mm LAYER FOR ORGANIC TYPE or 50mm LAYER IF PEBBLES ARE USED.
- PROVIDE TREE GUARDS (nom. 500mm high) TO PROTECT YOUNG PLANTS UNTIL ESTABLISHED. MINIMUM 3No. TREATED PINE STAKES (driven into ground), PLASTIC or GEO-FABRIC SURROUND.
- REGULAR WEEDING & FERTILIZING SHOULD BE CARRIED OUT.

LANDSCAPING PLAN 1:200

LANDSCAPING SCHEDULE				
SYMBOL	BOTANICAL NAME	COMMON NAME	HEIGHT x WIDTH	QUANTITY
PT	PITOSPERUM TENUIFOLIUM	GREEN PILLAR	3.0m x 1.5m	12
LL	LOMANDRA LONGIFOLIA	TANIKA	0.6m x 1.0m	14
DM	DIPLARRENA MORAEA	WHITE FLAG IRIS	0.8m x 0.6m	8
SA	SYZYGIVM AUSTALE	LILLY PILLY	6.0m x 3.0m	1



MATT GILLEY | building designer

PO Box 224 Lindisfarne Tasmania 7015 p: 0437499238 e: matt.gilley@bigpond.com

issue	description	date

project	PROPOSED RESIDENCE 13 PARK STREET BELLERIVE
proprietor	P. CHAMPION

drawing	LANDSCAPING PLAN	
scale	project no.	drawing no.
1:200	1242	
date	drawn	
JUL 2015	Agenda Attachments MIG	

Attachment 3

13 Park Street, BELLERIVE



Site viewed from Park Street

11.3.3 DEVELOPMENT APPLICATION D-2015/353 - 7 ESPLANADE, SEVEN MILE BEACH - DWELLING ADDITION
(File No D-2015/353)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling addition at 7 Esplanade, Seven Mile Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Coastal Erosion Hazard and Inundation Prone Areas Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant to 27 October 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of loss of privacy.

RECOMMENDATION:

- A. That the Development Application for a dwelling addition at 7 Esplanade, Seven Mile Beach (CI Ref D-2015/353) be approved subject to the following condition and advice.
 - 1. GEN AP1 – ENDORSED PLANS.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT**1. BACKGROUND**

No relevant background.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned Village under the Scheme.

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – Village Zones; and
- Section E6.0 – Coastal Erosion Hazard Code (not applicable as dwelling additions are not located on the part of the site covered by this Code) and Inundation Prone Areas 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 1004m² residential lot containing a single storey dwelling with vehicular access from the Esplanade. The surrounding lots contain single and 2 storey dwellings.

3.2. The Proposal

The proposal is for dwelling additions, consisting of a new upper floor and alterations to the ground floor. The existing ground floor will be refurbished and will contain 2 bedrooms, rumpus, bathroom, wet room and laundry and the new upper floor will contain a bedroom with ensuite, kitchen, living areas and deck.

The second storey addition requires against the Performance Criteria of the Village zone in relation to the building envelope, private open space, sunlight and privacy provisions.

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

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the Village Zone and Inundation Prone Areas Code with the exception of the following.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Setback and building envelopes	To be contained within the prescribed building envelope. Dwelling located 1.48m from the southern boundary and 2.23m from the northern boundary.	A portion of the upper floor level protrudes out of the building envelope. Setbacks would need to be 3.1m to the southern and northern boundaries to comply.

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

- The adjoining dwelling to the south, 8 Esplanade is 2 storey with a high window located on its northern wall. Due to the subject dwelling and adjoining dwelling on 8 Esplanade being off-set from each other, the variation to the building envelope is not considered to have a detrimental impact on the amenity of the adjoining property owner from overshadowing.
- The 2 storey building is consistent with other dwellings in the area, including on 6 and 8 Esplanade which immediately adjoin the site.

10.4.3 A2(c)	Site coverage and private open space	Private open space directly accessible from and adjacent to, a habitable room (other than a bedroom).	Private open space located to the north is accessed through a laundry/wet room.
-----------------	--------------------------------------	---	---

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

- The site contains large areas of private open space located to the east and west sides of the dwelling, which provides adequate areas for the enjoyment of the owners which is easily accessible from living areas.
- The upper floor has a deck located adjacent to the living room which, although does not meet the minimum dimensions under the Scheme, serves as an extension of the living areas of the dwelling.
- The deck on the north-west side of the ground floor of the dwelling is orientated to the north to obtain reasonable levels of sunlight.

10.4.4 A1	Sunlight and overshadowing	A dwelling must contain at least 1 habitable room (other than a bedroom) that faces between 30° west of north and 30° east of north.	Habitable windows do not face between 30° west of north and 30° east of north.
--------------	----------------------------	--	--

The proposed variation can be supported pursuant to the Performance Criteria P2 of Clause 10.4.4 for the following reason.

- The living rooms on the upper level have windows facing northwards which will allow reasonable levels of sunlight.

10.4.6 A1	Privacy	The upper level deck on the south-west elevation must have a permanently fixed screen 1.7m in height, with a uniform transparency of no more than 25%, along the southern side of the deck.	The deck has a 2.8m high privacy screen along a 2m length portion of the deck which leaves the remaining 3.6m of the deck without screening.
--------------	---------	---	--

The proposed variation can be supported pursuant to the Performance Criteria P2 of Clause 10.4.6 for the following reason.

- The proposal provides a screen located part way along the south-west elevation which will minimise overlooking of the dwelling and private open space of the dwelling at 8 Esplanade.

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. Issue

The representor is concerned that the location of the 2 windows on the north-east elevation will result in a loss of privacy to the private outdoor space located at the rear of their dwelling.

- **Comment**

The windows are off-set to the existing dwelling located on the adjoining property at 6 Esplanade and therefore are considered to meet the Acceptable Solution under 10.4.6(b)(ii) of the Scheme. Clause 8.10.1 of the Scheme provides that Council must only take into consideration matters relating to the exercise of discretion. In any event, the 2 windows are in the ensuite and bedroom and due to their narrow shape are not considered to result in an unreasonable level of overlooking to the backyard of the adjoining dwelling.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

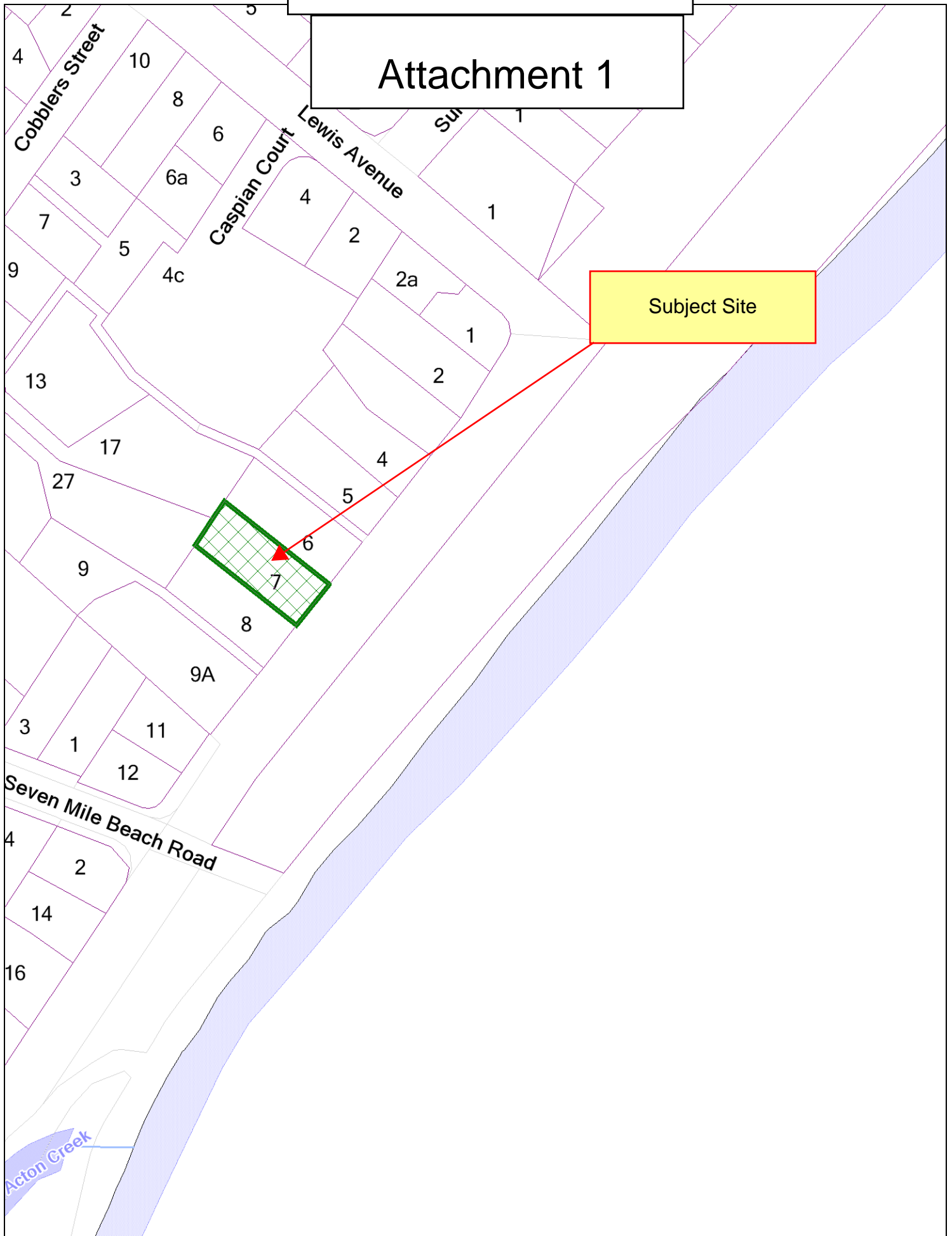
9. CONCLUSION

The proposal is for a dwelling addition at 7 Esplanade, Seven Mile Beach is considered to meet the Performance Criteria of the General Residential Zone standards and is recommended for approval.

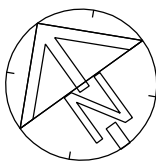
Attachments: 1. Location Plan (1)
2. Proposal Plan (6)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

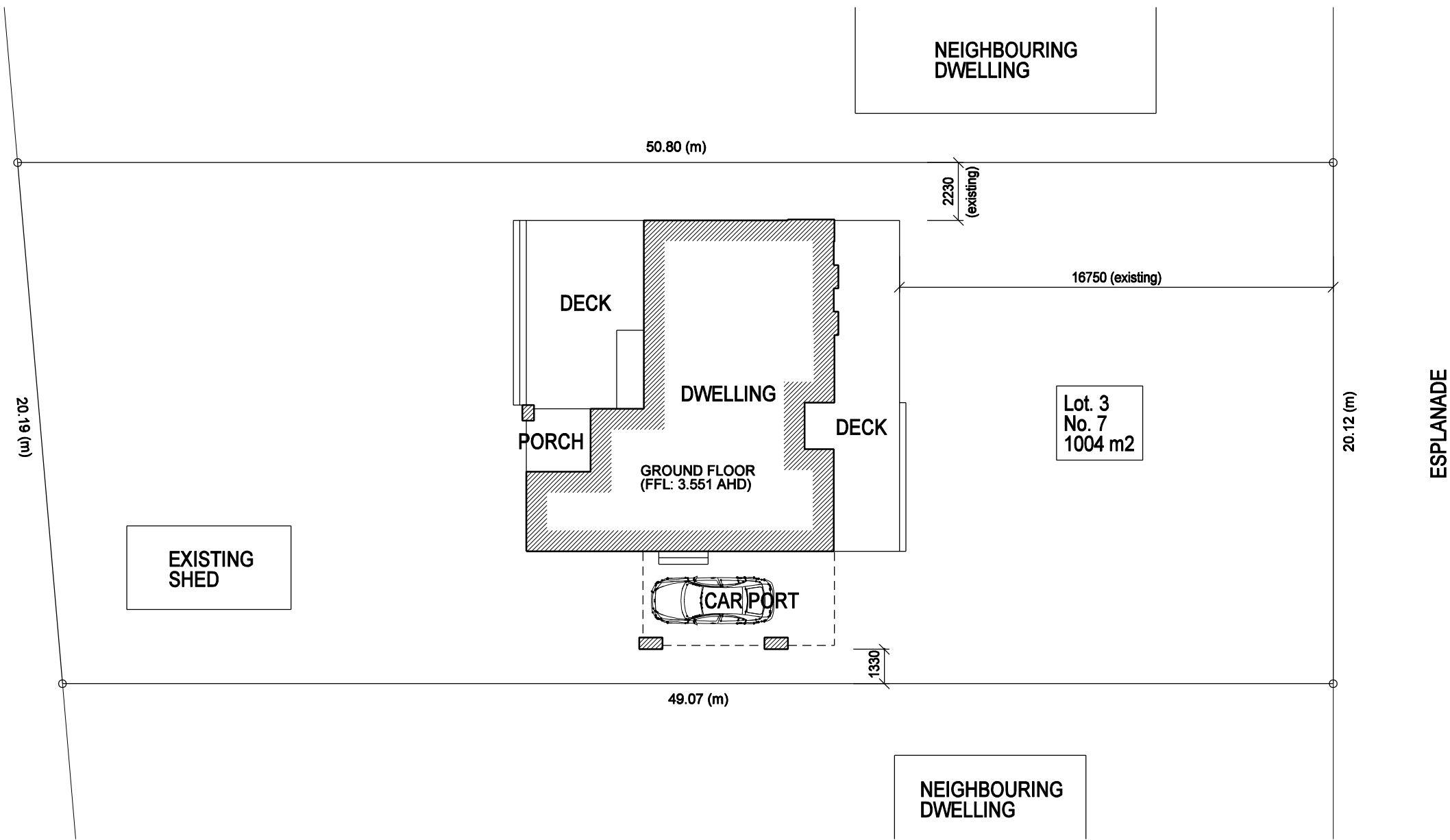
Attachment 1



Attachment 2



(CT: 21847 / 3)



SITE PLAN
scale 1:200

PLANNING APPLICATION SET

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

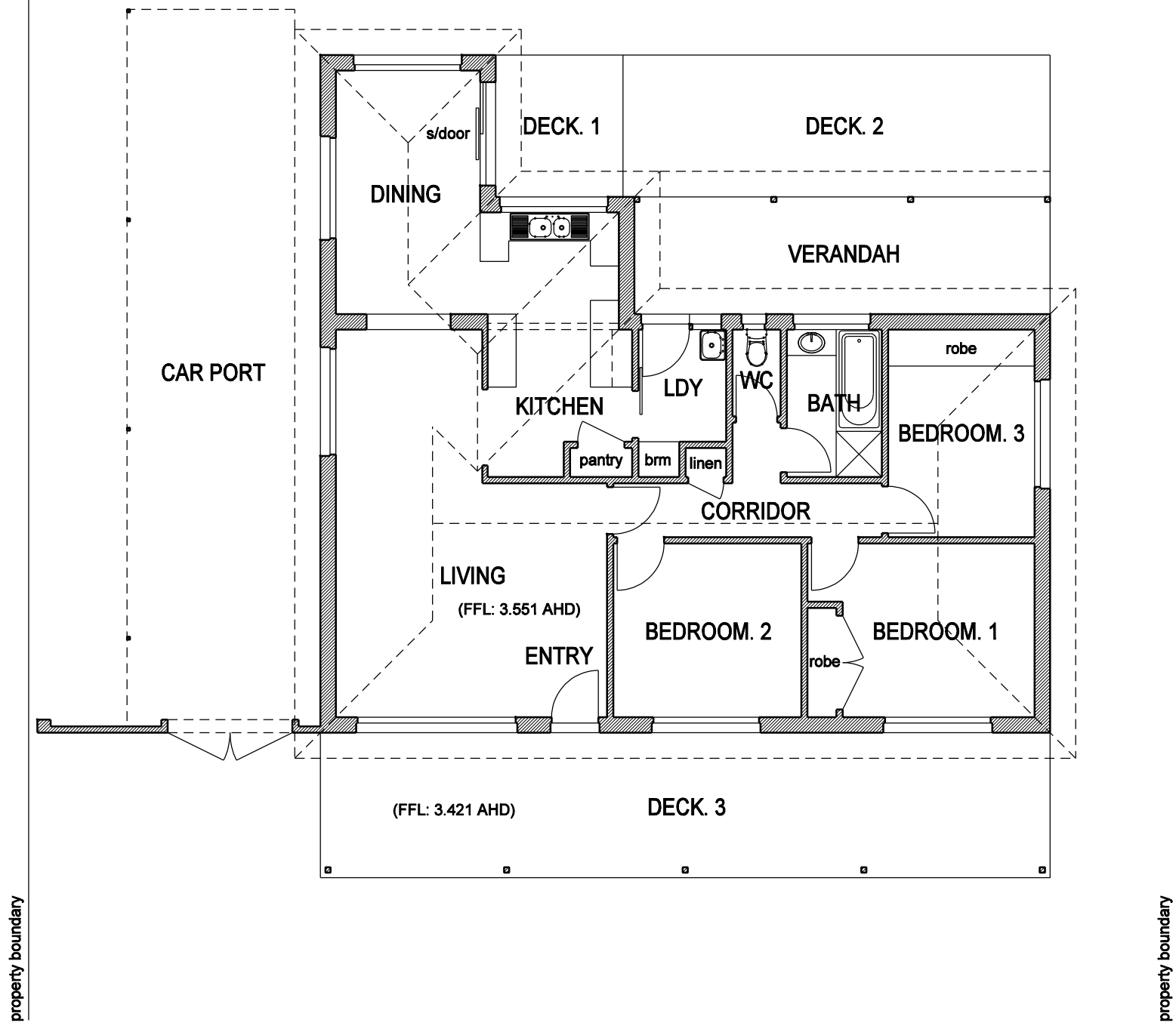
DRAWING: Site Plan		
CLIENT:	DRAWN:	DRAWING NUMBER:
Stephen & Annette Bourke	JW	A01c
PROJECT ADDRESS:	DATE:	
7 Esplanade, Seven Mile Beach Tasmania	Feb 2015	

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CC 49710

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EXISTING FLOOR AREAS:	
Dwelling (measured to face of external walls) -	112.60 m2
Verandah -	14.96 m2
Deck. 1 -	5.54 m2
Deck. 2 -	18.58 m2
Deck. 3 -	32.46 m2



EXISTING GROUND 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: Existing Ground Floor Plan		
CLIENT: Stephen & Annette Bourke	DRAWN: JW	DRAWING NUMBER: A02_c
PROJECT ADDRESS: 7 Esplanade, Seven Mile Beach Tasmania	DATE: Feb 2015	

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CC 4971 U

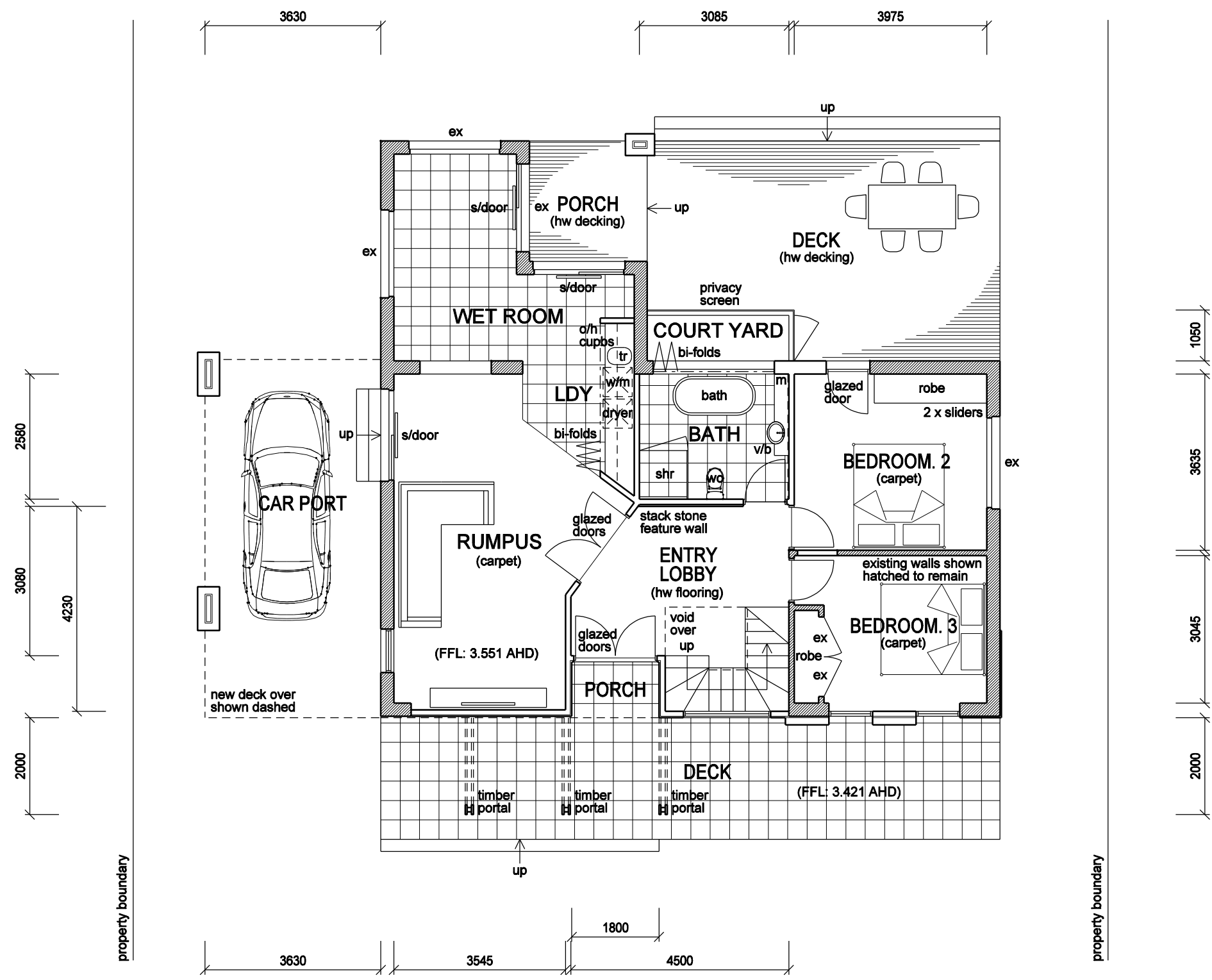
PROPOSED GROUND FLOOR PLAN

scale 1:100

PLANNING APPLICATION SET

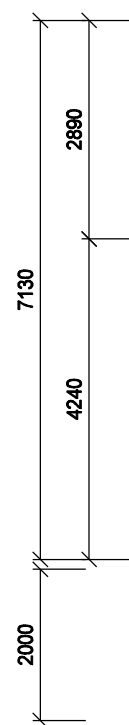
John Weston
Architectural Design
 Level 2, 121 Macquarie Street
 Hobart 7000 Tasmania
 p: 0427 040 343
 e: johnwestonarchitecturaldesign@gmail.com

DRAWING: Proposed Ground Floor Plan		
CLIENT: Stephen & Annette Bourke	DRAWN: JW	DRAWING NUMBER: A03_c
PROJECT ADDRESS: 7 Esplanade, Seven Mile Beach Tasmania	DATE: Feb 2015	

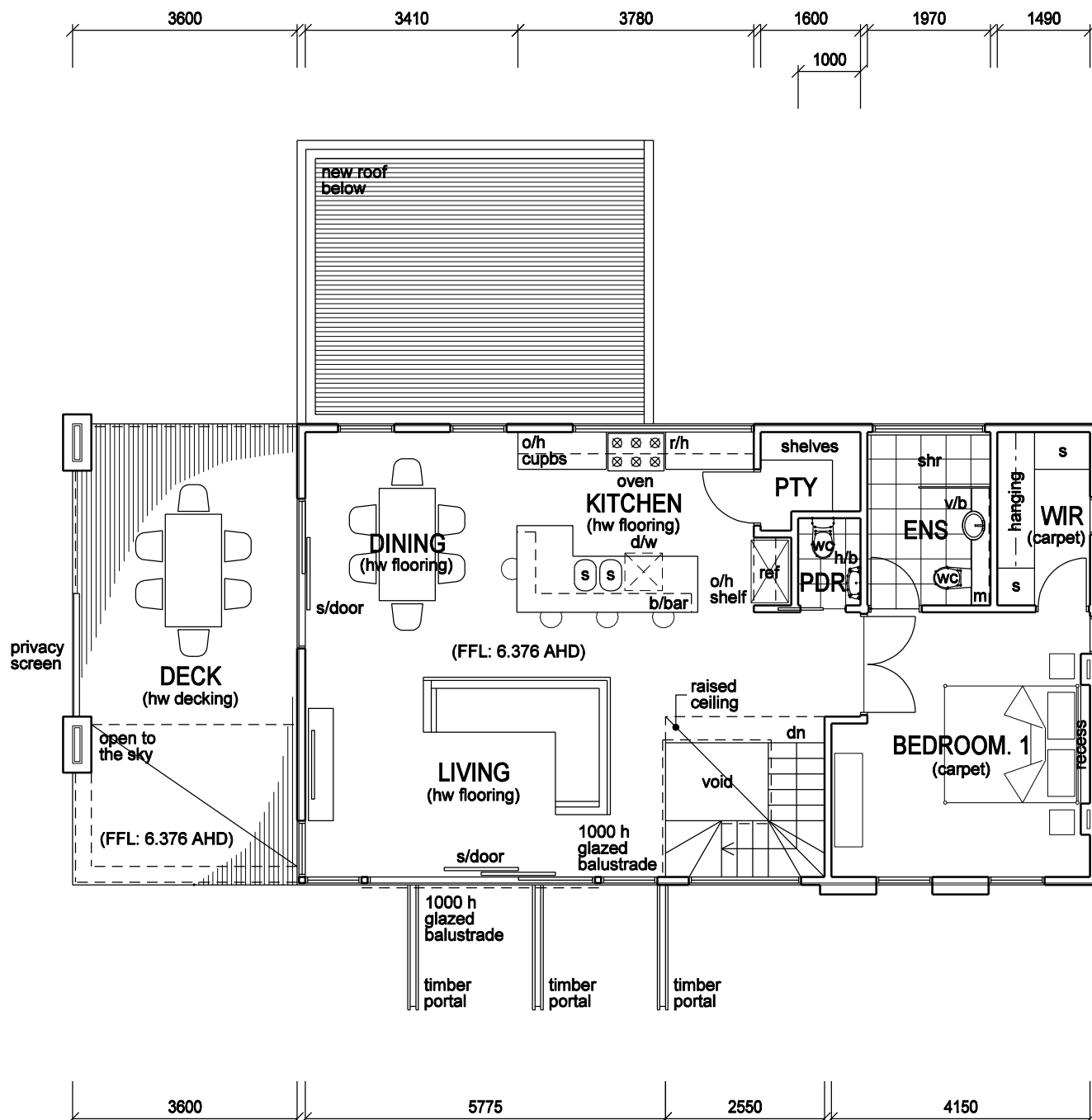


PROPOSED FLOOR AREAS:

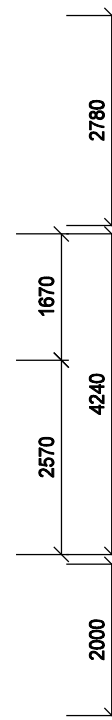
Upper floor (measured to face of external walls) - 95.15 m²
Deck - 26.10 m²



property boundary



property boundary



PROPOSED UPPER FLOOR PLAN

scale 1:100

PLANNING APPLICATION SET

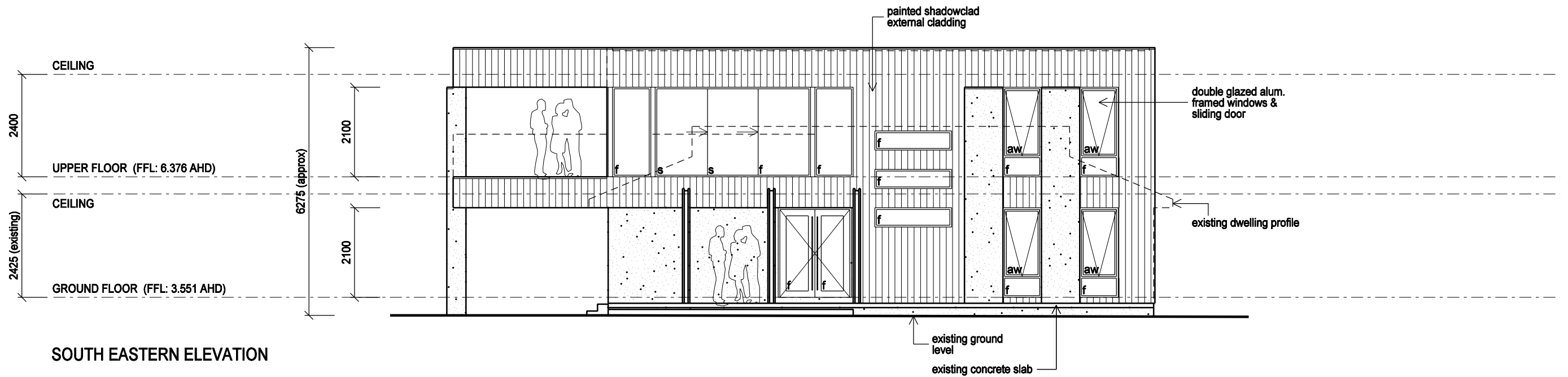
John Weston
Architectural Design
Level. 2, 121 Macquarie Street
Hobart 7000 Tasmania
p: 0427 040 343
e: johnwestonarchitecturaldesign@gmail.com

DRAWING: Proposed Upper Floor Plan		
CLIENT: Stephen & Annette Bourke	DRAWN: JW	DRAWING NUMBER: A04 _c
PROJECT ADDRESS: 7 Esplanade, Seven Mile Beach Tasmania	DATE: Feb 2015	

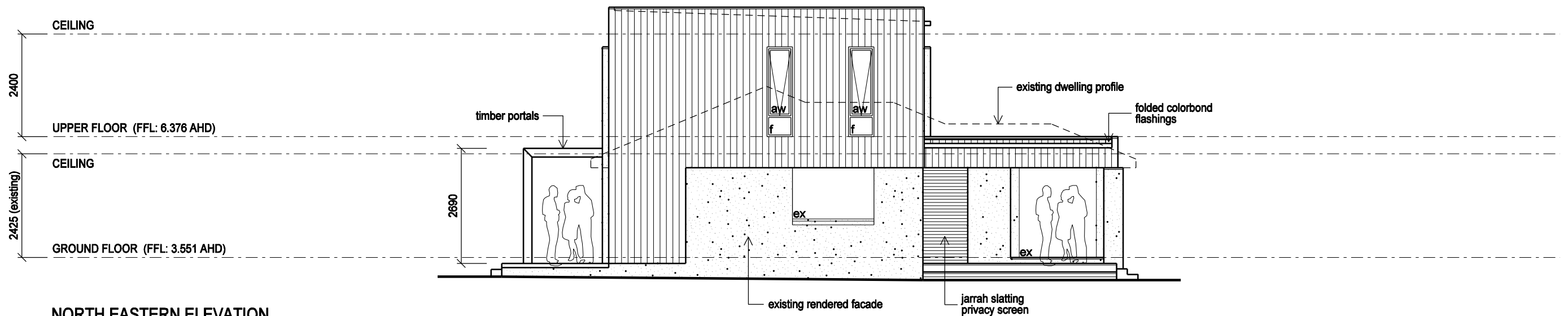
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SOUTH EASTERN ELEVATION



NORTH EASTERN ELEVATION

EXTERNAL ELEVATIONS. 1

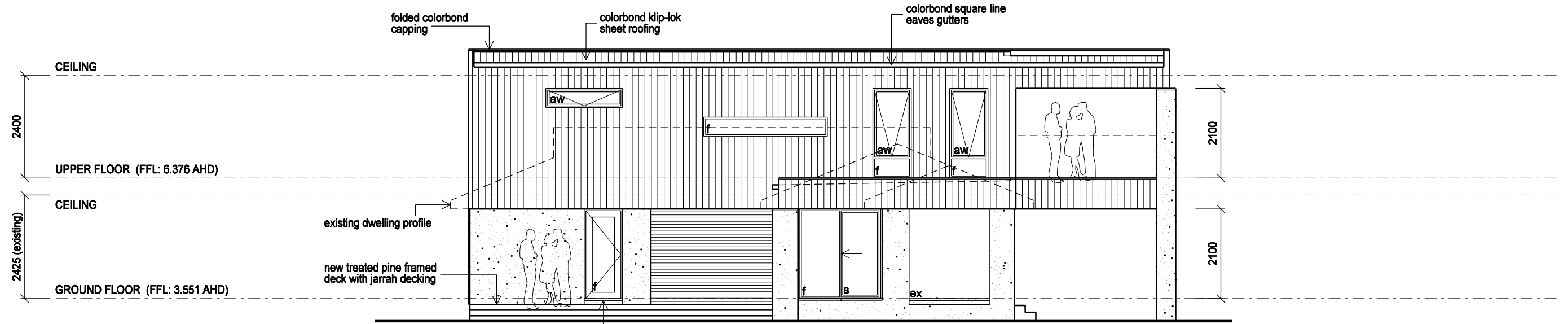
scale 1:100

PLANNING APPLICATION SET

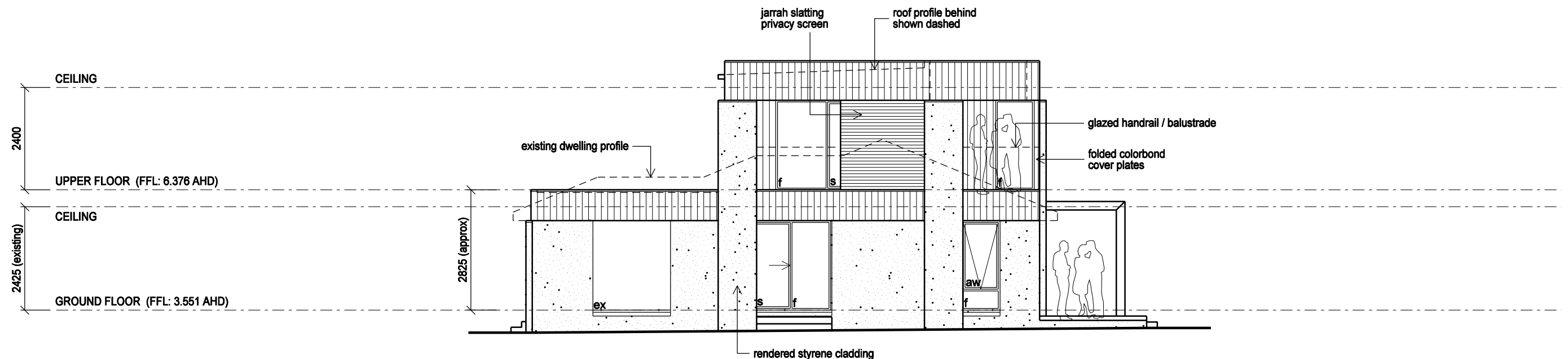
John Weston
Architectural Design
 Level 2, 121 Macquarie Street
 Hobart 7000 Tasmania
 P: 0427 040 343
 E: johnwestonarchitecturaldesign@gmail.com

DRAWING: External Elevations. 1		
CLIENT:	DRAWN:	DRAWING NUMBER:
Stephen & Annette Bourke	JW	A05 _c
PROJECT ADDRESS:	DATE:	
7 Esplanade, Seven Mile Beach Tasmania	Feb 2015	

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NORTH WESTERN ELEVATION



SOUTH WESTERN ELEVATION

EXTERNAL ELEVATIONS. 2

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: External Elevations. 2		
CLIENT: Stephen & Annette Bourke	DRAWN: JW	DRAWING NUMBER: A06 _c
PROJECT ADDRESS: 7 Esplanade, Seven Mile Beach Tasmania	DATE: Feb 2015	

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Attachment 3

7 Esplanade, SEVEN MILE BEACH



Site viewed from the Esplanade.

11.3.4 DEVELOPMENT APPLICATION D-2015/308 - 81 SOUTH STREET, BELLERIVE - 3 MULTIPLE DWELLINGS (2 NEW AND 1 EXISTING)
(File No D-2015/308)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 Multiple Dwellings (2 new and 1 existing) at 81 South Street, Bellerive.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which is extended with the consent of the applicant until 28 October 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 4 representations were received raising the following issues:

- overshadowing;
- loss of privacy;
- visual impact of buildings due to size and height;
- colours not shown;
- removal of trees without approval;
- drainage;
- external lighting should be baffled;
- devaluation of adjoining properties; and
- discrepancy in measurements from existing dwelling and proposed dwellings to the boundary.

RECOMMENDATION:

A. That the Development Application for 3 Multiple Dwellings (2 new + 1 existing) at 81 South Street, Bellerive (CI Ref D-2015/308) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A2 – CROSSOVER CHANGE [5.5M].
3. ENG A5 – SEALED CAR PARKING.

4. ENG M1 – DESIGNS DA.
 5. ENG S1 – INFRASTRUCTURE REPAIR.
 6. ENG S2 – SERVICES.
 7. The development must meet all required Conditions of Approval specified by TasWater notice dated 10 September 2015 (TWDA 2015/01203-CCC).
 8. ADVICE 19 - STREET NUMBERING.
- 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 all of the Acceptable Solutions under the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10.0 – General Residential 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 a 1143m² residential lot containing a dwelling located at the front of the site. The site has frontage and vehicular access from South Street and is adjoined by residential properties to the east and west and a large, Crown owned, property containing Wirksworth House to the south.

3.2. The Proposal

The proposal is for 3 Multiple Dwellings consisting of 1 existing dwelling and 2 proposed dwellings. The carport attached to the western side of the existing dwelling has been demolished to allow for vehicular access to the 2 dwellings located at the rear.

Both new dwellings are 2 storey with living areas and a single garage on the ground floor and 3 bedrooms and bathrooms on the upper floor.

Unit 1 is proposed to be located 2.278m from the eastern boundary and 3.958m from the western boundary. Unit 2 is proposed to be located 2.278m from the eastern boundary and 3.198m from the western boundary. Both Unit 1 and 2 have a maximum height above natural ground level of 6.4m.

Both dwellings are proposed to be clad in a combination of rendered masonry and vertical board walls, with a Colorbond roof.

A total of 6 car parking spaces are proposed on-site, 2 located in front of the existing dwelling and 2 for each proposed dwelling.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

“8.10.1 In determining an application for any permit the planning authority must, in addition to the matters required by 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 with the exception of the following.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.3 A2	Site coverage and private open space.	Private open space must be directly accessible from a habitable room (other than a bedroom). Private open is not to be located to the south, south-east of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9am and 3pm on 21 June.	The private open space for the existing dwelling is not directly accessible from a habitable room. Private open space for Unit 2 is located to the south of the dwelling.

The proposed variation can be supported pursuant to the Performance Criteria P3 of Clause 10.4.3 for the following reasons.

- The existing dwelling has private open space located to the front and rear of the dwelling which are easily accessible, provide adequate for the enjoyment of the residents and are orientated to take advantage of the sunlight.
- Unit 2 has a large area of private open space located to the east, south and west which provide an adequate open space area, will receive reasonable levels of sunlight and is easily accessible from the living area.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.6.1 A1	Number of car parking spaces.	Number of car parking spaces must be in accordance with the Table E6.1 which specifies 2 spaces per dwelling and 1 visitor space making a total of 7 required on-site.	6 car parking spaces proposed, 2 per dwelling.

The proposed variation can be supported pursuant to the Performance Criteria P1 of Clause E6.6.1 for the following reason.

- The site is located approximately 250m walking distance from Clarence Street which is a public transport route.
- There is on-street parking available along South Street.

Although not a statutory standard anymore, it is also noteworthy that the standard under the previous Scheme is 6 and that in the past this has been proven adequate for such developments.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.7.3 A1	Vehicular Passing Areas along an Access	Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30m long... (b) be 6m long, 5.5m wide, and taper to the width of the driveway; (c) have the first passing bay constructed at the kerb...	A passing bay, 7.5m long x 5.2m wide, is provided on-site starting at the kerb.

The proposed variation can be supported pursuant to the Performance Criteria P1 of Clause E6.7.3 for the following reason.

- Council's Development Engineer has assessed the proposal and considered that the proposed passing bay will ensure safe and convenient access to the existing and proposed dwellings and will not result in conflict with the flow of adjoining traffic on South Street.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 4 representations were received. The following issues were raised by the representors.

5.1. Overshadowing

Concern was raised that the proposed dwellings (Units 1 and 2) will cause overshadowing to the adjoining properties on 83 South Street and that sun shadow diagrams were not included with the proposal.

- **Comment**

Clause 8.10.1 of the Scheme provides that Council must only take into consideration matters relating to the exercise of the discretion. In this case, Units 1 and 2 both met the Acceptable Solution relating to building setbacks and building envelopes and therefore provides adequate separation between dwellings on adjacent sites to provide reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space. As the proposal met the Acceptable Solution overshadowing diagrams were not required.

5.2. Visual Impact of Buildings due to Size and Height

Concern was raised that the proposed dwellings (Units 1 and 2) result in a detrimental visual impact to the amenity of the area.

- **Comment**

As discussed above, the proposed dwellings comply with the Acceptable Solutions relating to setbacks and building envelopes. Clause 8.10.1 of the Scheme provides that Council must only take into consideration matters relating to the exercise of the discretion.

5.3. Colours not Shown

Concern was raised that proposed colours were not shown on the proposal plans.

- **Comment**

The development standards for the General Residential Zone do not provide controls relating to colours and materials for dwelling and therefore this issue is not a relevant planning consideration.

5.4. Removal of Trees without Approval

One representor has raised concern that a number of trees have recently been removed from the subject property without approval.

- **Comment**

It is noted that some trees have recently been removed from the site. The site is not located within the Natural Assets Code and so the vegetation can be removed at the owner's discretion at any time.

5.5. Drainage

Concern was raised in relation on the effect of stormwater drainage on the adjoining sites.

- **Comment**

Council's Development Engineer has assessed the application and is satisfied that the stormwater drainage can be achieved within the site boundaries and therefore it will not affect the adjoining properties.

5.6. External Lighting should be Baffled

Concern was raised relating to external lighting.

- **Comment**

The proposal plans do not show the location of any external lights. Additionally, there are no development standards relating to external lighting for dwellings in the General Residential Zone and therefore this is not a relevant planning consideration.

5.7. Devaluation of Adjoining Properties

Concern was raised that the construction of 2 additional dwellings on the site will result in a devaluation of properties in the area.

- **Comment**

This issue does not have determining weight when assessing planning applications.

5.8. Discrepancy in Measurements from Existing Dwelling and Proposed Dwellings to the Boundary

Concern was raised that the dimensions from the western boundary to the existing and proposed dwellings are not accurate.

- **Comment**

The applicant is responsible for ensuring that the dimensions shown on the plan are accurate and the plans are checked with Council's software program to ensure that they scale correctly. If approved, the developer is responsible for ensuring that the dwellings are built in accordance with any site plan.

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 2010-2015 or any other relevant Council Policy.

9. CONCLUSION

The proposal is for 3 Multiple Dwellings consisting of 1 existing and 2 new dwellings. The proposal is considered to meet the Performance Criteria of the General Residential Zone provisions and is recommended for approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (11)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING





81 South Street, Bellerive

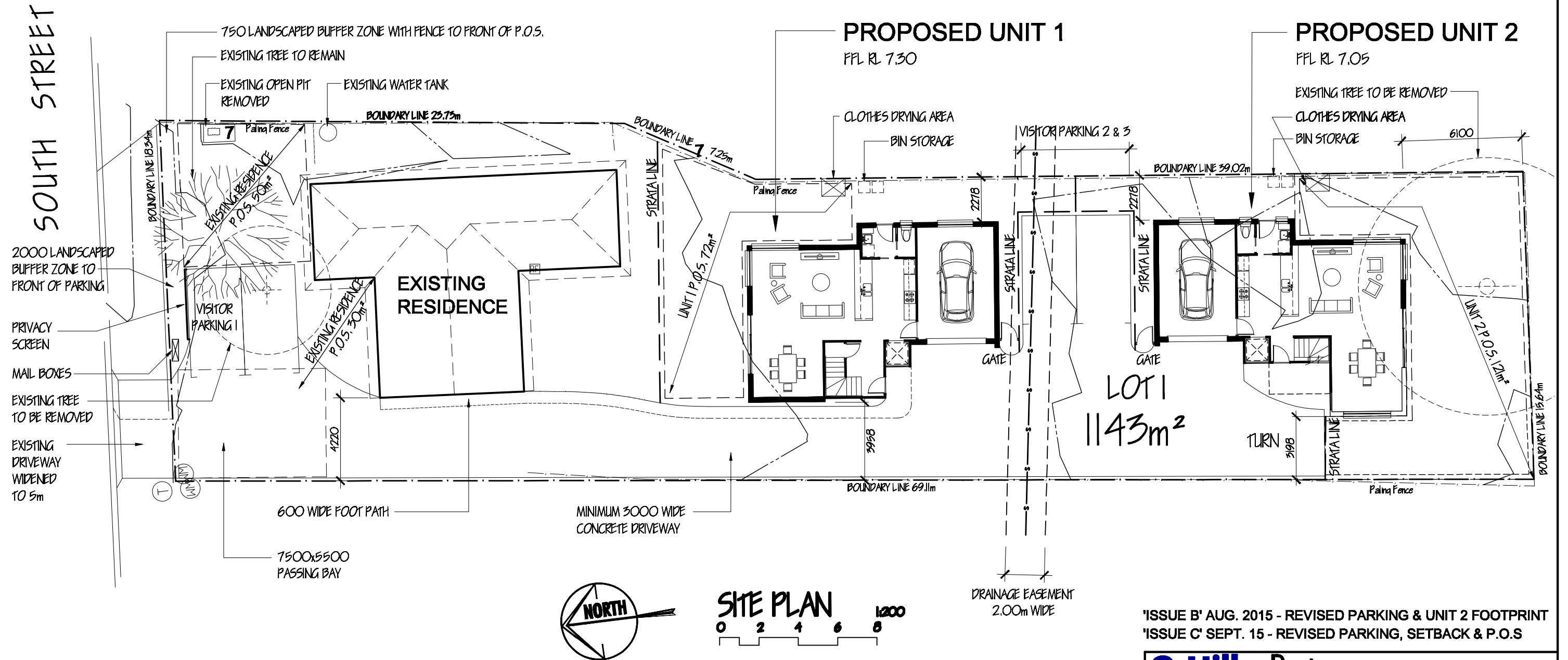
Attachment 1



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 16 October 2015 **Scale:** 1:1,240 @A4

Attachment 2

- Legend**
-  **Water Meter**
 -  **Telstra Pit**
 -  **Survey mark**
 -  **Floor level**



SITE COVERAGE		PRIVATE OPEN SPACE (P.O.S.)	
EXISTING RESIDENCE	= 144m ²	EXISTING RESIDENCE	= 80m ²
PROPOSED CARPORT AT EXISTING RESIDENCE	= 20m ²	PROPOSED UNIT 1	= 74m ²
		PROPOSED UNIT 2	= 129m ²
PROPOSED UNIT 1	= 94m ²	CAR PARKING	
PROPOSED UNIT 2	= 98m ²	6 CAR PARKS IN TOTAL PROVIDED	
		EACH DWELLING PROVIDED WITH GARAGE/ CARPORT AND 1 VISITOR PARKING	
TOTAL SITE COVERAGE	= 356m ²	MINIMUM CAR PARK SIZE = 2.75mX5.50m	
LOT SIZE	= 1143m ²		
SITE COVERAGE	= 31.1%		

'ISSUE B' AUG. 2015 - REVISED PARKING & UNIT 2 FOOTPRINT
'ISSUE C' SEPT. 15 - REVISED PARKING, SETBACK & P.O.S

G.Hills&Partners ARCHITECTS
PO BOX 10, KINGSTON BEACH PH: 6229 1799 Email: graham.hills@bigpond.com

PROPOSED 3 UNITS (1 EXISTING)

For : KINGLOC HOLDINGS PTY. LTD.

