

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 5 DECEMBER 2016

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

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

1. APOLOGIES

Ald von Bertouch (Leave of absence)

2. CONFIRMATION OF MINUTES

(File No 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 7 November 2016 and the Special Council (Planning Authority) Meeting held on 21 November 2016, as circulated, be taken as read and confirmed.

3. MAYOR'S COMMUNICATION

4. COUNCIL WORKSHOPS

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

PURPOSE	DATE
Cambridge Master Plan	
Building Act Changes	
Sister City Relationship – Binzhou City	
Draft SGS Report	14 November
Rokeby High School MOU	
Budget Development	
Sister City Proposal Binzhou	
Voluntary Mergers	21 November
Presentation regarding Kangaroo Bay Development	
Request for Funding State Government	
Metro Services	
Crown Land – Gordons Hill road, East Derwent Highway	28 November

COUNCIL WORKSHOPS /contd...**RECOMMENDATION:**

That Council notes the workshops conducted.

5. DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE

(File No)

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

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

Nil.

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 WALKER
MAINTENANCE OF HIGHWAY CORRIDOR BETWEEN HOBART AIRPORT
AND THE TASMAN BRIDGE**

(File No 10-03-05)

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

“That Council liaise with the Department of State Growth to investigate options to improve and maintain the appearance of the highway corridor between Hobart Airport and the Tasman Bridge”.

EXPLANATORY NOTES

Hobart Airport is the major gateway for visitor arrival into Tasmania. Hobart Airport currently receives over two million passengers per year. It is projected that by 2035 activity will grow to over four and half million passengers.

Hobart Airport has undergone major infrastructure upgrades in recent times and the runway extension will open up opportunities for further activity.

The Tasman Highway corridor between Hobart Airport and the Tasman Bridge is situated within the Clarence City Council area.

Significant infrastructure investment has already occurred with the completion of the East Derwent Highway onramp onto the Tasman Highway completed in 2016. During the 2016 Federal election both major political parties committed to funding an upgrade of the Tasman Highway - Holyman Avenue roundabout.

Responsibility for management and maintenance of the highway corridor resides with the State Government. However, Council may be in a position help ensure the corridor is kept in good order. It is noted that Brighton Council is now actively involved in maintenance of a section of the Midland Highway corridor.

J Walker
ALDERMAN

Contd on Page 11

**NOTICE OF MOTION – ALD WALKER
MAINTENANCE OF HIGHWAY CORRIDOR BETWEEN HOBART AIRPORT AND
THE TASMAN BRIDGE /contd...*****GENERAL MANAGER'S COMMENTS***

The Tasman Highway between the Tasman Bridge and the Hobart Airport is a significant piece of infrastructure. The Motion is about Council managing the appearance and maintenance of the road corridor except for the pavement. Such maintenance management would cover verge mowing, weeding, tree maintenance and litter removal.

Council staff and officers of the Department of State Growth have had preliminary discussions about the Levels of Service appropriate for the appearance and maintenance of the approaches into Hobart; however discussions have stalled due to recent staff turn overs.

A matter for Council.

10. REPORTS FROM OUTSIDE BODIES

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

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

September Quarterly Report pending.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

Quarterly Reports

The Copping Refuse Disposal Site Joint Authority has distributed the Quarterly summary of its Meetings for the period ending November 2016 (refer Attachment 1).

The Copping Refuse Disposal Site Joint Authority has also distributed its Quarterly Report for the period ending 30 September 2016.

In accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 the Report will be tabled in Closed Meeting.

Representative Reporting

- **SOUTHERN WASTE STRATEGY AUTHORITY**

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

Quarterly Reports

September Quarterly Report pending.

Representative Reporting



Copping Refuse Disposal Site Joint Authority

29 November 2016

Mr A Paul
General Manager
Clarence City Council
P O Box 96
ROSNY PARK TAS 7018

Mr Robert Higgins
General Manager
Tasman and Sorell Councils
P O Box 126
SORELL TAS 7172

Mr Gary Arnold
General Manager
Kingborough Council
Locked Bag 1
KINGSTON TAS 7050

Dear General Manager,

COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY REPORTS

Participating Councils and the Director of Local Government have reached agreement on the establishment of consistent reporting arrangements for the Authority. The following advice regarding matters discussed at recent Authority and Board meetings is now provided for inclusion in your General Manager's routine report to your Council.

Authority Meeting held on 24 November 2016

- The Minutes of the Authority's General Meeting held on 25 August 2016 were accepted.
- The Minutes of the Authority's electronic meeting held on 15 November 2016 were accepted. The electronic meeting dealt with agreements related to the C Cell project.
- The Minutes of the Southern Waste Solutions Board for meetings held on 28 July 2016, 18 August 2016 (electronic) and 21 September 2016 were noted.
- The September 2016 Quarterly Report was presented and accepted.
- The Authority approved the recruitment of a fourth board member for the Southern Waste Solutions Board. The new Board member is to have substantial private sector civil or mechanical engineering experience.
- The SWS Board Chair provided an update on Board activities including the financial result for the end of the first quarter and a proposed lease over Lot 4 of the Copping site to a neighbouring property owner.
- The C Cell Pty Ltd Board Chair provided an update on Board activities including that construction of the C Cell is underway, Grant funds are expected to be received soon, all agreements and documentation related to the C Cell corporate structures are now finalised and work is underway to develop the C Cell customer base.

.....
Copping Refuse Disposal Site Joint Authority trading as SOUTHERN WASTE SOLUTIONS

Level 4, 29 Elizabeth Street, Hobart
Mobile: +61 0418 990 868 E-Mail: inelson@nelsonhr.com.au
ABN: 87 928 486 460



Copping Refuse Disposal Site Joint Authority

(**Note:** Minutes of meeting of the Authority may be tabled in open Council meeting unless they contain confidential material. Given its commercial in confidence content The Quarterly Report, Business Plan, Budget and Contractual, Statutory and other obligations reports are requested to be tabled in Closed Meeting). Any Closed Meeting items considered by the Authority should also be tabled only in Closed Meeting of Council.

Board Meeting held on 28 July 2016

Matters dealt with:

- The Minutes of the Board meeting held 22 June 2016 were accepted.
- The Monthly Operational Overview and Financial Report for June 2016 was received and noted.
- The Authority Quarterly Report to June 2016 was provided and noted.
- An amended Contractual Obligations report was received, noted and endorsed for communication to the Authority.
- The Board ratified the extension of the period for completion of construction and commencement of operation of the Soil Remediation Facility by EnviroPacific.
- The Board endorsed a report to the Authority addressing issues related to Board remuneration, size and other arrangements.
- The Board approved a Deed of Variation in respect to its existing commercial agreement with Break-O-Day Council.
- The Board approved a new contract of employment for presentation to the CEO.
- The Board approved a proposed internal audit program for the business.

Board Meeting held on 18 August 2016 (electronic meeting)

Matters dealt with:

- The proposed sub-lease of Lot 4 of the Copping site to a neighbouring property owner.

Board Meeting held on 21 September 2016

Matters dealt with:

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Copping Refuse Disposal Site Joint Authority

- The Minutes of the Board meeting held 28 July 2016 and the electronic meeting held on 18 August 2016 were accepted.
- The Monthly Operational Overview and Financial Report for August 2016 was received and noted.
- The board received and noted the CEO's balanced scorecard report.

(Note: As minutes of meetings of the Board are commercial in confidence it is requested that these be held on file and may be perused by Aldermen / Councillors but not tabled at Council meetings)

Yours sincerely,

Ian Nelson
Secretary

.....
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10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES /contd...

- **TASWATER CORPORATION**

The TasWater Corporation has distributed its Quarterly Report to 30 September 2016 (refer Attachment 2).

RECOMMENDATION:

That the TasWater Corporation Quarterly Report to Owners' Representatives to 30 September 2016 be received.

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES



Quarterly Report to Owners' Representatives

Progress update to 30 September 2016



Document Approval and Issue Notice

This is a managed document. For identification of amendments each page contains a release number and a page number.

Changes will only be issued as a complete replacement document. Recipients should remove superseded versions from circulation. This document is authorised for release once all signatures have been obtained.

PREPARED:

(for release) Jason Browne, Department Manager Business Performance Date: 28 / 10 / 16

ENDORSED:

(for release) Dean Page, General Manager Finance and Commercial Services Date: 28 / 10 / 16

APPROVED:

(for acceptance) Michael Brewster, Chief Executive Officer Date: 28 / 10 / 16

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1. Introduction

We are pleased to present our first quarter (Q1) FY2016–17 Quarterly Report to Owners' Representatives in accordance with the requirements of the Shareholder's Letter of Expectations.

Outlined below are reports on the key aspects of our performance over the past quarter and year-to-date. These are followed by scorecards reflecting the status of our performance against key performance indicators outlined in our FY2017–19 Corporate Plan, and our financial performance compared to the FY2016–17 Budget.

2. General Update

2.1 Flood Recovery Update

We continue to work through prioritisation and repair of assets following the June 2016 floods, and capturing the necessary information to understand the total impact. The estimate of costs has firmed up at around \$15.0 million, with the minimum impact estimated at \$14.0 million and a maximum of \$17.0 million.

The flood insurance claim process is well underway, and to date we have been successful in securing our first progress payment of \$2.0 million from the insurers. It is important to note that not all flood related activity and costs are recoverable from our insurers, and progress is being made to apply for assistance from the state under the Natural Disaster Relief and Recovery Arrangements (NDRRA). The impact on our Income Statement is dependent upon the extent to which these costs are recoverable from insurance or the Federal relief funding.

2.2 Removing Permanent BWA / PHA Progress within 2 years

The project to facilitate the removal of the existing Public Health Alerts (PHAs), including Boil Water Alerts (BWAs) and Do Not Consume notices (DNCs) is underway. In August 2016, we announced that the current PHAs will be removed by August 2018.

The progress to date includes:

- Capital projects that will enable the lifting of 10 PHAs are currently in construction
- Service replacement projects are underway in two communities
- The scoping of works to remove the remaining PHAs is currently underway with the objective to remove these PHAs by August 2018.

2.3 Temporary Boil Water Alerts

There have been several temporary boil water alerts (BWAs) called over the past few months. These BWAs have impacted systems that rely entirely on chlorine disinfection to make the water safe. The BWAs have been issued following significant rain events that have led to increases in turbidity (cloudiness) in the water, which impacts on the effectiveness of chlorine disinfection. Essentially, once turbidity rises to a certain level, we cannot guarantee that chlorine disinfection has worked and therefore cannot guarantee the water is safe to drink.

Solutions are currently being investigated to address the risk caused by elevated turbidity. Two of the disinfection-only systems are included in the small towns strategy (Bronte Park and Colebrook), while we are currently looking at a variety of solutions for the remaining towns. These solutions could include a new water treatment plant with filtration, a pipeline to connect to another system or the installation of tanks that would allow the system to ride out elevated turbidities in the raw water.

2.4 Macquarie Point Sewage Treatment Plant Relocation

Macquarie Point Development Corporation (MPDC) and Hobart City Council have proposed amendments to the *Sullivan's Cove Planning Scheme 1997* to facilitate redevelopment of the Macquarie Point site. These amendments have the potential to adversely impact on TasWater whilst it continues to operate the Macquarie Point Sewage Treatment Plant at its current location. MPDC, Hobart City Council and TasWater have been involved in hearings before the Tasmanian Planning Commission in relation to the proposed amendments over several months. We are currently awaiting a decision from the Commission.

2.5 Launceston City Council Dispute

The arbitrator's determination took effect from 1 July 2016. The determination included the back payment of charges from the commencement of the *Urban Drainage Act 2013*, as well as setting the basis for future charges and review periods. The parties have also continued to negotiate the terms of an ongoing Service Agreement, which is anticipated to be resolved shortly.

2.6 PSP3 Preparation

We engaged Jacobs Australia in August 2016 to lead and support the development of our Price and Services Plan to apply from 1 July 2018 to 30 June 2021 (PSP3) and the Long Term Strategic Plan (LTSP). Customer engagement will be an important contribution to shaping and providing credibility to PSP3 and the LTSP.

We met with the Office of the Tasmanian Economic Regulator (OTTER) during September to discuss our approach to PSP3, and an initial engagement with the OTTER Customer Consultative Committee.

2.7 Productivity Update

Work has progressed on realising \$3.5 million in productivity savings for FY2016-17, including investigations into results from the Water Services Association of Australia (WSAA) Operating Expenditure Benchmarking Study undertaken in late 2015. The Study compared the FY2014-15 operating expenditure of 19 organisations across Australia and New Zealand and has played an important part in developing our three year productivity improvement plan.

During the last quarter we announced that we will be consolidating our laboratory testing by closing the Ti Tree Bend site resulting in improved productivity and reduced costs. Testing currently undertaken at the Ti Tree Bend site will be undertaken at our Self's Point laboratory, and will help to meet our targeted \$3.5 million saving this year.

2.8 Legislative Changes

We have held discussions with the Department of Treasury and Finance in relation to proposed changes with a view to instructions being provided to the Office of Parliamentary Counsel to draft appropriate legislative amendments. Further discussions will be had with other Departments with legislative responsibility for other areas in which changes are sought over the coming months.

2.9 Award for best tap water in Australia

In breaking news, we have been awarded the Best Tap Water in Australia award run by the Water Industry Operators Association of Australia in early October. The source of the sample entered into the competition was the Barrington Water Treatment Plant in the north west. The event was part of the National Water Week held in Marysville Victoria and now gives us the right to be represented at the Berkeley Springs International Water Tasting Competition in West Virginia, USA in February 2017.

2.10 'Large Employer of the Year' award

In September TasWater was awarded the 'Large Employer of the Year' award at Skills Tasmania's Training Awards. Since that announcement we have been advised that we have been shortlisted down to one of the final three Employers of the Year nationally.

3. Performance update

3.1 Commercial and economic outcomes

The Net Profit after Tax at the end of the first quarter was \$8.5 million compared to a budgeted result of \$7.2 million.

Loans and Borrowings were \$435.6 million at 30 September 2016, an increase of \$5.4 million from 1 July 2016.

The number of water systems currently totals 70 being two greater than our target of 68 and an increase from our FY2015/16 result of 69 due to the transfer of the previously privately owned Bronte Park system.

We expect to do better than the target of 68 as a result of work currently underway to decommission existing drinking systems at Avoca, Branxholm, Derby, Legerwood and Winnaleah. Avoca will be supplied from the recently commissioned Fingal Water Treatment Plant (WTP). Branxholm, Derby, Legerwood and Winnaleah will be supplied from a new Ringarooma WTP.

The number of dams that plot above the ANCOLD limit of tolerability for societal risk is currently 11 however we expect to meet our target of 10 as a result of the completion of planned upgrade works for Conglomerate Dam and Margaret Street Detention Basin.

Year to date we have recorded 5 non-compliances rated serious as a result of the heavy rainfall experienced during September which caused high levels of turbidity (cloudiness) in raw water in the Rocky Creek, Fentonbury, Westerway and National Park systems. These systems are disinfection-only, hence there is currently no operational means of reducing turbidity levels.

Table 1: Commercial and economic performance to date

Strategy		KRA	KPI	FY2016–17			FY2015–16 Actual
				Q1*	YTD*	Target	
1	Ensure we have the necessary funding sources to deliver our desired long term outcomes	Financial performance	Net Profit After Tax	\$8.5M	\$8.5M	\$26.3M	\$19.3M
			Capital Expenditure	\$24.8M	\$24.8M	\$105M	\$129M
			Interest cover ratio (times)	3.2	3.2	3.0	2.74
			Gearing ratio	27.3%	27.3%	29.0%	26.05%
			Net cash flow from operations	\$18.2M	\$18.2M	\$87.1M	\$74.5M
2	Improve business productivity and reduce costs to achieve our financial plans	Productivity improvement	Sustainable cost savings	\$0.0	\$0.0	\$3.5M	\$0.0M
			Number of water systems	70	70	68	69
			Increase income from revenue leakage initiatives	\$0.4M	\$0.4M	\$1.0M	\$1.8M
3	Operate the business in a manner that is consistent with our risk appetite	Risk management	Number of dams that plot above the ANCOLD limit of tolerability for societal risk	11	11	10	12
		Compliance	Water commercial and industrial customers on target tariff	Under review	Under review	93.1%	Not recorded
			Sewage commercial and industrial customers on target tariff	Under review	Under review	61.1%	Not recorded
			Non-compliances rated serious	5	5	4	15

*Note scores rounded to nearest whole number where target has no decimal places.

Key:

GREEN = on or better than target

AMBER = within 20% of target

RED = greater than 20% outside target

Table 2: Financial statements – Balance Sheet

Balance Sheet	Closing Position at 30 September 16 \$ '000	Opening Position at 1 July 16 \$ '000	Year to Date Movement \$ '000	FY2016-17 Corporate Plan \$ '000
CURRENT ASSETS				
Cash & Cash Equivalents	2,253	2,748	(495)	2,500
Trade Receivables	27,542	27,663	(121)	31,636
Other Receivables	14,940	14,086	854	16,130
Asset for Flood Recoverables to Date	2,486		2,486	-
Insurance Monies Received to Date	(2,000)		(2,000)	-
Inventories	5,709	5,587	121	5,852
Prepayments	6,069	2,726	3,343	1,968
Current Tax Assets	399	(1,417)	1,816	-
TOTAL CURRENT ASSETS	57,397	51,392	6,005	58,086
NON-CURRENT ASSETS				
Property, Plant & Equipment	2,009,456	2,000,351	9,105	1,983,506
Net Deferred Tax Assets	44,126	44,126	-	59,347
TOTAL NON-CURRENT ASSETS	2,053,582	2,044,476	9,105	2,042,853
TOTAL ASSETS	2,110,979	2,095,869	15,110	2,100,939
CURRENT LIABILITIES				
Loans and Borrowings	(84,432)	(98,031)	13,599	(158,881)
Employee Benefits	(16,488)	(15,480)	(1,008)	(16,048)
Payables	(21,445)	(24,586)	3,141	(29,217)
Unearned Income	(1,592)	(1,590)	(3)	(1,414)
Current Tax Liability	-	-	-	(615)
TOTAL CURRENT LIABILITIES	(123,957)	(139,687)	15,730	(206,175)
NON-CURRENT LIABILITIES				
Loans and Borrowings	(351,244)	(332,252)	(18,993)	(295,064)
Employee Benefits	(12,920)	(12,855)	(65)	(9,237)
Unearned Income	(32,234)	(32,577)	343	(33,942)
Other	(3,787)	(3,787)	-	-
TOTAL NON-CURRENT LIABILITIES	(400,185)	(381,471)	(18,714)	(338,243)
TOTAL LIABILITIES	(524,142)	(521,157)	(2,985)	(544,418)
NET ASSETS	1,586,837	1,574,712	12,125	1,556,520
MEMBERS FUNDS				
Retained Profits	1,527,814	12,450	1,515,364	1,527,814
Revaluation Reserve	24,575	34,448	(9,873)	28,706
Contributed Equity	34,448	1,527,814	(1,493,366)	-
TOTAL MEMBERS FUNDS	1,586,837	1,574,712	12,125	1,556,520

Table 3: Financial statements – Income Statement

Income Statement	Year to Date Actual \$ '000	Year to Date Budget \$ '000	Year to Date Variance \$ '000	FY2016-17 Corporate Plan \$ '000
Revenue				
Fixed Charges	55,087	54,744	343	218,990
Volumetric Charges	12,381	12,144	237	60,922
Services & consulting revenue	4,447	6,390	(1,943)	14,310
Headworks	63	63	1	250
Contributed assets	4,738	3,000	1,738	12,000
Government grants	345	387	(42)	1,549
Sundry revenue	625	419	206	1,668
Total Revenue	77,687	77,146	541	309,689
Expenses				
Chemicals, Power & Royalties	5,035	5,376	(341)	24,413
Materials & Services	7,147	8,118	(971)	32,473
Water Sampling	822	769	53	3,076
Salaries & Related Personnel Expenditure	22,874	22,032	842	87,864
Regulatory Costs	660	668	(8)	2,670
Governance	245	268	(23)	1,146
Information Systems	1,167	1,285	(119)	6,157
Customer Collection Expenses	736	667	70	2,666
Consultancy	898	901	(2)	4,854
Administration Other	1,194	1,122	72	4,441
Community Relations	51	72	(21)	287
Facility Management	1,730	1,830	(100)	7,526
Insurance	386	407	(21)	1,630
Motor vehicle	903	1,018	(115)	4,071
Contingency & New Initiatives	0	0	-	0
Productivity and Cost Savings	0	0	-	0
Total Expenses	43,847	44,532	(685)	183,273
Earnings before Interest & Depreciation	33,839	32,613	1,226	126,416
Loan guarantee fee (LGF)	641	655	(13)	2,599
Interest expense	4,110	4,124	(14)	16,271
Depreciation	16,963	17,488	(525)	69,952
Net Operating Profit before Tax	12,125	10,347	1,779	37,594
Tax	3,638	3,104	534	11,278
Net Profit after Tax	8,488	7,243	1,245	26,316

Table 4: Financial statements – Cash Flow Statement

Cash Flow Statement	Year to Date Actual \$ '000	Year to Date Budget \$ '000	Year to Date Variance \$ '000	2016 Corporate Plan \$ '000
Cash Flows from Operating Activities				
Receipts from Customers	69,912	70,001	(89)	294,627
Receipts from Government/Grants	2,000	-	2,000	-
Payments to Suppliers & Employees	(52,241)	(53,202)	961	(201,600)
Interest Received	11	16	(4)	62
Interest Paid	(4,038)	(4,134)	97	(15,793)
Loan Guarantee Fees Paid	(202)	-	(202)	(1,457)
Income Tax Equivalents Paid	(1,816)	(1,779)	(37)	(7,116)
GST Refund	4,600	5,063	(463)	18,327
Net Cash from Operating Activities	18,226	15,964	2,262	87,050
Cash Flows from Investing Activities				
Payments for Property, Plant & Equipment	(24,808)	(23,973)	(835)	(105,000)
Government Contributions	-	-	-	-
Proceeds from Sale of Property, Plant & Equipment	693	50	643	200
Net Cash Flows from Investing Activities	(24,115)	(23,923)	(192)	(104,800)
Cash Flows from Financing Activities				
Net Proceeds from Borrowings	5,393	7,993	(2,600)	39,177
Dividends Paid	-	-	-	(21,427)
Net Cash Flows from Financing Activities	5,393	7,993	(2,600)	17,750
Net Movement in Cash for the Year	(496)	34	(530)	(0)
Opening Cash Balance	2,749	2,466	283	2,500
Closing Cash Balance	2,253	2,500	(247)	2,500

3.2 Customer and community outcomes

The quarter one result for complaints was unfavourably above target primarily due to a high number of concerns on water quality issues.

The ratio of favourable to unfavourable media articles was below target primarily due to media coverage on the location of a sewage pipeline through the Peter Murrell Reserve as part of the Kingborough sewerage project.

Average time to attend to sewage breaks chokes and spills is tracking unfavourably to target primarily due to the high volume of incidents during the quarter resulting from the wet weather, and one incident where the response time was impacted by technology failure.

Sewer breaks and chokes per 100 kilometres of main is tracking unfavourably to target primarily due to an increased number of blockages caused by tree root intrusion following the drought period earlier in the year.

Unplanned water supply interruptions per 100 kilometres of main is tracking unfavourably to target year to date. The renewal program is an important part of reducing the number of unplanned interruptions and renewals for high burst mains is being prioritised. The renewal program does continue to balance non-burst related renewal candidates (water quality, pressure and Council/Department of State Growth road upgrades) and under our criticality framework, a greater focus on high consequence mains will occur.

Table 5: Customer and community performance to date

Strategy		KRA	KPI	FY2016-17			FY2015-16
				Q1*	YTD*	Target	Actual
1	Invest in programs that enhance customer experiences	Customer experience	Customer satisfaction	93%	93%	70%	90%
			First point resolution	86%	86%	75%	61%
			Customer effort score	1.5	1.5	2.0	1.3
			Calls answered in the first 30 seconds	88%	88%	85%	88%
			Complaints (per 1,000 properties)+	3	3	9	14
2	Take a long term strategic approach to engaging with key stakeholders and the broader community	Reputation	Ratio of favourable to unfavourable media articles	1:1	1:1	2.0:1.0	1.3:1.0
3	Minimise service interruptions and impacts from sewage spills and water interruptions	Service standards	Time taken to attend Priority 1 water bursts and leaks (minutes)+ ¹	30	30	60	35
			Time to attend sewage breaks, chokes and spills (minutes)+ ¹	63	63	60	56
			Sewer breaks and chokes (per 100km of main)+	16	16	52	61
			Unplanned water supply interruptions (per 100km of main)+	21	21	68	84
			Wet weather sewage spills to sensitive receiving waters^	Under review	Under review	35	Not recorded
			Oyster farm shutdowns caused by sewage spills^	0	0	3	2
			Reportable dry weather sewage spills per annum	20	20	110	109

*Note scores rounded to nearest whole number where target has no decimal places.

