

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

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

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

COUNCIL MEETING
MONDAY 27 February

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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 6 February 2017, as circulated, be taken as read and confirmed.

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

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

PURPOSE**DATE**

Presentation – IT Project Implementation
Torrens Street, Richmond
Strategic Issues Paper, TasWater

14 February

138 East Derwent Highway
Cultural History Plan
Invitation to Visit Binzhou

20 February

RECOMMENDATION:

That Council notes the workshops conducted.

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

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

6. TABLING OF PETITIONS

(File No 10/03/12)

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

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

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

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

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

Nil.

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil.

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

7.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

8. DEPUTATIONS BY MEMBERS OF THE PUBLIC

(File No 10/03/04)

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

9. MOTIONS ON NOTICE**9.1 NOTICE OF MOTION- ALD MCFARLANE
TASMANIAN CONTAINER DEPOSIT SCHEME**
(File No 10-03-05)

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

- “1. That Council provide in principal support for the establishment of a container deposit scheme (CDS) in Tasmania and lobby the State Government to legislate to introduce such a scheme.
2. That Council seek support with a similar motion at the next 2017 Tasmanian Local Government AGM/State Conference seeking support from all Councils for a CDS and the necessary legislation”.

EXPLANATORY NOTES

It is noted that:

- Tasmania and Victoria are the only Australian states that have not committed to introducing a Container Deposit Scheme;
- that the West Coast Council passed a motion providing in principle support to the establishment of a container deposit scheme in Tasmania and to lobby State Government to legislate for its introduction on 17 January 2017; and
- the Liberal Western Australia and Labor Queensland Governments recently committed to introducing a 10c container refund scheme, and the Liberal New South Wales Government has already tabled legislation;
- Clarence’s beaches and waterways are being polluted with cans and plastic bottles, which make up more than half the plastic found (by volume) on Australian beaches;
- this was highlighted in the current “Bellerive Bluff Land and Coast Care” Newsletter#84, stating that under the “I CAN-WE CAN Project ”over the past 3 years they have recycled 298.5 Kg of cans equating to approximately 18,000 cans; with about 60 cans to the kilo, raising \$136.75; and
- this community group has conveyed this information to the Government hoping it will help advance the move for “Container Legislation”.

A Container Deposit scheme could:

- create new jobs in Tasmania, including for people living with a disability;
- save kerbside recycling costs for Tasmanian Councils each year; and
- benefit young Clarence residents looking for pocket money as well as schools, community groups, sporting clubs and small business enterprises.

In passing this motion the Council acknowledges that:

- a CDS is a state issue that has significant impacts on Tasmania Councils and their ratepayers;
- the State Government present draft legislation to the 2017 Local Government State Conference; and
- Clarence City Council is well placed to add its voice in lobbying for CDS as an on-going Leader in Waste and Recycling Management in Tasmania.

K McFarlane
ALDERMAN

GENERAL MANAGER'S COMMENTS

Council does not have a formally adopted policy in respect to Container Deposit Legislation.

A matter for Council

**9.2 NOTICE OF MOTION – ALD WALKER
RISDON INFRASTRUCTURE**

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

“That Council officers undertake an audit of infrastructure in the Risdon Area”.

EXPLANATORY NOTES

An audit allows for Council to better understand the condition of infrastructure and current, near and long term needs in relation to repair, improvement or replacement.

An audit can be undertaken in a relatively timely manner so as to inform Council through the 2017-2018 budgeting process.

The area to be audited would commence on Saundersons Road where it intersects with East Derwent Highway and includes physical infrastructure such as roads, footpaths and related stormwater infrastructure.

J Walker
ALDERMAN

GENERAL MANAGER’S COMMENTS

A matter for Council.

9.3 NOTICE OF MOTION – ALD JAMES
SD-2008/89 AND COMPLETION OF TORRENS STREET, RICHMOND
(File Nos Sd-2008/89)

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

“That, given recent concerns relating to the completion of Torrens Street, Richmond and the informal correspondence received from the owners of 3 and 9 Torrens Street indicated their satisfaction (conditional in the case of 9 Torrens Street on the undertaking of works to formalise driveway road access) for retaining the cul-de-sac arrangements in Torrens Street, it be noted that:

1. the only mechanism whereby the Council can be asked to reconsider conditions on the Subdivision Permit (SD-2008/89) is for the owners of the land to submit an application for Council as Planning Authority to consider an amendment under Section 56 of the Land Use Planning and Approvals Act 1993;
2. any application submitted for a Section 56 Amendment would need to demonstrate that it met the legislative tests as a minor amendment; and
3. in the event that an application for an amendment to SD-2008/89 is received by Council then:
 - any proposal involving modification, replacement and/or deletion of conditions on the SD-2008/89 Permit; and
 - the consideration to waive the Council’s usual fees;will be matters that will need to be considered by Council as Planning Authority at a meeting in accordance with its obligations under Section 56 of the Land Use Planning and Approvals Act 1993”.

EXPLANATORY NOTES

At its Meeting on 23 February 2009, Council approved a subdivision application SD-2008/89 for a 2 lot subdivision at 3 Torrens Street, Richmond. At the landowners request the permit was amended on 2 July 2009 under Section 56 of LUPAA to introduce staging.

The conditions required the completion of Torrens Street and reflected in Conditions 2 and 5 which state:

- “2. *Amended plans showing the retention of the existing natural watercourse and appropriate realignment of the drainage easement and an extension to Torrens Street to connect the existing cul-de-sacs must be submitted to and approved by Council’s Manager Integrated Assessment prior to the commencement of works. When approved, the plans will form part of the permit.*

5. *The new road must join with existing road construction in a smooth and continuous fashion and extend to the boundaries of the balance lot. Torrens Street must be extended such that the existing 2 cul-de-sacs are joined and a culvert over the existing watercourse be constructed. Engineering designs providing for water flow through the culvert for a 1:20 year flood event must be provided to the satisfaction of Council's Manager Integrated Assessment prior to the Titles being sealed".*

The road works were bonded in accordance with Council policy and lots have now been sealed.

Contrary to the requirements of existing permit, should Council resolve that the 2 ends of Torrens Street should not be joined any amendment to the permit would involve either the deletion or modification of Conditions 2 and 5.

R James
ALDERMAN

GENERAL MANAGER'S COMMENTS

The Council cannot simply waive a permit obligation on the basis of a petition. The Permit in question is still live and a Permit condition requirement to provide public infrastructure is still outstanding. It is a central plank of planning law and process that a Council is obliged to give effect to and require compliance with permits it issues.

The only avenue by which a condition on a valid permit can be modified or dispensed with is by the minor amendment process under the Land Use Planning and Approvals Act 1993. If a minor amendment application is made it is likely to seek relief from the obligation to expend money on the required road link.

A Planning Authority may amend a permit only if it is satisfied of a number of things. Section 56 (2) provides as follows:

- (2) *The planning authority may amend the permit if it is satisfied that the amendment—*
 - (aa) *is not an amendment of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
 - (a) *does not change the effect of a condition or restriction, specified in the permit, that is required, imposed or amended by the Appeal Tribunal; and*
 - (b) *will not cause an increase in detriment to any person; and*

- (c) *does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.*

Relevantly in this case, the Planning Authority must be satisfied that any proposed amendment meets these prescribed tests. If the Planning Authority is not so satisfied it cannot amend the Permit.

10. REPORTS FROM OUTSIDE BODIES

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

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

September Quarterly Report pending.

The Southern Tasmanian Councils Authority has distributed its Quarterly Report for the period 1 October to 31 December 2016 (refer Attachment 1).

RECOMMENDATION:

That the Quarterly Report of the Southern Tasmanian Councils Authority for the Quarter ending 31 December 2016 be received.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

Quarterly Reports

December Quarterly Report pending.

Representative Reporting

- **SOUTHERN WASTE STRATEGY AUTHORITY**

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

Quarterly Reports

September Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

Southern Tasmanian Councils Authority

Quarterly Report to Members

December 2016



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

This report covers the three month period ending 31 December 2016. This report with all previous quarterly reports is published on the Authorities website: www.stca.tas.gov.au

The Southern Tasmanian Councils Authority commenced on 1 July 2006

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Quarterly Report to Member Councils December 2016

REPORT SUMMARY

The Authority held Ordinary Board Meetings on 17 October and 12 December and a special meeting on 14 November. Matters considered at the 12 December meeting included:

1. Tasmanian Flood Recovery Taskforce Presentation

Commander Peter Edwards from the Tasmanian Flood Recovery Taskforce provided a presentation on *transition activities, proposals and arrangements*.

2. STCA Workshops - 31 October and 14 November 2016

The STCA Board members participated in two facilitated workshops to discuss the STCAs future direction.

The Board noted the actions arising from the workshops held on 31 October and 14 November.

3. Future STCA Meeting Reporting Arrangements

It was agreed that updates on key activities concerning STCA member councils (ie. planning, waste, common services) would be provided to future Board meetings.

4. Planning Reform Update

The Chief Executive Officer of the LGAT provided an update in relation to planning reform. The Board noted the Planning Reform update.

5. Waste Strategy South Update

The Chief Executive Officer of the LGAT provided an update in relation to Waste Strategy South.

The Board noted the Waste Strategy South update.

6. Review of the Local Government Act Update

The Chief Executive Officer of the LGAT provided an update in relation to the review of the Local Government Act.

The Board noted the Review of the Local Government update.

7. Structural Reform of Local Government Update

The South East Councils Feasibility Study report has been released. The latest version of the report relating to Clarence /Glenorchy/Hobart/Kingborough is still with the Steering Committee for consideration.

The Board noted the update in relation to Structural Reform.

8. Governance and Audit Committee Update

The Board received a report from the Governance and Audit Committee following the meeting on 5 December 2016 and resolved to note the recommendations.

THE REPORT

1. STCA Workshops - 31 October and 14 November 2016

The STCA Board members participated in two workshops to discuss the STCA's future direction. The summary of the future model for the operation of the STCA and the roles and functions in the short to medium term are noted below. A full summary of the workshops including the discussion, future expectations and arrangements form attachment 1.

Emerging Model

An emerging model is already apparent and functioning across the region effectively displacing the formal organisational design.

The current design that has established itself through member actions are based on some simple design criteria / guiding principles:

- Collaborative 'communities of (self) interest' where members with 'in common' purpose come together to pursue mutually agreed, resourced and funded goals
- These communities of interest form around:
 - Sub-regions: two existing each with 4 members and the metro group re-forming
 - Specific purpose: waste (12); planning; common services (7); Copping; and Tourism
 - The communities of interest are geographically aligned with the State and Federal electoral boundaries as these boundaries enable engagement across the three levels of government
 - The communities of interest are managed on an agreed basis and 'leads' are nominated to champion the cause.
- Members may opt in, opt out and members self-fund
- Projects can be initiated by any member to form a new community of interest
- Geographically 'isolated' councils (such as Huon) may require specific support to obtain access to and support from the sub-groups.

Under the emerging model, the STCA is a "light" entity and the region is driven by the communities of interest.

Roles & Functions

The future functional requirements to be provided by the STCA are:

- A region-wide communication forum (both formal and informal) for Mayors and General Managers
- A "mail-box" for regional contact and redirection to member councils
- A mechanism for any regional activities impacting all members that may be required from time-to-time to be agreed as whole-of-region projects
- An administration / secretariat to co-ordinate and communicate across all member councils (a light touch approach).

2. PLANNING REFORM UPDATE

The Tasmanian Planning Commission (TPC) has completed the formal hearings on the Tasmanian Planning Scheme (TPS) and by the time of this meeting will have provided recommendations to the Minister for Planning. The Minister is highly likely to consult with the Planning Reform Taskforce and State Agencies prior to the “making” of the State Provisions, but beyond this he has not specified the process or timing once he receives the TPCs report.

Once the State Provisions are made then councils will need to commence the development of the Local Provision Schedules. In anticipation of this task the TPC has commenced, on a regional basis, discussions with councils on the updating of each of the Regional Land Use Strategies (RLUSs), as per the correspondence from the Minister (dated 30 September) tabled at the October meeting. This is expected to be a minor housekeeping review and deal with:

- Making any changes where the RLUSs are inconsistent with the State Planning Provisions; and
- Picking up any council strategic work, such as precinct plans, or minor ‘housekeeping’ issues that have been noted since the last update of the RLUSs.

The Executive Commissioner (Greg Alomes) of the TPC has met with a group of southern council general managers Ms and planners to introduce the idea of updating the Southern RLUS. Mr Alomes has recently indicated that he will be re-engaging with the southern councils planning group shortly to discuss how this will be achieved.

The next tranche of the reform package, being Tasmanian Planning Policies and the Major Project Approvals process, is likely to be released for targeted stakeholder consultation (not public) early in 2017, with formal and broader consultation to follow throughout 2017.

3. WASTE STRATEGY SOUTH UPDATE

At the May 2016 Premier's Local Government Council meeting, the State Government advised that they would not be introducing a waste levy. However, there remains a need to collaboratively consider key waste issues strategically from a whole-of-sector basis. There are several opportunities for improvements to waste management and resource recovery in Tasmania, however none of these are feasible without the additional funding that a levy or alternative funding source would provide.

In the absence of a commitment to a waste levy from the State Government, local government (at the Local Government Association of Tasmania (LGAT) July 2016 General Meeting) determined that it was important to commit to an appropriate mechanism to allow for strategic consideration of waste issues across both State and Local Government. The LGAT Waste Reference Group (WRG) was re-established to fulfil this purpose and to provide a statewide forum for discussing waste issues. The WRG consists of representatives from each of the three regional waste authorities and the LGAT Policy Director. The group met for the first time on Friday 11 November. In summary, the meeting included:

- A discussion on the draft Terms of Reference for the LGAT WRG;
- A presentation from the Environmental Protection Agency (EPA) on their current thinking for the proposed process and content for updating the State Waste Strategy, noting the process is still not fully defined. They informed the group that a Waste Levy was currently off the table, but that it was not being ruled out in the future. The “no brainer” issues that the updated State Waste Strategy would address included:
 - CDS,
 - waste tyres,
 - the C-Cell and
 - organics.
- The issues also for consideration included (but were not limited to) asbestos, E-waste, plastics, litter, household hazardous waste, C&D waste, industrial and commercial waste and waste tracking;
- The draft Strategy was expected to be drafted by mid 2017, with a 3 – 5 year time horizon. It was likely to be project and action based in the first instance;
- It was determined that the LGAT WRG would prepare a “statewide waste strategy” from a local government perspective that pulls together the key issues and projects from each of the three regions;
- This document will be used as the sectors main background to inform engagement with the EPA.

Tenders have been called from a select group of consultants to undertake this work, with the successful consultant expected to be engaged prior to Christmas and to provide a draft report by the end of January. This work will be funded jointly by the three regional waste authorities.

Waste Strategy South met on 30th November and received a briefing from the LGAT Policy Director on the WRG and also confirmed it would contribute to the consultancy discussed above, to the value of \$5,000.

4. REVIEW OF THE LOCAL GOVERNMENT ACT UPDATE

Consolidated feedback on proposed recommendations from the sector was fed through the Steering Committee including at their last meeting of 25 August. At that meeting the Steering Committee determined the final recommendations on amendments and other actions for a report to the Minister. This report has since been provided.

At the time of writing, the Minister was still considering the recommendations, with it likely that a report on the consultation outcomes and a communiqué regarding the Minister's decisions on the recommendations released before the end of the year.

It is expected any amendments to the Act will be drafted between November 2016 and March 2017, with the resultant Amendment Bill to be tabled in the autumn sitting of Parliament in May 2017.

Local Government and interested community members will again be consulted on the proposed changes to the Act when the draft Amendment Bill is advertised.

5. STRUCTURAL REFORM OF LOCAL GOVERNMENT UPDATE

At the time of writing, one of the feasibility studies examining voluntary amalgamation in the south of the State has been released, the South-Eastern Councils modelling (Clarence, Sorell, Tasman and Glamorgan Spring Bay Councils).

The other southern feasibility study for the Greater Hobart Councils (Hobart City, Clarence City, Glenorchy City and Kingborough Councils) has been completed in draft but there are concerns in relation to the report, particularly how benefits have been quantified.

The South-Eastern Councils modelling report looked at five options; a resource-sharing arrangement and four amalgamation models. The model which sees the four councils amalgamate into a single South-East council, with a population of 75,500 people, is anticipated to save \$7.6 million a year with around 75 per cent of this in employee costs.

The total one-off cost estimated to complete the merger for that option was \$6.3 million.

The other options considered had the following savings:

- Clarence, Sorell and Tasman \$6.3 million,
- Glamorgan Spring Bay, Sorell and Tasman \$2.5 million.
- Sorell and Tasman \$1.2 million.

The fifth option, retaining the status quo but increasing shared services, would save \$920,000.

Two Memoranda of Understanding to undertake feasibility studies into strategic shared services have been signed with the member councils of the Cradle Coast Authority; and all northern councils.

These studies will identify opportunities for councils to work more collaboratively through enhanced shared services or strategic resource sharing arrangements for the delivery of Local Government services in the North West and Northern regions.

Recently the UTS research on the Kentish/Latrobe resource sharing arrangement was publicly released having found that conservatively over \$900,000 of savings have been delivered over a two year period.

6. GOVERNANCE AND AUDIT COMMITTEE UPDATE

The Board received a report from the Governance and Audit Committee, items discussed included the financial statements and the outcomes of the workshops related to the future direction of the STCA.

In relation to the workshops held to consider the future direction of the STCA the Committee recommendations included:

1. Commend the workshop action arising notes to the STCA Board for consideration at the 12 December 2016 meeting.
2. Give consideration to a public position on the changed arrangements for the STCA.
3. Give consideration to whether a report is required on regional transport issues.

In relation to the financials presented to the meeting it was noted that:

- All subscriptions have been paid for the financial year (\$336 114.12). The subscription includes the STCA fees and Waste fees
- Group expenses are itemised as part of individual expenses (\$147 500)
- Actual expenditure to date is \$48 859
- The budget year to date is \$76 879.17 creating a positive variance of \$28 020.17
- For the 2015/16 year, the STCA achieved a \$33 535 surplus.
- The Committee were advised that all obligations in relation to the former CEO have been met.

A summary of financial performance as at 31 October 2016 follows.

| | Actual | Budget Year to Date | Variance | Budget Total Year |
|---|--------------------|---------------------|------------------|-------------------|
| Revenue | | | | |
| Council subscriptions | 335,834.00 | 336,114.12 | 280.12 | 336,114.12 |
| Stationery rebate | | - | | 6,500.00 |
| Interest on Funds | | - | | 6,000.00 |
| | 335,834.00 | 336,114.12 | 280.12 | 348,614.12 |
| Expenses | | | | |
| Group Expenses (see itemised below) | | | 147,500.00 | |
| Wages | 32,310.00 | 43,666.67 | 11,356.67 | 104,800.00 |
| Labour On-Costs | 6,060.00 | 9,229.17 | 3,169.17 | 22,150.00 |
| Motor Vehicle expenses | 3,064.00 | 4,666.67 | 1,602.67 | 11,200.00 |
| Office rent | 2,666.00 | 1,975.00 | 691.00 | 4,740.00 |
| Telephone | 285.00 | 300.00 | 15.00 | 720.00 |
| Insurance | 903.00 | 958.33 | 55.33 | 2,300.00 |
| Conferences/Events | 727.00 | 375.00 | 352.00 | 900.00 |
| FBT | | 1,416.67 | 1,416.67 | 3,400.00 |
| Website | 1,764.00 | 2,000.00 | 236.00 | 4,800.00 |
| Licences - ICT | 202.00 | | 202.00 | |
| Audit fees | | 2,250.00 | 2,250.00 | 5,400.00 |
| Administrative expenses | 774.00 | 7,500.00 | 6,726.00 | 18,000.00 |
| Meeting expenses | | 583.33 | 583.33 | 1,400.00 |
| Legal expenses | | 833.33 | 833.33 | 2,000.00 |
| Stationery | 104.00 | 291.67 | 187.67 | 700.00 |
| Printing | | 416.67 | 416.67 | 1,000.00 |
| Miscellaneous | | 416.67 | 416.67 | 1,000.00 |
| | 48,859.00\$ | 76,879.17 | 28,020.17 | 332,010.00 |
| Individual Southern Waste Management Strategy Group | | | | |
| School Education Program | | 20,833.33 | 20,833.33 | 50,000.00 |
| Communications/Promotion | | 10,416.67 | 10,416.67 | 25,000.00 |
| Garage Sale Trail | | 6,250.00 | 6,250.00 | 15,000.00 |
| Grants/Sponsorship | | 4,166.67 | 4,166.67 | 10,000.00 |
| Administration costs | | 4,166.67 | 4,166.67 | 10,000.00 |
| Projects | | - | - | |
| Agriculture Hazardous Waste Collection | | 3,125.00 | 3,125.00 | 7,500.00 |
| Household Hazardous Waste Collection | | 3,125.00 | 3,125.00 | 7,500.00 |
| Development of Regional Waste Group Action Plan | | 1,041.67 | 1,041.67 | 2,500.00 |
| Recycling bin contamination stickers | | 2,083.33 | 2,083.33 | 5,000.00 |
| Study/Report into solution for major regional waste issue | | 6,250.00 | 6,250.00 | 15,000.00 |
| | - | 61,458.33 | 61,458.33 | 147,500.00 |
| | 286,975.00 | 259,234.95 | 27,740.05 | 16,604.12 |

The 2015/16 Financial Statements provide:

SOUTHERN TASMANIAN COUNCILS AUTHORITY
STATEMENT OF COMPREHENSIVE INCOME
FOR THE YEAR ENDED 30 JUNE 2016

| | Notes | 2015/16 \$ | 2014/15 \$ |
|---|-------|----------------------|------------------------|
| Revenues | | | |
| Council Contributions | 9 | 196,114 | 186,114 |
| Interest | | 8,559 | 6,892 |
| Grants | 8 | - | 21,480 |
| Commission | | 7,286 | 5,916 |
| | | <u>211,959</u> | <u>220,402</u> |
| Expenses | | | |
| Accounting and HR Services | | (15,751) | (15,549) |
| Audit Fees - Review of the financial report | | (4,820) | (4,720) |
| Conferences & Seminars | | (600) | - |
| Consultancy - Other | | - | (35,954) |
| Depreciation | 6 | (1,369) | - |
| Employee costs | | (119,313) | (123,044) |
| External Labour | | (2,245) | (11,305) |
| Fringe Benefits Tax | | (5,389) | (5,010) |
| Insurance | | (396) | (799) |
| Meeting expenses | | (2,681) | (2,208) |
| Miscellaneous | | - | (195) |
| Office Rent | | (5,722) | (5,280) |
| Printing and Stationery | | (375) | (2,025) |
| Sub-contractor Charges | | - | (150) |
| Subscriptions | | (35) | - |
| Telephone | | (1,137) | (1,122) |
| Training | | (745) | (3,945) |
| Travel | | - | (3,894) |
| Vehicle Expenses | | (14,041) | (15,244) |
| Website Maintenance | | (3,805) | (5,897) |
| | | <u>(178,424)</u> | <u>(236,341)</u> |
| Surplus/(Deficit) for year | | 33,535 | (15,939) |
| Other Comprehensive Income | | - | - |
| Comprehensive Result | | <u>33,535</u> | <u>(15,939)</u> |

This statement should be read in conjunction with the accompanying notes.