At : 81 South Street, BELLERIVE

DRAWING TITLE:

SITE PLAN

PROJECT No:
21544

DWG. No:
DD01

No. IN SET:
12

SCALE: **1:200 @ A3**

DESIGNER: **G. Hills**

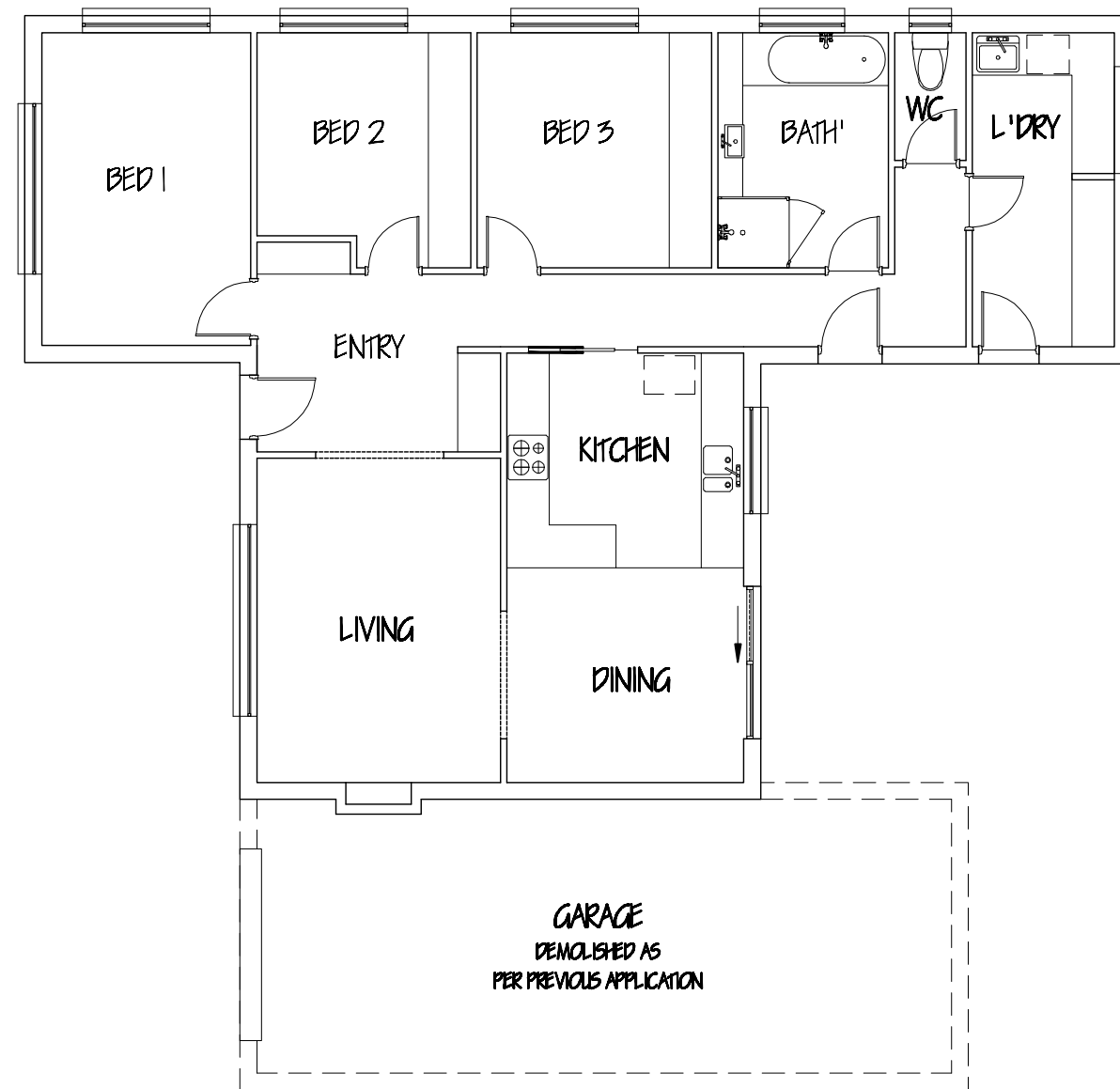
DRAWING: **J. McB & J. H**

DATE: **August 2015**

PRINTED: **17/09/2015**

ISSUE: **C**

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EXISTING DWELLING FLOOR PLAN

1:100

AREA:

Living = 121.5m²
Garage (Demolished) = 44.5m²

G.Hills & Partners ARCHITECTS <small>PO BOX 10, KINGSTON BEACH PH: 6229 1799 Email: graham.hills@bigpond.com</small>			
PROPOSED 3 UNITS (1 EXISTING) For : KINGLOC HOLDINGS PTY. LTD. At : 81 South Street, BELLERIVE			
DRAWING TITLE: EXISTING DWELLING FLOOR PLAN		SCALE: 1:100 @ A3	
		DESIGNER: G. Hills DRAWING: J. Hills DATE: August 2015	
PROJECT No: 21544	DWG. No: DD12	No. IN SET: 12	PRINTED: 08/09/2015 ISSUE:
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TYPICAL UNIT UPPER FLOOR PLAN

1:100

0 1 2 3 4

UNIT 2 MIRRORED

AREA:**Units 2 & 3****Ground Floor:**Proposed Habitable Area = 69m²Proposed Garage = 25m²Ground Floor Total: = 94m²**Upper Floor:**Proposed Habitable Area = 75m²Proposed Total: = 169m²

G.Hills & Partners ARCHITECTS
 PO BOX 10, KINGSTON BEACH PH: 6229 1799 Email: graham.hills@bigpond.com

PROPOSED 3 UNITS (1 EXISTING)

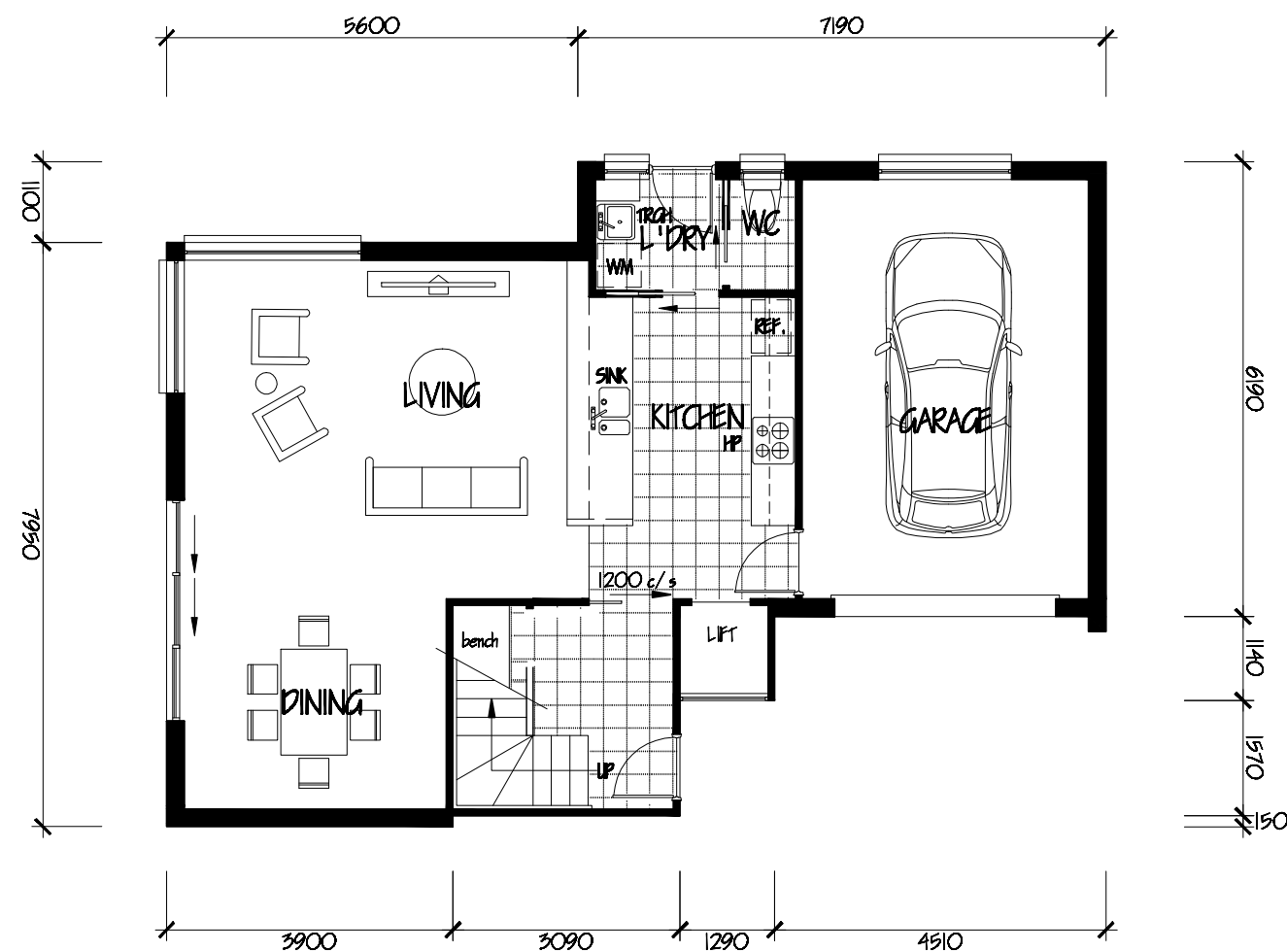
For : KINGLOC HOLDINGS PTY. LTD.

At : 81 South Street, BELLERIVE

DRAWING TITLE:TYPICAL UNIT UPPER FLOOR
PLAN**SCALE: 1:100 @ A3****DESIGNER: G. Hills****DRAWING: J. McB****DATE: July 2015****PROJECT No:****21544****DWG. No:****DD03****No. IN SET:****07****PRINTED: 03/08/2015****ISSUE: A**

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Agenda Attachments - 81 South Street - Page 4 of 13



TYPICAL UNIT GROUND FLOOR PLAN

1:100

0 1 2 3 4

UNIT 2 MIRRORED

AREA:Units 2 & 3Ground Floor:Proposed Habitable Area = 69m²Proposed Garage = 25m²Ground Floor Total: = 94m²Upper Floor:Proposed Habitable Area = 75m²Proposed Total: = 169m²

G.Hills&Partners ARCHITECTS
 PO BOX 10, KINGSTON BEACH PH: 6229 1799 Email: graham.hills@bigpond.com

PROPOSED 3 UNITS (1 EXISTING)

For : KINGLOC HOLDINGS PTY. LTD.

At : 81 South Street, BELLERIVE

DRAWING TITLE:

TYPICAL UNIT GROUND FLOOR
PLAN

SCALE: 1:100 @ A3

DESIGNER: G. Hills

DRAWING: J. McB

DATE: July 2015

PROJECT No:

21544

DWG. No:

DD02

No. IN SET:

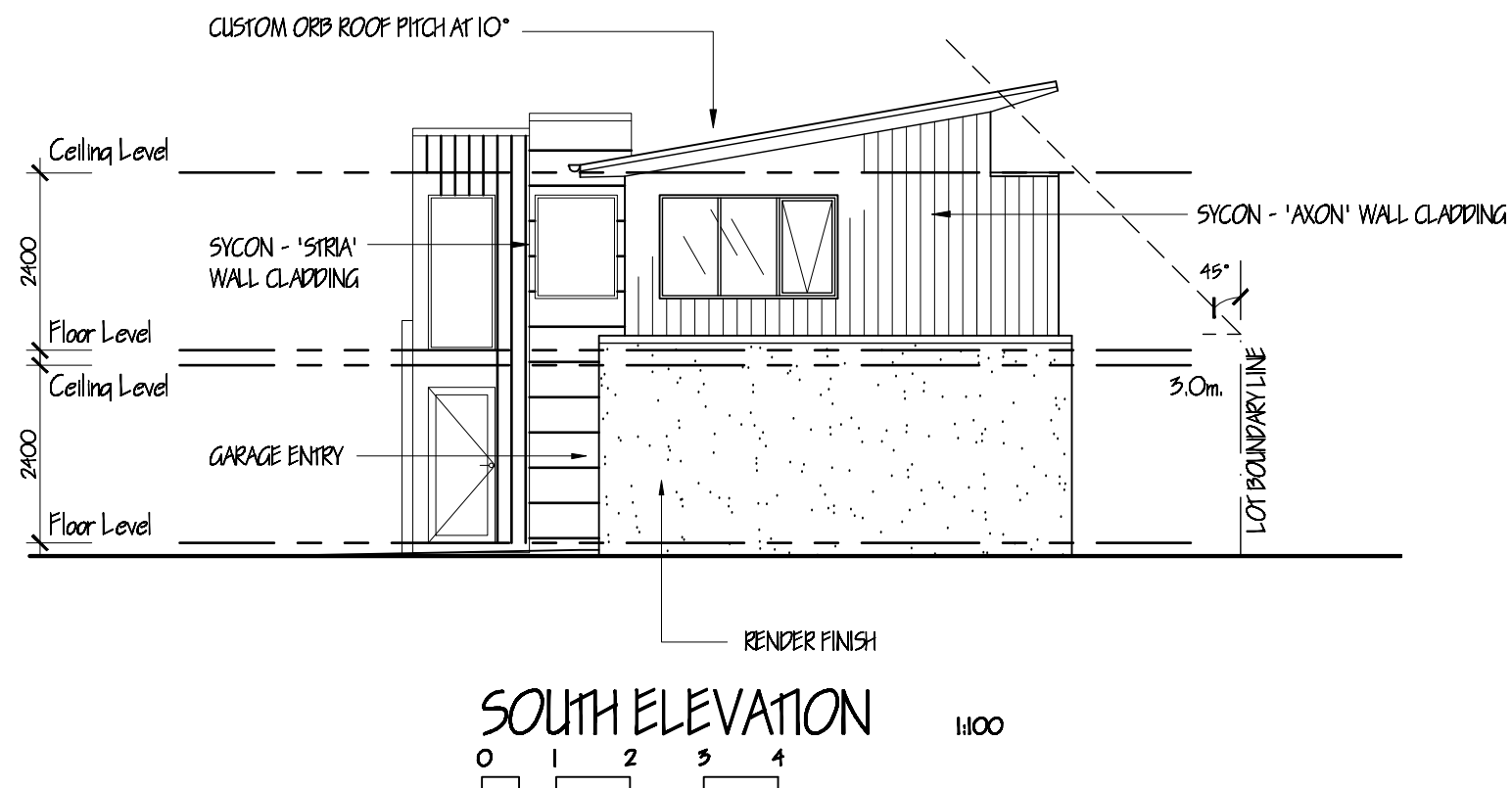
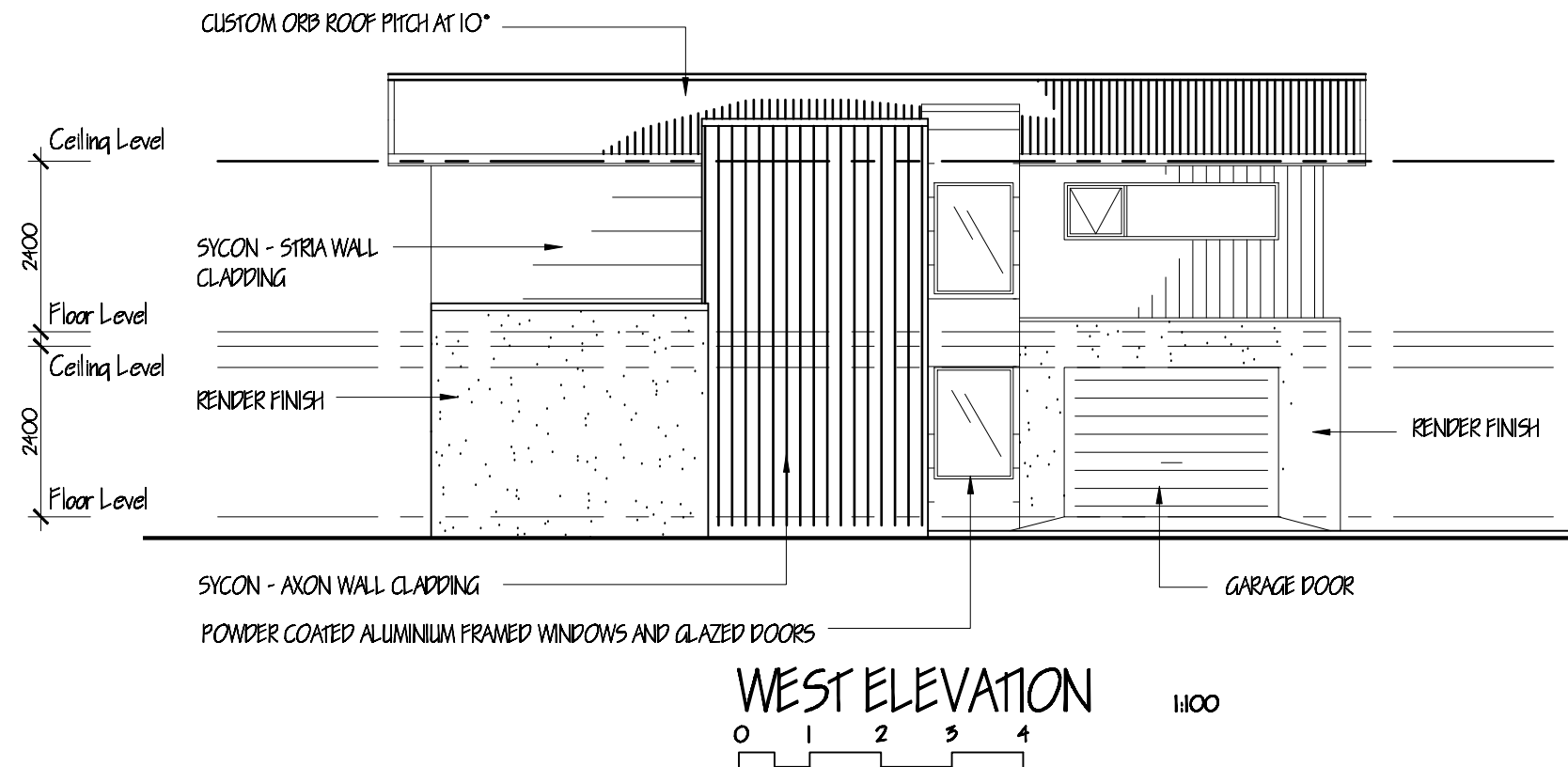
07

PRINTED: 03/08/2015

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Agenda Attachments - 81 South Street - Page 5 of 13



'ISSUE B' SEPT. 15 - AMENDED SETBACK

G.Hills & Partners ARCHITECTS
 PO BOX 10, KINGSTON BEACH PH: 6229 1799 Email: graham.hills@bigpond.com

PROPOSED 3 UNITS (1 EXISTING)

For : KINGLOC HOLDINGS PTY. LTD.

At : 81 South Street, BELLERIVE

DRAWING TITLE:

**UNIT 1
ELEVATIONS 1**

SCALE: **1:100 @ A3**

DESIGNER: **G. Hills**

DRAWING: **J.M.**

DATE: **August 2015**

PROJECT No:

21544

DWG. No:

DD08

No. IN SET:

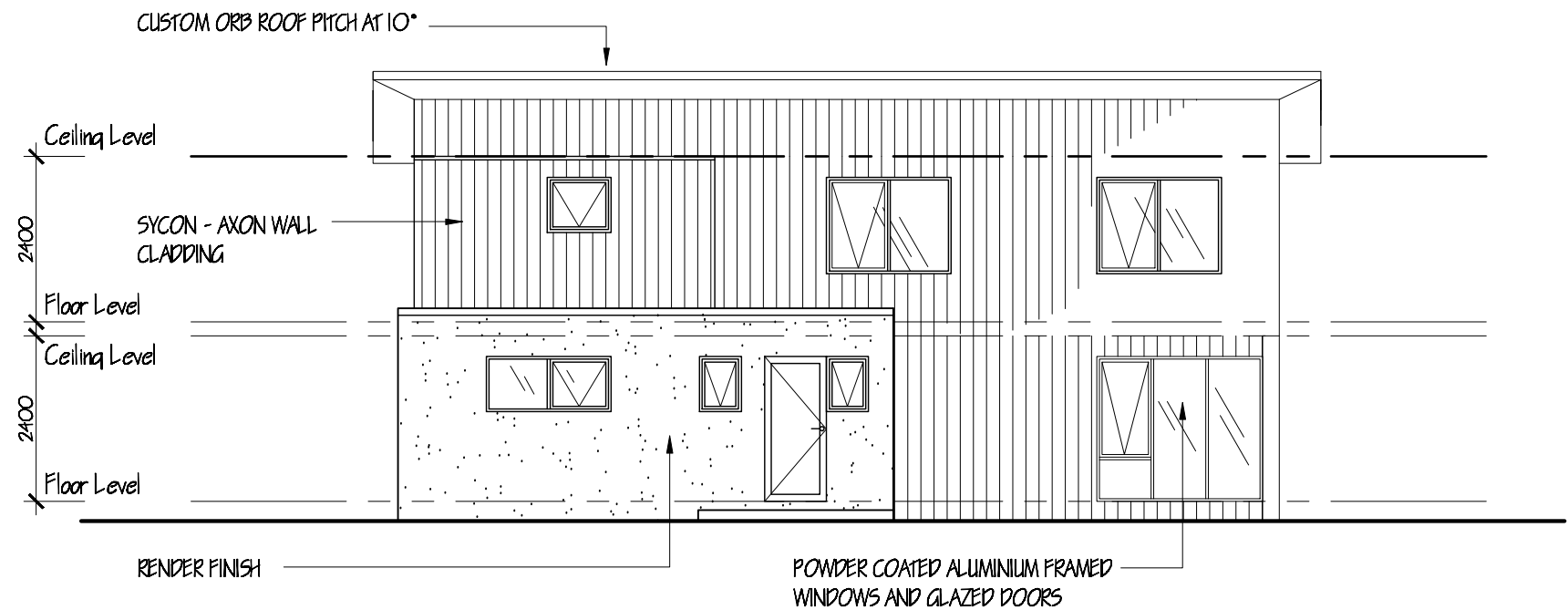
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PRINTED: **17/09/2015**

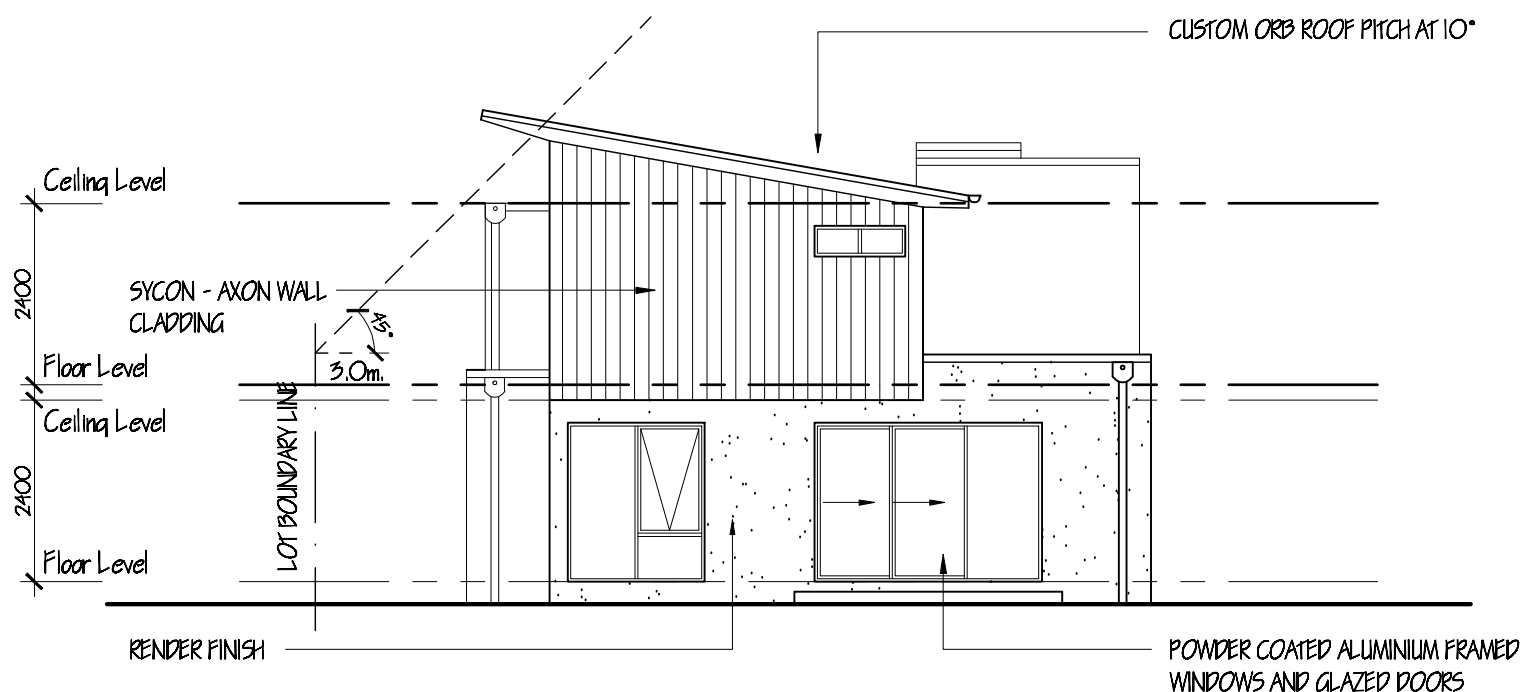
ISSUE: **B**

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Agenda Attachments - 81 South Street - Page 6 of 13

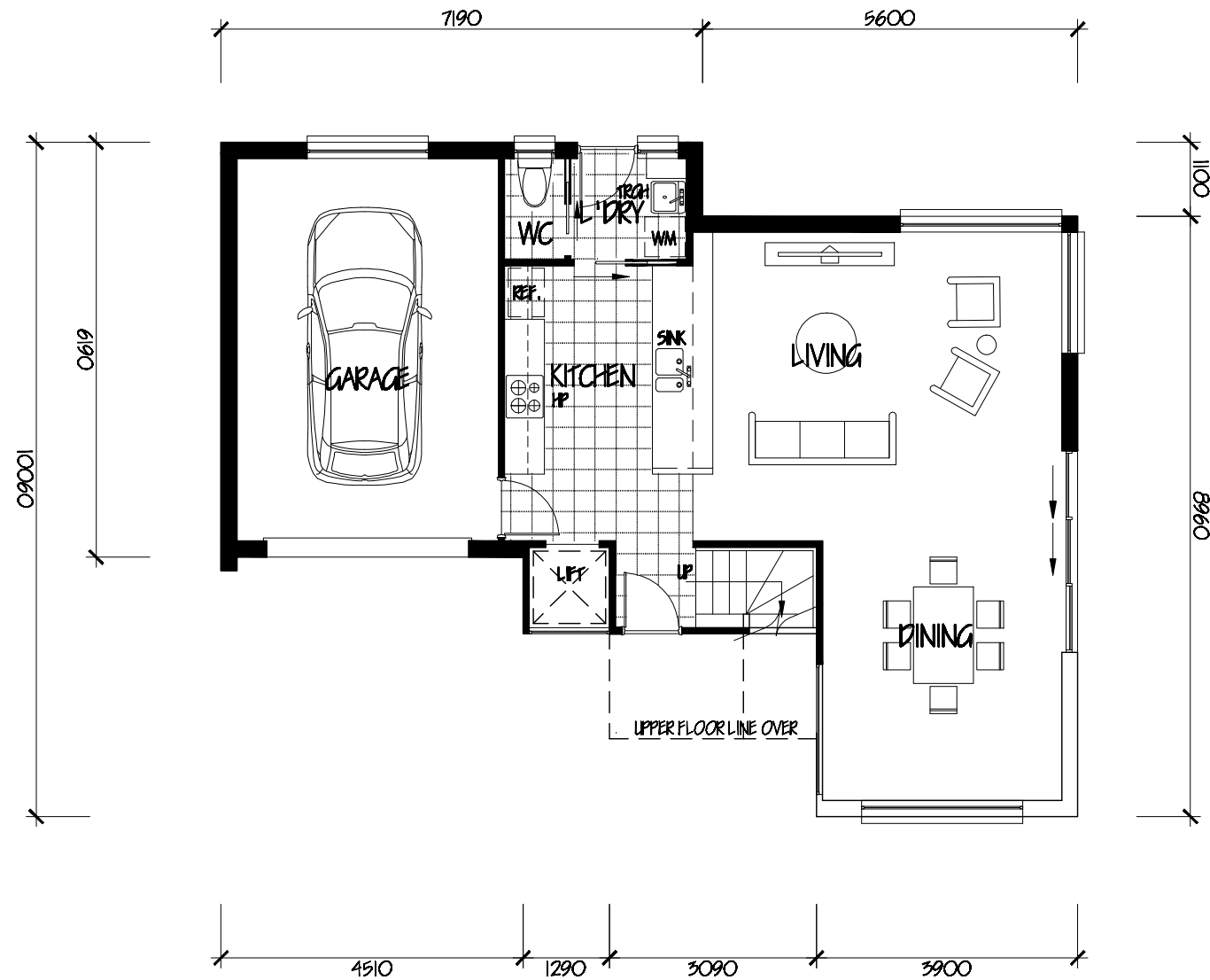


EAST ELEVATION
0 1 2 3 4
UNIT 2 MIRRORED



NORTH ELEVATION
0 1 2 3 4
UNIT 2 MIRRORED

G.Hills&Partners ARCHITECTS <small>PO BOX 10, KINGSTON BEACH PH: 6229 1799 Email: graham.hills@bigpond.com</small>			
PROPOSED 3 UNITS (1 EXISTING) For : KINGLOC HOLDINGS PTY. LTD. At : 81 South Street, BELLERIVE			
DRAWING TITLE: PROPOSED UNITS 3 & 4 TYPICAL ELEVATIONS 2		SCALE: 1:100 @ A3 DESIGNER: G. Hills DRAWING: J.M. DATE: July 2015	
PROJECT No: 21544	DWG. No: DD05	No. IN SET: 07	PRINTED: 03/08/2015 ISSUE:
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UNIT 2 GROUND FLOOR PLAN 1:100

AREA:

Unit 2

Ground Floor:

Proposed Habitable Area = 73m²

Proposed Garage = 25m²

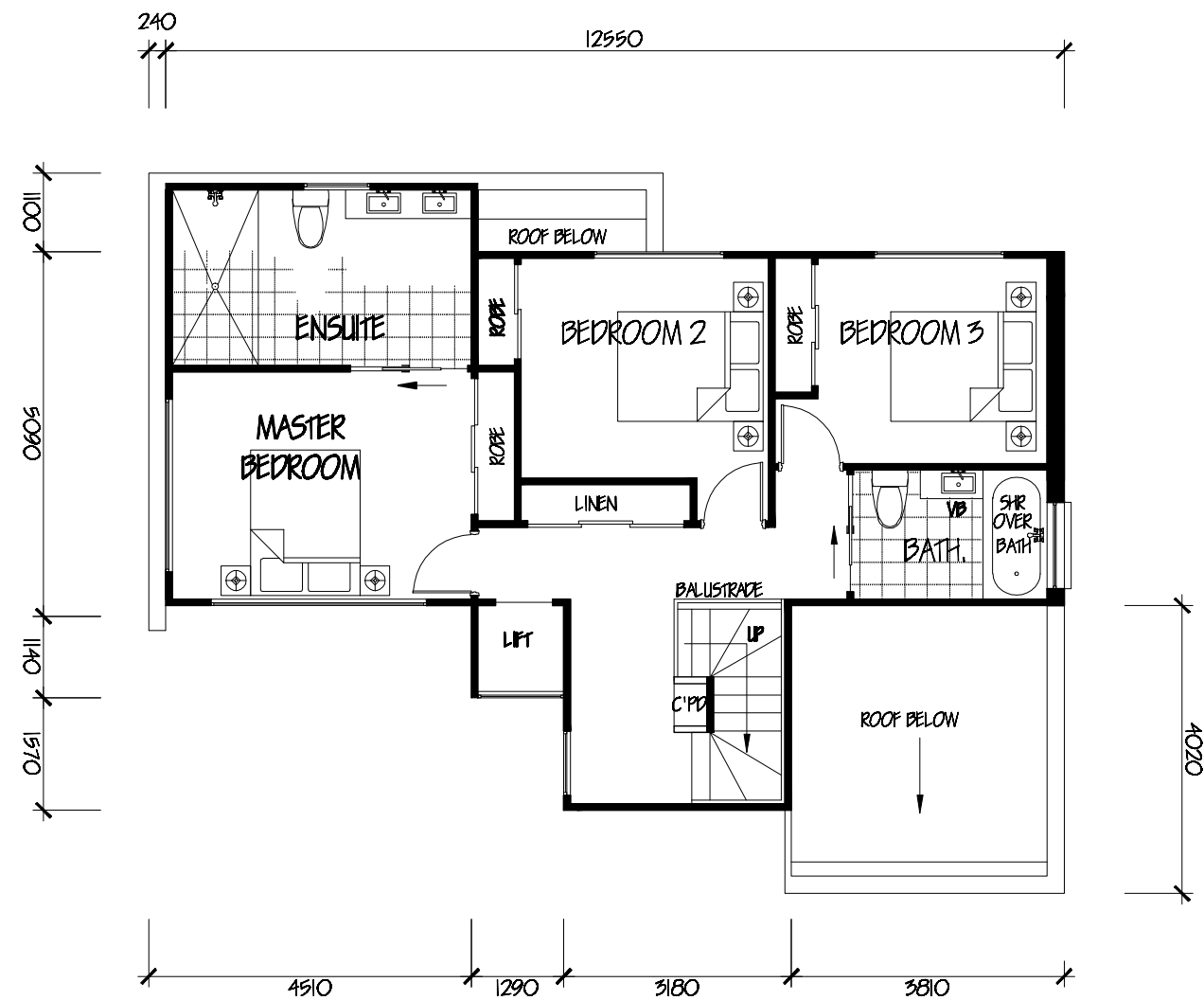
Ground Floor Total: = 98m²

Upper Floor:

Proposed Habitable Area = 75m²

Proposed Total: = 173m²

G.Hills&Partners ARCHITECTS			
PO BOX 10, KINGSTON BEACH PH: 6229 1799 Email: graham.hills@bigpond.com			
PROPOSED 3 UNITS (1 EXISTING)			
For : KINGLOC HOLDINGS PTY. LTD.			
At : 81 South Street, BELLERIVE			
DRAWING TITLE:		SCALE: 1:100 @ A3	
UNIT 2 GROUND FLOOR PLAN		DESIGNER: G. Hills	
		DRAWING: J. McB	
		DATE: August 2015	
PROJECT No:	DWG. No:	No. IN SET:	PRINTED:
21544	DD08	12	08/09/2015
Agenda Attachments - 81 South Street - Page 8 of 13			
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UNIT 2 UPPER FLOOR PLAN
1:100

AREA:

Unit 2

Ground Floor:

Proposed Habitable Area = 73m²

Proposed Garage = 25m²

Ground Floor Total: = 98m²

Upper Floor:

Proposed Habitable Area = 75m²

Proposed Total: = 173m²

G.Hills&Partners ARCHITECTS
PO BOX 10, KINGSTON BEACH PH: 6229 1799 Email: graham.hills@bigpond.com

PROPOSED 3 UNITS (1 EXISTING)

For : KINGLOC HOLDINGS PTY. LTD.

At : 81 South Street, BELLERIVE

DRAWING TITLE:

UNIT 2 UPPER FLOOR PLAN

SCALE: **1:100 @ A3**

DESIGNER: **G. Hills**

DRAWING: **J. McB**

DATE: **August 2015**

PROJECT No:

21544

DWG. No:

DD09

No. IN SET:

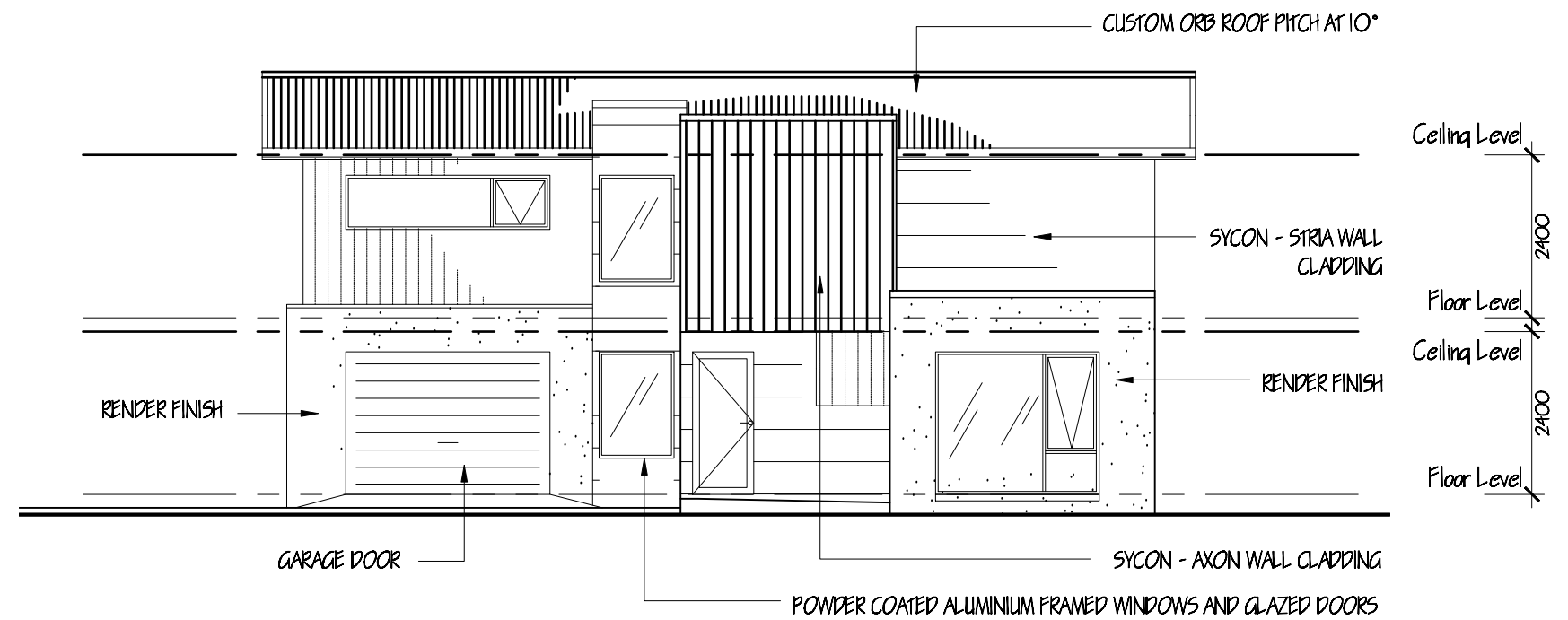
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PRINTED: **08/09/2015**

ISSUE: **A**

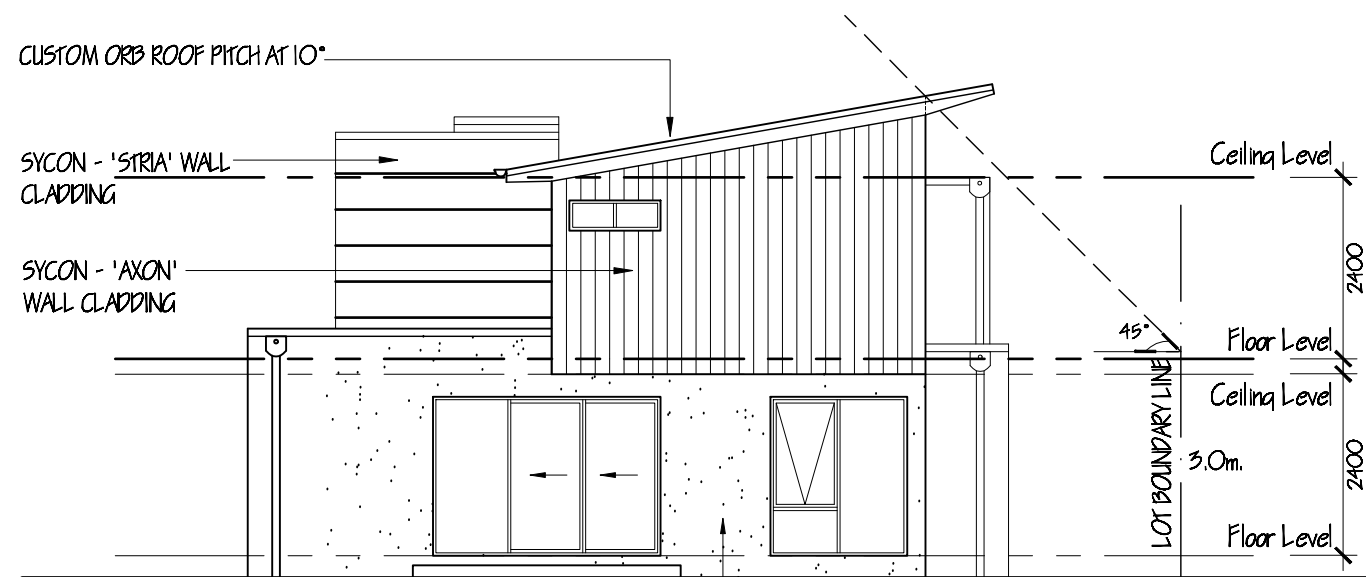
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WEST ELEVATION 1:100

0 1 2 3 4

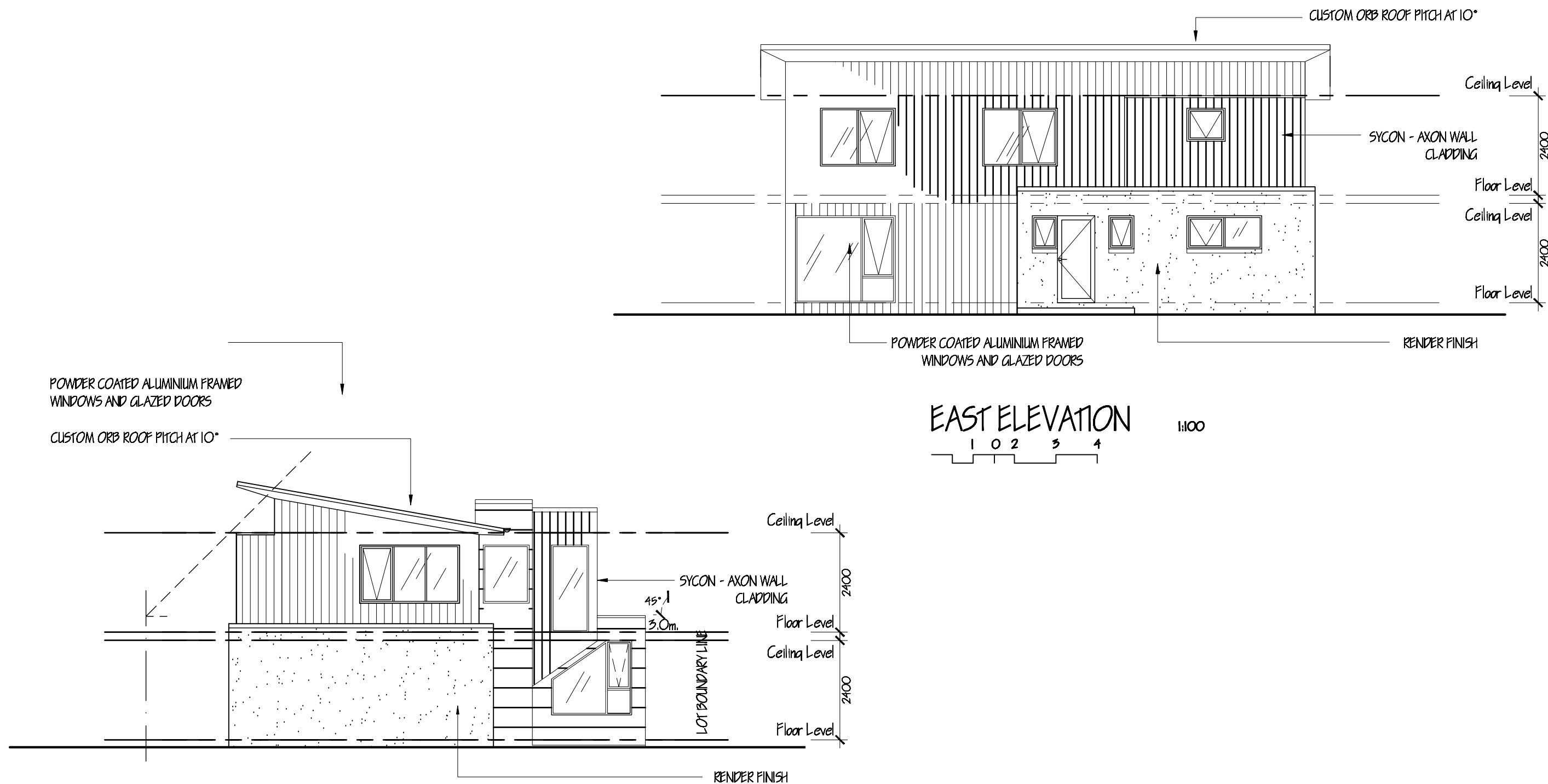


SOUTH ELEVATION 1:100

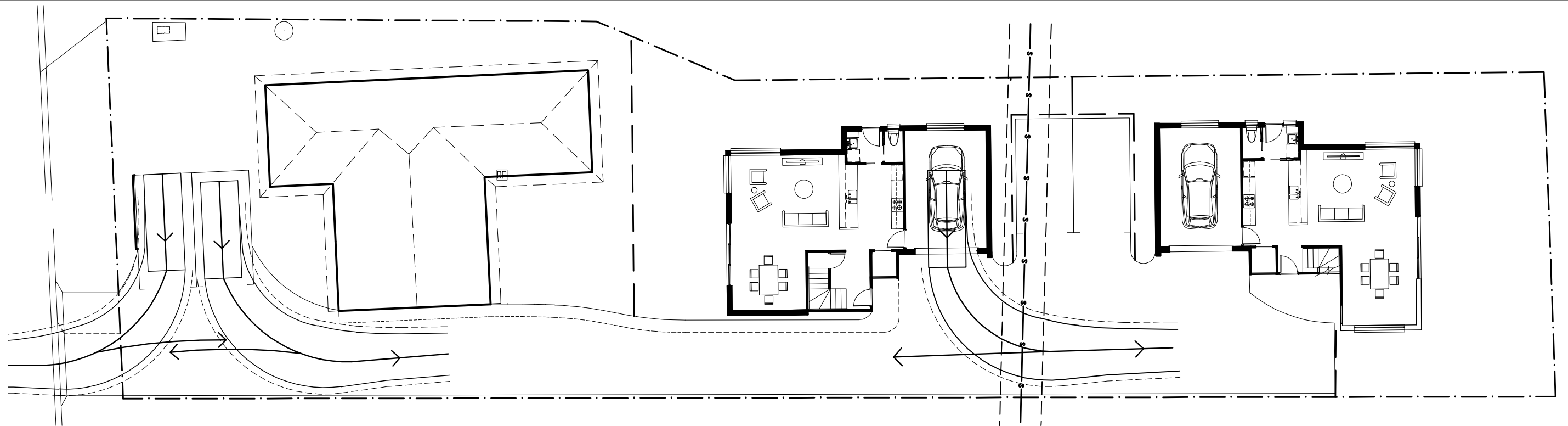
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'ISSUE B' SEPT. 15 - AMENDED SETBACK

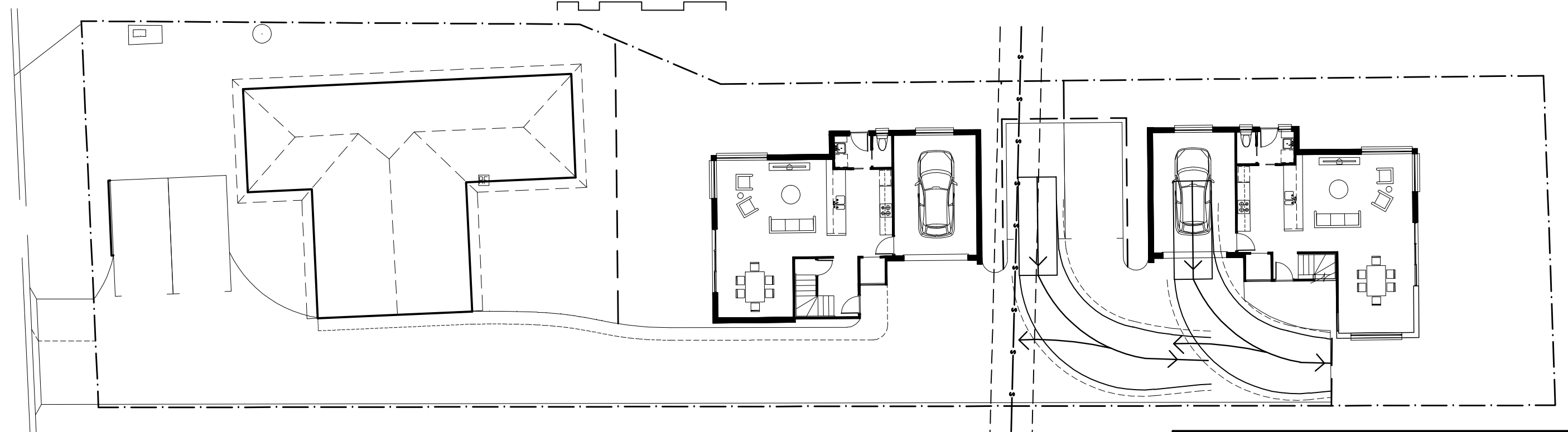
G.Hills&Partners ARCHITECTS <small>PO BOX 10, KINGSTON BEACH PH: 6229 1799 Email: graham.hills@bigpond.com</small>			
PROPOSED 3 UNITS (1 EXISTING) For : KINGLOC HOLDINGS PTY. LTD. At : 81 South Street, BELLERIVE			
DRAWING TITLE: UNIT 2 ELEVATIONS 1		SCALE: 1:100 @ A3 DESIGNER: G. Hills DRAWING: J.M. DATE: August 2015	PRINTED: 17/09/2015 ISSUE: B
PROJECT No: 21544	DWG. No: DD10	No. IN SET: 12	Agenda Attachments - 81 South Street - Page 10 of 13
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PROPOSED 3 UNITS (1 EXISTING) For : KINGLOC HOLDINGS PTY. LTD. At : 81 South Street, BELLERIVE			
DRAWING TITLE:		SCALE: 1:100 @ A3	
UNIT 2		DESIGNER: G. Hills	
ELEVATIONS 2		DRAWING: J.M.	
		DATE: August 2015	
PROJECT No:	DWG. No:	No. IN SET:	PRINTED:
21544	DD11	12	08/09/2015
<small>Agenda Attachments - 81 South Street - Page 11 of 13</small> © COPYRIGHT 2015 Accreditation No. CC2367B			



VEHICLE MANOEUVRING PLAN 1
0 2 4 6 8 1:200



VEHICLE MANOEUVRING PLAN 2
0 2 4 6 8 1:200

G.Hills & Partners ARCHITECTS <small>PO BOX 10, KINGSTON BEACH PH: 6229 1799 Email: graham.hills@bigpond.com</small>			
PROPOSED 3 UNITS (1 EXISTING) For : KINGLOC HOLDINGS PTY. LTD. At : 81 South Street, BELLERIVE			
DRAWING TITLE:		SCALE: 1:200 @ A3	
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		DRAWING: J. McB	
		DATE: August 2015	
PROJECT No:	DWG. No:	No. IN SET:	PRINTED:
21544	DD06	12	17/09/2015
© COPYRIGHT 2015 Accreditation No. CC2367B			Agenda Attachments - 81 South Street - Page 12 of 13 C

'ISSUE B' AUG. 2015 - REVISED PARKING & UNIT 2 FOOTPRINT
 'ISSUE C' SEPT. 15 - AMENDED SETBACK

Attachment 3

81 South Street, BELLERIVE



Insert photo

Site viewed from South Street.