[^]For rainfall events of less than 1 in 5 recurrence interval

+Regulated performance indicator – Office of the Tasmanian Economic Regulator (OTTER)

¹To be achieved at least 90% of time per Customer Service Code

Key:

GREEN = on or better than target

AMBER = within 20% of target

RED = greater than 20% outside target

3.3 Water and environmental outcomes

Nine short term BWAs were introduced during the quarter as a result of heavy rainfalls experienced during September and a change by Department of Health and Human Services (DHHS) in the declaration process for BWAs. In the past BWAs were introduced when *E.Coli* was detected through the sampling process. Declarations are now made when drinking water turbidity exceeds the threshold level beyond which we can be confident that disinfection is effective.

The number of towns on long term BWAs or PHAs is unchanged from 30 June 2016, however we remain on track to meet our target of 13 at the end of FY2016-17.

Wastewater compliance continues to be below target. The underperformance of our 13 largest treatment plants continues to be a major contributor to our below target result. Work is focussed on improving the performance of these sites, as in some instances it is only one or two minor non-compliances preventing compliance of the treatment plant.

Table 6: Water and environmental performance to date

Strategy	KRA	KPI	FY2016-17			FY2015-16 Actual
			Q1*	YTD*	Target	
1 Invest in robust drinking water systems to ensure water is safe for consumption	Drinking water quality	Number of systems from which we receive more than 10 taste and odour water supply complaints per annum	1	1	5	5
		Number of <i>E.coli</i> detections	2	2	30	Not recorded
		Short term boil water alerts put in place by DHHS	9	9	2	8
		Towns on long term Boil Water Alerts or Public Health Alerts	23	23	13	23
		Percentage of compliant fluoride systems	97%	97%	96%	100%
		Percentage of compliant potable systems	100%	100%	98%	96%
2 Lift sewerage system performance to align with modern day environmental standards	Environmental compliance and impact	Trade waste customers with current consents/contracts	84%	84%	80%	80%
		Volume of compliant effluent	46%	46%	52%	39%
		Number of environmental non-compliances rated serious	0	0	0	1

*Note scores rounded to nearest whole number where target has no decimal places.

Key:

GREEN = on or better than target

AMBER = within 20% of target

RED = greater than 20% outside target

3.4 Our people and culture

At the end of quarter one our rolling Lost Time Injury Frequency Rate (LTIFR) was 6.1, representing a 21 per cent increase FYTD. The organisation has achieved consistent improvements in safety performance over an extended period of time. As performance improves, LTIFR becomes a less reliable indicator on a month to month basis given the average number of Lost Time Injury (LTI) per month is now less than one. This means an LTI in any month will result in an increase in LTIFR. Total Recordable Injury Frequency Rate (TRIFR) is currently our most reliable indicator in terms of safety performance.

The TRIFR as at the end of quarter one was 15.3 representing a decrease of 1 per cent for the quarter. Four regulatory reportable safety incidents occurred during the period with three reported to management by contractors engaged on project works.

Table 7: People and culture performance to date

Strategy	KRA	KPI	FY2016–17			FY2015–16 Actual
			Q1*	YTD*	Target	
1 Invest in programs that create a safe working environment	Safety performance	Lost time Injury frequency rate (LTIFR)	N/A	6.1	4.0	4.9
		Total recordable injury frequency rate (TRIFR)	N/A	15.3	15.0	15.4
		Notifiable incidents	4	4	5	7
2 Invest in leadership development, skills training programs and innovation	Organisation capability	Innovations under trial	0	0	3	3
		% of Internal appointments to vacancies	57%	57%	40%	31%
		% of completions for formal qualifications	80%	80%	75%	80%
3 Develop programs to realise our desired culture	Culture development	Voluntary turnover rate	10%	10%	10%	9.3%

*Note scores rounded to nearest whole number where target has no decimal places.

Key:

GREEN = on or better than target

AMBER = within 20% of target

RED = greater than 20% outside target

4. Capital expenditure projects and programs

The capital budget for the 2016-17 financial year is \$105M. The total capital expenditure for the first quarter up to 30 September 2016 was \$24.8 million. There are large projects currently in the tender award stage which will increase capital expenditure in the coming months including the King Island water supply scheme and Kingborough sewerage scheme.

Table 8: Top 25 major capital projects (by value)

Project Title	Driver	Current Project Stage	Project Budget ('000)	Completion Date
Northern Midlands Sewerage Improvement Plan (NMSIP)	Compliance	Planning	\$56,000	To be confirmed
Kingborough Sewerage Strategy - Treatment	Growth	Implementation	\$30,000	Dec-19
Small Town Water Supply Strategy	Compliance	Planning	\$25,000	Aug-18
Ridgeway Dam – upgrade post tensioned anchors	Compliance	Design	\$22,000	To be confirmed
Tolosa Dam replacement infrastructure	Compliance	Construction	\$18,550	Jun-17
King Island treated water supply	Compliance	Construction	\$15,805	Sep-17
Kingborough Sewerage Strategy – network	Growth	Implementation	\$14,000	Dec-19
Asset Management Information System (AMIS) – Stage 2	Improvement	Planning	\$13,300	Deferred
Flinders Island Water Supply	Compliance	Construction	\$10,979	Oct-16
Lake Mikany Dam safety upgrade	Compliance	Planning	\$7,120	Jun-18
Flagstaff Gully – dam safety upgrade	Compliance	Planning	\$5,200	To be confirmed
Avoca Full Treated Water Supply	Compliance	Construction	\$4,790	Dec-16
Margate Water Main Upgrade Stage 2	Growth	Construction	\$4,662	Apr-17
Cambridge Wet Weather Emergency Storage & Plant Process Improvements	Compliance	Deferred	\$4,570	To be confirmed
Orford Sewage Pump Stations & Network Upgrade	Compliance	Deferred	\$4,563	To be confirmed
Conglomerate Dam Upgrade	Compliance	Design	\$4,188	Jun-17
Longford to MacKinnons Hill Reservoir Rising Main	Growth	Construction	\$4,057	Mar-17
Ti Tree Bend - Digester	Compliance	Planning	\$3,989	To be confirmed
Winnaleah Treated Water Supply	Compliance	Construction	\$3,800	Mar-17
Burnie STP Upgrade (LION Trade Waste)	Growth	Construction	\$3,360	Jun-17
Gretna/Bushy Park/Glenora Water Supply Upgrade	Compliance	Procurement	\$3,337	May-17
Girdlestone Reservoir Rectification	Renewal	Design	\$3,082	Jun-17
Swansea Clay Liner	Compliance	Planning	\$3,000	TBC
Kingston SPS E Rising Main	Renewal	Construction	\$2,700	Dec-19
Fonterra – STP Bypass Line (Wynyard)	Improvement	Planning	\$2,300	Jun-18

GREEN = On target for agreed scope, budget and time

ORANGE = At risk of not meeting agreed scope, budget or time

RED = Outside of agreed scope, budget or time

GREY = Deferred as part of review of capital works program

Table 9: FY2017 Top 10 capital programs (by value)

Project Title	Budget ('000)	Comment
Sewage Treatment Plant Renewal Program	\$5,530	Annual program
Sewage Pump Station Renewal Program	\$5,301	Annual program
SCADA Program	\$5,000	Annual program
Sewer Main Renewals Program	\$4,525	Annual program
Meter Program	\$4,300	Annual program
Water Main Renewals Program	\$4,200	Annual program
Water Treatment Plant Renewal Program	\$3,310	Annual program
Electrical Program	\$2,000	Annual program
Fleet (Vehicles and Plant) Replacement Program	\$2,000	Annual program
Miscellaneous Minor Works Program	\$1,500	Annual program

GREEN = On target for agreed scope, budget and time

AMBER = At risk of not meeting agreed scope, budget or time

RED = Outside of agreed scope, budget or time



Quarterly Report to Owners' Representatives

Progress update to 30 September 2016

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 7, 14, 21 and 28 November 2016 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 7, 14, 21 and 28 November 2016 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS

11.3 PLANNING AUTHORITY MATTERS

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

11.3.1 DEVELOPMENT APPLICATION D-2016/429 - 22 PIPE CLAY ESPLANADE, CREMORNE - DEMOLITION OF EXISTING CARPORT AND NEW GARAGE
(File No D-2016/429)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for the demolition of the existing carport and a new garage at 22 Pipe Clay Esplanade, Cremorne.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 7 December 2016 with the written agreement of the applicant.

CONSULTATION

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

- loss of views; and
- visual impact arising from the wall length abutting adjoining properties.

RECOMMENDATION:

- A. That the Development Application for the demolition of existing carport and new garage at 22 Pipe Clay Esplanade, Cremorne (CI Ref D-2016/429) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN M9 – NONHABITABLE PURPOSES.
 3. ENG M5 – EROSION CONTROL.
- 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-2016/429 - 22 PIPE CLAY ESPLANADE,
CREMORNE - DEMOLITION OF EXISTING CARPORT AND NEW GARAGE
/contd...**

ASSOCIATED REPORT**1. BACKGROUND**

A dwelling extension approval was granted in 1996 (D-1996/768).

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Village under the Scheme.

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 16.0 – Village Zone;
- Section E7.0 – Stormwater Management Code;
- Section E11.0 – Waterway and Coastal Protection Code;
- Section E15.0 – Inundation Prone Areas Code;
- Section E16.0 – Coastal Erosion Hazard Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The subject site is a level 724m² lot located on the north-eastern side of Pipe Clay Esplanade and directly opposite Pipe Clay Lagoon. The site is developed with a 2 storey dwelling and a carport with the carport straddling the boundary with the adjoining property to the north-west at 21 Pipe Clay Esplanade, which was until recently in the same ownership as the subject property.

3.2. The Proposal

Application is made to construct a 10m long by 6m wide outbuilding in the rear northern corner of the lot. The outbuilding would maintain a 0.2m setback from the north-western side boundary and north-eastern rear boundary and would reach an overall height of 4.9m above natural ground level. The outbuilding would be constructed from “Colorbond” wall and roof sheeting with the roof taking a low pitched gabled form. Two roller doors would be located on the south-western elevation to facilitate access from the existing gravel driveway located parallel with the adjacent property to the north-west.

The site is currently developed with an existing carport which straddles the boundary with 21 Pipe Clay Esplanade. In order to rectify the boundary encroachment and to facilitate access to the new outbuilding, it is proposed to remove the section of the carport located on the subject property.

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, Parking and Access Code, Stormwater Management Code, Waterway and Coastal Protection Code, Inundation Prone Areas Code and Coastal Erosion Hazard Code with the exception of the following.

Village Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.4.2 A2	Setbacks	Building setback from side and rear boundaries must be no less than: (a) 2m; (b) half the height of the wall; (c) whichever is the greater.	Non-compliance – The proposed outbuilding would have a wall height of 4.1m therefore requires a 2.05m setback from side and rear boundaries in order to satisfy the Acceptable Solution. The proposed outbuilding would retain a 0.2m setback from the north-western side property boundary and a 0.2m setback from the north-eastern rear property boundary.

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

Performance Criteria	Comment
<i>P2- Building setback from side and rear boundaries must satisfy all of the following: (a) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i>	See below.
<i>(i) overlooking and loss of privacy;</i>	The non-habitable nature of the proposed outbuilding and absence of windows facing adjoining properties will ensure no increased potential for overlooking.

<p>(ii) <i>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>The proposed outbuilding would abut a vacant property to the north-west and a row of outbuildings associated with the adjoining residence to the north-east. The location of the outbuilding generally to the south of these properties result in negligible bearing upon sunlight levels to the private open space or habitable rooms associated with adjoining residential properties.</p>
<p>(iii) <i>visual impact, when viewed from adjoining lots, through building bulk and massing;</i></p>	<p>The outbuilding would have a wall length of 10m along the boundary shared with 21 Pipe Clay Esplanade to the north-west and a 6m wall length along the boundary shared with the adjoining property to the rear at 46 Cremorne Avenue. The outbuilding would have a maximum wall height of 4.21m above natural ground level and an overall height of 5m to the top of the low pitched gabled roof. The outbuilding has been designed with an increased height to accommodate a mezzanine level. The height is not likely to result in adverse visual impacts when viewed from adjoining lots through building bulk and massing as the adjoining lots are presently screened by vegetation and outbuilding structures.</p> <p>The adjoining property to the north-west is presently vacant with a future residence likely to be designed to maximise views towards the lagoon which is in the opposite direction to the location of the proposed outbuilding. A future dwelling on this lot and associated private open space is therefore capable of being designed to retain vegetation cover at the rear and to orient views to the west/south so as to not be impacted by the presence of the proposed outbuilding. The adjoining properties to the north-east, east and south-east at numbers 44, 46 and 48 Cremorne Avenue would be visually separated by vegetation.</p>
<p><i>Taking into account aspect and slope.</i></p>	<p>There are no aspect or slope considerations to take into account in this case.</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 absence of Council stormwater infrastructure.

The proposed variation can be supported pursuant to the Performance Criteria (P1) of Clause E7.7.1 of the Scheme 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
11.7.1 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.	The title was not created by a subdivision approved under the Interim Planning Scheme.

The proposed variation can be supported pursuant to the Performance Criteria (P1) of Clause E11.7.1 of the Interim Scheme 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 proposed outbuilding would be located to the rear of the site and therefore offering the greatest setback possible from the coast and associated natural values.
<i>(b) mitigate and manage adverse erosion, sedimentation and run-off impacts on natural values;</i>	Stormwater generated by the development is proposed to be detained on-site through the installation of new absorption trenches to ensure stormwater run-off does not affect the nearby waterway and subsequently have the potential to create erosion or water quality issues.
<i>(c) avoid or mitigate impacts on riparian or littoral vegetation;</i>	The proposal would have no impact upon native vegetation located within the coastal reserve.
<i>(d) maintain natural streambank and streambed condition, (where it exists);</i>	The proposal would have no impact upon the condition of the embankment of Pipe Clay Lagoon.
<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>	The proposal would not affect the natural flow or drainage of Pipe Clay Lagoon.
<i>(g) maintain fish passage (where applicable);</i>	The proposal would not impact upon the passage of fish within Pipe Clay Lagoon.
<i>(h) avoid landfilling of wetlands;</i>	Not applicable.
<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>	No works are proposed within or near the Pipe Clay Lagoon waterway.

Inundation Prone Areas Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E15.7.2 A3	Coastal Inundation Medium Hazard Area	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 outbuilding would have a floor area of 60m ² .

The proposed variation can be supported pursuant to the Performance Criteria (P3) of Clause E15.7.2 of the Scheme for the following reasons.

Performance Criteria	Comment
<i>P1 - 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>	The application was considered by Council's Development Engineer who 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 application was considered by Council's Development Engineer who has 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 application was considered by Council's Development Engineer who has advised that no additional structural or design methods are necessary for the outbuilding to avoid damage to, or loss of buildings or works.
<i>(d) need for future remediation works is minimised;</i>	The proposal would not increase the risk of future remediation works.
<i>(e) provision of any developer contribution required pursuant to policy adopted by Council for coastal protection works.</i>	Not applicable.

Coastal Erosion Hazard Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E16.7.1	Buildings and Works	No Acceptable Solution.	Given there is no acceptable solution to satisfy, consideration is required under the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria (P1) of Clause E16.7.1 of the Scheme 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 outbuilding would be located within the Coastal Erosion Low Hazard Area therefore the risk of erosion is sufficiently low to ensure minimal increased risk to the life of the users of the site or 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>	Given the proposed outbuilding would be separated from the coast by existing development; Council's Development Engineer is satisfied that the no specific erosion mitigation measures are required.
<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>	The proposed outbuilding is not expected to increase the need for future remediation works.
<i>(e) health and safety of people is not placed at risk;</i>	The proposal is unlikely to affect the health and safety of people.

<i>(f) important natural features are adequately protected;</i>	The proposed outbuilding would be contained to the rear of the site away from the important natural features contained alongside Pipe Clay Lagoon.
<i>(g) public foreshore access is not obstructed where the managing public authority requires it to continue to exist;</i>	The proposal would not compromise public foreshore access.
<i>(h) access to the site will not be lost or substantially compromised by expected future erosion whether on the proposed site or off-site;</i>	The proposed outbuilding, being to the rear of the existing dwelling, would not compromise access to the site as a result of future erosion impacts.
<i>(i) provision of a developer contribution for required mitigation works consistent with any adopted Council Policy, prior to commencement of works;</i>	Council's Development Engineer has considered that a developer contribution is not required in this instance.
<i>(j) not be located on an actively mobile landform.</i>	The proposed outbuilding is not identified as being sited on an actively mobile landform.

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 2 representations were received. The following issues were raised by the representors.

5.1. Loss of Views

The representor has expressed concern that the location of the outbuilding will obstruct views from the upper level of the dwelling located to the east at 46 Cremorne Avenue, Cremorne.

- Comment**

The maximum permissible building height for the Village Zone is 8.5m above natural ground level. The proposed outbuilding with a height of 5m complies with the Acceptable Solution for height (Clause 16.4.1 A1).

Performance Criteria 16.4.2 P2 deals with the visual impact associated with boundary setbacks. It has been previously established in this report that the proposed outbuilding does not meet the side and rear setback standard of 2m in relation to the north-western side property boundary and the north-eastern rear property boundary.

In this case, the representor abuts the north-east of the subject site. The Performance Criteria does not have regard to the impact of the siting of a development upon views; however, it does require consideration of visual impacts arising from building bulk and massing. The view to the west from the upper level of the dwelling at 46 Cremorne Avenue is presently obstructed by tall eucalyptus trees and the subject site dwelling, as it is 2 storeys. It is also possible for a dwelling with a maximum height of 8.5m to be constructed on a permitted basis on the adjoining vacant property at 21 Pipe Clay Esplanade, which would have significantly greater impacts than that associated with the proposed outbuilding.

5.2. Visual Impact Arising from the Wall Length with Adjoining Properties

The representor has raised concern that the 10m outbuilding wall length abutting the property at 21 Pipe Clay Esplanade will impact upon residential amenity as the rear of the property will be dominated by a view towards a large steel building.

- **Comment**

The impact of the proximity of the outbuilding to the north-western side property boundary has been assessed under Section 4.2 of this report as the proposal invoked a discretion relating to boundary setbacks. The proposed setback of 0.2m would not significantly increase the visual impact when compared with a compliant side setback location of 2m, therefore a modification to the boundary setback is not considered reasonable in this instance as its effect would be limited.

The rear of the adjoining property at 21 Pipe Clay Esplanade is vegetated with native plantings which will act to screen the outbuilding from future development on this adjoining lot.

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

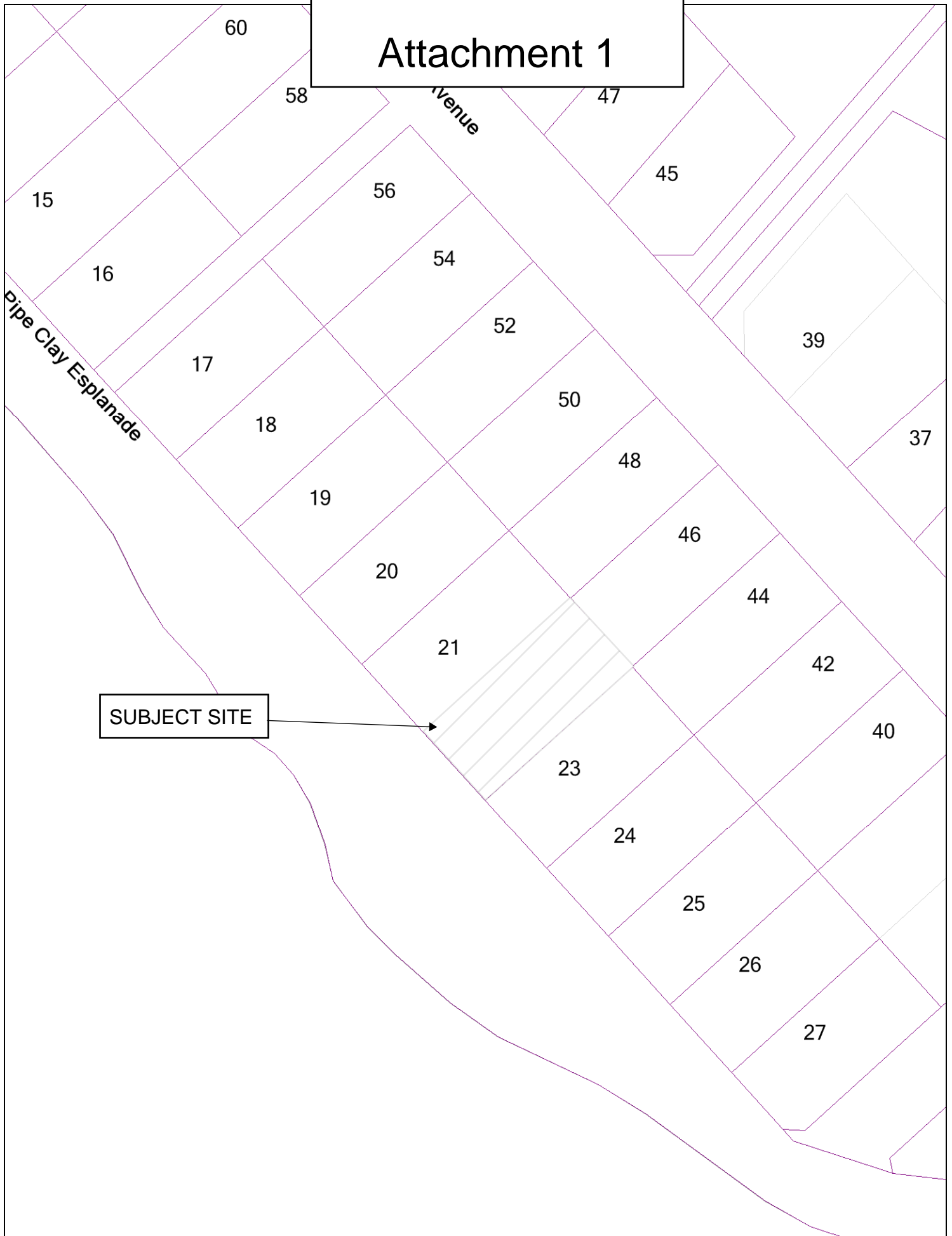
The proposal seeks approval for the demolition of demolition of existing carport and new garage at 22 Pipe Clay Esplanade, Cremorne. The application meets the relevant Acceptable Solutions and Performance Criteria of the Scheme. The proposal is recommended for approval subject to conditions.