SOUTHERN TASMANIAN COUNCILS AUTHORITY
STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE 2016

| | <u>Notes</u> | 2015/16 \$ | 2014/15 \$ |
|------------------------|--------------|-----------------|-----------------|
| Assets | | | |
| <i>Current</i> | | | |
| Cash | 4 | 241,905 | 220,409 |
| Receivables | 5 | 10,012 | 8,755 |
| | | <u>251,917</u> | <u>229,164</u> |
| <i>Non-Current</i> | | | |
| Plant and Equipment :- | 6 | 3,112 | 0 |
| | | <u>255,029</u> | <u>229,164</u> |
| Total Assets | | | |
| Liabilities | | | |
| <i>Current</i> | | | |
| Payables | | (2,291) | (6,203) |
| Employee Benefits | | (14,203) | (17,961) |
| Total Liabilities | | <u>(16,494)</u> | <u>(24,164)</u> |
| Net Assets | | <u>238,535</u> | <u>205,000</u> |
| Equity | | | |
| Accumulated surplus | | 238,535 | 205,000 |
| Total Equity | | <u>238,535</u> | <u>205,000</u> |

This statement should be read in conjunction with the accompanying notes.

SOUTHERN TASMANIAN COUNCILS AUTHORITY
STATEMENT OF CHANGES IN EQUITY
FOR THE YEAR ENDED 30 JUNE 2016

| | 2015/16 \$ | 2014/15 \$ |
|----------------------|----------------|----------------|
| Accumulated Surplus | 205,000 | 220,939 |
| Comprehensive Result | 33,535 | (15,939) |
| Closing Equity | <u>238,535</u> | <u>205,000</u> |

This statement should be read in conjunction with the accompanying notes.

SOUTHERN TASMANIAN COUNCILS AUTHORITY**STATEMENT OF CASH FLOWS****FOR THE YEAR ENDED 30 JUNE 2016**

| | 2015/16 | 2014/15 |
|---|-----------------------|-----------------------|
| | \$ | \$ |
| <u>Cash Inflows from Operating Activities</u> | | |
| Council Contributions | 215,725 | 200,973 |
| Interest | 8,559 | 6,892 |
| Grants | - | 23,628 |
| Commission | 6,508 | 13,468 |
| GST receipts | 4,085 | (6,507) |
| Other | - | 11,929 |
| | <u>234,877</u> | <u>250,383</u> |
| <u>Cash Outflows from Operating Activities</u> | | |
| Accounting and HR Services | (17,326) | (17,104) |
| Audit Fees | (5,302) | (5,192) |
| Conferences & Seminars | (660) | - |
| Consultancy - Other | - | (39,549) |
| Insurance | (432) | (876) |
| Meeting Expenses | (2,949) | (2,429) |
| Miscellaneous | 1 | 3,817 |
| Office Rent | (6,657) | (5,445) |
| Printing and Stationery | (412) | (2,228) |
| Employee Costs | (123,186) | (115,785) |
| External labour | (6,485) | (12,435) |
| Fringe Benefits Tax | (5,389) | (5,010) |
| GST payments | (18,726) | (18,267) |
| Payroll Tax | - | (653) |
| Sub-contractor Charges | - | (165) |
| Subscriptions | (38) | - |
| Telephone | (1,251) | (1,234) |
| Training | (770) | (4,033) |
| Travel | - | (4,073) |
| Vehicle Expenses | (15,011) | (16,606) |
| Website Development | (4,306) | (5,497) |
| | <u>(208,899)</u> | <u>(252,764)</u> |
| Net Cash (Used in) Operating Activities | 25,978 | (2,381) |
| <u>Cash Outflows from Investing Activities</u> | | |
| Plant and Equipment | (4,482) | - |
| | <u>(4,482)</u> | <u>-</u> |
| Net Cash (Used in) Investing Activities | (4,482) | - |
| Net Increase (Decrease) in cash held | 21,496 | (2,381) |
| Cash Held at the Beginning of the Year | 220,409 | 222,790 |
| Cash held at the End of the Year | <u>241,905</u> | <u>220,409</u> |

This statement should be read in conjunction with the accompanying notes.



STCA 'FUTURE DIRECTIONS' WORKSHOPS
ACTIONS ARISING

Dates Monday 31st October 2016 &
Monday 14th November 2016

Attendance

Lord Mayor & Mayors

General Managers

Facilitator - Greg Hudson

Purpose

Following the resignation of the CEO, the purpose of the workshop is to consider:

- Current context for a decision about the STCA
- Key issues facing the STCA
- The future direction of the STCA.

Outcomes

The key outcomes from the workshop will be resolution of the short and mid term role and activities of the STCA.

Actions Arising

Current Context

Key points discussed:

1. Relevance: the relevance of STCA since its inception has declined
2. Value for money: the benefit for members is now low or non-existent
3. “Lowest Common Denominator”: it has devolved to a default position of no conflict and only able to act in concert
4. Projects: It has delivered some projects over time of varying value
5. Funding: it has under-performed in attracting State and Federal funding
6. Infrastructure priorities: it has been unable to establish across members a region-wide set of priorities for infrastructure or economic development.

Objectives

When STCA was established, the key objectives were:

- Attract Federal regional funding (agreed score: 2/10)
- Act as a co-ordinating regional body (NA)
- Project a regional “voice” (agreed score: 2/10)
- Establish regional infrastructure priorities (agreed score: 3-4/10).

STCA’s performance over the past 10 years delivering against its objectives at just 27% is considered unacceptable.

The Emerging Model

An emerging model is already apparent and functioning across the region effectively displacing the formal organisational design.

The current design that has established itself through member actions are based on some simple design criteria / guiding principles:

- Collaborative ‘communities of (self) interest’ where members with ‘in common’ purpose come together to pursue mutually agreed, resourced and funded goals



- These communities of interest form around:
 - Sub-regions: two existing each with 4 members and the metro group re-forming
 - Specific purpose: waste (12); planning; common services (7); Copping; and Tourism
 - The Communities of interest are geographically aligned with the State and Federal electoral boundaries as these boundaries enable engagement across the three levels of government
 - The communities of interest are managed on an agreed basis and 'leads' are nominated to champion the cause.
- Members may opt in, opt out and members self-fund
- Projects can be initiated by any member to form a new community of interest
- Geographically 'isolated' councils (such as Huon) may require specific support to obtain access to and support from the sub-groups.

Under the emerging model, the STCA is a "light" entity and the region is driven by the communities of interest.

Future Expectations & Arrangements

Budget

In light of the current context and performance, the current model is not considered to justify continuation or funding at previous levels.

Whilst specific discussion occurred about reducing the annual budget to \$10k up to \$50k, there was no fixed determined.

The agreed position is:

- For the remainder of the 2016-17 Financial Year, the monies allocated to STCA will continue to be managed by HCC on behalf of STCA
- Monies for administration and 'secretariat' functions will be arranged and provided by HCC from 1st January 2017 (when the existing interim arrangement with LGAT terminates on 31st December 2016). Monies will be spent on an 'as needs' basis, approved by the GM HCC and reported to the STCA to provide the necessary level of support. HCC will recommend future administration / secretariat funding levels and possible arrangements at the February 2017 STCA meeting
- Monies for STCA Projects (whole of region involving all councils) would be approved by the STCA and funds allocated from existing STCA funds



- Funding for the 2017-18 budget year will be the subject of further decision at the February STCA meeting.

Roles & Functions

The future functional requirements to be provided by the STCA are:

- A region-wide communication forum (both formal and informal) for Mayors and General Managers
- A “mail-box” for regional contact and redirection to member councils
- A mechanism for any regional activities impacting all members that may be required from time-to-time to be agreed as whole-of-region projects
- An administration / secretariat to co-ordinate and communicate across all member councils (a light touch approach)

Regional Projects

- Each whole-of-region project is to be agreed / approved and funded from the STCA Levy – if it is not agreed, then the proposed project devolves to the sub-groups to be considered
- A project proposal supported by a project plan (including timing, resources, funding, related activities and outcomes) is to be submitted to the proponent council
- A standard project proposal template is to be developed
- Possible whole-of-region projects may include
 - State Election
 - Regional priorities
 - Infrastructure
 - Amalgamations
 - Climate change
 - Public transport

Reporting by Sub-Groups at STCA Meetings

- Geographic
 - SERDA
 - South-Central
 - Metropolitan Hobart (forming)
- Sub-groups
 - Waste



- Planning
- Common services
- Copping
- Tourism

Governance

- A Standing Agenda to comprise
 - Update from sub-region groups
 - “Round table” for the exchange of emerging issues and ideas – and prioritisation
 - Topics seeking new sub-region support / funding
 - Media positions and statements
- Frequency of meetings to be quarterly at least 3 – 4 weeks prior to the LGAT meetings
- Composition to comprise
 - Mayors and the respective GMs
 - Chair to determine structure of meeting, invited guests and agenda contents

Legal Review

- GM HCC to arrange a review of the current STCA Constitution to determine if the proposed changes to the operation of the STCA can be accommodated within the current Constitution and if not, what would be the minimum level of changes.

Actions Arising

Members are to consider the workshop outputs.

Next Meeting

February 2017

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

Nil.

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 6, 13 and 20 February 2017 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 6, 13 and 20 February 2017 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**11.2.1 PETITION – PLANNED CONNECTION OF 2 TORRENS STREET CUL-DE-SACS – TORRENS STREET RICHMOND**

(File Nos T034; 10-03-12)

EXECUTIVE SUMMARY**PURPOSE**

To consider the petition tabled at Council's Meeting of 16 January 2017, requesting Council stop the planned through road in Torrens Street, Richmond, which would occur by connecting the 2 existing Torrens Street cul-de-sacs.

RELATION TO EXISTING POLICY/PLANS

Not applicable.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

Consultation was undertaken in accordance with statutory requirements as part of planning application SD-2009-89 and there were 2 representations received.

FINANCIAL IMPLICATIONS

There will potentially be some minor funding implication for Council which will be funded out of savings from the current stormwater and roads program.

RECOMMENDATION:

- A. That Council notes the intent of the petition.
- B. That given Council has previously determined the requirement to connect Torrens Street on a planning permit condition, as the Planning Authority, there is now no capacity to review the decision as the subdivision has been actioned, therefore no further action is required on the petition.
- C. That Council authorises the General Manager to write to the petitioners acknowledging their concerns and the reasons for no further action on this petition.

PETITION – PLANNED CONNECTION OF TWO TORRENS STREET CUL-DE-SACS – TORRENS STREET RICHMOND /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council approved a planning permit, with condition, to subdivide 3 Torrens Street to create an additional 2 lots on 23 February 2009 (SD-2008/89). This permit required the connection of Torrens Street across the frontage of the development.
- 1.2.** In July 2009, a minor amendment was approved to enable the subdivision to proceed in 2 stages.
- 1.3.** Council received a petition on 31 August 2009 to halt the planned road connection of Torrens Street until public consultation had been carried out. Council, at its Meeting of 21 September 2009 resolved:
 - “A. That Council notes the intent of the petition.*
 - B. That given that Council has previously determined the subdivision application and that there is now no capacity to review the decision, no further action is required on the petition.*
 - C. That the sealing of Torrens Street, Richmond be considered in the next budget”.*
- 1.4.** Stage 1 was completed with titles being issued in March 2010, and with the final titles being issued in June 2016.
- 1.5.** The issuing of titles for the final stage was facilitated by the developer submitting a bond to complete all outstanding works, as required by the planning permit, which includes the road works to connect the 2 sections of Torrens Street.

2. REPORT IN DETAIL

2.1. A petition with 236 signatures was tabled at Council's Meeting held on Monday, 16 January 2017 requesting:

“We the undersigned, petition the Mayor and Aldermen of the City of Clarence to:

Stop the planned through road in Torrens Street, Richmond, which would occur by connecting the two existing Torrens St cul-de-sacs. The planned connection should not go ahead because:

1. *Council did not undertake any public consultation regarding the road connection.*
2. *The planned through road would include a blind crest where school children may not be seen by drivers. The through road will increase volume and complexity of traffic at the already busy Richmond Primary School intersection of Torrens St, Henry St and Commercial Rd, creating a safety hazard for vulnerable road users including the hundreds of school children that frequent the area daily.*
3. *It will effectively create a dam as the road surface of a connected Torrens St would be 100mm higher than Bathurst St upstream, potentially contributing to flooding risk in the area as compared to the current natural, open watercourse arrangement.*
4. *The planned road connection is unnecessary for the subdivision development for which it is noted as a permit condition. The proposed lots of the subdivision already have access from the existing cul-de-sacs.*
5. *The road connection will damage the amenity of the local area that is greatly valued by residents of the street.*
6. *Based on past experience, there is a likelihood that the roadworks necessary in constructing the through road could cause structural damage to heritage-listed 19th century buildings in the street.*
7. *The majority of the costs of the road connection works, culverts and associated signage and street updates would be borne by council and therefore by ratepayers. As the road connection is unnecessary and unwanted this represents an unreasonable waste of public money.*

Any of these listed issues on their own should be enough reason to review the planned connection. Together they provide ample justification for the road connection to be stopped. We ask the Mayor and Aldermen of Clarence City Council to use their discretion to not enforce the permit condition requiring the road connection; or vary the permit to omit the road connection condition; or, by any other means within their power, stop the connection of the Torrens Street cul-de-sacs”.

2.2. The petition provided a list of issues suggesting the planned connection be reviewed. The following comments address the issues raised:

1. No public consultation.
 - The subdivision application was advertised in accordance with statutory requirements and 2 presentations were received during the advertising period. No appeals resulted in the issuing of the planning permit SD-2008/89.
 - The connection of Torrens Street was not shown on the subdivision plan, however, it was required as part of the subdivision approval to improve access to the proposed and existing lots. Accordingly, at the time the subdivision was advertised the community was not aware that Torrens Street would be connected.
2. Increased safety hazard to vulnerable road users.
 - A recent Road Safety Audit Report completed by Ardill Payne & Partners (commissioned by the Richmond Primary School Association and provided to Council) was the result of a desktop analysis to identify potential road safety issues of the designed through road.
 - The report recommends appropriate mitigation methods associated with the connection. The recommended mitigations to improve road safety associated with proposed works will be considered for implementation when Council’s Traffic Engineers finalise their risk assessment, at the commencement of the construction phase.

3. Potential contribution to flooding risk.
 - A review of the requirements for the construction works to provide a 1% Annual Exceedance Period (AEP) has recently been undertaken as part of the upstream works within the waterway. Council has undertaken a redesign of the culvert requirement and will contribute to the cost increases associated with upsizing the crossing cross section. There will be no increased flood risk.
4. Road connection is unnecessary.
 - It is desirable to have road interconnections within urban areas to provide ease of passage for residence and emergency services. This is consistent with the existing road grid layout in Richmond.
5. The connection will damage the amenity of the local area.
 - A through road environment will reduce the amenity of a cul-de-sac residential street but there are other interconnection advantages associated with through roads.
6. Likelihood of structural damage to heritage building.
 - There are no proposed road works associated with the intersection of Torrens and Blair Street. No heritage structure will be in close proximity to the works.
7. The majority of costs for construction to be borne by Council.
 - The developer is required to fund all works associated with the development, but Council will contribute to the upsizing of the culvert and extending a short section of sealed road (extending the sealed section to the culvert). This is consistent with other recent stormwater upgrade works Council has undertaken to the respective water course.

- 2.3.** The petition also requests the Council not to enforce the permit condition or to vary the permit to omit the connection. Recent legal advice to Council suggests that not enforcing a permit condition would expose Council to penalties, and if challenged, Council would then be required to complete the works at their expense. The permit has been actioned and completed and therefore there is no option for variation.

3. CONSULTATION

3.1. Community Consultation

The subdivision application was advertised in accordance with statutory requirements and 2 representations were received during the advertised period. The connection of Torrens Street was not shown in the subdivision plan but a requirement as part of the subdivision approval to provide interconnection consistent to other roads in Richmond. At the time the subdivision was advertised the community was not aware that Torrens Street would be connected. There were no appeals resulting in the issuing of the planning permit SD-2008/89.

3.2 State/Local Government Protocol

Not applicable.

3.3. Other

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Not applicable.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

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

- 6.2.** If Council's persuasion or actions was used in such a manner that the Subdivision Conditions were not to occur, Council runs the risk of being challenged by an external party and the matter taken to the Tribunal for determination, where upon Council could be penalised substantial fines.

7. FINANCE

There will potentially be some minor funding implication for Council, which will be funded out of savings from the current stormwater program with the extension of the sealed surface of Torrens Street being funded from saving from the roads program.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

Council approved a subdivision application for a 2 lot subdivision at 3 Torrens Street, Richmond, at its Meeting on 23 February 2009 subject to conditions, one of which was the construction of an unsealed road across the frontage in Torrens Street. As Council has previously determined on the matter, no further action is required.

Attachments: Nil.

Ross Graham

ACTING GROUP MANAGER ASSET MANAGEMENT

11.2.2 PETITION – ACCESS ISSUE SURROUNDING FREEMASONS' HOME

(File Nos 10-03-12)

EXECUTIVE SUMMARY**PURPOSE**

To consider the petition tabled at Council's Meeting of 16 January 2016 requesting that Council upgrade accesses surrounding the Freemasons' Home in Lindisfarne.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 and Access Plan 2014-2018 are relevant.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

No consultation has been undertaken with the local community in regards to the upgrade of the footpaths.

FINANCIAL IMPLICATIONS

No funds have been allocated within the 2016/2017 Annual Plan to upgrade footpaths surrounding the Freemasons' Home in Lindisfarne other than through the footpath renewal allocation.

RECOMMENDATION:

- A. That Council notes the intent of the petition.
- B. That Council authorises the General Manager to write to the Petitioners acknowledging their concerns and advising:
 - Council Officers will liaise with property owners nearby the Freemasons' Homes to trim/remove vegetation to be clear of footpaths;
 - Council Officers will liaise with utility service providers to rectify the defects on the footpath created during the installation of such nearby services, and to improve the alignment of pits/surrounds to the adjacent footpath;
 - Council considers footpath upgrades in align with its Asset Management Plan through the annual budget process; and
 - Council Officers will advise Council's DDA Access Committee to include the consideration of DDA access ramps at select road intersections near Simmons Park, with its priorities of improving pedestrian accessibility in the municipality.

PETITION – ACCESS ISSUE SURROUNDING FREEMASONS' HOME /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1** A petition signed by 130 signatures was tabled at Council's Meeting held on Monday, 16 January 2016 requesting: *"A improve footpath access surrounding the Freemasons' Homes in Lindisfarne"*.
- 1.2** A copy of the covering letter and background information of the Petitioners issues with the footpath is attached. The background information explains the Petitioners concerns with the existing footpaths and constraints for aged users to use the surrounding facilities.

2. REPORT IN DETAIL

- 2.1.** The Freemasons' Home and the surrounding facilities are located within the existing settlement of Lindisfarne.
- 2.2.** Like many suburbs in Clarence, the footpaths in Lindisfarne were originally built to align with the existing road geometry and property accesses. The difference in level from the kerb and property boundary has resulted in some locations having limited footpath width. It also contributes to some footpaths having varying grades.
- 2.3.** A number of underground and overhead utility services also limits the available road reserve width, thus creating great difficulty in upgrading the infrastructure and making retrofitting works costly.
- 2.4.** A recent inspection of the footpaths around the Freemasons' Homes has found the surface quality and condition to be varied but not untypical of that in Lindisfarne and other suburbs. The footpaths are within Council's level of service and are due for minor remediation work through the footpath rectification program, when the crew next services the Lindisfarne area.