11.3.5 DEVELOPMENT APPLICATION D-2015/349 - 51 TRANMERE ROAD, HOWRAH - 2 MULTIPLE DWELLINGS
(File No D-2015/349)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings at 51 Tranmere Road, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and is affected by the Coastal Erosion Hazard and Waterway and Coastal Protection Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 3 November 2015.

CONSULTATION

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

- privacy;
- amenity;
- overshadowing; and
- views.

RECOMMENDATION:

A. That the Development Application for 2 Multiple Dwellings at 51 Tranmere Road, Howrah (Cl Ref D-2015/349) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A2 – CROSSOVER CHANGE [5.5M].
3. ENG A5 – SEALED CAR PARKING.
4. ENG M1 – DESIGNS DA.
5. ENG S1 – INFRASTRUCTURE REPAIR.

6. The development must meet all required Conditions of Approval specified by TasWater notice dated 30/9/2015 (TWDA 2015/01361-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

- 2.1. The land is zoned General Residential and is affected by the Coastal Erosion Hazard and Waterway and Coastal Protection Codes under the Scheme.
- 2.2. The proposal is Discretionary because it does not meet all of the Acceptable Solutions under the Scheme.
- 2.3. The relevant parts of the Scheme are:
 - Section 8.10 – Determining Applications;
 - Section 6 – General Residential Zone; and
 - Section 7 – Coastal Erosion Hazard and Waterway and Coastal Protection Codes.
- 2.4. Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 1422m² internal lot on the western side of Tranmere Road, Howrah. The property has “frontage” to the foreshore reserve adjacent to the River Derwent. The site slopes moderately to the west. There is no existing development on the site.

3.2. The Proposal

The proposal is for the construction of 2 new dwellings at 51 Tranmere Road, Howrah. Both dwellings are 2 storeys, with incorporated 2 car garage. Both dwellings have 3 bedrooms and open living, dining kitchen areas.

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 the Coastal Erosion Hazard (the development is outside of the area covered by this Code) and Waterway and Coastal Protection Codes with the exception of the following.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Setbacks and building envelope for all dwellings	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(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.</p>	Proposed house 1 protrudes outside the building envelope by 0.46m, reducing gradually to within the building envelope over approximately 7m (above Bedroom 1 and its ensuite) on the south-eastern side.

The proposed variation can be supported pursuant to the Performance Criteria P1 of Clause 10.4.4 for the following reason.

- It is only a small section of the dwelling which is outside of the building envelope in this location. Sun shadow diagrams have been provided by the applicant which demonstrate that the proposed dwelling does not reduce the sunlight to the adjacent property to the south-east to less than 3 hours at 21 June. The wall on this side is broken by steps and windows, which ensures that there is not a large expanse of blank wall facing the adjacent property. The dwelling on the adjacent property is not directly opposite the portion of the proposed dwelling which is outside of the building envelope.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.4 A1	Sunlight and overshadowing for all dwellings	A dwelling must have at least 1 habitable room (other than a bedroom) in which there is a window that faces between 30° west of north and 30° east of north.	Neither dwelling is oriented to meet the Acceptable Solution.

The proposed variation can be supported pursuant to the Performance Criteria P1 of Clause 10.4.4 for the following reason.

- Due to the orientation of the block, it would be very difficult to construct 2 dwellings on the site and align them to comply with the Acceptable Solution. To compensate for this, both dwellings have windows facing east and west in their open living (habitable) areas. As such, whilst the dwellings will not receive continuous sunlight, they will receive both morning and afternoon sunlight into the living areas.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A2	Privacy for all dwellings	A window or glazed door, to a habitable room, of a dwelling, that has a floor level more than 1m above the natural ground level, must be in accordance with (a), unless it is in accordance with (b): (i) is to have a setback of at least 3m from a side boundary; and (iii) if the dwelling is a multiple dwelling, is to be at least 6m from a window or glazed door, to a habitable room, of another dwelling on the same site.	One bedroom of Dwelling 2 will face into the kitchen of dwelling 1, with the windows not quite directly opposite each other.

The proposed variation can be supported pursuant to the Performance Criteria P2 of Clause 10.4.6 for the following reason.

- As the windows do not directly align, there is a separation of 3.4m between the dwellings, and the sill heights of the windows are raised, views between the buildings will be reduced.

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. Privacy

Both representors have indicated that they believe the development will result in a loss of privacy.

One representor has indicated that the proposed dining room for Dwelling 2 will directly overlook their outdoor space and living room.

The other representor has indicated that the office of Dwelling 1 will directly overlook their living room.

- **Comment**

Both portions of the dwelling referred to by the representors are located within the building envelope, and as such are not discretionary components of the application. The Scheme considers the impact of the development to be acceptable in these locations.

5.2. Amenity

One representor believes that the increase in the number of dwellings will create excessive traffic noise of vehicles travelling along the access strip and that this will unreasonably impact upon the enjoyment of their dwelling.

- **Comment**

The property is appropriately zoned and sized for the construction of permitted Multiple Dwellings. The only discretions involved in this application are for the building envelope and for the solar access and privacy of the dwellings on the site. As such, the number of potential vehicles accessing the site is not a discretion which can be considered.

5.3. Overshadowing

One representor believes that the new dwelling will unreasonably overshadow the patio and outdoor space of an adjacent property. They have said that because this is their primary outdoor living area, the loss of sunlight poses an unreasonable impact upon the enjoyment of their dwelling.

- **Comment**

The portion of the proposed new Dwelling 1 which is adjacent to and will overshadow the patio of the adjacent property complies with the building envelope requirements of the scheme. The portion of the dwelling that is outside of the building envelope will overshadow a portion of the Private Open Space to the rear of the adjacent dwelling, but not all of it.

The overshadowed portion of the site will receive early morning and late afternoon sunlight. As such, the proposal is considered to satisfy the Performance Criteria of the Scheme.

5.4. Views

One representor has indicated that the development will result in a loss of views to Mount Wellington and of the setting sun. They have indicated a belief that the loss of this established view is unreasonable and unacceptable.

- **Comment**

The discretion sought would not have any substantive impact upon the views to the mountain in the context of the compliant development of the site. There is no protection of views of any kind in the General Residential zone. As such, this is not a matter which can be considered in the determination 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 2010-2015 or any other relevant Council Policy. Developer contributions are not required to comply with any Council policies.

9. CONCLUSION

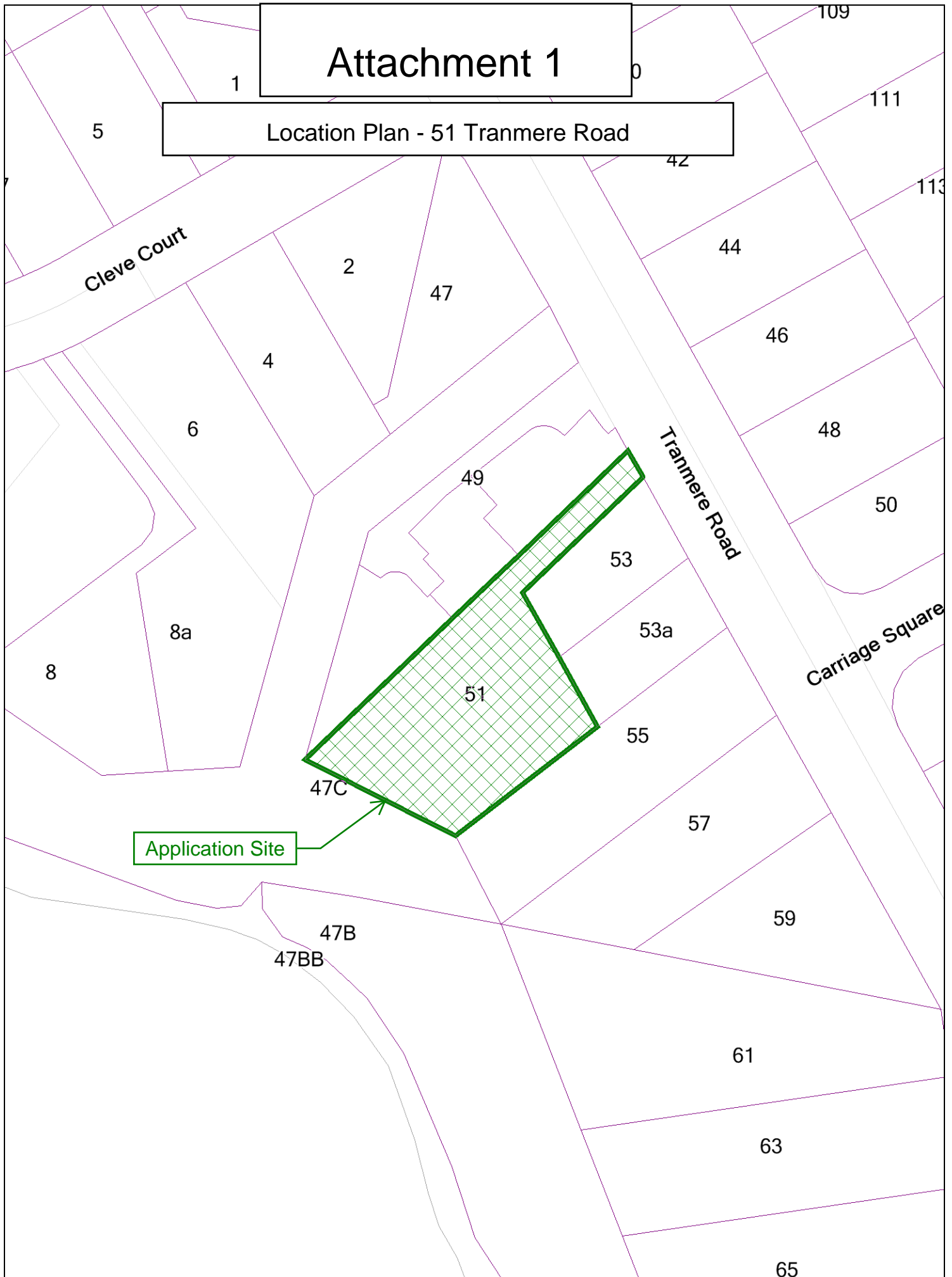
The proposal is for the construction of 2 new Multiple Dwellings at 51 Tranmere Road, Howrah. The proposal meets the Acceptable Solutions and the Performance Criteria of the Scheme and as such is recommended for conditional approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (8)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan - 51 Tranmere Road



Printed: Tuesday, 13 October 2015 Scale: 1:867.7 @A4

Attachment 2

ABN 73 052 274 674 P 03 62283111 F 03 62283111 son@netspace.net.au PO Box 808 Moonah TAS 7009

LEVEL DATUM ARBITRARY
ALL BOUNDARIES & ADJACENT OFFSETS
ARE SUBJECT TO ON-SITE CONFIRMATION
BY A LICENCED SURVEYOR

ALL WORK TO BE CONSTRUCTED IN ACCORDANCE
WITH AUSTRALIAN STANDARDS AND ANY BY-LAWS
THAT MAY APPLY.
CONTRACTORS TO CONFIRM WITH DESIGNER ALL
AREAS & DIMENSIONS & LEVELS PRIOR TO
COMMENCING ANY WORK.
THESE PLANS HAVE BEEN PREPARED FOR THE
PURPOSE OF OBTAINING APPROVAL FROM THE
RELEVANT AUTHORITIES AND ARE SUBJECT TO THAT
APPROVAL.

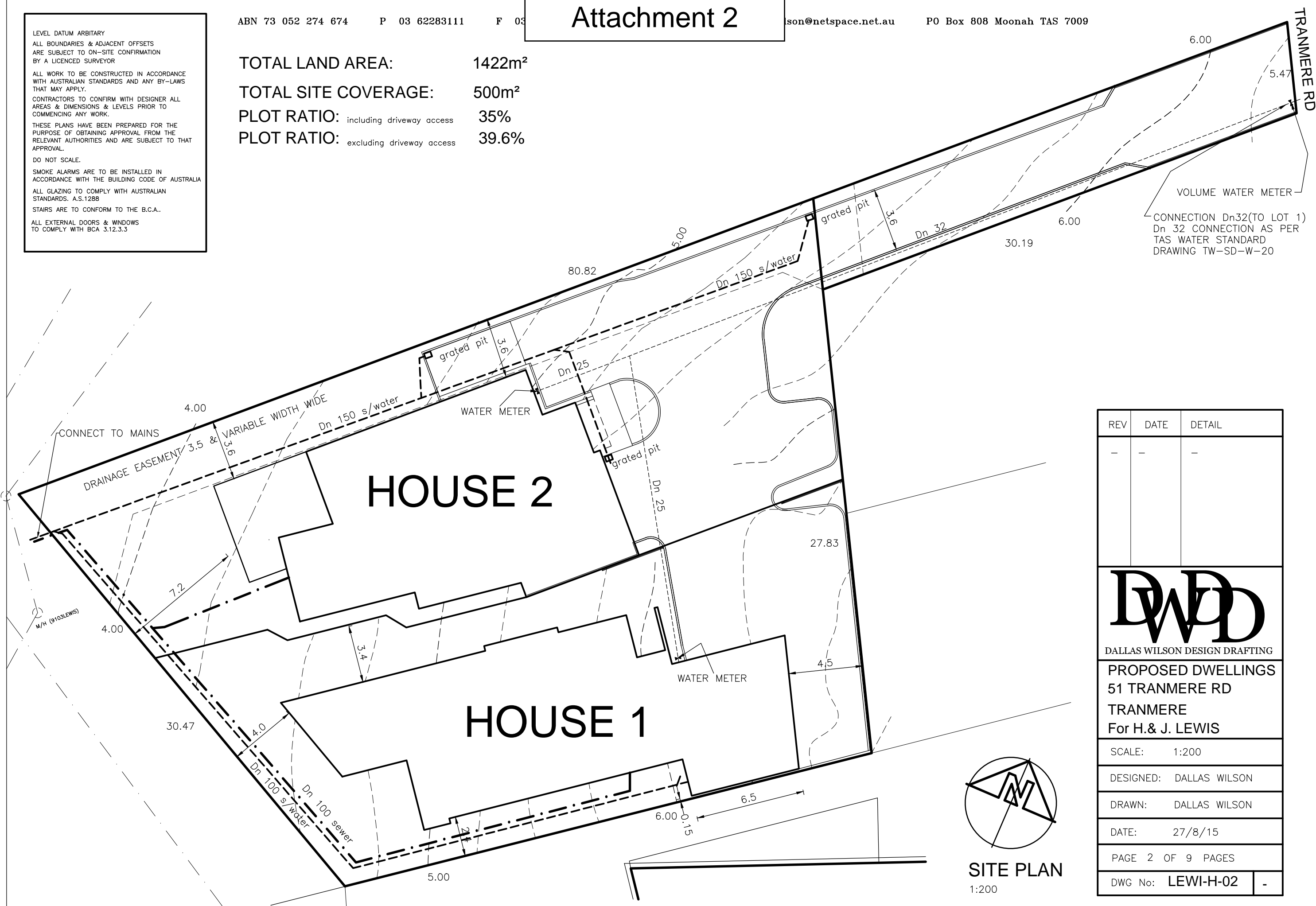
DO NOT SCALE.

SMOKE ALARMS ARE TO BE INSTALLED IN
ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA


ALL GLAZING TO COMPLY WITH AUSTRALIAN
STANDARDS. A.S.1288
STAIRS ARE TO CONFORM TO THE B.C.A..

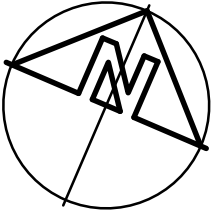
ALL EXTERNAL DOORS & WINDOWS
TO COMPLY WITH BCA 3.12.3.3

TOTAL LAND AREA: 1422m²
TOTAL SITE COVERAGE: 500m²
PLOT RATIO: including driveway access 35%
PLOT RATIO: excluding driveway access 39.6%

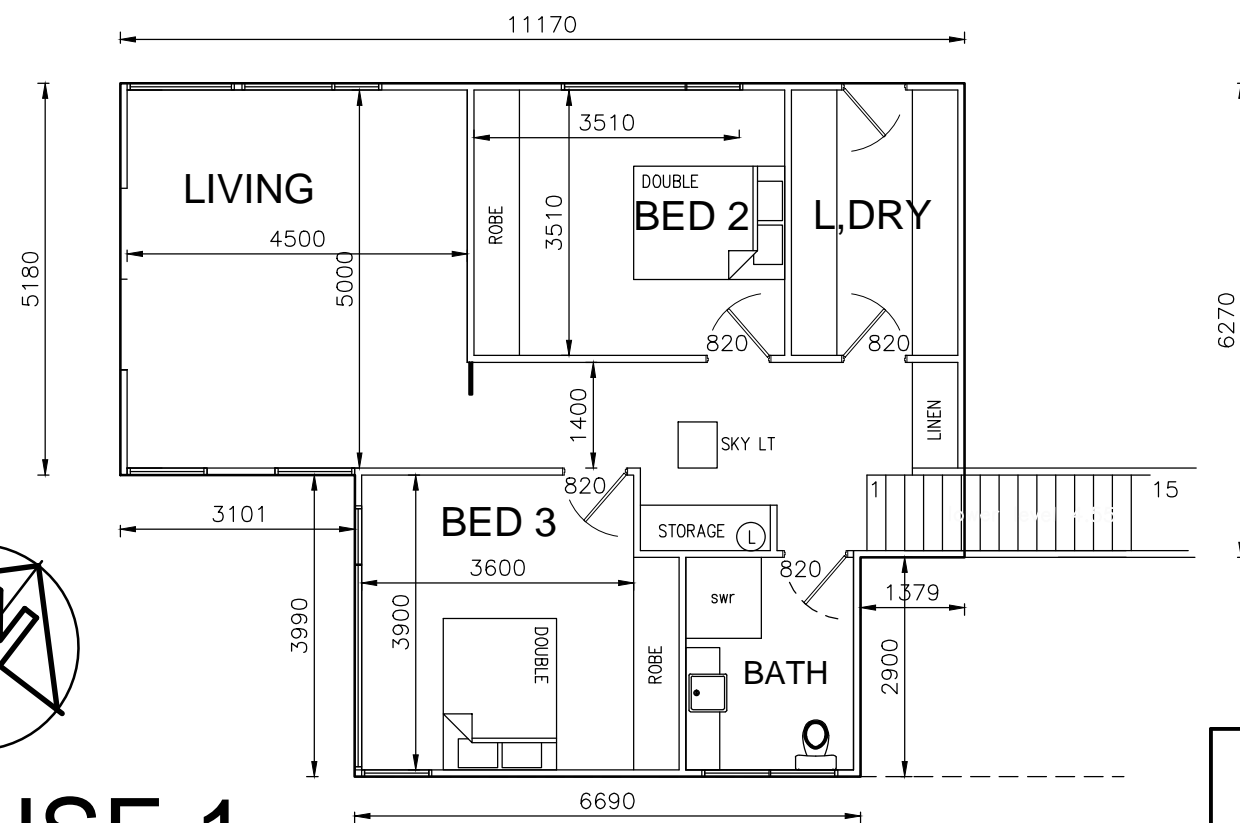
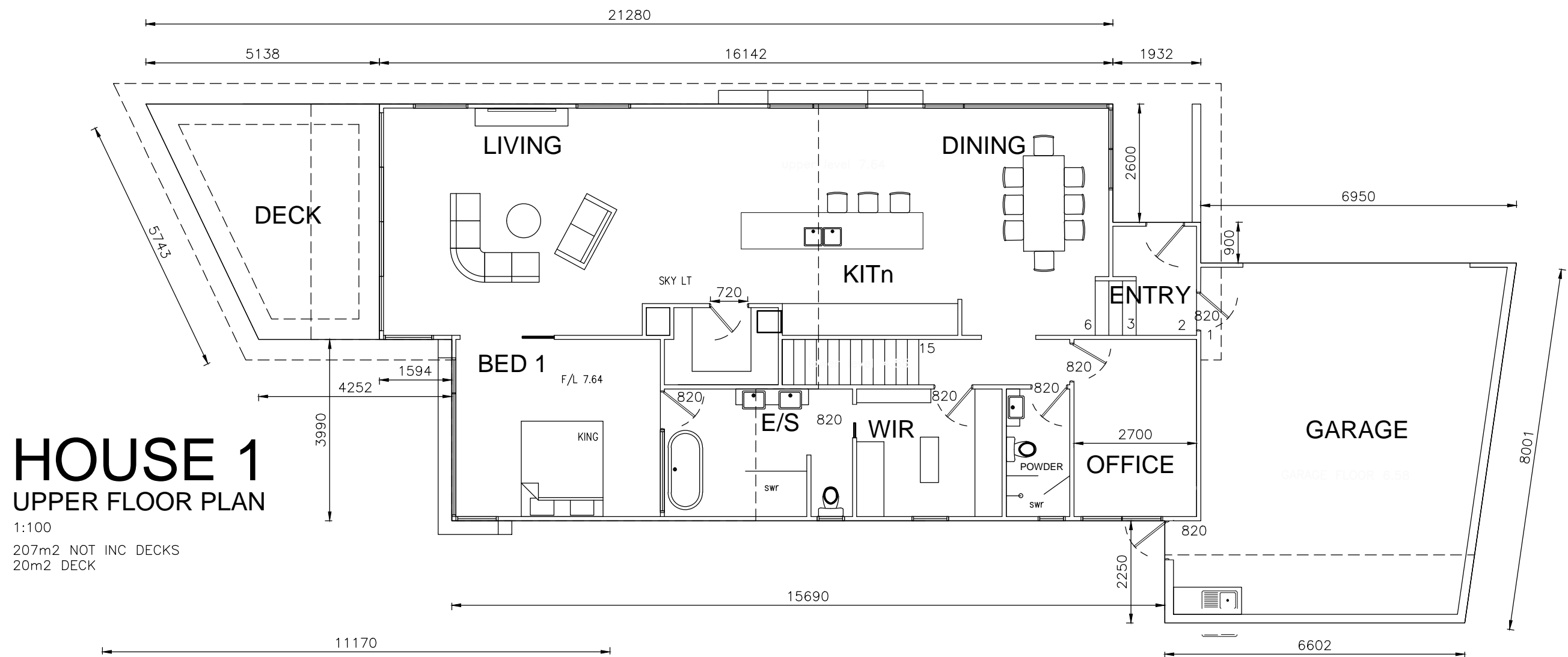



VOLUME WATER METER
CONNECTION Dn32(TO LOT 1)
Dn 32 CONNECTION AS PER
TAS WATER STANDARD
DRAWING TW-SD-W-20

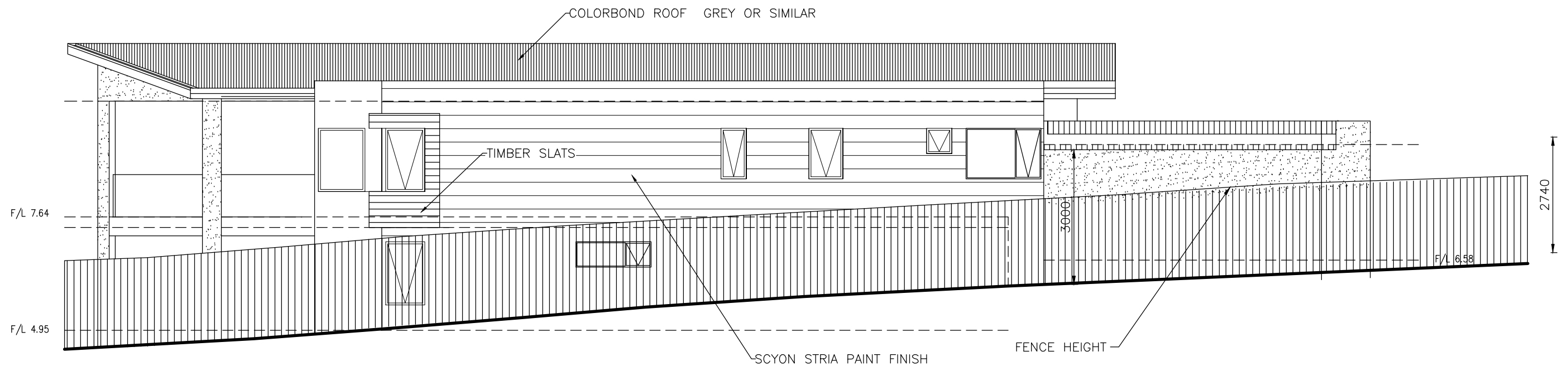
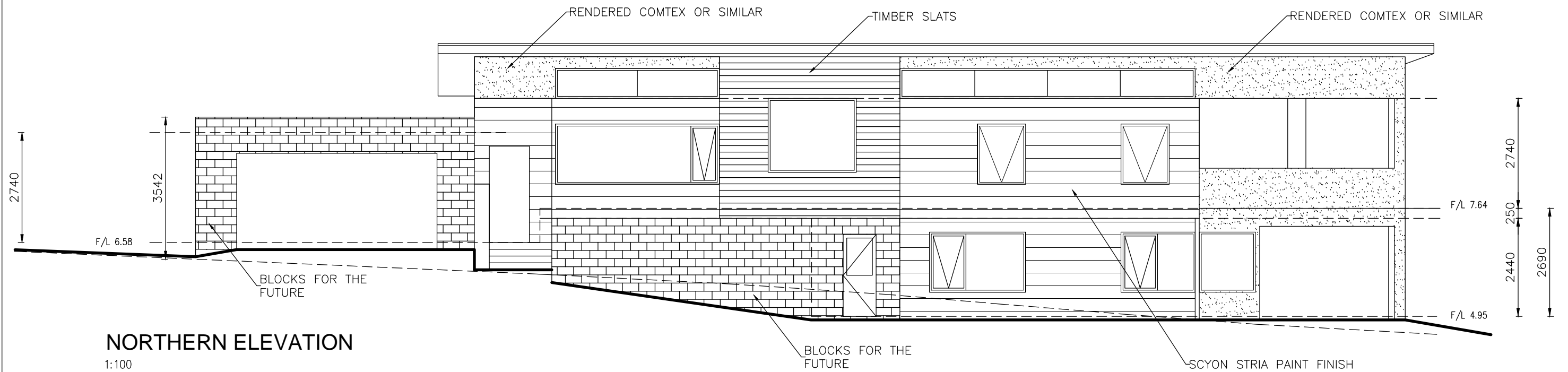
REV	DATE	DETAIL
-	-	-
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PROPOSED DWELLINGS 51 TRANMERE RD TRANMERE For H.& J. LEWIS		
SCALE:		1:200
DESIGNED:		DALLAS WILSON
DRAWN:		DALLAS WILSON
DATE:		27/8/15
PAGE 2 OF 9 PAGES		
DWG No: LEWI-H-02		-



SITE PLAN
1:200




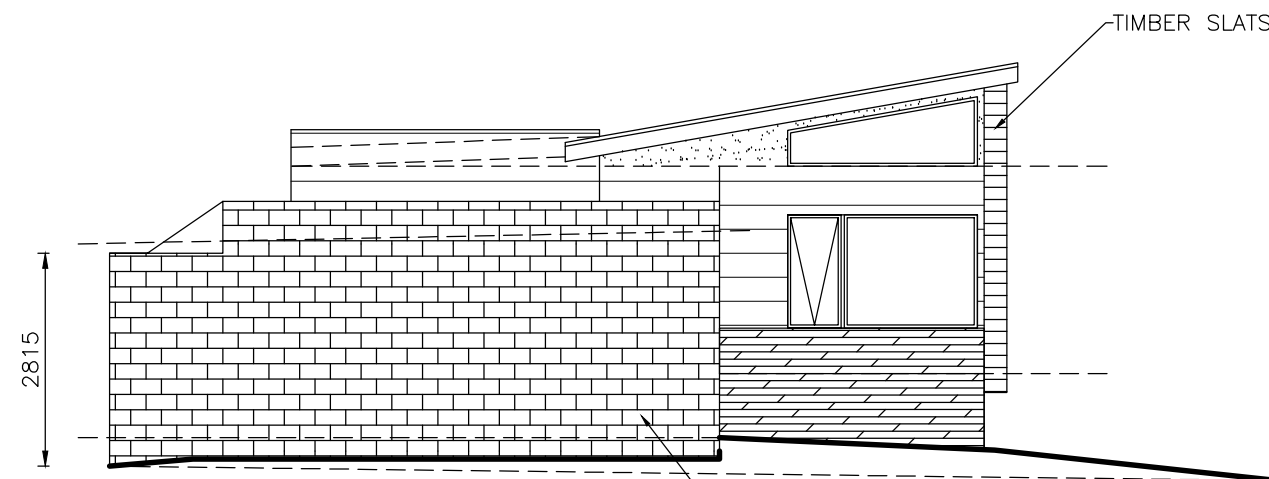
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	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 27-8-15	DWG No: LEWI-H-02	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			



HOUSE 1

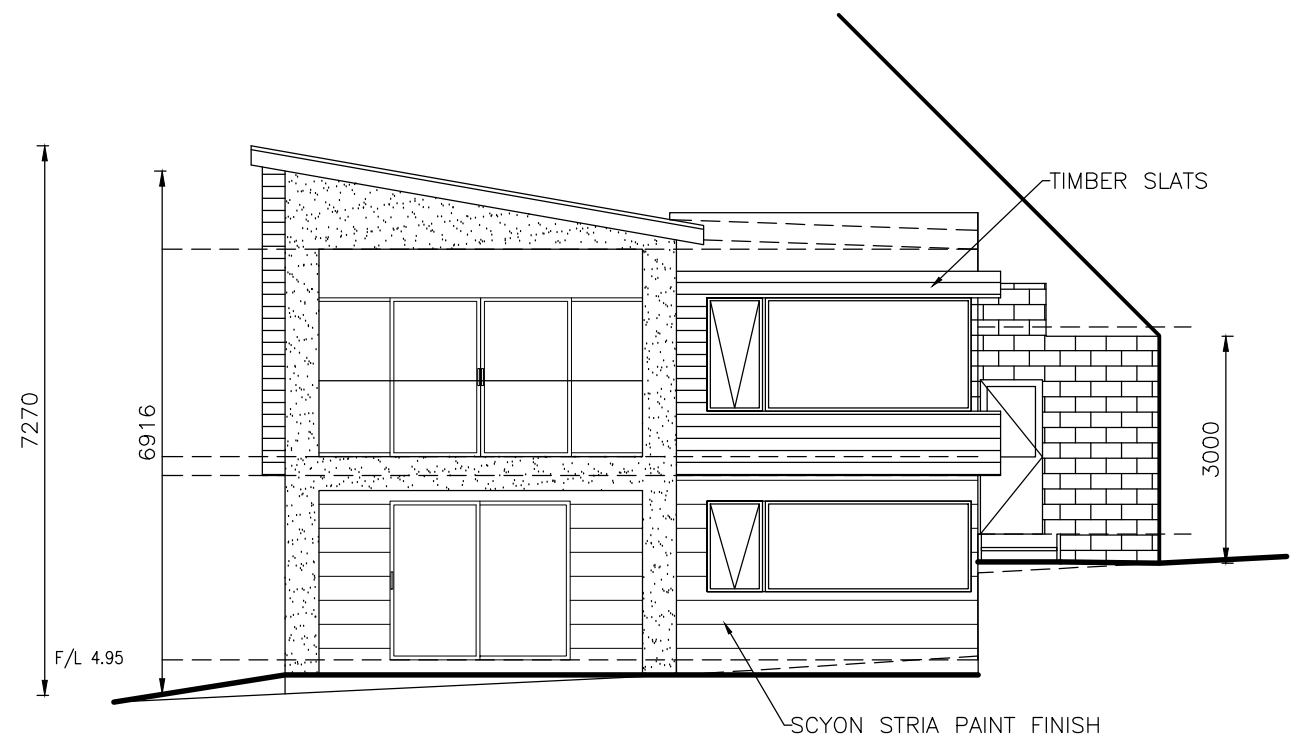
HOUSE 1 ELEVATIONS 1:100

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	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 27-8-15	DWG No: LEWI-H-02	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			



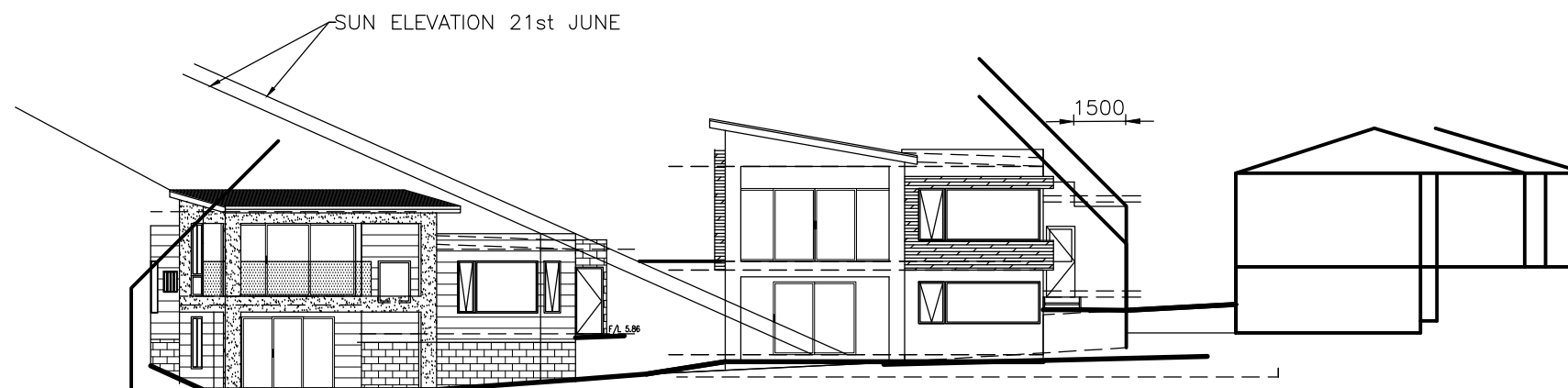
EASTERN ELEVATION

1:100



WESTERN ELEVATION

1:100




RIVER SIDE ELEVATION

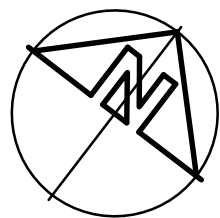
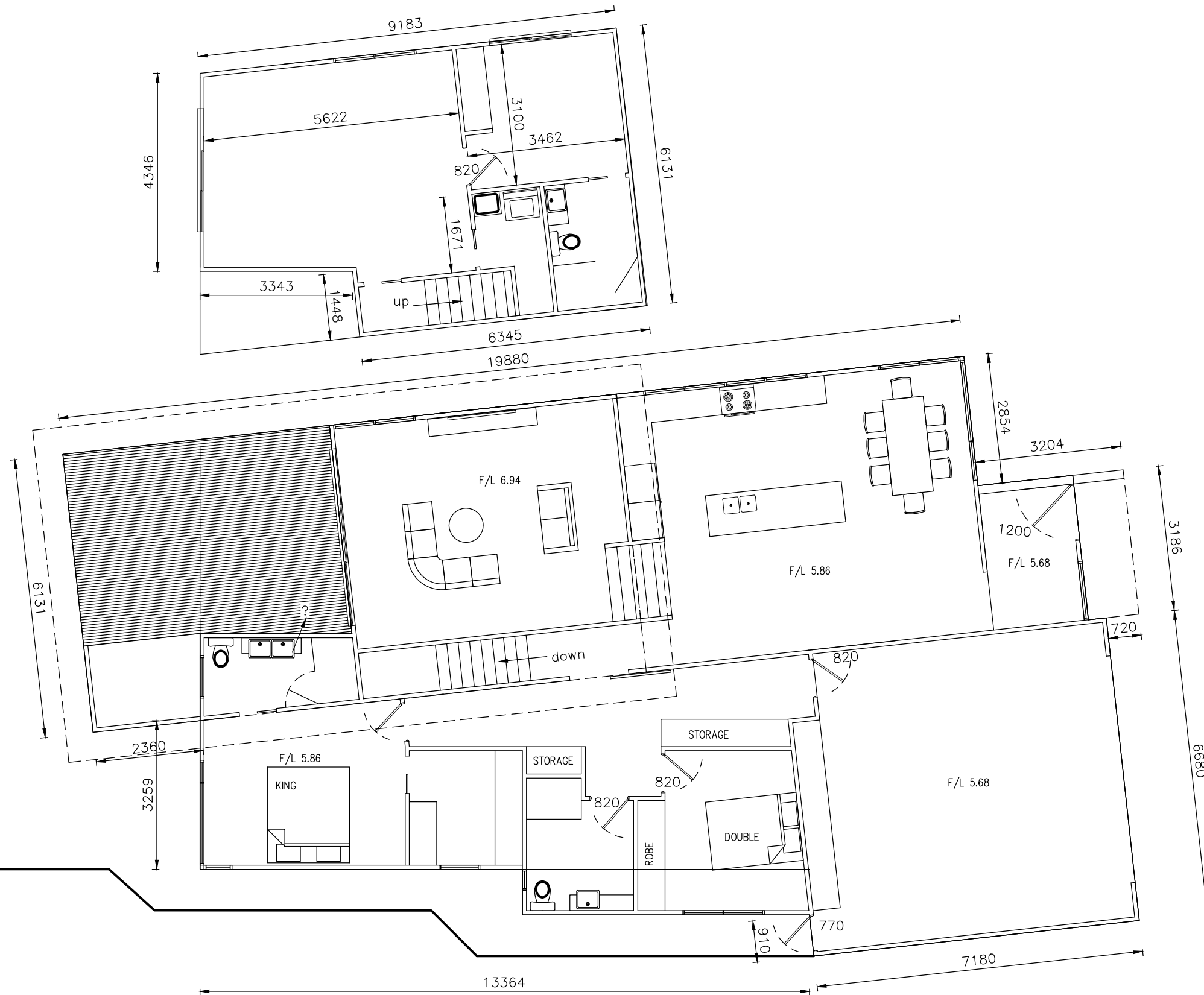
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HOUSE 1

ELEVATIONS

1:100


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	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 27-8-15	DWG No: LEWI-H-02	
ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009			



HOUSE 2

FLOOR PLANS

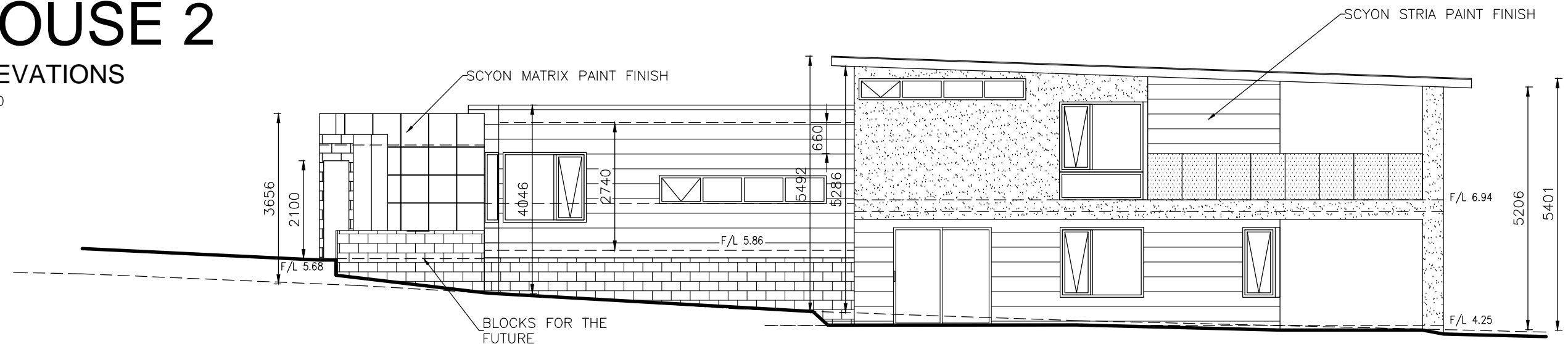
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HOUSE 2

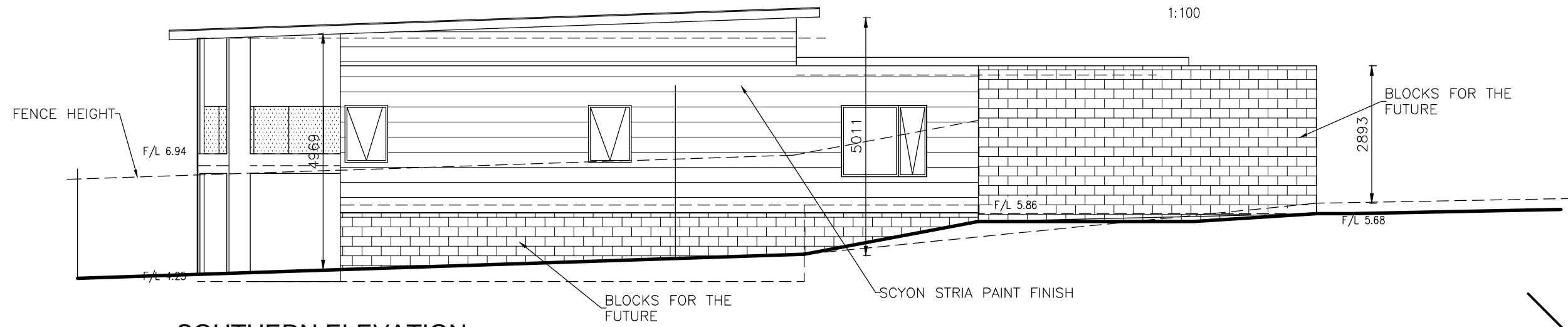
ELEVATIONS

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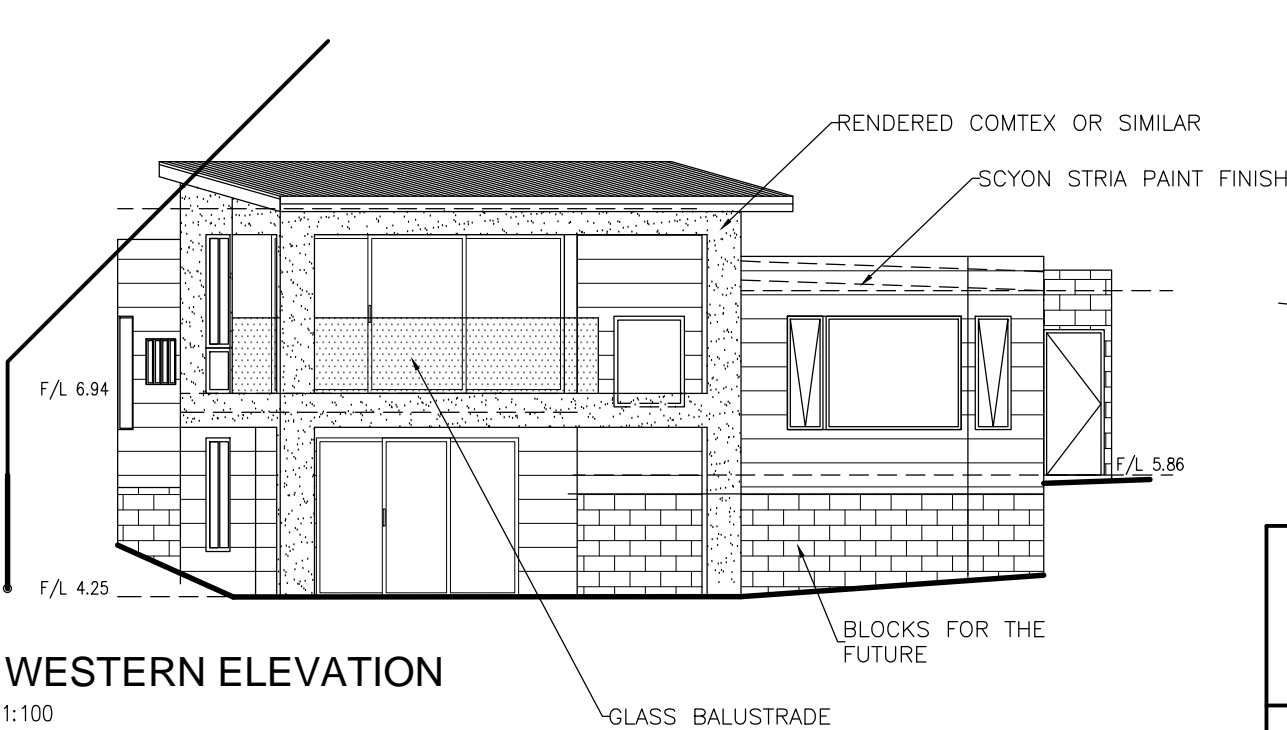
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1:100



SOUTHERN ELEVATION

1:100




WESTERN ELEVATION

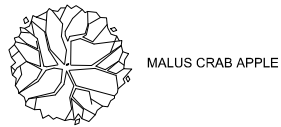
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EASTERN ELEVATION

1:100

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	DESIGNED: DALLAS WILSON	DRAWN: DALLAS WILSON	
	DATE: 27-8-15	DWG No: LEWI-H-02	
	ABN 73 052 274 674 P 03 62283111 F 03 62283133 M 0409310003 E dallaswilson@netspace.net.au PO Box 808 Moonah TAS 7009		



MALUS CRAB APPLE



ASSORTED PROSTRATE PLANTING



CORDYLINE RUBY & NEGRA MIX

LEGEND

MASONRY WALL / FENCE HEIGHT AS INDICATED

TIMBER PICKET FENCE 1.8 m HIGH



CLOTHES LINE



CONCRETE



MULCHED GARDEN BEDS



SEEDED LAWN

LETTERBOXES
6.00

5.47

30.19

6.00

30.19

80.82

30.19

5.00

5.5

PARK 5

HOUSE 2

PARK 1

PARK 1

27.83

REMOTE GATES

REMOTE GATES

4.5

PARK 3

PARK 4

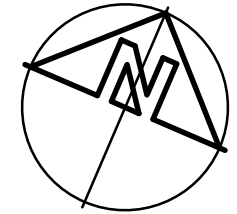
6.00

5.00

30.47


4.00

4.00



SITE PLAN

1:200

REV	DATE	DETAIL
—	—	—
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PROPOSED DWELLINGS 51 TRANMERE RD TRANMERE For H.& J. LEWIS		
SCALE:		1:200
DESIGNED:		DALLAS WILSON
DRAWN:		DALLAS WILSON
DATE:		27/8/15
PAGE		8 OF 9 PAGES
DWG No:		LEWI-H-02
		-

PO Box 808 Moonah TAS 7009

E dallaswilson@netspace.net.au

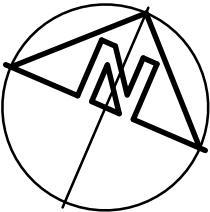
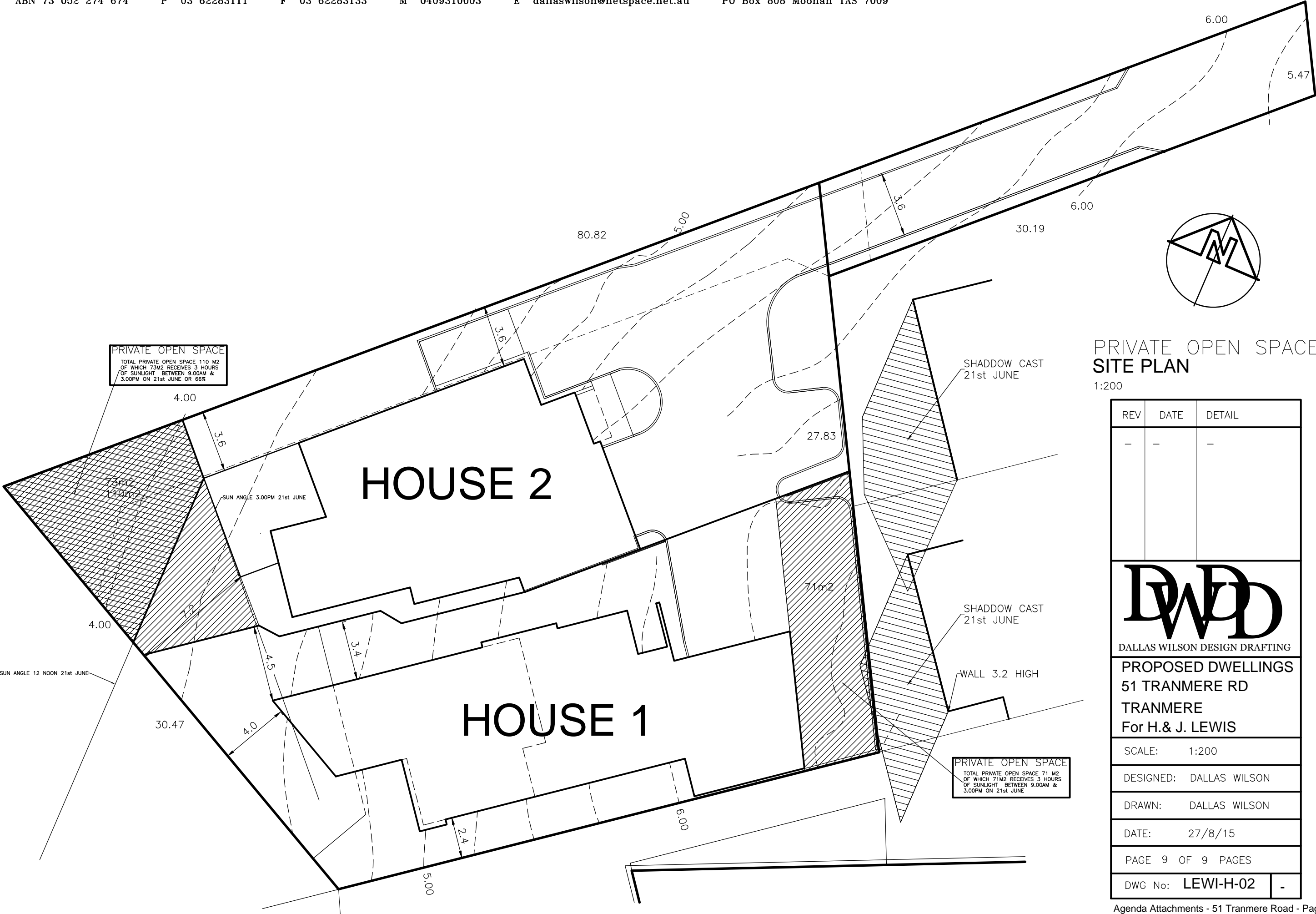
E

M 0409310003

F 03 62283133


P 03 62283111

ABN 73 052 274 674



PRIVATE OPEN SPACE
SITE PLAN
1:200

REV	DATE	DETAIL
-	-	-



DALLAS WILSON DESIGN DRAFTING

PROPOSED DWELLINGS
51 TRANMERE RD
TRANMERE
For H.& J. LEWIS

SCALE:	1:200
DESIGNED:	DALLAS WILSON
DRAWN:	DALLAS WILSON
DATE:	27/8/15
PAGE	9 OF 9 PAGES
DWG No:	LEWI-H-02

11.3.6 DEVELOPMENT APPLICATION D-2015/355 - 34 BALOOK STREET, LAUDERDALE - DWELLING
(File No D-2015/355)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a new dwelling at 34 Balook Street, Lauderdale.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and is affected by the Waterway and Coastal Protection, Inundation Prone Areas and Coastal Erosion Hazard Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to expire on 28 October 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of water views from nearby property.