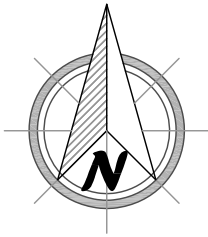
Attachments: 1. Location Plan (1)
2. Proposal Plan (4)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

LOCATION PLAN – 22 PIPE CLAY ESPLANADE, CREMORNE

Attachment 1





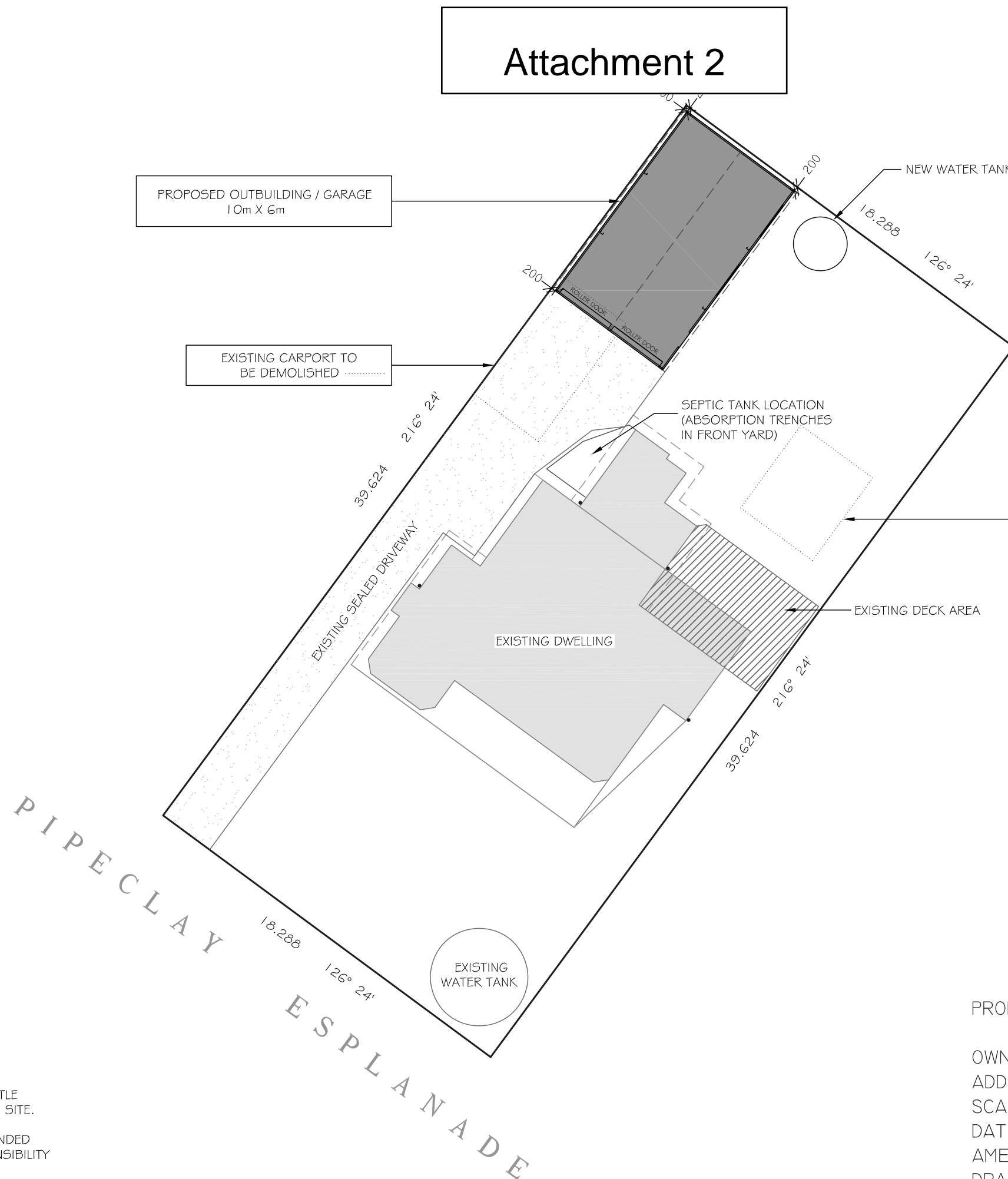
Attachment 2

LOT AREA: 724m²

EXISTING DWELLING AREA: (footprint) 160.6m²
EXISTING DECK AREA: 30.7m²

EXISTING OUTBUILDINGS TO BE DEMOLISHED: 18.4m²

PROPOSED OUTBUILDING AREA (FOOTPRINT): 60m²
- LOWER FLOOR AREA: 60m²
- MEZZANINE FLOOR AREA: 40.18m²



VOL : 54550
FOLIO: 32
724m²

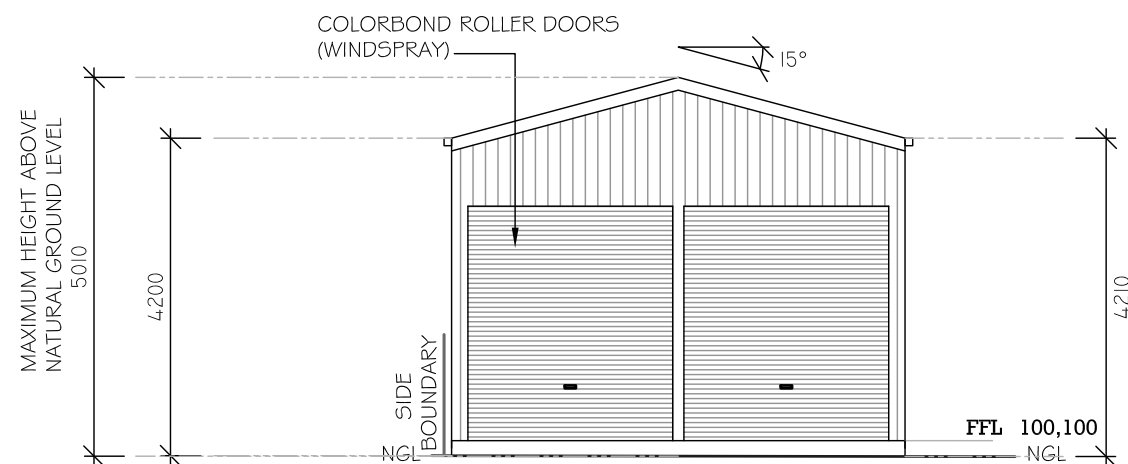
SITE PLAN PREPARED FROM CERTIFICATE OF TITLE
INFORMATION AND MEASUREMENTS TAKEN ON SITE.
CONFIRMATION OF BOUNDARY LOCATION BY
REGISTERED SURVEYOR IS ALWAYS RECOMMENDED
PRIOR TO CONSTRUCTION AND IS THE RESPONSIBILITY
OF THE PROPERTY OWNER.

SITE PLAN 1:200

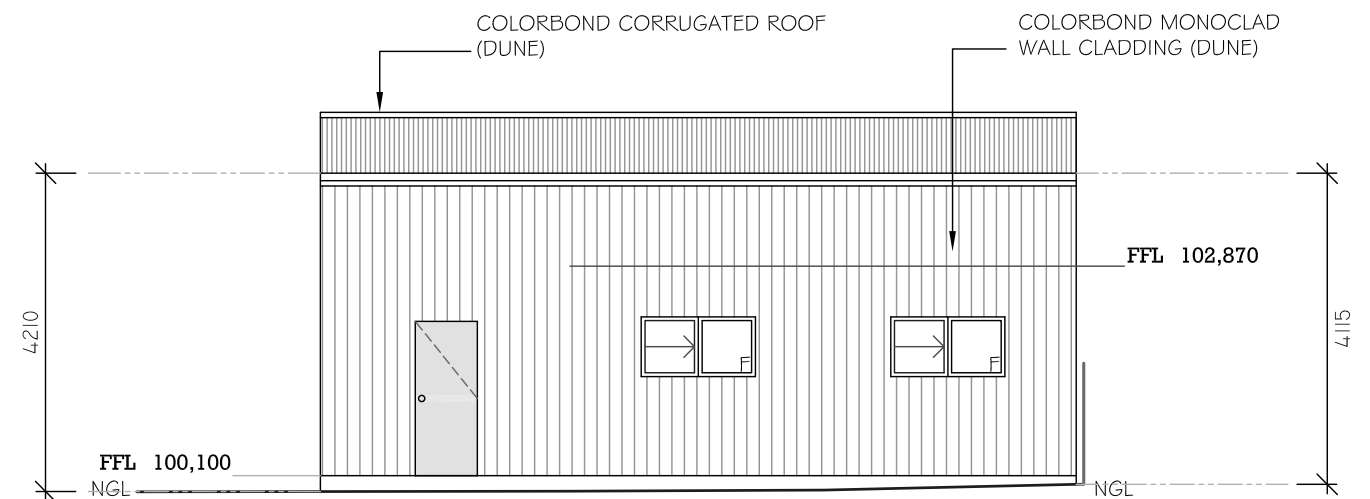
PROPOSAL : DEMOLITION OF EXISTING OUTBUILDING & CARPORT
NEW OUTBUILDING / CARPORT

OWNER : M. RUSSELL
ADDRESS: 22 PIPECLAY ESPLANADE, CREMORNE, 7024
SCALE: 1:200
DATE: 6th OCTOBER 2016
AMENDED:
DRAWN BY: ADRIAN BROWN CC6003R
PAGE: 01/04
JOB NO : 80278



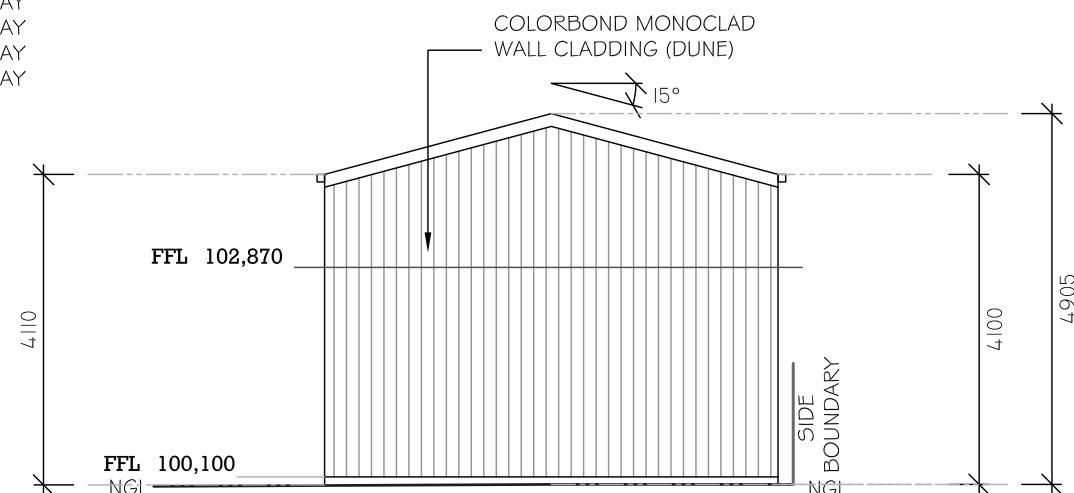


SOUTH WEST ELEVATION

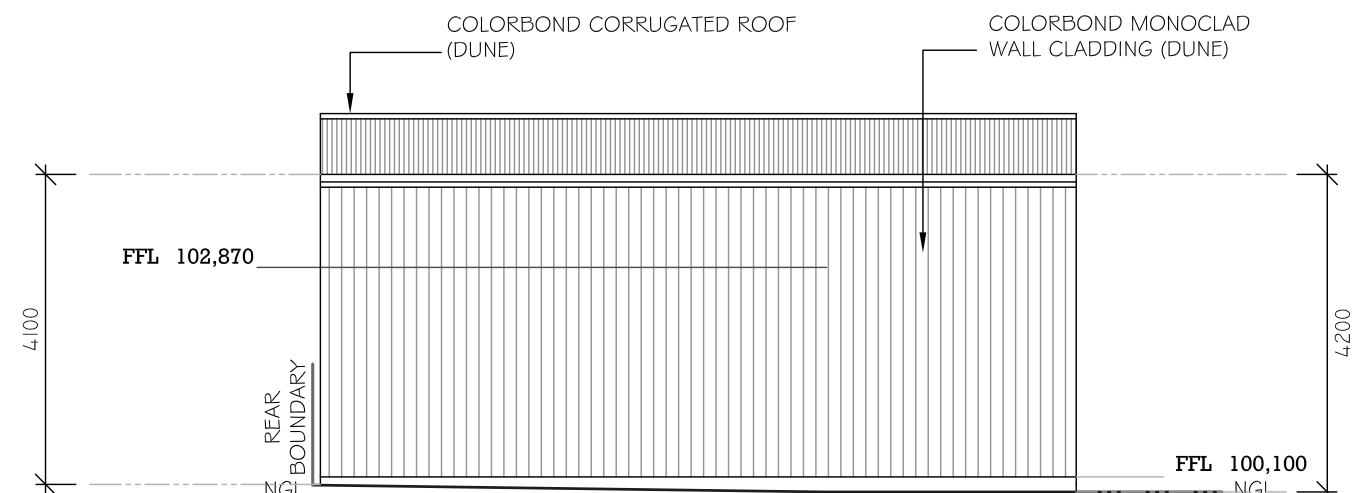


SOUTH EAST ELEVATION

COLOUR'S (COLORBOND®):
 EXT. WALLS - DUNE
 ROOF - DUNE
 ROLLER DOOR - WINDSPRAY
 PA DOOR - WINDSPRAY
 WINDOW FRAME - DUNE
 GUTTER - WINDSPRAY
 CORNER FLASH - WINDSPRAY
 BARGE FLASHING - WINDSPRAY
 OPENING FLASH - WINDSPRAY



NORTH EAST ELEVATION



NORTH WEST ELEVATION

REFER TO DRAWINGS BY NORTHERN CONSULTING FOR ALL
 MEMBER AND MATERIAL DETAILS AS WELL AS FOOTING DESIGN
 AND SPECIFICATIONS.

NOTE: MINIMUM FOUNDATION DEPTH SHOULD BE 100mm INTO NATURAL GROUND.
 IF FILL IS TO BE USED UNDER SLAB COMPACT IN 150mm LAYERS TO A
 MAXIMUM DEPTH OF 900mm.

ALL HEIGHTS SHOWN ARE ABOVE NATURAL GROUND LEVEL.

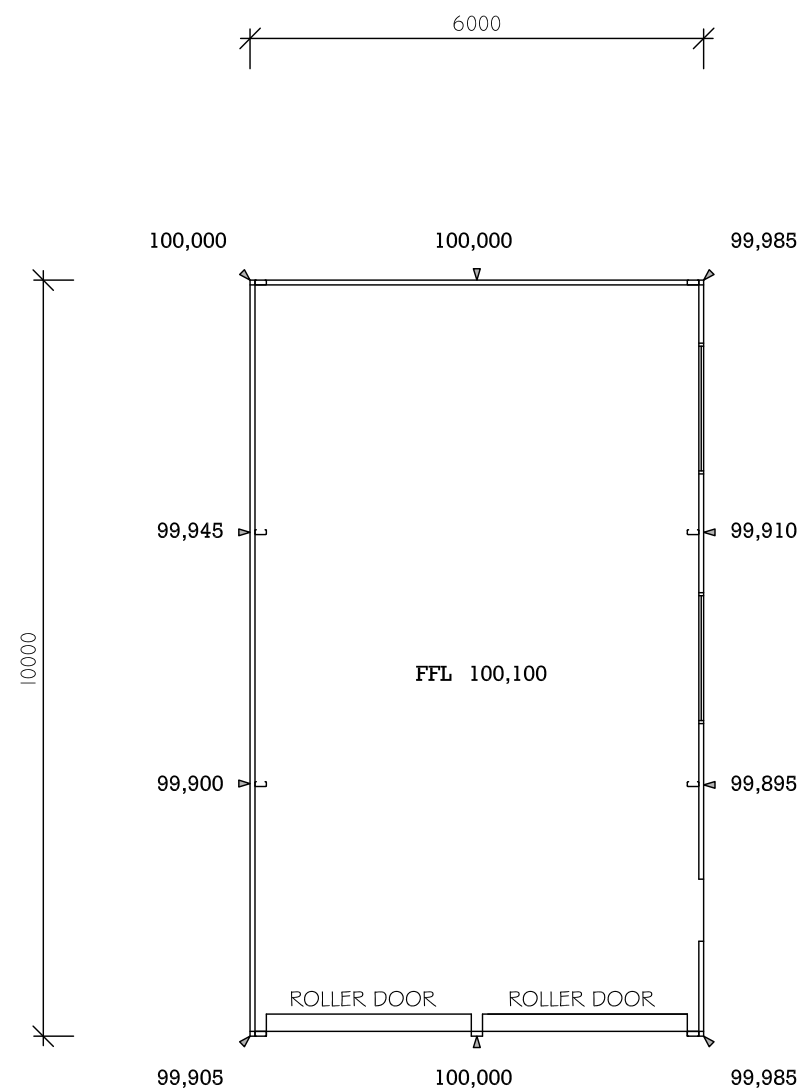
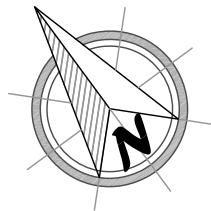
ACTUAL HEIGHTS OF WALLS ABOVE CONCRETE SLAB ARE:
 SIDE WALL HEIGHT - 4000mm
 END WALL HEIGHT TO APEX - 4804mm

PROPOSAL : DEMOLITION OF EXISTING OUTBUILDING & CARPORT
 NEW OUTBUILDING / CARPORT

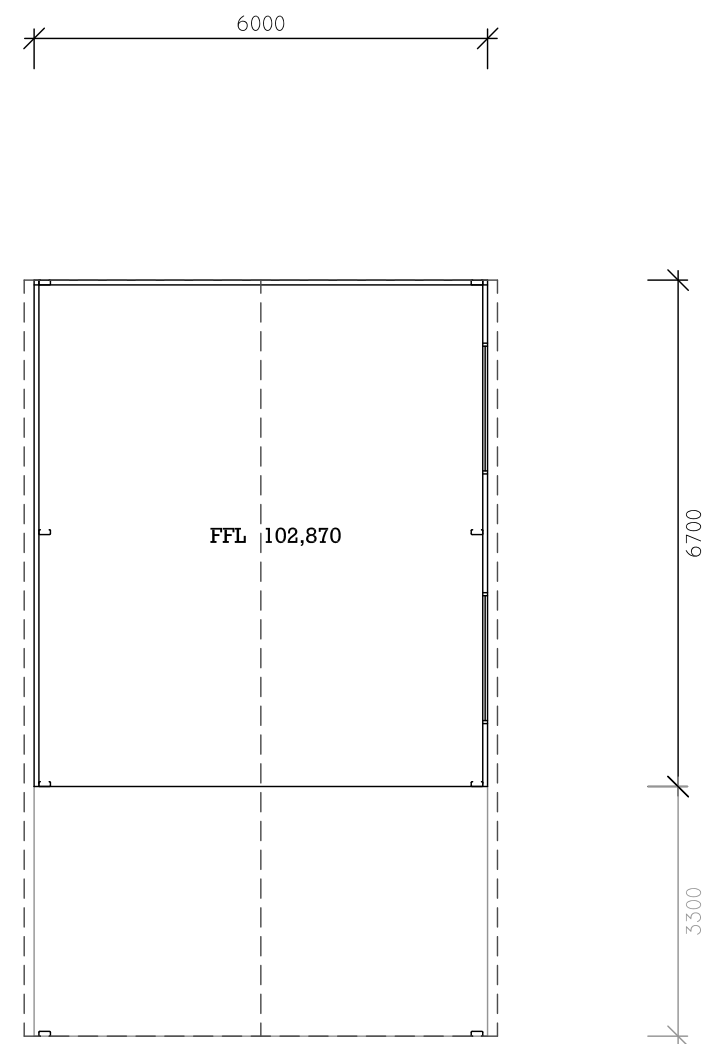
OWNER : M. RUSSELL
 ADDRESS: 22 PIPECLAY ESPLANADE, CREMORNE, 7024
 SCALE: 1:100
 DATE: 6th OCTOBER 2016
 AMENDED:
 DRAWN BY: ADRIAN BROWN CC6003R
 PAGE: 02/04
 JOB NO : 80278



ELEVATIONS 1:100



LOWER FLOOR PLAN



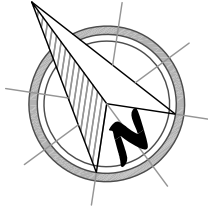
MEZZANINE FLOOR PLAN

FLOOR PLAN 1:100

PROPOSAL : DEMOLITION OF EXISTING OUTBUILDING & CARPORT
NEW OUTBUILDING / CARPORT

OWNER : M. RUSSELL
ADDRESS: 22 PIPECLAY ESPLANADE, CREMORNE, 7024
SCALE: 1:100
DATE: 6th OCTOBER 2016
AMENDED:
DRAWN BY: ADRIAN BROWN CC6003R
PAGE: 03/04
JOB NO : 80278





CONSTRUCTION GENERALLY:
ALL CONSTRUCTION TO BE IN ACCORDANCE WITH CURRENT BUILDING REGULATIONS,
BUILDING CODE OF AUSTRALIA (B.C.A.), RELEVANT AUSTRALIAN STANDARDS AND LOCAL
AUTHORITY REQUIREMENTS.

SITE PREPARATION AND EXCAVATION TO COUNCIL AND B.C.A REQUIREMENTS.

CONCRETE FOOTINGS TO AS 2870.1 AND ENGINEER SPECIFICATIONS.
UNLESS OTHERWISE SPECIFIED, FOOTINGS 20MPA / SLAB 25MPA.

GARAGE STRUCTURAL; DETAILS AND CERTIFICATION AS PER 'FAIR DINKUM SHEDS'
DOCUMENTATION.

BUILDER TO VERIFY ALL DIMENSIONS AND DETAILS ON THIS SET OF PLANS PRIOR
TO COMMENCEMENT OF WORK ON SITE.

USE WRITTEN DIMENSIONS IN PREFERENCE TO MEASURING OFF THE PLAN.

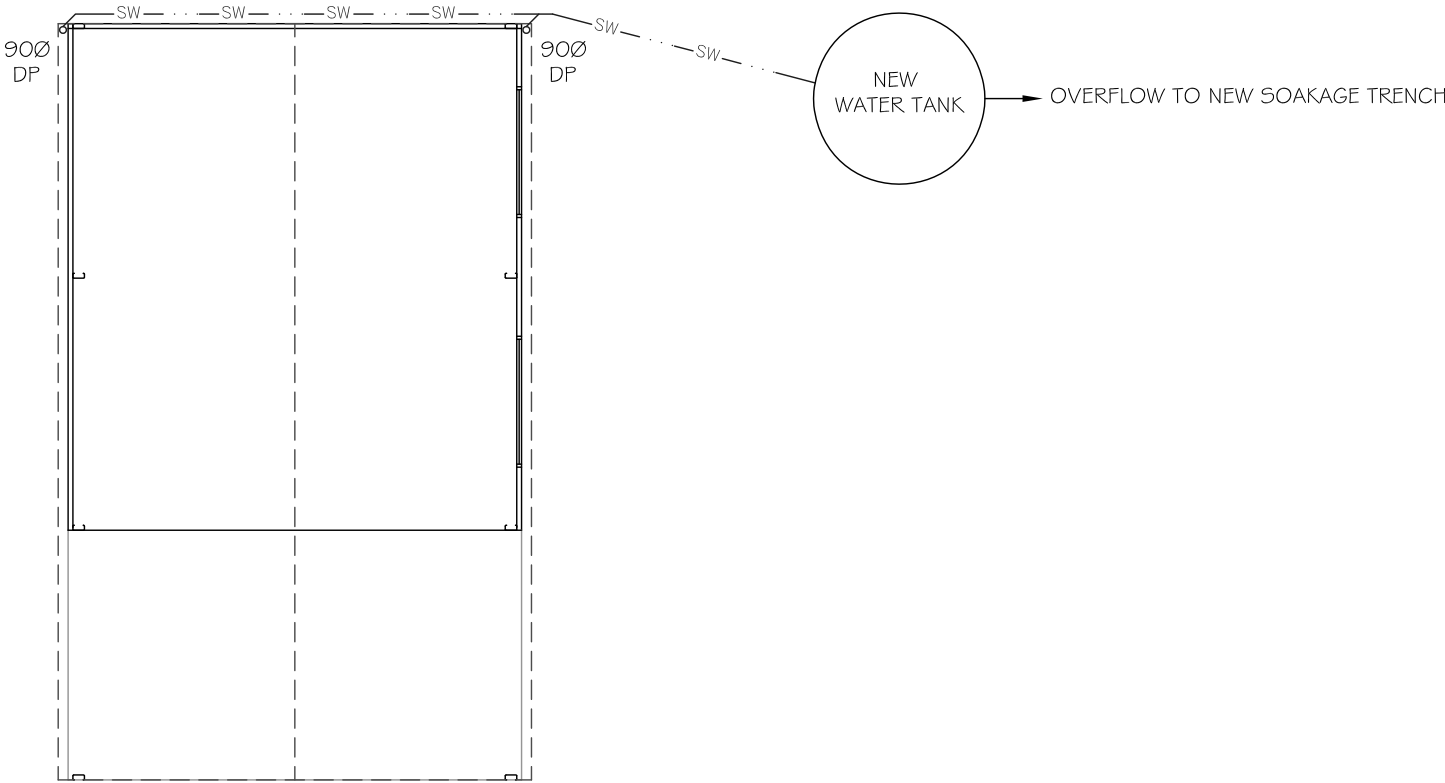
COUNCIL / CONTRACTOR TO CONTACT P&J SHEDS IF NECESSARY INFORMATION IS
NOT PROVIDED ON THIS SET OF PLANS.

PLUMBING GENERALLY:
ALL PLUMBING TO BE IN ACCORDANCE WITH AS 3500.
TAS PLUMBING CODE AND LOCAL AUTHORITY REQUIREMENTS.

90dia PVC STORM WATER TO NEW WATER TANK.
PLUMBER TO VERIFY TANK LOCATION WITH OWNER.

FIRST INSPECTION OPENING TO BE RAISED TO FINISHED GROUND LEVEL.

AN OVERFLOW FROM THE RAINWATER TANK IS TO BE INSTALLED
AND DISPERSED IN COMPLIANCE WITH AS/NZS 3500. THE
OVERFLOW FROM WATER TANK TO BE DISPOSED OF BY AN
APPROVED METHOD AND SHALL BE MAINTAINED WITHIN THE
PROPERTY BOUNDARY.