- 2.5.** Some small areas of the footpaths have been affected by the work of utility companies and Council's Officers will liaise with the utility service providers to rectify these defects.
- 2.6.** A recent inspection of the footpath on Ballawinnie Road found a number of vegetation obstructions into the footpath. Property owners have been contacted for the vegetation to be cut back/removed to improve the available space; as well as Council's crew will attend to some areas.
- 2.7.** It is understood from the Petitioners information the consistency and condition of the footpaths does not meet the users' expectations. A complete upgrade of the footpaths is required to achieve this.
- 2.8.** There are no capital funds in the 2016/2017 Annual Plan to undertake complete footpath upgrade works in the surrounds of the Freemans Homes. Council considers infrastructure upgrades through its priorities in the Asset Management Plan and the annual budget process. A proposal to upgrade the footpaths to the nearby small shopping centre and Simmons Park may be considered by Council in future budget processes, however, any proposed upgrade works are considered in priority with the other demands on Council infrastructure.
- 2.9.** It is noted Council installs additional access ramps at road intersections at various locations in the Municipality as recommended by Council's DDA Access Committee, through an annual program to improve accessibility to all users.

Access ramps are proposed for the intersections near Simmons Park to align with possible future upgrade to the Park's car park infrastructure, to cater for the demand in the area.

- 2.10.** In relation to the East Derwent Highway, the road is the responsibility of the Department of State Growth (DSG) while the maintenance of the footpath is Council's responsibility. The limited road reserve width along the highway and its function to provide arterial link limits any possibility of the footpath encroaching into the road carriageway in order to provide any widening.
- 2.11.** Multiple residential and commercial properties also access East Derwent Highway and the on-street parking is important to the safety and amenity of the area; thus also making the widening of the footpath impractical.
- 2.12.** The pits and surrounds belonging to some utility service providers along East Derwent Highway could be improved to align better with the footpaths. Council Officers will liaise with the utility companies to encourage improvements.

3. CONSULTATION

3.1. Community Consultation

No broader consultation has been undertaken with the local community in regards to the upgrade of the footpath surrounding the Freemasons' Home; however, some properties have been consulted about the trimming/removal of vegetation and trees outside their properties.

3.2. State/Local Government Protocol

Nil.

3.3. Other

The Management of Freemasons' Home has also contacted Council Aldermen and the issue responded via an Alderman's Request.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

- 4.1.** Council's Strategic Plan 2016-2026 within the Goal Area "A well-planned liveable city", contains the following Roads And Transport Strategy to: *"Provide and prioritise a safe, reliable and accessible pedestrian network".*

4.2. Council's Access Plan 2014-18 acknowledges the Aim of the Access Plan as:

“The aim of the Plan is for Council to provide a sustainable and collaborative strategic direction to meet the needs of its residents and visitors through effective use of its resources and by working with others to address the impact and meet the needs and aspirations of people with disabilities living, working or visiting in Clarence”.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

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

7. FINANCE

No funds have been allocated within the 2016/2017 Annual Plan to upgrade the footpath surrounding Freemasons' Home; however, Council has allocated the footpath rectification funds throughout the City.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

9.1 Council notes the intent of the Petition is to have improved access surrounding the Freemasons' Homes.

9.2 Council considers footpath upgrades as part of its Asset Management Plans through the annual budget process.

9.3 Council Officers will liaise with nearby property owners to trim and remove vegetation where the footpath is being obstructed or encroached.

9.4 Council Officers will liaise with the utility services providers to rectify its assets to level with the footpath where necessary and also to rectify defects to the footpath where they have undertaken nearby work.

9.5 The installation of DDA ramps/access at the road intersections near Simmons Park is consistent with Council's Strategy to provide a safe and reliable pedestrian network. The priorities of the installation of the DDA ramps are recommended by Council's DDA Access Committee and they will be informed of this interest from the Freemasons' Homes.

Attachments: Nil.

Ross Graham

ACTING GROUP MANAGER ASSET MANAGEMENT

11.3 PLANNING AUTHORITY MATTERS

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

11.3.1 DEVELOPMENT APPLICATION D-2017/4 - 5 PIPE CLAY ESPLANADE, CREMORNE - ADDITION TO DWELLING AND NEW OUTBUILDINGS
(File No D-2017/4)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an addition to dwelling and new outbuildings at 5 Pipe Clay Esplanade, Cremorne.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and is subject to the Stormwater Management, Waterway and Coastal Protection, Inundation Prone Areas, Coastal Erosion Hazard, and the On-Site Wastewater Management Codes 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 side and rear boundary setbacks, and acceptable solutions within the codes.

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 1 March 2017 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:

- privacy;
- overshadowing;
- visual bulk; and
- water tanks.

RECOMMENDATION:

A. That the Development Application for an addition to dwelling and new outbuildings at 5 Pipe Clay Esplanade, Cremorne (Cl Ref D-2017/4) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLANS [- the setbacks of the outbuilding and water tanks from the north-eastern boundary - the setback of the proposed veranda from the north-western boundary; - elevation plans of the water tanks showing maximum height above natural ground level; and - amended elevation plans of the proposed outbuilding showing the window on the north-eastern elevation either deleted, or relocated to the south-eastern elevation].

3. GEN M9 – NONHABITABLE PURPOSES replace “building” with “outbuilding”.
 4. Construction works must be undertaken in accordance with “Wetlands and Waterways Works Manual” (DPIWE, 2003) and “Tasmanian Coastal Works Manual” (DPIPWE, Page and Thorp, 2010).
- 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 of the Zone and Codes.
- 2.3. The relevant parts of the Planning Scheme are:
 - Section 8.10 – Determining Applications;
 - Part D – Village Zone; and
 - Part E – Stormwater Management, Waterway and Coastal Protection, Inundation Prone Areas, Coastal Erosion Hazard and On-Site Wastewater Management 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 has an area of 723m² and no significant slope. The lot has frontage and vehicle access to Pipe Clay Esplanade and contains an existing dwelling and a garage at the rear of the property.

The area surrounding the subject site is similarly zoned Village and developed with Single Dwellings. The adjacent property at 3 Pipe Clay Esplanade contains a building with a boundary wall extending approximately 14m along the common boundary with 5 Pipe Clay Esplanade. Pipe Clay Lagoon is located approximately 40m to the west of the site.

3.2. The Proposal

The proposal is for the replacement and extension of an existing verandah at the rear of the existing dwelling, a carport, outbuilding and 2 new water tanks as shown in the attachments.

The verandah would generally be located within the footprint of the existing verandah; but would include a walkway extending along the length of the dwelling. The verandah would have a minimum side setback of 2.075m and a maximum height of 2.98m above natural ground level (NGL).

The proposed carport would have a gross floor area of 33.25m². The building would have a height of 2.71m at its highest point above NGL. The carport would be constructed in line with the existing garage and maintain the same setback of 0.2m from the south-eastern side boundary.

The proposed outbuilding would have a gross floor area of 52m². The building would have a height of 3.29m at its highest point above NGL. The outbuilding would be located on the north-western side boundary and would abut the adjacent building at 3 Pipe Clay Esplanade. The building would have a setback of 0.7m from the rear boundary. The applicant has advised that the building would be used for non-habitable domestic purposes.

The finished floor level of the building would be approximately 1.75m above Australian Height Datum.

Two water tanks, each with a maximum height of 1.96m, would be located at the rear of the site with a setback of 0.4m from the rear boundary.

A new wastewater disposal system would be installed on the site.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the Village Zone and the Stormwater Management, Waterway and Coastal Protection, Inundation Prone Areas, Coastal Erosion Hazard and On-Site Wastewater Management Codes with the exception of the following.

Village Zone

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|---|---|---|
| 16.4.2 A2 | Building Setback from boundaries | Building setback from side and rear boundaries must be no less than: (a) 2m; or (b) half the height of the wall; whichever is the greater. | Carport – setback of 0.2m from the south-eastern side boundary – setback of 2m required to meet Acceptable Solution (variation of 1.8m). Outbuilding – setback of 0.7m from the rear boundary – setback of 2m required to meet Acceptable Solution (variation of 1.3m). Outbuilding would be sited on the north-western side boundary. Water tanks – setback of 0.4m from the rear boundary – setback of 1m required under Clause 6.1.2 of the Scheme – Limited Exemptions. |

The proposed variations can be supported pursuant to the Performance Criteria P2 of Clause 16.4.2 for the following reasons.

| Performance Criteria | Comment |
|---|----------------|
| <p><i>“P2 Building setback from side and rear boundaries must, taking into account aspect and slope, satisfy all of the following:</i></p> <p><i>(a) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i></p> | See below |

| | |
|---|--|
| <p><i>(i) overlooking and loss of privacy;</i></p> | <p>The proposed buildings would have finished floor levels at NGL and a maximum height of 3.29m, while 2 of the buildings are non-habitable. The capacity of occupants to overlook adjacent properties is therefore low; however, the applicant has advised that due to the concerns raised in the representation, they propose to relocate the window in the north-eastern elevation of the proposed outbuilding to the south-east elevation. On this basis, there would be no unreasonable impact on the privacy of adjacent properties.</p> |
| <p><i>(ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00am and 5.00pm on 21 June or further decrease sunlight hours if already less than 3 hours;</i></p> | <p>One property, 6 Pipe Clay Esplanade, is located to the south of the subject site, adjacent the site of the proposed carport. Some minor overshadowing of the property would be caused by the roof of the proposed carport; however, windows of habitable rooms and formal outdoor space areas (such as the upper-storey deck) would be unaffected. The applicant was asked to submit shadow diagrams; however, these were not provided.</p> <p>The proposed outbuilding would be shaded by the existing north-western boundary wall of the existing building at 3 Pipe Clay Esplanade (as shown on the elevation plans in the attachments), which would cause a more significant shadow than the outbuilding. Accordingly, the proposed outbuilding would not cause any unreasonable overshadowing of adjacent properties above existing shadows.</p> |
| <p><i>(iii) visual impact, when viewed from adjoining lots, through building bulk and massing”.</i></p> | <p>The proposed buildings would have a maximum height of 3.29m and are of a size and scale that are commensurate with other buildings in the surrounding area. The buildings are surrounded by existing paling fences, which would reduce the bulk of the buildings as viewed from neighbouring buildings.</p> |

Stormwater Management Code

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|--------------|------------|---|--|
| E7.7.1 A1 | Stormwater | Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure. | Stormwater would be retained on-site in the proposed water tanks and stormwater absorption trench for overflows. |

The proposed variation can be supported pursuant to the Performance Criteria P1 of Clause E7.7.1 for the following reasons.

| Performance Criteria | Comment |
|---|---|
| <i>“P1 – Stormwater from new impervious surfaces must be managed by any of the following:</i> | See below |
| <i>(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles</i> | Council’s Development Engineer has advised that the land area of the property is sufficient to enable all stormwater to be retained and/or reused on the site. Details of the stormwater disposal system, such as trenches and/or rainwater tanks, would need to be submitted with applications for building and plumbing permits as normally required. |
| <i>(b) collected for re-use on the site;</i> | As per above |
| <i>(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council”.</i> | Not applicable |

Waterway and Coastal Protection Code

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|---------------------|---|---|
| E11.7.1 A1 | Buildings and Works | Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme. | New buildings and additions – land title contains no building area approved under the Scheme. |

The proposed variation can be supported pursuant to the Performance Criteria P1 of Clause 11.7.1 for the following reasons.

| Performance Criteria | Comment |
|--|---|
| <i>“P1 Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</i> | See below |
| <i>(a) avoid or mitigate impact on natural values;</i> | The building would be constructed within the curtilage of the existing dwelling. The property is located within an existing settlement meaning the natural values of the land are significantly altered from the original state. |
| <i>(b) mitigate and manage adverse erosion, sedimentation and run-off impacts on natural values;</i> | The gradient of the land would ensure that run-off is minimised. The proposed method of stormwater disposal is satisfactory and would not cause any on-going run-off issues. To manage impacts on any areas of natural value in the immediate vicinity, a condition is recommended that would require works to be undertaken in accordance with the “Wetlands and Waterways Works Manual”. |
| <i>(c) avoid or mitigate impacts on riparian or littoral vegetation;</i> | The building would be constructed within the curtilage of the existing dwelling, which does not contain riparian or littoral vegetation. |
| <i>(d) maintain natural streambank and streambed condition, (where it exists);</i> | Not applicable - the subject property does not contain any watercourses. |
| <i>(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</i> | Not applicable |
| <i>(f) avoid significantly impeding natural flow and drainage;</i> | Not applicable |
| <i>(g) maintain fish passage (where applicable);</i> | Not applicable |
| <i>(h) avoid landfilling of wetlands;</i> | The proposal does not include landfilling. |

| | |
|--|--|
| (i) <i>works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and 'Tasmanian Coastal Works Manual' (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided</i> ". | As discussed, a condition is recommended that would require works to be undertaken in accordance with the manuals. |
|--|--|

Coastal Erosion Hazard Code

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|---------------------|--|---|
| E16.7.1 A1 | Buildings and Works | No Acceptable Solution | Buildings and additions in Low Risk Hazard Areas. |

It is considered that the proposed variation can be supported pursuant to the Performance Criteria P1 of Clause 16.7.1 for the following reasons.

| Performance Criteria | Comment |
|---|--|
| <i>"P1 - Buildings and works must satisfy all of the following:</i> | See below |
| <i>(a) not increase the level of risk to the life of the users of the site or of hazard for adjoining or nearby properties or public infrastructure;</i> | The proposed buildings and septic tank would be located behind the line of existing buildings and therefore separated from the foreshore. Accordingly, Council's Development Engineer has advised that the proposal would not increase the level of risk to the life of the users of the site or cause a hazard for adjoining or nearby properties or public infrastructure. |
| <i>(b) erosion risk arising from wave run-up, including impact and material suitability, may be mitigated to an acceptable level through structural or design methods used to avoid damage to, or loss of, buildings or works;</i> | Council's Development Engineer has advised that the location of the proposed buildings, wastewater and stormwater infrastructure is acceptable and would be protected from wave run-up by existing buildings. |
| <i>(c) erosion risk is mitigated to an acceptable level through measures to modify the hazard where these measures are designed and certified by an engineer with suitable experience in coastal, civil and/or hydraulic engineering;</i> | As per above |

| | |
|--|--|
| <i>(d) need for future remediation works is minimised;</i> | Council's Development Engineer has advised that the location of the wastewater and required stormwater infrastructure is acceptable. Subject to the required engineering design, future remediation works are unlikely to be required. |
| <i>(e) health and safety of people is not placed at risk;</i> | Council's Development Engineer has advised that subject to engineering design, the proposed development within the Code would not place the health and safety of people at risk. |
| <i>(f) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;</i> | Access to the site is existing. |
| <i>(g) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</i> | No mitigation works in accordance with any adopted Council Policy are required. |
| <i>(h) not be located on an actively mobile landform".</i> | The property is not located on an actively mobile landform. |

Inundation Prone Areas Code

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|---|---|--|
| E15.7.2 A3 | Inundation Medium Hazard Areas | A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must have a floor area no more than 40m ² . | The proposed veranda and outbuildings would exceed a combined floor area of 40m ² . |

It is considered that the proposed variation can be supported pursuant to the Performance Criteria P3 of Clause 16.7.1 for the following reasons.

| Performance Criteria | Comment |
|--|--|
| <i>"P3 - A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must satisfy all of the following:</i> | See below |
| <i>(a) risk to users of the site, adjoining or nearby land is acceptable;</i> | Council's Development Engineer has advised that the proposal does not present any increased risk to users of the site, adjoining or nearby land. |

| | |
|---|---|
| <i>(b) risk to adjoining or nearby property or public infrastructure is acceptable;</i> | The Development Engineer has also advised that the proposal would not present any increased risk to adjoining or nearby properties or public infrastructure. |
| <i>(c) risk to buildings and other works arising from wave run-up is adequately mitigated through siting, structural or design methods;</i> | The location of the proposed buildings, wastewater and stormwater infrastructure is acceptable and would be protected from wave run-up by existing buildings. |
| <i>(d) need for future remediation works is minimised;</i> | The proposal would not significantly increase the likelihood that future remediation works would be required. |
| <i>(e) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works”.</i> | Not applicable |

On-Site Wastewater Management Code

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|------------------------------------|--|---|
| E23.10.1 A6 | Location of Land Application Areas | Vertical separation distance between a limiting layer and a land application area (area of land used to apply effluent from a wastewater treatment unit or reserved for future application) must be no less than 1.5m. | Land application area 1.2m from limiting layer (water table). |

It is considered that the proposed variation can be supported pursuant to the Performance Criteria P6 of Clause E23.10.1 for the following reasons.

| Performance Criteria | Comment |
|--|--|
| <i>“P6 - Vertical separation distance between a limiting layer and a land application area must satisfy all of the following:</i> | Council’s Environmental Health Officer advised that the Performance Criteria is satisfied for the following reasons: |
| <i>(a) effluent must be no less than secondary treated effluent standard and applied through a subsurface land application system;</i> | Effluent would be secondary treated. |
| <i>(b) vertical separation distance must be no less than 0.5m, (whether ‘in ground’ or by use of a raised bed)”.</i> | The land application area would be installed a maximum of 600mm into the natural soil providing a vertical separation distance of 600mm. |

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. Privacy

The representor has raised concern that the window in the north-eastern elevation of the proposed outbuilding would have an unreasonable impact on the privacy of the backyard at 80 Cremorne Avenue.

- **Comment**

As discussed, the applicant has advised that due to the concerns raised in the representation, they propose to relocate the window in the north-eastern elevation of the proposed outbuilding to the south-east elevation. The proposal satisfies the Performance Criteria relating to the proposed boundary setback variation.

5.2. Overshadowing

The representor has raised concern that the proposed outbuilding would cause overshadowing of the backyard at 80 Cremorne Avenue.

- **Comment**

As discussed above, the proposal satisfies the Performance Criteria relating to the proposed boundary setback variation, including Criteria relating to unreasonable overshadowing impact.

5.3. Visual Bulk

Concern is raised that the visual bulk (height and scale) of the outbuilding would have an unreasonable impact on the amenity of adjoining properties.

- **Comment**

The proposal satisfies the relevant Acceptable Solutions or Performance Criteria of the Zone. Notwithstanding this, it is considered that the size of the buildings is sympathetic with the scale of other buildings in the area. The maximum height of the buildings (outbuilding) would be 3.29m, which is less than the main dwelling and buildings on adjoining properties.

5.4. Water Tanks

The representor has requested confirmation of the height of the proposed water tanks.

- **Comment**

As discussed, the proposed water tanks would have a maximum height of 1.96m above NGL.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

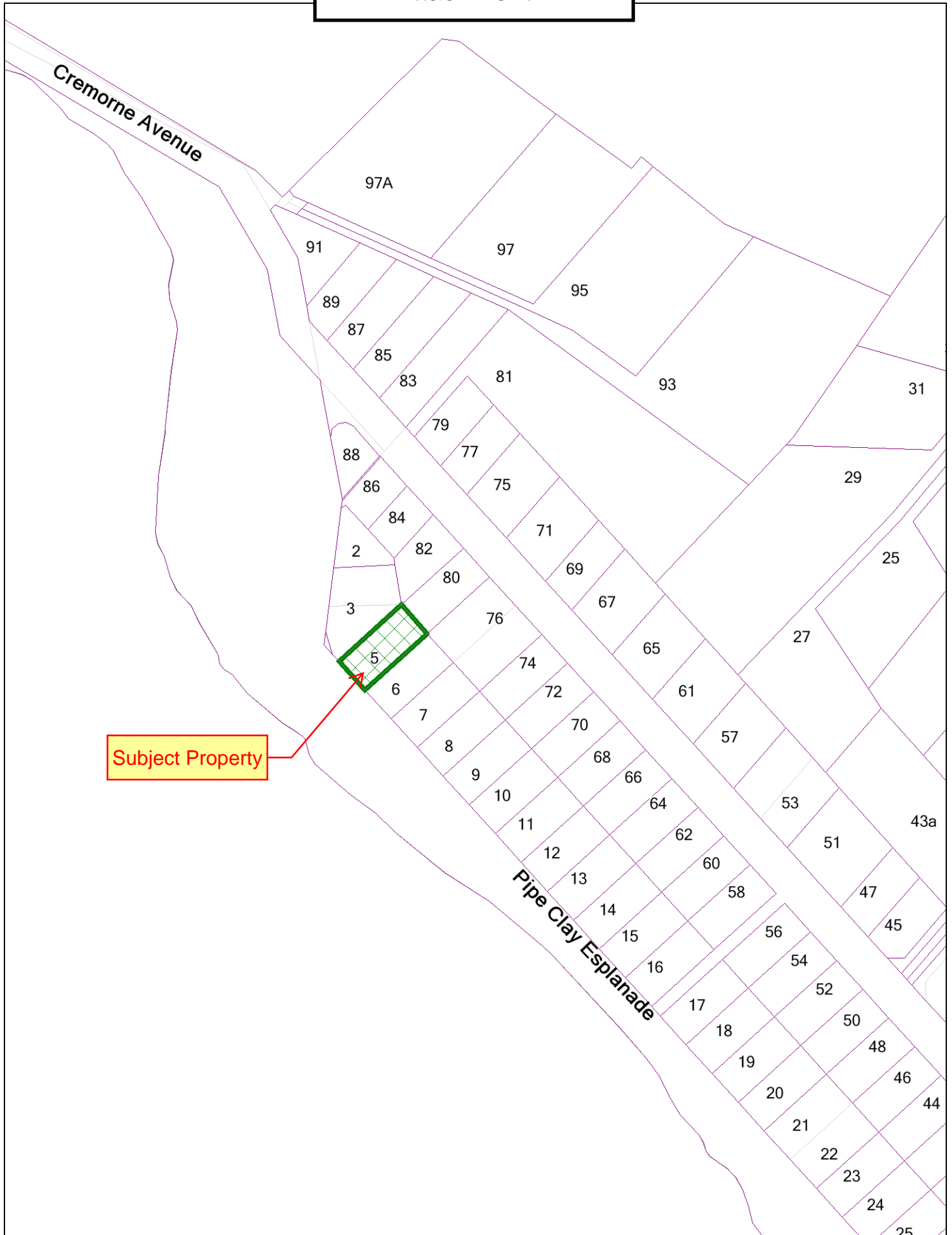
The proposal seeks approval for an addition to dwelling and new outbuildings at 5 Pipe Clay Esplanade, Cremorne. The application meets the relevant acceptable solutions and performance criteria of the Scheme.