RECOMMENDATION:

- A. That the Development Application for a new dwelling at 34 Balook Street, Lauderdale (CI Ref D-2015/355) be approved subject to the following conditions and advice.
 - 1. GEN AP1 – ENDORSED PLANS.
 - 2. The foundations of the dwelling must be designed and constructed in such a manner as to extend into the stable foundation layer as determined by the Coastal Vulnerability Report (prepared by GES, dated August 2015) submitted with the application.
 - 3. The development must meet all required Conditions of Approval specified by TasWater notice dated 3/9/2015 (TWDA 2015/01525-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.

**DEVELOPMENT APPLICATION D-2015/355 – 34 BALOOK STREET,
LAUDERDALE - DWELLING /contd...**

ASSOCIATED REPORT**1. BACKGROUND**

No relevant background.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned General Residential and is affected by the Waterway and Coastal Protection, Inundation Prone Areas and Coastal Erosion Hazard Codes under the Scheme.

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 6 – General Residential Zone; and
- Section 7 – Waterway and Coastal Protection, Inundation Prone Areas and Coastal Erosion Hazard Codes.

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

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

The site is a regularly shaped, generally level, 664m² lot opposite the junction of Balook Street and Hadlow Road. The property also has "frontage" to Roches Beach to the east and to a "Picnic Reserve" to the north. There is an existing 2 storey house centrally located on the site.

The front of the property is mostly concrete and hard standing area used for the parking of boats and vehicles. The rear of the property is mostly grassed with a few low lying bushes.

3.2. The Proposal

The proposal is for the demolition of the existing dwelling and the construction of a new 2 storey dwelling.

The ground level will be built to both side boundaries and will comprise a t2 car garage (with bathroom), 3 bedrooms, a bathroom and a laundry. There will also be a front deck constructed to the front boundary, with an in-ground pool recessed into it.

The upper level will comprise 2 living areas connected by a kitchen and a master bedroom with ensuite and walk in wardrobe. There is proposed to be a deck constructed over approximately two thirds of the garage, on the northern side of the dwelling, with a setback to the boundary of 2.285m.

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 the Coastal Erosion Hazard and Waterway and Coastal Protection Codes with the exception of the following:

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A1	Setbacks and building envelope for all dwellings	Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;	The proposal includes an in-ground pool, with surrounding deck located up to the front property boundary.

The proposed variation can be supported pursuant to the Performance Criteria P1 of Clause 10.4.2 for the following reason.

- The pool and deck are at ground level behind the proposed rendered block fence. As such, they will not encroach unreasonably into the streetscape as they are not visible behind the 2.1m fence. They will not reduce the opportunity for passive surveillance to and from the site as they do not provide a physical barrier to the road. As the works are not habitable, there is no compromise to the privacy and amenity of the dwelling from road users.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Setbacks and building envelope for all dwellings	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope determined by:</p> <p>(i) a distance equal to the frontage setback; and</p> <p>(ii) projecting a line at an angle of 45° 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</p>	The proposed dwelling protrudes beyond the building envelope for approximately 0.5m on both the northern and the southern sides. The swimming pool and deck also encroach into the front setback area and are therefore outside the building envelope.

The proposed variation can be supported pursuant to the Performance Criteria P3 of Clause 10.4.2 for the following reason.

- The adjacent property is labelled “Picnic Reserve” and “Road” on the title, with no clear indication of which is located where. Council has no short or long term plans of constructing a road in this area as it is directly adjacent to the beach and would effectively be a road to nowhere. As such, the land is being maintained as a reserve area and pedestrian access to the beach. There are no plans of removing the vegetation on-site and upgrading it to a park facility. There are also no plans of disposing of the land at this time. As such, the proposed deck will not be overlooking an adjacent residentially developed site and nor will it be overlooking a highly utilised public recreation space. Accordingly, the proposal complies with the Performance Criterion.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A1	Privacy for all dwellings	A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a: (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary;	It is proposed to construct a deck over the garage on the northern side of the dwelling with a setback of 2.3m from the northern boundary.

The proposed variation can be supported pursuant to the Performance Criteria P1 of Clause 10.4.6 for the same reason given above in relation to Clause 10.4.2 P3.

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.7 A1	Frontage fences for all dwellings	A fence (including a free-standing wall) within 4.5m of a frontage must have a height above natural ground level of not more than: (a) 1.2m if the fence is solid;	It is proposed to construct a 2.1m high rendered blockwork fence along the frontage and around the side of the property to the garage on the northern side.

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

- There is an existing solid timber fence (approximately 2m in height) surrounding the property frontage, with the exception of the access. It is proposed to replace this with rendered blockwork.

There is also an existing fence (approximately 2.5m in height) on the other side of the “Picnic Reserve” which this fence would be very similar to. Further, the living areas of the dwelling are on the second level of the dwelling, and as such will retain passive surveillance of the street.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E11.7.1 A1	Buildings and Works	Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme.	There is no building envelope shown on the Title in which to construct a dwelling.

The proposed variation can be supported pursuant to the Performance Criteria P1 of Clause E11.7.1 for the following reason.

- The proposal is for the redevelopment of an existing residential site. The proposed new dwelling is positioned in approximately the same location as the existing dwelling. As such, there is no change to the existing impact on the coastal area.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E11.7.1 A3	Buildings and Works	Buildings and works within a Potable Water Supply Area must be within a building area on a plan of subdivision approved under this planning scheme	There is no building envelope shown on the sealed plan for the Title in which to construct a dwelling.

The proposed variation can be supported pursuant to the Performance Criteria P3 of Clause E11.7.1 for the following reason.

- The application was referred to TasWater which has provided conditions to be included in any permit granted for these works. As such, it is considered that the proposal meets the Performance Criteria.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E15.7.2 A1	Coastal Inundation Medium Hazard Areas	For a new habitable building there is no Acceptable Solution.	The proposal has all habitable areas with a floor level of 3m AHD, and all non-habitable areas with a floor level of 2.7m AHD.

The proposed variation can be supported pursuant to the Performance Criteria P1 of Clause E15.7.2 for the following reason.

- The floor levels proposed comply with the Performance Criteria for this code.

Clause	Standard	Acceptable Solution (Extract)	Proposed
E16.7.1 A1	Buildings and Works	No Acceptable Solution.	Application is made within the Coastal Erosion Hazard Code for the construction of a new dwelling.

The proposed variation can be supported pursuant to the Performance Criteria P1 of Clause E16.7.1 for the following reason.

- The applicant submitted an engineering report as part of the application documentation. Council engineers have assessed this information and consider that it satisfies the Performance Criteria for the Code.

5. REPRESENTATION ISSUES

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

5.1. Views

The representor is concerned that, should the occupant screen the sides of the deck in any way beyond the glass balustrade shown in the plans, they will lose the water views currently enjoyed from their property. They have requested that no screening or plants be allowed on the deck that could compromise their views through the deck to the water.

- **Comment**
The roof of the deck only protrudes from the building envelope by 0.5m. This protrusion is almost entirely solid already. The remainder of the deck is contained within the building envelope and therefore, were the roof to be modified, discretionary approval would not be required. As such, it is not appropriate or reasonable to condition any such restrictions upon the use of the deck.

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 2010-2015 or any other relevant Council Policy. Developer contributions are not required to comply with any Council policies.

9. CONCLUSION

The proposal is for the construction of a new dwelling at 34 Balook Street, Lauderdale. The proposal meets the Acceptable Solutions and Performance Criteria of the Scheme and is therefore recommended for conditional approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (9)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

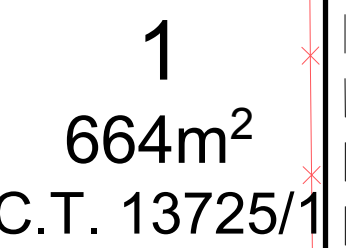
Attachment 1

Location Plan - 34 Balook Street



Printed: Tuesday, 13 October 2015 **Scale:** 1:868.6 @A4

ROAD RESERVE



DEMOLITION NOTES

GENERALLY

ALL DEMOLITION TO COMPLY WITH BUILDING
REGULATIONS 2004, REGULATION 27 & 28 OF
TASMANIA

ALL DEMOLITION TO BE CARRIED OUT
DURING PERMIT HOURS ONLY

EXISTING FENCES AND DRIVEWAY
CROSSOVER TO REMAIN.

	BUILDER TO PROVIDE ADEQUATE MEASURES TO PREVENT TRACKING OF MUD AND DEBRIS ONTO ROAD
--	--

SEDIMENT TO BE ADEQUATELY CONTROLLED
TO PREVENT ENTRY INTO COUNCIL
INFRASTRUCTURE

SITE TO BE KEPT CLEAN AND TIDY DURING DEMOLITION

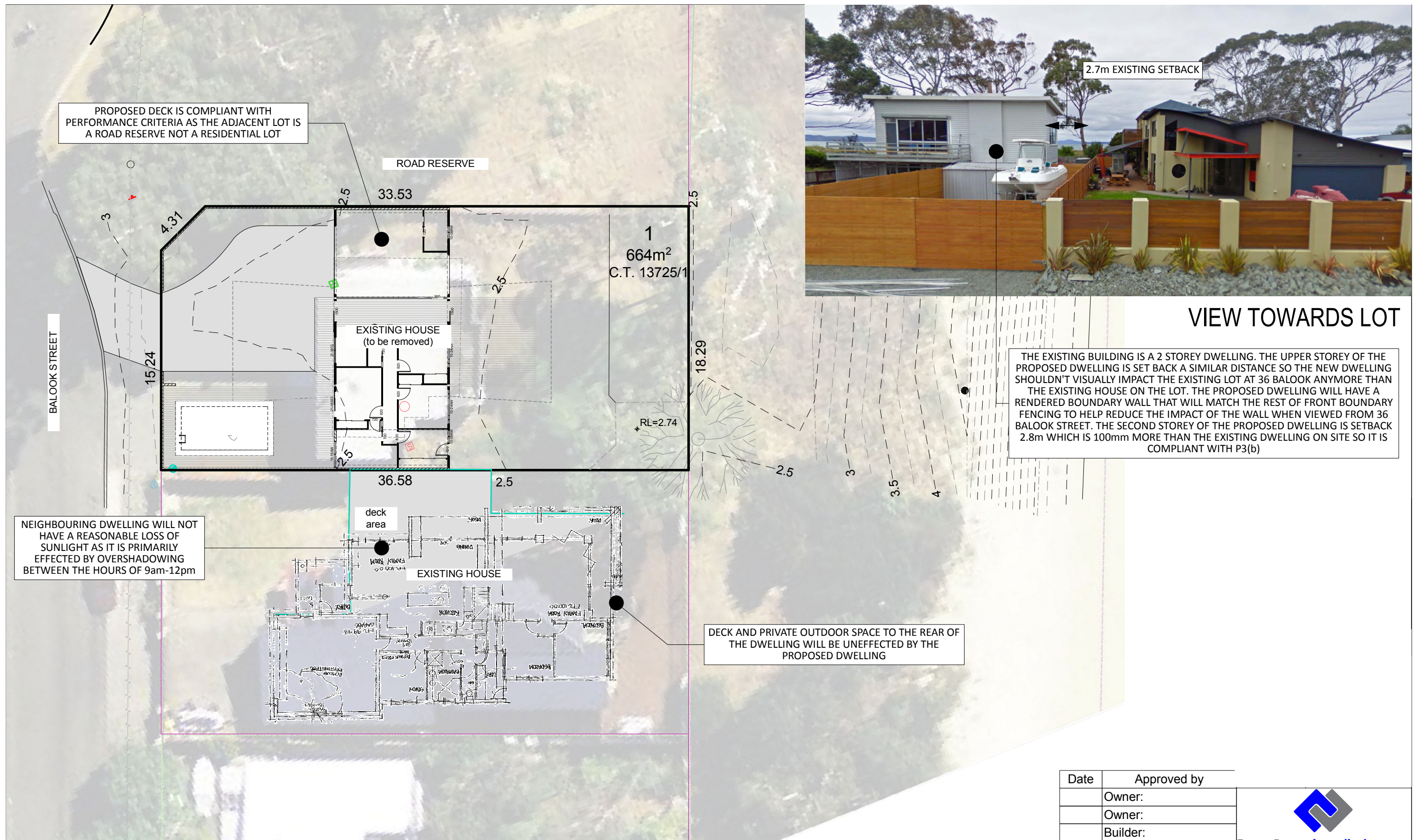
Date	Approved by
Owner:	
Overseer:	
Builder:	



Lydenbuilders
connecting futures



pinnacle
DRAFTING & DESIGN



Site Analysis Plan

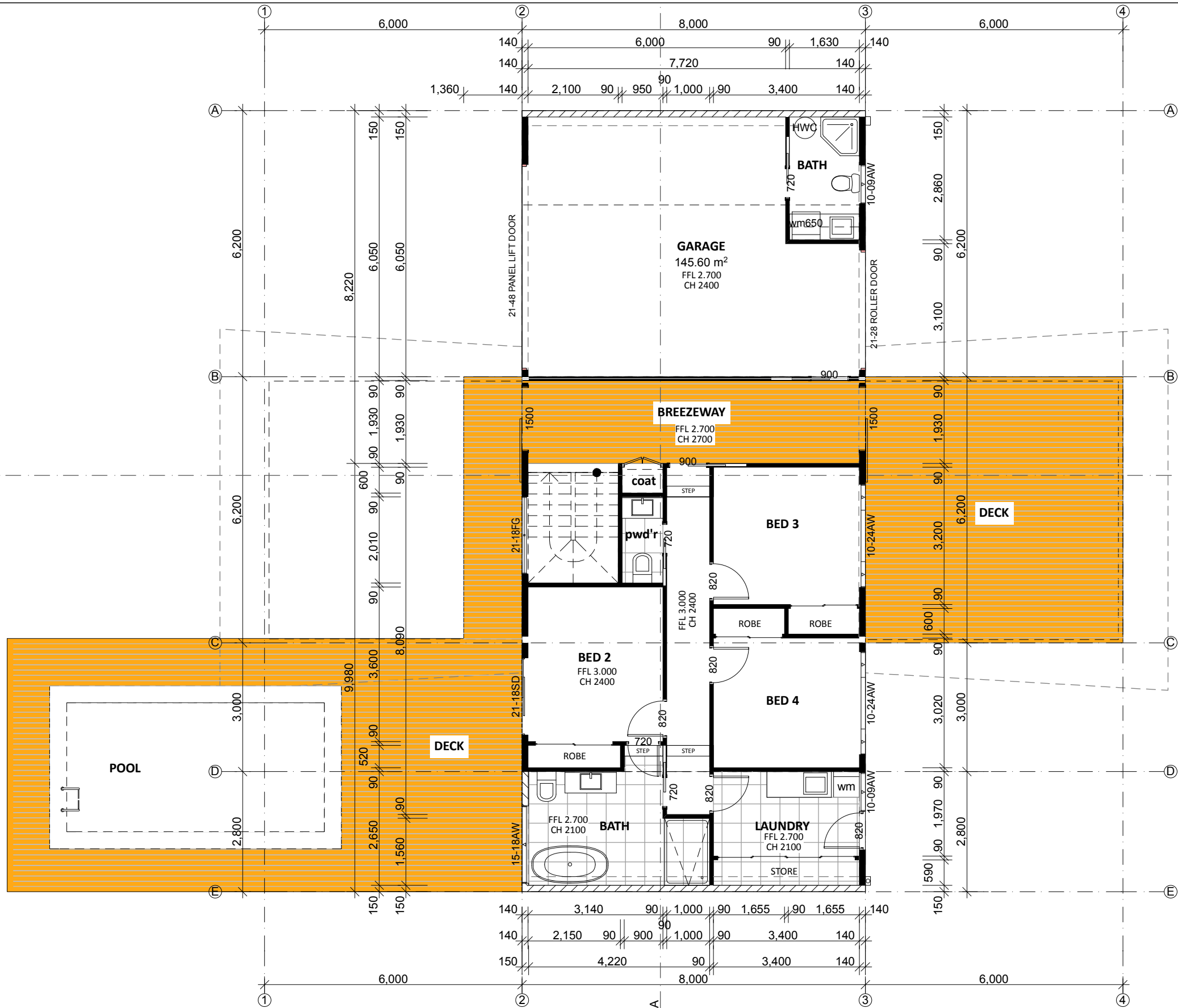
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Proposal:	New Dwelling	Scale: 1:250	Job No: 46-2015	Pg No: 3/7
Client:	Andrew Lyden	Date: 16/04/15	Engineer: Hutching Spurr:	
Address:	34 Balook Street Lauderdale 7021	Drawn: Jason	Building Surveyor: L.T.B.S	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jason.alb@bigpond.com

Date	Approved by
	Owner:
	Owner:
	Builder:





Amendments	
Date	Description
17/08/15	COUNCIL REVISIONS
31/08/15	CLIENT REVISIONS
16/09/15	COUNCIL REVISIONS

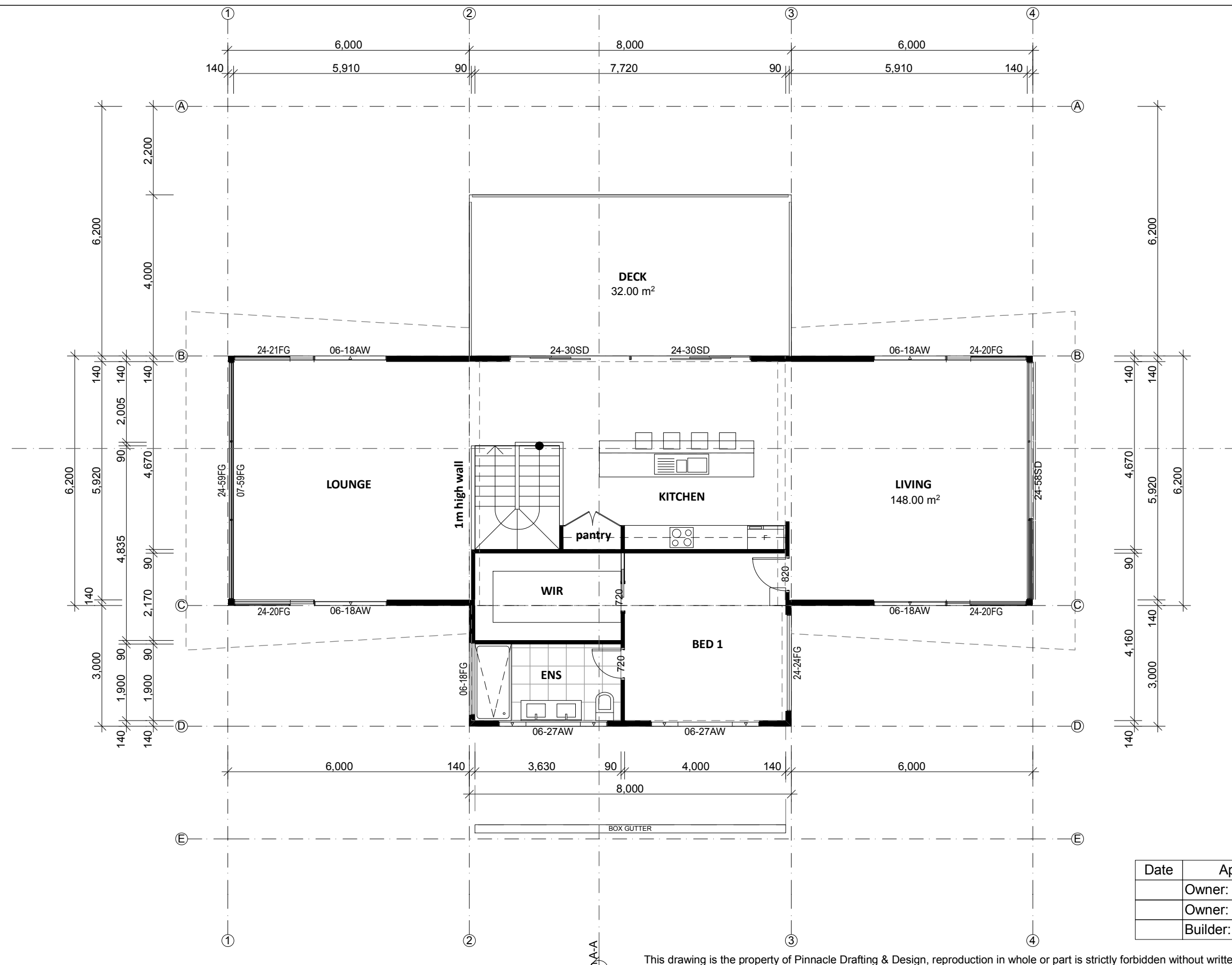
Date	Approved by
	Owner:
	Owner:
	Builder:

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Proposal:	New Dwelling	Scale: 1:100	Job No: 46-2015	Pg No: 4/7
Client:	Andrew Lyden	Date: 16/04/15	Engineer: Hutching Spurr:	
Address:	34 Balook Street Lauderdale 7021	Drawn: Jason	Building Surveyor: L.T.B.S	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jason.alb@bigpond.com





Upper Floor Plan

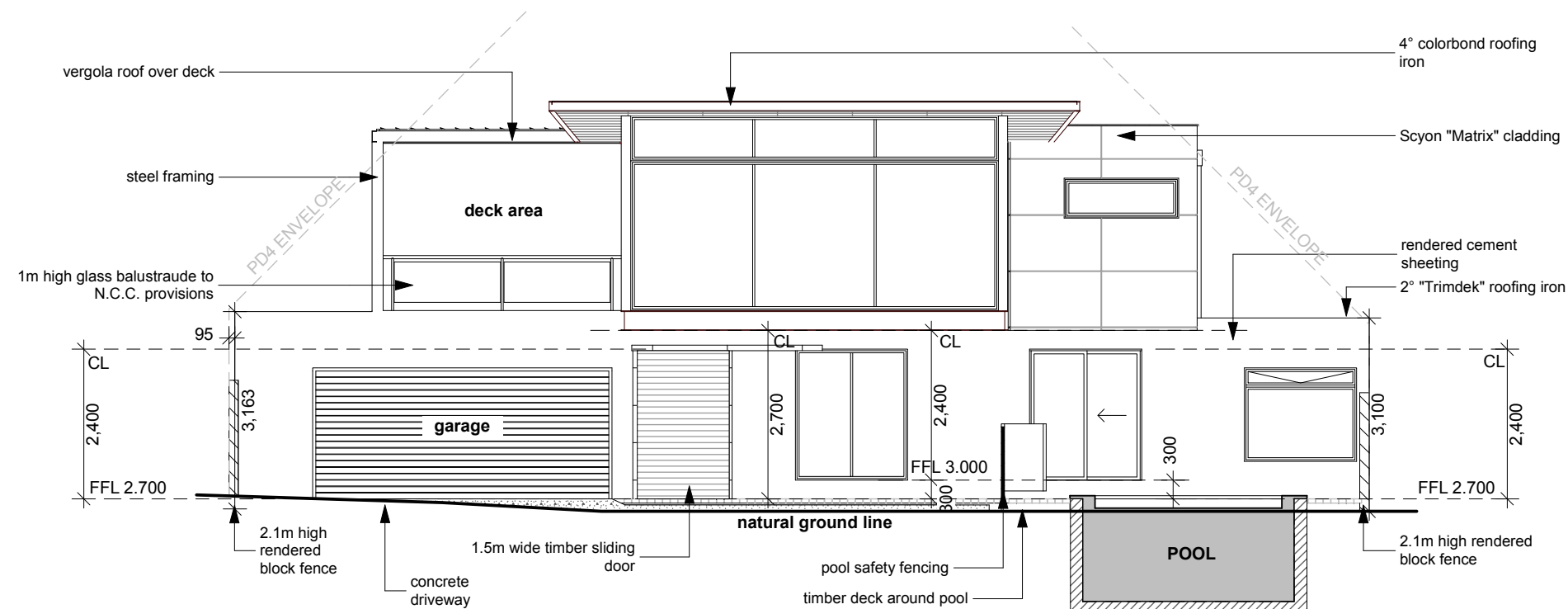
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Date	Description
17/08/15	COUNCIL REVISIONS
31/08/15	CLIENT REVISIONS
16/09/15	COUNCIL REVISIONS

Date	Approved by
	Owner:
	Owner:
	Builder:

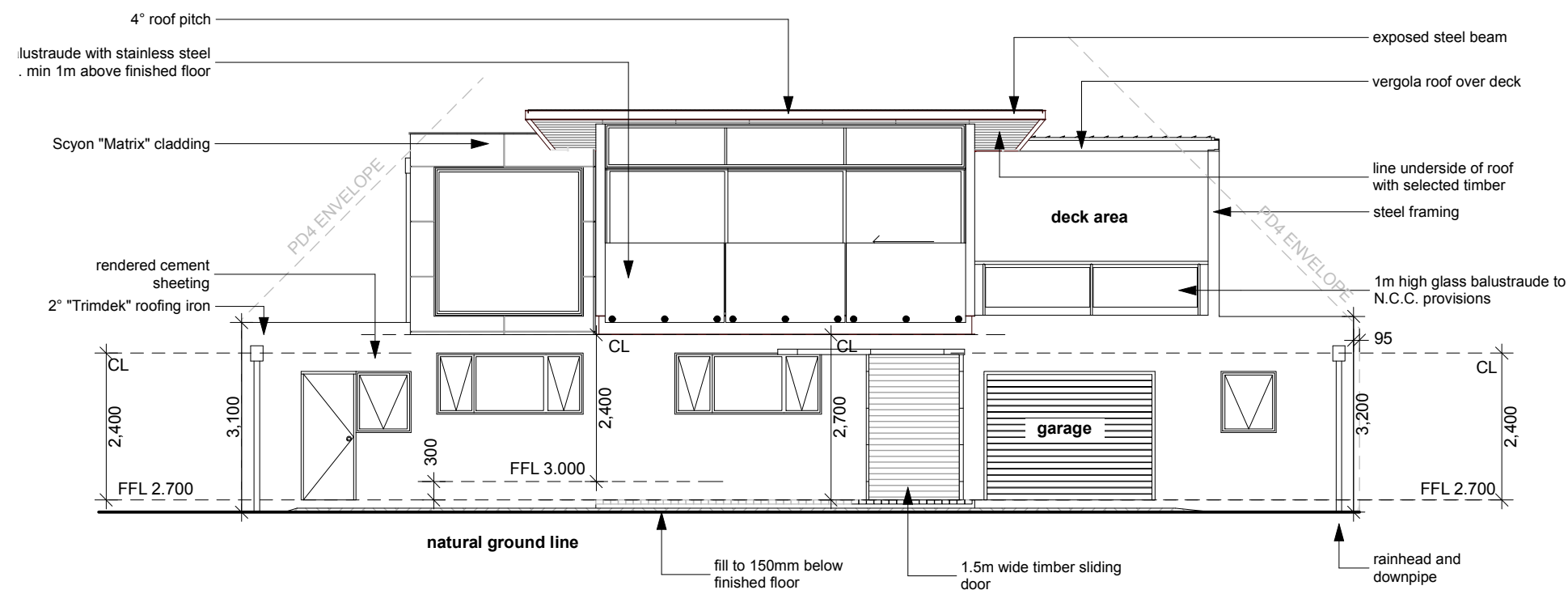


Proposal:	New Dwelling	Scale: 1:100	Job No: 46-2015	Pg No: 5/7
Client:	Andrew Lyden	Date: 16/04/15	Engineer: Hutching Spurr:	
Address:	34 Balook Street Lauderdale 7021	Drawn: Jason	Building Surveyor: L.T.B.S	
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North West Elevation



South East Elevation

Amendments	
Date	Description
17/08/15	COUNCIL REVISIONS
31/08/15	CLIENT REVISIONS
16/09/15	COUNCIL REVISIONS

Date	Approved by
	Owner:
	Owner:
	Builder:

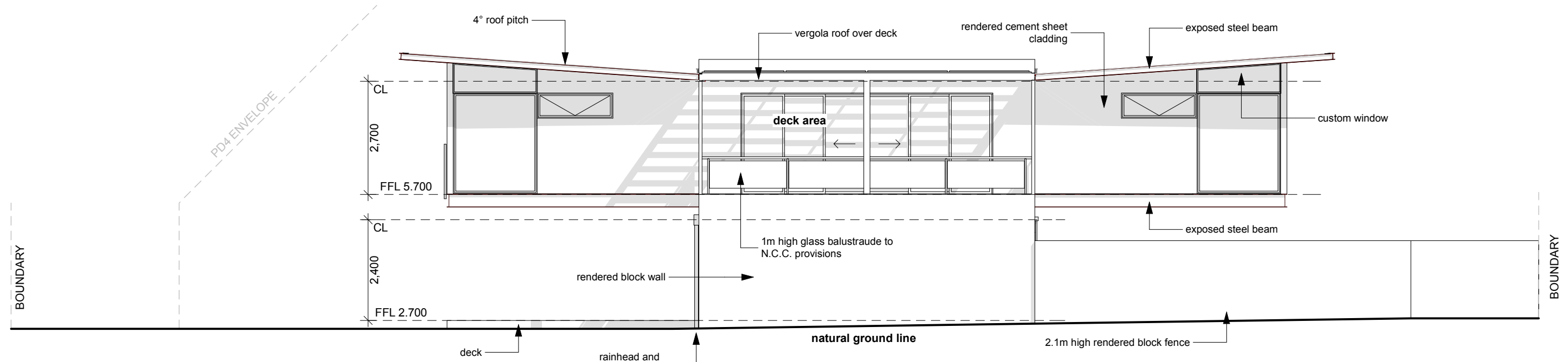


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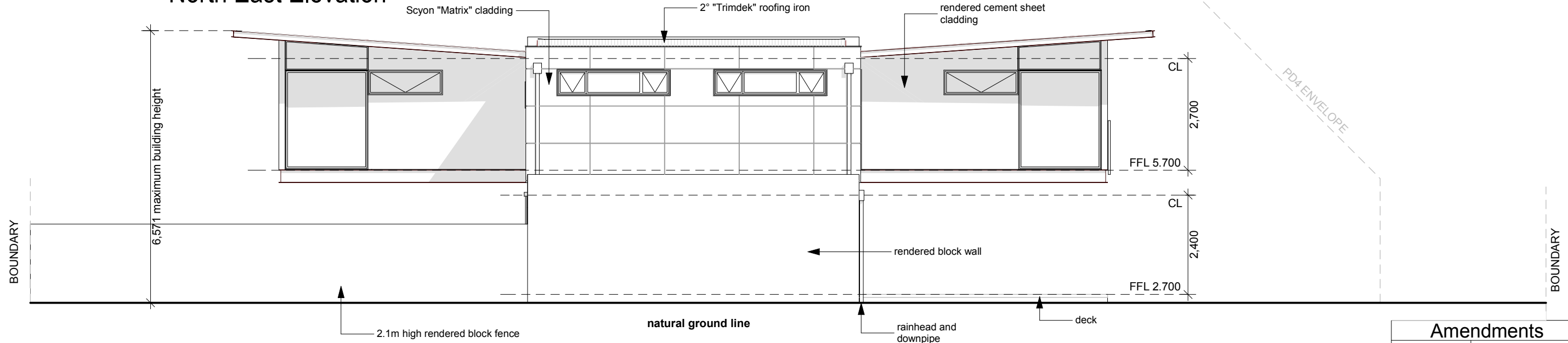
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Client:	Andrew Lyden	Date: 16/04/15	Engineer: Hutching Spurr:	
Address:	34 Balook Street Lauderdale 7021	Drawn: Jason	Building Surveyor: L.T.B.S	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jason.alb@bigpond.com

Elevations



North East Elevation



South West Elevation

Amendments	
Date	Description
17/08/15	COUNCIL REVISIONS
31/08/15	CLIENT REVISIONS
16/09/15	COUNCIL REVISIONS

Date	Approved by
	Owner:
	Owner:
	Builder:

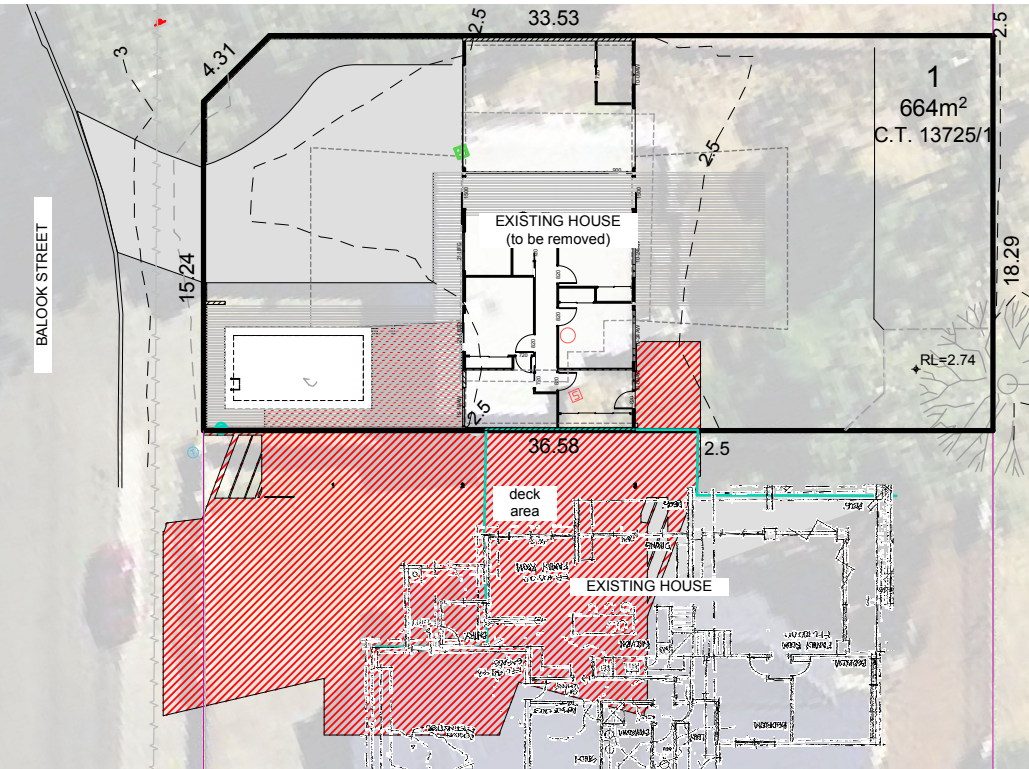
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Proposal:	New Dwelling	Scale: 1:100	Job No: 46-2015	Pg No: 7/7
Client:	Andrew Lyden	Date: 16/04/15	Engineer: Hutching Spurr:	
Address:	34 Balook Street Lauderdale 7021	Drawn: Jason	Building Surveyor: L.T.B.S	

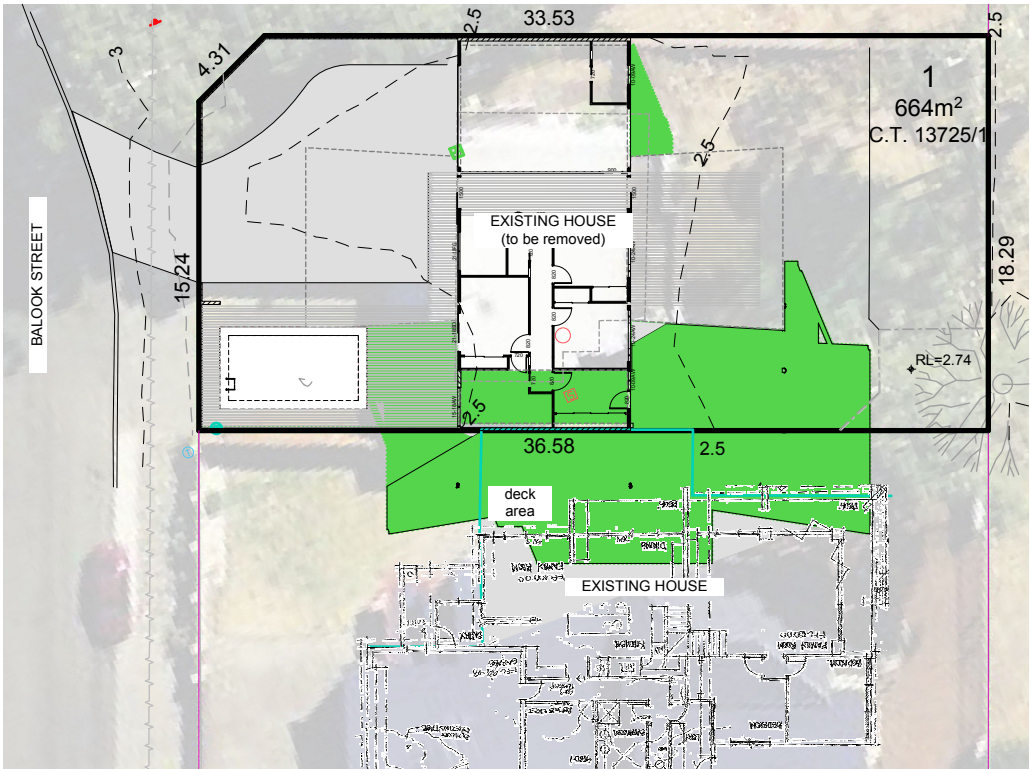
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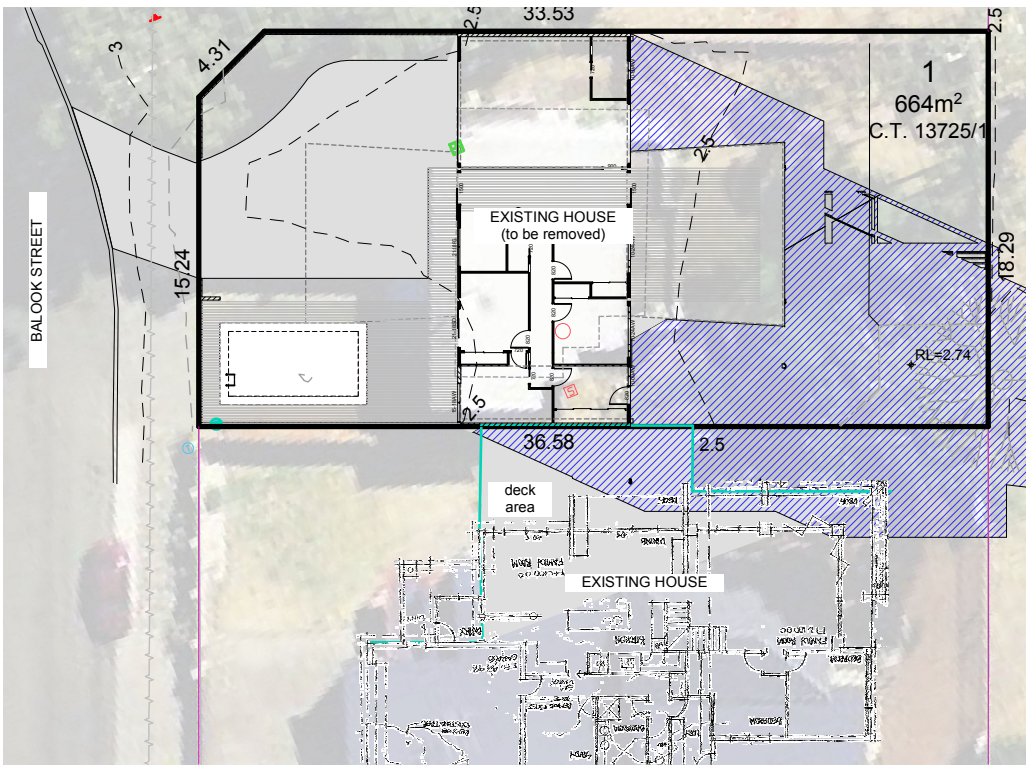
Elevations



Shadows @ 9am



Shadows @ 12pm



Shadows @ 3pm

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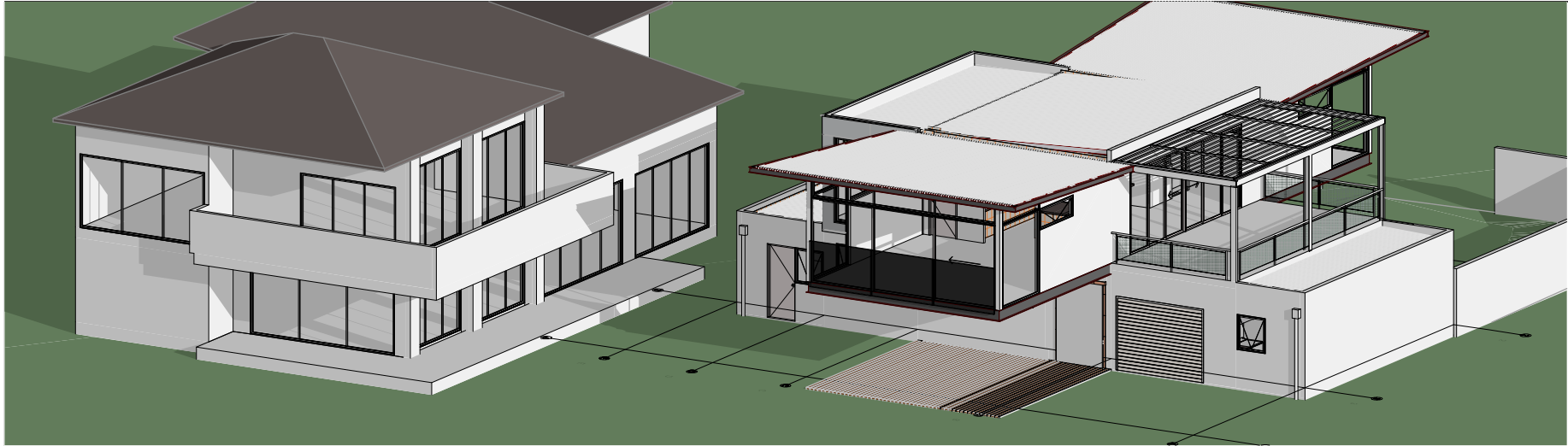
Proposal:	New Dwelling	Scale: 1:350	Job No: 46-2015	Pg No: 9/7
Client:	Andrew Lyden	Date: 16/04/15	Engineer: Hutching Spurr:	
Address:	34 Balook Street Lauderdale 7021	Drawn: Jason	Building Surveyor: L.T.B.S	
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jason.alb@bigpond.com				

Amendments	
Date	Description
17/08/15	COUNCIL REVISIONS
31/08/15	CLIENT REVISIONS
16/09/15	COUNCIL REVISIONS

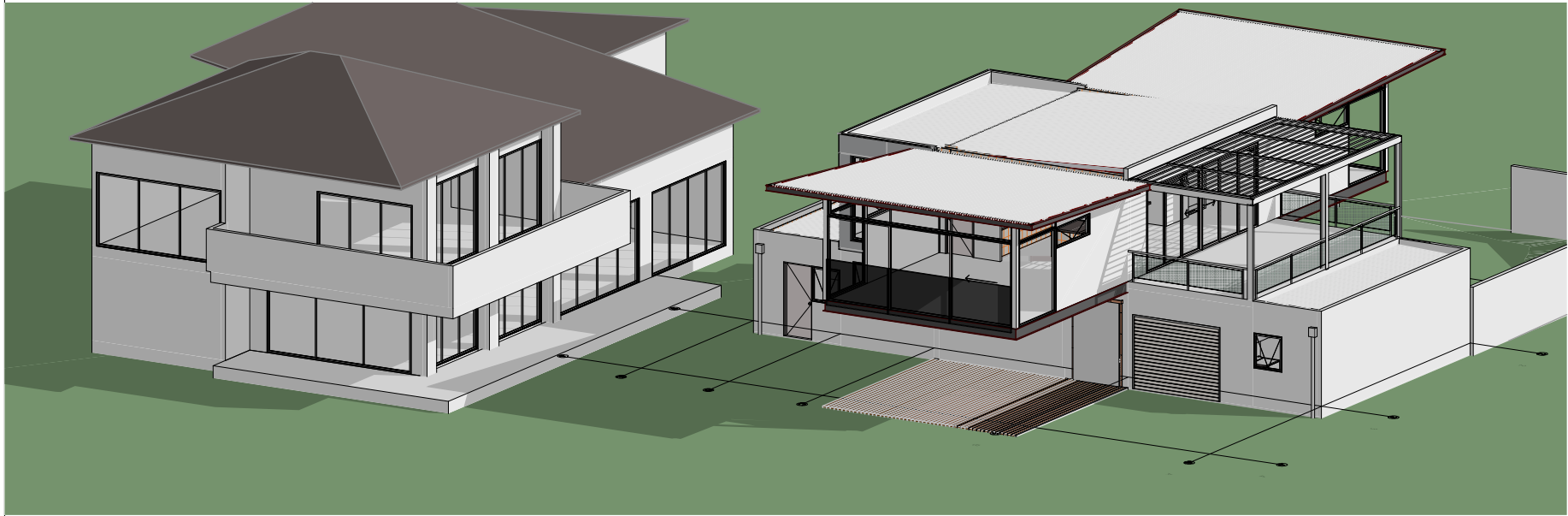
Date	Approved by
	Owner:
	Owner:
	Builder:



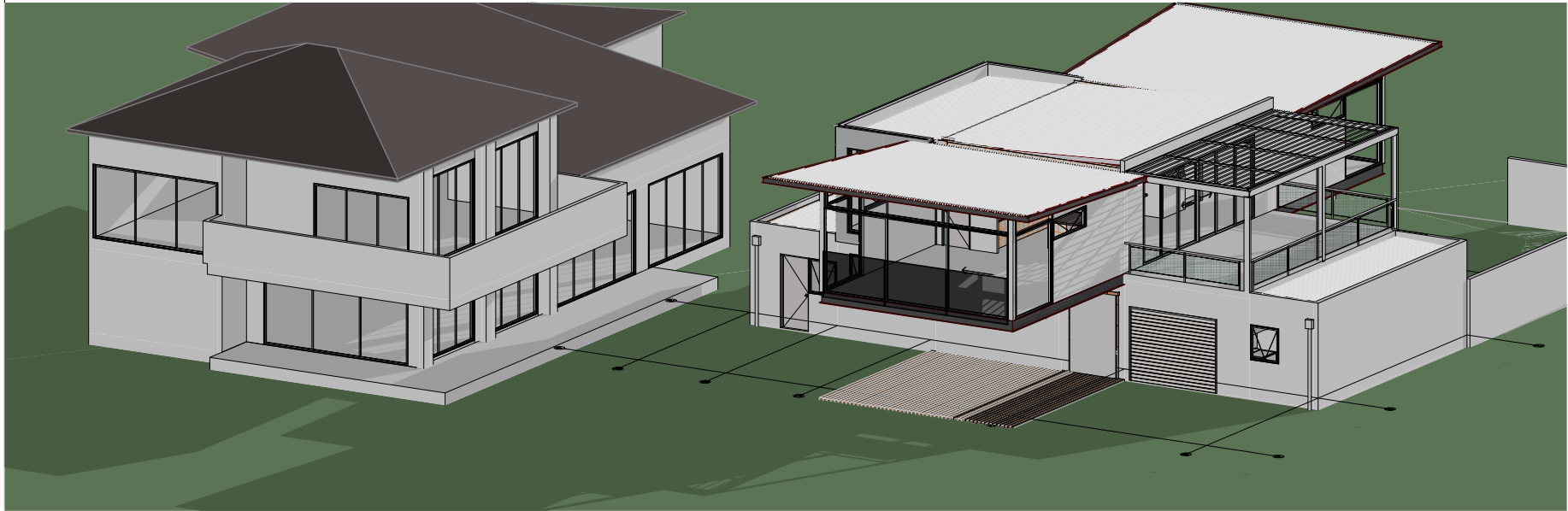
Shadow Diagrams



9am Shadows



12pm Shadows



3pm Shadows

Amendments	
Date	Description
17/08/15	COUNCIL REVISIONS
31/08/15	CLIENT REVISIONS
16/09/15	COUNCIL REVISIONS

Date	Approved by
	Owner:
	Owner:
	Builder:



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Proposal:	New Dwelling	Scale: 1:177.77	Job No: 46-2015	Pg No: Appendix A
Client:	Andrew Lyden	Date: 16/04/15	Engineer: Hutching Spurr:	
Address:	34 Balook Street Lauderdale 7021	Drawn: Jason	Building Surveyor: L.T.B.S	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jason.alb@bigpond.com

Shadow Diagrams

Attachment 3

34 Balook Street, LAUDERDALE



Site viewed from Balook Street

11.3.7 SUBDIVISION APPLICATION SD-2015/37 - 760 DORANS ROAD AND 167 DIXON POINT ROAD, SANDFORD - 5 LOT SUBDIVISION (PLUS BALANCE)

(File No SD-2015/37)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application for a 5 lot subdivision (plus balance) at 760 Dorans Road and 167 Dixon Point Road, Sandford.