PLUMBING PLAN 1:100

PROPOSAL : DEMOLITION OF EXISTING OUTBUILDING & CARPORT
NEW OUTBUILDING / CARPORT

OWNER : M. RUSSELL
ADDRESS: 22 PIPECLAY ESPLANADE, CREMORNE, 7024
SCALE: 1:100
DATE: 6th OCTOBER 2016
AMENDED:
DRAWN BY: ADRIAN BROWN CC6003R
PAGE: 04/04
JOB NO : 80278



Attachment 3

22 Pipe Clay Esplanade, Cremorne



Site viewed from Pipe Clay Esplanade, Cremorne. The existing garage is visible at the end of the garage and will be removed as part of this development.

11.3.2 SUBDIVISION APPLICATION SD-2016/36 - 1B KADINA ROAD, CAMBRIDGE - 1 LOT SUBDIVISION
(Rile No SD-2016/36)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 1 lot subdivision at 1B Kadina Road, Cambridge.

RELATION TO PLANNING PROVISIONS

The land is zoned Environmental Living and is subject to the Bushfire Prone Areas Code, Road and Rail Assets Code, Stormwater Management Code, Waterway and Coastal Protection Code and Natural Assets Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 7 December 2016 with the written agreement of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of the proposal represents an opportunity to secure a public walking trail along Barilla Rivulet.

RECOMMENDATION:

- A. That the application for a 1 lot Subdivision at 1B Kadina Road, Cambridge be refused in accordance with Section 85(d)(iii) of the Local Government (Building and Miscellaneous Provisions) Act 1993 (LGBMPA) in that the layout of the subdivision should be altered to include public open space.
- B. That the application for a 1 lot subdivision at 1B Kadina Road, Cambridge (Ref SD-2016/36) be refused for the following reasons:
 - 1. The proposal is contrary to Clause 14.5.3 A2 of the Clarence Interim Planning Scheme 2015 with regard to the provision and location of reserves for public open space in that the proposal does not provide reasonable public open space within the boundaries of the property in accordance with Council's Public Open Space Policy (2013).
- C. That the applicant be advised that they should contact the relevant Council officers to discuss Council's public open space requirement, which can broadly be described as follows:

- Provision of approximately 30m wide public open space lot from the centreline of Barilla Rivulet for the full length of the southern boundary of Lots 1 and 2.

NOTE: As required under Section 116 of the Local Government (Building and Miscellaneous Provisions) Act 1993 compensation will be provided for any public open space above 5% of the area approved in the final plan.

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

ASSOCIATED REPORT

1. BACKGROUND

In October 2004, Council approved an application for a 20m tall Telstra operated telecommunications tower located on the top of Breakneck Hill which is located within the subject site.

In 2006, an application was approved to modify the boundaries between 4a Kadina Road and 1B Kadina Road. The boundary adjustment resulted in 1B Kadina Road being increased in size to 120.1ha.

In 2010, approval was granted for an extension to the western side of the existing dwelling.

In 2003, the landowner voluntarily entered into an agreement with the Minister for Primary Industries and Water to protect the land through a conservation covenant created under the Nature Conservation Act 2002. The covenants protect 66.56ha of the site. The values identified within the reserve include areas of inland Silver Peppermint and Risdon Peppermint (*Eucalyptus tenuiramis* and *Eucalyptus risdonnii*) forest, grassy blue gum (*Eucalyptus globulus*) forest and Black Peppermint (*Eucalyptus amygdalina*) forest on mudstone. These forest types are a high priority for reservation on private land.

The terms of the covenant allow for the clearing of indigenous vegetation with the exception of clearing that has been approved by the Minister for the purposes of footways, carriageways (or other rights-of-ways), fence lines or firebreaks.

2. STATUTORY IMPLICATIONS

2.1 The land is zoned Environmental Living under the Scheme.

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

2.3 The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Part 14.0 – Environmental Living Zone;
- Part E5.0 – Road and Rail Assets Code;
- Part E6.0 – Parking and Access Code;
- Part E7.0 – Stormwater Management Code;
- Part E11.0 – Waterway and Coastal Protection Code;
- Part E27.0 – Natural Assets Code.

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

3. PROPOSAL IN DETAIL

3.1 The Site

The site is an 120ha property with frontage to both Kadina Road and Richmond Road. The majority of the property is steeply sloping land encompassing the western, southern and eastern slopes and summit of Breakneck Hill. A dwelling is located on a south-east sloping spur downslope from Breakneck Hill. A telecommunications tower is also located on the top of Breakneck Hill near the northern side property boundary.

The constructed access to the property is via a fee simple strip from Kadina Road. Council has a right-of-way over this access in order to provide access to a reservoir located on the eastern slopes of Breakneck Hill. The northern bank of Barilla Rivulet forms the southern boundary of the site.

The eastern and southern slopes of the site are partially cleared as a result of past grazing activities. The remainder of the site is heavily forested with various threatened and non-threatened native vegetation communities and 66ha are presently reserved through a conservation covenant.

3.2 The Proposal

The proposal is for a 1 lot subdivision. Lot 1 would have a land area of 100ha and would retain the existing dwelling and telecommunications tower. Lot 2 would have a land area of 20ha and would lie generally parallel with Barilla Rivulet which forms the southern boundary of the site. Lot 1 would retain a narrow frontage onto Barilla Rivulet also.

Lot 1 would retain the 22.82m wide fee simple access strip onto Kadina Road with Lot 2 being provided with 202.39m of frontage onto Richmond Road. An existing farm access point is proposed to be formalised to the north of the Barilla Rivulet Bridge along Richmond Road to service proposed Lot 2 in accordance with the requirements of the Department of State Growth (DSG). A 30m by 30m building area has been nominated on the western half of Lot 2 within an existing clearing. The building area is presently accessible from an existing grassed access track from the Richmond Road access.

The proposed subdivision has made no provision for public open space (POS) and has requested that Council does not require POS.

A copy of the proposal is included in the attachments.

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 Bushfire Prone Areas Code, Road and Rail Assets Code, Stormwater Management Code, Waterway and Coastal Protection Code and Natural Assets Code with the exception of the following.

Environmental Living Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
14.5.1 A2	Lot Design	<p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except for public open space, a riparian or littoral reserve or utilities:</p> <ul style="list-style-type: none"> (a) clear of the frontage, side and rear boundary setbacks; (b) not subject to any Codes in this planning scheme; (c) clear of title restrictions such as easements and restrictive covenants; 	<p>Complies</p> <p>Non-compliance – The building area allocated to Lot 2 is subject to the Bushfire Prone Areas Code.</p> <p>Complies</p>

	(d) has an average slope of no more than 1 in 5;	Complies
	(e) has a separation distance no less than: (i) 100m from land zoned Rural Resource; (ii) 200 m from land zoned Significant Agriculture;	Complies
	(f) has a setback from land zoned Environmental Management no less than 100 m;	Complies
	(g) is a minimum of 30 m x 30 m in size.	Complies

The proposed variation can be supported pursuant to the Performance Criteria (P2) of the Clause 14.5.1 for the following reasons.

Performance Criteria	Comment
<i>P2 – The design of each lot must contain a building area able to satisfy all of the following:</i>	See below.
<i>(iv) Is reasonably capable of accommodating residential use and development;</i>	Given the applicable code standards are capable of being satisfied, it is considered that the designated building area for Lot 2 can reasonably accommodate residential use or development in the future. There are multiple opportunities for a compliant building area to be accommodated within the boundaries of Lot 2 therefore it is not considered necessary to require a building area to be notated on the final plan of survey as future development will be subject to the requirements of the zone and relevant Codes.
<i>(v) Meets any applicable standards in codes in this planning scheme;</i>	The indicative building area shown for Lot 1 has been selectively sited to avoid areas of the site covered by the Natural Assets Code and Waterway and Coastal Protection Code for environmental reasons. The building area also avoids areas reserved under the conservation covenant.

	The only spatial Code affecting the designated building area is the Bushfire Prone Areas Code. A Bushfire Report has accompanied the application demonstrating that the proposed building area is capable of accommodating a future residence designed to comply with BAL 19 specifications therefore complies with the Acceptable Solution under the Bushfire Prone Areas Code relating to the provision of hazard management areas.
(vi) <i>Enables future development to achieve reasonable solar access, given the slope and access of the land;</i>	The average slope of the building area is 15% and contains a grassed area surrounding the building area with a distance of a minimum of 30m. Whilst the building area has a gentle south facing slope, it will be capable of accommodating a dwelling able to achieve reasonable solar access throughout the year.
(vii) <i>Minimises the requirement for earthworks, retaining walls, and cut & fill associated with future development;</i>	The slope will preclude the need for any significant earthworks, retaining walls, cut and fill associated with future development.
(viii) <i>Is located to minimise environmental impacts;</i>	The building area has been selectively sited within an existing clearing to avoid any vegetation loss as a result of future development, access works and bushfire hazard management areas.
(ix) <i>Is sufficiently separated from land zoned Rural Resource and Significant Agriculture to prevent potential for land use conflict that would fetter non-sensitive use of that land, and the separation distance is no less than:</i> (i) <i>40 m from land zoned Rural Resource;</i> (ii) <i>80 m from land zoned Significant Agriculture;</i>	The building area nominated for Lot 2 is located in excess of 350m from the nearest Rural Resource zoned land to the west.
(x) <i>Is setback from land zoned Environmental Management to satisfy all of the following:</i> (i) <i>there is to be no significant impact from the development on environmental values;</i>	The building area nominated for Lot 2 is not located within 100m of Environmental Management zoned land.

<p>(ii) <i>the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised;</i></p> <p>(iii) <i>there is minimal potential for contaminated or sedimented water runoff impacting on the land zoned Environmental Management;</i></p> <p>(iv) <i>there are no reasonable and practical alternatives to developing close to land zoned Environmental Management.</i></p>	
--	--

Environmental Living Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
14.5.1 A4	Lot Design	No lot is an internal lot.	Proposed Lot 1 would be modified as a result of the subdivision to form an internal lot.

The proposed variation can be supported pursuant to the Performance Criteria (P4) of the Clause 14.5.1 for the following reasons.

Performance Criteria	Comment
<i>P4 – An internal lot must satisfy all of the following:</i>	See below.
<i>(a) Access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal configuration the only reasonable option to efficiently utilise the land;</i>	Lot 1 would continue to be accessed via an existing 22.82m wide fee simple access strip provided from Kadina Road.
<i>(b) It is not reasonably possible to provide a new road to create a standard frontage lot;</i>	The access strip provided to Lot 1 is wide enough to support the construction of a new road, however, this would not be reasonable given it would service 1 lot and may have greater ramifications on the landscape qualities of the hillside through roadworks scarring effects.
<i>(c) The lot constitutes the only reasonable way to subdivide the rear of an existing lot;</i>	The subdivision design represents a logical design response to create a new lot which is capable of facilitating a compliant residence in the future.

(d) <i>The lot will contribute to the more efficient utilisation of environmental living land;</i>	Despite the large land size (120ha), the property is constrained in its subdivision potential by the limited road frontage. The creation of Lot 2 will be provided with the minimum land area and frontage and the building area is capable of being sited within an area clear of Codes expressly regulating impacts upon natural values. Given the compliance with the subdivision standards and code standards, the subdivision is considered to represent the efficient utilisation of environmental living land.
(e) <i>The amenity of the neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</i>	The building area nominated for Lot 2 is located in excess of 200m from the closest residence to the south. The building area is also separated from nearby residential development by a riparian woodland and associated understorey lining Barilla Rivulet. This vegetative buffer together with the separation distance is considered sufficiently generous to protect the amenity of neighbouring land as a result of potential future use and development.
(f) <i>The lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</i>	Lot 2 will retain access onto Kadina Road via a 22.82m wide fee simple access strip which is well in excess of the minimum 3.6m requirement.
(g) <i>Passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot;</i>	The existing access to Lot 2 has been designed to provide for adequate passing opportunity at appropriate intervals.
(h) <i>The access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</i>	The access strip adjoins an access strip associated with 1a Kadina Road located to the south. The number of adjoining access points would not change as a result of the subdivision.
(i) <i>A sealed driveway is provided on the access strip prior to the sealing of the final plan.</i>	The access strip contains an existing sealed driveway providing access to the existing dwelling.
(j) <i>The lot addresses and provides for passive surveillance of public open space and public rights of way if it front such public spaces.</i>	Not applicable.

Environmental Living Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
14.5.3 A2	Ways and Public Open Space	No Acceptable Solution.	Given there is no Acceptable Solution in which to satisfy, consideration is required under the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria (P2) of the Clause 14.5.3 for the following reasons.

Performance Criteria	Comment
<i>P2 - Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.</i>	As discussed under Section 8 of this report, it is considered that the proposed subdivision design does not make adequate provision for POS as required by Council's Public Open Space Policy (2013) therefore ought to be refused on this basis.

Environmental Living Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
14.5.4 A2	Services	No Acceptable Solution.	Given there is no Acceptable Solution in which to satisfy, consideration is required under the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria (P2) of the Clause 14.5.4 for the following reasons:

Performance Criteria	Comment
<i>P2 – Each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.</i>	Lot 1 would retain a land area of 100ha and Lot 2 would retain a land area of 20ha therefore both lots would be in excess of the size requirement to trigger assessment under the On-site Wastewater Management Code (5,000m ²).

Environmental Living Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
14.5.4 A3	Services	Each lot must be connected to a stormwater system able to service the building area by gravity.	There are no Council stormwater systems located within this area in which future development could connect.

The proposed variation can be supported pursuant to the Performance Criteria (P3) of the Clause 14.5.4 for the following reasons.

Performance Criteria	Comment
<i>P3 – Each lot must be capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land.</i>	Council's Development Engineer has advised that the land area associated with both lots is sufficient to enable all stormwater to be retained and/or reused on the site as a result of future use and development associated with uses allowable under the zone. Details of the stormwater disposal system, such as trenches and/or rainwater tanks, would need to be submitted with future applications for Building and Plumbing Permits as normally required.

5 REPRESENTATION ISSUES

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

5.1 The Proposal Represents an Opportunity to Secure a Public Walking Trail along Barilla Rivulet

The representor has suggested that Council give consideration to the formation of a public walking trail alongside Barilla Rivulet as recognised in the draft Cambridge Master Plan to allow the public to ride or walk in safety along the banks of the rivulet when travelling west from Richmond Road. The representor also acknowledges that a walking trail in this location would reduce the potential for conflict between vehicles, pedestrians and cyclists on Cambridge Road and Richmond Road which is narrow in sections.

- **Comment**

This report recognises the community benefit in the provision of a public open space lot alongside Barilla Rivulet in which to construct a walking trail for recreational use and this is reflected in the recommendation that the application ought to be refused on the basis that no provision has been made for public open space.

6 EXTERNAL REFERRALS

The proposal was referred to TasWater, who have indicated that they do not object to the proposal and no conditions are imposed.

7 COUNCIL COMMITTEE RECOMMENDATION

The proposed subdivision and opportunity for the provision of a public open space corridor along the northern banks of the Barilla Rivulet was reported at the Tracks and Trails Committee Meeting held on 13 October 2016. The Committee supported the obtainment of a public open space corridor alongside Barilla Rivulet as part of the subdivision assessment.

8 STATE POLICIES AND ACT OBJECTIVES

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

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

9 COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

The proposal is generally in accordance with Council's adopted Strategic Plan 2016-2026 and other relevant Council Policies, except the Public Open Space Policy (2013) as discussed below.

Public Open Space

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

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

- Clarence Tracks and Trails Strategy 2012;
- Tracks and Trails Action Plan 2015-2020;
- Positive Ageing Plan 2012-2016;
- Clarence Coast and Bushland Strategy (August 2011);
- Community Health and Wellbeing Plan 2013-2018; and
- Draft Sport and Active Recreation Strategy.

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

The proposed subdivision would result in an increased demand and utilisation of POS resources within the municipality. Council's Public Open Space Policy (2013) gives recognition of Council's powers and obligations in respect to POS under the provisions of the Local Government (Building and Miscellaneous Provisions) Act 1993 (LGBMPA) which enables Council under Section 85(d)(iii) to refuse to approve a plan of subdivision if it is of the opinion that the layout of the proposal should be altered to include POS. The LGBMPA provides for Council to require POS to be provided as part of a subdivision up to a maximum 5% of the total area of the final plan.

Under Section 116 of LGBMPA, Council is obligated to purchase POS in excess of the 5% of the total area approved in the final plan.

Section 5.5 of Council's Public Open Space Policy (2013) specifies that where public open space has been identified as being required in the future, the land benefiting from that POS (ie the subdivided lots) ought to contribute towards its acquisition and subsequent development.

The Policy recognises under Section 5.2 that POS land should be secured through the subdivision process (as distinct from the land acquisition process) to provide social and passive recreational opportunities and to facilitate multi-user connectivity through residential and rural land. Section 5.3 of the Policy recognises that in established areas priority should be given towards improving connectivity to and between existing public open space and improving the quality of related infrastructure.

Council's Tracks and Trails Action Plan (2015-2020) recognises the potential for the creation of a waterway track alongside Barilla Rivulet to link Council land at 840 Cambridge Road to Richmond Road/Barilla Holiday Park. This track is also recognised as a potential feeder track into the Coal River Gourmet Trail commencing at the Barilla Holiday Park and the walking/mountain bike trails within the Clarence Mountain Bike Park. The Barilla Rivulet trail therefore forms a valuable strategic off-road link to facilitate recreational connectivity within Cambridge. The draft Cambridge Master Plan (presented for adoption to the 5 December 2016 Council Meeting) also recognises an indicative riverside trail in this location. It is envisaged that a 30m wide strip of land alongside Barilla Rivulet would be sufficient to allow for the creation of a riparian walkway.

This would equate to an area of approximately 2.9ha which equates to approximately 2.5% of the whole land area.

This figure is indicative only as the exact width of the corridor cannot be ascertained until the alignment of the walking track is determined by a track survey and natural values assessment. Council officers have made attempts for the survey work to occur prior to the determination of the application, however, the applicant was not receptive to this approach.

The applicant has specifically requested that POS be omitted from the subdivision plan. The full submission can be viewed in Attachment 3 and a summary of the issues raised is provided as follows.

- There has been little consultation with the landowner regarding the waterway trail as part of the preparation and subsequent adoption of the Tracks and Trails Action Plan and more recently the preparation of the draft Cambridge Master Plan.
- The majority of the property is protected by 2 conservation covenants therefore presently provides for the long term protection and security of land for conservation, reasons which is in the public interest.
- The facilitation of public access is not consistent with the zone Purpose Statements for the Environmental Living Zone as the transfer of this land to Council ownership may undo the significant investments by the landowner undertaken to rehabilitate the waterway.
- A 1 lot subdivision (creation of a lot with a minimum land area of 20ha) is not likely to increase the demand for public open space.

- The land is protected through a conservation covenant which does not allow for clearance or track construction.
- The Barilla Rivulet track is not identified in the Tracks and Trails Action Plan as being either to the north or south of the rivulet as a feasibility study into its alignment has not been undertaken.
- The construction of a walking trail may encourage multi-use including cycling which is not suitable for an environmentally sensitive environment.

In general, these comments are addressed in the following assessment.

Whilst an indicative track location has been identified in various recreation asset strategies, Council's Public Open Space Strategy (2013) requires Council to be assured the land identified for POS is in fact accessible, fit for purpose, will enhance the natural and cultural resources of the municipal area and offers an amenable environment for all forms of active and passive recreation. An assessment of these issues is made under Section 6.2 of Council's Public Open Space Policy (2013).

“POS assessment will involve the following considerations:

(i) the existing provision of POS in the vicinity of the subject area”.

The provision of POS lot to facilitate the construction of a walking trail will form a valuable off-road strategic link within Cambridge and will offer the potential to feed into the existing trail networks associated with the Clarence Mountain Bike Park and Council's planned Coal River Gourmet Trail.

“(ii) whether the land is conveniently located to service existing or future users”.

The land offers a continuous single linkage in the vicinity of the northern side of Barilla Rivulet to connect Richmond Road with Council's parkland located at 840 Cambridge Road.

A trail in this location would form a valuable off-road linkage for residents within Cambridge to access the Clarence Mountain Bike Park/Meehan Range commencing at the end of Belbins Road and to be provided with a walking trail option that is off-road. This would reduce pedestrian/cycling reliance along the verge of Cambridge Road which is inherently unsafe due to the narrow verge width and absence of footpaths.

“(iii) *the extent and condition of existing vegetation/habitat*”.

The exact trail alignment would be subject to a survey undertaken by Council’s Track Consultant and a natural values assessment. In this case a 30m wide strip of land would be sufficient to accommodate the construction of a track in a meandering location to avoid impacts on natural values. The retention of native vegetation cover will recognise the investments already undertaken by the current landowner into the rehabilitation of the waterway and commitment to secure the long term preservation of the land through the registration of a conservation covenant. As the conservation values are protected into perpetuity by a conservation covenant, the POS would only serve to provide access via a constructed track.

The 2 conservation covenants extend to the boundary with Barilla Rivulet with the exception of a clearing located towards the western boundary associated with proposed Lot 2. The reserved areas extending alongside Barilla Rivulet protect Blue gum forest which is regarded as a vulnerable community and provides foraging habitat for the endangered swift parrot (*Lathamus discolor*). The conservation covenant would remain in place regardless of the land tenure and the formation of a walking trail is within the terms of the covenant requiring the consent of the Minister.

“(iv) *whether the land is fit for propose in terms of size, shape, topography, gradient, infrastructure, conservation covenants or other encumbrances*”.

The creation of a POS strip along the northern banks of Barilla Rivulet has been assessed by Council's Asset Management Group as being suitable for the construction of a walking trail. A preliminary site visit by Council officers has revealed that the difficulty of the terrain would only allow a Class 3 track with a track width of less than 1m.

“(v) *the extent to which the land contributes to Council's ability to support a diversity of recreational activities*”.

The formation of a walking trail in this location would provide a valuable off-road linkage within Cambridge which will maximise recreational usage.

“(vi) *the best location for POS in the wider area where the subdivision is located and the likelihood of alternative sites*”.

It is feasible for a walking trail to be formed along the southern side of Barilla Rivulet, however, this would impact upon multiple property owners and urban sized allotments which are more susceptible to flooding. The proposal represents an opportunity to secure a continuous linkage along Barilla Rivulet to connect 2 public points.

“(vii) *the land's vulnerability to natural hazards*”.

The land is not identified on the planning scheme maps as being subject to natural hazards other than bushfire hazard.

“(viii) *anticipated service life/longevity due to sea level rise*”.

The land is not identified at being at risk of future coastal inundation or erosion hazard.

The LGBMPA provides for Council to require public open space to be provided as part of a subdivision up to a maximum 5% of the total land area of the site (ie Lot 1 and 2). The subdivision plan omits the provision of public open space.

Section 85(d)(ii)(iii) of the LGBMPA enables Council to refuse to approve a plan of subdivision if it is of the opinion that the layout should be altered to include public open space.

Based on the above assessment, Council can be satisfied that the public open space linkage identified as being required under the Tracks and Trails Action Plan (2015-2020) and draft Cambridge Master Plan is warranted as it has been determined that it is accessible, fit for purpose, will enhance the natural and cultural resources of the municipal area and offers an amenable environment for all forms of active and passive recreation.