The proposal is recommended for approval subject to conditions.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

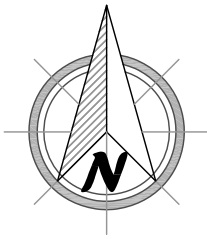


Subject Property



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 10 February 2017 **Scale:** 1:2,267 @A4

Attachment 2



LOT AREA: 723m²

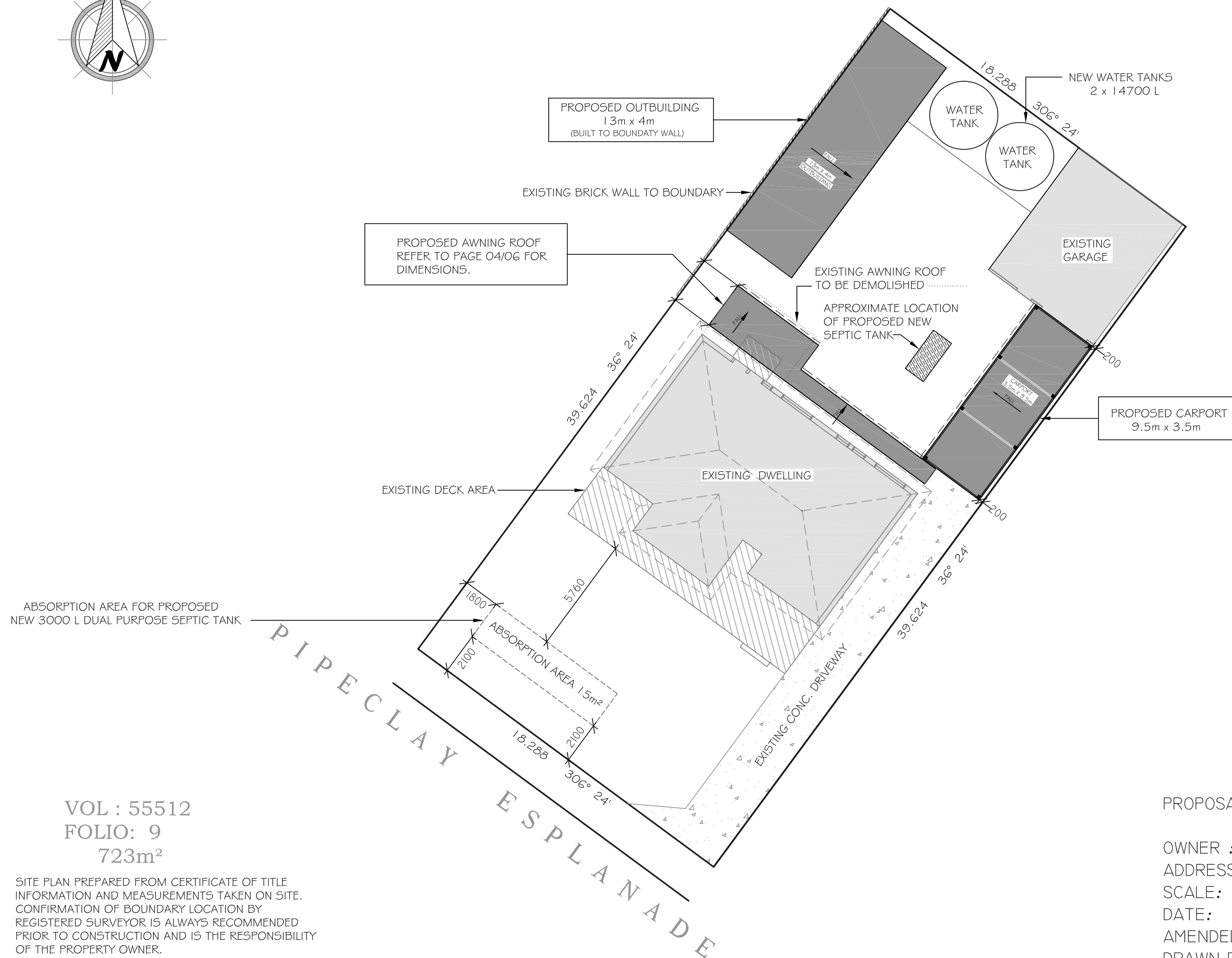
EXISTING DWELLING AREA: 116.6m²

EXISTING GARAGE: 47.9m²

PROPOSED OUTBUILDING AREA: 52m²

PROPOSED CARPORT AREA: 33.25m²

PROPOSED ROOF AWNING: 19.8m²



VOL : 55512
FOLIO: 9
723m²

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

SITE PLAN 1:200

P&J SHEDS PTY LTD. 38 McIntyre Street, Mornington, TAS, 7018. P: (03) 62 44 4300 F: (03) 6244 4355 E: admin@fairdinkumhobart.com.au ABN: 45109681263 THIS DRAWING IS THE PROPERTY OF P&J SHEDS. © 2016

PROPOSAL : DEMOLITION OF EXISTING ROOF AWNING
NEW OUTBUILDING, CARPORT & ROOF AWNING

OWNER : C. CARTER & E. CRUMMY
ADDRESS: 5 PIPECLAY ESPLANADE, CREMORNE, 7024

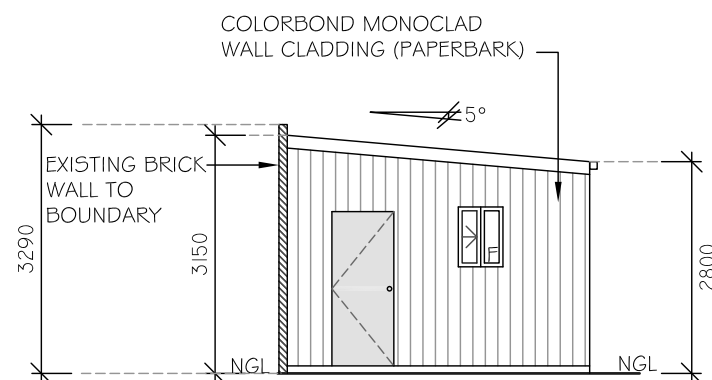
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DATE: 14th DECEMBER 2016

AMENDED:
DRAWN BY: ADRIAN BROWN CC6003R

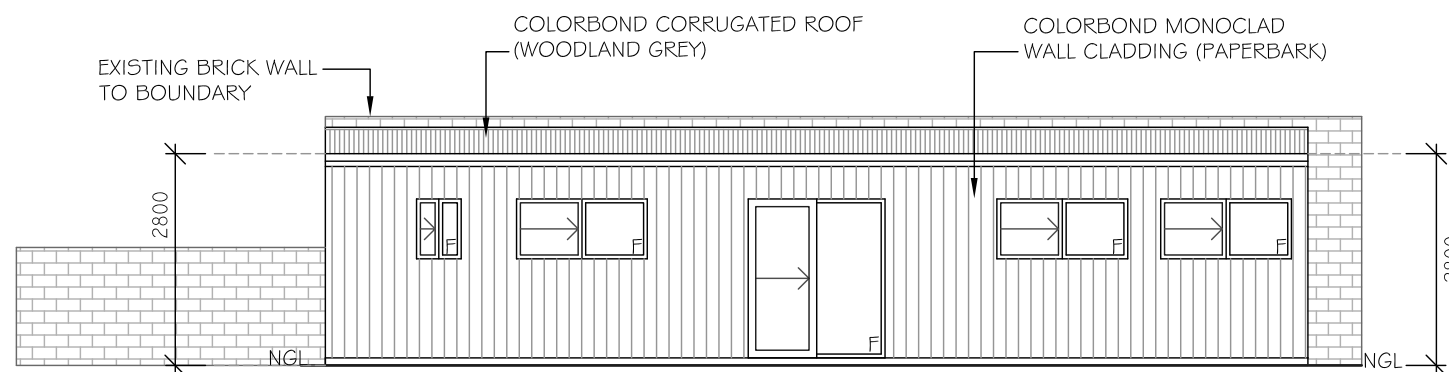
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JOB NO : 52970

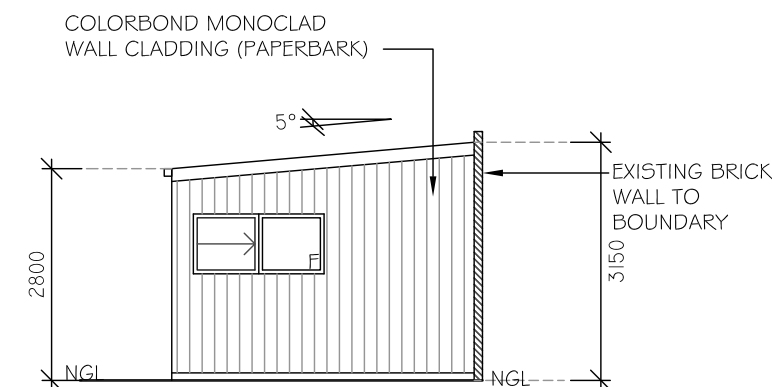




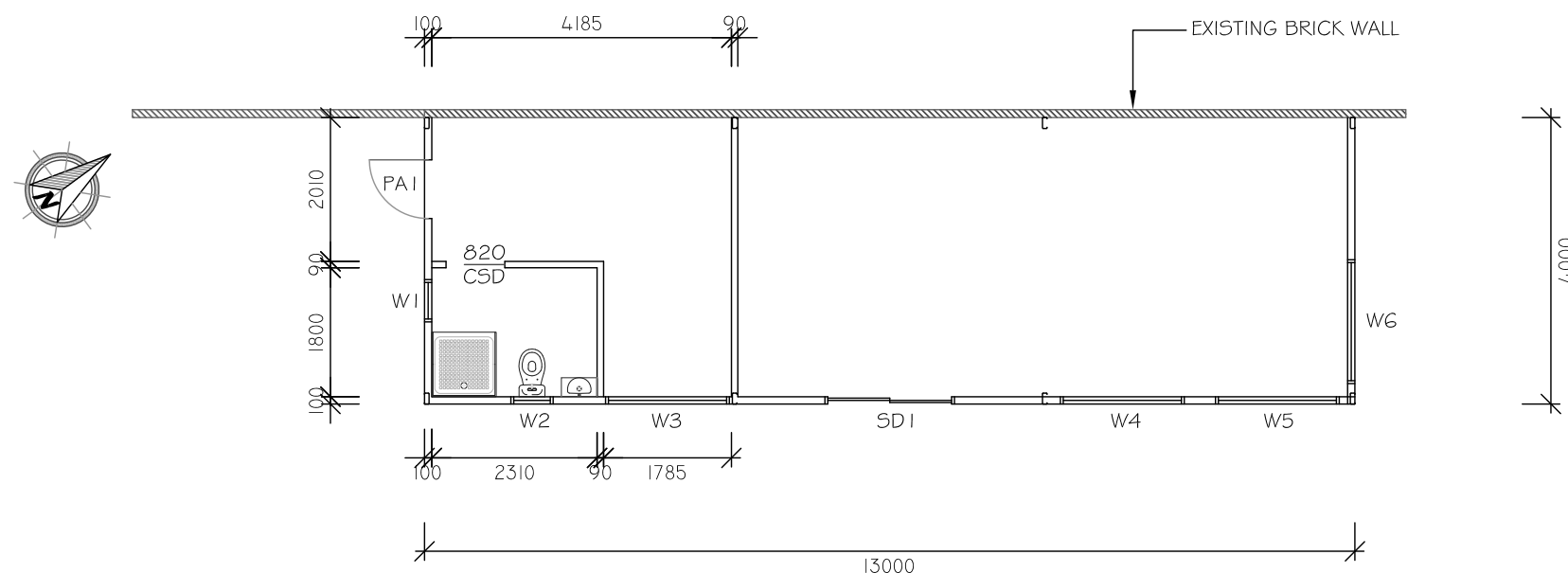
SOUTH WEST ELEVATION



SOUTH EAST ELEVATION



NORTH EAST ELEVATION



FLOOR PLAN

WINDOW & DOOR SCHEDULE

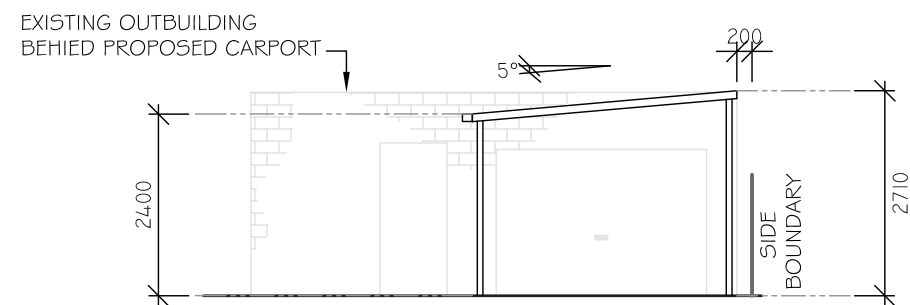
| | ID | HEIGHT | WIDTH | |
|--------------|-----|--------|--------|--------|
| WINDOWS | W1 | 790mm | 589mm | VENTED |
| | W2 | 790mm | 589mm | VENTED |
| | W3 | 790mm | 1730mm | |
| | W4 | " | " | |
| | W5 | " | " | |
| | W6 | " | " | |
| SLIDING DOOR | SD1 | 2100mm | 1810mm | |
| ACCESS DOORS | PA1 | 2040mm | 840mm | |

FLOOR PLAN & ELEVATIONS (OUTBUILDING) 1:100

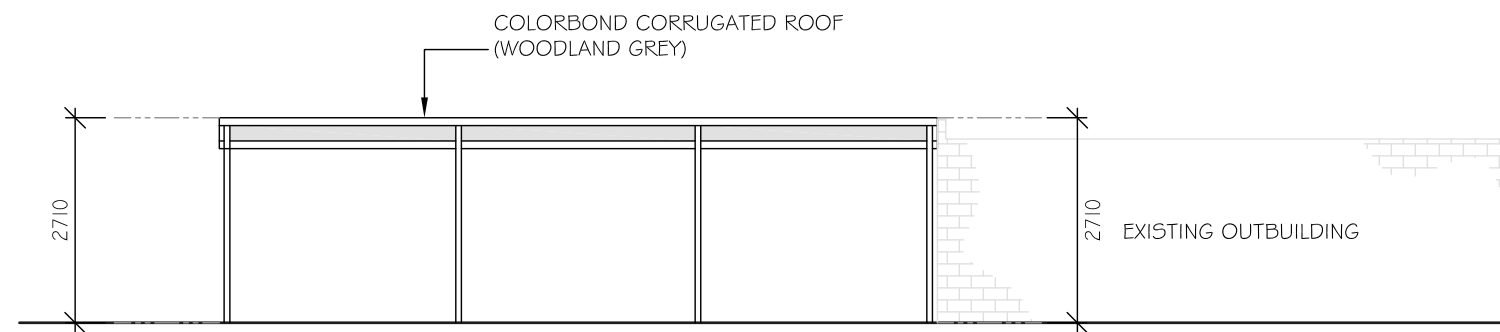
PROPOSAL : DEMOLITION OF EXISTING ROOF AWNING
NEW OUTBUILDING, CARPORT & ROOF AWNING

OWNER : C. CARTER & E. CRUMMY
ADDRESS: 5 PIPECLAY ESPLANADE, CREMORNE, 7024
SCALE: 1:100
DATE: 6th JANUARY 2017
AMENDED:
DRAWN BY: ADRIAN BROWN CC6003R
PAGE: 02/06
JOB NO : 52970