RELATION TO PLANNING PROVISIONS

The application the subject of this report was lodged under the previous Clarence Planning Scheme 2007. Although valid, the application was undetermined at the time the Clarence Interim Planning Scheme 2015 was declared. Pursuant to Section 30FA of the Land Use Planning and Approvals Act, 1993 (LUPAA) the application must be determined in accordance with the provisions of the former scheme.

Under the Clarence Planning Scheme 2007 (the Scheme) the land was zoned Recreation, Rural Residential and Landscape Skyline and Conservation. Additionally, parts of the site are subject to the Vegetation, Coastal Management and Coastal Erosion Hazard Overlays under the Scheme. In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council was required to exercise a discretion within the statutory 42 day period which expired on 11 August 2015 but extended with the written consent of the applicant until 28 October 2015.

CONSULTATION

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

- safety, capacity and standard of Dorans Road;
- public access to the foreshore;
- public access to Dixon Point Road;
- protection of threatened species; and
- owner consent.

RECOMMENDATION:

A. That the application for a 5 lot Subdivision (plus balance) at 760 Dorans Road and 167 Dixon Point Road, Sandford (CI Ref SD-2015/37) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLAN [
 - a 6.0m wide combined public walkway and drainage reserve on southern boundary of Lot 4 from the Dorans Road extension to the proposed foreshore reservation. (The foreshore POS Lot 200 may be reduced in area by this equivalent amount and lots may be altered as necessary to achieve the required 2.0ha minimum lot area within the Rural Residential Zone);
 - the deletion of the freehold access strip from Dorans Road to the balance lot (which may be replaced with an alternate right-of-way easement over Lot 5 if desired);
 - road widening at the termination of Dorans Road to facilitate a turning head; and
 - revised staging reflecting the altered configuration. The A 6.0m wide public walkway and drainage reserve may be provided as a separate lot in the second stage.]
3. GEN F2 – COVENANTS [The 6.0m wide widened right-of-way's through the property at 760 Dorans Road. An additional right-of-way may be provided through Lot 5 to the balance lot].
4. GEN M2 – NO WORKS.
5. A Coastal Management Plan addressing the recommendations of the Pitt and Sherry Coastal Vulnerability Appraisal (accompanying the application and dated 30 June 2015) must be submitted to and approved by Council's Manager City Planning prior to the commencement of the development. When approved, the plans will form part of the permit.
6. PROP 2 – POS FENCING.
7. PROP 3 – TRANSFER.
8. ENG A1 – NEW CROSSOVER [TSD-R03 and RO4] Replace "3.0m" with "3.6m".
9. ENG A3 – COMBINED ACCESS [MSD-02].
10. ENG M2 – DESIGNS SD. Delete "stormwater drainage". After last sentence add "The road reservation at the southern end of the proposed development (Lot 101) is to be widened to a minimum of 25m to accommodate a rural type cul-de-sac in accordance with TSD-R08. Provision is to be made to facilitate road drainage for the road extension which may require scour prevention treatment".
11. ENG M5 – EROSION CONTROL.
12. ENG M8 – EASEMENTS.

13. ENG R3 – RURAL ROAD. After last sentence add “Stage 1 of the development will require the formation of Dorans Road to be extended and constructed, in accordance with an S4 category and TSD-R02 with a gravel surface only until Stage 2 when it is to be sealed. The combined access strip and right-of-way, over Lot 1, is to be constructed and sealed to a minimum width of 5.5m for the full distance it services both Lots 1 and 2 and must be completed prior to the sealing of Lot 1”.
 14. ENG R5 – ROAD EXTENSION.
 15. ENG S1 – INFRASTRUCTURE REPAIR.
 16. ENG S2 – SERVICES.
 17. EHO 4 – NO BURNING.
 18. ADVICE 19 – STREET NUMBERING.
 19. ADVICE - If the existing internal drains require relocating, an application for plumbing permit will be required and a certificate of completion must be issued prior to sealing of the subdivision.
- 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. Under the previous Scheme the land was zoned Recreation, Rural Residential and Landscape Skyline and Conservation. Additionally, parts of the site are subject to the Vegetation, Coastal Management and Coastal Erosion Hazard Overlays.
- 2.2. Pursuant to Clause 3.1.4 the proposed subdivision is a Discretionary development.

2.3. The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 6 – Recreation, Rural Residential and Landscape Skyline and Conservation Zones; and
- Section 7 – Vegetation, Coastal Management and Coastal Erosion Hazard Overlays.

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 LUPAA.

3. PROPOSAL IN DETAIL

3.1. The Site

The subject land is comprised of 2 lots at 760 Dorans Road and 167 Dixon Point Road, Sandford. The lots are approximately 0.66ha and 44.7ha respectively. The land is approximately 1.8km long of variable width ranging from 100m to 600m located at the termination of Dorans Road. The land extends from the Richardsons Beach High-Water Mark (Ralphs Bay) to Dixon Point Road in a south-easterly direction.

The smaller 0.66ha lot forms part of the application as it is encumbered by 2 existing 3.6m wide right-of-way easements servicing the larger lot. The larger lot, in practical terms can be considered as the lot proposed to be subdivided. This lot surrounds the smaller lot on 3 sides, has direct road frontage to Dorans Road, Dixon Point Road and has a 450m water frontage to Richardsons Beach and the adjoining headland with title extending to the High-Water Mark.

The lower lying areas on the western side of the site has been cleared for grazing and there is a single dwelling in the north western corner setback approximately 60m from the water's edge. The remainder of the site is vegetated and extend to Dixon Point Road.

3.2. The Proposal

The proposal is for a staged 5 lot subdivision (plus balance).

The area proposed to be subdivided is limited to the cleared land on western portion of the site. The vegetated portion of the land is zoned Landscape Skyline and Conservation and subject to the Vegetation Management Overlay which is proposed to be retained as a balance lot. The proposal provides for:

- the continuation of a Public Open Space (POS) foreshore reservation;
- the extension of Dorans Road through site to the boundary of the adjoining Rural zoned land to the south;
- the creation of 5 new Rural Residential lots on the western side of the site; and
- a balance lot on the eastern side of the site accessed from both Dorans Road and Dixon Point Road.

The proposed POS lot has an area of approximately 1.5ha extending along the entire length of the water frontage of variable width ranging from approximately 30m to 38m.

The proposed Rural Residential lots range from 2.0ha to 2.69ha in area. Lots 1 - 4 are located below Dorans Road and abut the proposed POS. Lots 1, 2 and 3 are internal lots; Lot 3 has a 6.1m wide direct frontage to the Dorans Road extension and the frontage to Lots 1 and 2 is proposed to be via 2 right-of-way easements through 760 Dorans Road which are to be increased in width from 3.6m to 6.0m in order to meet the scheme requirements.

Lot 2 contains the existing dwelling and an associated outbuilding. Lot 5 is located on the eastern (top) side of the Dorans Road extension and access to the 35.5ha balance lot is proposed be provided via an access strip from Dorans Road and its 66m frontage to Dixon Point Road.

It is proposed to develop the subdivision in 2 stages as described in on the proposal plan. The first stage in proposed to comprise of a 6.4m extension of Dorans Road, the POS lot and Lot 2 (containing the existing dwelling). The remaining lots, including the completion of Dorans Road, are proposed to be created in the second stage.

4. PLANNING ASSESSMENT

4.1. Planning Policy Framework [Section 2]

The relevant elements of the Planning Policy Framework are contained in:

- Section 2.2.3 (a)(iii) – Settlement: Rural Residential Land Use;
- Section 2.3.3 (b)(i) – Environment: Natural Heritage;
- Section 2.3.3 (d)(iv) – Infrastructure: Recreational and Community Facilities.

In particular, the key issues identified in the relevant sections include:

- “• *Ad-hoc rural residential development is unsustainable in terms of managing cost-effective service and infrastructure delivery and protecting the viability of adjacent farmland, aquaculture or natural environments.*
- *Rural residential development adjacent to special land uses, including foreshore areas and areas of environmental or scenic significance such as important urban skylines and hill faces, requires sensitive treatment.*
- *The importance of protecting endangered plant and animal species, significant vegetation and geomorphic features.*
- *The need for management of coastal areas subject to risk from natural processes, including erosion, flooding, storms, landslip, littoral drift, dune mobility and sea level rise.*
- *The need to provide adequate and appropriate recreational and community facilities to serve the existing and future populations.*
- *The need to ensure that in coastal areas recreational and community facilities are located in a safe and environmentally sound manner and in a way that responds to the identified and anticipated effects of climate change”.*

In the above context it is noted that the proposal responds to and can be accommodated within the respective zones. The area subject to Coastal Hazard Overlays is not proposed to be developed and is proposed to be transferred to Council as POS. Similarly, the areas containing remnant bushland is confined to the balance lot and also not proposed to be developed as part of this application. Further, references to these principles are contained in the discussion below.

4.2. General Decision Requirements [Section 3.3.1]

The relevant General Decision Requirements of this part are:

- “(a) General requirements:*
 - (iv) The Purposes of the Zone.*
 - (v) The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
 - (vii) Any representation made in accordance with Section 43F(5) or Section 57(5) of the Act.*
- (c) Infrastructure requirements:*
 - (i) The availability of existing public utility services.*
 - (v) The capacity of the existing streets and roads in the locality and the effect of the development on such capacity.*
- (d) Design suitability requirements:*
 - (i) The size and shape of the parcel of land and whether it is subject to potential hazards.*
- (e) Environmental requirements:*
 - (i) If the land is not sewerage and no provision has been made for the land to be sewerage, the capacity of the land to treat and retain all sewerage and sillage within the lot boundaries of each lot.*
- (f) Subdivision requirements:*
 - (i) The suitability of the land for subdivision.*
 - (ii) The existing use and potential for future development of the land and its surrounds.*
 - (iii) The subdivision pattern having regard to the physical characteristics of the land including existing vegetation, natural drainage paths and significant stormwater catchment areas.*
 - (iv) The density of the proposed development.*
 - (v) The size and shape of each lot in the subdivision.*
 - (vi) The layout of roads having regard to their function and relationship to existing roads.*

- (vii) The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- (viii) The provision and location of reserves for public open space and other community facilities.*
- (ix) The staging of the subdivision”.*

In general terms, the proposed rural residential lots are of sufficient size, shape and orientation to provide for anticipated future uses in terms of access, setbacks, bushfire protection and on-site wastewater management. Remnant vegetation is contained within 1 large (31.5ha) balance lot and no development is proposed that would compromise the above.

While further references to these principles are contained in the discussion below, it is noted that there are issues associated with the location and condition of the proposed POS and the extension of Dorans Road.

4.3. Zones

The land is zoned Rural Residential, Recreation and Landscape Skyline Conservation under the Scheme. The proposal is consistent with the respective zone purposes and relevant subdivision standards relating to lot size and frontage requirements.

It is noted, however, that the proposed lots do not align with the zone boundaries on 2 occasions:

Rural Residential/Recreation Zone Boundary

The Rural Residential/Recreation Zone boundary is marked on the proposal plan shown in the attachments. The plan indicates that Lots 1 - 4 do not align with the zone boundary, which if approved, would result in the creation of dual zoned lots. While generally undesirable, in this instance the required 2.0ha minimum area within the Rural Residential Zone is met and the dual zoning would not impact the capacity for the lots to be developed for their intended purposes.

It is, however, noted that the zone boundary has been modified under the current Clarence Interim Planning Scheme 2015 and closely aligns with the proposed cadastre. Accordingly, any perceived issue will be negated prior to the creation of the lots.

Rural Residential/Landscape Skyline Conservation Boundary

With the exception of the Dorans Road access strip to the balance lot, the Rural Residential/Landscape Skyline Conservation boundary follows the boundary between Lot 5 and the balance lot. The result is that the balance lot is also proposed to be dual zoned. In this instance the Rural Residential component is limited to the access strip and being less than 2.0ha in area, does not meet the zone requirements. Accordingly, any approval should be subject to a condition requiring amended plans showing in the removal of this fee simple access strip, which if desired by the applicant, could be replaced with an alternate right-of-way easement over Lot 5.

4.4. Vegetation Management Overlay

The area proposed to be subdivided into rural residual lots has been previously cleared for grazing and the development of the existing dwelling. The area proposed to be retained in the 31.5ha balance lot contains remnant vegetation and is subject to the Scheme's Vegetation Management Overlay (VMO).

The primary purpose of the VMO is to protect areas of significant vegetation and bushland habitat, including forested skylines which contribute to important vistas and in particular those which create a natural backdrop to the urban setting for the City. The proposal was accompanied by an ecological assessment report supporting the proposal. The report stated that no priority flora or fauna of high conservation significance was detected but the site provided potential habit for several threatened fauna species.

In this instance no vegetation removal is proposed and the remnant vegetation and potential habitat is contained within the balance lot which is zoned Landscape Skyline and Conservation. Accordingly it is considered that the proposal is consistent with the purpose and requirements of the VMO.

4.5. Coastal Management Overlay

The entire area of land proposed to be transferred to Council as POS (Lot 200) and the western most 5-10m of Lots 1 - 4 are subject to the Scheme's Coastal Management Overlay. The purpose of the overlay is to protect the natural and cultural values of the coast and promote its sustainable use and development. This purpose is reinforced through the relevant Specific Decision Requirement which requires:

- “(a) The development should have regard to any coastal hazard, cultural or historic resource or feature of conservation value, including flora or fauna habitats.*
- (b) The coastal environment should be protected, especially including water quality, shoreline change, erosion or areas of visual sensitivity.*
- (c) Public access to the coast is to be facilitated through applications where possible.*
- (d) The coastal area should be stabilised and made safe where necessary.*
- (f) The development must not adversely affect the existing natural values of the site and adjoining or nearby properties”.*

In this instance the proposal was accompanied by a Coastal Vulnerability Assessment which provided recommendations relating to coastal stabilisation including the requirement to provide a “Coastal Zone Management Plan” which should be reflected through conditions associated with any approval.

It is considered the area of the Coastal Management Overlay extending into proposed Rural Residential lots is minimal and would not reduce the capacity for the lots to be developed for their intended purpose.

In the case of (c) “*Public access to the coast is to be facilitated through applications where possible*”, it is considered that the proposal only partially satisfies the requirement. While a POS foreshore reservation is proposed, access to it is limited.

With the exception of 22 “waterfront” properties abutting the existing Crown foreshore reservation the only access to the proposed POS is from the Dorans Road boat ramp, which is 3.1km away. For this reason the existing Crown foreshore reservation has limited public accessibility and is semi privatised. Better utilisation of public assets could be achieved through the creation of a new public access to the foreshore POS reservation. Further consideration of this matter is discussed at Section 4.7 of this report relating to POS and Council’s POS Policy.

4.6. Coastal Erosion Hazard Management Overlay

The majority of land proposed to be transferred to Council as POS (Lot 200) is subject to the Scheme’s Coastal Erosion Hazard Overlay. The purpose of the overlay is to control the impact of coast infrastructure from coastal hazards and promote sustainable coastal development.

No development is proposed within the areas subject to the overlay mapping and on this basis the proposal is consistent with it. As previously stated the recommendations outlined in the Coastal Vulnerability Assessment should be reflected through conditions associated with any approval.

4.7. Other Issues – POS

Irrespective of the underlying zone, the Local Government Building and Miscellaneous Provision Act 1993 (LGBMP) provides for up to 5% of the area of the site to be taken as POS through the subdivision process (greater than this can be required by Council provided that the landowner is appropriately compensated) or alternatively up to 5% of the value of the site can be required as a cash-in-lieu of POS. Importantly, each subdivision proposal must be assessed on its merits reflecting the likely demand on existing (or future) POS related facilities. On this basis, it is not appropriate to apply the maximum 5% contribution indiscriminately across the board without considering actual POS demand generated/facilitated by the proposal.

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

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

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

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

The proposal provides opportunity to secure POS identified as being required in Council's Tracks and Trails strategy as an extension of the Clarence Foreshore Trail. In this instance a POS foreshore reservation is proposed as a continuation of the foreshore trail abutting the Crown reservation. However, as previously discussed, public access to the Crown reservation is limited but can be considered through assessment of this application.

Ideally a pedestrian walkway from Dorans Road to the proposed POS should be provided along the most direct route which would be along the southern boundary of Lot 4.

Additionally, Council's Development Engineer advises that a stormwater drainage system (open drain) will be required to extend from Dorans Road to the foreshore reservation. While not necessarily on southern boundary of Lot 4 it could be by way of either of a dedicated reservation or alternative drainage easement. Any alignment would need to be a minimum of 2.0m wide for the infrastructure plus an additional width to enable vehicle access for service maintenance. This requirement could be conditioned as part of any approval. However, it is considered that a 6.0m wide parcel of land southern boundary of Lot 4 could adequately cater for both improved pedestrian access and drainage. Whether or not to require the land needs to be made in the context of the POS already proposed and Council's capacity to require more.

The proposed POS foreshore lot has an area of approximately 1.5ha extending along the entire length of the water frontage of variable width ranging from approximately 30m to 38m wide. The 1.5ha area represents approximately 13.1% of the Rural Residential lots being subdivided and approximately 3.4% of the entire area of the land.

While under LGBMP Council can require up to 5% of the total area of land subject to the application, it is Council's policy to only apply the 5% to the area of land generating the additional demand for POS. This is further complicated in the case of this proposal as one of the Rural Residential lots (Lot 2) already contains an existing dwelling and on this basis it is the other lots that generate and increased the demand for POS (ie Lots 1, 3, 4, 5 and the balance lot). For this reason it considered that requiring an additional 6m wide by approximately 210m long (1260m²) land for the purposes of a combined POS access way and drainage reservation is supportable under LGBMP and also justifiable under Council Policy provided that the area of land proposed to be transferred to Council as POS is reduced in area by the equivalent amount.

Accordingly it is recommended that a condition form part of any approval requiring amended plans providing a 6.0m wide parcel of land on southern boundary of Lot 4 extending from Dorans Road to the Foreshore reservation for the purposes of a combined POS access way and drainage reservation.

4.8. External Referrals

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

4.9. Council Committee Recommendations

Council's Tracks and Trails Committee supported the location of the proposed coastal public open space. However, it was submitted that:

“There is a desire (shown on the old trails register) to provide a connection from Dorans Rd to Dixons Point Rd. Ideally a public ROW from the end of Dorans Rd along the south western boundary to Dixons Point Rd in the 10m fire clearance zone along the fence line would address this gap”.

The Committee advised that in the past local residents have been given permission to use the track and requested that the formalisation of this arrangement be discussed with the property owner.

The owners planning consultant advises that public access from Dorans Road/foreshore to Dixons Point Road *“is firmly opposed on the basis of the considerable provision of POS elsewhere and the cost and impracticality of providing such a link; foreshore access from Dixons Point Rd is a matter that should be considered as part of future structure planning and subsequent proposals for the development of land to the south that would result in more feasible solutions”.*

Although identified on the Tracks and Trails map, following from the POS discussions above, it is considered that an additional 1.5km (approximately) POS trail/public link through the balance lot to Dixon Point Road would not be defensible without appropriate compensation and unlikely to be upheld if appealed.

In the event that Council is prepared to compensate the owner, it could be negotiated at any time and if necessary, default to Council's compulsory acquisition powers. Accordingly, it is considered that the issue does not require resolution as part of this assessment and determination of this proposal.

5. REPRESENTATION ISSUES

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

5.1. Dorans Road

Several representors were concerned about the safety, capacity and standard of Doran's Road and the generation of increased traffic. Concerns related to sealing, heavy traffic, one way in/one way out and impact on water quality (tank) due to increased dust.

- **Comment**

In response to these concerns the applicant engaged a traffic consultant and subsequently submitted a Traffic Impact Assessment (TIA) in support of the proposal. Council's Asset Management Group have reviewed the TIA and advise that the existing road has sufficient capacity without required modifications. Further, they advise that there are insufficient hazards to require additional works.

Notwithstanding this, the proposed extension of Dorans Road does not include sufficient road reservation widening to accommodate a turning head and Council's by-law requires all new rural roads to be sealed. While these requirements should be conditioned upon any approval, it is noted that would be impractical to require the Stage 1 road extension (6m) to be sealed as part of that stage.

5.2. Public Access to the Foreshore

There is concern that public access to the foreshore reserve from Dorans Road can only be attained from the boat ramp several kms away.

- **Comment**

As previously discussed, it is recommend that a public access walkway to the foreshore POS be provided. Specifically it is recommended that a combined 6.0m wide walkway/drainage reservation be included along the southern boundary of Lot 4.

5.3. Public Access from Dorans Road to Dixon Point Road

Several submissions suggested that the proposal should provide public access from Dorans Road to Dixon Point Road.

- **Comment**

As discussed at Section 4.9 of this report a connection from Dorans Road to Dixon Point Road is not supported by the applicant and unlikely to be defensible at an appeal. However, this is an issue that could be revisited through either applications for future subdivision or acquisition outside of the subdivision process.

5.4. Threatened Species

One representor submitted that there is a pair of threatened Tasmanian Masked Owls nesting on the balance lot and have so for over 7 years. According to the representor the owls are a threatened species, regularly produce young and DPIWE are aware of their presence. It is suggested the tree and its surrounds be protected.

- **Comment**

DPIWE advised that the representor had contacted them also and confirmed that the nest was in fact on an adjoining property and not the subject lot.

5.5. Owners Consent

A submission was received on behalf of the owners of 760 Dorans Road (the smaller lot forming part of the application) outlining that they had not yet agreed with the proposed lot configuration or the widening of the existing rights-of-ways.

- **Comment**

This is a matter for the respective landowners and not relevant to the determination of this proposal. Under LUPAA, the applicant is only required to notify the respective landowners of the making of the application. Notwithstanding this, the applicant's planning consultant advises that the concern has now been resolved.

6. STATE POLICIES AND ACT OBJECTIVES

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

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

7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

8. CONCLUSION

It is recommended that the application for a 5 lot subdivision (plus balance) at 760 Dorans Road and 167 Dixon Point Road be approved subject to conditions. The most significant condition relates to the requirement for amended plans requiring:

- an additional public walkway and drainage reserve from the Dorans Road extension to the proposed foreshore reservation;
- minor lot reconfiguration to ensure minimum lot sizes are retained;
- the deletion of the freehold access strip from Dorans Road to the Balance lot; and
- road widening at the termination of Dorans Road to facilitate a turning head.

Attachments: 1. Proposal Plan (2)
2. Bushfire Management Plan (1)

Ross Lovell
MANAGER CITY PLANNING

OWNER N.M CAMPBELL, E & A PREMILOVAC

TITLE REFERENCE C.T.138931/1 & C.T.139040/1

PROPOSED EASEMENTS AS REQUIRED

LOCATION 754 & 760 DORANS ROAD
SANDFORD

GRANTEE SEE TITLE

SCALE 1:2500

DATE 29-6-2015

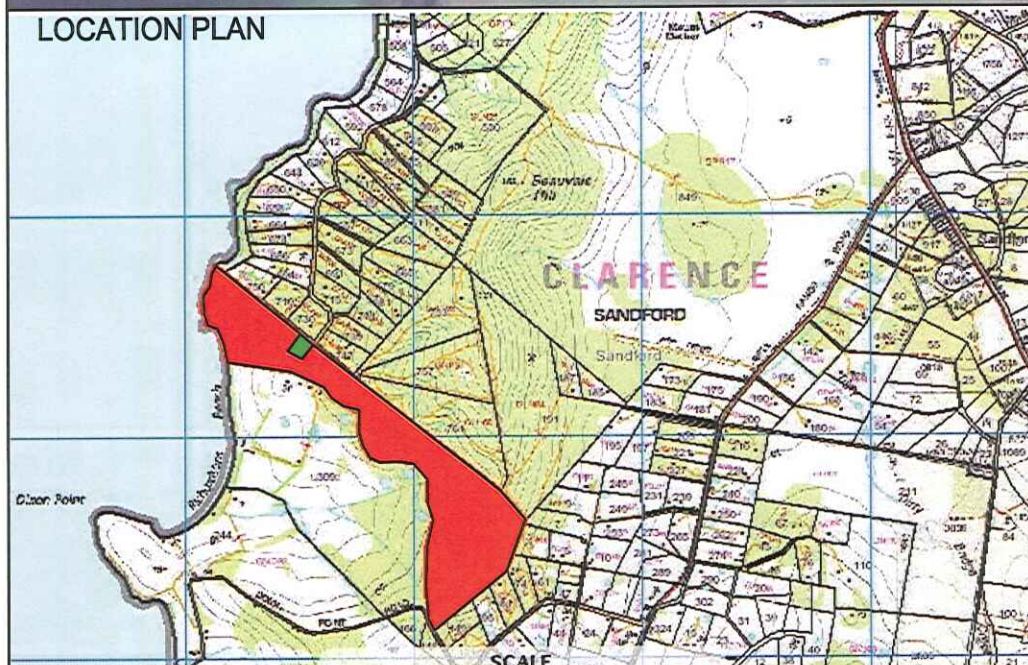
MUNICIPALITY CLARENCE

REF. NO. CAMPJ01
444056

PROPOSED SUBDIVISION



LOCATION PLAN





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

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

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

OWNER N.M CAMPBELL, E & A PREMILOVAC

TITLE REFERENCE C.T.138931/1 & C.T.139040/1

PROPOSED EASEMENTS AS REQUIRED

LOCATION 754 & 760 DORANS ROAD
SANDFORD

GRANTEE SEE TITLE

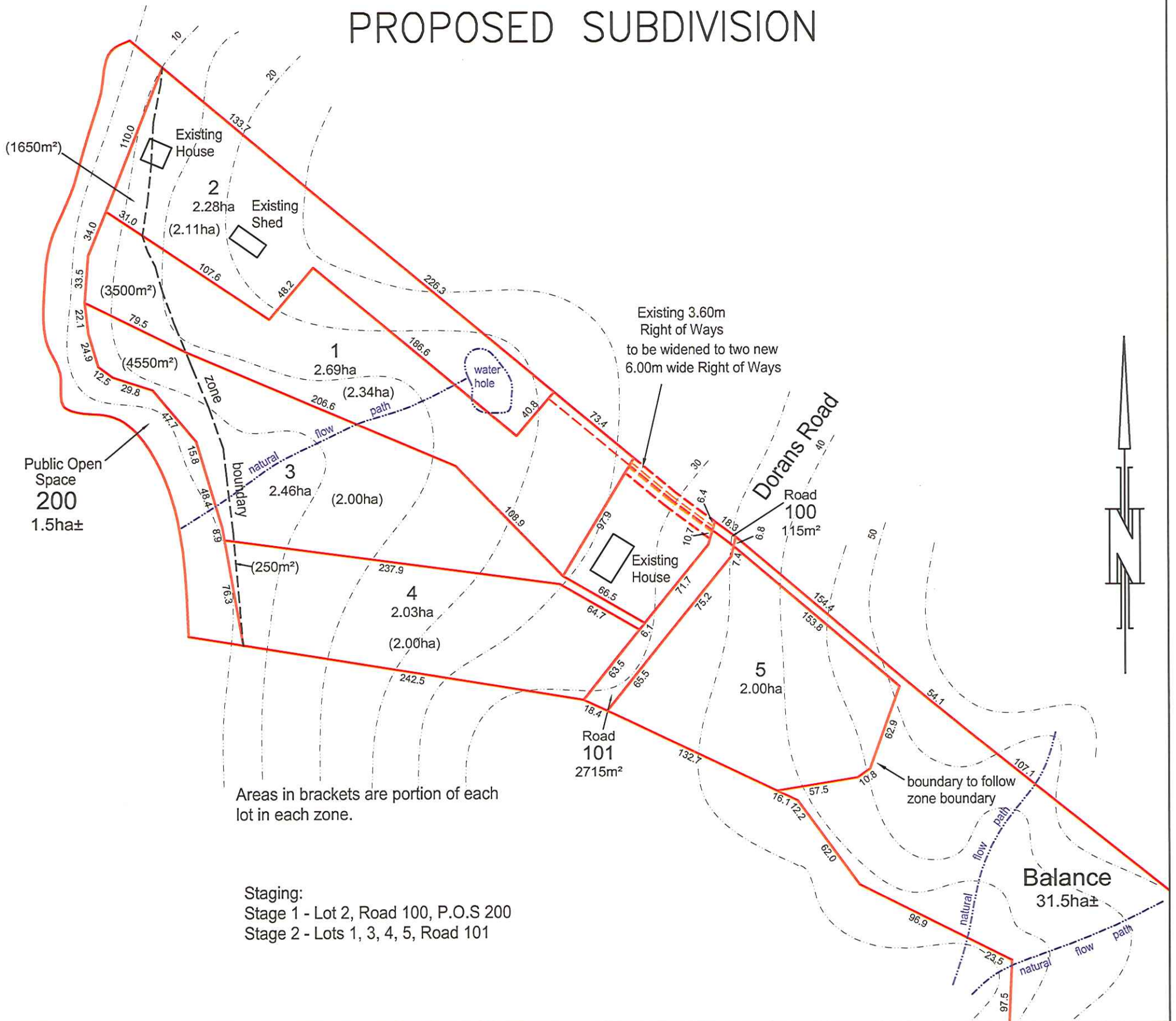
SCALE 1:2500

DATE 29-6-2015

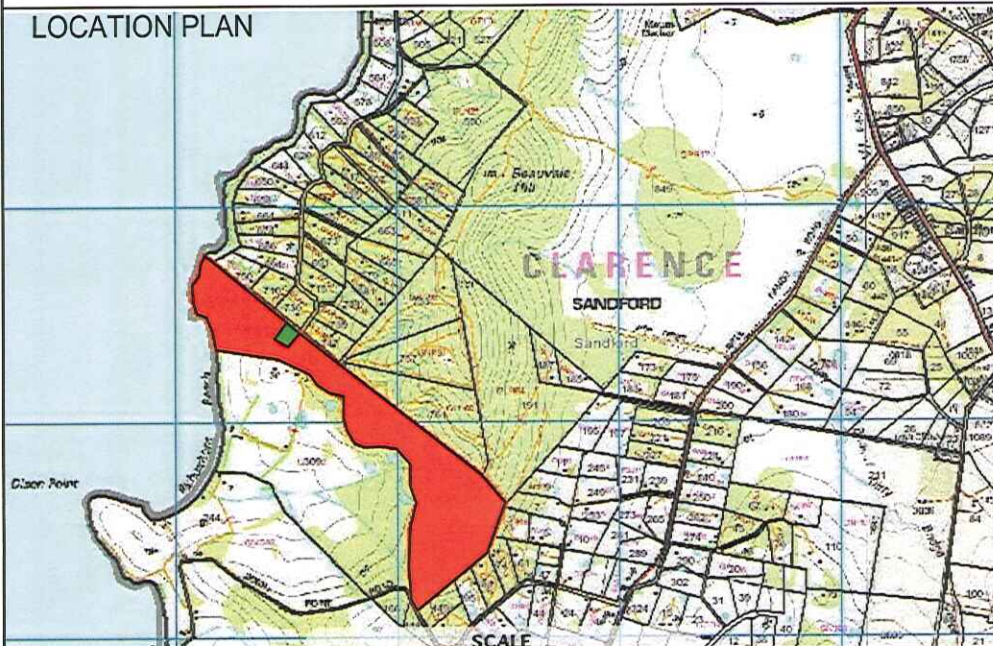
MUNICIPALITY CLARENCE

REF. NO. CAMPJ01
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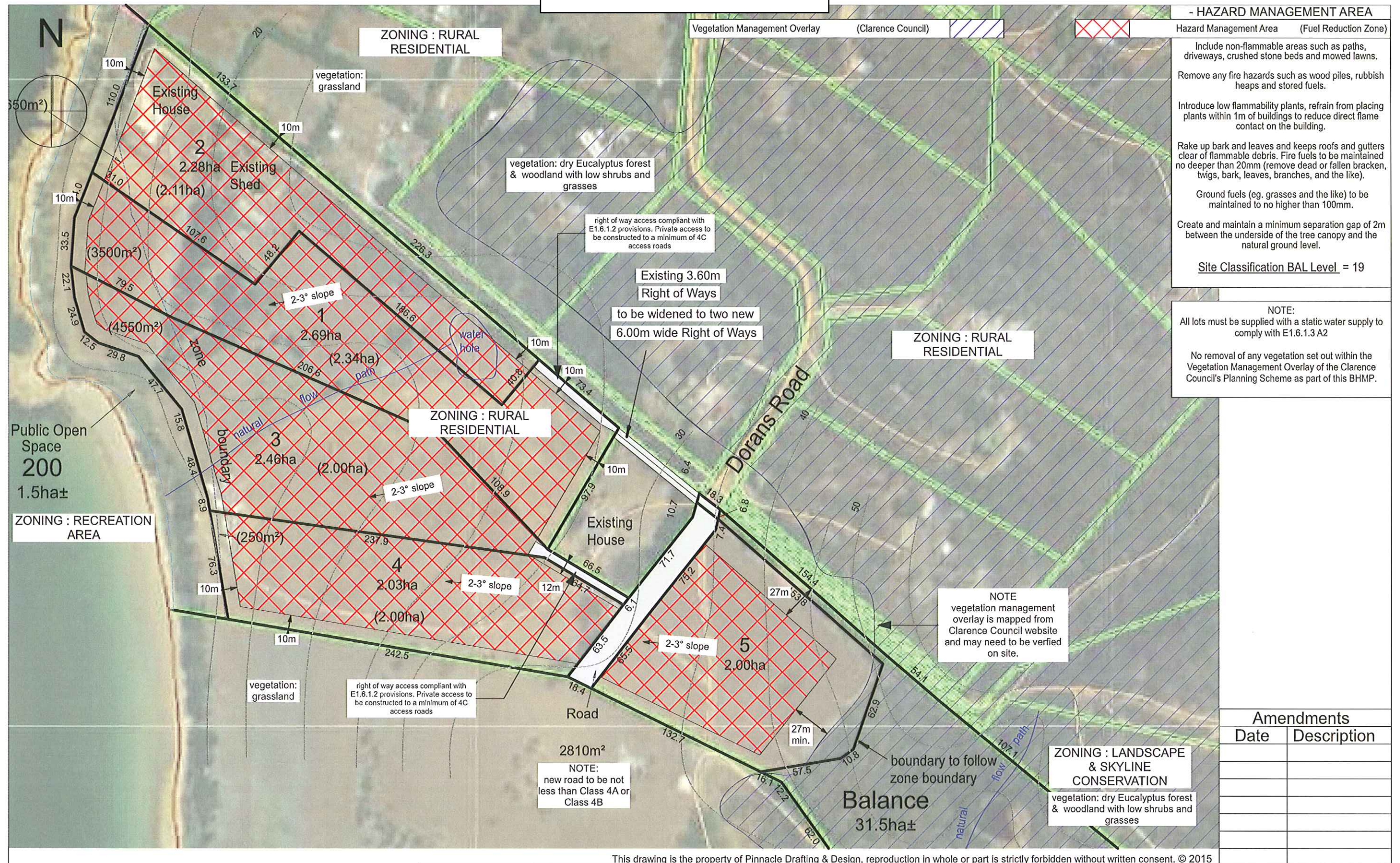
PROPOSED SUBDIVISION



LOCATION PLAN



Attachment 2



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Bushfire Hazard Management Plan

Proposal:	Subdivision	Scale: 1:2500	Job No: 40-2015	Pg No: 1/1
Client:	N.M Campbell, E & A Premilovac	Date: 30/06/15	Engineer:	
Address:	754 Dorans Road, Sandford	Drawn: Jason	Building Surveyor:	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jason.alb@bigpond.com



11.3.8 SUBDIVISION APPLICATION SD-2014/44 - 28 AND 30 KING STREET AND 181 MOCKRIDGE ROAD, ROKEBY - 180 LOT SUBDIVISION
(File No SD-2014/44)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a Consent Memorandum to settle an appeal against Council's refusal of a 180 lot subdivision at 28 and 30 King Street and 181 Mockridge Road, Rokeby.

RELATION TO PLANNING PROVISIONS

The land is zoned Residential and subject to the Heritage and Vegetation Management Overlays 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 2015.

CONSULTATION

Following mediation conducted through the Resource Management and Planning Appeal Tribunal (RMPAT) since the lodgement of an appeal by the proponent against Council's refusal, a conditional permit is recommended. The draft permit is attached, and is the subject of the report.

RECOMMENDATION:

- A. Council supports the draft Consent Memorandum to set aside its refusal of a Subdivision Application at 28 and 30 King Street and 181 Mockridge Road, Rokeby (Cl Ref SD-2014/44) subject to all parties consenting to the draft permit at Attachment 2 of the Associated Report.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT**1. BACKGROUND**

Application SD-2014/4 sought approval for a 180 lot subdivision at 28 and 30 King Street and 181 Mockridge Road, Rokeby. Council refused the application at its Meeting of 13 July 2015 under the following legislation and for the following reasons.

- A. Section 85(a) and (d)(iii) of the Local Government (Building and Miscellaneous Provisions) Act, 1993 (LGBMPA) because the roads will not suit the public convenience by providing satisfactory internal connection to the inhabitants both of the subdivision or the wider area and the layout should be altered so as to omit the proposed open space given its poor location on the plan and that public open space is to be included in a more acceptable centralised location on any revised application for a plan of subdivision.
- B. The Land Use Planning and Approvals Act, 1993 for the following reasons:
- the unsatisfactory layout of roads having regard to their function and relationship to existing roads [Clause 3.3.1(f)(vi)];
 - the unsatisfactory movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots [Clause 3.3.1(f)(vii)];
 - the unsatisfactory location of public open space [Clause 3.3.1(f)(viii)]; and
 - the street design does not comply with Council's By-law [Clause 6.1.3(e)].

2. STATUTORY IMPLICATIONS

The applicant has exercised his statutory right to appeal against Council's decision under Section 61 of the Land Use Planning and Approvals Act, 1993.

3. PROPOSAL IN DETAIL

3.1. The Site

The site is described in Attachment 3.

3.2. The Proposal

A preliminary hearing and mediation session was held by the Resource Management and Planning Appeal Tribunal (RMPAT) on 7 and 17 August 2015 respectively. The reasons for refusal were further discussed and the appellant elected to amend its layout.

After further discussion, the appellant submitted the plans which are the subject of the Consent Memorandum and draft permit. In brief, the plans address Council's reasons for refusal by proposing:

1. an 18m wide connecting road between the north and south elements of the subdivision and providing integrated internal connections;
2. a 3,685m² area of public open space is provided in a central location which also integrates the north and south of the subdivision;
3. a further 2,270m² area of public open space is provided to the north-west corner of the site; and
4. the street design complies with Council's by-law.

There are now 3 public open space areas equally distributed between the existing development to the south, the centre and northern part of the site. The existing and future communities will now be connected and will be able to move more freely between different areas of the locality.

Accordingly, the proposed layout is considered by Council's officers and its external legal representation to address the core reasons for refusal. It is therefore recommended that Council agrees to sign the Consent Memorandum setting aside its refusal in favour of conditional approval, the draft of which is at Attachment 2.

4. STATE POLICIES AND ACT OBJECTIVES

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

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

5. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

6. CONCLUSION

It is recommended that Council resolve to agree to the terms of the Consent Memorandum.

Attachments: 1. Consent Memorandum (7)
2. Draft Permit (11)
3. Previous Agenda Report and Minutes (22)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

RESOURCE MANAGEMENT AND PLANNING APPEAL TRIBUNAL

Appeal No 61/15S

PDA SURVEYORS Appellant
BETWEEN -and-
CLARENCE CITY COUNCIL Respondent

CONSENT MEMORANDUM

By consent, the parties hereto request that the Tribunal determine the above appeal on the following basis:

- A. That pursuant to section 22(3) of the Resource Management and Planning Appeal Tribunal Act 1993, the application be amended in accordance with the attached plans (marked "A") prepared by PDA Surveyors reference P477C - 5-10 Revision E and dated 10 September 2015.
- B. That the Council's refusal of the application as conveyed in its letter of 15 July 2015 be set aside and replaced with a permit subject to the conditions contained in the attached draft permit marked "B" and the conditions required by TasWater attached marked "C".
- C. That the Council be directed to issue a permit accordingly.
- D. That it be ordered that each party pay its own costs of and incidental to the appeal.