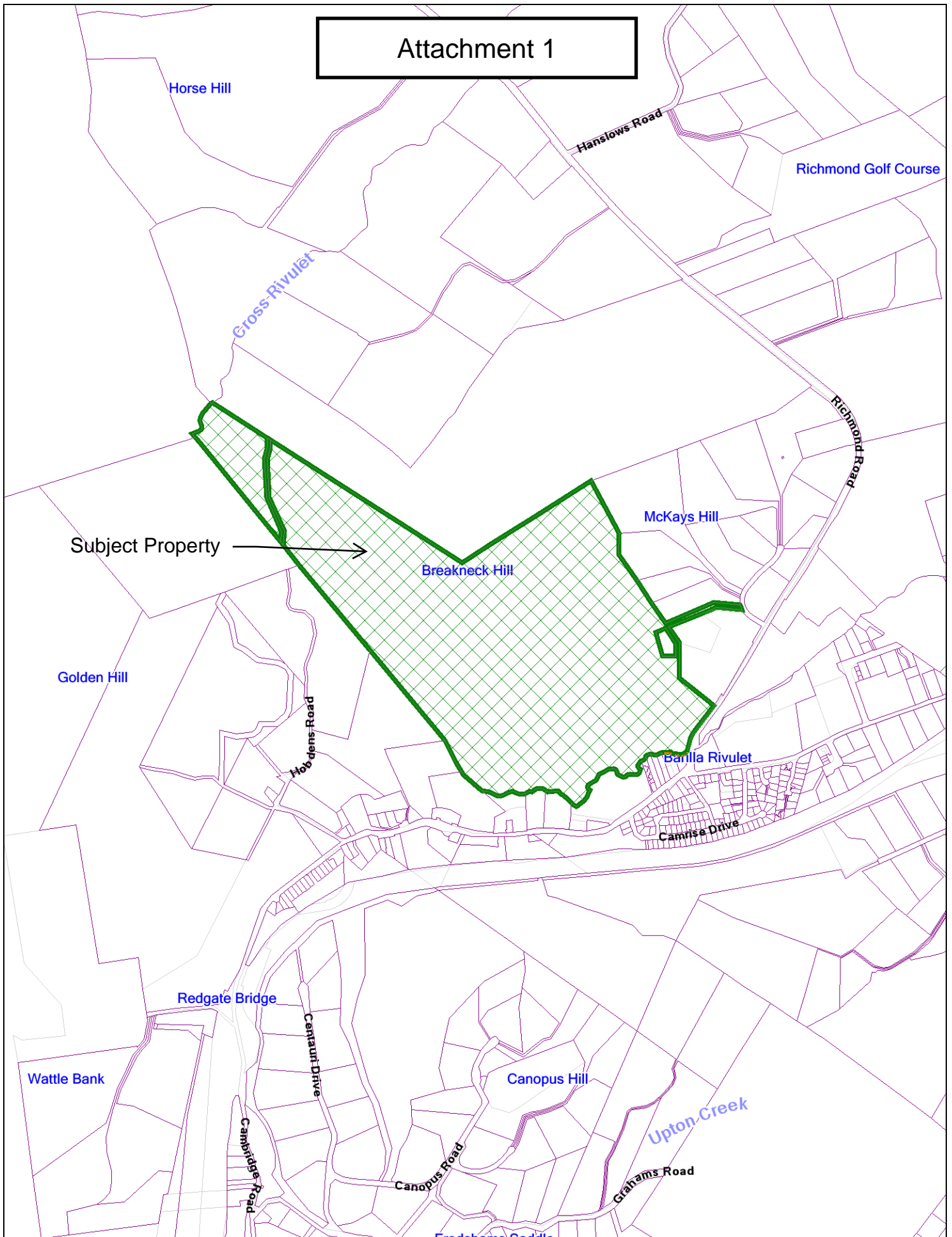
It is therefore considered that the proposal is contrary to Council's POS Policy and the provisions of the LGBMPA and that the layout of the subdivision should be altered to provide POS consisting of a 30m wide corridor alongside the Barilla Rivulet with a total land area of approximately 2.9ha (2.5% of the whole site area).

10 CONCLUSION

The proposal seeks approval for a 1 lot subdivision at 1B Kadina Road, Cambridge. Although the proposal is consistent with the subdivision standards for the Environmental Living Zone and relevant Codes, the proposal does not make adequate provision for public open space. It is therefore considered that the proposal as intended to be implemented by the applicant should be refused in accordance with Section 85(d)(iii) of the LGBMPA and Clause 14.5.3 of the Scheme as the layout of the subdivision should be altered to provide reasonable public open space. It follows that the subdivision application should also be refused.

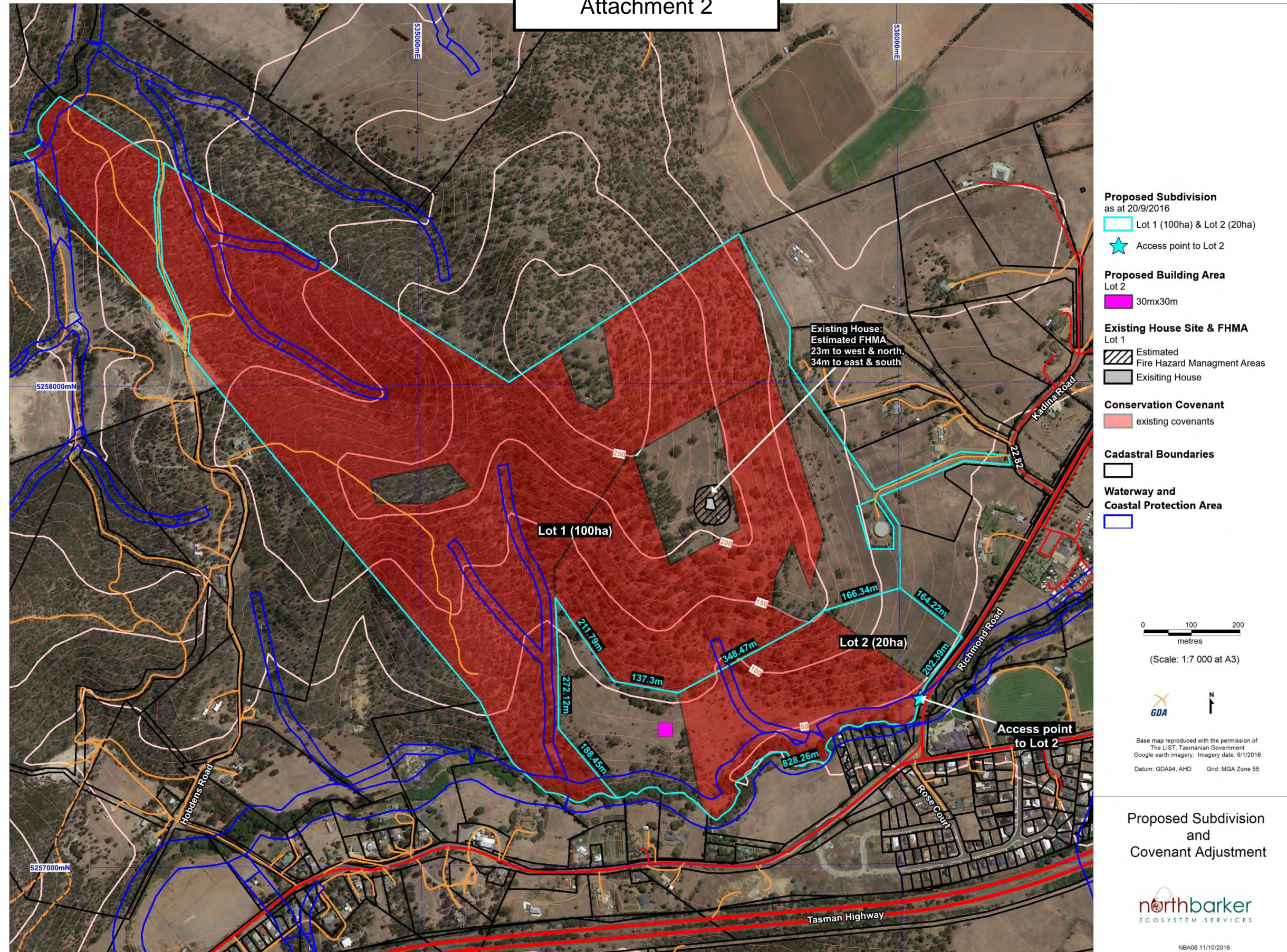
Attachments: 1. Location Plan (1)
2. Proposal Plan (2)
3. Applicant's Request to Waiver POS Land Contribution (5)
4. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Monday, 21 November 2016 **Scale:** 1:17,990 @A4

Attachment 2



Subdivision Plan

October 17 2016

Dear Amanda,

Thank you for your notes via email of October 14.

The following is our response to the information with regard to council's power and obligations in respect of public open space, which you indicate are set out under the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

We acknowledge that the Act provides council the head of power to require POS. However, the potential requirement for POS is to be determined within the context of the CCC interim planning scheme 2015 and is guided by POS strategy and council policy in regard to POS.

It is within the Planning Scheme, the POS Strategy and the Policy that we find the reasons why any proposal to acquire land for POS as part of our subdivision proposal cannot be justified.

The public acceptance and subsequent endorsement of the interim planning scheme and all of council's policies and strategies is based on the understanding by rate payers that the council has adequately consulted with them before finalising these planning instruments. It is this consultation that gives the instruments the legitimacy, that you argue they have.

Our protestation over the councils request for POS in relation to our proposal for a subdivision, is in part, deeply based in this lack of consultation in the development of the tracks and trails strategy and action plan and most recently the Draft Cambridge Master Plan. It beggars belief that a public body could develop of plan for the utilisation of a particular parcel of private land without any consultation what so ever with the land owner. On that basis alone the CCC's requirement for POS using the tracks and trails plans and the Draft CMP as evidence of the public need and agreement is illegitimate.

The majority of our property of 120 ha is protected by two covenants under the Nature Conservation Act. This contribution is provided in the public interest and in itself exceeds community expectations. It could not reasonably be expected to provide a further significant contribution "in the public interest".

In the absence of our proposal for subdivision, council would have to negotiate with us to potentially gain control of the land. Given no consultation to date it is impossible to know when this may have occurred. So, in the context of your options for gaining control of our land, specifically potentially refusing the application, we feel that councils "timely" leverage of our subdivision proposal to achieve POS is effectively blackmail.

Below we have noted inconsistencies with the request for POS in the context of the relevant planning documents.

Once you have considered our position please arrange for us to meet with the CCC's Strategic Planner Dan Ford.

Yours sincerely,

Dr Philip Barker and Ms Allison Woolley

Interim Planning Scheme 2015

Objectives of the Environmental Living Zone:

Public access is not consistent with the following objectives of the Environmental Living Zone.

14.1.1 Zone Purpose Statements include:

- 14.1.1.1Residential usewhere existing natural and landscape values are to be retained....
- 14.1.1.4 To protect the privacy and seclusion that residents of this zone enjoy.
- Biodiversity Code – minimise impacts on priority vegetation.

Response:

- Clearly the natural landscape values of a narrow belt of vegetation will be diminished.
- Privacy is seriously diminished by the construction of public access along the entire length of a Lot boundary.
- The subdivision layout uses covenant boundaries (between pasture and priority vegetation) and an edge of regrowth forest as boundaries. An adjustment to meet minimum size, should POS be imposed, will result in boundaries and attendant fence line clearance through priority vegetation and old growth trees within the nesting habitat of the endangered Swift Parrot. This is inconsistent with the planning scheme requirements for lot design to minimise the impact on priority vegetation as well as other legislative obligations.

Public Open Space Policy 2013

5: Subdivision

Policy states every subdivision that results in an increased demand and/or utilisation of POS is to be assessed on its merits according to this policy. It is only after this criterion is met that the principles outlined in below it in section 5 of the policy are applied.

RESPONSE:

Assessment of merits indicates that not all subdivisions require POS to be included. Council has not demonstrated how a 1 lot subdivision would increase demand for POS. Should council wish to argue that the development of 1 additional lot triggers this criterion then the criterion's intent is being subverted by a disingenuous interpretation. We are not aware that this criterion is consistently applied in this way across the council to all single lot subdivision proposals.

Assessment of POS

6.1

(vii) securing the land would protect areas of locally significant natural or cultural value; and ...

Response:

The land is already protected to a high level by a covenant. Council's proposal would diminish natural values of a protected area. Our management of this land has seen a progressive improvement in its condition over time. There is no evidence that council can manage this land to the same standard as a private land owner; hence it is highly likely to be degraded over time.

6.1.3

The size, shape and location of the land within the context of its surrounds are consistent with established Crime Prevention Through Environmental Design (CPTED) principles;

Response:

We specifically raised this issue in our submission regarding the Draft Cambridge Master Plan. The introduction of access along the Barilla Rivulet exposes numerous residential lots (south of the

rivulet), and our proposed lot, to public access and concealed passage that is not consistent with this policy.

In our application we specifically raised the issue of trespass as a reason for subdividing such that a residential presence would discourage it. A public access would exacerbate the issue of trespass. We also raised this issue in our response to the Draft CMP public consultation.

6.2 Other considerations

Whether the land is fit for propose in terms of size, shape, topography, gradient, infrastructure, conservation covenants or other encumbrances;

Response:

Consistency with Nature Conservation Act

- The land is covenanted; clearance of riparian vegetation in a protected area and the proposed use is not allowed in the covenant.
- The covenant would remain on title if council acquired it.
- The size and shape of the councils POS proposal is not consistent with the guidelines for the protection of land by covenant.

Consistency with funding agreement from Commonwealth

Significant rehabilitation work has been undertaken with private funding and funding under several iterations of Commonwealth environment programs. This matched funding is conditional upon retention and management of vegetation. The clearance and proposed uses under POS are not consistent with the maintenance of these values.

Tracks and Trail Strategy

Section 2.4 – Community Views on Tracks & Trails

Community views on the strategy were sought – not from us as a key landowner that the council may wish to discuss the progression of its objectives with.

Section 3. Strategic Direction

In respect of the Vision (3.1), the Principals (3.2) and the Strategies (3.3); anyone would be forgiven for thinking that each only applies to public land; because none of them mention acknowledging, consulting or even working with private land owners.

RESPONSE:

Council has failed to undertake genuine and effective consultation in the development of their strategy.

Attachment 2: Tracks and Trail Development Criteria

Criteria were developed as a tool to assist in assessment of tracks and trails development proposals. Should have sustainability focus and are only examples...

They include:

- Have the potential support of the landowner or manager.
- Not adversely impact on significant natural, cultural, social and other land use or recreational values.
- There are also specific assessment criteria like safety, linkage, preservation of fl & fa, social equity,

RESPONSE:

No consultation and no potential support.

Impacts on natural values

Safety and security

It is not socially equitable for the owner of a single lot subdivision to provide in excess of 5 ha of land for POS; and we have already contributed the majority of our land to conservation in the public interest.

Tracks and Trails Action Plan 2015-2020

3.3 Trails alongside waterways

Waterway trails are identified as preferred due to linear nature etc. Barilla Rivulet identified as a main waterway within council.

Response: The Cambridge Road, which is soon to become a quiet bypass, is also linear and better suited to cyclists who may wish to enjoy the gourmet trail. This is a genuine alternative now that the bypass is in an advanced stage of planning.

A map incorporating significant trails and rivulet tracks was included in this section with a Barilla Rivulet track identified as a proposed trail. The trail is not specifically located on the map to indicate whether it is north or south of the rivulet. The Barilla trail is a secondary trail proposed to connect to a SIGNIFICANT TRAIL (which is the Coal River Valley Gourmet Trail) (This trail does not exist as it is listed in App A as requiring a feasibility study).

RESPONSE:

No consultation occurred. The specific location could not have been assumed and so we could not reasonably be expected to respond, especially in light of no notification from council that the Strategy and Action Plan were even being drafted.

6: Efficient funding and resources use for trail planning, development, management and maintenance

6.5. Advise developers and consultants about the planning needs for the track and trails network to ensure development applications contain adequate trail linkages within new subdivisions.

RESPONSE:

No consultation occurred.

As a consultant in this industry I have never been made aware of the need to consider POS at the planning stage.

7. Working in partnership

7.1 Continue to facilitate tracks and trails partnerships, including cross-tenure trail developments. With adjoining land managers, through the existing Tracks and Trails Committee.

RESPONSE:

No consultation has occurred with us – only via public consultation for Draft Cambridge Master Plan – where no personal contact made despite advertising proposals on our property. We made a submission raising precisely this issue and were advised that the plan was only a concept plan therefore we should not be concerned. It is entirely unethical to publicly propose a trail in order to garner public support before even consulting the land owner.

Appendix A: Trails Project List

Lists projects – for Barilla Rivulet – Priority 2: Barilla Rivulet - Richmond Rd to Barilla Holiday Park. Not sure what this means and where exactly it is but no consultation with us to date.

Appendix E: Other Reference Documents and Trail Maps

References a Draft Cambridge Masterplan – this is not a final plan. We were advised that it is “merely” a concept plan when raising concerns with it. It is misleading to reference documents that are not endorsed by council.

No facilitation, communication to date.

Section 4.2 Tracks and Trails Activity Plan

Priority trails which form the basis for prioritising track development. Secondary linking trails were identified including Barilla Rivulet. Only reference is to TORs for considering development of tracks along several rivulets and creeks including Barilla.

Survey responses included improved shared walking and cycling tracks from Cambridge to Richmond.

Clearly the greatest interest in this area and including the gourmet trail is for cycling. The Barilla route is not suited to this.

RESPONSE:

No map of Barilla Creek

Public Open Space Policy 2013

Policy objectives are to provide a consistent approach to consideration of POSS, to provide a framework to assist in decision making, guide when to take cash vs land, acquisition etc.

Policy advises:

4.1:POS used primarily for permeability and connectivity are to be zoned consistently with surrounding area

Response:

POS zoning would not be consistent with the zoning of our subdivided land.

Attachment 4

1B Kadina Road, CAMBRIDGE



Site viewed from Cambridge Road, looking north

**11.3.3 SUBDIVISION APPLICATION SD-2016/19 - 25 SEABROOK STREET,
SEVEN MILE BEACH - 1 LOT SUBDIVISION AND LANDFILL**
(File No SD-2016/19)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 1 lot subdivision and associated landfill at 25 Seabrook Street, Seven Mile Beach.

RELATION TO PLANNING PROVISIONS

The land is zoned Village and subject to the Stormwater Management Code, Waterway and Coastal Protection Code, Inundation Prone Areas Code and On-Site Wastewater Management Code under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 7 December 2016 with the written agreement of the applicant.

CONSULTATION

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

- increased potential for flooding of adjoining properties as a result of the fill;
- the methodology applied to the Inundation Risk Management Plan;
- the application should be modified to not include the fill and to indemnify adjoining properties from any damages resulting from the fill works;
- it is unclear as to how a future wastewater system will be impacted by the proposed fill works;
- the stormwater outlet into Acton Creek should include filtering devices to maintain water quality; and
- the impact upon the environmental values associated with Acton Creek.

RECOMMENDATION:

A. That the application for a 1 lot subdivision and landfill at 25 Seabrook Street, Seven Mile Beach (CI Ref SD-2016/19) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN POS1 – POS CONTRIBUTION [1].

3. GEN F2 – COVENANTS [All habitable buildings on Lot 1 must have a finished floor level of no less than 3.2m AHD to minimise the risk of inundation of the dwelling].
 4. ENG A3 – COMBINED ACCESSES.
 5. ENG M2 – DESIGN SD - Delete road design and road stormwater drainage.
 6. ENG S4 – STORMWATER CONNECTION - Add “The stormwater outlet into Acton Creek must be designed to minimise erosion and provide energy dissipaters”].
 7. ENG M5 – EROSION CONTROL.
 8. ENG M9 – FILLING OF LAND.
 9. The landfill must comply with the requirements and recommendations made within the Inundation Risk Management Plan prepared by JMG and dated October 2016 and must be completed to the satisfaction of Council’s Group Manager Asset Management prior to the sealing of the Final Plan of Survey.
 10. ENG S1 – INFRASTRUCTURE REPAIR.
 11. The subdivision must meet all required Conditions of Approval specified by TasWater notice dated 10 May 2016 (TWDA 2016/00573-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

An application for a 1 lot subdivision and boundary adjustment (SD-2007/56) was refused by Council on 12 March 2008 for the following reasons.

1. The application failed to demonstrate that Lot 1 could provide for on-site waste disposal without causing adverse effects on the amenity of the area.
2. The proposal was reliant upon an additional narrow frontage strip to Seabrook Street which is inconsistent with the established streetscape of Seabrook Street and would have an adverse effect on the streetscape.

The proposal consisted of the creation of a new vacant 1,100m² lot and to undertake a boundary adjustment with 23A Seabrook Street resulting in 23A Seabrook Street being reduced to 755m². The applicant appealed Council's decision. The Tribunal handed down its decision on 20 November 2008 affirming Council's decision to refuse to issue a development permit on the basis that the application failed to demonstrate that Lot 1 could provide for on-site wastewater disposal without nuisance (refer Attachment 4). The second ground relating to the impact of the creation of additional access strips upon the streetscape was not supported by the Tribunal.

Planning approval was granted in 2009 (SD-2009/9) to adjust the boundaries between 25 Seabrook Street and 23A Seabrook Street. The boundary adjustment resulted in 25 Seabrook Street being decreased in size to 3,421m². Access to either lot was not altered as a result of the boundary adjustment.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Village under the Scheme.

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 16.0 – Village Zone;
- Section E7.0 – Stormwater Management Code;
- Section E11.0 – Waterway and Coastal Protection Code;
- Section E15.0 – Inundation Prone Areas Code;
- Section E23.0 – On-Site Wastewater Management Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 3,421m² internal lot with a 7.45m frontage onto Seabrook Street. Access is provided to the site via a reciprocal right-of-way shared with 2 other properties at 25A and 23A Seabrook Street with a total width of 14.68m. The site is generally flat and contains a single storey brick dwelling towards the southern end of the property surrounded by large eucalyptus and pine trees. The site abuts Acton Creek along the western boundary.

3.2. The Proposal

The proposal is for a 1 lot subdivision. Lot 1 would form the new vacant lot and would contain a land area of 1,392m². Frontage to Lot 1 would be via a 3.72m wide by 70m long fee simple access strip to Seabrook Street. Lot 1 would be located directly to the north of the existing dwelling being retained on Lot 2. Lot 2 would retain a land area of 2,029m² and would also retain a 3.72m wide by 40m long fee simple access strip from Seabrook Street.

Reciprocal rights-of-way are proposed to provide access to Lots 1 and 2 resulting in the continuation of the sharing of the existing formed driveway (gravel formation). The subdivision would result in 4 separate properties reliant on the shared access.

Stormwater associated with new development on Lot 1 is proposed to be discharged directly into Acton Creek via a new stormwater connection. A reticulated water supply is available to the lot in which a connection will be required for Lot 1 in accordance with TasWater's requirements.

The wastewater infrastructure associated with the existing dwelling would remain within the boundaries of the lot containing the existing dwelling (Lot2).

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, Stormwater Management Code, Waterway and Coastal Protection Code, Inundation Prone Areas Code and On-Site Wastewater Management Code with the exception of the following:

Village Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.5.1 A2	Lot Design	<p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities:</p> <ul style="list-style-type: none"> (a) clear of the frontage, side and rear boundary setbacks; (b) not subject to any codes in this planning scheme; 	<p>Complies</p> <p>Non-compliance – The building area nominated to Lot 1 would be partially subject to the Waterway and Coastal Protection Code and the Inundation Prone Areas Code.</p>

	(c) clear of title restrictions such as easements and restrictive covenants;	Complies
	(d) has an average slope of no more than 1 in 5;	Complies
	(e) has the long axis of the developable area facing north or within 20 degrees west or 30 degrees east of north;	Complies
	(f) is a minimum of 10m x 15m in size.	Complies

The proposed variation can be supported pursuant to the Performance Criteria (P2) of the Clause 16.5.1 for the following reasons.

Performance Criteria	Comment
<i>P2- The design of each lot must contain a building are able to satisfy all of the following:</i>	See below.
<i>(a) Be reasonably capable of accommodating residential use and development;</i>	<p>A concept site plan has been submitted with the subdivision application demonstrating a potential future development configuration on the site in order to demonstrate that the building area is reasonably capable of accommodating future use and development. The building area has been designed to comply with the minimum dimension, siting and orientation requirements of Acceptable Solution 16.5.1 A1.</p> <p>A portion of the site is proposed to be filled to ensure that the wastewater disposal area associated with future development is located outside of the 1 in 20 year flood event as required by Clause E15.8 P1 of the Inundation Prone Areas Code and Clause E23.10.1 P3 of the On-Site Wastewater Management Code. The required depth of fill has been determined within the accompanying Inundation Risk Management Plan and is based on the most available climate data.</p>

	<p>The fill will increase the surface level by 500-700mm resulting in future development being able to readily comply with the minimum floor level requirement of 3.2m AHD set under Table E15.1 of the Inundation Prone Areas Code.</p> <p>The concept site plan also shows that a future dwelling can be serviced with 2 car parking spaces and the necessary manoeuvring space outside of the indicative building area.</p> <p>The subdivision would therefore be capable of facilitating a development capable of being compliant with the Scheme. The subdivision design is therefore suitable on this basis.</p>
<i>(b) Meets any applicable standards in codes in this planning scheme;</i>	<p>The assessment above indicates that the indicative building area is capable of accommodating future development in a manner that is compliant with all applicable standards contained within the Parking and Access Code, Stormwater Management Code, Waterway and Coastal Protection Code, Inundation Prone Areas Code and the On-Site Wastewater Management Code.</p> <p>Future development is likely to be discretionary given the inundation hazard, however, given the proposed landfill and adoption of the minimum floor level requirements provided under Table E15.1 of the Inundation Prone Areas Code, a compliant application can be expected.</p>
<i>(c) Enables future development to achieve maximum solar access, given the slope and aspect of the land;</i>	<p>The long axis of the building area nominated for proposed Lot 1 is oriented 18 degrees east of north. A future dwelling development would therefore be capable of accommodating multiple habitable room windows which are generally north facing to maximise passive solar access.</p>

<p>(d) <i>Minimise the need for earthworks, retaining walls, and fill and excavation associated with future development;</i></p>	<p>The building area and wastewater disposal area is proposed to be filled to a depth of between 500-700mm to ensure a future wastewater system is not subject to flooding in less than a 5% AEP event as required by Clause E23.10.1 P2 of the On-Site Wastewater Management Code.</p> <p>An Inundation Risk Management Plan has been provided with the application outlining the depth of fill required to protect future wastewater infrastructure, existing drainage paths and the potential for increased flooding or inundation of surrounding downstream properties.</p> <p>The fill required to achieve protection from flood events is insignificant in relation to the capacity of the flood plain and the fill works will negate the need for future earth works for future development.</p>
<p>(e) <i>Provides for sufficient usable area on the lot for both of the following:</i></p> <p>(i) <i>On-site parking and manoeuvring;</i></p> <p>(ii) <i>Adequate private open space.</i></p>	<p>Proposed Lot 1 has been configured to allow for the necessary on-site car parking and access facilities required by the Parking and Access Code. The Village Zone does not include any specific standards relating to private open space provision for a Single Dwelling, however, the size of proposed Lot 1 (1,392m²) is considered sufficiently large to accommodate private open space to meet the needs of the occupants of a future residence.</p>

Village Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.5.1 A4	Lot Design	No lot is an internal lot.	Proposed Lots 1 and 2 would form internal lots (ie they would be positioned to the rear of other lots lining Seabrook Street). This is a consequence of the existing internal configuration of the parent title.