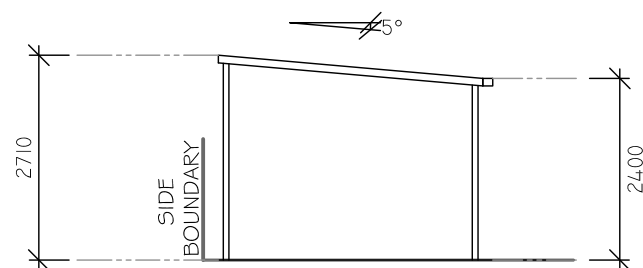




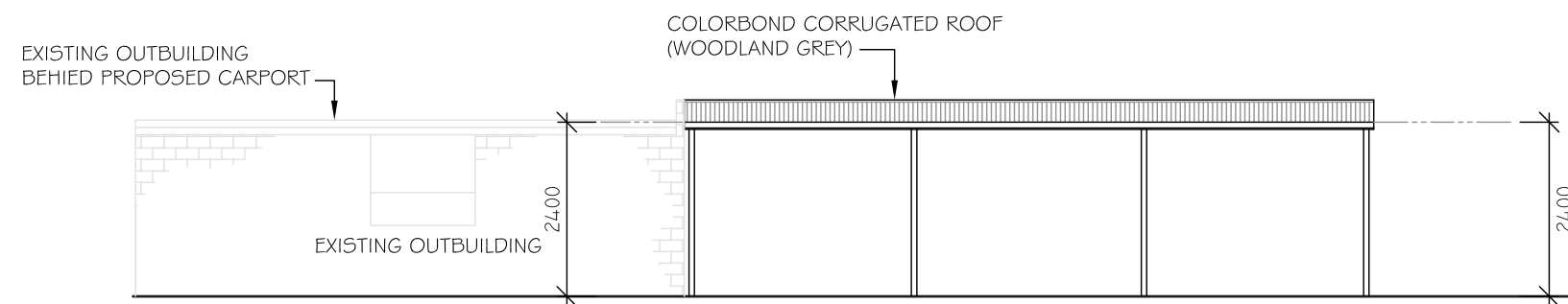
SOUTH WEST ELEVATION



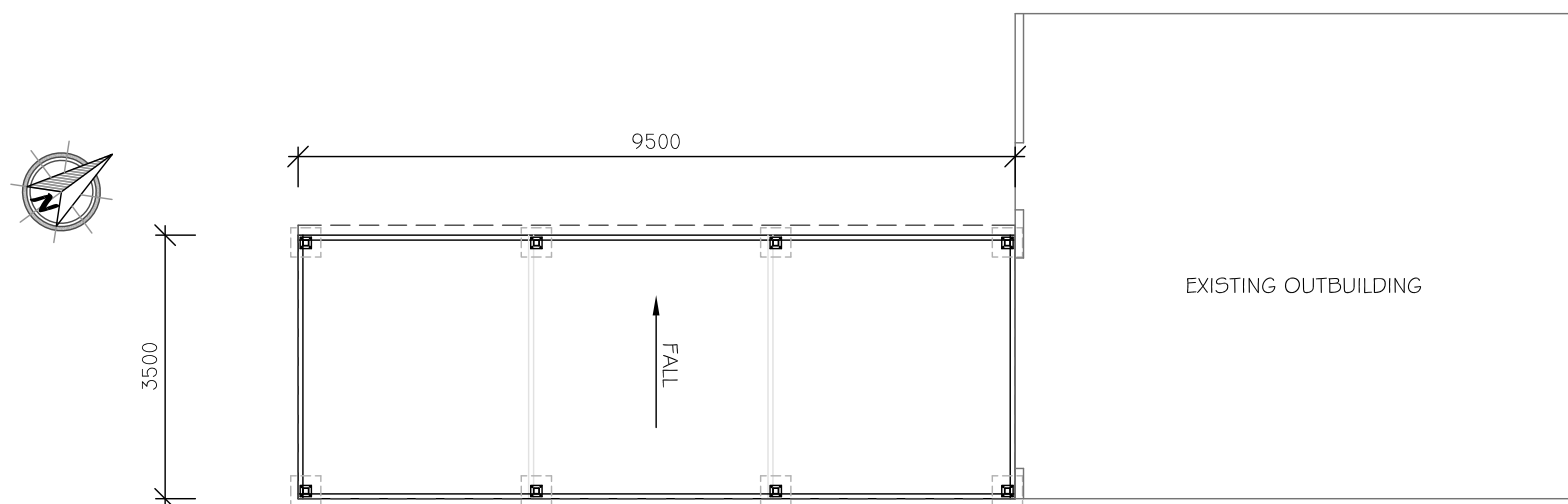
SOUTH EAST ELEVATION



NORTH EAST ELEVATION



NORTH WEST ELEVATION



FLOOR PLAN

FLOOR PLAN & ELEVATIONS (CARPORT) 1 : 100

PROPOSAL : DEMOLITION OF EXISTING ROOF AWNING
NEW OUTBUILDING, CARPORT & ROOF AWNING

OWNER : C. CARTER & E. CRUMMY

ADDRESS: 5 PIPECLAY ESPLANADE, CREMORNE, 7024

SCALE: 1 : 100

DATE: 6th JANUARY 2017

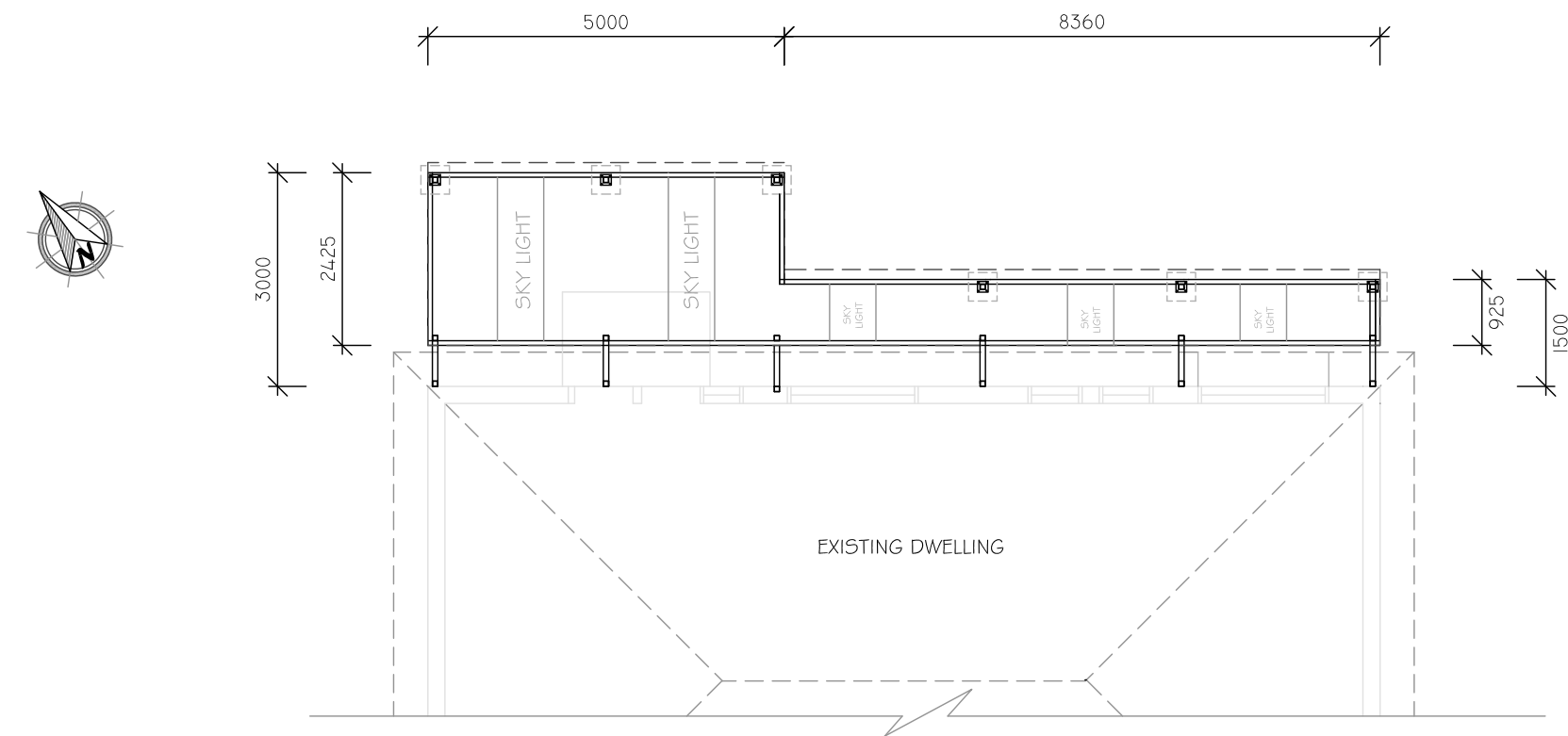
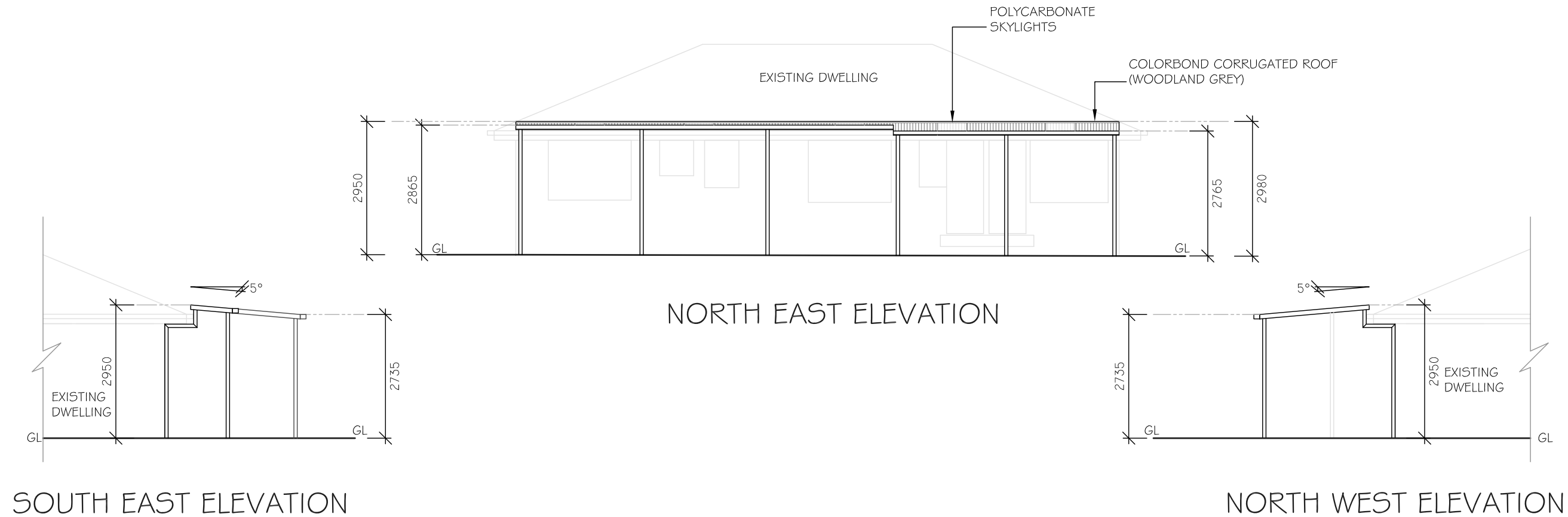
AMENDED:

DRAWN BY: ADRIAN BROWN CC6003R

PAGE: 03/06

JOB NO : 52970





PROPOSAL : DEMOLITION OF EXISTING ROOF AWNING
NEW OUTBUILDING, CARPORT & ROOF AWNING

OWNER : C. CARTER & E. CRUMMY

ADDRESS: 5 PIPECLAY ESPLANADE, CREMORNE, 7024

SCALE: 1 : 100

DATE: 6th JANUARY 2017

AMENDED:

DRAWN BY: ADRIAN BROWN CC6003R

PAGE: 04/06

JOB NO : 52970



Attachment 3

5 Pipe Clay Esplanade, CREMORNE



Site viewed from Pipe Clay Esplanade



Site viewed from Pipe Clay Esplanade showing site of proposed carport



Site viewed from rear of dwelling showing the rear boundary and location of proposed outbuilding and water tanks



Site viewed from rear of dwelling showing the rear boundary and location of proposed outbuilding

**11.3.2 DEVELOPMENT APPLICATION D-2016/500 – 19A LINCOLN STREET,
LINDISFARNE - SPORTS GROUND LIGHTING**
(File No D-2016/500)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for sports ground lighting at 19A Lincoln Street, Lindisfarne.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant until 1 March 2017.

CONSULTATION

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

- light spill impacts upon the adjoining Tennis Courts; and
- hours of operation.

RECOMMENDATION:

A. That the Development Application for Sports Ground Lighting at 19A Lincoln Street, Lindisfarne (CI Ref D-2016/500) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. Operation of the lights for Oval 1 must be within the following hours:

Monday – Friday: 8.00am to 8.30pm
Saturday: 8.30am – 10.00pm
Sundays: Nil.
3. The sportsground lighting must be designed and baffled to ensure light spill impacts are minimised and do not result in any unreasonable glare and uneven lighting impacts on the adjacent tennis courts.

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-2016/500 – 19A LINCOLN STREET, LINDISFARNE - SPORTS GROUND LIGHTING /contd...

ASSOCIATED REPORT**1. BACKGROUND**

Approval was granted in 2009 (D-2009/439) for sports ground lighting on Oval 2.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Recreation under the Scheme.

2.2. The proposal is discretionary as the height of the light poles exceeds the maximum height allowed in the relevant Acceptable Solution.

2.3. The relevant parts of the Planning Scheme are:

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

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

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

The property has an area of 7.74ha with frontage to Lincoln Street, Natone Street and Park Road. The property contains an existing bowls club, football club, sportsgrounds and memorial park.

The site is located adjacent to 4 Park Road which is owned by Council and currently leased by the Lindisfarne Memorial Tennis Club.

The area surrounding the sports facility is residential to the north and east. To the south is a car park and the Lindisfarne Motor Yacht Club. The site borders the foreshore to the west as shown on the attachments.

The closest residence is located around 90m away on Park Road.

3.2. The Proposal

The proposal is to install new sports lighting around Lindisfarne Oval 1. The lighting consists of 4 poles with a maximum height of 28m, with 5 lamps on each pole.

The poles are located around the perimeter of Oval 1 and are 30m from the boundary with the Motor Yacht Club, directly upon the boundary with 4 Ford Parade (Lindisfarne Tennis Court) and 100m from the boundary with Natone Street.

The lights are proposed to allow for greater usage of the oval during winter for football training and games. Operating hours are proposed to be consistent with the operating hours of Oval 2 and are as follows:

Monday to Friday: 8.30am to 8.30pm;

Saturdays: 8.30pm to 10.00pm; and

Sundays: Nil.

A report from EST Tasmanian has been provided to support the application which demonstrates that the proposal complies with the requirements of AS 42842-1997 Obtrusive Light.

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 Recreation Zone with the exception of the following.

| Clause | Standard | Acceptable Solution (Extract) | Proposed |
|---------------|-----------------|---|--|
| 18.4.1 A1 | Building Height | Building height must be no more than: 10m. | The light poles will have a maximum height of 28m. |

A variation can be supported pursuant to Performance Criteria P1 of the Clause 18.4.1 for the following reasons.

| Performance Criteria | Comment |
|--|---|
| <i>“P1 – Building height must satisfy all of the following:</i> | See below |
| <i>(a) be consistent with any Desired Future Character Statements provided for the area;</i> | There are no Desired Future Character Statements provided for the area. |
| <i>(b) not unreasonably overshadow adjacent public space”.</i> | The proposed lights will not overshadow adjacent public space due to their slimline design. Whilst the lighting towers would be higher than most structures within the area, they are consistent with the height of the approved lighting for Oval 2 and are located around 90m from the nearest residence to the east along Ford Parade. The lighting is therefore not expected to create excessive bulk or cause overshadowing of adjacent public spaces. |

5. REPRESENTATION ISSUES

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

5.1. Light Spill Impacts upon the Adjoining Tennis Courts

Concern was raised that the light will result in glare and uneven lighting on the adjacent tennis courts.

- **Comment**

Council has been in discussions with the Lindisfarne Tennis Club to resolve their concerns. Council has agreed with the tennis club that shields should be provided to the back of the light located closest to the tennis courts to limit light spill onto the courts. A condition is recommended to be included on the permit to this effect.

The issue of glare from the light located across the oval was also discussed. It is not anticipated that there will be an impact from glare from the light opposite the tennis courts. However, Council will assess the lights once they have been constructed and, if necessary, provide a solution.

5.2. Hours of Operation

Concern was raised that the hours of operation of the lights will clash with the use of the adjacent tennis courts.

- **Comment**

The Scheme provides that hours of operation within 50m of a Residential Zone must meet either the Acceptable Solution or Performance Criteria of Clause 18.3.1. As the closest light is located over 80m from a residential zone, this Clause does not apply to the development. Clause 8.10.1 provides that when determining applications, Council can only consider issues relevant to the discretion. On this basis, the concern cannot have determining weight.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

The proposal is for the installation of four, 28m light poles at 19A Lincoln Street, Lindisfarne. The proposed lighting complies with the relevant Acceptable Solutions and Performance Criteria for the zone and is therefore recommended for approval.

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

Ross Lovell
MANAGER CITY PLANNING

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

Attachment 1

19a Lincoln Street, Lindisfarne



Attachment 2

Lindisfarne Sports Ground Lighting

Lights are proposed to be used for training and games.

Proposed hours of operation:

Monday - Friday: 8.30am to 8.30 pm

Saturdays: 8.30am - 10pm

Sundays: Nil

Clarence City Council



Disclaimer: This map is a representation of the Information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Wednesday, 23 November 2016 **Scale:** 1:10,000 **Page:** 3 of 9

BASEPLATE DETAIL

TAPERED POLYGONAL POLE.
POLE AND ACCESSORIES TO BE HOT DIP
GALVANISED AFTER FABRICATION.

600x170 CLEAR ACCESS DOOR
- c/w COVERPLATE & 1200x600
GEAR TRAY.

8M30/750 P.C.D.
- BASEPLATE TO SUIT GM POLES HIGH
STRENGTH FOUNDATION BOLTS.

FOUNDATION CAGE SET IN 32MPa
CONCRETE FOOTING IN SOIL WITH
A MINIMUM 150 kPa BEARING
CAPACITY THROUGHOUT DEPTH OF
PIER. (A SITE SPECIFIC SOIL TEST &
ENGINEERED FOOTING DESIGN IS
RECOMMENDED)

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| Rev | Date | Drn | Description | Chk |



GM POLES

A.B.N. 61 081961515

PO Box 202
Carole Park, 4300
Ph: (07) 3718 4900
Fax: (07) 3718 4911

ANZAC PARK LINDISFARNE GENERAL ARRANGEMENT

Adenda Attachments - 19a Lincoln Street, Lindisfarne - Page 4 of 9

Drn

C.Gibson

Date

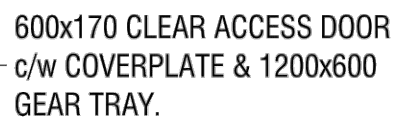
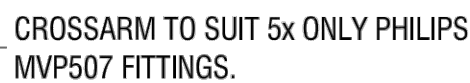
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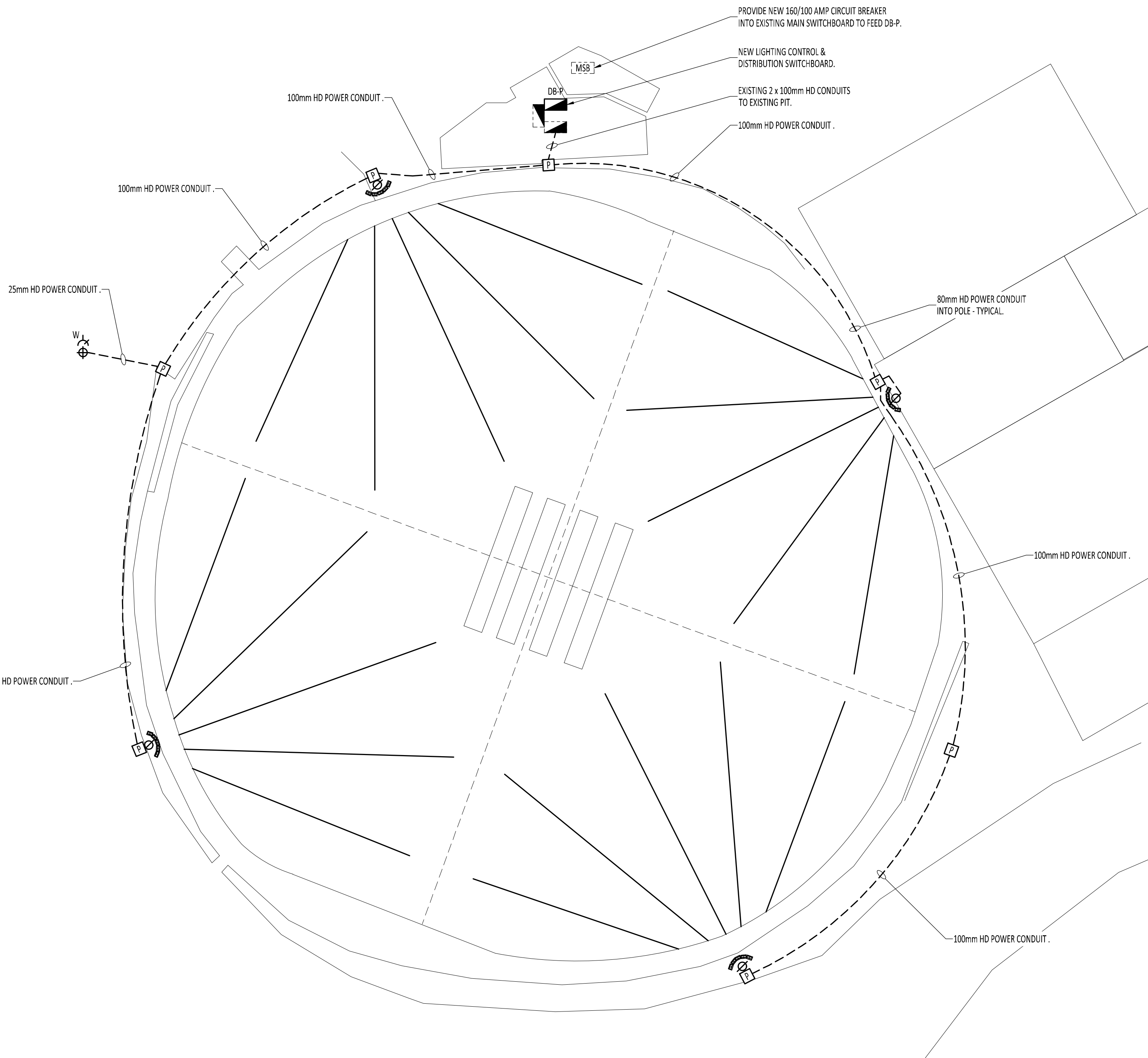
N.T.S.

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TYPICAL POLE DETAIL
NOT TO SCALE



SITE LAYOUT

SCALE 1:500

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DO NOT SCALE DIRECTLY OFF DRAWING. ALL MEASUREMENTS AND LOCATIONS OF EQUIPMENT ARE TO BE CONFIRMED ON SITE WITH THE SITE SUPERVISOR.

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Client
CLARENCE CITY COUNCIL

Project
LINDISFARNE CRICKET CLUB
LIGHTING DESIGN

Sheet Title
**LIGHTING ARRANGEMENT &
POLE DETAIL**

ELECTRICAL SERVICES

| | | |
|---------------------------------|-------------------|----------------|
| Plotted | Designed M.v.B | Drawn S.N.C |
| Wednesday, December 07, 2016 | Checked | Issue D1 |

Agenda Attachments - 19a Lincoln Street, Lindisfarne Page 5 of 9

| Ground 50LUX Calculation Summary | | | | | | | |
|----------------------------------|-------------|-------|-------|-----|------|---------|---------|
| Label | CalcType | Units | Avg | Max | Min | Avg/Min | Max/Min |
| AFL Ground 50LUX_1_Top | Illuminance | Lux | 66.62 | 106 | 39.4 | 0.59 | 0.37 |

AS 4282-1997, Pre-Curfew, Residential - Dark Surrounds
Filename: Lindersfarne 50LUX spill lighting
01/12/2016 11:16:22 AM

Maximum Allowable Value: 10 Lux

Calculations Tested (7):

Calculations Tested (7):

Calculations Tested (7):

Luminous Intensity (Cd) Per Luminaire

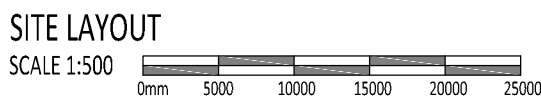
Maximum Allowable Value: 7500 Cd

Control Angle: 83 Degrees

Luminaire Locations Tests

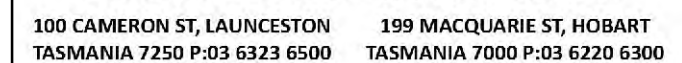
Test Results: **PASS**

Test Results: **1 Pass**



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SITE WITH THE SITE SUPERVISOR.

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Project
LINDISFARNE CRICKET CLUB
LIGHTING DESIGN

ELECTRICAL SERVICES

[illegible]

[illegible]Obtrusive Light - Compliance Report

AS 4282-1997, Pre-Curfew, Residential - Dark Surrounds
Filename: Lindersfarne 100LUX revA
30/11/2016 11:36:09 AM

Illuminance

Maximum Allowable Value: 10 Lux

Calculations Tested (8):

| Calculation Label | Test Results | Max. Illum. |
|---------------------------|--------------|-------------|
| Obtrusivelight_1_III_Seg1 | PASS | 0.6 |
| Obtrusivelight_2_III_Seg1 | PASS | 1.0 |
| Obtrusivelight_2_III_Seg2 | PASS | 2.5 |
| Obtrusivelight_2_III_Seg3 | PASS | 3.8 |
| Obtrusivelight_2_III_Seg4 | PASS | 3.6 |
| Obtrusivelight_2_III_Seg5 | PASS | 3.2 |
| Obtrusivelight_2_III_Seg6 | PASS | 1.0 |
| Obtrusivelight_3_III_Seg1 | PASS | 0.4 |

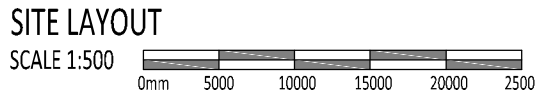
Luminous Intensity (Cd) Per Luminaire

Maximum Allowable Value: 7500 Co

Control Angle: 83 Degree:

Luminaire Locations Tested (20)

Test Results: **PASS**



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THIS DRAWING IS TO BE VIEWED IN CONJUNCTION WITH SPECIFICATION, ARCHITECTURAL, STRUCTURAL AND ALL OTHER SERVICES DRAWINGS. ALL LIABILITY DUE TO FAILURE TO OBSERVE THIS CLAUSE SHALL BE BORNE BY THE CONTRACTOR

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Client
CLARENCE CITY COUNCIL

Project
LINDISFARNE CRICKET CLUB
LIGHTING DESIGN

Sheet Title
100 LUX ARRANGEMENT &
OBTRUSIVE LIGHTING

ELECTRICAL SERVICES

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| Plotted Wednesday, December 07, 2016 | Designed M.v.B | Drawn S.N.C |
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Attachment 3

19a Lincoln Street, LINDISFARNE



Aerial photo of site.