.....
FOR AND ON BEHALF OF PDA SURVEYORS

.....
FOR AND ON BEHALF OF CLARENCE CITY COUNCIL

.....
FOR AND ON BEHALF OF TASWATER

Dated the day of OCTOBER 2015

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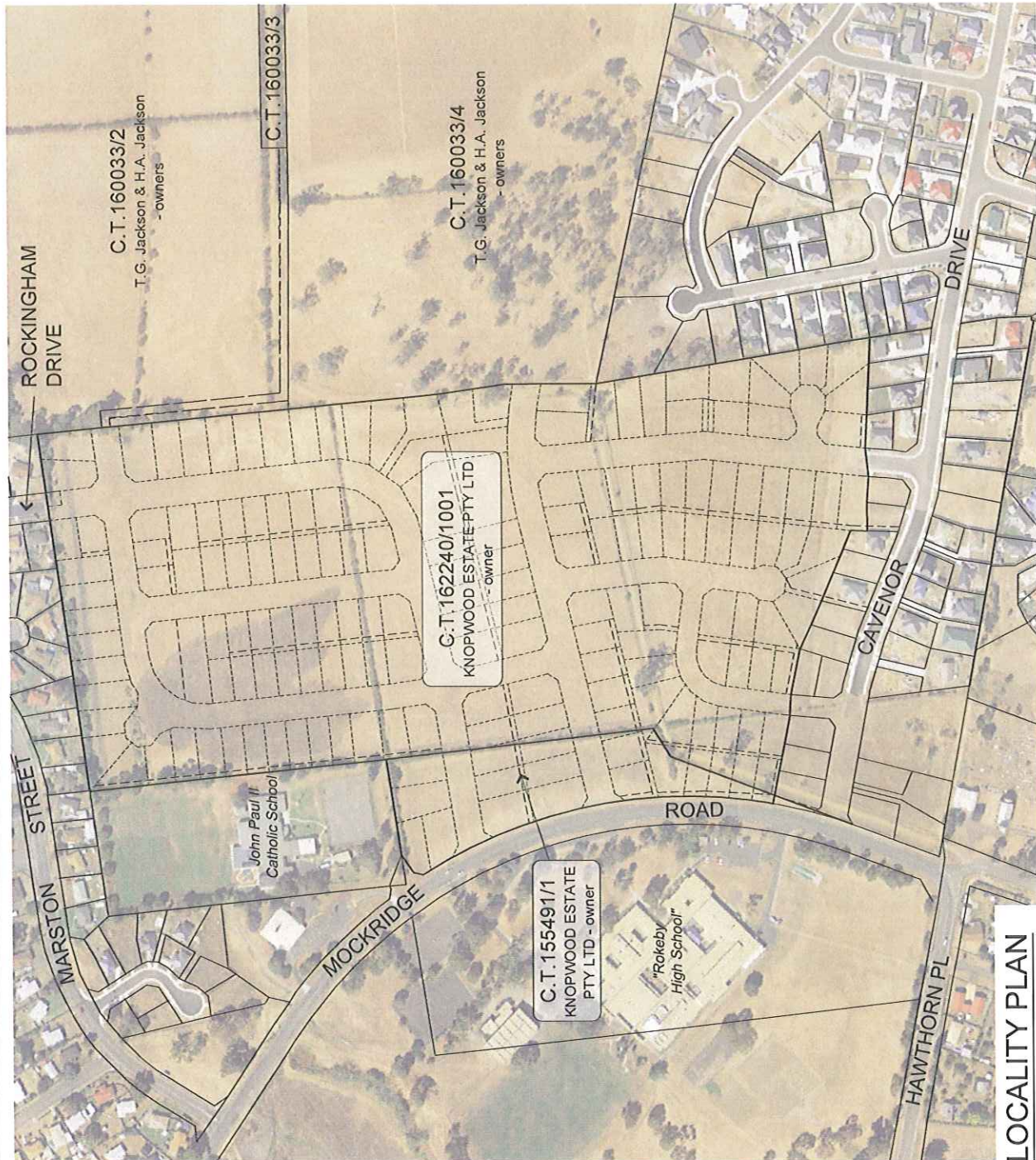
CONTENTS:

PLANNING

- P477C-5E Locality plan/contents
- P477C-6E Overall Plan of Subdivision
- P477C-7E Detailed Plan of Subdivision (1 of 3)
- P477C-8E Detailed Plan of Subdivision (2 of 3)
- P477C-9E Detailed Plan of Subdivision (3 of 3)
- P477C-10E Staging Plan

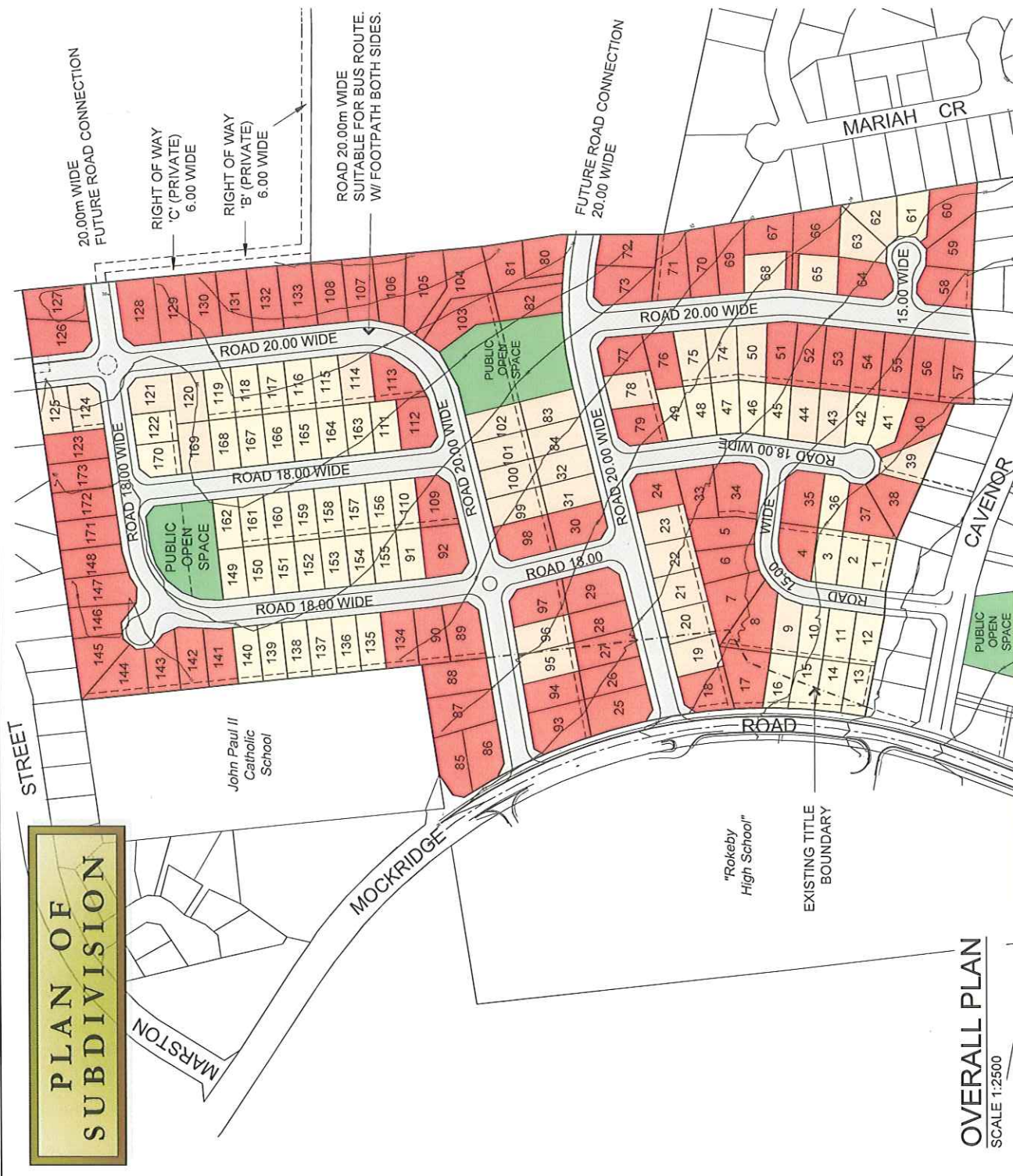
CONCEPT ENGINEERING

- H-1680C-SP CONCEPT SERVICING PLAN



LOCALITY PLAN
SCALE 1:3000

REVISIONS				DATE		BY		APP		DATE		BY		APP	
E	SEPTEMBER 2014	RE DESIGN OF LOTS	UK	10.11.14	GMT	MM	10.11.14	GMT	MM	10.11.14	GMT	MM	10.11.14	GMT	MM
D	AUGUST 2014	RE DESIGN OF LOTS	UK	4.9.14	GMT	MM	4.9.14	GMT	MM	4.9.14	GMT	MM	4.9.14	GMT	MM
C	RE DESIGN OF LOTS 157-164 PUBLIC OPEN SPACE, 170	UK	15.12.14	GMT	MM	15.12.14	GMT	MM	15.12.14	GMT	MM	15.12.14	GMT	MM	MM
B	RE DESIGN OF LOTS 45 - 73 & 170	UK	1.12.14	GMT	MM	1.12.14	GMT	MM	1.12.14	GMT	MM	1.12.14	GMT	MM	MM
A	RE DESIGN OF SUBDIVISION LAYOUT	UK	4.9.14	GMT	MM	4.9.14	GMT	MM	4.9.14	GMT	MM	4.9.14	GMT	MM	MM
REV	AMENDMENTS														
PROPOSED SUBDIVISION KNOPWOOD ESTATE, ROKEBY for KNOPWOOD ESTATE PTY LTD										1 DECEMBER 2014					
DRAWN: LKMK CHECKED: CMT										H-1680C					
SCALE: 1:3000										H-1680C					
127 Duffield Street Hawthorn, Victoria 3008 www.pda.com.au Phone: +61 3 9584 1977 Fax: +61 3 9584 5005 EMAIL: info@pda.com.au										PDA Surveyors					
Surveying, Engineering & Planning										1: 3000 (A3)					
										P477C -5E					

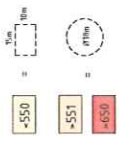


PLAN OF SUBDIVISION

OVERALL PLAN
SCALE 1:2500

LEGEND

- Title/Proposed boundary
- Surrounding boundary
- Planning setback from frontage
- Lot size / Constraint



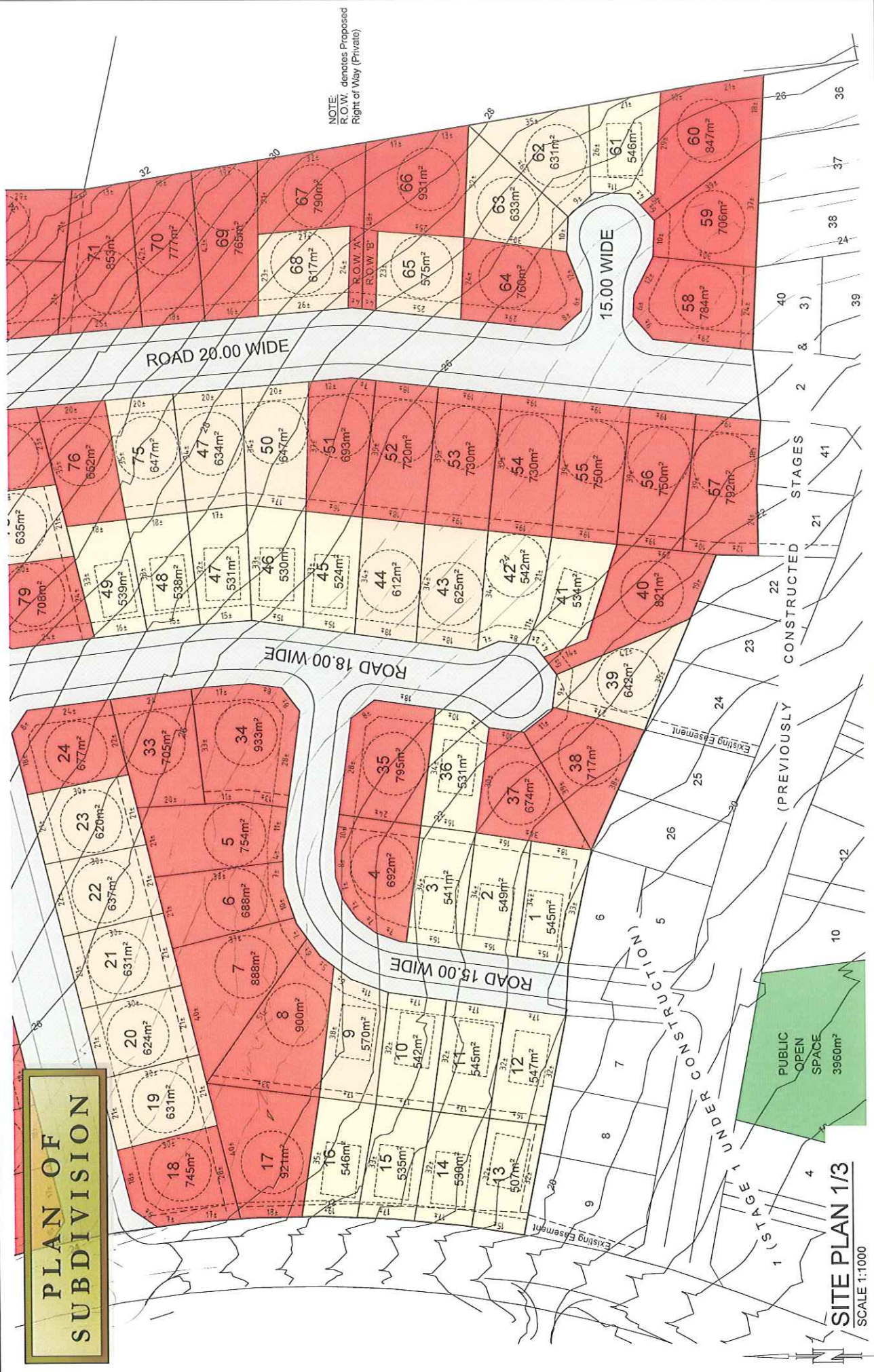
SCHEDULE OF EASEMENTS

Some existing Easements to be removed.
Proposed easements as required by Service Providers.

NOTES

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

<div><div></div><div><div>PDA Surveyors</div><div>Surveying, Engineering & Planning</div></div></div> <div><div>127 Balfour Street Hobart, Tasmania, 7000 www.pda.com.au Also at: Kingston, Launceston & Invermay</div><div>PHONE: +61 (0) 8333 3377 FAX: +61 (0) 8333 3065 EMAIL: info@pda.com.au</div></div> <div><div>SCALE</div><div>1: 2500</div><div>FIGURE</div><div>(A3)</div></div> <div><div>DATE</div><div>P477C</div><div>REV</div><div>-6E</div></div>										<div><div><div><div>OVERALL PLAN OF SUBDIVISION</div><div>PROPOSED SUBDIVISION</div><div>KNOPWOOD ESTATE, ROKEBY</div><div>for KNOPWOOD ESTATE PTY LTD</div></div></div><div><div>DATE</div><div>1 DECEMBER 2014</div></div></div>										<div><div><div><div>DATE</div><div>1 DECEMBER 2014</div></div><div><div>DATE</div><div>1 DECEMBER 2014</div></div></div><div><div>DATE</div><div>1 DECEMBER 2014</div></div></div>										<div><div><div><div>DATE</div><div>1 DECEMBER 2014</div></div><div><div>DATE</div><div>1 DECEMBER 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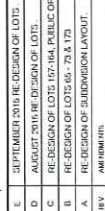
John Paul II
Catholic
School

John Paul II
Catholic
School

MOCKRIDGE

ROAD

SITE PLAN 2/3
SCALE 1:1000



DETAILED PLAN OF SUBDIVISION (2 OF 3)
PROPOSED SUBDIVISION
KNOPWOOD ESTATE, ROKEBY
for KNOPWOOD ESTATE PTY LTD

REF	GLOBAL
-	H-1680C
K/MK	CHARGED CMT

Lot size / Constraint

MRK	10.9.15	CMT
MRK	4.9.15	CMT
MRK	15.12.14	CMT
LK	1.12.14	CMT
MRK	4.9.14	CMT
OPAW1	CMT	APPH

127 Ballant Street
Mchael, Tauranga, 7000
poda.com.au Also at: Kingsdon,
Launceston & Burnie
325

PHONE: +61 03 6234 3217
FAX: +61 03 6234 5085
EMAIL: poda@poda.com.au



PDA Surveyors
Surveying, Engineering & Planning


ROCKINGHAM
DRIVE

John Paul II
Catholic
School

SITE PLAN 3/3
SCALE 1:1000

[illegible]

SCALE 1:2500

E	SEPTEMBER 2010 RE-DESIGN OF LOT 1.	M/R.	10.0.15	OMT	NOTES: STAGING PLAN PROPOSED SUBDIVISION KNOPWOOD ESTATE, ROKEBY for KNOPWOOD ESTATE PTY LTD DATE 1 DECEMBER 2014	 PDA Surveyors Surveying, Engineering & Planning 127 Bulbin Road Helix, Tasmania, 7000 www.pda.com.au Also at: Kingston, Launceston & Burnie JAN 71 17 00 325 PHONE +61 03 6234 3217 FAX +61 03 6234 5005 EMAIL pda@pda.com.au	SCALE: 1: 2500 DRAWN BY: JRM/MBR	PAPER: (A3)
C	AUGUST 2010 RE-DESIGN OF LOT 2.	M/R.	4.9.15	OMT				
D	RE-DESIGN OF LOT 16 TO 16A PUBLIC OPEN SPACE, 175	M/R.	16.15.14	OMT				
U	RE-DESIGN OF LOT 166 - 73 & 173	L/R	1.15.14	OMT				
A	RE-DESIGN OF SUBDIVISION LAYOUT.	L/R	4.9.14	OMT				
V	AMENDMENTS	REVISION		DATE	APPROV			

Agenda Attachments - 181 Mockridge Road & 28 & 30 King Street - Page 7 of 40

Attachment 2



Clarence... a brighter place

Clarence City Council

PLANNING PERMIT

LAND USE PLANNING AND APPROVALS ACT 1993

Development No: SD-2014/44

Approval Date:

Description: 180 lot subdivision

Address: 28 & 30 King Street & 181 Mockridge Road, Rokeby

This permit is granted, subject to the following conditions:

General Conditions:

1. The development must only be undertaken in accordance with the permit conditions and endorsed plans prepared by PDA Surveyors reference P477C - 5-10 Revision E and dated 10 September 2015 and may not be altered without the consent of Council.
2. Works associated with excavations, road construction and other activities associated with the development are only to be undertaken between the following hours:

Monday - Friday	7.00am to 6.00pm
Saturday	9.00am to 6.00pm
Sunday & Public Holidays	10.00am to 6.00pm
3. The development must only proceed in accordance with the approved stages as shown on the staging plan endorsed under condition 1 of this permit ("Endorsed Staging Plan").
4. An amended bushfire hazard management plan in accordance with the endorsed layout plans must be submitted to and approved by Council's Manager City Planning prior to the commencement of the development. When approved, the plan will form part of the permit.
5. Prior to sealing any of the lots hereby approved, the landowner must enter into an agreement with Council under Part 5 of the Land Use Planning and Approvals Act 1993 in such form as Council may require and which provides for the following:
 - The ongoing management of a hazard management area (HMA) along the eastern boundaries of land described as PID 3071138, Title References 160033/4 and 160033/2 in stages 7, 8, 10 and 11 as shown on the Endorsed Staging Plan.

- That the HMA to be established and maintained on each lot is as a 14–22m wide buffer in perpetuity.
- The Part V Agreement must be registered on the title of land in Title References 160033/4 and 160033/2.

The landowner must at all times comply with the terms of the agreement in the use and development of the land.

The agreement will be prepared and registered by Council. The landowner is to pay Council's costs of drafting, negotiating and registering the Agreement including legal costs and Land Titles Office fees and charges prior to the Agreement being registered and the lots sealed. Upon written request from the landowner, Council will prepare the Part 5 Agreement.

Council Property Conditions:

6. Any lots described as "public open space", "public access way", "road", "to be acquired by the Highway Authority" or other land designated to become public land on the Final Plan must be transferred to the Council for a nominal sum of \$1.00 and must be accompanied by a Memorandum of Transfer to the Clarence City Council, all documentation in relation to discharges of any Mortgages, withdrawal of caveats, and all other relevant registrable dealings. This Transfer must be executed by the vendor, identifying the lot(s) to be transferred and the applicant is responsible for all Land Titles Office fees and charges and duty in relation to the document.
The applicant remains responsible for ensuring that any Land Titles Office requisitions are effectively resolved and the applicant must meet the costs of such requisitions.

Engineering Conditions:

7. Each lot must be provided with a minimum 3.6m wide constructed and sealed access from the road carriageway to the property boundary in accordance with Standard Drawing TSD-R09 (copy available from Council). This access must be inspected by Council's Clerk of Works prior to sealing or pouring new concrete.

Following construction, the crossover must be maintained or repaired by the owner in accordance with any directions given by Council to the owner and at the owner's expense.

8. All lots with combined right-of-way accesses must be provided with a 5.5m wide sealed access from the road carriageway to the property boundary in accordance with Tasmanian Standard Drawings (copy available from Council). A 5.5m wide sealed driveway must also be constructed over the remaining length of the right-of-way. This access must be inspected by Council's Clerk of Works prior to sealing or pouring new concrete.

Following construction, the crossover must be maintained or repaired by the owner in accordance with any directions given by Council to the owner and at the owner's expense.

9. Engineering designs, prepared by a suitably qualified person, are required for:
 - road design (including line marking);
 - road stormwater drainage;

- lot accesses;
- stormwater drainage

and must show the extent of any vegetation removal proposed for these works and be designed in conjunction with any landscaping plan requirement. Such designs must be submitted to and approved by Council's Group Manager Asset Management and must clearly describe what works are being undertaken for each approved stage of the development.

In accordance with Council's adopted fee schedule, a fee of 1% of the contract fee or certified construction cost will be charged for the approval of these plans and is payable upon their lodgement. A 'start of works' permit must be obtained prior to the commencement of any works.

For the Final Plan to be sealed prior to the completion of the works or the expiry of the "on-maintenance" period a bond must be paid and an agreement entered into in accordance with Council Policy. Please note that the bond for the "on-maintenance" period is 5% the cost of the construction.

Works for all stages shown on the design plans must be commenced within 2 years of the date of their approval or the engineering designs will be required to be resubmitted.

10. To prevent unauthorised vehicular access to public recreation areas, access points must be obstructed with 100mm (min) diameter posts set 1.2m (max) apart. Two posts must be removable but capable of being locked in position. The design of these posts must be approved by Council's Group Manager Asset Management.
11. An erosion and sedimentation control plan, in accordance with the *Hobart Regional Soil and Water Management on Building and Construction Sites* document, must be submitted and approved by Council's Group Manager Asset Management prior to the commencement of works.
12. A weed management plan identifying methods to control weeds, must be submitted to and approved by Council's Group Manager Asset Management prior to commencement of works. The plan must:
 - reference any Weeds of National Significance and Declared Weeds under the Weed Management Act and address the spread of soil based pathogens in accordance with the Tasmanian Washdown Guidelines for Weed and Disease Control;
 - identify the weed species, initial treatment, on-going management and maintenance period thereof. The plan may include manual removal of larger plants and/or chemical control as recommended by the relevant Government department; and
 - include a detailed breakdown of estimated costs.

The Final Plan and Schedule of Easements for any stage will not be sealed until the weed management plan for that stage has been implemented and maintained to the satisfaction of Council's Group Manager Asset Management. Alternatively, a bond of 1.5 times the estimated cost of works associated with implementing the weed management plan for that stage must be submitted prior to sealing. The bond will be held as security to ensure both development and maintenance of each lot is undertaken in accordance with the approved plan until each of the newly created lots are sold or the management period has expired, whichever comes first. The bond is to be a cash deposit or a bank guarantee.

13. The Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required.
14. Proposed street names for any new roads are to be submitted to Council along with the engineering design plans. The names are to comply with Council's Policy and that of the Nomenclature Board through the Department of Primary Industries, Parks, Water and Environment.
15. Street construction, including line marking, concrete kerbs, gutters and footpaths with bitumen roads, must be carried out to the requirements of Council's Local Highways Standard Requirements By-Law. Pavement designs must be based upon laboratory soaked CBR values. Line marking must be in thermoplastic material.
16. The new road must join with existing road construction in a smooth and continuous fashion and extend to the boundaries of the balance lot.
17. Suitable barriers must be erected during the stages of construction and at access points to the balance land to prevent unauthorised vehicle access.
18. The owner must, at their expense, repair any Council services (eg pipes, drains) and any road, crossover, footpath or other Council infrastructure that is damaged as a result of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs are to be in accordance with any directions given by the Council.

If the owner does not undertake the required repair works within the timeframe specified by Council, the Council may arrange for the works to be carried out at the owner's expense.

19. Any existing services on the land must be contained within a single lot. For any services extending beyond the property boundary, a suitable easement must be created on the affected titles and the service replaced in PVC or copper type A for water.
20. Each lot must be provided with minimum 150mm diameter stormwater drainage connected to Council's main. An extension to Council's stormwater main may be required at the developer's expense.
21. Stormwater designs must incorporate Water Sensitive Urban Design principles to the satisfaction of the Group Manager Asset Management.
22. A Gross Pollutant Trap is to be installed on the stormwater outfall. The design and location of the trap is to be undertaken by a suitably qualified person and approved by Council's Group Manager Asset Management prior to the commencement of works.
23. All services, including the street lighting system, must be underground and within the road reserve or covered by a suitable easement.
24. To facilitate adequate vehicular manoeuvrability during the various stages of construction, temporary turning heads are to be provide with an appropriately designed and sealed surface at the end of each staged road. Appropriate and sustainable drainage is also to be provided for these temporary facilities.

25. The existing stormwater drainage system is to be upgraded, augmented or replaced to ensure adequate capacity. The development site is to be connected to the Clarence Plains Rivulet. Detailed designs and hydraulic computations are to be submitted to the Group Manager Asset Management for approval prior to construction.

Environmental Health Conditions:

26. Accumulated vegetation or the like must be managed by:
- (a) chipping/mulching for removal or reuse on the site; or
 - (b) removal from the site to a location to be approved by Council's Senior Environmental Health Officer prior to such removal; or
 - (c) removal to a waste management facility licensed to take such material (receipts must be retained as proof of disposal location); or
 - (d) other method approved in writing by Council's Senior Environmental Health Officer.
- No on-site burning of materials is permitted unless approved in writing by Council's Senior Environmental Health Officer and the burn conducted in accordance with any directions given.
- No on-site burning will be approved within 500m of a habitable building.
- The burning of accumulated building debris (including paper, cardboard, plastic, wood etc) is not permitted and must be removed from the site and disposed of at a waste management facility licensed to take such material.

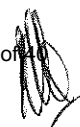
Landscaping Conditions:

27. A landscape plan for the proposed road reserves and public open space areas within the subdivision must be submitted to and approved by Council's Group Manager Asset Management prior to the commencement of works. The plans must be developed in association with the engineering plans to ensure suitable locations and planting types and the retention of as much natural vegetation as possible. Where appropriate, the plan must include construction details for footways and other public links within both road reserves and public open space areas.
- Prior to the sealing of the Final Plan and Schedule of Easements for each stage the following is required.
- For landscaping, excluding hard form infrastructure, each stage is to be completed and maintained for a period of 3 years. Alternatively, a bond of 1.5 times the estimated cost of landscape works must be submitted with the landscape plan. The bond will be held as security to ensure both development and maintenance of the landscape work for a period of 3 years is undertaken in accordance with the approved plan. The bond is to be a cash deposit or a bank guarantee.
 - For hard form landscaping (ie paths, footways etc), each stage is to be completed and will form part of the infrastructure which is subject to an "on maintenance" period. For the final plan to be sealed prior to the completion of the works or the expiry of the "on-maintenance" period a bond must be paid and an agreement entered into in accordance with Council Policy.

Please note that the bond for the "on-maintenance" period is 5% the cost of the construction.

Works for all stages shown on the design plans must be commenced within 2 years of the date of their approval or the engineering designs will be required to be resubmitted.

TasWater Conditions:



28. The development must meet all required Conditions of Approval specified by TasWater notice, dated 7 July 2015 (TWDA 2015/00022-CCC).
-

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.

Ross Lovell
MANAGER CITY PLANNING

Submission to Planning Authority Notice

Planning Permit No.	SD-2014/44	Council notice date	24/12/2014
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TasWater details

TasWater Reference No.	TWDA 2015/00022-CCC	Date of response	7 July 2015
TasWater Contact	Greg Clausen	Phone No.	(03) 6237 8242

Response issued to

Council name	CLARENCE CITY COUNCIL
Contact details	clarence@ccc.tas.gov.au

Development details

Address	181 MOCKRIDGE RD, ROKEBY	Property ID (PID)	2921970
Description of development	Subdivision		

Schedule of drawings/documents

Prepared by	Drawing/document No.	Revision No.	Date of Issue
PDA Surveyors	Concept Servicing Plan		17 December 2014
TasWater	Document D1 (water)		18-02-2015
TasWater	Document D2 (sewer)		18-02-2015

Conditions

Pursuant to the *Water and Sewerage Industry Act 2008 (TAS)* Section 56P(1) TasWater imposes the following conditions on the permit for this application:

CONNECTIONS, METERING & BACKFLOW

- 1) Suitably sized water supply and sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.
- 2) Removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.

ASSET CREATION & INFRASTRUCTURE WORKS

- 3) DN200 size water mains must be constructed generally as shown on Document D1 to the requirements and approval of TasWater at the developer's cost. The developer must apply to TasWater for reimbursement for costs for design and construction of eligible works. To be eligible for reimbursement, costs for which reimbursement is claimed must be determined from an agreed estimating process, with process and reimbursements determined prior to construction, and to the written approval of TasWater. Applicable reimbursements for eligible works are;
 - a) The marginal additional cost between sizes DN150 and DN200 to construct the DN200 water mains shown on Document D1.
- 4) Prior to submitting the first application for Engineering Design Approval, the developer must furnish a report for TasWater approval to determine at what stage of the development that sewerage works external to the development shown on Document D2 must be carried out to ensure that the hydraulic capacity for those external works are not exceeded. The developer must pay contributions prior to the issue of the relevant stage for TasWater to carry out sewerage works external to the development. Contributions by the developer for sewerage works external are as follows:
 - a) Replacement of existing pipe in DN225 where indicated on Document D2: Full cost of construction; and
 - b) Replacement of existing pipe in DN300 where indicated on Document D2: Full cost of construction less estimated marginal cost to construct DN300 instead of DN225 size mains.

- 5) Plans submitted with the application for Engineering Design Approval must, to the satisfaction of TasWater, show all existing, redundant and/or proposed property services and mains.
- 6) Prior to applying for a Permit to Construct to construct new infrastructure the developer must obtain from TasWater formal Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans, prepared by a registered professional engineer, showing the hydraulic servicing requirements for water and sewerage to TasWater's satisfaction.
- 7) Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction.
- 8) In addition to any other conditions in this permit, all works must be constructed under the supervision of a qualified engineer in accordance with TasWater's requirements.
- 9) Prior to the issue of a Consent to Register a Legal Document all additions, extensions, alterations or upgrades to TasWater's water and sewerage infrastructure required to service the development, generally as shown on the concept servicing plan, are to be at the expense of the developer and performed by contractor approved by TasWater, to the satisfaction of TasWater.
- 10) The developer must apply to TasWater for connection of newly created water and sewerage works after testing/disinfection to TasWater's requirements of those newly created works, to TasWater's existing infrastructure. This work will be undertaken by TasWater at the developer's cost.
- 11) At practical completion of the infrastructure water and sewerage works and prior to TasWater issuing a Consent to a Register Legal Document, the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. After the Certificate of Practical Completion has been issued, a 12 month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12 month maintenance period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. The maintenance period will be deemed to be complete on issue of a "Certificate of Final Acceptance" from TasWater. To obtain a Certificate of Practical Completion:
 - a) Written confirmation from a qualified engineer certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved.
 - b) A request for a joint on-site inspection with TasWater's authorised representative must be made.
 - c) Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee.
 - d) As Constructed Drawings must be prepared by a qualified Surveyor to TasWater's satisfaction and forwarded to TasWater.
- 12) Upon completion, to TasWater's satisfaction, of the defects liability period the newly constructed infrastructure will be transferred to TasWater and the developer must request TasWater to issue a "Certificate of Final Acceptance".
- 13) The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
- 14) Ground levels over the TasWater assets / easements must not be altered without the written approval of TasWater.

FINAL PLANS, EASEMENTS & ENDORSEMENTS

- 15) Prior to the Sealing of the Final Plan of Survey, the developer must obtain a Consent to Register a Legal Document from TasWater and the certificate must be submitted to the Council as evidence of compliance with these conditions when application for sealing is made;
- 16) Pipeline easements must be created over existing/proposed sewerage pipelines on TasWater's standard pipeline easement conditions. Pipeline easement width, location of easements relative to pipes, and terms and conditions must be to TasWater's satisfaction.

DEVELOPMENT ASSESSMENT FEES

- 17) The applicant or landowner as the case may be, must pay a development assessment and Consent to Register a Legal Document fee to TasWater for this proposal of:
 - a. \$4,744.00 for development assessment; and
 - b. \$216.00 for Consent to Register a Legal Document as approved by the Economic Regulator and the fees

will be indexed as approved by the Economic Regulator from the date of:

- a. The Submission to Planning Authority Notice for the development assessment fee; and
- b. The Consent to Register a Legal Document for the Legal Document until the date they are paid to TasWater; and payment is required within 30 days from the date of the invoice.

- 18) **Advice:** In the event Council approves a staging plan, a Consent to Register a Legal Document fee for each stage must be paid commensurate with the number of Equivalent Tenements in each stage, as approved by Council.

Advice

For information on TasWater development standards, please visit
<http://www.taswater.com.au/Development/Development-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

The developer is responsible for arranging to locate existing TasWater infrastructure and clearly showing it on any drawings. Existing TasWater infrastructure may be located by TasWater (call 136 992) on site, at the developer's cost, alternatively a surveyor and/or a private contractor may be engaged at the developer's cost to locate the infrastructure.

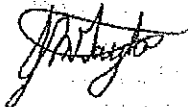
For detailed information on how headworks have been calculated for this development please contact the TasWater contact as listed above.

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

If you need any clarification in relation to this document, please contact TasWater. Please quote the TasWater reference number. Phone: 13 6992, Email: development@taswater.com.au

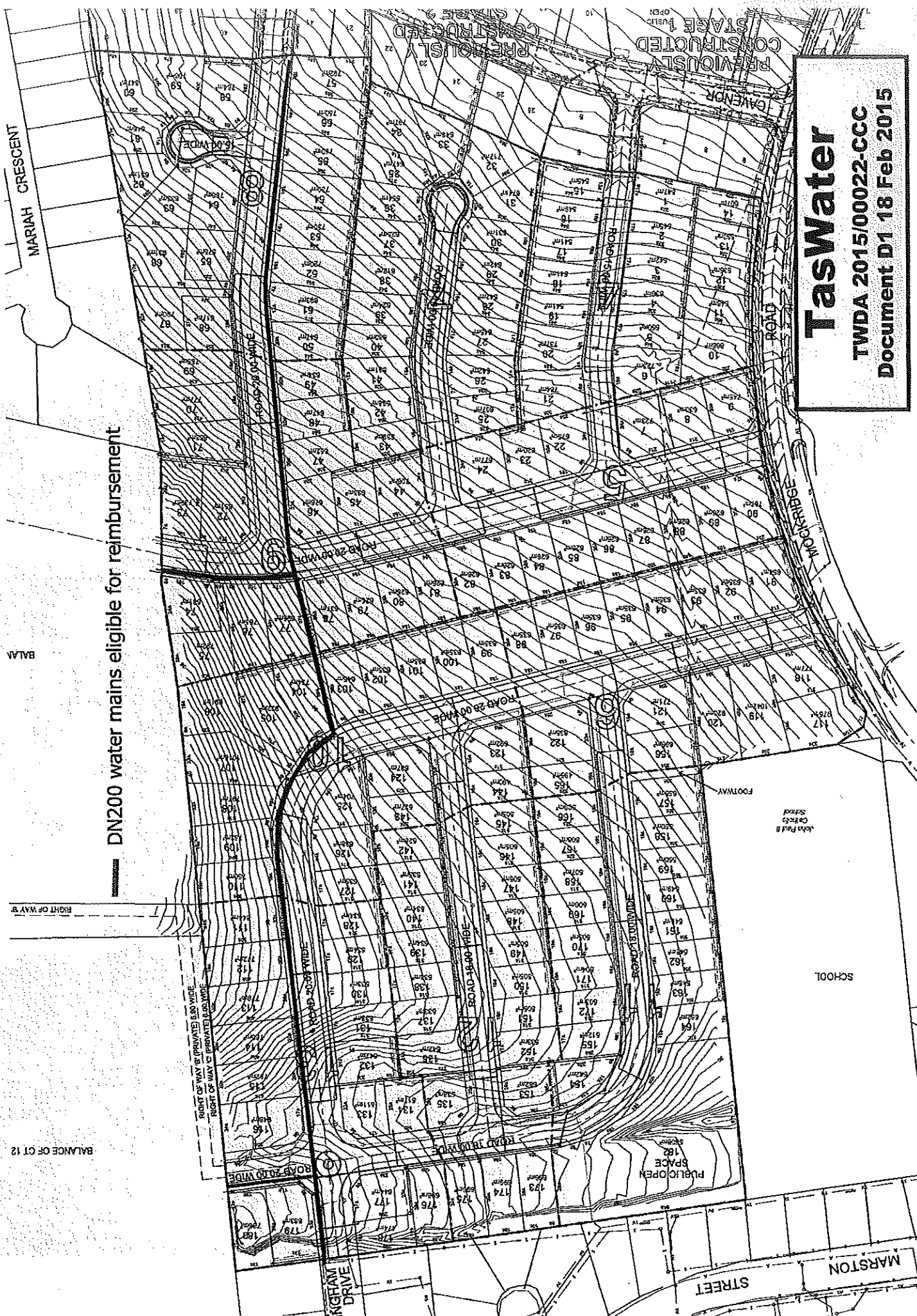
Authorised by



Jason Taylor

Development Assessment Manager





TasWater

TWDA 2015/00022-CCC
Document D2 18 Feb 2015

Mains (3 lengths, approx total length 86m) to be upsized to DN225 mains by TasWater at the developer's cost

Mains (7 lengths, approx total length 296m) to be upsized to DN300 size by TasWater at the developer's cost and eligible for reimbursement

Mains (2 lengths, approx total length 150m) to be replaced in DN300 size by TasWater

11.3.9 SUBDIVISION APPLICATION SD-2014/44 - 28 AND 30 KING STREET AND 181 MOCKRIDGE ROAD, ROKEBY - 180 LOT SUBDIVISION
(File Nos K012-28; M026-181)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 180 lot subdivision at 28 and 30 King Street and 181 Mockridge Road, Rokeby.

RELATION TO PLANNING PROVISIONS

The land is zoned Residential and subject to the Heritage and Vegetation Management Overlays 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 with the written consent of the applicant to expire on 15 July 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 4 representations were received raising the following issues:

- walkway (between Lots 156 and 157);
- public open space;
- internal access;
- access to Lot 117; and
- location of easements.

Council officers have raised a number of concerns about the layout of the subdivision with the applicant and suggested alternative design options to address these concerns. However, the applicant asks Council to consider the attached plan of subdivision.

RECOMMENDATION:

- A. That the application for a 180 lot Subdivision at 28 and 30 King Street and 181 Mockridge Road, Rokeby (Ref SD-2014/44) be refused in accordance with Section 85(a) and (d)(iii) of the Local Government (Building & Miscellaneous Provisions) Act, 1993 (LGBMPA) in that the roads will not suit the public convenience by providing satisfactory internal connection to the inhabitants both of the subdivision or the wider area and the layout should be altered so as to omit the proposed open space given its poor location on the plan and that public open space is to be included in a more acceptable centralised location on any revised application for a plan of subdivision.

- B. That the application for a 180 lot Subdivision at 28 and 30 King Street and 181 Mockridge Road, Rokeby (Ref SD-2014/44) be refused under the Clarence Planning Scheme 2007 for the following reasons:
- the unsatisfactory layout of roads having regard to their function and relationship to existing roads [Clause 3.3.1(f)(vi)];
 - the unsatisfactory movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots [Clause 3.3.1(f)(vii)];
 - the unsatisfactory location of public open space [Clause 3.3.1(f)(viii)]; and
 - the street design does not comply with Council's By-law [Clause 6.1.3(e)].
- C. That the applicant be advised that they should contact Council's Manager City Planning to discuss Council's internal roads and public open space requirement.
- D. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

A combined amendment to the Eastern Shore Planning Scheme Area 1 1963 (rezoning) and subdivision permit for 189 residential lots was approved by the then Resource Planning and Development Commission by decision notice dated 6 December 2006 (refer Attachment 3). This layout has been commenced and the application before Council effectively seeks an amended subdivision layout.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Residential and subject to the Heritage and Vegetation Management Overlays under the Scheme. Land at 30 King Street is zoned Rural but has only been included in the application for bushfire hazard management.

2.2. The proposal is a subdivision which is a Discretionary development.

2.3. The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;

- Section 3 – General Provisions;
- Section 6 – Residential zone; and
- Section 7 – Vegetation Management and Heritage Overlays.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is located between existing residential lots in Clarendon Vale and the Oakdowns subdivision. It is to the north of the heritage site containing St Mathews Church and Knopwood’s Tomb and the Village Green.

The properties involved in the application have previously formed part of the farm containing Rokeby House. No 181 Mockridge Road is a 1.34ha lot that runs along the eastern side of Mockridge Road all of the property is involved in the application.

No 28 King Street is a 14.76ha vacant lot that has frontage to Mockridge Road. It is the balance area to Stages 1-3 which have been subdivided along Cavenor Drive.

No 30 King Street involves multiple titles but has only been included to achieve a suitable bushfire management buffer.

The land involved in the application is cleared grazing land that retains some vegetation including hedgerow plantings along fence lines.

3.2. The Proposal

The proposal is for the subdivision of 180 new lots with access from Cavenor Drive to the south (access to Lots 1–6, 15–21, 47–73); and Mockridge Road to the west (access Lots 7–14, 22–46, 74–180).

The subdivision will be developed in 10 stages (Stages 4–13) as follows:

- Stages 1 — 3 (completed);
- Stage 4 — Lots 1–6, 10–14, 15–21;
- Stage 5 — Lots 7–9, 22–24, 82–90;
- Stage 6 — Lots 91–98, 117–122, 156 and 165;
- Stage 7 — Lots 25–43;
- Stage 8 — Lots 50–68;
- Stage 9 — Lots 44–49, 69–81;
- Stage 10 — Lots 99–110, 123–127, 143–144;
- Stage 11 — Lots 154–155, 157–164, 166–172;
- Stage 12 — Lots 135–153, 173–175;
- Stage 13 — Lots 111–116, 128–134, 176–180.

The most relevant differences between the proposed layout (refer Attachment 2) and the approved 2006 layout (refer Attachment 3) are as follows.

- subdivision of 181 Mockridge Road;
- the direct vehicular link between Rockingham Drive and Cavenor Drive has been omitted;
- the public open space has been relocated from a central position to a corner location adjacent to John Paul II Catholic School;
- the layout includes several narrow pedestrian links; and
- there are an additional 2 access points onto Mockridge Road; and
- some of the lots have direct access onto Mockridge Road.

A Bushfire Hazard Assessment Report prepared by Welling Consulting dated 20 March 2015 has been lodged by the applicant. It contains a number of recommendations which include a Part 5 Agreement over neighbouring land at 30 King Street that should be implemented by condition should a permit be granted.

4. PLANNING ASSESSMENT

4.1. Planning Policy Framework

The relevant elements of the Planning Policy Framework are contained in Section 2.2.3 (a) (ii) – Residential Land Use.

In particular, the Key Issues include:

“Maintaining housing diversity through a wide range of residential redevelopment opportunities.

The need to balance certainty and flexibility in the planning for and management of development in coastal areas affected by climate change.

The need to provide for choice to encourage population diversity, by providing for future growth in the Howrah / Tranmere / Droughty Point corridor and at Howrah, Rokeby and Clarendon Vale”.

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

4.2. General Decision Requirements [Section 3.3.1]

The relevant General Decision Requirements of this part are:

“(a) General requirements:

- (iv) The Purposes of the Zone.*
- (v) The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
- (vi) Comments of any Government Department, any other Authority or referred agency.*
- (vii) Any representation made in accordance with Section 43F(5) or Section 57(5) of the Act.*

- (b) *Amenity requirements:*
 - (i) *The character of the locality, the existing and future amenities of the neighbourhood.*
- (f) *Subdivision requirements:*
 - (i) *The suitability of the land for subdivision.*
 - (ii) *The existing use and potential for future development of the land and its surrounds.*
 - (iii) *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation, natural drainage paths and significant stormwater catchment areas.*
 - (iv) *The density of the proposed development.*
 - (v) *The size and shape of each lot in the subdivision.*
 - (vi) *The layout of roads having regard to their function and relationship to existing roads”.*

The Scheme strategy promotes good urban design which incorporates high standards of community safety, accessibility, amenity and open space.

The proposal effectively creates a division between Clarendon Vale and the Oakdowns estate by not providing a road link between Rockingham Drive and Cavenor Drive; an apparent community divide. Instead a single, narrow footway is proposed which is contrary to basic design principles such as the creation of defensible/manageable spaces, which are promoted as security elements in publications such as AMCORD and Crime Prevention Through Environmental Design. Such footways are narrow and poorly provided for by casual surveillance and will simply not be used by residents because of the threat or perceived threat of crime.

Council’s Engineers note that the proposed layout is contrary to the Highways By-law. Mockridge Road is classified as a sub-arterial and as such there is a minimum distance permitted for intersections of residential streets or collector roads of 100m. Although some of the proposed intersections are only 10% outside this requirement the matter is compounded by the entrance junctions opposite into Rokeby High School, which will complicate long term traffic management.

Due to the poor internal connections, the proposal is considered not to comply with this decision requirement.

“(vii) The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots”.

For the reasons described above, the proposal is considered not to comply with this decision requirement.

“(viii) The provision and location of reserves for public open space and other community facilities”.

The public open space is not positioned in a central location but is instead located in a corner on land that is difficult to service. One of the objectives of Council’s Public Open Space Policy 2013 is to provide a framework to assist Council’s assessment of POS in terms of supply, demand, location and suitability. At the local level, new areas of open space should continue to be provided in developing urban areas to serve the future population. Of particular relevance, the Policy requires the land is convenient, accessible and fit for purpose (ie useable and not overly constrained by topography, shape or natural hazards). It should also provide or improve permeability through the site or surrounding area.

It is considered that the public open space proposed is remotely located (especially given the disconnect of the proposed internal road layout) and should be centrally positioned as it is in the current approved subdivision layout. The applicant has explained the proposed public open space is difficult to service and that it is supported by the Catholic Primary School (this does not appear to be the case).

For these reasons, the proposal is considered not to comply with this decision requirement.

“(ix) The staging of the subdivision.

(x) The design and siting of existing and future buildings.

(xi) The availability and provision of utility services”.

No further comments are required in respect of the last 3 points.

4.3. Residential Zone

The purpose of the zone is to provide for a variety of accommodation types to meet the needs of all households.

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

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

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

“(f) Street construction and design is to provide safe and convenient movement for traffic and pedestrians”.

For the reasons provided above (Section 3.2) the street design is considered not to provide safe and convenient movement for traffic and pedestrians.

“(r) An internal lot access strip should include adequate width to accommodate a suitable passing bay and a visitor car parking space which is visible from the street.

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

“(t) An internal lot should include adequate width to provide a landscaped strip between the driveway and the abutting fence lines, except where there is to be a shared driveway with the adjoining lot”.

All internal lots have been provided with a minimum 4m width access handle. Whilst this meets the Development Standard for internal lots it is not considered to be sufficient width to accommodate a passing bay, visitor car park, adequate frontage for wheelie bin collection or landscape strips. This situation would be particularly problematic for Lots 34 and 75.

It should be noted that the internal lots could be redesigned and would also be Prohibited under the interim Scheme.

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

The applicant has provided sufficient information for Council’s engineers to assess there will be no adverse impact created by the proposal.

4.4. Overlays

- **Vegetation Management**

The applicant supplied a vegetation survey when the 1963 Scheme was amended to zone the land Residential in 2006. As such the vegetation has already been assessed and a permit granted which provides for its removal. Some vegetation removal is required on the neighbouring land at 30 King Street for bushfire hazard management; however, this would also be required in order to protect the existing approved subdivision.

- **Heritage**

Under the Scheme, the Heritage Overlay is present across both 28 and 30 King Street, although there is no record in the Heritage Tasmania listing for 28 King Street (over which the subdivision is proposed). Heritage Tasmania has confirmed that there are no requirements under the Historic Cultural Heritage Act 1995 and, given the circumstance, no assessment under the Scheme heritage provisions is considered warranted.

4.5. External Referrals

The application was referred to Heritage Tasmania and TasWater. As discussed above, Heritage Tasmania has no requirement and TasWater has provided conditions of approval.

4.6. Council Committee Recommendations

The application was referred to Council's Tracks and Trails Officer who was concerned that the footway towards the centre of the development is too narrow and would not meet crime prevention requirements.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 4 representations were received. The following issues were raised by the representors.

5.1. Walkway (between Lots 156 and 157)

Representors expressed concern that the footway would give rise to vandalism, giving access to people not associated with the John Paul II Catholic Primary School, leads to an inappropriate entry location and "undesirable/anti-social" activities.

- **Comment**

The proposal is contrary to Crime Prevention through Environmental Design principles which advise against "entrapment spots" like corridors. Such infrastructure is not supported by its purported beneficiary (the Catholic Primary School).

5.2. Public Open Space

One representor notes the area of land which is proposed as Public Open Space currently contains a creek and there is concern that if this area was to become more usable that it may present some safety concerns for the school with regard to the school's duty of care to students walking to and from school, or trying to access the Public Open Space without permission during school hours.

- **Comment**

As previously discussed, the public open space is considered to be located on the periphery of the subdivision and a poor design response. A more centrally located public open space area, without the physical development and site management constraints would be a far more appropriate outcome for families in this neighbourhood.

5.3. Internal Access

One representor believes that an appealing aspect of the original subdivision was the proposed road linkages to Oakdowns. There is no direct road link from Oakdowns to Clarendon but instead there are 2 new intersections onto Mockridge Road for proposed new roads. The representor considers this will intensify traffic movements in the immediate vicinity of both the Rokeby High School and John Paul II sites, particularly at peak times at the beginning and end of the school day. The representor believes this has the potential to impact on pedestrian safety, particularly for students walking to school without parent supervision. Existing access from Oakdowns via Cavenor Drive is considered to be adequate and “internal” access between Oakdowns and Clarendon via a direct connection to Rockingham Drive, as proposed in the original subdivision plan, is considered far more desirable.