The proposed variation can be supported pursuant to the Performance Criteria (P4) of the Clause 16.5.1 for the following reasons.

Performance Criteria	Comment
<i>P4 – An internal lot must satisfy all of the following:</i>	See below.
<i>(a) The lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</i>	The proposed lots would both obtain access from Seabrook Street which existed prior to the 1 July 2015.
<i>(b) It is not reasonably possible to provide a new road to create a standard frontage lot;</i>	Council's Development Engineer has considered that it would be unreasonable to require the construction of a new road over the right-of-way from Seabrook Street to service 1 additional residential lot as Council Policy allows for a combined right-of-way to service up to 4 lots.
<i>(c) The lot constitutes the only reasonable way to subdivide the rear of an existing lot;</i>	The existing parent lot is presently an internal lot and the creation of a fourth access would not increase the number of formed driveways lying parallel to one another as any future development upon Lot 1 is proposed to utilise the existing formed access in the right-of-way. It is also not possible to provide an alternative means of access to Lot 1 as this lot is constrained by surrounding residential development and Acton Creek.
<i>(d) The lot will contribute to the more efficient utilisation of residential land and infrastructure;</i>	The proposal would facilitate future residential development of Lot 1 in a manner that is considered unlikely to create conflict with adjoining residential land due the land area and scope for complying development.
<i>(e) The amenity of the neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</i>	The proposed development is for a subdivision only and the only physical works proposed at this time would be the landfill and water/stormwater service connection – all of which would be in accordance with required engineering designs and would therefore not compromise amenity.

(f) <i>The lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</i>	Both lots would be provided with a 3.72m wide fee simple access strip onto Seabrook Street. The reciprocal right-of-way spanning both access strips would have a combined width of 14.68m which is more than adequate to cater for the minor increase in expected traffic volume.
(g) <i>Passing bays are provided at appropriate distance to service the likely future use or the lot;</i>	Council's Development Engineer has advised that the existing right-of-way will be required to be upgraded with a minimum trafficable width of 5.5m which is sufficiently wide to allow for dual carriage.
(h) <i>The access strip is adjacent to or combined with no more than 3 other internal lot access strips and it is not appropriate to provide access via a public road;</i>	The proposal brings the number of combined strips to maximum allowed by the Performance Criteria.
(i) <i>A sealed driveway is provided on the access strip prior to the sealing of the final plan;</i>	The existing access over the rights of way servicing 23A, 25 and 25A Seabrook Street consists of a gravel driveway. It will be necessary to upgrade this access to comply with Tasmanian Standard Drawing TSD-R09 (Urban). A condition is recommended to this effect.
(j) <i>The lot addresses and provides for passive surveillance of public open space and public rights-of-way if it fronts such spaces.</i>	Proposed Lots 1 and 2 would adjoin the Acton Creek riparian reservation. The creek forms part of Council's stormwater network as opposed to a publicly accessible recreation asset therefore the proposed subdivision would not be required to address or provide for passive surveillance of this waterway.

Village Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
16.5.3 A1	Ways and Public Open Space	No Acceptable Solution.	Given there is no Acceptable Solution to satisfy, consideration is automatically required under the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria (P1) of the Clause 16.5.3 for the following reasons.

Performance Criteria	Comment
<i>P1 - The arrangement of ways and public open space within a subdivision must satisfy all of the following:</i>	See below
<i>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</i>	The provision of physical open space is not proposed, meaning that (a) to (g) inclusive and (i) below are not relevant.
<i>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</i>	Refer above
<i>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</i>	Refer above
<i>(d) convenient access to local shops, community facilities, public open space and public transport routes is provided;</i>	Refer above
<i>(e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</i>	Refer above
<i>(f) provides for a legible movement network;</i>	Refer above
<i>(g) the route of new ways has regard to any pedestrian and cycle way or public open space plan adopted by the Planning Authority;</i>	Refer above
<i>(h) Public Open Space must be provided as land or cash-in-lieu, in accordance with the relevant Council policy.</i>	A condition is recommended requiring the payment of cash in lieu for 5% of the value of the proposed lot, Lot 1 in accordance with Council's Public Open Space Policy (2013).

<p>(i) <i>new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</i></p> <p>(i) <i>the width of the way;</i></p> <p>(ii) <i>the length of the way;</i></p> <p>(iii) <i>landscaping within the way;</i></p> <p>(iv) <i>lighting;</i></p> <p>(v) <i>provision of opportunities for 'loitering';</i></p> <p>(vi) <i>the shape of the way (avoiding bends, corners or other opportunities for concealment).</i></p>	Refer above
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Waterway and Coastal Protection Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E11.7.1	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.	In this case there is no building area on the existing title to site a dwelling and new works are proposed including landfill and a stormwater connection into Acton Creek.

The proposed variation can be supported pursuant to the Performance Criteria (P1) of the Clause E11.7.1 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
(a) <i>avoid or mitigate impact on natural values;</i>	The proposed fill would be contained mostly within an existing clearing concentrated to the north of the existing dwelling. Vegetation on the site consists of several eucalyptus and pine trees, many of which exceed 10m in height and are not recognised under the Scheme as having any environmental significance.

	<p>The fill works would retain a minimum setback of 15m from the boundary with Acton Creek therefore allowing an adequate buffer to protect the natural values and riparian vegetation associated with this waterway.</p>
<p><i>(b) mitigate and manage adverse erosion, sedimentation and run-off impacts on natural values;</i></p>	<p>The proposed subdivision would result in a new stormwater connection into Acton Creek. The stormwater outlet will be required to be constructed in accordance with Council standards to minimise the potential for scouring and erosion of the creek embankment.</p> <p>In addition, the proposed landfill works would be required to be undertaken in accordance with an approved fill plan to ensure the landfill is appropriately rehabilitated to minimise sedimentation and runoff impacts.</p>
<p><i>(c) avoid or mitigate impacts on riparian or littoral vegetation;</i></p>	<p>Acton Creek is mostly an open waterway with minimal riparian vegetation. The subject site is located within an urban environment with adjoining residences and associated gardens directly abutting the creek. The retention of a 15m wide buffer from the proposed fill works will allow a vegetative buffer to remain alongside the creek which is considerably greater than the extent of vegetation cover on adjoining properties.</p>
<p><i>(d) maintain natural streambank and streambed condition, (where it exists);</i></p>	<p>The western extent of the proposed fill would maintain a 15m setback from the boundary with Acton Creek therefore would not impact upon natural streambank or streambed condition. The fill will be required to be compacted and grassed to minimise sediment run-off into Acton Creek. Council's Development Engineer has recommended a permit condition to ensure the land fill works occur in accordance with a landfill and erosion control plan.</p> <p>The proposed stormwater outlet will also be required to be installed in accordance with Council's requirements.</p>

(e) <i>maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</i>	The proposed fill would not impact upon the in-stream condition associated with Acton Creek.
(f) <i>avoid significantly impeding natural flow and drainage;</i>	An Inundation Risk Management Report has accompanied the application which demonstrates that the proposed development would not impact upon the existing drainage paths or increase the potential for flooding or inundation of surrounding or downstream (or upstream) properties as a result of the proposed fill works.
(g) <i>maintain fish passage (where applicable);</i>	Subject to the fill works being undertaken in accordance with an approved fill plan (required by permit condition), the works would not impact upon fish passage within Acton Creek as a result of increased sedimentation.
(h) <i>avoid landfilling of wetlands;</i>	The proposed fill would not involve land identified as being a wetland.
(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>	The proposed fill would not occur within or immediately beside the waterway therefore the proposal would not be inconsistent with the guidelines.

Waterway and Coastal Protection Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E11.8.1	Subdivision	<p>Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area must comply with one or more of the following:</p> <p>(a) be for the purpose of separation of existing dwellings;</p> <p>(b) be for the creation of a lot for public open space, public reserve or utility;</p>	The proposed building area would be located partially within the Waterway and Coastal Protection Area therefore is not capable of complying with Clause (d).

		<p>(c) no works, other than boundary fencing works, are within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area;</p> <p>(d) the building area, bushfire hazard management area, services and vehicular access driveway are outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area.</p>	
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The proposed variation can be supported pursuant to the Performance Criteria (P1) of the Clause E11.8.1 for the following reasons.

Performance Criteria	Comment
<i>P1 - Subdivision of a lot, all or part of which is within a Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area, must satisfy all of the following:</i>	See below
<i>(a) minimise impact on natural values;</i>	The proposed subdivision would contain a building area most of which would fall outside of the Waterway and Coastal Protection Area. The building area is located within an existing clearing and would maintain a minimum setback of 15m from the boundary with Acton Creek which is considered a satisfactory setback to maintain the natural values associated with the waterway. This setback is also highly consistent with the setback of adjoining/nearby dwellings from the creek.
<i>(b) provide for any building area and any associated bushfire hazard management area to be either:</i> <i>(i) outside the Waterway and Coastal Protection Area, Future Coastal Refugia Area or Potable Water Supply Area; or</i>	The building area would be capable of facilitating the construction of a future residence in accordance with the requirements of Clause E11.7.1 P1 of the Code.

(ii) <i>able to accommodate development capable of satisfying this code.</i>	
(c) <i>if within a Potable Water Supply Area, be in accordance with the requirements of the water and sewer authority.</i>	The lot is located within an area which is serviced with a reticulated potable water supply. The subdivision proposal was referred to TasWater who have advised that they will require a new water connection to be provided to service proposed Lot 1 (the existing dwelling is presently connected).

Waterway and Coastal Protection Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E11.7.1 A4	Buildings and Works	Development must involve no new stormwater point discharge into a watercourse, wetland or lake.	The proposed subdivision would result in a new stormwater connection into Acton Creek in order to provide a method of stormwater discharge for proposed Lot 1.

The proposed variation can be supported pursuant to the Performance Criteria (P4) of the Clause E11.7.1 for the following reasons.

Performance Criteria	Comment
<i>P1 - Development involving a new stormwater point discharge into a watercourse, wetland or lake must satisfy all of the following:</i>	See below
<i>(a) risk of erosion and sedimentation is minimised;</i>	The discharge connection point design is proposed to mitigate erosion risk and the discharge would not contain sediment given it would be discharging run-off associated with impervious surfaces for a Single Dwelling development.
<i>(b) any impacts on natural values likely to arise from erosion, sedimentation and runoff are mitigated and managed;</i>	As per above
<i>(c) potential for significant adverse impact on natural values is avoided.</i>	Currently, surface water run-off is being concentrated into the creek. The stormwater connection would provide for stormwater discharge from a single dwelling development only. No adverse impact upon natural values is expected due to the water volume involved.

Inundation Prone Areas Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E15.8.1 A1	Medium and High Inundation Hazard Areas	No Acceptable Solution.	The entire parent lot is covered by the Medium Inundation Hazard Area. Given there is no Acceptable Solution in which to satisfy, consideration is automatically required under the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria (P1) of the Clause E15.8.1 for the following reasons.

Performance Criteria	Comment
<i>P1 - Subdivision of a lot, all or part of which is within a Medium or High Inundation Hazard Area must be for the purpose of one or more of the following:</i>	See below
<i>(a) separation of existing dwellings;</i>	Not applicable
<i>(b) creation of a lot for the purposes of public open space, public reserve or utilities;</i>	Not applicable
<i>(c) creation of a lot in which the building area, access and services are outside the hazard area, with the exception of stormwater.</i>	Not applicable – the building area nominated for Lot 1 would be located within the Medium Inundation Hazard Area.
<i>(d) creation of a lot in which the building area or access or services are inside the hazard area provided that it can be demonstrated that subsequent development will not adversely affect flood flow or be affected by flood water or change coastal dynamics in a way detrimental to the subject property or any other property.</i>	The building area nominated for proposed Lot 1 would be located entirely within the Medium Hazard Inundation Area. The Inundation Risk Management Plan recommends a fill depth of 500-700mm to ensure a future on-site wastewater system is not flood prone. Modelling was undertaken as part of this report to demonstrate that neighbouring properties would not be adversely affected as a result of the fill. Figures C and D of the report show the depth of inundation of the site for 1% AEP without fill and with fill respectively. The figures demonstrate that the fill would result in little difference when compared with the existing scenario. This is due to the large surface area of inundation and low flow velocities.

	Council's Development Engineer has considered that the proposed fill works will not adversely affect floodwater or change coastal dynamics in a way detrimental to the subject property or any other property due to the extent of the flood area in Seven Mile Beach, flat topography and shallow depth of inundation as described to in the Inundation Risk Management Plan.
<p>(e) <i>Stormwater, mitigation and/or developer contributions applicable to any lot/s created under (c) or (d) are as follows:</i></p> <p>(i) <i>on-site stormwater and/or mitigations works must be consistent with any adopted Council Policy, prior to the commencement of works. In the absence of such a strategy, demonstration that Council's stormwater system has the capacity and the proposal will not adversely impact any other properties in terms of increased water levels, flow or diverted overland flow.</i></p> <p>(ii) <i>provision of developer contributions for required off site stormwater and/or mitigation works consistent with any adopted Council Policy, prior to the commencement of works.</i></p>	The proposed stormwater disposal method is consistent with Council's Policy and would have no adverse impact on other properties. No specific conditions are therefore required.

On-Site Wastewater Management Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E23.9.1 A1	Development Standards for New Lots	A new lot must have an area no less than 5,000m ² .	Proposed Lot 1 would form the new vacant lot and would contain a land area of 1,329m ² .

The proposed variation can be supported pursuant to the Performance Criteria (P1) of the Clause E23.9.1 for the following reasons.

Performance Criteria	Comment
<i>P1 - The area of a new lot must be adequate to accommodate a land application area of sufficient size to comply with the requirements of AS/NZ1547 for a dwelling containing a minimum of 3 bedrooms.</i>	The new lot is adequate to accommodate a land application area of sufficient size to comply with AS/NSZ 1457:2012 for a dwelling containing a minimum of 3 bedrooms.

5. OTHER ISSUES

The previous subdivision application for this site was refused by the Tribunal on the basis that the application failed to demonstrate that Lot 1 would provide for on-site wastewater disposal without nuisance. Evidence was provided at the Tribunal hearing from the applicant's wastewater specialist that wastewater disposal could be suitably managed provided it is treated in an Aerated Wastewater Treatment System (AWTS) and disposed of to shallow beds of 10m x 3m x 3m capable of maintaining a minimum separation of 1.2m from the water table. The Tribunal were not satisfied that a wastewater system could be designed in accordance with the relevant Australian Standards, in that the evidence was that the groundwater level for Lot 1 is 1m below natural ground level (as opposed to the minimum requirement of 1.2m) and that the wastewater would percolate directly through aggregate with little opportunity for evapo-transpiration, therefore would have the potential to enter the groundwater such as to create a nuisance.

Council's Senior Environmental Health Officer has considered the wastewater report submitted with the current application and is satisfied that a wastewater system is capable of being accommodated on Lot 1 in accordance with the requirements of the E23.0 On-Site Wastewater Management Code, which takes into account the requirements of AS/NSZ 1457:2012. Compliance with these standards is a result of the proposed fill works which will provide a greater separation distance from the wastewater disposal infrastructure and the water table.

6. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 2 representations were received. The following issues were raised by the representors.

6.1. Increased Potential for Flooding of Adjoining Properties as a result of the Fill

The representor has expressed concern that the proposed fill works will increase flooding potential on adjoining and nearby properties. The recent works on the western side of Acton Creek have reduced the volume of water across this flood plain. This, together with the proposed fill, will increase ponding potential on adjoining unfilled land.

- **Comment**

The Inundation Risk Management Plan indicates that there will be no increased water displacement upon adjoining/nearby property owners as a result of the fill.

6.2. The Methodology applied to the Inundation Risk Management Plan

The representor has expressed concern that methodology behind the findings within the Inundation Risk Management Plan is based on a range of assumptions as opposed to exact science therefore the risk of inundation may be greater than that predicted.

- **Comment**

The data included within the Inundation Risk Management Plan is based on current data and best practice modelling techniques. The Plan incorporates base flood modelling conducted by JMG in 2014 for Council to assist with Council's climate change adaptation strategies.

6.3. The Application should be Modified to not include the Fill

The representor has suggested that the application be modified to exclude fill works and rather rely on the establishment of a finished floor level for future habitable buildings. The representor has also requested indemnification of any damages arising from a future inundation event as this may be linked to the proposed fill works.

- **Comment**

The proposed fill works are required in order for the wastewater disposal system to achieve the necessary separation distance from the water table and flood waters arising from a 1 in 20 flood event and to provide more flexibility in the future dwelling design (ie mitigating the need to construct the dwelling on stilts).

The proposed fill has been assessed as being an appropriate response to the inundation risk to the site and will ensure future development and associated wastewater system are adequately protected so as to minimise the likelihood of wastewater failure and impacts upon adjoining/nearby properties.

6.4. It is unclear as to how a future Wastewater System will be impacted by the proposed Fill Works

The representor has expressed concern that a future wastewater system located on Lot 1 (vacant lot) will impact upon the amenity of adjoining properties through spray irrigation and odour.

- **Comment**

A wastewater design report has been submitted with the application demonstrating that wastewater for a 3 bedroom dwelling can be accommodated on Lot 1 in accordance with the requirements of the E23.0 On-Site Wastewater Management Code. The report recommends the installation of an Aerated Wastewater Treatment System (AWTS) with secondary treated effluent discharged into raised beds. Wastewater would therefore be discharged under the surface with no spray irrigation required. There are quarterly service requirements for this type of system with reporting provided to Council to ensure the system is operating satisfactorily.

6.5. The Stormwater Outlet into Acton Creek should include Filtering Devices to maintain Water Quality

The representor has expressed concern that a future wastewater system located on Lot 1 (vacant lot) will impact upon the amenity of adjoining properties through spray irrigation and odour.

- **Comment**

Clause E7.7.1 A2 of the Stormwater Code requires a stormwater system to incorporate water sensitive urban design principles for the treatment and disposal of stormwater only if the subdivision is for more than 5 lots and for a development resulting in a new impervious area of greater than 600m².

6.6. The Impact upon the Environmental Values associated with Acton Creek

The representor has expressed concern that the subdivision places increased pressure on the environmental values of Acton Creek.

- **Comment**

Acton Creek is mostly an open creek with minimal riparian vegetation. It is common for properties in this location to extend their garden/grassed areas directly to the embankment of the creek and in some instances dwelling developments maintain less than 10m setback from the creek. The proposed subdivision has been designed to accommodate a dwelling and associated wastewater system capable of maintaining in excess of a 15m setback from Acton Creek. Whilst the vegetation on the site does not have any environmental significance, the separation distance of 15m will allow for a significant proportion of vegetation alongside the creek to remain and for this vegetation to contribute to the last remaining area of vegetation along the creek.

7. EXTERNAL REFERRALS

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

8. STATE POLICIES AND ACT OBJECTIVES

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

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

9. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

In respect of Council's Public Open Space Policy (2013), the subject site is zoned Village, within an established urban area and is afforded the highest level of access to both local and regional recreational opportunities. It is considered that the development resulting from an approval of this application will, or is likely to, increase residential density creating further demand on Council's POS network and associated facilities.

No POS land is proposed to be provided to Council as part of this application and nor is it considered desirable to require it on this occasion as a public open space lot has been created as part of the Single Hill subdivision. Notwithstanding this, it is appropriate that the proposal contributes to the enhancement of Council's POS network and associated facilities. In this instance there are no discounting factors that ought to be taken into account that would warrant a reduction of the maximum POS contribution.

While Section 117 of the Local Government Building and Miscellaneous Provision Act 1993 (LGBMP) provides for a maximum of up to 5% of the value the entire site to be taken as cash-in-lieu of POS, it is considered appropriate to limit the contribution only to each additional lot created (ie Lot 1), representing the increased demand for POS generated by the proposal and not the entire site the subject of the application.

An appropriate condition has been included above to reflect this.

10. CONCLUSION

The proposal is for a 1 lot subdivision at 25 Seabrook Street, Seven Mile Beach. The proposal satisfies the relevant requirements of the Scheme and with the inclusion of appropriate conditions is recommended for approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (2)
3. Inundation Risk Management Plan (11)
4. Tribunal Decision Relating to SD-2007/56 (9)
5. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING

ATTACHMENT 1

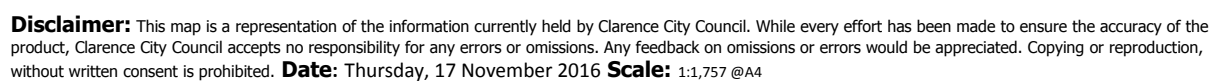
Seven Mile Beach Road

27

Seabrook Street

28

Esplanade



Nick Griggs & Co.

Land Surveyors, 295 Elizabeth Street, North Hobart 7000
Phone: 6234 5022 Fax: 6231 2412

PLAN OF SUBDIVISION

OWNER: K & G INVESTMENTS (TAS) PTY LTD

LOCATION: 25 SEABROOK ST, SEVEN MILE BEACH

MUNICIPALITY: CITY OF CLARENCE

Important Note:

This plan was prepared as a proposed subdivision to accompany a subdivision application to Clarence City Council and should not be used for any other purpose. The dimensions, areas and total number of lots shown heron are subject to field survey and also to the requirements of Council and any other authority which may have requirements under any relevant legislation. In particular, no reliance should be for any financial dealings involving the land. This note is an integral part of this plan.