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

Nil Items.

11.5 ASSET MANAGEMENT

Nil Items.

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE

11.7.1 QUARTERLY REPORT TO 31 DECEMBER 2016

(File No 10/02/05)

EXECUTIVE SUMMARY

PURPOSE

To consider the General Manager's Quarterly Report covering the period 1 October 2016 to 31 December 2016.

RELATION TO EXISTING POLICY/PLANS

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

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

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

RECOMMENDATION

That the Quarterly Report to 31 December 2016 be received.

ASSOCIATED REPORT

The Quarterly Report to 31 December 2016 has been provided under separate cover.

Andrew Paul
GENERAL MANAGER

11.7.2 TRANSFER TO COUNCIL 229 BRINKTOP ROAD, RICHMOND

(File No B089-229)

EXECUTIVE SUMMARY**PURPOSE**

To consider the transfer of the reserve at Brinktop Road, Richmond to Council.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026: *"To develop and implement a public open space network including quality public spaces, parks, reserves, and tracks and trails"*.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Consultation has occurred between Council and the Department of Primary Industries, Parks, Water and the Environment.

FINANCIAL IMPLICATIONS

If the land transfer is accepted by Council there will be annual maintenance costs that have not been considered in the 2016-2017 Annual Plan.

RECOMMENDATION:

- A. That Council accepts the offer from the State Government to transfer the reserve at 229 Brinktop Road, Richmond.
- B. That the General Manager be authorised to negotiate the terms of the transfer of the reserve to Council.
- C. That Council meets the costs associated with the transfer including survey fees and Land Titles Office fees as required.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1. The property at 229 Brinktop Road, Richmond is vacant land commonly known and used as a tourist lookout as shown red on Attachment 1.

- 1.2. The Clarence Tracks and Trails Action Plan identifies a future track from Richmond township to the Pontos Hill across the property of 7 Morgan Street. This track would be the only walking track in Richmond apart from a short riverside path near Richmond Bridge and it is expected to be popular with residents and visitors.
- 1.3. The owner of 7 Morgan Street, Richmond is developing the property and a planning condition is to construct a public walking track over the area of the land shown in orange, which is a 10m wide public ROW along the northern boundary of the lot.
- 1.4. Council intends to construct a track from the end of the walking track constructed on the public ROW on 7 Morgan Street to the lookout, as shown in blue at 229 Brinktop Road, Richmond.
- 1.5. The Crown has offered to transfer the property at 229 Brinktop Road, Richmond to Council at no cost subject to Council meeting the costs associated with the transfer.

2. REPORT IN DETAIL

- 2.1. The property at 229 Brinktop Road, Richmond is a tourist lookout located in the Pontos Hills, which has for many years been subject to illegal dumping and anti-social use.
- 2.2. The Clarence Tracks and Trails Action Plan identifies a future track from Richmond township to the Pontos Hills across the property of 7 Morgan Street. This track would be the only walking track in Richmond apart from a short riverside path near Richmond Bridge.
- 2.3. The lookout location at 229 Brinktop Road offers views across Richmond township and the Coal River Valley and makes an attractive destination for the walking track along Brinktop Road.

- 2.4.** Vegetation at 229 Brinktop Road is open grassland with Casuarina and Eucalypts.
- 2.5.** The Richmond Sustainable Living Group and local residents have expressed support for the track through direct contact with Council or via the public consultation process for the Reserve Activity Plan for Richmond Recreation Area. It is expected the track will be popular with residents of Richmond as there are no other extended walking opportunities for exercise and dog walking.
- 2.6.** The owner of 7 Morgan Street, Richmond is developing the property and is required to construct a public walking track over the land on a 10m wide public ROW along the northern boundary of the lot. Construction of the track has been carried out by the developer and a continuous gravel and natural surface track exists between Morgan Street and 229 Brinktop Road. Works on the subdivision are well advanced and the ROW is expected to transfer into “public usage” in the near future.
- 2.7.** Thirty thousand dollars was approved in the 2016/17 Capital Works Program to construct a track on the land at 229 Brinktop Road to connect with the track constructed on the Public ROW at 7 Morgan Street and improve the lookout. This will complete a continuous walking track to the lookout at 229 Brinktop Road.

Council contacted the Crown requesting a licence to construct a track on the reserve at 229 Brinktop Road to the lookout.

- 2.8.** The Crown has offered to transfer 229 Brinktop Road to Council at nil consideration subject to Council meeting all associated costs to transfer the land.

- 2.9.** The Richmond Sustainable Living Group has indicated that they would work with Council to rehabilitate the lookout including landscaping and the installation of seating.

3. CONSULTATION

3.1. Community Consultation

Community Consultation was carried out in spring 2016 for a Reserve Activity Plan for the Richmond Recreation Area. There was community support for a linking track and improvement of the reserve at 229 Brinktop Road.

3.2. State/Local Government Protocol

Consultation has occurred between Council and the Department of Primary Industries, Parks, Water and the Environment.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The land transfer is consistent with Council's Strategic Plan 2016-2022 to: *"develop and implement a public open space network including quality public spaces, parks, reserves and tracks and trails"*.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

- 6.1.** There have been issues of dumping and other anti-social behaviour associated with this property and responsibility for the effective management of these matters will transfer to Council. However, it is anticipated that there will be substantial mitigation and reduction of these issues in the future.

6.2. The approval of the subdivision at 7 Morgan Street will result in the construction of 5 new dwellings close to the property at 229 Brinktop Road. Furthermore, 4 of these new lots will have frontage and access from the old (now by-passed) section of Brinktop Road that services the lookout reserve at 229 Brinktop Road. This significant change in use pattern will provide passive surveillance and is expected to reduce anti-social behaviour, including dumping in an area that is isolated at present.

6.3. It is anticipated the track will be popular with residents of Richmond as there are no other extended walking opportunities for exercise and dog walking and visitation to the reserve will provide additional passive surveillance to deter dumping and anti-social activities. The Richmond Sustainable Living Group has shown a very keen interest in the development of the walking trails and access to the lookout reserve.

7. FINANCIAL IMPLICATIONS

If the land transfer is accepted by Council there will be annual maintenance costs that have not been considered in the 2016-2017 Annual Plan, however, will need to be budgeted for in future Annual Plans.

8. ANY OTHER UNIQUE ISSUES

8.1. The lookout offers excellent views over the village and across the Coal River Valley and is the only area of public land in this vicinity.

8.2. Once the track is constructed it will provide the community and tourists with safe pedestrian/bicycle access from Richmond to an attractive end point at the lookout.

8.3. Prior to the negotiations with the Crown, the Crown had identified the land for disposal on the open market.

9. CONCLUSION

- 9.1.** The lookout at 229 Brinktop Road is the only public land available in this location and should remain in public ownership. The Crown has the property listed for disposal.
- 9.2.** It will provide an end point/rest area to the walking track from Richmond Village.
- 9.3.** It is recommended that Council accepts the offer to transfer 229 Brinktop Road to Council to provide a place for members of the community and tourists to visit and enjoy the excellent views of Richmond and the Coal Valley.

Attachments: 1. Photos (2)

Andrew Paul
GENERAL MANAGER



Walking Track constructed by owner of 7 Morgan St, Richmond within the 10m wide public ROW alongside Brinktop Road.



Walking Track constructed by owner of 7 Morgan St, Richmond within the 10m wide public ROW alongside the Crown Land Road Reserve at the eastern end of the lot.



View towards Butchers Hills from proposed walking track and lookout on 229 Brinktop Road.

11.7.3 PROPOSED TRANSFER TO COUNCIL – 138 EAST DERWENT HIGHWAY, LINDISFARNE
(File No E01-138)**EXECUTIVE SUMMARY****PURPOSE**

To further consider purchasing from the Crown the vacant land at 138 East Derwent Highway, Lindisfarne.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

The Local Government Act, 1993 is relevant.

CONSULTATION

Consultation has occurred between Aldermen, Council Officers and the Department of State Growth.

FINANCIAL IMPLICATIONS

The cost of any purchase has not been considered in the 2016-2017 Annual Plan.

The costs to construct the car park have been estimated at \$80,000 and such funds will need to be considered as part of a future Annual Plan if the purchase offer is accepted.

RECOMMENDATION:

- A. That Council accepts the offer to purchase the State Government land at 138 East Derwent Highway, Lindisfarne.
- B. That the General Manager be authorised to write to the Department of State Growth offering to purchase the State Government land at 138 East Derwent Highway, Lindisfarne for a nominal sum as indicated by the Department.
- C. That the estimates be amended to reflect the cost of the acquisition and transfer process in the amount of \$10,000.

NB: An Absolute Majority is required for a Decision on this Item.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Department of State Growth (DSG) owns the vacant area of land at 138 East Derwent Highway, Lindisfarne as shown on Attachment 1.

- 1.2. The area is currently primarily used for informal parking by patrons of the Masonic Hall and the general public.
- 1.3. The Masonic Lodge recently contacted the DSG regarding the possible purchase of the land for parking by patrons of the Masonic Hall.
- 1.4. The area is surplus to the DSG's requirements, however, has been offered to Council in the first instance.
- 1.5. This Agenda Item considers the history of the property and makes a recommendation for its future use.

2. REPORT IN DETAIL

- 2.1. The land at 138 East Derwent Highway, Lindisfarne is a portion of a parcel acquired by the Crown in 1996 from Ampol Limited to provide safety/improved access from Gordons Hill Road to East Derwent Highway by way of a traffic light controlled intersection.
- 2.2. At the time of redevelopment of the intersection in 1999, the Masonic Lodge raised concerns about safe access for patrons of the hall with the increase of traffic from the proposed road works.
- 2.3. Council and the Crown at the time of design of the new junction were in discussions about developing the residue area of land for car parking and at that time the Crown requested Council consider sharing the estimated total cost of \$37,000. Council declined the offer. Council, however, agreed to maintain the footpath and nature strip with the East Derwent Highway road reservation with the balance area being the responsibility of DSG.
- 2.4. Since the new junction was constructed the area of land has remained vacant and used informally for car parking purposes. The Masonic Lodge recently contacted the DSG regarding the possible purchase of the land for car parking for patrons of the Hall.

- 2.5.** DSG has offered to sell the land to Council in the first instance. It is understood that any sale would be for a nominal sum but on condition that the property use be restricted to “community use” or similar.
- 2.6.** To assist in Council’s consideration of this matter 2 preliminary car park designs for the land have been prepared, which also involve a slight lengthening of the left hand turning lane on Gordons Hill Road; (refer Attachment 2) for an estimated cost of \$80,000.
- 2.7.** The land in question is already heavily used by the public as an informal parking area. This demonstrates the need and demand for this use. Additionally, there are commercial and recreational uses in the immediate proximity that will increase this need for parking. It would not be unreasonable for Council to now “step in” and formally provide for this parking demand.
- 2.8.** Were Council to acquire the land there are several key issues it will need to consider in the further development of the area.
- Most importantly, should the land be developed as a car park and the ensuing likely pattern of use and pedestrian movements, the matter of pedestrian safety will also need to be addressed. Particularly this will need to provide for the management of both the crossing Gordons Hill Road to the Masonic Hall, and the East Derwent Highway in the case of development of the Tyre Power site (which can be anticipated) and the former Aproneers premises (which has now reopened as another business).
 - The current use of the site on an informal basis has resulted in some less than desirable vehicular practices which are considered hazardous. This issue can be addressed through an effective design and the formalised development of the site in a manner “fit for purpose”.

- If the land is developed as a car park there are likely to be issues associated with Park and Ride. The Metro stop is approximately 130m distant and such a potential car park will be inviting to Park and Riders who already use side roads off the East Derwent Highway. The primary purpose for which Council would develop this car parking area is to service the short term parking demand generated by commercial and recreational activities in the immediate area. To prevent conflict in use demand the car park would need to be time restricted and staff resources deployed to enforce these requirements.

2.9. As with all of Council's localised parking provision the development of the area as a car park would be viewed as providing a broad community benefit. It is appropriate that Council provide such parking facilities in close proximity to commercial hubs.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

DSG officers have been in discussion with Council officers over the proposed sale of the land. The matter has also been the subject of an earlier report to Council and subsequent Aldermen Workshop discussions.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's Strategic Plan 2016-2026 under the Goal area: "Clarence will be a well-planned liveable city with services and supporting infrastructure to meet current and future needs" has a Roads and Transport Strategy to:

"GOAL: Clarence will be a well-planned liveable city with services and supporting infrastructure to meet current and future needs.

2.6 – Provide and prioritise a safe, reliable and accessible pedestrian network.

2.7 – Monitor and provide public car parking facilities within activity centres (both on-street and off-street) as a component of broader transport and access strategies involving public transport and alternative transport modes.

2.8 – Develop and implement a parking infrastructure development plan (based on service level objectives, demand projections and associated pricing policy settings) to guide Council's capital investment in public parking facilities in activity centres”.

5. EXTERNAL IMPACTS

5.1. Currently the land is vacant and used by the public for informal car parking.

5.2. The area has minimal maintenance undertaken by DSG to keep grass levels low.

6. RISK AND LEGAL IMPLICATIONS

Under the Local Government Act, Council can purchase land for any purpose which it considers to be of benefit to Council or its community.

7. FINANCIAL IMPLICATIONS

7.1. If Council purchases the land for a nominal sum, there will be costs for the purchase and associated charges such as survey and legal fees that have not been considered in the 2016-2017 Annual Plan. These costs would be appropriately met from Car Parking Reserves funds.

7.2. The construction costs for the car park have been estimated at \$80,000 and funds will need to be allocated from a future Annual Plan if Council decides to acquire the land.

8. ANY OTHER UNIQUE ISSUES

Given that the proposed sale is for a nominal amount, the offer is essentially a transfer from one level of government to another.

9. CONCLUSION

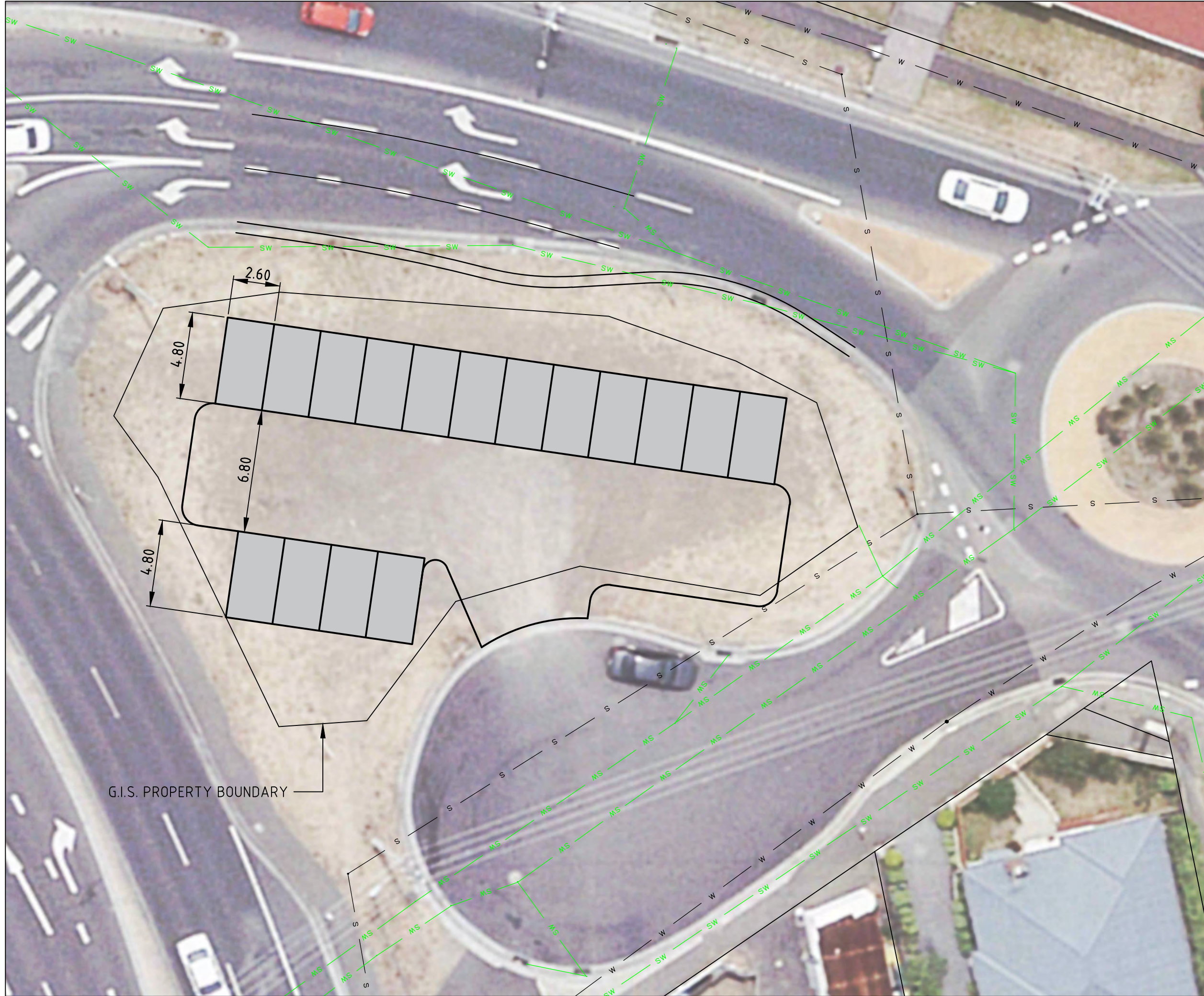
On the basis of addressing the direct public demand and benefits that will accrue from the formal development of the area for car parking, the offer of acquisition of the land at 138 East Derwent Highway for a car park should be accepted.

Attachments: 1. General Site Plan (1)
2. Car Parking Development Options (1)

Andrew Paul
GENERAL MANAGER



Disclaimer: This map is a representation of the information currently held 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, 30 December 2016 **Scale:** 1:491.5 @A4



OPTION 1
SCALE 1:200

- NOTES (AS2890.1:2004):
1. USER CLASS 3
 2. PARKING WIDTH 2.60m
 3. AISLE WIDTH 6.80m - INCREASED OVER STD
 4. PARKING LENGTH 4.80m - INCL. LOW KERB ALLOWING 600mm OVERHANG.
 5. PAVEMENT AREA 450m²



OPTION 2
SCALE 1:200

- NOTES (AS2890.1:2004):
1. USER CLASS 3
 2. PARKING WIDTH 2.60m
 3. AISLE WIDTH 6.80m - INCREASED OVER STD
 4. PARKING LENGTH 4.80m - INCL. LOW KERB ALLOWING 600mm OVERHANG.
 5. PAVEMENT AREA 500m²

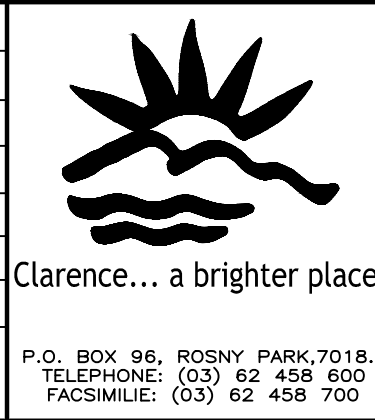
SERVICES

NO GUARANTEE IS GIVEN THAT ALL SERVICES ARE SHOWN, OR THAT THE POSITION OF THOSE SHOWN IS ACCURATE. THE EXACT POSITION OF ALL SERVICES SHALL BE DETERMINED ON SITE BEFORE CONSTRUCTION COMMENCES.

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| SCALES — PLAN | | | | As Shown | HORIZONTALLY | As Shown | VERTICALLY | As Shown | DATUM | GDA94/AHD | DATE |
|-------------------------|-----------|-------|----------|----------|--------------|----------|------------|----------|-----------|-----------|----------|
| POINT OF INTEREST — | EAST | NORTH | ROTATION | — | | | | | REC. REF. | SCANNED | |
| COMPUTER FILE REFERENCE | | | | | | | | | DRAWN | AWB | OCT 2016 |
| | | | | | | | | | DETAILED | | |
| | | | | | | | | | DESIGNED | | |
| | | | | | | | | | CHECKED | | |
| | | | | | | | | | EXAMINED | | |
| | | | | | | | | | APPROVED | | |
| No. | REVISIONS | | | INITIAL | DATE | SCANNED | ENGINEER | | | | |



| PROPOSED CAR PARKING FACILITY 138 EAST DERWENT HIGHWAY CONCEPT PLAN | | | |
|---|--|-----------------|--|
| REFERENCE DRAWINGS | | CONTRACT NUMBER | |
| PLAN No. 6463-1 | | PROJECT No. | |
| | | A1 | |

11.7.4 ELECTRONIC GAMING MACHINES

(File No)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is for Council to consider its reply to the Local Government Association of Tasmania (LGAT) who is co-ordinating responses from the sector to submit to the Tasmanian Liquor and Gaming Commission, as part of the Government's request for public consultation on the Gaming Control Act Community Interest Test Discussion Paper.