- **Comment**

As previously discussed, the proposed connectivity is not considered to be appropriate to achieve a good urban design outcome and an integrated neighbourhood. The existing approved layout provides a more appropriate response.

5.4. Access to Lot 117

The entry to Lot 117 is accessed from Mockridge Road and is adjacent to the John Paul II Catholic Primary School egress which will create a conflict.

- **Comment**

Although the driveway to Lot 117 is adjacent to the school egress, traffic movements are not considered to be significant enough to cause a conflict.

5.5. Location of Easements

The representor believes that a private agreement with the subject site owners to create infrastructure easements through the site in favour of the approved “Fenshaw” subdivision should be a condition of approval.

- **Comment**

The subdivision at 25 Brogo Way has previously been approved by Council. Any agreements between parties in respect of easements for off-site infrastructure are a civil matter and cannot be given legal status in Council permits.

6. STATE POLICIES AND ACT OBJECTIVES

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

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

7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

8. CONCLUSION

The proposal for a 180 lot Subdivision at 28 and 30 King Street and 181 Mockridge Road, Rokeby is considered to be deficient in a number of areas under both the Scheme and the Local Government (Building and Miscellaneous Provisions) Act, 1993. The matters for concern are described in this report but generally are the peripheral location of public open space, the lack of connectivity within the subdivision, failure to comply with Council's Local Highways Standard Requirements By-law No 2 of 2014 and community safety in respect of proposed footways.

For these reasons it is recommended that the application be refused under both LUPAA and LGBMPA.

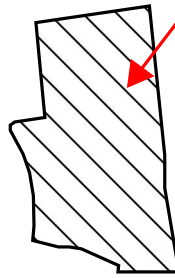
Attachments: 1. Location Plan (1)
2. Proposal Plan (5)
3. Approved 2006 Subdivision Plan (1)
4. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

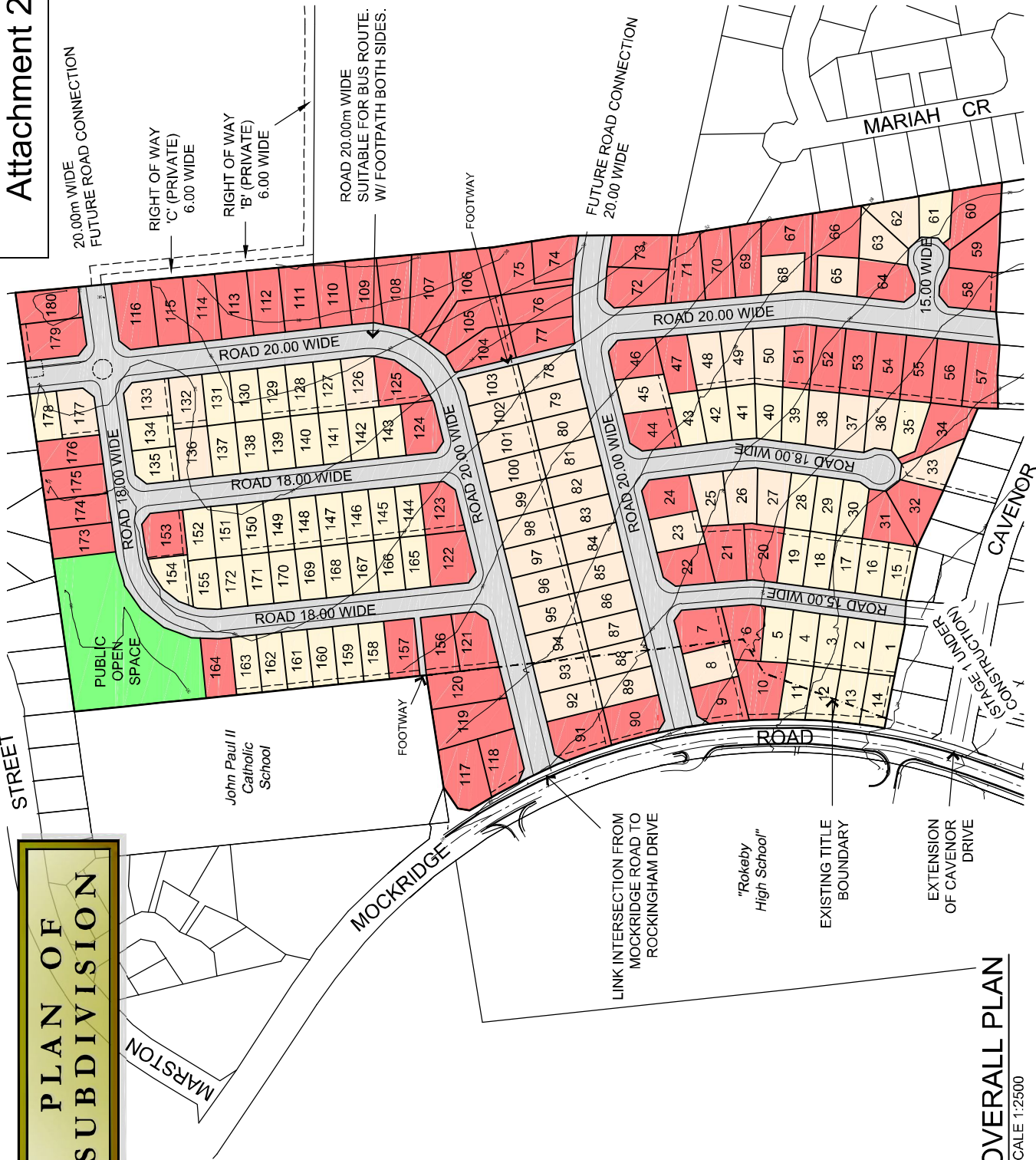
Attachment 1

Location Plan - 28 & 30 King Street & 181 Mockridge Road

Subject Site

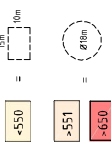


Attachment 2



LEGEND

- Title/Proposed boundary
- Surrounding boundary
- Planning setback
- Lot size / Constraint



SCHEDULE OF EASEMENTS

Some existing Easements to be removed.
Proposed easements as required by Service Providers.

NOTES

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

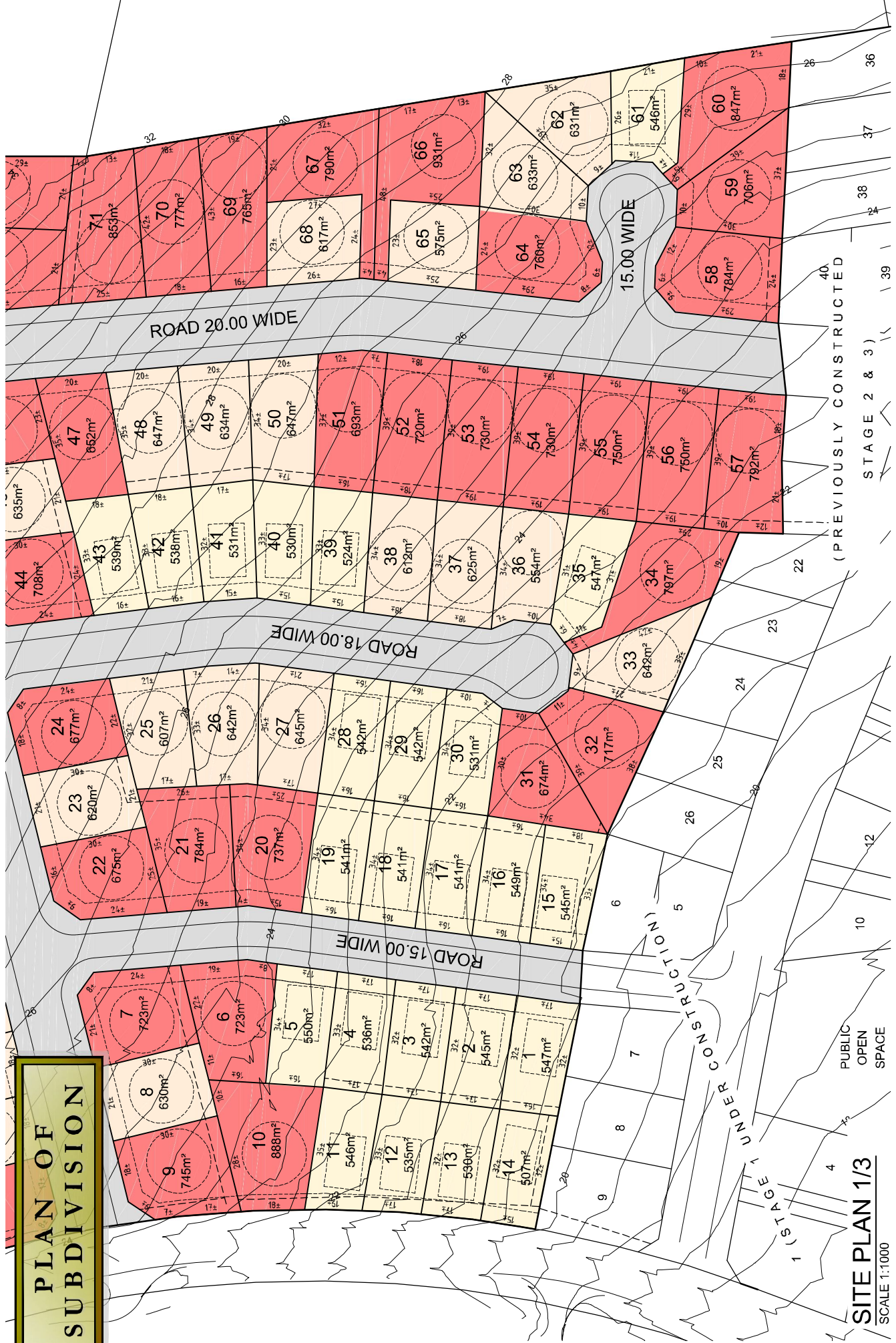
OVERALL PLAN OF SUBDIVISION
PROPOSED SUBDIVISION
KNOPWOOD ESTATE, ROKEBY
for KNOPWOOD ESTATE PTY LTD

DATE	1 DECEMBER 2014
DATE	1 DECEMBER 2014

DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE

PDA Surveyors
Surveying, Engineering & Planning
127 Edinburg Street
4040, Tamworth, 7000
www.pdasurveyors.com.au
PH: 08 9324 3277
FAX: 08 9324 3565
P477C - 66C
Agenda Attachments - 28 & 30 King Street & 181 Mockridge Road - Page 2 of 7

PLAN OF SUBDIVISION



SITE PLAN 1/3
SCALE 1:1000

127 Eastgate Street 4040, Tauranga, 7000 www.pda.co.nz PDA SURVEYORS SURVEYING, ENGINEERING & PLANNING PH: 07 771 788 885 FAX: 07 771 788 886 P477C - 7C Agenda Attachments - 28 & 30 King Street & 181 Mockridge Road - Page 3 of 7		SCALE	1:1000	DATE	1 DECEMBER 2014
DETAILED PLAN OF SUBDIVISION (1 OF 3) PROPOSED SUBDIVISION KNOPWOOD ESTATE, ROKEBY for KNOPWOOD ESTATE PTY LTD		APPROVED	15/12/14	DATE	1 DECEMBER 2014
RECEIVED OF LOTS 15-16 PUBLIC OPEN SPACE, 173		DATE	15/12/14	DATE	1 DECEMBER 2014
RECEIVED OF LOTS 17-18 & 173		DATE	15/12/14	DATE	1 DECEMBER 2014
A REPT OF SUBDIVISION		DATE	15/12/14	DATE	1 DECEMBER 2014
MEMORANDUM		DATE	15/12/14	DATE	1 DECEMBER 2014

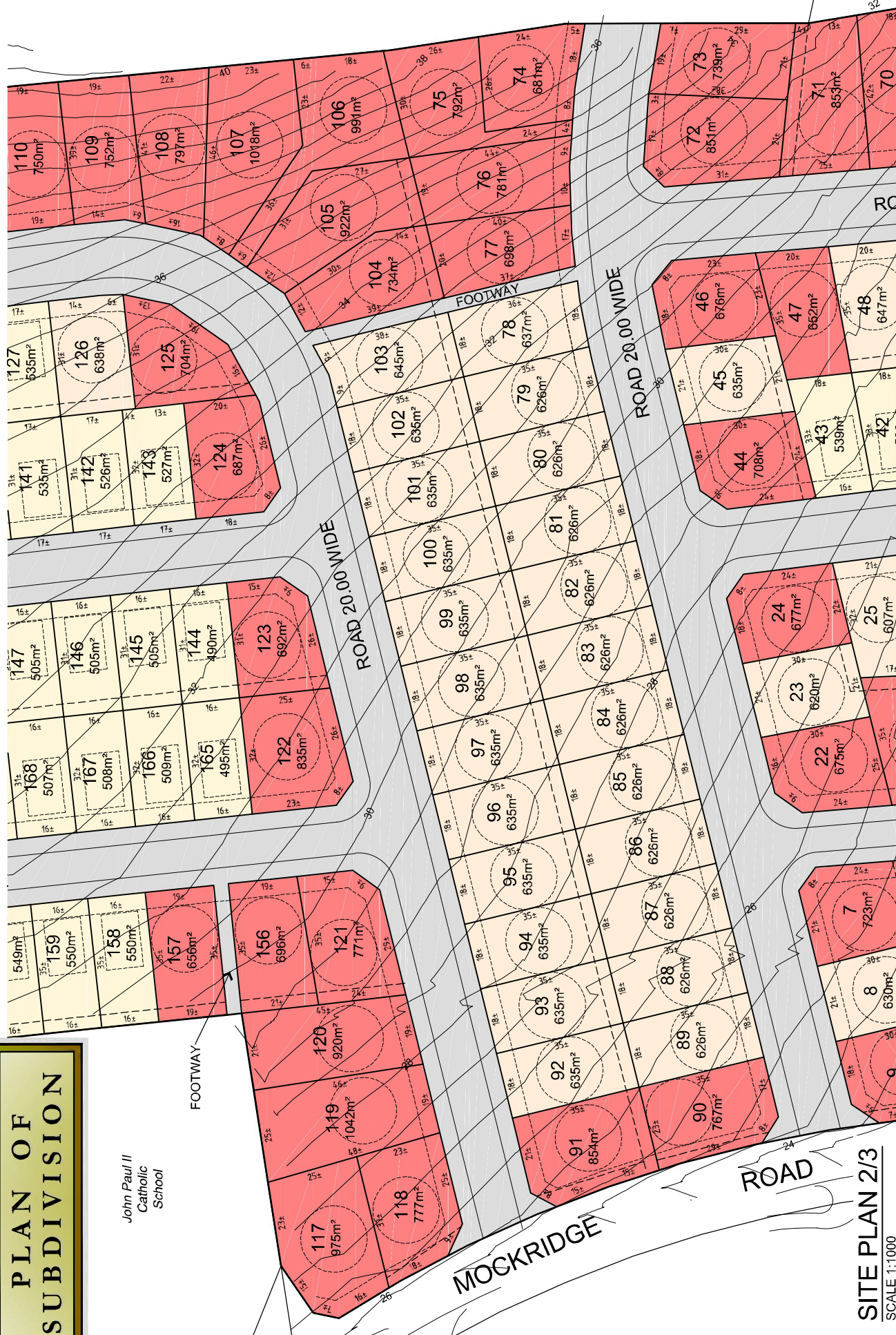
John Paul II
Catholic
School

FOOTWAY—

MOCKRIDGE

ROAD

SITE PLAN 2/3
SCALE 1:1000



DETAILED PLAN OF SUBDIVISION (2 OF 3)
PROPOSED SUBDIVISION
KNOPWOOD ESTATE, ROKEBY
for KNOPWOOD ESTATE PTY LTD



PDA Surveyors
Surveying, Engineering & Planning

Surveying, Engineering & Planning
PHONE: 61 03 6234 3277
FAX: 61 03 6234 5065
Email: info@sepa.com.au
P477C - 8C
Agenda Attachments - 28 & 30 King Street & 181 Mockridge Road - Page 4 of 7

Total size / Constraint

551

	JMT	JMT	JMT
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	10-11	1-12	4-5
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[illegible]

SPACE

173

LOTS 1
LOTS 6
SURREY

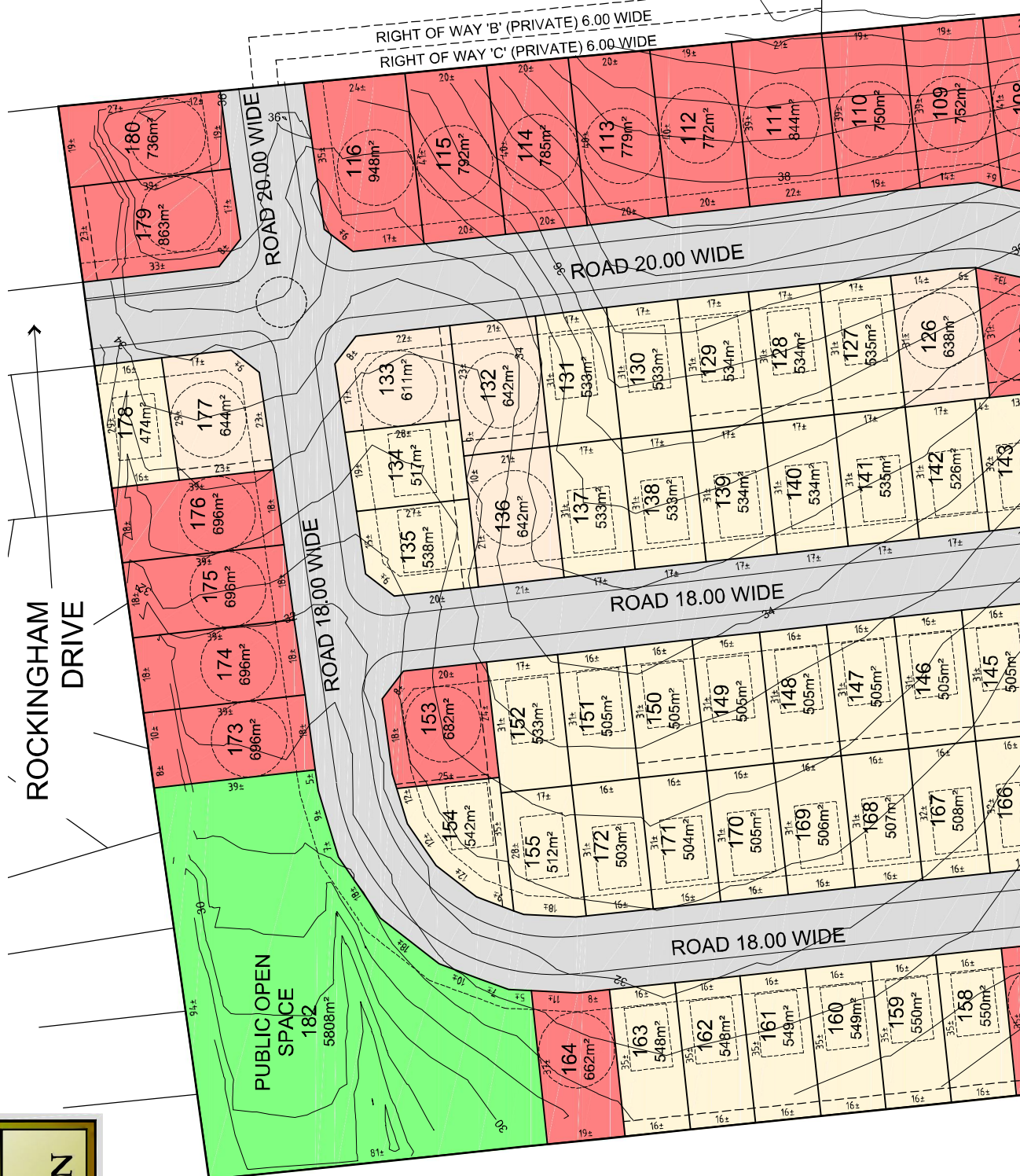
630C-3X

Agenda Attachments - 181 Mockridge Road & 28 & 30 King Street - Page 34 of 40

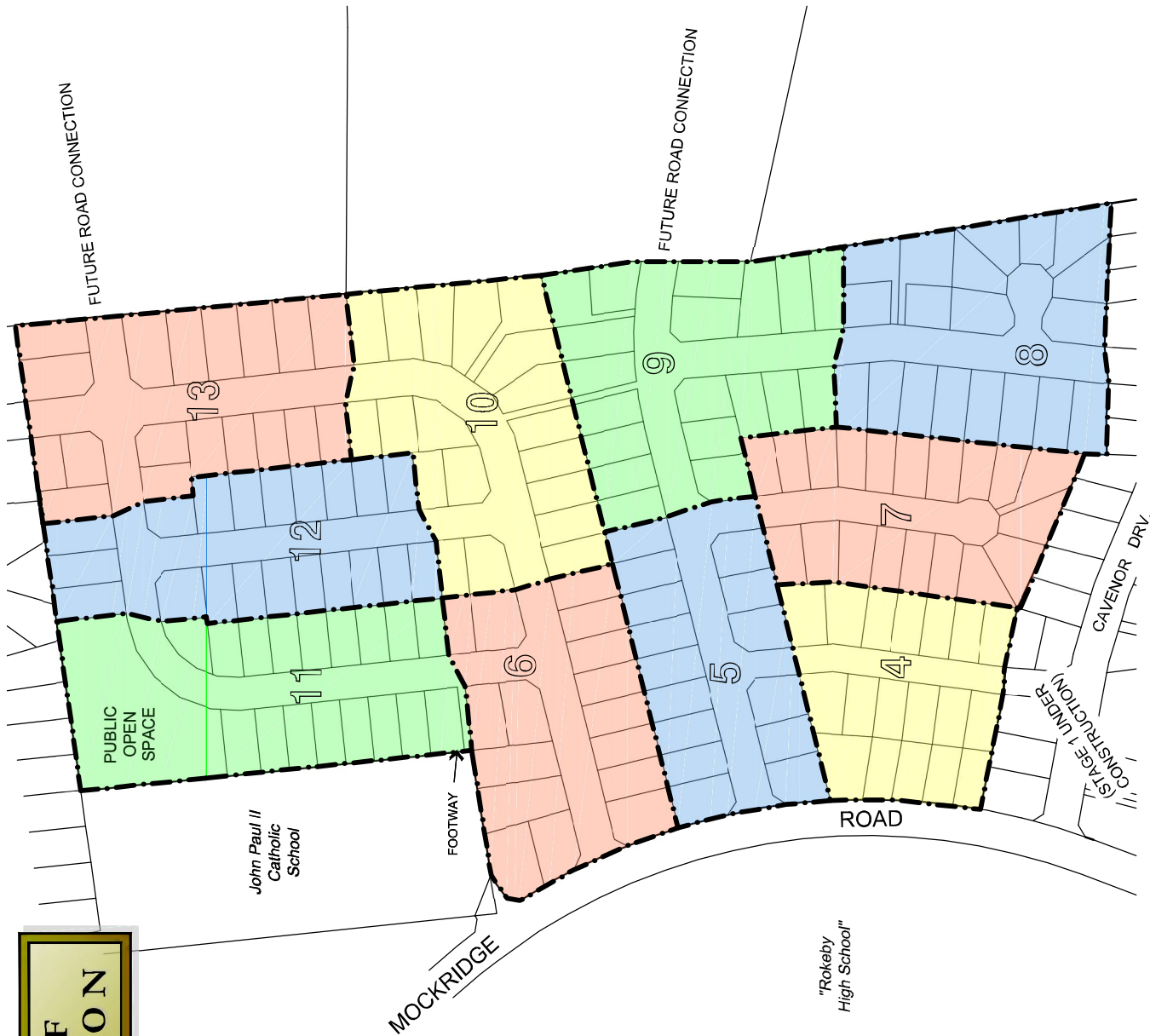
ROCKINGHAM
DRIVE

John Paul II
Catholic
School

SITE PLAN 3/3
SCALE 1:1000



PLAN OF
SUBDIVISION



LEGEND	
	Title/Proposed boundary
	Surrounding boundary
	Stage Boundary

STAGING

STAGE No.	LOT QUANTITY
4	18
5	15
6	16
7	19
8	19
9	19
10	19
11	17 + POS
12	20
13	18
TOTAL	180 + POS

Staging may vary may proceed in any order & may be sub-staged.
Subject to council approval.

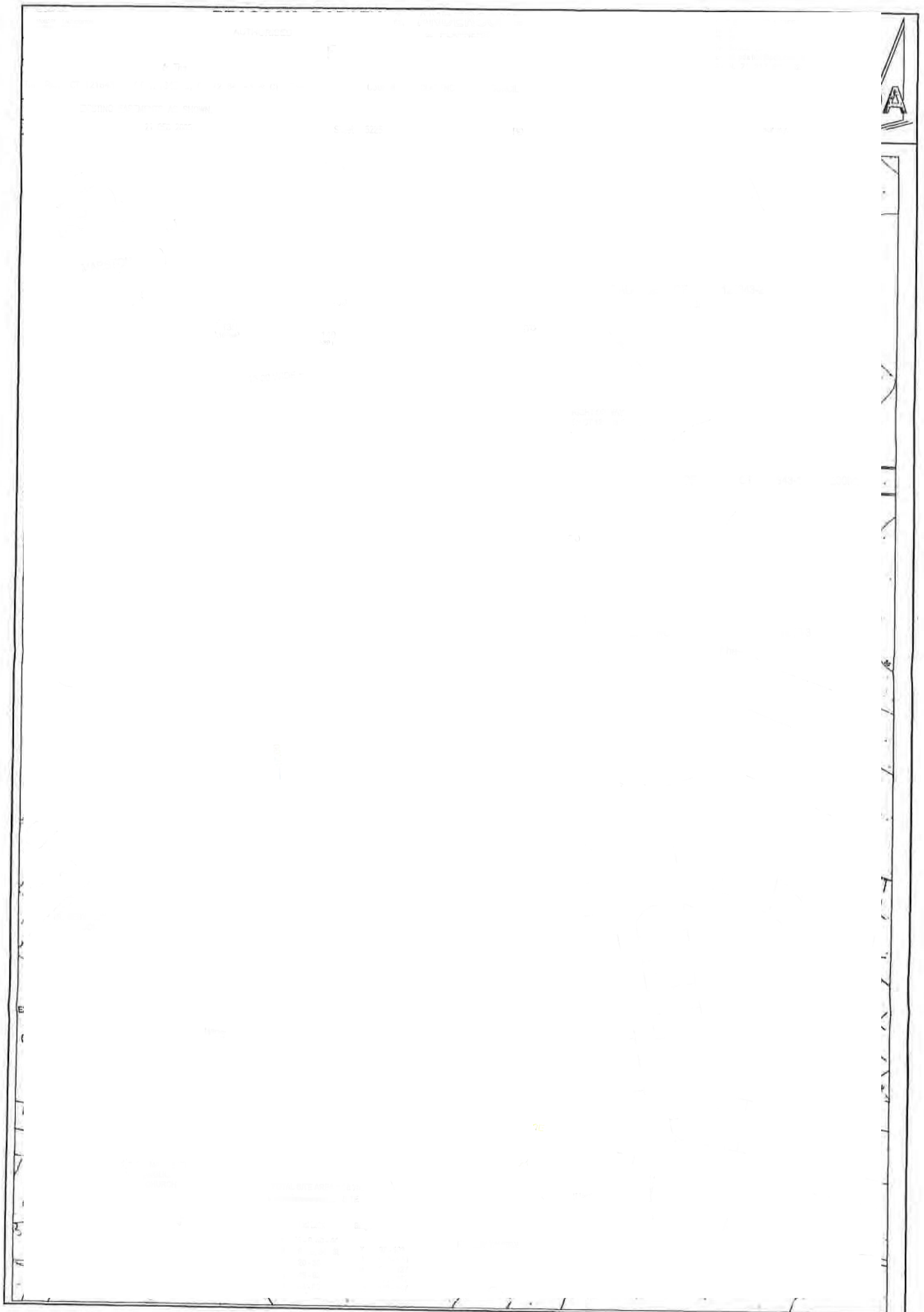
NOTES

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STAGING PLAN
SCALE 1:2500

127 Eastgate Street Hobart, Tasmania 7000 www.pdasurveyors.com.au PDA Surveyors Surveying, Engineering & Planning Phone: 01 03 624 3217 Fax: 01 03 624 3985		SCALE 1: 2500	DATE 1 DECEMBER 2014
STAGING PLAN PROPOSED SUBDIVISION KNOPWOOD ESTATE, ROKEBY for KNOPWOOD ESTATE PTY LTD		DATE 1 DECEMBER 2014	DATE 1 DECEMBER 2014
REVISIONS 1. REVISION OF LOTS 12-16 & PUBLIC OPEN SPACE 173 2. REVISION OF LOTS 6-7 & 173 3. REVISION OF SUBDIVISION LAYOUT		DATE 1 DECEMBER 2014	DATE 1 DECEMBER 2014
APPENDICES		DATE 1 DECEMBER 2014	DATE 1 DECEMBER 2014

Agenda Attachments - 181 Mockridge Road & 28 & 30 King Street - Page 36 of 40



Attachment 3

28 & 30 King Street & 181 Mockridge Road, ROKEBY



28 King Street viewed from Cavenor Drive, looking north



181 Mockridge Road & 28 King Street viewed from Mockridge Road, looking northeast



181 Mockridge Road & 28 King Street viewed from Mockridge Road, looking northeast

11.3.9 SUBDIVISION APPLICATION SD-2014/44 - 28 AND 30 KING STREET AND 181 MOCKRIDGE ROAD, ROKEBY - 180 LOT SUBDIVISION
(File Nos K012-28; M026-181)

EXECUTIVE SUMMARY

PURPOSE

The purpose of this report is to consider the application made for a 180 lot subdivision at 28 and 30 King Street and 181 Mockridge Road, Rokeby.

RELATION TO PLANNING PROVISIONS

The land is zoned Residential and subject to the Heritage and Vegetation Management Overlays 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 2015.

Council is required to exercise a discretion within the statutory 42 day period which has been extended with the written consent of the applicant to expire on 15 July 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 4 representations were received raising the following issues:

- walkway (between Lots 156 and 157);
- public open space;
- internal access;
- access to Lot 117; and
- location of easements.

Council officers have raised a number of concerns about the layout of the subdivision with the applicant and suggested alternative design options to address these concerns. However, the applicant asks Council to consider the attached plan of subdivision.

RECOMMENDATION:

- A. That the application for a 180 lot Subdivision at 28 and 30 King Street and 181 Mockridge Road, Rokeby (Ref SD-2014/44) be refused in accordance with Section 85(a) and (d)(iii) of the Local Government (Building & Miscellaneous Provisions) Act, 1993 (LGBMPA) in that the roads will not suit the public convenience by providing satisfactory internal connection to the inhabitants both of the subdivision or the wider area and the layout should be altered so as to omit the proposed open space given its poor location on the plan and that public open space is to be included in a more acceptable centralised location on any revised application for a plan of subdivision.

- B. That the application for a 180 lot Subdivision at 28 and 30 King Street and 181 Mockridge Road, Rokeby (Ref SD-2014/44) be refused under the Clarence Planning Scheme 2007 for the following reasons:
- the unsatisfactory layout of roads having regard to their function and relationship to existing roads [Clause 3.3.1(f)(vi)];
 - the unsatisfactory movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots [Clause 3.3.1(f)(vii)];
 - the unsatisfactory location of public open space [Clause 3.3.1(f)(viii)]; and
 - the street design does not comply with Council’s By-law [Clause 6.1.3(e)].
- C. That the applicant be advised that they should contact Council’s Manager City Planning to discuss Council’s internal roads and public open space requirement.
- D. 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 McFarlane **SECONDED** Ald Hulme

“That the Recommendation be adopted”.

CARRIED

FOR

Ald Chong
Ald Hulme
Ald James
Ald McFarlane
Ald von Bertouch

AGAINST

Ald Doust
Ald Thurley
Ald Walker

11.3.9 SUBDIVISION APPLICATION SD-2015/33 - 211 SCHOOL ROAD, SANDFORD - 16 LOT SUBDIVISION
(File No SD-2015/33)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 16 lot subdivision at 211 School Road, Sandford.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Residential and subject to the Vegetation Management, Subject to Inundation and Development Plan Overlays 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 2015.

Council is required to exercise a discretion within the statutory 42 day period which has been extended to expire on 28 October 2015.

CONSULTATION

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

- School Road;
- DPO 19; and
- staging.

RECOMMENDATION:

A. That the application for a 16 lot subdivision at 211 School Road, Sandford (Cl Ref SD-2015/33) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLANS
[- the horse trail between Lots 4 and 5 being 10m wide for the whole length of the lot; and
- amended staging showing Lots 13 - 17 and the road lot providing access to these lots as Stage 1 of the sealing of the development.]
3. The “Horse Trail 10m wide” at the eastern side of the site is to be provided to Council in its entirety as part of the first stage of sealing of lots for this subdivision.
4. GEN POS 4 – POS CONTRIBUTION (post 11/11/13) [2%] [1-16].

5. No plans for the issue of title to any lots are to be sealed until the construction of the road on the Road lot through to boundary of CT-30596/4 is completed to the satisfaction of Council's Group Manager Asset Management.
6. GEN F3 – ENDORSEMENTS.
7. ENG A1 – NEW CROSSOVER [3.6M] [TSD-R03 and 4].
8. ENG A10 – TRAILS IN LOW DENSITY OR RURAL SUBDIVISIONS.
9. ENG M2 – DESIGNS SD.
10. ENG M4 – POS ACCESS.
11. ENG M5 – EROSION CONTROL.
12. ENG M7 – WEED MANAGEMENT PLAN.
13. ENG M8 – EASEMENTS.
14. ENG R1 – ROAD NAMES.
15. ENG R3 – RURAL ROADS.
16. ENG R4 – ROAD WIDENING [9m minimum] add “for the length of the property boundary to School Road” after “...road carriageway”.
17. ENG R5 – ROAD EXTENSION.
18. ENG R6 – VEHICLE BARRIERS.
19. ENG S1 – INFRASTRUCTURE REPAIR.
20. ENG S2 – SERVICES.
21. ENG S10 – UNDERGROUND SERVICES.
22. Minor adjustment may be required to the boundary of Lot 15 to facilitate an appropriate road radius for the interconnecting road with 110 Prospect Road and 69 Germain Court. This radius is to be identified as part of the detailed engineering designs.
23. ENG S12 – HEADWORKS – SUBDIVISION \$138,200] [1-16]. Insert “..., to be paid \$8,638 per lot at the time of the sealing of each stage”. after “...created by the permit”.

Add final paragraph “Any surplus contribution will be refunded to the applicant upon completion of the road works on a pro-rata basis”.

24. PROP 3 – TRANSFER.
25. EHO 4 – NO BURNING.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Rural Residential and subject to the Vegetation Management, Subject to Inundation and Development Plan Overlays under the Scheme.

2.2. The proposal is for subdivision resulting in 16 new lots, which is Discretionary development in accordance with the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 6 – Rural Residential Zone; and
- Section 7 – Overlays.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is an “L” shaped 48.2ha lot on the western side of School Road, Sandford. There are 2 large dams on the site and the only structure on the site is an agricultural storage shed.

There is a small area of bushland at the western end of the site connecting to a larger vegetated area on the adjacent land to the south-west. Otherwise, the land is generally open farmland which is used for grazing of cattle.

3.2. The Proposal

The proposal will result in 17 Rural Residential lots, 2 road lots, a trail connection to the existing trail to the northern boundary of the site and a widening of the School Road reservation to enable a trail connection along the western side of the road reservation. The lots will range in size from 2.10ha to 5.41ha.

The first of the proposed new trail lots will provide a valuable improvement in the safety of Tangara Trail users. This is because it provides for a trail adjacent to School Road connecting existing trails at either end of the road; removing the need for users to pass through the road reservation should they wish to move between these 2 trails. The second trail will provide further connectivity between the proposed new road and the existing trail to the east of the application site, again removing the need for users to traverse extensive sections of road when utilising the trails in the area.

The proposal originally included staging which would have seen the eastern lots developed first, prior to the road connection to the adjacent land at Germain Court. However, following advertising of the application and the Resource Management and Planning Appeal Tribunal (RMPAT) mediation into the permit on the adjacent land, the applicant has offered an alternative staging which would result in the road connection to the adjacent land at Germain Court and the associated 5 lots as the first stage of sealing of this permit.

4. PLANNING ASSESSMENT

4.1. Planning Policy Framework [Section 2]

The relevant elements of the Planning Policy Framework are contained in Section 2.2.3 (a) Settlement (iii) – Rural Residential Land Use.

“Objectives

- *To provide rural residential land as part of ensuring attractive housing choices within the City.*

Strategies

- *Designs respond to the local context and will positively contribute to the character and identity of the neighbourhood.*
- *Development incorporates high standards of community safety, accessibility, amenity, energy efficiency and. retention of any native values”.*

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

4.2. General Decision Requirements [Section 3.3.1]

The relevant General Decision Requirements of this part are:

“(a) General requirements:

- (v) The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
- (vii) Any representation made in accordance with Section 43F(5) or Section 57(5) of the Act.*

(f) Subdivision requirements:

- (i) The suitability of the land for subdivision.*
- (ii) The existing use and potential for future development of the land and its surrounds.*
- (iii) The subdivision pattern having regard to the physical characteristics of the land including existing vegetation, natural drainage paths and significant stormwater catchment areas.*
- (iv) The density of the proposed development.*
- (v) The size and shape of each lot in the subdivision.*
- (vi) The design and siting of existing and future buildings.*
- (vii) The availability and provision of utility services”.*

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

4.3. Rural Residential Zone

The purpose of the Rural Residential Zone is to provide for residential use in a rural environment, ensuring that development minimises impacts on adjacent farmland, marine farms or land with important environmental values.

The relevant Use and Development Standards for the Rural Residential Zone are summarised in the table below.

	Required	Provided	Comments
Lot Size	2ha	2.01 – 5.41ha	complies
Lot Dimensions	6m min frontage	6.0m – 329.0m	complies

The existing agricultural shed complies with all other Use and Development Standards for the Rural Residential Zone.

The relevant Decision Requirements of the Rural Residential Zone are as follows.

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

A variety of lot sizes are proposed for both rural residential and public open space purposes. This ensures that existing trail networks are enhanced and that there are a variety of lot sizes to meet varying rural residential user needs.

4.4. Overlays**Vegetation Management**

The purpose of the Vegetation Management Overlay is to protect areas of significant and high value vegetation and bushland habitat, ensuring that development is sited to minimise the loss of native vegetation.

An environmental consultants report demonstrates that all lots are capable of containing a dwelling and all associated bushfire hazard management clearing without disturbing the portions of the site that are covered by the Vegetation Management Overlay.

Subject to Inundation

The purpose of the Subject to Inundation Overlay is to identify areas which may be subject to periodic inundation and to preclude development of these areas that will affect flood flow or be affected by flood water, in order to promote sustainable catchment management.

A very small portion of the site, in the north-western corner, is affected by this overlay. However, it has been demonstrated that both lots which are partially affected by this overlay are capable of being developed outside of the overlay area. As such, the requirements of the overlay are considered to have been satisfied by the proposal.

Development Plan (DPO 19 - Sandford)

The purpose of the Sandford Development Plan is to provide for the consolidation of existing Rural Residential communities, whilst ensuring that the road and trail networks provide a high level of connectivity, safety and amenity for the community.

“PC 4.1 – Roads must be Generally in accordance with the Road Layout Plan in Figure 2, but may be realigned, or additional roads included provided that the objective of this clause is met, including the construction of a road connecting Germain Court to School Road”.

The proposed road to connect Germain Court to School Road has been located as required under the DPO, satisfying the acceptable solution.

“PC 6.1 – Subdivision of the area may be staged, provided that all of the following are satisfied:

- (c) The only subdivision that can occur to the west of the School Road alignment, prior to the construction of the road and trail connections to Germain Court, generally in accordance with Figure 2 is no more than 12 lots, within the hatched portion of Figure 2.*
- (d) Any subdivision to the west of the School Road alignment which includes the land contained in CT 30596/4 must provide for the construction of the road and trail connections to Germain Court, generally in accordance with Figure 2 before the sealing of any non-road lots”.*

As the land at CT-30596/4 and CT-159889/2 has yet to have the road lot developed, in accordance with Performance Criteria PC 6 (c), no lots can be created in the southern portion of this title until such time as the works on the adjacent lot have occurred. However, the DPO does provide for up to 12 lots within the northern portion of the site (shown hatched in Figure 2 of the DPO).

Notwithstanding this, an appeal of the conditions for the permit granted for the adjacent land at CT-30596/4 and CT-159889/2 has identified a reasonable interpretation of the provisions of the DPO. Whilst this appeal has yet to be determined, legal advice indicates that the intention of the Section will be met if the road lot is provided as part of the first stage of sealing. The advice considers that this will not unduly disadvantage either landowner by forcing their reliance upon the financial position of the adjacent landowner. Accordingly a condition is proposed to this effect.

4.5. Public Open Space

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

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

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

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

The proposal plan includes the provision of a trail connection from near the western end of the northern road to the existing trail which spans the northern boundary of the application site.

The proposal also includes a 10m wide strip adjacent to the School Road reservation, to be provided as a trail corridor along the road, improving the safety of trail users by providing increased separation from road users. These trail connections will constitute 2% of the value of the created lots.

In accordance with Council's POS Policy it is considered appropriate to also require a cash contribution for 2% of the value of the created lots (Lots 1 - 16), bringing the POS contribution to a total of 4%. This should be conditioned as part of the permit.

The requiring a cash contribution for 2% of the value of the land will reflect the likely increase demand that future development will place on Council's POS local and regional network and associated facilities through the creation of the 16 additional lots.

4.6. External Referrals

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

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 3 representations were received. The following issues were raised by the representors.

5.1. School Road

Representors are concerned that they believe School Road should be required to be upgraded as part of this application. They feel that the increased traffic volumes anticipated will trigger the need for the upgrade for a number of reasons. These include a need to widen the road and provide road markings to decrease the risk of conflict between residential and commercial (quarry) vehicles, and the need to reduce the dust emissions from the use of the road by these users, and the impacts they have on surrounding residences.

- **Comment**

Due to the increased use of the road, it is proposed to require that the developer provide land for road widening, in addition to the 10m wide strip of land for the trail network.

It is also proposed that the subdivider will be required to provide a headworks contribution toward the upgrading of School Road so that Council may undertake the necessary works to upgrade the road.

This Contribution has been calculated taking into account all potential additional lots that would utilise School Road for access from the original land area rezoned from Rural to Rural Residential under A-2014/1 and now covered by the Sandford Development Plan. The calculation also factors in the amount of School Road requiring construction for each parent development inclusive of all additional lots utilising it for access.

The estimated costs are based on Council's recent contractual experience with similar road construction projects. The condition will also allow any unused amounts to be refunded on a pro-rata basis if the cost of the roadworks turns out to be less than estimated.

5.2. DPO 19

One representor has indicated that they do not believe that the DPO should be read to mean that the road lot between the adjacent land at 69 Germain Court and 110 Prospect Road must be provided prior to the sealing of Lots 12 - 17 on this application, as was the interpretation for a recent approval of subdivision of that land, SD-2015/30.

- **Comment**

The matter of interpretation is currently before the RMPAT. Council has received legal advice as detailed above. As such, it is considered appropriate to condition this permit that it need not rely upon the adjacent landowner in order to gain title for the lots within their subdivision.

5.3. Staging

One representor has requested that the staging of the proposed sealing of the lots be conditioned so that the road lot to connect to 69 Germain Court and 110 Prospect Road be provided as Stage 1, rather than at a later stage as has been proposed.

- **Comment**

This proposition has been put to the applicant, who has agreed to the amended staging and has provided an updated proposal plan to reflect this agreement. As such, a condition should be required detailing the approved staging should a permit be granted.

6. STATE POLICIES AND ACT OBJECTIVES

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

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

7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

Developer contributions are required to comply with Council's Public open Space Policy.

8. CONCLUSION

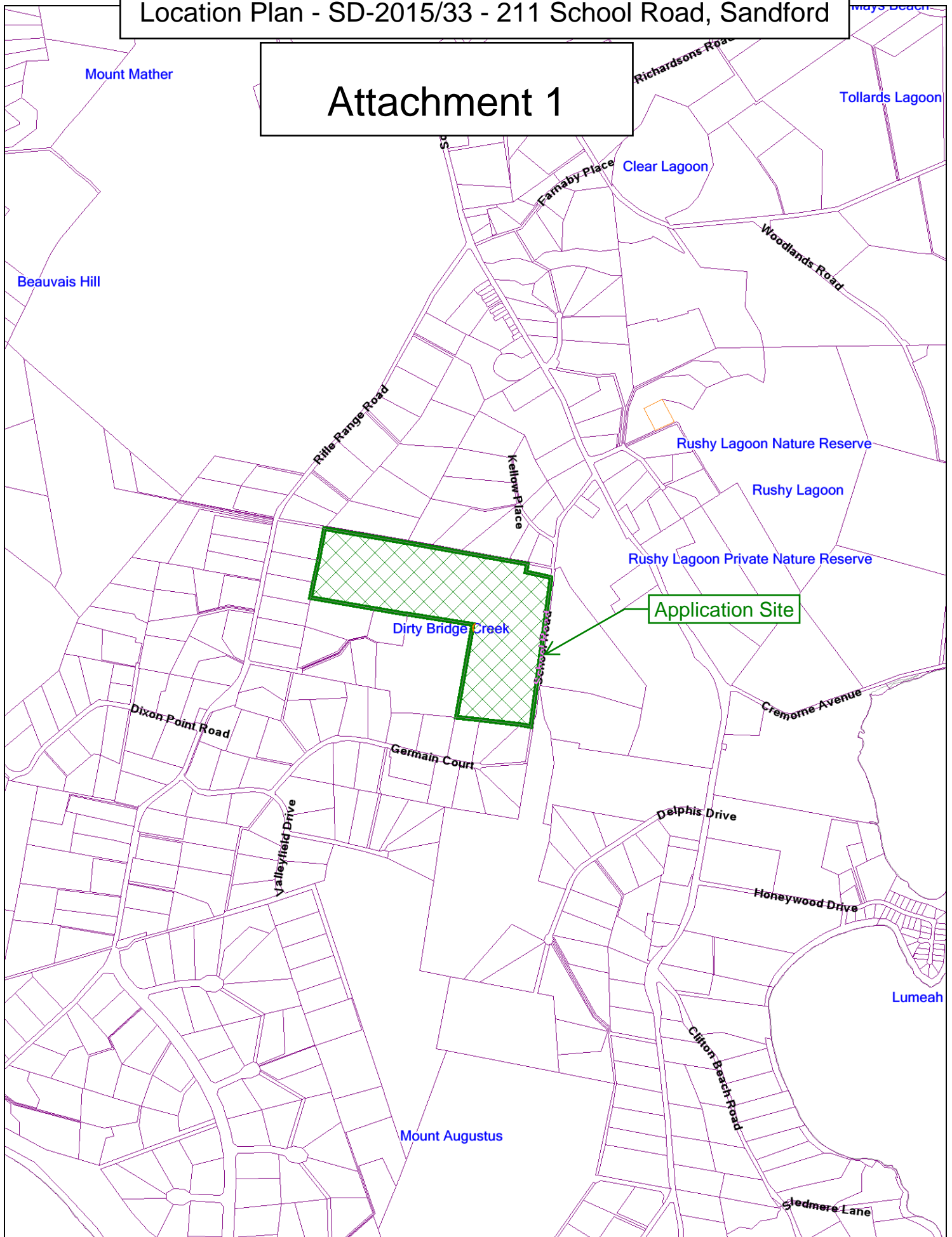
The proposal is for a 16 lot subdivision resulting in 17 rural residential lots, 2 road lots and 2 trail lots. The proposal meets relevant Scheme requirements and is therefore recommended for conditional approval.