MEASUREMENTS ARE IN METRES AND SUBJECT TO FINAL SURVEY

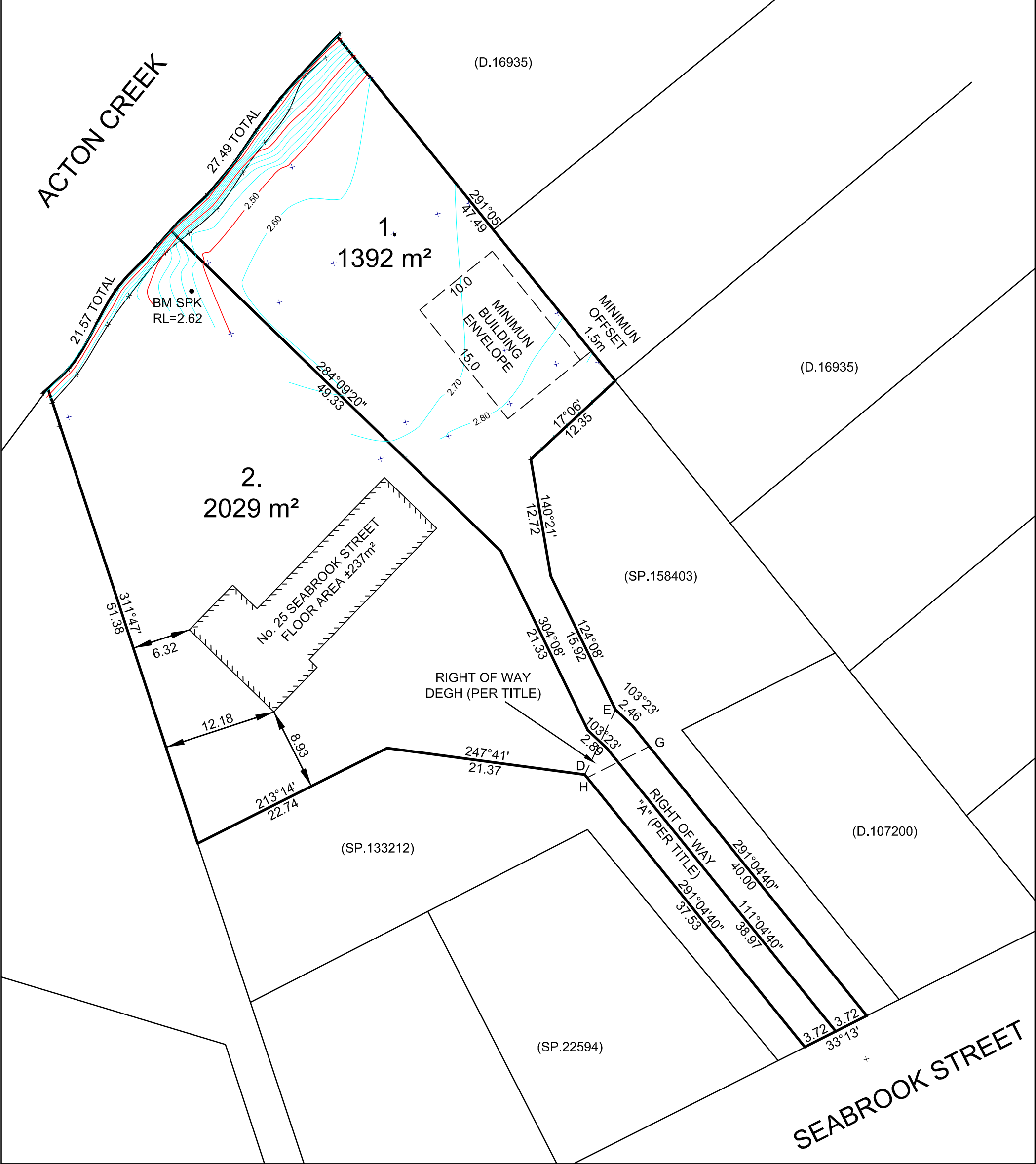
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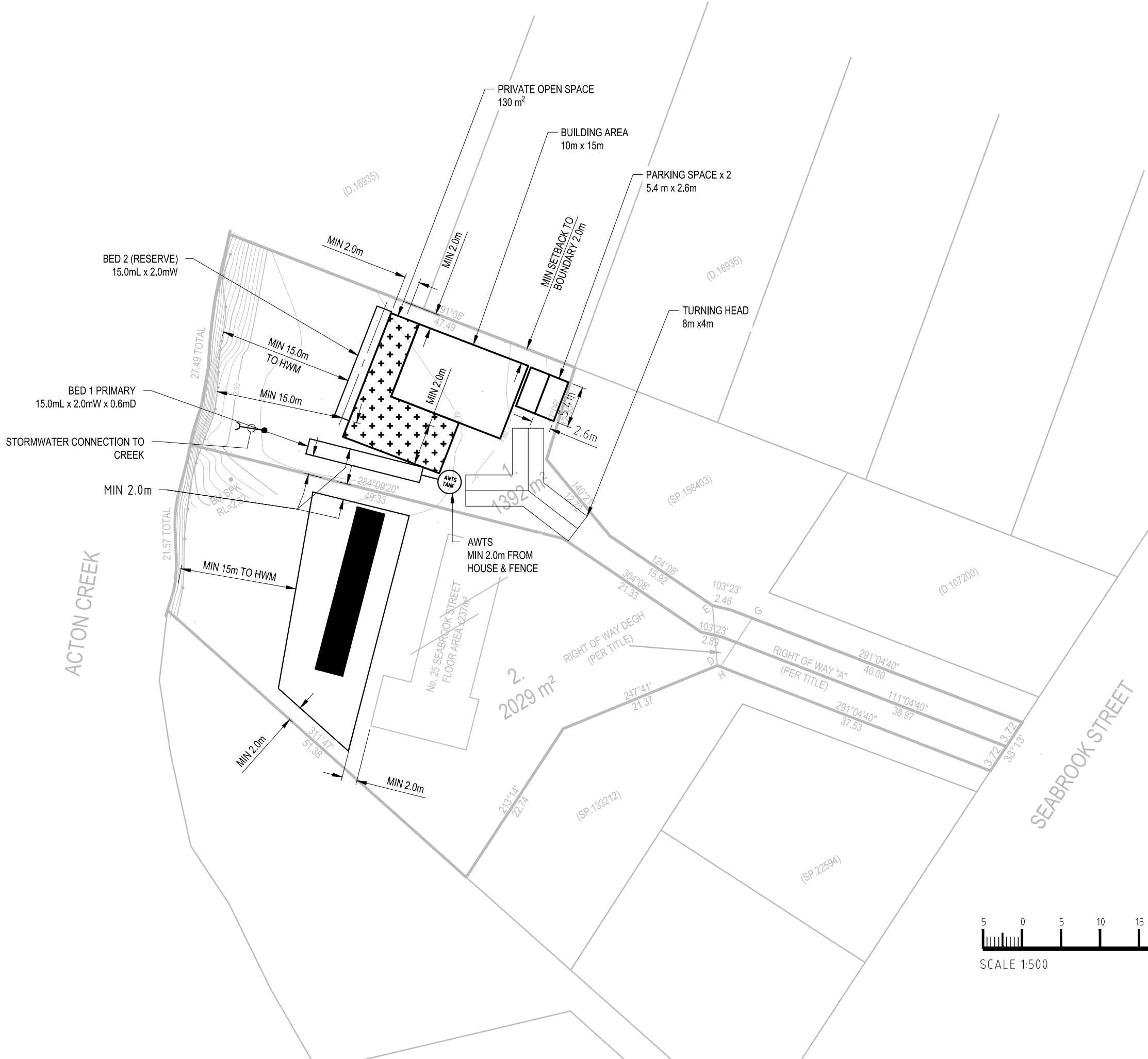
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DATE: 29/07/2016

REF. No: C.T. 158403/4

File No: 3541/02





REV	DATE	REMARK
SAFETY IN DESIGN REPORT		
In accordance with the Workplace Health & Safety Acts and Regulations JMG have considered the potential hazards and risks that are specific to this design.		
The following risks which are unique to this design have been identified:		NIL
This report does not relieve contractors from their responsibilities under the Act to identify, report, mitigate and manage all aspects of risk and safety.		



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PROJECT
**25 SEABROOK STREET
SEVEN MILE BEACH
SUBDIVISION**

TITLE
CONCEPT SITE PLAN

Accepted (Discipline Head)	Discipline Head	Date
Accepted (Team Leader)	Team Leader	Date
Approved (Group Manager)	R. BESSELL	Date

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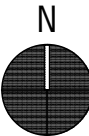
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SCALE 1:500



REPORT

25 Seabrook Street
Seven Mile Beach

Inundation Risk
Management Plan

October 2016



Engineers & Planners
Your Vision is Our Mission



Engineers & Planners
Your Vision is Our Mission

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1. Introduction

This report has been prepared to support a planning application for 1 lot subdivision at 25 Seabrook Street, Seven Mile Beach and assesses the risk of inundation of the site. Acton Creek runs along the western boundary of the site with an outlet into Fredrick Henry Bay on Seven Mile Beach. A 2D HEC-RAS model was developed to obtain predicted 1% AEP flood levels within the site for various scenarios and time frames (current, year 2050 and year 2100). The 5% AEP flood level was calculated also for the purpose of the wastewater assessment to ensure that the proposed wastewater system is not located within a flood prone area with an AEP no less than 5% as required in the *Clarence Interim Planning Scheme*. The results of this analysis is included in Section 3 of this Report.

JMG have undertaken previous flood studies of Acton Creek (30 Esplanade, Ford and the Seven Mile Beach Road culverts) and estimated flows from these studies have been utilised in this Report (however, adding 30% on to the intensities to all for climate change). The Interim 2015 Planning Scheme indicates that the development site is located within a **'Medium' Coastal Inundation** Hazard Area overlay zone. Clause 15.8.1 of the scheme is applicable to this development and will also be addressed in this Report.

2. Existing Conditions

The proposed lot slopes gently towards Acton Creek and there are no defined water courses on site. The existing surface level of the site (not including the creek banks) is on average about 2.15m AHD. Access to the site is off Seabrook Road which is a dead end street which connects to Seven Mile Beach Road.

3. 2D Flow Modelling

2D Flow modelling was undertaken with modelling software HEC-RAS to estimate the extent of flows for a 1% AEP incorporating sea level heights for a 1% AEP storm for the present day, the year 2050 and the year 2100, and also the sea level height for the highest recorded in Hobart, 1.35m. The 5% AEP flood level, with a mean sea level height of -0.16m was also calculated for the purpose of the wastewater assessment and described in a separate report.

The flows incorporated in the model were applied as boundary conditions on the two branches of the creek, creek 'north' and 'south' and flow hydrographs were applied at these boundaries at the peak time of concentration of the creek (139 minutes). 30% was added to the intensities to allow for climate change. The maximum flows used in the model are shown in Table 1 below.

AEP	Flow (North) m ³ /s	Flow (South) m ³ /s
1% AEP	3.41	15.48
5% AEP	2.23	10.15

Table 1: Maximum flows used in HEC-RAS model

The models were built using a combination of Lidar and existing survey data obtained from previous jobs along Acton Creek to get a better representation of the creek surface levels. Mannings n values were assigned to various areas as demonstrated in Table 2 below. A default n value was assigned to all other areas not covered by the below mentioned land types (generally paddock or golf course). A higher than usual Mannings value was assigned to the residential area to account for buildings, fences and other obstructions.

Creek (south)	Creek (north)	Beach	Residential	Road	Default
0.05	0.05	0.02	0.08	0.025	0.035

Table 2: Mannings 'n' values

Two scenarios were modelled, one incorporating the downstream existing sandbank and the other assuming the sandbank had scoured however the results showed that this had little effect on the results. **The 'sandbank' was modelled at approximately 1.35m high, which was observed from the Lidar data, whilst the 'no sandbank' scenario was modelled with the sandbank eliminated from the model.** During a storm, it is expected that the sandbank will scour relatively quickly, hence being the more likely scenario.

Table 3 below summarises the average predicted flood depths of 25 Seabrook Street for various sea level heights for the 1% AEP storm and the probability of these sea level heights occurring during a 1% AEP storm event. Figure A below shows the profile line (in pink) which these results refer to. Note that these probabilities are very conservative as they **assume that the 'high tide' occurs at the same time as the peak time of concentration of the 1% AEP storm event.** Also, the maximum recorded sea level height has only occurred once in the last 56 years, however there are 3 other recorded tide levels within approx. 50mm of this (*Coastal Process, Coastal Hazards, Climate Change and Adaptive Responses...For Clarence City*).



Figure A: Profile line used on 25 Seabrook Street for averages in Table 3

Sea level height for 1% AEP Storm	Probability of Sea Level Height (SLH) during a 1% AEP storm	Average Flood level with Sandbank	Average depth of flow with Sandbank	Average Flood level (Scoured Sandbank)	Average depth of flow (Scoured Sandbank)
Max Recorded 1.35m (since 1960)	1:1,800	2.98m	0.83m	2.98m	0.83m
Present Day- 2.0m AHD	1:3,400 (between max recorded and 2050 tide)	3.02m	0.87m	3.01m	0.86m
2050 - 2.3m AHD	1:5,000	3.04m	0.89m	3.03m	0.88m
2100 - 2.9m AHD	1:10,000	3.18m	1.03m	3.17m	1.02m

Table 3: Summary of flood levels and depths, 25 Seabrook Street - Average ground surface level: 2.15m

The 5% AEP flood level of the site was also calculated with a mean sea level height of - 0.16m. Flood depths ranged from 500mm to 700mm at the lower sections of the block. Due to wastewater requirements in the planning scheme, approximately 500mm - 700mm depth **of fill will be required on site to ensure the wastewater system is not 'flood prone'** for less than a 5% AEP event. See Figure B below showing an example of water surface elevations for a 5% AEP including 30% climate change loading **with fill provided on site. All fill 'values'** are to AHD. The waste water system will be built so that it will not be flooded in less than a 5% AEP event. Accurate levels of fill will be determined during detailed design.

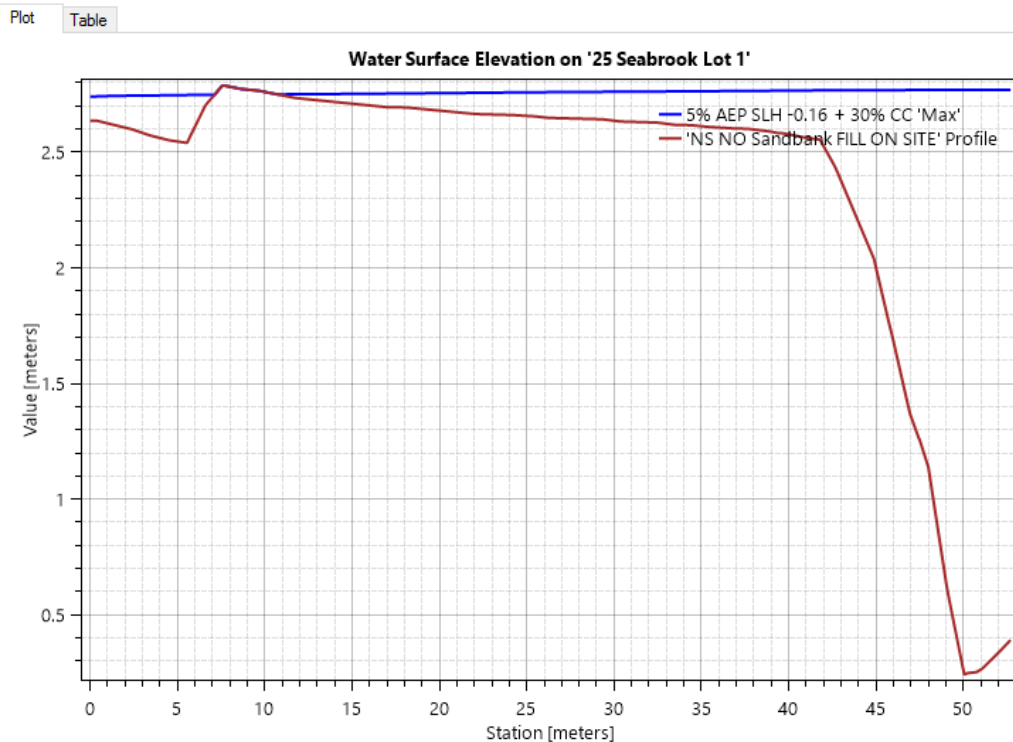


Figure B: Example of water elevations with fill provided on site for a 5% + CC AEP event

Modelling was undertaken using HEC-RAS to ensure neighbouring properties were not adversely effected if fill was to be provided on site. Just under 500mm of depth was added to the surface to represent fill on site. Figure C and D show the depth of inundation of the site for a 1% AEP (1.35m sea level height) without fill and with fill respectively.

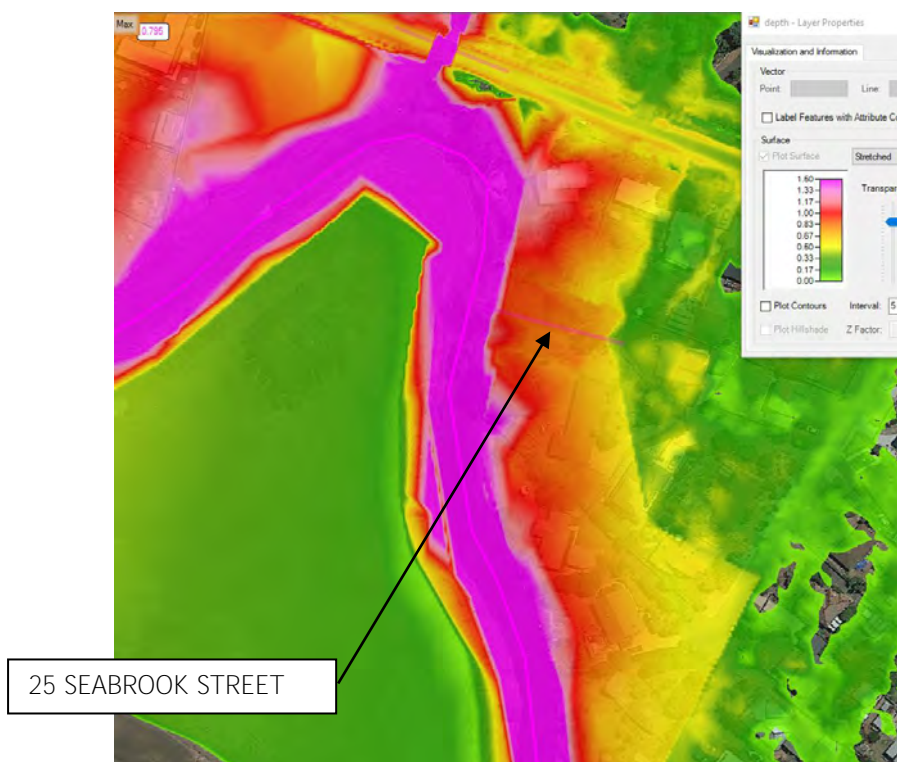


Figure C: Depth of inundation 1% AEP, 1.35m SLH

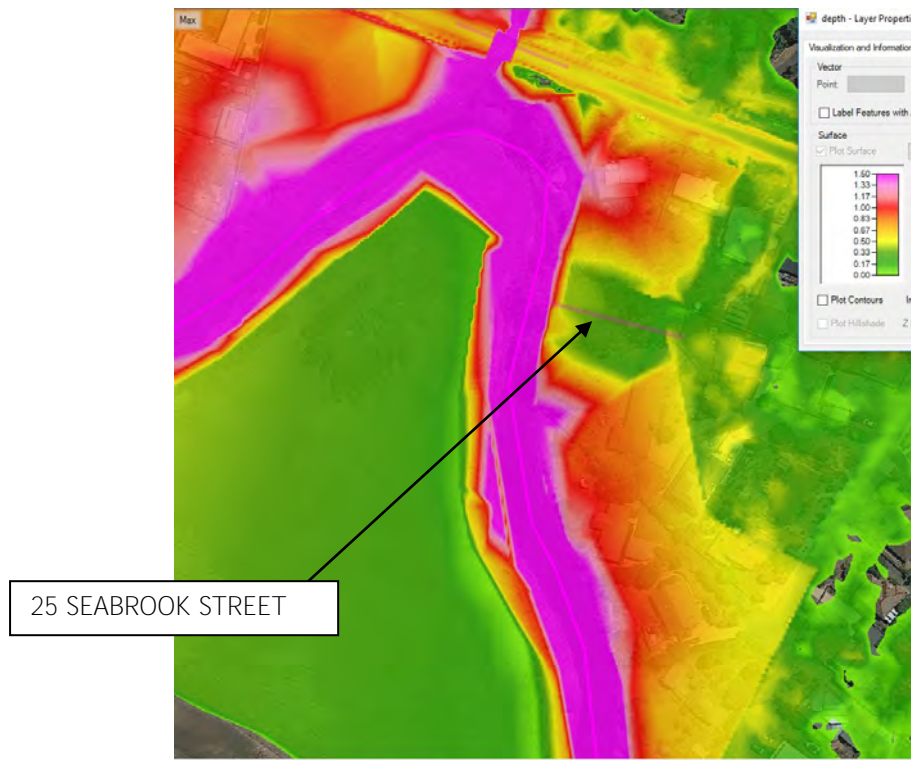


Figure D: 1% AEP, 1.35m SLH with fill on site

A profile line of the creek was modelled to ensure no adverse impacts upstream of the development. Figure E shows the profile line location (25 Seabrook center of block is at station 500). Figure F and G shows the water surface elevations (WSE) of the post and pre-developed site consecutively.



Figure E: Profile line of creek location, see Figure F and G below

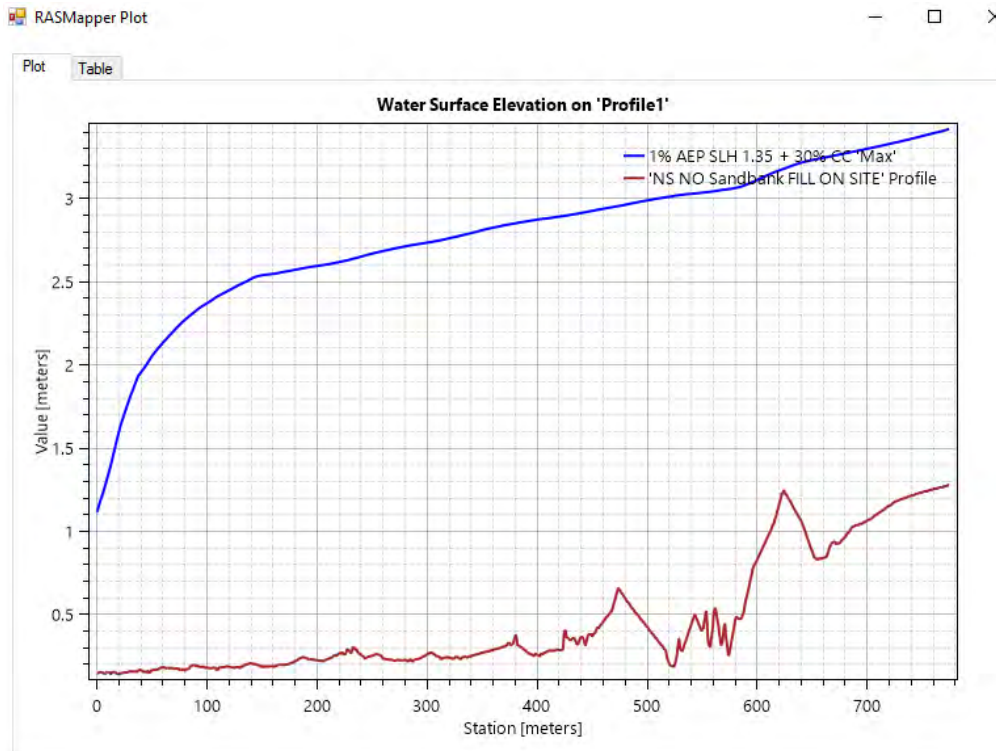


Figure F: WSE Post-development 1% AEP + 30% CC 1.35m sea level

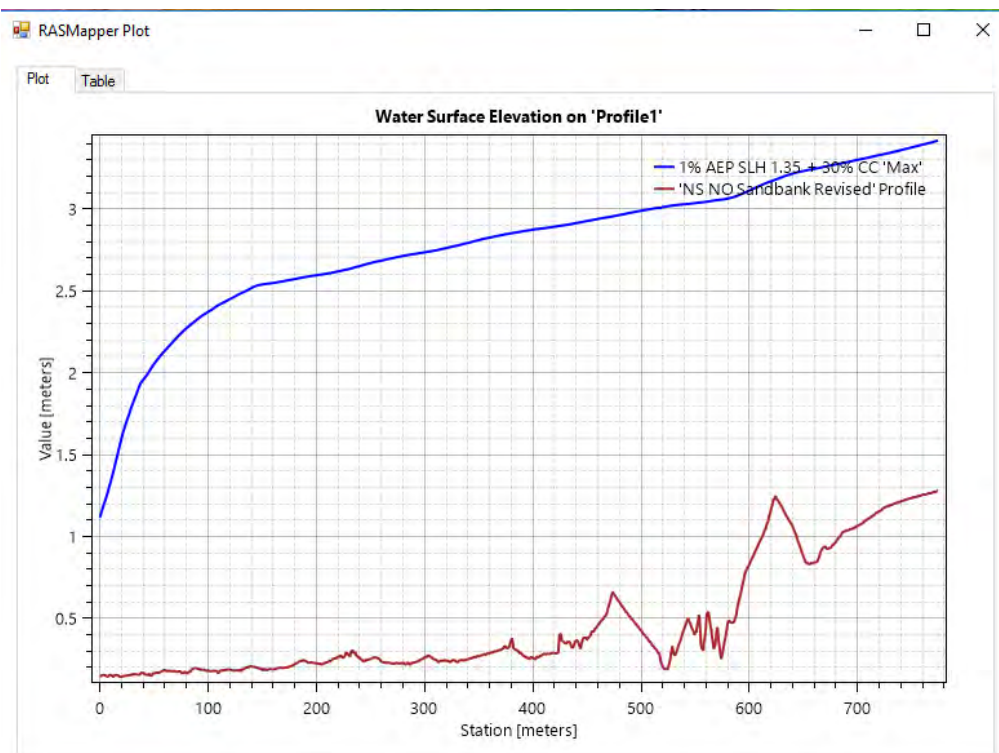


Figure F: WSE Pre-development 1% AEP + 30% CC 1.35m sea level

4. Proposal

The following has been prepared as a direct response to the Performance Criteria P1 from the Clarence Planning Scheme 2015 clause E15.8.1 Development Standards for Subdivision: Medium and High Inundation Hazard Areas which states:

Subdivision of a lot, all or part of which is within a Medium or High Inundation Hazard Area must be for the purpose of (one or more of) the following:

Creation of a lot in which the building area or access or services are inside the hazard area provided that it can be demonstrated that subsequent development will not adversely affect flood flow or be affected by flood water or change coastal dynamics in a way detrimental to the subject property or any other property.