RELATION TO EXISTING POLICY/PLANS

- Strategic Plan;
- Access and Inclusion Plan;
- Asset and Recreational Planning;
 - Public Open Space Strategy;
 - Sport and Active Recreation Strategy;
- Community Participation Policy;
- Community Planning and Development Framework (Draft);
- Community Health and Wellbeing Plan;
- Economic Development Framework;
- Environmental Health Standards and Legislation;
- Financial Plan;
- Planning Scheme;
- Positive Ageing Plan; and
- Youth Plan.

LEGISLATIVE REQUIREMENTS

- Gaming Control Act, 1993; and
- Gaming Control Amendment (Community Interest) Act, 2016.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council endorses the response to the Local Government Association of Tasmania (LGAT) in respect to the Gaming Control Act Community Interest Test Discussion Paper and that this is forwarded to LGAT through Council's General Manager.

ELECTRONIC GAMING MACHINES /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council has been provided with the opportunity to give comment about the Gaming Control Act Community Interest Test Discussion Paper.
- 1.2.** The Local Government Association of Tasmania (LGAT) has requested input from the sector, which they will compile and submit to the Tasmanian Government as part of their request for public consultation.

2. REPORT IN DETAIL

- 2.1.** The Gaming Control Act, 1993 is the principal legislation that regulates gambling in Tasmania. The provisions of the Act require that applicants wishing to operate Electronic Gaming Machines (EGM's) in a hotel or club in Tasmania must apply to the Tasmanian Liquor and Gaming Commission (the Commission), for a Licenced Premises Gaming Licence (LPGL).
- 2.2.** The Gaming Control Amendment (Community Interest) Act, 2016 introduces new provisions that require all applicants for a LPGL at hotel or club premises, that have never operated EGM's, or not previously operated them in the past 6 months, to provide a community interest submission.
- 2.3.** The purpose of the Gaming Control Act Community Interest Test Discussion Paper is to raise relevant matters supporting the Tasmanian Government intent to apply the community interest test that gives local communities a greater voice in determining the future location of Electronic Gambling Machines (EGM's) in their community.

- 2.4.** The Community Interest Test Discussion Paper provides broad information on assessment frameworks for gaming in other jurisdictions, including: New South Wales; Australian Capital Territory; South Australia; Northern Territory; Queensland; and Victoria.
- 2.5.** The paper also highlights multiple issues for consideration including:
- Stakeholder Engagement;
 - Definition of the “Area”;
 - Local Community Area Profile;
 - Site Profiles
 - Social Impacts; and
 - Economic Impacts.
- 2.6.** These issues for consideration form the basis for a series of 17 questions prompting a reply. In summary they include the following responses to LGAT for compilation of an overall sector response to the Tasmania Government:

Stakeholder Engagement

- Use of the Queensland model is more holistic as it requires applicants to identify community attitudes towards their application, both benefits and challenges, which increases transparency and accountability.
- A wide range of community organisations should be directly consulted with to gain expert advice and data.
- It is advisable that local government be seen as a “facilitator” to information and not as a direct “provider”.
- Use of the ACT model that allows for a period of 6 weeks community consultation is an appropriate amount of time.
- While open hearings/forums can be an effective method to consult, it is advisable and supported in the discussion paper, that an experienced third party be required to facilitate community consultation on behalf of the applicant.

- Additional recommended community participation methods to those outlined are: social media; info sheets; displays; letter drops; and alternative forms of accessible information such as plain English and other relevant languages.

Definition of the “Area”

- Use of the South Australian model is advisable as it considers ABS data within a radius of 2km allowing other suburbs or cities, and other LGA’s to be included in the community of interest test.

Local Community Area Profile

- While the examples of key demographic information provided are sound, it is advisable that the Queensland and Victorian models of including regional benchmarks and projected tourism statistics are also included for Tasmania.
- The social and economic impacts are only included in the LGA profiling. It is recommended that the “environmental impacts” are also included as a matter for community interest.
- It is advisable that SEIFA scores alone are not used as an accurate measure or summary of community demographics for “advantage” and “disadvantage” as these scores do not contain vital information in regard to needs and aspirations within communities.

Site Profiles

- Information on business, industry and gaming sensitive sites within a 2km radius should be a “relevant matter” to be considered as part of the community interest test.
- The Northern Territory and Queensland models require gaming venues and businesses associated with hospitality to be consulted within this radius.

- It is advisable to also consider and include other businesses such as aged care facilities, pawnbrokers and credit facilities.
- It is also advisable to consider the appropriateness in some circumstances to extend the 2km radius given the geographical nature and closeness of some LGA's in Tasmania.

Social Impacts

- The social impacts that applicants are required to provide in relation to the installation of EGM's adequately cover requirements and include: positive and negative impacts (including lifestyle, recreational); harm minimisation strategies and compliance; and commitment to reducing the risk of problem gambling.

Economic Impacts

- The economic impacts that applicants are required to provide in relation to the installation of EGM's adequately cover requirements and include: employment as part of the proposal, types of and whether sourced from the LGA; the impact of local business; projected gaming revenue; contributions to local community through donations/grants etc.
- It is advised that the South Australian model of requiring applicants to provide an overall net impact assessment of the proposal on the community is a worthwhile consideration for Tasmania.

3. CONSULTATION

3.1. Community Consultation

Not applicable.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

4.1. Council's Strategic Plan and associated regulations, plans and policies cover a wide ranging social, economic and environmental scope.

4.2. The implications from the Gaming Control Amendment (Community Interest) Act, 2016 introducing new provisions that require all applicants provide a community interest submission, will have minimal impact to how Council is currently undergoing business.

5. EXTERNAL IMPACTS

There is the possibility of increased demand on Council from applicants and their third party consultants, requiring statistical and demographic information, and/or provision of information and advice on local community contacts, groups and associations that will assist with their community interest test.

6. RISK AND LEGAL IMPLICATIONS

None noted.

7. FINANCIAL IMPLICATIONS

Nil.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. Council has been provided with the opportunity from LGAT to give comment to the Tasmanian Government about the Gaming Control Act Community Interest Test Discussion Paper.

9.2. The Community Interest Test Discussion Paper provides broad information on assessment frameworks for gaming in other jurisdictions across Australia, and highlights multiple issues for consideration.

9.3. These issues are addressed through the series of 17 questions which provide a summary for LGAT to compile as part of their overall sector response to the Tasmania Government.

Attachments: 1. Gaming Control Act Community Interest Test Discussion Paper (15)
2. DRAFT Response to LGAT (5)

Andrew Paul
GENERAL MANAGER

Gaming Control Act 1993 Community Interest Test Relevant Matters

Discussion Paper

January 2017

Gaming Control Act 1993 Community Interest Test Relevant Matters - Discussion Paper

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Website: <http://www.gaming.tas.gov.au>

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I Introduction

1.1 Purpose of this paper

On 17 March 2016, the Tasmanian Government announced a new way forward for gaming in the State. As part of this announcement, the Government advised that a public interest test (now known as a community interest test) would be applied by the Tasmanian Liquor and Gaming Commission to all applications for a Licensed Premises Gaming Licence where the applicant sought to possess electronic gaming machines at a hotel or club premises that had not previously operated EGMs or where EGMs had not operated at the premises during the six month period prior to the application (Relevant Application).

The intent of the Government's policy was to give local communities a greater voice in determining the future location of EGMs in their community. In October 2016, the Government tabled the Gaming Control Amendment (Community Interest) Bill 2016 in Parliament to give effect to its policy. The Bill was passed by both Houses of Parliament and received Royal Assent on 6 December 2016.

On 6 December 2016, the Government wrote to the Commission requesting it to conduct a public consultation process to inform the consideration of community interest matters to be prescribed in regulations. These will become the matters that the Commission will be required to consider when assessing a Relevant Application. The Commission has been asked to provide advice to the Government early in 2017.

This Discussion Paper has been produced in response to the Government's request that public consultation occur. It raises a number of matters and questions for consideration with interested parties invited to comment.

Following receipt and consideration of submissions, the Commission will report its findings to the Government.

Table 1: Timeframe for regulations

| | |
|---|--------------|
| Release of consultation paper | January 2017 |
| Submissions on consultation paper close | March 2017 |
| Commission Reports to Government | April 2017 |
| Amendments to the Act proclaimed and regulations commence | June 2017 |

1.2 How to make a submission

It is not necessary for submissions on this Discussion Paper to answer every question or address every issue posed. Any information provided in addition should be relevant to the community interest test subject matter. Written submissions to this paper should be emailed to gaming@treasury.tas.gov.au or mailed and addressed to:

Mr Greg Partridge
Director
Liquor and Gaming Branch
Department of Treasury and Finance
GPO Box 1374
Hobart TAS 7001

by 27 February 2017.

Please note all submissions will be treated as public documents and will be placed on the Department of Treasury and Finance's website under Liquor and Gaming.

2 Background

2.1 The operation of the *Gaming Control Act 1993* and the *Gaming Control Amendment (Community Interest) Act 2016*

The *Gaming Control Act 1993* is the principal legislation that regulates gambling in Tasmania. The provisions of the Act require that a person wishing to operate EGMs in a hotel or club in Tasmania must apply to the Commission to obtain a LPGL.

The *Gaming Control Amendment (Community Interest) Act 2016* (Amendment Act), introduces new provisions into the Gaming Control Act that require all applications for a LPGL at hotel or club premises that have not previously operated EGMs, or a hotel or club premises that has not operated EGMs in the six months prior to the application, to be accompanied by a community interest submission.

The Amendment Act stipulates that community interest matters to be considered by the Commission when deciding whether to grant a Relevant Application for a LPGL will be prescribed in regulations. The Amendment Act also includes a provision for “any other matter” that the Commission determines is a community interest matter.

Applicants required to complete a community interest submission will do so using a form approved by the Commission, providing sufficient detail about prescribed community interest matters to enable the Commission to determine whether it is in the community interest to grant a licence with authority to operate EGMs or not.

Applicants will be required to place a notice in the local newspaper advising of their application (including that it contains a community interest submission). A person will be able to write to the Commission, within 14 days of the notice being published, stating their objection to the granting of the licence on the grounds that it is not in the community interest to do so, having regard to the community interest matters.

Note: The Commission is required under the Amendment Act to provide a copy of an applicant’s community interest submission to anyone who asks for a copy. To this end, the Commission intends to publish all community interest submissions on the Liquor and Gaming Branch website.

The Commission must not make a determination in regard to an application for a LPGL that contains a community interest submission without first considering the submission and any objection(s) made in relation to it.

2.2 Community interest assessment frameworks for gaming in other jurisdictions

Every other jurisdiction in Australia¹ includes a form of community assessment that must be submitted for consideration with applications for the introduction of EGMs into new venues, or where EGMs are increased/relocated² at existing venues. While the broad purpose of each assessment is similar (i.e. to analyse how a particular premises/proposed premises will impact the community), elements can vary from jurisdiction to jurisdiction, including:

- the regulatory framework providing for the assessment;
- the structure of the test and supporting information (i.e. how the information is collated);
- who is required to complete the test; and
- the detail required to be submitted as part of the community interest submission (i.e. the community interest matters).

¹ Does not include Western Australia where EGMs do not operate in hotels and clubs.

² In some jurisdictions the requirement for a community assessment is dependent on EGMs increasing by a certain number of machines or is at the discretion of the regulatory body.

In line with New South Wales and the Australian Capital Territory, the Commission proposes to develop guidelines in support of the Tasmanian legislative framework, which will provide additional information to applicants required to complete a community interest submission.

Most jurisdictions do not stipulate who must undertake the community interest submission. The Northern Territory and Queensland do, however, provide in their guidelines that the submission is considered a report to relevant authorities, not to the applicant, and the submission must be:

“an objective, professional and independent review of the potential social and economic impact of gaming machines on the local community”ⁱ

It should be noted that while some jurisdictions do not include the requirement of who should complete the community interest test, most applicants employ an experienced third party when completing the submission.

The matters to be incorporated and considered by the relevant decision making body as part of the community impact assessment differ in each jurisdiction. For example, the Northern Territory, New South Wales, Victoria and the Australian Capital Territory require the collation of information relating to the economic and social impacts of the application, whereas Queensland and South Australia have a stronger focus on taking into account social and community issues in making a determination, making stakeholder engagement a key focus.

3 Issues for consideration

3.1 Stakeholder engagement

As discussed in the introduction section of this paper, a key objective of the Government’s community interest test policy is for local communities to have a greater voice in determining the future location of EGMs in their community.

To date, community input has been limited by the current legislation to written objections to an application based on the grounds of an applicant’s probity or suitability, or that of their associates; however, under the Amendment Act community members can also object to an application on community interest grounds.

The method of providing the local community with input into the decision making process concerning the introduction of EGMs varies across other Australian jurisdictions.

In Victoria, local councils must be notified when a hotel or club wishes to introduce EGMs and councils are provided the opportunity to make a submission in relation to the application to the Victorian Commission for Gambling and Liquor Regulation (the body that determines EGM applications in Victoria). In addition, the VCGLR also conducts open hearings at which any member of the community is entitled to make a submission to be heard.

In Tasmania, the Commission does not currently conduct open hearings for LPGL applications. However, with the ability for a person to object to a LPGL on community interest grounds, there may be an opportunity for open Commission hearings to be conducted in relation to a Relevant Application. This will enable persons who lodge an objection to have the opportunity to appear before the Commission in person to provide further explanation regarding their objection.

Where sufficient community objection is identified to a Relevant Application, the Commission may consider holding an open community forum in which members of the community could appear and provide their views in relation to the LPGL application.

In the Australian Capital Territory, an EGM applicant is required to submit a Social Impact Assessment (SIA) to the ACT Gambling and Racing Commission for assessment. Each SIA is subject to a community consultation period of six weeks during which submissions may be made to the ACT Commission.

The ACT Commission considers the SIA as part of its decision making process, and must take into account all community submissions made during the consultation period.

In contrast to both the Victorian and Australia Capital Territory models, Queensland requires applicants to submit a Community Impact Statement (CIS) when applying to operate EGMs. Part of the CIS requirement is for the applicant to identify the attitude of the community towards the application (rather than gambling in general) and an indication of the prevalence of problem gambling in the community.

To achieve this, consultation is required with local community stakeholders, including:

- the nearest “Gambling Help” service provider;
- local community help groups, welfare and emergency relief providers;
- financial assistance counselling services;
- health care providers;
- business and industry associations;
- community leaders;
- cultural groups;
- local community groups; and
- local residential groups.

Queensland consultation requirements are similar to those that exist in New South Wales, South Australia, and the Northern Territory, all of which require community consultation as part of the applicant’s preparation of their community interest submission.

In Tasmania a LPGL applicant is currently required, within 14 days of applying for a LPGL, to cause a notice to be published in a newspaper circulating in the area in which the premises is to be situated indicating the intention to operate EGMs at the premises. Any person may then write to the Commission, within 14 days of the notice being published, to object to the grant of the licence stating the grounds for the objection. As indicated, the grounds for objection are currently limited to issues relating to the probity or suitability of the applicant and their associates.

Under the new provisions of the Act, the requirement for applicants to place a notice in the local newspaper and the ability for a person to object to a LPGL on probity or suitability grounds remains. In addition, the Act will require an applicant to include in the notice that the application contains a community interest submission and that any person may object to the granting of the LPGL on the grounds that the licence is not in the community interest, having regard to the community interest matters.

Questions

1. An applicant will be required to complete a community interest submission to accompany the application. What form should this take?
2. Should an applicant be required to directly consult with local community organisations in relation to their application? If so, are the following community organisations sufficient for consultation:
 - local government;
 - local community groups;
 - health care providers;
 - business and industry; and
 - Tasmania Police.
3. If an applicant is required to consult, what timeframe do you consider appropriate for consulted parties to provide comment?
4. Would the Commission conducting open hearing/forums in the community be an effective way for the community to participate in the process? Are there advantages/disadvantages with this?
5. To maximise community participation, other than the introduction of open hearings and open community forums, are there other ways for the Commission to inform itself of the community's position?

3.2 Definition of the “area”

A community interest submission will be related to the local area in which a Relevant Application will apply. Defining the area to be considered provides direction to the applicant and clarifies ‘profiling’ information to be collated in order to paint a picture of the local area in which the EGM premises will operate.

Australian jurisdictions use a number of models to define the area to be used for statistical reporting and consultation requirements. For instance, in South Australia the local community area is defined as each statistical local area (SLA) (an Australian Bureau of Statistics measurement) within a radius of two kilometres of the premises. This ensures that statistics for all SLAs are taken into consideration for premises that may be situated close to the border of two or more SLAs.

Conversely, in Victoria and New South Wales applicants are required to provide statistical information relating to the local government area in which the EGMs will be installed. These jurisdictions do not take into consideration adjacent municipalities.

Queensland and the Northern Territory define the area that will largely be affected by the proposed EGM application as a “local community area”, whereby the applicant has the discretion to define the area using the Australian Statistical Geography Standard (an Australian Bureau of Statistics measurement) for analysis. Clear justification of the selected area must be provided. The Australian Capital Territory has a similar approach, however the local community area is defined as a three kilometre radius of the proposed premises.

Given Tasmania has a relatively small population with 29 local government areas, the local government area may be the appropriate definition of area to be used. LGA statistics are commonly available and accessible enabling the applicant to report on, or the Commission to verify, profiling information.

Questions

6. Is the LGA the most appropriate definition of area to use for the purposes of a submission? If not what alternatives would be suitable?
7. Should more than one LGA be taken into consideration for the determination of a premises within two kilometres of other LGAs?

3.3 Community Interest Matters

Community interest matters are factors that are required to be considered when determining whether it is suitable for EGMs to be placed into a community. The community interest matters to be prescribed, must be addressed by LPGL applicants and considered by the Commission when determining whether the granting of a LPGL is in the community interest or not.

It is envisaged that these matters should be broad enough to enable flexibility to assess each individual application on its merits noting that, as each community has individual characteristics, a proposal may be unique to a particular premises.

The information in the submission will be used by the Commission to form a profile of the defined area which will then assist in determining whether or not to grant an application for the authority to possess EGMs.

For the purpose of this paper community interest matters for consideration have been grouped under the following headings:

- 1) Local Community Area Profile;
- 2) Site Profile; and
- 3) Social and Economic Impacts.

3.3.1 Local Community Area Profile

Common local community area information used in other Australian jurisdictions is commonly collated to create the following profile groups:

- Demographic profile; and
- Businesses, industry and gaming-sensitive sites profile.

Other less common profiling parameters used are regional benchmarks (Queensland) and projected tourism statistics (Victoria).

Demographics

Demographic data is used to describe the sample of people (or organisations) in a specific area at a specific point in time. Including demographic information as a community interest matter would provide a profile of the potentially impacted area. For example, demographic profiling of the defined area would allow a comparison of the area profile to be made with data relating to at risk gambling groups in Tasmania.

All community impact assessments conducted for gaming in Australian jurisdictions include the requirement that demographic statistics be reported. Common data used include: age distribution; gender distribution; projected population growth; socio-economic status; average income/distribution; labour force/unemployment levels; level of education; ethnicity and housing costs.

The majority of the demographic data (discussed below) are available on the ABS website for a particular geographic location (i.e. LGA). Projected population growth statistics are available by LGA on the Department of Treasury and Finance's website and education levels statistics are also available from the ABS website (see stat.data.abs.gov.au).

Age distribution

The age structure of a particular area can provide key insights into the impact that the introduction of EGMs into an area may cause with respect to problem gambling.

For example, young people (aged 18-24) have been identified by Australian researchⁱⁱ as being at particularly high risk of developing into problem gamblers. Further the Third Social and Economic Impact Study of Gaming in Tasmania reports that EGM play was significantly higher in 18 to 24 year olds (32.7%)ⁱⁱⁱ.

As such, age distribution could be a key matter for consideration in the future determination of EGMs in an area.

Gender distribution

A recent study (2015) conducted by Southern Cross University found differences in problem gambling rates between males and females suggesting that associated risk factors vary by gender. The study found that males (18-30) are consistently overrepresented in problem gambling statistics^{iv}. This finding is supported by Victorian research where males aged 18-34 years were more likely to be at-risk, as were females aged 18-24 years.^v

Gender imbalances may exist for a number of reasons. For example, males may significantly outweigh females in areas associated with heavily mining-based economies. Gender distribution statistics may therefore be applicable in such areas.

The Northern Territory, Queensland and Victoria require gender distribution statistics to be provided on the reported area as part of a community interest submission. It is worth noting that overall Tasmania does not have the gender imbalances displayed in some other jurisdictions, however, these statistics may assist in acquiring a profile of the defined area.

Population and projected population growth

The Australian Capital Territory, Northern Territory, Queensland and Victoria require projected population growth statistics to be reported as part of the community interest assessment.

This information is used by the relevant authorities to determine any likely benefits of extra EGMs in the area, and the effects on the density of EGMs. For example, an increase in EGMs in a high growth area may be considered appropriate relative to population growth, as total demand and utilisation rates for gaming machines may increase.

Tasmania is expected to experience modest population growth (estimated average growth rate is 0.3 per cent, over the projection period 2013 to 2062). In Tasmania overall, 17 LGAs are projected to have population growth (from 2013 to 2037) while the remaining 12 LGAs are projected to experience population decline.^{vi}

Socio-Economic Indexes for Areas (SEIFA) scores

Socio-Economic Indexes for Areas (SEIFA) is a measure developed by the ABS that ranks areas in Australia according to relative socio-economic advantage and disadvantage. Each index summarises a different aspect of the socio-economic conditions in an area. For each index, every geographic area in Australia is given a SEIFA number which shows how relatively 'disadvantaged' that area is compared with other areas in Australia.^{vii}

Every Australian jurisdiction requires the collation of SEIFA as part of their community interest submission. SEIFA scores are considered to be an important tool for providing a 'synopsis' of the relative socio-economic advantage/disadvantage of an area, which is a significant consideration when determining the location of EGMs.