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

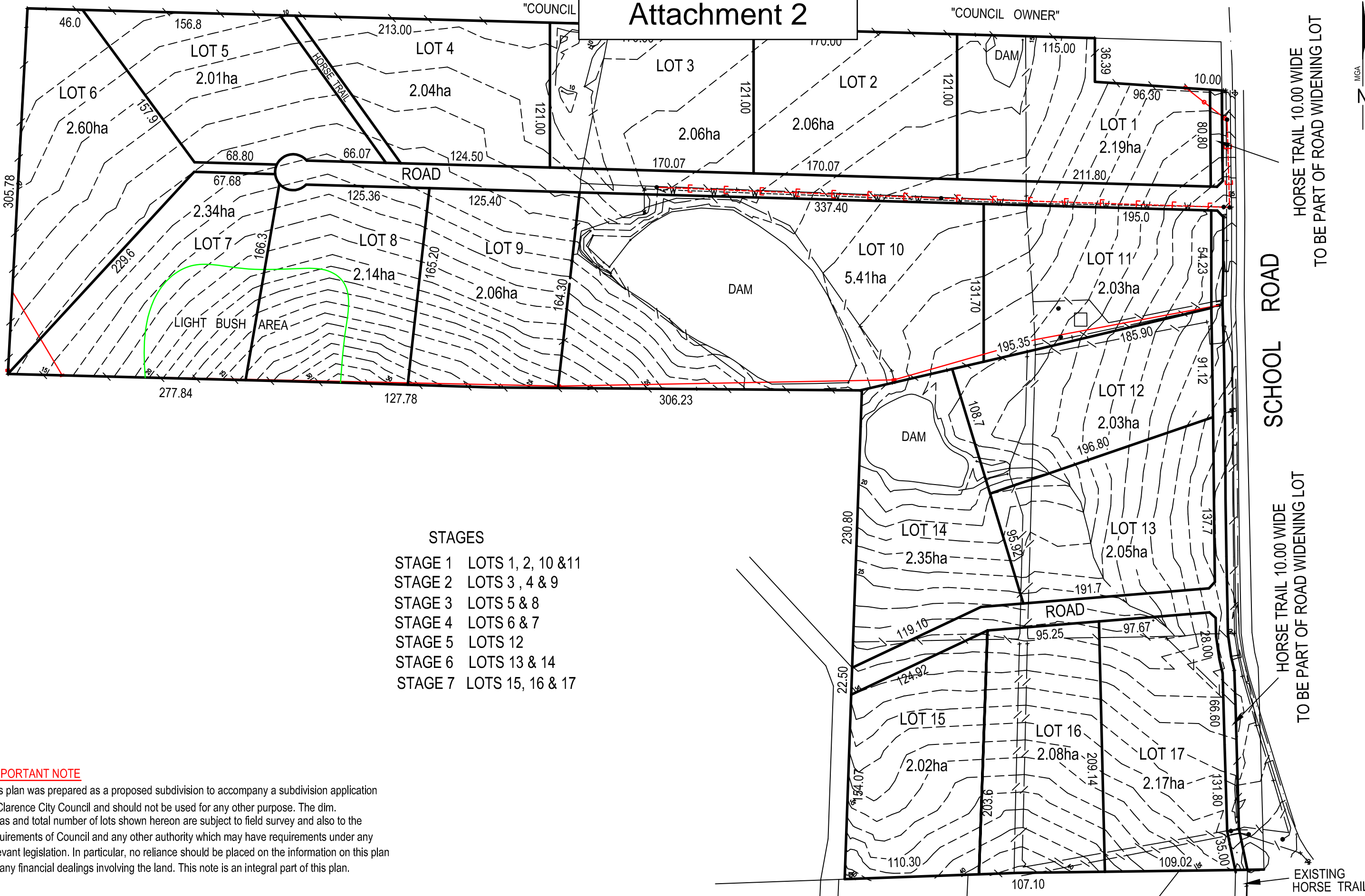
Ross Lovell
MANAGER CITY PLANNING

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

Attachment 1



Attachment 2



STAGES

- STAGE 1 LOTS 1, 2, 10 & 11
- STAGE 2 LOTS 3, 4 & 9
- STAGE 3 LOTS 5 & 8
- STAGE 4 LOTS 6 & 7
- STAGE 5 LOTS 12
- STAGE 6 LOTS 13 & 14
- STAGE 7 LOTS 15, 16 & 17

IMPORTANT NOTE

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

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E nleary@learyandcox.com

Project Name and Address

SCHOOL ROAD
SANDFORD

Drawing Title

PLAN OF SUBDIVISION

S A & A WARD
CT 228249 - 1

Agenda Attachments - 211

Contour Interval

1.00m

Date

17-06-15

Scale

1:3000

FILE No. 7310

7310

SHEET

1 of 1

DATUM

SP.141048

DRAWN

Page 2 of 2

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 PARKING ACTION PLAN FOR BELLERIVE OVAL ENVIRONS**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider an action plan for parking around the Bellerive Oval environs.

RELATION TO EXISTING POLICY/PLANS

Council's adopted parking policy, strategy and action plan is relevant.

LEGISLATIVE REQUIREMENTS

Council has powers under the Local Government (Highways) Act, 1982 to control and regulate parking. Council's Group Manager Asset Management has a delegation from the Transport Commission to approve the installation of parking controls of all the devices described in Australian Standard AS 1742.11, Manual of uniform traffic control devices, Part 11: Parking controls.

CONSULTATION

Letters were sent to all residents in the streets to be affected by the proposed parking restrictions in Derwent, Park, Queen and Church Streets and Cricket Tasmania. Feedback was received from 8 residents and Cricket Tasmania.

Information will be forwarded to residents in these streets prior to any implementation of parking restrictions.

FINANCIAL IMPLICATIONS

The recommendations in this report may be funded from the regular recurrent allocations.

RECOMMENDATION:

- A. That Council adopts the following actions arising from community consultation and parking surveys in the area around Bellerive Oval.

Stage 1 - A balanced mixture of unrestricted and timed parking restrictions in Derwent and Park Streets with:

- unrestricted parking on the Bellerive Oval side of Derwent Street;
- mixture of unrestricted and 2P restricted parking, 9.00am to 5.00pm Monday to Friday, on the western side of Derwent Street from Queen to Church Street and both sides at the eastern (oval) end of Park Street;
- 1P restricted parking for 2 spaces at the western end of the angled parking in Derwent Street; and
- 2P restricted parking, 9.00am to 5.00pm Monday to Friday, in the Bellerive Beach Park western car park of Derwent Street.

Stage 2

In accordance with Stage 1 and extended to include a mixture of unrestricted, 2P and 3P restricted parking, 9.00am to 5.00pm Monday to Friday, in Derwent Street, Park Street, Church Street and Queen Street when these areas reach the regular 85% trigger for day time occupancy.

- B. Council authorises the General Manager to review the management and implementation of a residential parking permit system and report to a future Council Workshop.
- C. The parking restrictions as detailed in “A” above will not apply during any major events held at Bellerive Oval that necessitate the operation of the Bellerive Oval Transport plan, as this plan is implemented in accordance with the Development Permit conditions imposed on Bellerive Oval.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** At its Meeting of 26 September 2011, Council adopted a Parking Policy and Parking Strategy. In part this policy outlines that:

“The service level trigger for the undertaking of a review of the regulatory restrictions and/or parking supply in a parking facility or street is to be a regular peak occupancy level in excess of 85% (outside of the peak Christmas period)”.

- 1.2.** Following completion of the expanded Bellerive Oval, the new facilities included office accommodation for over 100 staff and an expanded capacity for conferences and special events which attract high numbers of visitors for non-sporting events. This has brought with it an increased level of parking demand in the streets adjacent to Bellerive Oval.
- 1.3.** Earlier this year Council received a number of concerns regarding all day parking in the Bellerive residential area. These concerns were that local residents, their family and visitors were finding it extremely difficult to gain convenient on-street parking near their homes in Derwent, Church and Park Streets during business hours.

- 1.4.** The occupancy rates in Derwent Street between Church and Queen Streets and both sides of the eastern end of Park Street during business hours average above the 85% level.
- 1.5.** Council offices investigated these concerns and options of handling this matter were discussed at its Workshop held on 10 August 2015. A range of parking restrictions were proposed to address these concerns by encouraging business hour, all-day parked vehicles to use Council's installed car parking facilities in Beach Street. The agreed actions were to implement 2 hour restrictions in Church, Park and Derwent Streets and 3 hour restrictions in Queen Street from 9.00 am to 5.00 pm Monday to Friday. Queen Street was included in this proposal as was considered likely that parking demand would increase in that street.
- 1.6.** Feedback was received from 4 residents in Church Street and 4 residents in Queen Street advising that their families had a number of cars which required on-street parking. The residents indicated their preference was for all day parking near their street frontage.
- 1.7.** Cricket Tasmania (CT) advised that their preference was for the oval side street frontages in Church and Derwent Streets to remain as unrestricted as these street frontages were not residential. They also raised concerns with the limitations on available parking when other events were staged at the oval that did not require the implementation of the Bellerive Oval Transport Plan (BOTP). CT provided a suggested plan with a voluntary enforcement regime that is Attachment 1. This proposal by CT is not a feasible proposition as it cannot be enforced by Council's Parking Rangers, would give the appearance of favouritism to CT staff and would not cater for casual visitors to the oval for any function or event.
- 1.8.** The feedback received was discussed at a Workshop held on 12 October 2015 and agreed that the matter be considered at Council's Meeting to be held on 26 October 2015.

1.9. This parking action plan is to address parking issues in the environs of Bellerive Oval during:

- business hours; and
- other events at the ground that do not trigger the Bellerive Oval Transport Plan (BOTP).

2. REPORT IN DETAIL

2.1. Any actions undertaken to address parking around Bellerive Oval should be consistent with Council's adopted Parking Policy and Strategy.

2.2. As Derwent Street and the eastern end of Park Street have reached 85% occupancy the option to do nothing is not consistent with Council's Parking Policy.

2.3. The suggested means to address all concerns that have been raised is to introduce a parking action plan in incremental stages. The first stage would provide a mixture of restricted parking spaces and all day spaces in Derwent and Park Streets currently at 85% occupancy, with an unrestricted space available within a short distance from any property. This allows all residents the opportunity to occupy a convenient all day space near their home, or visitors to find a nearby park during week days. The second stage extends Stage 1 to other streets when the regular occupancy reaches 85%.

2.4. In detail the stages are:

Stage 1

- unrestricted parking on the Bellerive Oval side of Derwent Street;
- mixture of unrestricted and 2P restricted parking, 9.00am to 5.00pm Monday to Friday, on the western side of Derwent Street and both sides at the eastern (oval) end of Park Street;
- 1P restricted parking for 2 spaces at the southern end of the angled parking in Derwent Street;

- 2P restricted parking, 9.00am to 5.00pm Monday to Friday, in the Bellerive Beach Park western car park off Derwent Street; and
- this proposal is as shown on the Stage 1 plan as Attachment 2.

Stage 2

As per Stage 1 and extended in Park, Derwent, Church and Queen Streets when these areas reach the regular 85% trigger for day time occupancy.

This proposal is as shown on the Stage 2 plan as Attachment 3.

- 2.5.** The parking restrictions in Stages 1 and 2 do not apply during any major events held at Bellerive Oval that necessitates the operation of the Bellerive Oval Transport Plan, as this plan is implemented in accordance with the Development Permit conditions imposed on Bellerive Oval.

3. CONSULTATION

3.1. Community Consultation

Information will be forwarded to residents and businesses in these streets prior to any implementation of parking restrictions.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

- 4.1.** Council adopted the Parking Policy and Strategy, and Parking Action Plan 2011-2015 in September 2011. Even though some changes have been adopted by Council, the Action Plan is due for review of implementation needs over the next 5 years.

- 4.2.** Council's Parking Policy and Strategy does not consider a residential parking permit system. A review of this option is required so Council can consider whether a framework is to be established to implement such a scheme in an activity centre when demand requires.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

- 6.1.** Council has powers under the Local Government (Highways) Act, 1982 to control and regulate parking. Council's Group Manager Asset Management has a delegation from the Transport Commission to approve the installation of parking controls of all the devices described in Australian Standard AS 1742.11, Manual of uniform traffic control devices, Part 11: Parking controls.
- 6.2.** Recent advice from the State Government's Manager of State Roads has outlined that approval can be obtained for a Residential Parking Permit scheme upon Council presenting a business case for the need to declare a Residential Parking Zone in the area around Bellerive Oval.
- 6.3.** For this a review of Council's Parking Policy and Strategy is required to further consider parking around activity centres and the triggers for implementing a residential parking permit management system.

7. FINANCIAL IMPLICATIONS

The recommendations in the Associated Report may be funded from the regular recurrent allocations.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

- 9.1.** Any actions undertaken to address parking around Bellerive Oval should be consistent with Council's adopted Parking Policy and Strategy.
- 9.2.** The expanded operations of Bellerive Oval have brought with it an increased level of parking demand in the streets adjacent to Bellerive Oval.
- 9.3.** As a consequence, local residents have raised concerns that parking demand has reduced their residential amenity and made it difficult to find convenient on-street parking near their homes during business hours.
- 9.4.** Actions consistent with Council's Parking Policy are suggested to be staged according to the parking demand, in order to address the needs of residents, visitors to the area and users of the Bellerive Oval facilities.

Attachments: 1. Cricket Tasmania Proposal (1)
2. Parking Strategy – Stage 1 (1)
3. Parking Strategy – Stage 2 (1)

Ross Graham

ACTING GROUP MANAGER ASSET MANAGEMENT

Suggested Blundstone Arena Bellerive Parking Solution





OCCUPANCY

STREET	RANGE	AVERAGE
DERWENT	55 - 100%	85%
CHURCH	5 - 40%	19%
BEACH	0 - 96%	4%
BEACH ST CARPARK	0 - 23%	7%

FROM 8 DAYS OF STREET PARKING SURVEY
24 JULY - 6 AUGUST 2015

PROPOSED TIMED PARKING FOR DISCUSSION

LEGEND

- 2 HOUR PARKING
- 1 HOUR PARKING (2 NO. SPACES)



PARKING STRATEGY FOR BELLERIVE OVAL
STAGE ONE
OCTOBER 2015



11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 QUARTERLY REPORT TO 30 SEPTEMBER 2015**

(File No 10/02/05)

EXECUTIVE SUMMARY**PURPOSE**

To consider the General Manager's Quarterly Report covering the period 1 July 2015 to 30 September 2015.

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 2010-2015.

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. The report also provides details of proposed minor changes within the Financial Management section.

RECOMMENDATION:

- A. That the Quarterly Report to 30 September 2015 be received.
- B. That Council amends the 2015-2016 Estimates, consistent with advice contained within the report, as follows:
 - (a) The Black Spot revenue estimate and associated capital project estimates in the Roads program both be reduced by \$50,000.
 - (b) The estimate associated with the Wentworth Park change facility of \$46,000 be transferred from the Communities and People program to the Facilities Management program.

NB: An absolute majority is required for a Decision on this matter.

ASSOCIATED REPORT

The Quarterly Report to 30 September 2015 has been provided under separate cover.

Andrew Paul
GENERAL MANAGER

11.7.2 SOUTHERN TASMANIAN COUNCILS AUTHORITY – REGIONAL WASTE GROUP – COUNCIL REPRESENTATION
(File No 30-08-00)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to enable Council to consider nominating an elected member as a representative on the Southern Tasmanian Councils Authority (STCA) Regional Waste Group.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 in part provides that Council will: *"provide advocacy on behalf of the community and actively engage governments and other organisations in the pursuit of community priorities"*.

LEGISLATIVE REQUIREMENTS

Not Applicable.

CONSULTATION

No consultation has been undertaken.

FINANCIAL IMPLICATIONS

There are no financial implications to be incurred by this appointment.

RECOMMENDATION:

That Council nominates an Alderman as a Council Representative on the Southern Tasmanian Councils Authority (STCA) Regional Waste Group.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The STCA Chair has written to Council outlining the intention of the STCA to establish a Regional Waste Group for Southern Tasmania.
- 1.2.** To develop terms of reference and appropriate governance arrangements for this group the STCA are to establish a Working Group.
- 1.3.** The STCA is now seeking a nominee from each of the Southern Councils to act as a Representative on the Southern Tasmanian Councils Authority (STCA) Regional Waste Group.

2. REPORT IN DETAIL

- 2.1.** The roles and functions of the regional waste group for Southern Tasmania are currently performed by the Southern Waste Strategy Authority (SWSA).
- 2.2.** SWSA has come under pressure in recent years with the Hobart City Council formally withdrawing from SWSA.
- 2.3.** Council considered the on-going operation of SWSA at its Meeting of 20 April 2015 and resolved:

“That in response to the request received from the Board of the Southern Waste Strategy Authority (SWSA) for Council to determine its preferred future option for a southern regional waste group, Council authorises the General Manager to advise the Board of the SWSA that:

- *Council’s preferred option is the Board’s second option. That is: Transfer the operations of the SWSA to STCA and wind SWSA up and transfer remaining moneys to either STCA or current members.*
- *In the event that the majority of member Councils supports the Board’s third option, Clarence Council expresses an interest in being the host Council”.*

- 2.4.** The STCA have endorsed the formation of a Southern Tasmanian Councils Authority (STCA) Regional Waste Group and are seeking a Council Representative for that Group.

3. CONSULTATION

No consultation has been undertaken on this matter.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council’s Strategic Plan 2010-2015 in part provides that Council will:

- provide advocacy on behalf of the community and actively engage governments and other organisations in the pursuit of community priorities.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Not Applicable.

7. FINANCIAL IMPLICATIONS

There are no financial implications to be incurred by this appointment.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. The STCA is seeking a nominee for the Southern Tasmanian Councils Authority (STCA) Regional Waste Group.

9.2. Council has previously resolved to transfer the operations of the SWSA to STCA and wind up SWSA with any remaining moneys being transferred to either the STCA or current SWSA members.

Attachments: 1. Correspondence from STCA (2)

Ross Graham

ACTING GROUP MANAGER ASSET MANAGEMENT



GM (Andrew)
30-08-00
RECEIVED
01 OCT 2015

GPO Box 503E
Hobart Tasmania 7001
mail@stca.tas.gov.au
www.stca.tas.gov.au

23 September 2015

BY: RECORDS

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

Dear Mayor *Doug* **Regional Waste Group**

I write on behalf of the Southern Tasmanian Councils Authority (STCA) regarding the future of the Southern Tasmanian Regional Waste Group.

As you would be aware, currently the roles and responsibilities of the regional waste group in southern Tasmania are performed by Southern Waste Strategy Authority (SWSA).

In recent years SWSA has come under increasing financial strain, which has impacted upon its viability in the future. After receiving correspondence from SWSA, I understand that for the 2015/16 financial year SWSA operations are being jointly hosted by the Clarence and Glenorchy Councils utilising existing reserves to fund the operations and activities of the organisation. The correspondence made clear that operating on reserves was only a temporary arrangement and that discussions with the STCA should take place on a longer-term solution.

The STCA wants to work with members councils and SWSA to find a long term solution which ensures the future of a regional waste body in southern Tasmania. The STCA believes that to maintain a strong regional waste body, an opportunity exists to bring the roles and responsibilities of SWSA into the STCA. There are great synergies between the two organisations, which would help ensure that innovative waste management practices and solutions continued to be developed for southern Tasmania.

Representatives from the STCA recently met with the SWSA Chair, Councillor Alex Green to try facilitate discussions on how best to marry the two organisations together. In particular, participants at the meeting agreed that it was important to maintain a strong regional waste body for southern Tasmania that delivered results for member councils.

The STCA believes that a way forward to help secure the long term sustainability of a regional waste group would be for the roles and responsibilities of SWSA to be contained within the STCA. Waste is an extremely important issue for local government in southern Tasmania and requires the input and support from all member councils to create an effective strategic direction.

Across the region we have a number of Alderman, Councilors and Officers participating as part of the SWSA Board it is important that we utilise this expertise and passion to have the best possible group driving the waste agenda on behalf of local government.

As part of the meeting between SWSA and the STCA a process was identified as a way of moving forward to marry the two organisations. This process was then endorsed by the STCA Board and we are now seeking the support of member councils. The process identified is as follows.

- Member councils be invited to nominate an elected level representative to a Working Group on regional waste
- The working group would come under the auspice of the STCA
- This Working Group would be chaired by Mayor Kerry Vincent from the STCA Board
- An appropriate council officer could also attend the Working Group meetings with the elected level representative
- It was anticipated that there would be strong similarities between its membership and the SWSA Board
- The Working Group would be charged with determining appropriate governance arrangements for a regional waste group contained within the STCA
- Develop Terms of Reference for a Regional Waste Group
- Work in accordance with member councils
- Secretariat support for the Working Group would be provided by the STCA CEO, Brenton West
- Develop a draft budget ready to take over operations from 1 July 2016

I ask that to help facilitate the establishment of the Working Group your council provide a nominee to STCA CEO Brenton West as soon as possible.

The STCA looks forward to working cooperatively with member councils and SWSA to facilitate this process over the coming months. We are confident that this represents the best opportunity to ensure the long-term viability of a regional waste group within southern Tasmania.

Kind regards



Alderman Sue Hickey

Chair

Southern Tasmanian Councils Authority (STCA)

11.7.3 REVIEW OF COUNCIL POLICY - MANAGEMENT OF TREES ON COUNCIL LAND
(File No 12-05-01)**EXECUTIVE SUMMARY****PURPOSE**

To consider the formal adoption of a revised policy in relation to the management of trees on Council land.

RELATION TO EXISTING POLICY/PLANS

Council's existing Management of Trees on Council Land Policy from 13 October 2008 requires amendment. A new draft policy has now been developed for Council's consideration.

LEGISLATIVE REQUIREMENTS

The proposed changes to the Management of Trees on Council Land Policy will reflect the adoption of the Clarence Interim Planning Scheme 2015.

CONSULTATION

No specific public consultation has been undertaken on this matter.

FINANCIAL IMPLICATIONS

There are no financial implications.

RECOMMENDATION:

That Council adopts the policy "Management of Trees on Council Land" dated 26 October 2015.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The existing Management of Trees on Council Land Policy was adopted following community views that Council's tree preservation policy was not meeting public demands and expectations. This policy was adopted by Council at its Meeting of 13 October 2008.
- 1.2.** Council considered a review of the existing policy at a Workshop held on 17 August 2015 and asked that a report be presented to update the existing policy to maintain currency with the Clarence Interim Planning Scheme 2015.

2. REPORT IN DETAIL

- 2.1.** Since its introduction in October 2008, the existing policy has provided an avenue for adjacent property owners to apply to have trees removed to address immediate concerns, installed a risk based decision making process in regards to trees and a framework for the establishment of new plantings.
- 2.2.** The Management of Trees on Council Land Policy has expired and is required to be adopted by Council for continual efficient management of trees on Council land.
- 2.3.** The existing policy provides:
- clear guidelines for officers when assessing applications;
 - assists Council's ability to meet public expectations;
 - provides a formal process for immediate neighbours to provide input into the management of the trees;
 - includes a risk based assessment in the decision making process; and
 - provides for the establishment of new tree plantings with replacements that are of suitable species for the locations throughout the city.
- 2.4.** Council considered the existing Policy at its Workshop held on 17 August 2015 and the following queries were raised.
- The details and numbers of where Council has planted trees over the period since the introduction of the Policy in October 2008.
 - The process undertaken in regard to the assessment of trees in areas other than parks ie road reservations and nature strips.
 - Is Council required to assess the situation with caveat on titles held by Council?
 - Can the Policy be more proactive in terms of how we manage trees and how objections to tree plantings are processed?
- 2.5.** These queries were responded to in a Briefing Report of 4 September 2015, which noted:

- around 101,700 individual plantings of tube stock and advanced trees have been planted across broad locations in our municipality since the introduction of the Policy;
- there are currently no regular programmed and recorded inspections undertaken for trees within road reservations and nature strips across the City. Any concerns raised by the public or seen by Council officers regarding tree condition are followed up by an inspection by a suitably qualified Council Officer or an independent arborist. There are very few claims made to Council resulting from tree damage each year. Due to the number of trees on our land it is seen unfeasible to inspect every tree;
- it is very unlikely that any title held by Council would contain a Covenant dealing with tree preservation; and
- the existing Policy allows Council to maintain the existing trees and deal with any request for tree removals in a positive and consultative manner. Any objections to proposed tree plantings are discussed with the local resident and a co-operative approach is undertaken.

2.6. Minor changes are required to the existing Management of Trees on Council Land Policy to reflect the changes incorporated in the Clarence Interim Planning Scheme 2015. These include the following:

- The policy removal criteria applied only to trees on Council land that are not subject to a “Vegetation Management Overlay” or “Heritage Overlay” under the previous Planning Scheme. The Clarence Interim Planning Scheme 2015 has replaced:
 - “Vegetation Management Overlay” with “Natural Area Assets Code”; and
 - “Heritage Overlay” with “Historics Heritage Code”.
- The Management of Trees on Council Land Policy is to be reviewed after 5 years from adoption.

3. CONSULTATION

3.1. Community Consultation

No consultation has been undertaken. The existing policy and the proposed amended draft policy has inbuilt community input and Council resolution process for tree removal decisions.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The recommendation seeks to modify an existing Policy to reflect necessary changes from the recently adopted Clarence Interim Planning Scheme 2015.

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

9.1. The operation of the existing Policy has been effective and apart from the changes required to reflect the changes in the Planning Scheme, no further changes are required to the existing policy.

- 9.2.** Following its Workshop of 17 August 2015, to consider a new policy for the management of trees on Council land, it is recommended that Council adopts the draft Policy as outlined in this report.

Attachments: 1. Draft Policy – Management of Trees on Council Land 26 October 2015 (8)

Ross Graham

ACTING GROUP MANAGER ASSET MANAGEMENT

Clarence City Council

MANAGEMENT OF TREES ON COUNCIL LAND

Draft Policy

26 October 2015

MANAGEMENT OF TREES ON COUNCIL LAND

A. INTRODUCTION

1. Context

The community generally accepts that street trees are highly desirable and can transform streets into an aesthetically pleasing urban environment.

Nevertheless, quite serious problems can arise if careful thought is not given to both the types of trees selected for street planting and their location.

Trees may become dangerous over time and can pose a risk to personal safety and property depending on their location.

In addition, essential services such as sewerage, public mains and private drains/septic tanks can be blocked by tree roots. Both overhead and underground electricity and water supplies can be interrupted and street infrastructure such as kerbing and footpaths can be damaged.

If trees are not adequately managed this can lead to injury, considerable inconvenience, expense and ill feeling both to property owners and to public utilities.

2. Purpose

This policy is directed at establishing a framework/guide for managing trees planted on Council streets and public land. It will assist in determining acceptable levels of risk through the development of a tree risk management program while recognising and promoting the value of trees in contributing to the amenity of the City.

Council is committed to increasing the number of trees and shade canopy in the urban areas of the City and the forestation, or reforestation, of natural watercourses and forest reserves, and to improving the appearance of the City of Clarence through the maintenance and enhancement of its street and reserve trees. Its vision is that Clarence will have a leafier City that is healthy, sustainable and a place where people want to work, live and play.

Well-developed maintenance programs for public trees are important for maintaining tree health, ensuring that public safety is not compromised, and protecting infrastructure from damage. This policy outlines current directions for the management and maintenance of trees on Council land.

The policy is due for review after 5 years from its adoption by Council.

3. Objectives

Street and reserve trees contribute to the appearance of the City through their aesthetic value by providing identity and character. In addition, trees positively contribute to the City's environment by absorbing heat, providing shade, reducing solar radiation, providing habitat to fauna and flora, utilising storm water runoff, maximising carbon storage and assisting in air purification.

For Council to sustain this contribution, it must plan for and manage all stages of a tree's life from planting through to maintenance and eventual removal and replacement.

The objectives of tree management are to enhance the City's landscape, to maintain a safe and sustainable urban forest, and to conserve the natural environment. This management responsibility involves adopting a systematic approach to reducing the risk for injury to people and damage to property to levels that are considered acceptable in accordance to Council's policies and practices, and includes:

1. Developing and implementing a tree risk management program that, for example, includes such criteria as:
 - Identifying trees that represent a significant consequence if they fail.
 - Ensuring that trees in high use urban areas are regularly inspected for hazards that could pose a risk to public safety.
 - Ensuring that trees are routinely pruned with the aim of protecting public utilities, enhancing public safety and urban amenity, and improving or maintaining tree health and facilitating pedestrian and vehicle movements.
 - Complying with approved fire management strategies and plans.
 - Complying with relevant Australian standards.
2. Establishing an effective maintenance program and arboricultural work practices that address issues relating to risk, health and replacement of trees. The maintenance program may, for example include such criteria as:
 - Identifying trees of significance.
 - Adhering to a replacement tree strategy – planned and reactive.
 - Giving priority in pruning to trees in areas of high public use, such as streets, car parks, shopping centres and picnic areas. This may include carrying out formative pruning of young trees in the first five years following planting, removing or reducing multiple leaders on young trees when they are considered a potential future hazard, pruning trees to avoid interference with power lines, street signs, street lights and other services or removing lower branches up to a height of 3 to 5 metres in order to give clear pedestrian and traffic access and clear sight lines, particularly for vehicles entering and leaving driveways, or approaching intersections.
 - Adhering in pruning to Australian Standards (AS/NZ 4373).

B. PLANNING, PLANTING AND MAINTAINING

Urban Environment

1. Planning

Trees will be selected in accordance with any existing approved street and landscape plans. In the absence of a plan, they are to be consistent with the general tenor of the existing streetscape and comply with the requirements of the tree risk management program.

In particular, trees to be planted on nature strips and trees on public land that are within 15 m of a building or public walkway are to be of a species that:

- provides a shade canopy in summer;
- grows, or can be kept to, a maximum height of 10m;
- are not prone to drop limbs, or interfere with overhead, above or below ground infrastructure; and
- can have a clear trunk to 2.5m when mature.
- are sensitive to maintaining existing significant views from the surrounding area.

In new developments, developers may, at the discretion of Council, be required to ensure that a landscape plan is prepared, implemented and maintained for a period of 3 years in accordance with this policy. A standard planning permit condition will be developed to support this policy. This ensures that formal streetscapes are established as the city grows.

2. Planting

Trees will be planted in accordance with approved arboricultural work practices having regard to maintenance program requirements. Council will be solely responsible for the planting of trees to ensure the agreed objectives are met.

Any requests from the public to plant trees will be considered in the context of this policy and carried out under the direction of Council if members of the public wish to be involved.

3. Maintaining

Tree maintenance will be carried out in accordance with the maintenance program and approved arboricultural work practices. Inspecting trees regularly ensures that structural defects and/or other risk factors are identified and dealt with in a timely and targeted manner.

The pruning, removal and replacement of trees on nature strips and public land will be undertaken by Council. All tree surgery work will be carried out by qualified staff.

When a member of the public is concerned about the safety or health of a particular tree on public land, a site visit is arranged and the tree assessed.

Clearing from private property of vegetation which overhangs footpaths, right of ways etc, is the responsibility of the property owner. If the owner does not undertake the necessary work Council will.

Natural Areas

Natural Area vegetation communities will be managed to conserve and enhance the habitat, conservation, biodiversity and recreational amenity values of those communities, whilst minimising risks.

1. Planning

Trees to be planted in natural areas are to be local provenance seedlings, where possible, as a means of replacing trees when revegetating disturbed natural areas. Any future plan for a natural area will have regard to existing Land Management Plans, approved Fire Management Strategies and local area Activity Plans.

Community input will be sought in the development of plans, particularly from Landcare and Coastcare groups operating on Council land.

2. Planting and Maintaining

Planting and maintenance work will be carried out in accordance with approved plans and approved aboricultural work practices. Volunteers from Landcare and Coastcare groups may be involved in undertaking this work.

C. REMOVAL

This removal policy applies only to trees on Council land that are not subject to a Natural Area Assets Code or Historics Heritage Code under the current Planning Scheme or other statutory obligation. Notwithstanding this provision any tree that constitutes an actual risk to pedestrians and/or vehicular movement will be removed or have necessary remedial work undertaken.

1. Retention and Removal

A strongly conservative policy is adopted towards the removal of live trees on public land. However, healthy trees will be removed if they are an actual risk to public safety or property including infrastructure. Additionally, trees can be removed if they do not conform to an approved streetscape or landscape plan, subject to availability of funds.

Otherwise healthy trees will be considered for removal only if they pose a significant concern to an adjacent property owner. The grounds can include:

- Unsuitability of the tree to the immediate residential area,
- Shading causing solar access issues,

- Maintaining existing significant views from the surrounding area ,
- Perceived risk as raised by adjacent residents,
- Significant nuisance caused by shedding material,

A tree will be removed if it is dead or in irreversible decline unless particular circumstances warrant its retention.

Prior to removal Council will give consideration to whether the:

- tree is listed on the natural heritage register or has historical significance;
- tree is part of a significant native community identified in the Natural Assets Inventory, or under the Rare and Threatened Species Protection Act;
- tree is recognised as part of a heritage site listed under the planning scheme or the Historic Buildings Register;
- tree is recorded as to be retained on a approved Master Streetscape Plan; Landscape Plan, Land Management Plan or a Land/Coast Care Activity Plan;
- tree is required to be retained as part of a development approval;
- provisions of the Planning Scheme prohibit the removal;
- tree is within an area covered by the Regional Forests Agreement;
- tree is located on Land leased by Council, e.g. Crown Land, where the land owner's authority is required; and
- the extent of neighbourhood opposition to the removal of a tree (refer to clause C.2.3 & 4);

Trees will not be removed solely for reasons such as:

- adjacent landowner preference for no street tree or for a different species;
- complaints about appearance (unless these are related to very poor tree health);
- complaints about small quantities of leaf litter or twigs; or
- complaints relating to tree roots protruding above the ground or competing with lawns.

If it is necessary to remove individual living trees from nature strips, regardless of whether the tree was planted by the Council or the adjacent landowner, the adjacent landowner will be consulted as to the reasons why the tree is to be removed. Where a group of trees is to be removed, the level of consultation will be more extensive.

Where the removal of a street tree is necessitated for reasons associated with a redevelopment of a block it will be replaced with a new tree of an appropriate species in a similar location.

2. Process for Removal

Where a request for pruning and/or removal of trees is made and there is an actual risk issue, the tree will be dealt with immediately in accordance with the Council's adopted policy. If the tree is on an imminent future year replacement schedule or does not conform to an approved plan, the availability of funds and the relative priority will determine when the tree is removed.

In other cases, the following process will be undertaken:

1. An application for tree removal is to be made by the adjacent landowner and must cite one or more of the reasons set out in Section C 1 above.
2. The validity of those reasons is to be assessed by Council Officers before any provisional approval or refusal is granted. The assessment, where appropriate, will include a risk analysis.
3. In making that assessment, Council Officers may seek advice from contracted professionals with appropriate expertise (including, where relevant, professional arborists), and are to consult with neighbours and those likely to be affected.
4. Once the assessment is completed, Council Officers will issue a Notice of Intent to Approve or Refuse. The Notice, together with the completed assessment, the advice (if any) obtained from contracted professionals, and with the results of neighbourhood consultation is to be reported in the following Council Weekly Briefing Report.
5. To enable Aldermen, by Motion on Notice, to overturn the Notice of Intent to Approve or Refuse, no tree is to be removed until 4 weeks have elapsed from the publication of the Officers' recommendation in the Weekly Briefing Report.
6. If the Notice of Intent to Approve or Refuse is not overturned by Council within 4 weeks, an approval/refusal will be issued.

D. REPLACEMENT

1. Replacement

Tree replacement is an important part of the maintenance of Clarence's public landscape.

The timely replacement of dead or missing trees in newly developed landscapes, regular replacement of established trees, and replanting programs that follow the removal of ageing trees ensures that the original landscape design intent is not only initially achieved but is also retained for future generations. The community will be informed about the reasons for replacement where appropriate.

2. Ageing trees

Ageing trees in parks and streetscapes are subject to strategic tree replacement programs.

Parks and streets where ageing trees need to be removed and replaced are identified and subject to funding, these sites are included on the annual tree replacement program. This ensures that the original landscape design intent is retained for future generations. The community will be informed about the reasons for removal where appropriate.

3. Routine Tree Replacement

Trees in parks or streets that have been removed for the reasons above or are missing are recorded and routinely replanted in a later planting season. This procedure ensures that the original landscape design intent is retained as plants mature.

Depending on the availability of funding, missing trees are replaced with the same or similar species as originally planted.

11.7.4 CLOSURE OF FOOTWAY 36C KENTON ROAD

(File No K009-36A)

EXECUTIVE SUMMARY**PURPOSE**

For Council to consider whether to proceed with the formal process to close the footway at 36C Kenton Road.

RELATION TO EXISTING POLICY/PLANS

None identified.

LEGISLATIVE REQUIREMENTS

Closure of the footway would be subject to the provision of the Local Government (Highways) Act 1982. Disposal of the land would require separate processes for the Disposal of Public Land; a Petition to Amend the Title; and Subdivision and Adhesion depending on agreement of adjoining property owners.

CONSULTATION

Should Council decide to proceed with the formal process to close the footway, Council must serve notice on each of the owners and occupiers affected, place a notice on-site and publicly advertise its intention to close the footway on 2 occasions. Other processes involving disposal of the land are also subject to separate public notification requirements.

FINANCIAL IMPLICATIONS

There are direct financial costs associated with closure (in advertising, notifications; document preparation, survey and subdivision cost and legal representation at appeals) were Council to pursue all processes involved, however, the cost of these processes is indeterminable. In addition, given the potentially lengthy and involved processes it has significant resource implications.

RECOMMENDATION:

- A That Council proceed with the process for closure of the footway at 36C Kenton Road, Geilston Bay under Section 14 of the Local Government Highways Act, 1982.
- B. That should the closure process be resolved in the affirmative the land:
- not be disposed of due to the costs involved in the associated processes; and
 - be offered for licence to the adjoining landowners for a nominal consideration to resolve on-going maintenance and convenience of use.

CLOSURE OF FOOTWAY 36A KENTON ROAD /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1. At its Meeting of 5 October 2015, Council resolved: *“That the General Manger be requested to prepare a report to Council regarding the possible closure and disposal of the footway at 36c Kenton Road, Geilston Bay”*.
- 1.2. An earlier request was received to close the footway in 2010. A survey of views was undertaken of the adjoining owners at the time with differing views expressed.
- 1.3. The laneway was originally constructed to provide pedestrian access to the land above Kenton Road prior to the extension of Lindhill Avenue.

2. REPORT IN DETAIL

- 2.1. The houses which the footway formerly served now have adequate street footpath routes presenting no significantly greater distances. Therefore the footway it can be readily argued that it is no longer required for its originally intended purpose. It is further noted that some adjoining residents have also raised concerns over privacy and property security.
- 2.2. Closure of the footway and disposal of the land are very involved and time consuming processes and because it involves the private interests of other adjoining landowners it can also extend to rights of appeal.
- 2.3. The closure is subject to the provisions of Section 14 of the Local Government (Highways) Act, 1982. The process requires the following:
 - a formal Council decision to close the footway;
 - notice to be served on each of the owners and occupiers affected;
 - the Transport Commission to be advised of its decision;

- a notice to be displayed in a prominent position at both ends of the footway; and
- a public notice to be placed in “The Mercury” on 2 occasions.

2.4. Following the above process there is a 28 day period for objections to be lodged and any objections need to be referred to the Administrative Appeals Division of the Magistrates Court for determination on either the upholding or authorising of the closure.

2.5. If the closure was successful and Council decided to also proceed with disposal of the footway, then there are a number of protracted public processes that need to be pursued. It would also be dependent on the adjoining landowners being prepared to take on the additional area(s) of land.

2.6. The disposal processes include:

Disposal of Public Land

This process is required under the Local Government Act, 1993 and is subject to public notification; rights of objection; consideration of objections and on appeal final determination by the Resource Management Planning and Appeals Tribunal (RMPAT).

Petition to Amend

This process is necessary to remove the notation of “footway” from the Title. The process falls under the Local Government (Building and Miscellaneous Provisions) Act, 1993 and is subject to public notification of all titled owners on the seal plan of properties that have an interest in the laneway; rights of parties to seek to be heard in objection; consideration of objections in hearings conducted by the Council Petition to Amend Hearings Committee and final determination by Council.

Further Council Consideration on Disposal

Having satisfied the freeing up of a disposable freehold land parcel through the completion of the afore-mentioned public processes, Council would then need to negotiate with the adjoining landowners on the manner in which the land is to be adhered to those properties. A valuation of the land transaction would then be required and based on this a final determination on the sale disposal is then made by Council.

Subdivision and Adhesion

This process would follow the conventional process for planning applications and be subject to representations and appeal to (RMPAT).

- 2.7.** These disposal processes are extensive and complex and are subject to appeal. It is considered that the time, officer resources and costs involved in the disposal of the land would far outweigh the net benefit for Council.
- 2.8.** The clear objective for Council in this matter is for the laneway to be closed assuming that this will satisfy the adjoining residents and that Council does not incur an unnecessary maintenance responsibility for an unutilised parcel of land. This outcome could be achieved by the licensing of the footway land to adjoining property owners rather than undertaking the full disposal processes. This arrangement would be on the basis of a year to year licence at nominal consideration.

3. CONSULTATION**3.1. Community Consultation**

Should Council decide to proceed with the formal process to close the footway, Council must serve notice on each of the owners and occupiers affected, place a notice on-site and publicly advertise its intention to close the footway on 2 occasions. Other processes involving disposal of the land are also subject to separate public notification requirements.

3.2. State/Local Government Protocol

If Council were to decide to close the footway, advice is required to be provided to the Transport Commission.

3.3. Other

Not applicable

4. STRATEGIC PLAN/POLICY IMPLICATIONS

None identified.

5. EXTERNAL IMPACTS

As part of the formal process to close the footway, public notification is required and any objections to the closure are required to be referred to the Administrative Appeals Division of the Magistrates Court. As such the final determination is outside of Council's discretion. Some aspects associated with the disposal processes also are determined within external jurisdictions.

6. RISK AND LEGAL IMPLICATIONS

6.1. The closure is subject to the provisions of Section 14 of the Local Government (Highways) Act, 1982.

6.2. If the closure was successful and Council decided to proceed with disposal of the land it would then have to undertake the statutory processes outlined in the report.

7. FINANCIAL IMPLICATIONS

There are direct financial costs associated with closure (in advertising, notifications; document preparation, survey and subdivision cost and legal representation at appeals) were Council to pursue all processes involved, however, the cost of these processes is indeterminable. In addition, given the potentially lengthy and involved processes it has significant resource implications.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

- 9.1.** The laneway was originally constructed to provide pedestrian access to the land above Kenton Road prior to the extension of Lindhill Avenue.
- 9.2.** Closure of the footway and disposal of the land are very involved and time consuming processes and because it involves the private interests of other adjoining landowners it can also extend to rights of appeal.
- 9.3.** The houses which it formerly served now have adequate street footpath routes and it is considered that the footway is no longer required. It is therefore recommended that Council proceed to formally close the footway.
- 9.4.** Should the footway closure be satisfied and given the extensive and lengthy processes involved in the Disposal of Public Land, Petition to Amend and Subdivision and Adhesion it is proposed that Council consider offering licences to use the land to the adjoining landowners for a nominal consideration.

Attachments: 1. Plan Showing Location of the Footway (1)

Andrew Paul
GENERAL MANAGER



Kenton Road

Fairfield Road

Adina Street

Lindhill Avenue

Greenacres Road

Lindhill Avenue

Lynch Street

11.7.5 LEASE OHA FOOTBALL CLUBROOMS

(File No D028-18A)

EXECUTIVE SUMMARY**PURPOSE**

To consider a further lease agreement with the OHA Football Club for the clubrooms at Geilston Bay.

RELATION TO EXISTING POLICY/PLANS

Council's Leased Facilities Pricing 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 of the OHA Football Club.

FINANCIAL IMPLICATIONS

The recommendation has no direct implications on Council's Annual Plan.

RECOMMENDATION:

- A. That the General Manager be authorised to enter into a new lease with the OHA Football Club for clubrooms at 18 Debomfords Lane, Geilston Bay for a term of 10 years commencing 1 July 2015.
- B. That the rental be assessed in accordance with Council's Leased Facilities Pricing and Term of Lease Policy.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The OHA Football Club's (OHA) current lease for the clubrooms at Geilston Bay expired on 30 June 2015.
- 1.2.** The lease has been extended until 31 October 2015 to enable future lease terms to be negotiated.

1.3. OHA has for a number of years sub-let its clubrooms during the summer months to Montagu Bay Cricket Club (MBCC). The current lease made provision for this arrangement.

1.4. Whilst the future lease with Council is being considered OHA has also reviewed its current situation and longer term viability of the Club. In discussions with the club, it has revealed that for the Club to be sustainable financially they will require access and to operate their clubrooms on an all year round basis.

2. REPORT IN DETAIL

2.1. OHA has leased Council land at 18a Debomfords Lane, Geilston Bay since 1992 and during that time has built and developed its clubrooms on the land in 1993.

2.2. The most recent lease agreement dated 16 December 2010 expired on 30 June 2015 and OHA has requested a further lease of the Council land.

2.3. In accordance with the terms of the lease Council is only responsible for the structural integrity of the clubrooms with OHA responsible for all day to day running costs of the clubrooms and maintenance of the internal fabric of the building, including all fixtures and fittings.

2.4. OHA has, with Council's consent, sub-leased the clubrooms to the Montagu Bay Cricket Club (MBCC) during the cricket season. When Council negotiated the recent lease with OHA it included provisions to recognise this arrangement. This is consistent with Council's overall objective to maximise utilisation of recreational assets.

- 2.5.** OHA for a number of reasons, coinciding with the expiration of the current lease, has reviewed its current situation and has revealed that in order for the Club to maintain its viability as an amateur football club it can no longer operate solely on a seasonal basis, but requires access to their clubrooms all year round.
- 2.6.** Although the club has operated a licensed club premises from the time that it was built, for financial reasons OHA proposes to have use of its clubrooms all year round and will be seeking a full liquor licence for the premises. There is no record of any incidents arising from the Club's licensed activities on Council's file. Any licensing application will need to be submitted to the Licensing Commission for consideration and if issued appropriate conditions will be determined by that jurisdiction. No further planning permit will be required for this purpose.
- 2.7.** The sub-lease arrangement between OHA and MBCC is currently being re-negotiated with a Memorandum of Understanding, which will secure continued access by MBCC to the clubrooms during practice and home games for the cricket season but will also provide OHA access to their clubrooms during the off football season.
- 2.8.** Notwithstanding that the basis of the renegotiations for the arrangements with MBCC is a matter between these parties, it is considered appropriate that Council retain the requirement for OHA to facilitate seasonal co-use of its clubrooms with MBCC, or other sporting clubs, to the extent that can be accommodated. This on-going requirement is considered reasonable given that Council assumes the maintenance responsibilities for the building fabric.
- 2.9.** Although previous lease agreements with OHA have been for a term of 3 plus 3 years, however, it is proposed to enter into a 10 year lease term which is consistent with other leases to provide the Club with secure tenure to assist with their financial commitments.

3. CONSULTATION

3.1. Community Consultation

Not applicable.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

4.1. Within the Social Inclusion of Council's Strategic Plan 2010-2015 there is an Objective: *"To support local communities to build on existing capacity and progress their health and well-being"*.

4.2. The lease will be in accordance with Council's Leased Facilities Pricing and Term of Lease Policy.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

6.1. Leasing of "public land" is to be advertised once only in accordance with Section 177 of the Local Government Act, 1993.

6.2. The lease to OHA was advertised in 2009 and no objections were received and as such this statutory requirement has been satisfied.

7. FINANCIAL IMPLICATIONS

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

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

- 9.1.** It is acknowledged that OHA has through the dedication of its members developed clubrooms structure as well as equipment, fittings and furnishings.
- 9.2.** To maintain and enhance its clubrooms OHA has reviewed its current situation. It is recognised that to ensure financial viability the Club requires access to their clubrooms all year round and not just during the football season.
- 9.3.** The expiration of the lease with Council has prompted OHA to review the sub-lease arrangement with MBCC. Currently both Clubs are in negotiation of a new arrangement, which provides on-going access by MBCC which will include exclusive access for MBCC of the clubrooms for practice days and their home games.
- 9.4.** The new lease will retain requirement for OHA to facilitate use of the premises by MBCC or a similar seasonal based user.
- 9.5.** Council entering into a further lease agreement with OHA is supported.

Attachments: 1. Plan Showing Location (1)

Andrew Paul
GENERAL MANAGER

OHA Clubrooms

ATTACHMENT 1

18 Debomfords Lane, Geilston Bay Lease Plan 2015



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 REPORTS FROM SINGLE AND JOINT AUTHORITIES

13.3 TENDER T1060-15 – ANNUAL RESEAL PROGRAM 2015/2016

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

- contracts and tenders for the supply of goods and services;
- information provided to the council on the condition it is kept confidential;
- applications by Aldermen for a Leave of Absence.

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

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

PROCEDURAL MOTION

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