Average income/distribution

Australian jurisdictions (with the exception of Queensland and South Australia) require income statistics as part of a community interest assessment.

The VCGLR decision regarding the Collingwood Football Club made on 3 June 2016 demonstrates the inclusion of income distribution in a community interest assessment. In this instance the VCGLR made reference to income level as an indicator associated with problem gambling.^{viii}

The third Tasmanian SEIS reported that when compared to the total Tasmanian population, EGM play was significantly higher for persons with relatively low annual personal incomes of \$25 000 to \$39 999 (24.7 per cent). Therefore income may be a suitable factor to consider in the determination of new venues seeking to possess EGMs.

Labour force levels/unemployment levels

All Australian jurisdictions include the requirement to report labour force statistics in a community interest assessment.

The unemployment level of the applicable area is often compared to the jurisdiction's average in order to try to determine the level of socio-economic advantage/disadvantage, as well as how much importance should be placed on any prospective employment the proposal will provide. For example, employment may be an important consideration where a proposal will bring significant employment to an area with unemployment greater than the State average.

Education levels

All Australian jurisdictions (except South Australia) require education statistics to be collected as part of a community interest submission.

Research conducted in the Australian Capital Territory has shown that problem gamblers tend to be young, male and be less well educated. The research particularly noted that education level had the strongest association with gambling measures.^{ix}

Ethnicity, Occupations and Housing Costs

Less common demographic statistics which are sometimes required by other jurisdictions include ethnicity, occupation and housing data.

New South Wales, the Northern Territory and Queensland require ethnicity and occupation data to be reported for the area in a community interest submission. These jurisdictions are considered to have culturally and linguistically diverse communities. CALD communities within developed nations (including Australia) tend to participate in gambling less, but may be more likely to experience problems.^x

Housing costs are analysed by the Northern Territory, Queensland and Victoria as an indicator of financial stress in an area and are required to be reported.

Questions

8. Provided are examples of what other jurisdictions use as key demographic statistics for inclusion in community interest submissions. What demographic statistics could/should be included as relevant matters under the Tasmanian community interest model?
9. Do you consider that the SEIFA score by itself is an adequate summary of the demographics of an area?

Businesses, industry and gaming sensitive sites profile (within two kilometres)

Business and industry data is considered by several jurisdictions as part of their community interest assessments. Queensland and the Northern Territory include the requirement to list the key businesses, industry and gaming sensitive sites operating within the specified area.

Jurisdictions differ in regard to the affected entities they require information on, but schools, shopping centres, sports and community facilities (e.g. problem gambling support services) as well as places of worship are key entities. Other types of entities that may be affected include sites such as:

- emergency relief providers;
- hospitals;
- child care centres;
- welfare services;
- pawnbrokers or credit providers; and
- aged care facilities.

Questions

10. Should business and industry information be a 'relevant matter' to be considered as part of a Tasmanian community interest submission?
11. Key businesses for consideration could include gaming venues and businesses associated with hospitality, what other types of businesses would likely be affected by the introduction of EGMs in a particular area?
12. Is a two kilometre radius around a premises an appropriate measurement to identify those entities which may be most affected?

3.3.2 Site Profile

While the local community area profile information (i.e. demographics, business and industry and gaming sensitive site information) is important in gaining insight to the area affected by an EGM application, site profile information is required to gain insight about the proposed premises.

A number of Australian jurisdictions require a brief profile of the applicant's site as part of the community impact assessment.

Details of venue information varies in each jurisdiction but commonly the profile should provide data on the following characteristics:

- location of site;
- number of gaming machines applied for;
- size and type of premises;
- amenities other than EGMs (i.e. pool tables, darts etc.);
- physical accessibility of the site and gaming area; and
- patron type – current and proposed membership and/or number; proportion living near site or elsewhere, proportion working in the local area (this is usually collected by conducting an exit survey on site).

Some of the above information such as location of site, number of EGMs and size of premises is, at present, provided by the applicant on the LPGL application form. Information provided on the application form would not need to be repeated in the community interest submission.

Questions

13. What site profile data do you consider appropriate for inclusion in the Tasmanian community interest submission?

3.3.3 Social and Economic Impacts

A key consideration of a community interest assessment may relate to the ability to evaluate the social and economic impacts of EGMs being installed at the proposed premises.

Information for consideration could include:

- Social impacts
 - Details of gaming sensitive sites;
 - Harm minimisation measures to be adopted; and
 - Lifestyle, recreational and other social impacts.
- Economic impacts
 - Employment;
 - Impact on local businesses;
 - Gaming revenue; and
 - Contributions and other economic impacts.

Social Impacts

Impacts on gaming sensitive sites within two kilometres of the proposed premises

Every jurisdiction in Australia (with the exception of Victoria) requires information to be collected on gaming sensitive sites in the area, highlighting those likely to be affected (either positively or negatively) by the proposal. In addition, Queensland, also requires the applicant to provide the likely magnitude of any impact that may occur if the application is approved.

Harm minimisation measures for the proposed venue

The Gaming Control Act has a number of gambling harm minimisation requirements such as player exclusion provisions and responsible conduct of gambling requirements. In addition to this, the Commission has the *Responsible Gambling Mandatory Code of Practice for Tasmania* that all gambling operators must adhere to.

The following information in relation to any harm minimisation strategies intended to be employed at the premises may be an important consideration in determining the application:

- Information on how the applicant's responsible gambling strategies will specifically address any identified social impacts;
- Any aspect of the applicant's proposed harm minimisation strategies that go above and beyond what is required by legislation and the Commission's code of practice; and

- How the applicant proposes to comply with all of the current harm minimisation requirements, e.g. preventing excluded persons from entering the venue.

Applicants will be able to demonstrate whether they have a commitment to reducing the risk of problem gambling, such as through increased training, intervention policies with staff, connecting identified problem gamblers with support services etc.

Other jurisdictions, such as the Australian Capital Territory, New South Wales and Victoria collect similar information to this, with the Australian Capital Territory placing a higher risk rating to premises that only demonstrate basic measures for complying with harm minimisation requirements, while premises that demonstrate more advanced harm minimisation measures are considered better practice and therefore attract a lesser risk rating.

Lifestyle, recreational and other social impacts

Several jurisdictions consider the impacts that the introduction of EGMs in a premises may have on site facilities with respect to community activities. It may be appropriate to assess how the introduction of EGMs will transform:

- the use of site facilities including non-gaming and recreation facilities; and
- social interaction in the community.

Questions

14. What information should applicants be required to provide in relation to the possible social impacts that the installation of EGMs at a venue will have?
15. Are the proposed social impact requirements sufficient for the Commission to determine the proposed impact or are there perhaps too many requirements?

Economic Impacts

Employment

Changes in site employment that results from the introduction of EGMs at a venue is an indicator of economic benefit and is used across other Australian jurisdictions. Employment information similar to that provided below may be a suitable matter for consideration:

- Full time equivalents to be employed as a result of the proposal;
- Type of employment (full time, part time or casual);
- The area of employment; and
- Whether employees will be sourced from the LGA.

Impact on local business

A common theme in other jurisdictions is the particular focus on how local businesses and industries will be impacted (positively or negatively) by an application. The applicant is usually required to assess the likely impact that may occur on local businesses (within two kilometres) if the application is approved.

This may be a particularly useful indicator when considering saturation of gaming premises within a particular area.

Gaming revenue

Many jurisdictions require details of the site's projected gaming revenue to assist in determining the economic impact of the gaming operations on the community.

Applicants are generally required to provide a 12 month forecast of the net gaming revenue as an absolute figure and as a percentage of the site's overall projected net revenue. Background information on how these figures were reached would need to accompany the projections.

Contributions and other economic impacts

Common matters considered under contributions include the economic value of contributions to the local community which generally include sponsorships, donations and grants. Other economic impacts might be considered through the value of contracts to supply goods and services and the value of any construction or development associated with the proposal.

All jurisdictions provide the ability for applicants to provide similar details in respect to any proposed benefits to the community, with all but South Australia also requiring applicants to provide an overall net impact assessment of the proposal on the community.

Questions

16. What information should applicants be required to provide, if any, in relation to the possible economic impacts that the installation of EGMs will have at a venue?
17. Are the proposed economic impact requirements sufficient for the Commission to determine the proposed impact, or are there too many requirements or should they not be included at all?

Application of the community interest matters

The Commission's task will be to weigh up the matters put forward by the community – both negative and positive – against the applicant's submission and determine "on balance" whether the grant of the application would be in the community interest.

References

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- iii The Third Social and Economic Impact Study of Gaming in Tasmania, ACIL Allen Consulting, 2013. Vol 2. Pg 29-30.
- iv Hing N et al 2016. Risk factors for gambling problems: an analysis by gender. Southern Cross University ePublications. Available at: http://epubs.scu.edu.au/cgi/viewcontent.cgi?article=1438&context=bus_tourism_pubs, accessed December 2016.
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- vi The Department of Treasury and Finance, 'Population Projections TASMANIA AND ITS LOCAL GOVERNMENT AREAS', December 2014. Available at: [http://www.treasury.tas.gov.au/domino/DTF/DTF.nsf/LookupFiles/2014_Tasmania_population_projections.pdf/\\$file/2014_Tasmania_population_projections.pdf](http://www.treasury.tas.gov.au/domino/DTF/DTF.nsf/LookupFiles/2014_Tasmania_population_projections.pdf/$file/2014_Tasmania_population_projections.pdf), accessed December 2016.
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- viii Victorian Commission for Gambling and Liquor Regulation, 'Gaming Decision – EGM Increase – Collingwood Football Club Inc', 9 November 2016. Available at: <http://assets.justice.vic.gov.au/vcglr/resources/ede2535e-00b1-40a1-a5dc-1fdb396fef58/collingwood+football+club+inc+%28the+coach+and+horses+hotel%29+-+decision+and+reasons+for+decision.pdf>, accessed December 2016.
- ix The Australian National University's Centre for Gambling Research, 'The Nature and Extent of Gambling and Problem Gambling in the Australian Capital Territory, ACT Gambling Prevalence Study', November 2010. Available at: http://www.gamblingandracing.act.gov.au/__data/assets/pdf_file/0006/745044/ACT-Gambling-Prevalence-Study-Summary-of-Findings.pdf, accessed December 2016.
- x Australian Gambling Research Centre. Gambling in Culturally and Linguistically Diverse Communities in Australia. October 2016, AGRC Discussion Paper No. 7, Pg 2. Available at: <https://aifs.gov.au/agrc/sites/default/files/agrc-dp7-gambling-cald.pdf>, accessed December 2016.

DRAFT Response to LGAT Gaming Control Act Community Interest Test

31 January 2017

Penny Finlay
Senior Policy Officer
Local Government Association of Tasmania
GPO Box 1521
HOBART TAS 7001

Dear Penny

RE: Gaming Control Act Community Interest Test Discussion Paper

Thank you for the opportunity to provide comment about the Gaming Control Act Community Interest Test Discussion Paper, which I understand LGAT will be coordinating responses from the sector to submit to the Tasmanian Liquor and Gaming Commission, as part of the Government's request for public consultation.

The purpose of the discussion paper is to raise relevant matters supporting the Tasmanian Government intent to apply a new policy, to be prescribed in regulation, that gives local communities a greater voice in determining the future location of Electronic Gambling Machines (EGM's) in the their community.

As the discussion paper raises multiple issues with a series of 17 questions, please find the following comments for consideration under each:

Stakeholder engagement

- 1. An applicant will be required to complete a community interest submission to accompany the application. What form should this take?**

In consideration of the options presented in the discussion paper, Tasmania could draw from the practices in Victoria, the ACT and Queensland, requiring an EGM applicant to submit a social or community impact assessment or statement. The Queensland model appears to be the more holistic as it requires applicants to identify community attitudes towards their application, which means they have to fully explain to the public their intentions and what the benefits may be; as well as provide an indication of the prevalence of problem gambling in the community. This process

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seems to support a more transparent and accountable approach to determining applications.

2. **Should an applicant be required to directly consult with local community organisations in relation to their application? If so, are the following community organisations sufficient for consultation:**
 - a. local government;
 - b. local community groups;
 - c. health care providers;
 - d. business and industry; and
 - e. Tasmania Police.

Applicants as a matter of process should be required to directly consult with all of the organisations listed above as each one holds expert advice and data. In relation to consultation with local government, it is advisable that local government is not seen as the 'provider' of all information, but rather as the 'facilitator' to point applicants towards relevant networks and key contacts.

3. **If an applicant is required to consult, what timeframe do you consider appropriate for consulted parties to provide comment?**

As with the practice in the ACT, a six week consultation period is an appropriate amount of time.

4. **Would the Commission conducting open hearing/forums in the community be an effective way for the community to participate in the process? Are there advantages/ disadvantages with this?**

Open hearing or forums could be considered as part of a suite or tool box of methods depending on the community. They can be a very effective method to ensure increased accessibility for the wider community however they can also be derailed by influential communities of interest. As noted in the discussion paper, this is where an experienced third party should be required to facilitate community consultation on behalf of the applicant.

5. **To maximise community participation, other than the introduction of open hearings and open community forums, are there other ways for the Commission to inform itself of the community's position?**

To maximise community knowledge and accessible participation in the process, other methods outside of regular alerts in newspapers could include: social media; info sheets distributed to community groups for inclusion in newsletters and displays on noticeboards; letter drop to all residential homes in the immediate community/suburb; and knowledge/consideration and use of

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alternative forms of accessible information such as plain English formats and other relevant languages.

Definition of the "area"

6. **Is the LGA the most appropriate definition of area to use for the purposes of a submission? If not what alternatives would be suitable?**

The South Australian model for defining the local government area as a statistical local area appears to be the most sound, as it considers ABS data within a radius of 2kms that allows other suburbs or cities to be included in the community of interest. This is important when considering community profiling and impacts across close local government boundaries in Tasmania.

7. **Should more than one LGA be taken into consideration for the determination of a premises within two kilometres of other LGAs?**

Yes.

Community Interest Matters:

Local Community Area Profile

8. **Provided are examples of what other jurisdictions use as key demographic statistics for inclusion in community interest submissions. What demographic statistics could/should be included as relevant matters under the Tasmanian community interest model?**

The examples provided on demographic statistical information appear sound. The inclusion of regional benchmarks and projected tourism statistics as included in Queensland and Victoria should also be considered. Although social and economic impacts are considered it is recommended that the **environmental impacts** are also included.

9. **Do you consider that the SEIFA score by itself is an adequate summary of the demographics of an area?**

By itself, the SEIFA score is never an accurate measure or summary of community demographics, needs or aspirations. It is potentially dangerous to use this rating to determine community interest in isolation from other information, as it can create and promote unnecessary stigma and untrue reflections in both communities of advantage and disadvantage.

Business, industry and gaming sensitive sites profile (within 2kms)

10. **Should business and industry information be a 'relevant matter' to be considered as part of a Tasmanian community interest submission?**

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Yes.

- 11. Key businesses for consideration could include gaming venues and businesses associated with hospitality, what other types of businesses would likely be affected by the introduction of EGMs in a particular area?**

The Northern Territory and Queensland examples provide requirements for key businesses, industry and gaming sensitive sites to be consulted within the specific area of interest. As listed in the discussion paper it is also of importance to consider and include other businesses and industries such as aged care facilities, pawnbrokers and credit facilities in sensitive site profiles.

- 12. Is a two kilometre radius around a premises an appropriate measurement to identify those entities which may be most affected?**

This would need to be dependent on the geographical nature of the local area. In some LGA's in Tasmania a 2 km radius is more than sufficient, in others not adequate enough.

Site Profile

- 13. What site profile data do you consider appropriate for inclusion in the Tasmanian community interest submission?**

The characteristics listed in the discussion paper cover all relevant aspects of a site profile.

Social Impacts

- 14. What information should applicants be required to provide in relation to the possible social impacts that the installation of EGMs at a venue will have?**

The social impacts listed in the discussion paper adequately cover the requirements.

- 15. Are the proposed social impact requirements sufficient for the Commission to determine the proposed impact or are there perhaps too many requirements?**

While they are sufficient, what could be beneficial is to have clear positive and negative impacts around the categories identified i.e. details of gaming sensitive sites; harm minimisation measures to be adopted; and lifestyle, recreational and other social impacts. Adopting the ACT risk rating measures would appear to be a sound practice as well.

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Economic Impacts

16. What information should applicants be required to provide, if any, in relation to the possible economic impacts that the installation of EGMs will have at a venue?

The information applicants should be required to provide is adequately covered in the discussion paper, however the South Australian example of requiring applicants to provide an overall net impact assessment of any proposal on the community is something that could be considered for Tasmania as well.

17. Are the proposed economic impact requirements sufficient for the Commission to determine the proposed impact, or are there too many requirements or should they not be included at all?

Yes they are sufficient. However as indicated previously, what is missing from the overall community interest test is the **Environmental Impacts** in determining applications for EGM's.

Once again thank you for the opportunity to provide comment on this matter. Should you require further information or clarification on any of the comments provided, please contact Council's Community Planning and Development Officer, Julie Andersson, on 6217 9597 or email jandersson@ccc.tas.gov.au

Yours sincerely

Andrew Paul
General Manager

11.7.5 VISIT TO BINZHOU CITY

(File No 22-08-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to enable Council to consider an invitation from the City of Binzhou to visit their city in May of this year.

RELATION TO EXISTING POLICY/PLANS

In 2013, Council received a report which noted that any future sister city/friendship city arrangements should be focused on China, India, Indonesia, Japan and South Korea.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Initial contact has been made with Australian Government representatives based in China who have provided advice in regard to a proposed visit.

FINANCIAL IMPLICATIONS

Initial cost estimates are that the visit may cost up to \$3,500 per participant.

RECOMMENDATION:

- A. That Council accept the invitation of Binzhou City to send a delegation of Council to Binzhou.
- B. That a delegation comprising the Mayor, 2 or 3 Aldermen and the General Manager be authorised to visit Binzhou for the purposes outlined in the report.
- C. That if requested by Binzhou the Mayor be authorised to sign a Memorandum of Understanding between Binzhou and Clarence to explore opportunities for closer co-operation and a longer term relationship between the 2 cities.

ASSOCIATED REPORT**1. BACKGROUND**

Following a visit to the City of Clarence by the Vice-Mayor and officials from Binzhou City in China, an invitation was received for a Clarence delegation to visit Binzhou.

2. REPORT IN DETAIL

- 2.1.** The invitation to visit Binzhou is to further explore opportunities for co-operation in relation to agriculture, tourism, sport, education and investment.
- 2.2.** The invitation notes that the most convenient time to visit Binzhou is in April/May of this year.
- 2.3.** Binzhou is the home city of Chambroad Shandong who are the investment company proposing to develop the recently approved major hotel and educational facility in the Kangaroo Bay precinct.
- 2.4.** In regard to visiting Binzhou advice has been sought from an Austrade representative in Shanghai who also works as a Senior Business Development Manager for the Tasmanian Government.
- 2.5.** Advice received is that in the first instance a 3 day visit to Binzhou would be the most appropriate with a small deputation headed by the Mayor.
- 2.6.** The key purpose of the visit would be to obtain an overview of what sectoral opportunities may exist for cultural and investment links between Binzhou and Clarence. Particularly seeking to identify what areas of co-operation may exist.
- 2.7.** The advice received is that a reciprocal visit by Clarence would show respect to Binzhou and demonstrate the importance of the potential relationship and demonstrate the cities commitment to the long term investment by Shandong Chambroad.
- 2.8.** It is proposed that in the first instance it would be appropriate for the Mayor to lead a small delegation to Binzhou to investigate what opportunities may exist in forming a long term relationship with Binzhou.

2.9. It would not be anticipated that any form of sister city commitment be entered into at this stage, however, it would be appropriate to seek the signing of a simple Memorandum of Understanding to explore the potential of a more formal or longer term agreement. Such Memorandum of Understanding would not be a binding document but merely an expression of willingness to explore opportunities for future co-operation.

3. CONSULTATION

At this time no formal consultation has been undertaken with the exception of advice sought from the Austrade representative in Shanghai.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

In 2013, Council received a report which noted that any future sister city/friendship city arrangements should be focused on China, India, Indonesia, Japan and South Korea.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

Initial estimates are that the visit may cost up to \$3,500 per participant. This cost could be readily funded from a mix of Alderman travel entitlements and sister city funding.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. Council has been invited to send a delegation to Binzhou City following a recent visit by Binzhou City officials to Clarence.

- 9.2.** It is recommended that such invitation be accepted and that the Mayor lead a small delegation to Binzhou to initially explore possible areas of co-operation between Clarence and Binzhou. It is suggested that a senior Council officer accompany the delegation.
- 9.3.** It is recommended that the Mayor be authorised to sign a Memorandum of Understanding on behalf of Council committing to exploring the possibility of a more formal longer term agreement between Clarence and Binzhou.

Attachments: Nil.

Andrew Paul
GENERAL MANAGER

12. ALDERMEN'S QUESTION TIME

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

12.1 QUESTIONS ON NOTICE

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

Nil.

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

12.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

13. CLOSED MEETING

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

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

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 TENDER T1151/17 – ASPHALT RESURFACING WORKS 2016/17

13.3 TENDER T1150/17 – CAMBRIDGE ROAD, MORNINGTON – KERB AND GUTTER CONSTRUCTION

13.4 PROPERTY MATTER - LAUDERDALE

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

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

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

PROCEDURAL MOTION

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