Due to the requirement in the planning scheme that the wastewater system is not located within a flood prone area with an AEP no less than 5%, it is proposed that approximately 500-700mm depth of fill be provided on site. From the HEC-RAS results, during a 1% AEP storm, with sea level set at the maximum recorded in Hobart 1.35m, the site will be inundated by on average approximately 330mm. Figure A and B above show that the depths of inundation of neighbouring properties have little difference if fill was provided on site. This is due to the large surface area of inundation and low flow velocities.

Velocities throughout the site and surrounds outside of the creek itself are very low, (less than 0.1m/s). Figure C below shows the velocities at 25 Seabrook and surrounds for a 1% AEP, 1.35m SLH event. Because of the low velocities, the flood hazard will be governed by the depth of inundation.

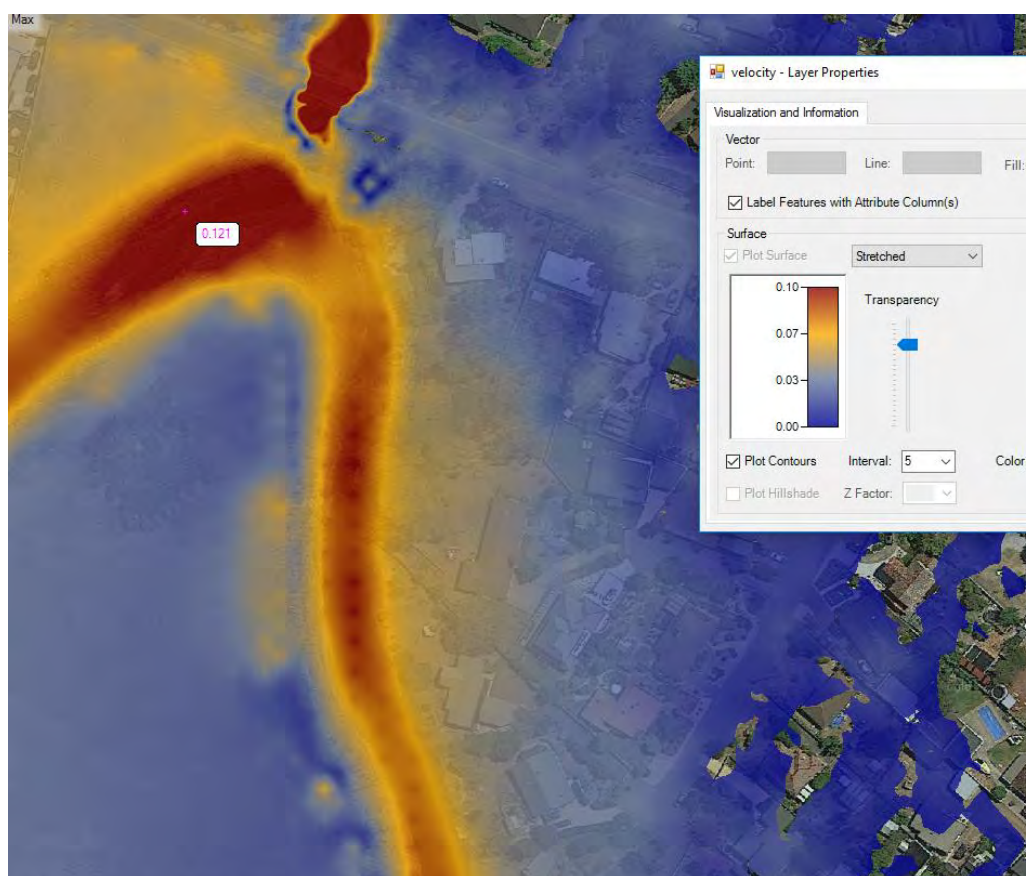


Figure C: Velocities 1% AEP, 1.35m SLH

In accordance with Australian Rainfall and Runoff, the Flood Hazard Rating for the site itself, when fill is provided on site and the access off Seabrook Street is H2, and the access and driveway is H1. **H1 is classified as “generally safe for vehicles, people and buildings” and H2 is “Unsafe for small vehicles”.** Thus when approx. 500mm of fill is provided on site, depths of inundation are low enough so that the site, and access to the site are generally classified as ‘safe’ for adults, children and the elderly.

Due to the extent of flood area in Seven Mile Beach due to the flat topography, and the shallow depth of inundation, development will not adversely affect flood water or change coastal dynamics in a way detrimental to the subject property or any other property.

Due to the distance of the property from the beach, wave run up is considered negligible in these calculations.

For Coastal Inundation Medium Hazard Areas, a new habitable building must have a minimum floor level no lower than the minimum level for the Coastal Inundation Low Hazard Area in Table E15.1 of the scheme. For Seven Mile Beach, this is 3.2m. This is over 200mm greater than the estimated 1% AEP of 2.98m, with a maximum sea level height of 1.35m. Thus it is proposed that any habitable buildings be set at a minimum of 3.2m.

5. Conclusion & Recommendations

Based on HEC-RAS 2D modelling, the proposed development will not impact on the existing drainage paths or increase the potential for flooding or inundation of surrounding or downstream (or upstream) properties if at least 500mm of fill be provided on site.

Even though the risk of inundation for a 1% AEP is high, depth of inundation is small enough for the risk of damage to adjoining land or property or risk to users of the site or adjoining land to be considered low, and rated with a H1 and H2 Hazard Vulnerability Classification in accordance with Australian Rainfall and Runoff, when fill is provided on site.

A joint probability analysis could be undertaken to compare various AEP storm events and tide levels however, as the 1% AEP storm event, with the highest recorded sea level (since 1960) of 1.35m gave low Hazard Vulnerability Classifications for the development (with the proposed fill on site), it would be excessive and time consuming for the purposes of this development.

Due to the area of the proposed development in relation to the flood area, and that drainage off any hardstand areas will be directed straight into the Creek, it is considered that post-development flows as opposed to pre-development flows will be negligible, and have no effect on other properties.

It is recommended that a minimum floor level be set at or above 3.2m AHD which is the minimum recommended for the area in the Interim Planning Scheme.

ATTACHMENT 4

21 NOV 2008

SD-2007/156

MIA

CITATION: G Cooley v Clarence City Council [2008] TASRMPAT 300

PARTIES: Appellant – G Cooley
Respondent – Clarence City Council

ADDRESS: 25 Seabrook Street, Seven Mile Beach

TITLE OF TRIBUNAL: Resource Management and Planning Appeal Tribunal

JURISDICTION: Planning Appeal

FILE NO/S: 135/08S

DELIVERED ON: 20 November 2008

DELIVERED AT: Hobart

HEARING DATE/S: 13, 22 & 28 October 2008

DECISION OF: AF Cunningham, Presiding Member
D R Howlett, Member
J J Caulfield, Member

CATCHWORDS:

Land – subdivision – 1 lot – boundary adjustment

REPRESENTATION:

Counsel:

Appellant: Ms C Scott
Respondent: Mr A Walker

REASONS FOR DECISION

1. Council refused to issue a development permit for a one lot subdivision and boundary adjustment at 25 Seabrook Street Seven Mile Beach. This was an appeal against Council's decision on two grounds:
 1. The application does demonstrate that lot 1 can provide for on-site waste disposal without causing adverse effects on the amenity of the area.
 2. That the proposal is consistent with the established streetscape of Seabrook Street and the additional frontage which will not have an adverse effect on the streetscape."
2. The application is for the creation of two titles from an existing residential title via subdivision pursuant to the *Local Government (Building and Miscellaneous Provisions) Act 1993* and a boundary adjustment.

THE PROPOSAL

3. The properties to which the application applies are 25 and 23A Seabrook Street. It is proposed to subdivide 25 Seabrook Street into lot 1 (1100m²) and lot 4 (2330m²). No. 23A (lot 6) is proposed to be increased in area from 688m² to 755m² by extending the lot boundary 9 metres to the west and slightly narrowing the lot to allow private vehicle access to lot 1. Lot 4 will contain the existing dwelling and a 3.73 metre frontage strip to Seabrook Street. Lot 1 is proposed to be at the rear and to the north west of 23A Seabrook Street and abuts Acton Creek along the rear boundary. . All lots will share reciprocal rights of way for access. There are no provisions in place as part of the proposal for the lots to share an individual constructed driveway and there is currently only one constructed access providing access to the dwelling on no. 25 Seabrook Street.
4. Nos. 23A, 25 and 25A Seabrook Street are battleaxe blocks which all have parallel frontage strips to Seabrook Street ranging from 3.60 to 7.45 metres in width.

THE SCHEME

5. The subject site is zoned village under *The Eastern Shore (Area 2) Planning Scheme 1986* (the Scheme) and is within District 16: Acton.
6. The principles of development control potentially relevant to this application are:-
 - 1) Access to a reticulated water supply as required for all subdivisions in which new lots are to be created;
 - 2) The small settlement of Seven Mile Beach is to be contained within the boundaries of the village zone designated on the plans;

- 9) New residential development shall not detract from the level of general amenity and environmental character existing for residential development in the district. Accordingly, the construction materials, design, scale and location of new development shall be sympathetic to the existing building styles and environment.
 - 14) In considering future subdivisions, Council will need to be satisfied that building sites can be properly drained and effluent disposed of without nuisance. This will particularly apply below the 4m contour and any proposals would need to be supported by Engineering and Geological assessments addressing these issues and indicating means by which these difficulties could be satisfactorily overcome.
7. Clause 5.3.2 contains factors that must be taken into account in the consideration of a development application for planning approval, in particular:-
- a) The District Development Character;
 - b) The Principles of Development Control and all other provisions of the Scheme;
 - d) The character of the locality, the existing and future amenities of the neighbourhood and the effect of the development on values of the properties in the surrounding locality;
 - f) the size and shape of the parcel of land and whether it is subject to bush fire hazard or is likely to become subject to inundation.;
 - g) The provision of access, loading, parking, and manoeuvring of vehicles;
 - k) The existing character of the site and the buildings and vegetation thereon;
 - p) Any representation received in relation to an application for which Section 733B of the Act applies.

STREETSCAPE

8. The second ground of Council's refusal was that the proposal is reliant upon an additional narrow frontage strip to Seabrook Street and that the form of development is inconsistent with the established streetscape. Further, it is considered that the provision of the additional narrow frontage strip will have an adverse affect on the streetscape.
9. Ms Duckett, planning consultant who gave evidence on behalf of the appellant; described Seabrook Street as a small residential street located within the established and designated village zone of the Seven Mile Beach settlement. She noted that the subdivision pattern of the street is largely influenced by the parallel positioning of Seabrook Street and Esplanade which results in regular rectangular lots, particularly on the eastern side of the street. The lots are not all uniform in size but the widths of the lots are fairly consistent. Ms Duckett did

not regard this as a strong streetscape element because it is not visually obvious as the boundaries are not readily discernable. Nor are the houses located in similar positions on every lot. A number of rear lots are irregular in shape, largely because their boundaries are defined by Acton Creek. This configuration, Ms Duckett noted, is fairly typical of the South Western end of Seabrook Street and the lots surrounding the subject site. Ms Duckett noted that Seabrook Street already contains six rear lots out of a total of 18 lots.

10. Mr Evan Boardman, environmental planner, gave evidence on behalf of the Council. Mr Boardman described the streetscape as being strongly established, comprising detached dwellings which address the street with short driveways of gravel construction. Of the 20 lots which access or front Seabrook Street, Mr Boardman noted that only three others, besides 23A, 25 and 25A are battleaxe lots and they front the cul de sac. Mr Boardman said that nowhere in the street are there three battleaxe lots in parallel. Mr Boardman contended that the area zoned "village" in Seven Mile Beach is comprised almost entirely of individual dwellings addressing the streets with few battleaxe blocks. The only other instance of three battleaxe blocks in parallel are numbers 23, 21, and 19 Seven Mile Beach Road which are considerably larger in size and contiguous, with the rural residential zone blocks to the North East.
11. Under cross-examination Mr Boardman maintained that the creation of a fourth battleaxe block would have an impact on streetscape as a result of the potential to create a fourth formed access. He conceded, however, that the creation of a fourth battleaxe block would not of itself impact on the streetscape because it would not be visually discernable from this aspect.
12. Whilst the potential arises for the creation of a fourth formed access, it is not proposed to extend the existing width of the access way. The existing access arrangement to 25 Seabrook Street consists of three parallel rights of way, namely 3.68 m wide accessing lot 3, 7.45 m wide accessing lot 4 and 3.6 m wide accessing lot 6. These lots have reciprocal rights of way over each other and there is a covenant on the title restricting the construction of fences along each right of way boundary. The proposed lot will have an access way created by dividing the existing access to lot 4. Ms Duckett contends that it is not unreasonable to assume that further subdivision of this lot was anticipated at the time that the existing lots were created, due to the greater width provision of this access way.
13. Ms Duckett maintained that there will be no impact upon the streetscape by the creation of the fourth lot. This is because the only aspect visible from the street is the constructed access which services the existing lots and will also service the newly created lot. The existing covenant restricts the fencing of the rights of way which ensures that they are not visually defined. It is impossible to determine from the street how many houses are serviced by this driveway. Ms Duckett acknowledged that whilst each of the landowners is legally entitled to construct their own driveways out of the 14.73 m street frontage, this is a situation that currently exists. Ms Duckett submitted that the construction of individual driveways is unlikely to occur because the benefits of one shared

driveway for the 40 m length of access would result in cost and maintenance savings for the residents.

14. Whilst there may be some merit in the argument that the creation of a fourth battleaxe lot is not entirely desirable from a planning point of view, the Tribunal accepts Ms Duckett's evidence that its creation will not result in a detrimental impact on streetscape. The Tribunal does not agree with the Council's ground of refusal that the proposal will result in the creation of an additional narrow frontage strip to Seabrook Street. The existing access width will remain and the Tribunal accepts that it is extremely unlikely that the proposal will result in the creation of four defined rights of way. The existing covenant prevents the defining of the access ways by fencing. In the Tribunal's view, in the event that four separate driveways are constructed, the affect on the streetscape would not be significant.
15. It was submitted by Mr Walker that the Scheme provisions relied upon by Mr Boardman, relate to applications for development and not subdivision as the Scheme distinguishes between development and subdivision. The Scheme pre-dates the *Land Use Planning & Approvals Act 1993* which defines development as including subdivision or consolidation of land. In view of the Tribunal's findings as outlined above, it is not necessary to make a ruling with respect to this issue.

WASTE DISPOSAL

16. Mr James Wood, principal consultant of SEAM and a practising environmental health officer gave evidence on behalf of the appellant. SEAM conducted a site and soil evaluation and subsequently provided a recommended design of an aerated wastewater treatment system (AWTS) for Lot 1, based on a four bedroom dwelling. It would appear that the current design module is a modification of two earlier designs. The first being for a 300 m² shallow bed irrigation area. Following issues raised by Council a raised shallow bed was proposed providing both a primary and secondary area for onsite disposal. Further a reserve area free of development is proposed to be maintained via a Part V Agreement.
17. The design presented for the Tribunal's consideration incorporated a fully raised 10 m by 3 m area covered by 300 m of aggregate containing 40 m poly pipe with 6 mm holes at 600 mm spacing, 100 mm of sand and 50 mm of top soil. The retaining wall for the sand and aggregate would be lined with plastic, continuing 200 mm into the soil.
18. Mr Wood contended that a conservative approach to the design flow rate had been adopted of 180 L/person/day allowing up to 10 people/day as recommended in AS/NZ 1547-2000. Further, this approach did not make any allowance for the use of any water saving devices which could be mandated with a Part V Agreement. It was Mr Woods' opinion that the site assessment of the proposed dwelling indicated that onsite waste water disposal can be sustainably managed provided it is treated in an aerated waste water treatment system and disposed of to shallow beds of 10 m x 3 m x 0.3 m.

19. The site and soil evaluation report annexed to Mr Woods' proof of evidence recorded the water table for lot 1 at 1000 mm. Table 4.2(B)(1) of AS1547 – Land Application Systems – Limitations Due to Site, Soil and Climatic Factors – gives guidance as to the depth to the seasonal water table for trench and bed based land application systems. The Table recommends a desirable path length of seepage under unsaturated conditions be greater than or equal to 1.2 m.
20. Gregory Little, Environmental Health Officer with the Council, considered that this length of seepage is not achievable for lot 1 where the groundwater level is at 1 m. Mr Little further stated that the water table is possibly at its lowest level for many years given the current low rainfall/drought conditions. He suggested that it is reasonable to expect that if weather patterns return to normal, the current ground water levels will rise.
21. Mr Little also contended that there is no evidence to show that this proposal will or even might lower the nitrogen level in the waste water before it enters the groundwater. Mr Wood's response was that the nitrogen levels would be lowered by having the effluent first treated in an AWT plant. It was Mr Wood's evidence that none of the accredited AWT systems detail how nitrogen levels are lowered. He contended that there is little capacity for the subject category 1 sandy soils to remove nitrogen and phosphorous given its high conductivity. Mr Wood did not provide further detail or confirmation as to how the AWT plant would lower the nitrogen levels.
22. It was Mr Wood's evidence that the proposed bed has been designed in accordance with the water balance method as specified in AS1547: 2000 using the Environmental Health Association Model Trench 3TM. The average daily temperatures and mean rainfall for the Hobart Airport over the last 20 years had been factored into the design. Mr Wood contended that the bed volume has been calculated to handle the wettest month of the year with up to 1440 L/day. This is a conservative figure based upon eight people using 180 L/day and could be reduced if water saving devices are installed. Mr Wood said that the beds be planted with grasses or shallow rooted shrubs to provide evapo transpiration. Mr Wood suggested that the bed could be landscaped into the property and may in fact enhance the site.
23. Mr Little contended that there will be little, if any, evapo-transpiration due to the extremely high hydraulic conductivity of the 6-20 mm aggregate. Mr Little maintained that the waste water would percolate virtually immediately through the aggregate to the base of the bed with no opportunity for evaporation from sun and wind or for the root systems of any vegetation to take up the water by transpiration. It was Mr Little's opinion that the bed method of achieving meaningful and significant evapo-transpiration in sandy soils is by using shallow subsurface irrigation where water is irrigated close to the surface and in the root zone of selected vegetation. He suggested that grass is preferable to other plant species. Such a system is not suitable for this site Mr Little maintained. Another limiting factor in Mr Little's opinion, is that the available area of only 30m² limits evaporation opportunities.

24. Mr Wood agreed that, based on the Site and Soil Assessment Report, the mound would be saturated for several months of the year. It was Mr Wood's evidence that the amount of evapo-transpiration is minimal when the temperature falls below 20 degrees. According to his Report, the average maximum daily temperature is below 20 degrees for eight months of the year, namely April, May, June, July, August, September, October, and November. The Table records that there will be negative evapo-transpiration in April, May, June, and October.
25. In addition to the expected high percolation through the sand and aggregate, Mr Little considered that the proposed plastic lining of the retaining wall would also minimise opportunities for evapo-transpiration.
26. Mr Little conceded that the amended design which includes 150 mm of top soil complies with the Australian Standard for a bed system but maintained that, the proposal is not a standard bed because it is not wholly installed within the ground. A system installed within the ground is located closer to the water table. Mr Little contended that the proposed modified bed does not meet the Australian Standards which apply to a traditional inground bed.
27. Mr Little stated that the Council did not consider that a Part 5 Agreement is appropriate to enforce a specific type of land application system / structure for waste water management. Mr Little said that Part V Agreements are more appropriately used with respect to installation of water saving measures.
28. Principle 17 is relevant with respect to issues concerning drainage and effluent disposal, particularly for sites below the 4 m contour level. Such sites are to be supported by engineering and geological assessments. The evidence was that the majority of the property is at or below the 2 m contour level. Mr Boardman contended that it is debatable as to whether the waste water assessment as prepared by Sustainable Environmental Assessment and Management (SEAM) meets this requirement.
29. Mr Wood conceded that a detailed engineering assessment of the proposal was outside his area of expertise. He also agreed that a geological assessment was not undertaken and that he had relied upon the Site and Soil Evaluation Report.

CONCLUSION

30. As stated above, the Tribunal does not agree with the Council's second ground of refusal that the proposal will have an adverse affect on the streetscape.
31. The first ground of refusal relates to the ability of the proposed Lot 1 to provide for onsite waste disposal. Three various designs have been submitted for consideration. In its assessment of the subdivision application, the Tribunal is not required to approve a particular proposal but assess whether the subject lot is capable of disposing of all generated waste water within the boundaries of the lot.

32. It was Mr Wood's evidence that the proposed raised bed system had been designed in accordance with the Australian Standards and will accommodate waste water disposal during the wettest months of the year. Mr Wood maintained that he had adopted a conservative approach in the adopted expected output of 180 L/person/day. He submitted that a Part V Agreement would ensure the installation of water saving devices which would increase the efficiency of this system.
33. Whilst it was submitted on behalf of the appellant that the system had been designed in accordance with the Australian Standards, the Tribunal is not satisfied that all relevant provisions are met. For instance, Table 4.2 B1 recommends a desirable path length of seepage under unsaturated conditions to be greater than or equal to 1.2 metres. The evidence was that the ground water level for Lot 1 is 1 metre and the subject raised bed will sit directly on the ground. It was also suggested by Mr Little that the current water level could be expected to be higher if rainfall conditions return to normal. Another consideration is the potential for the waste water to percolate directly through the aggregate with little opportunity for evapo-transpiration particularly during the colder and wetter months of the year. Mr Wood's Table recorded that there will be negative evapo-transpiration for four months of the year. There was evidence that data from ongoing SKM monitoring of ground water using sampling holes in the Seven Mile Beach area has shown high levels of phosphorus and nitrogen. Mr Wood suggested that there may be various sources for these levels other than waste water. It is noted that the test holes are some distance from the subject site. However the Tribunal accepts Mr Little's evidence that the sandy soils prevalent for Lot 1 decrease the potential for absorption of nitrogen and phosphorus.
34. Although the Council did not pursue the issue that a portion of Lot 1 falls within the inundation overlay, it is questionable whether this is in fact the case. The Tribunal accepts Mr Boardman's evidence that the site may be subject to periodic flooding from Acton Creek which forms its rear boundary.
35. It was submitted on behalf of the appellant that Principle 17 provides a guide only as to the necessity for an engineering and geological assessment for land below the 4 metre contour. The requirement in Principle 17 is that the Council be satisfied that building sites can be properly drained and effluent disposed of without nuisance. The Tribunal considers, given the limitations of the subject site and the fact that it is considerably below the 4 metre contour, that an engineering and geological assessment should have been provided.
36. In the Tribunal's view, Mr Wood did not satisfactorily respond to the concerns raised regarding the lack of absorption of the sandy soils for nitrogen and phosphorus, the likelihood of a saturated bed for approximately six months of the year, and lack of evapo-transpiration such that the Tribunal could be satisfied that all waste water is capable of being disposed of on site and would not enter the ground water such as to create a nuisance.

37. Accordingly the Tribunal affirms the Council's decision to refuse to issue a development permit on the basis that the application fails to demonstrate that Lot 1 can provide for on site waste water disposal without nuisance.
38. The Tribunal will entertain any application for an order for costs in this appeal, if made to the Tribunal in writing with supporting submissions within the next fourteen days. If requested the Tribunal will reconvene to hear any evidence in respect of any matter bearing on an order for costs.
39. In the absence of any such application for an order for costs the order of the Tribunal is that each party bear its own costs.

Dated this 20th day of November 2008



D R Howlett
Member



A F Cunningham
Presiding Member



J J Caulfield
Member

Attachment 5

25 Seabrook Street, Seven Mile Beach



Photo 1: The shared right of way viewed from Seabrook Street.



Photo 2: The existing dwelling when viewed from the end of the shared right of way.



Photo 3: The existing access when viewed from Seabrook Street. The access is presently of a gravel formation.

11.3.4 DEVELOPMENT APPLICATION D-2016/254 - 115 AND 131 TEMPY ROAD, GEILSTON BAY - VISITOR ACCOMMODATION AND DWELLING
(File No D-2016/254)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for Visitor Accommodation and new Single Dwelling at 115 and 131 Tempy Road, Geilston Bay.

RELATION TO PLANNING PROVISIONS

The land is zoned Environmental Living and is subject to the Parking and Access, Stormwater Management, Signs, On-Site Wastewater Management, and Natural Assets Codes under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 7 December 2016 with the written agreement of the applicant.

CONSULTATION

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

- impact on residential amenity;
- impact on right-of-way;
- services to neighbouring properties;
- bushfire;
- future expansion; and
- future use of buildings.

RECOMMENDATION:

A. That the Development Application for Visitor Accommodation and Dwelling at 115 and 131 Tempy Road, Geilston Bay (CI Ref D-2016/254) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [- the elevations of the garage identifying the maximum height of the building above natural ground level:
 - the entry shelter with a minimum setback of 10m from the western side boundary; and

- road widening plan with an additional 5.5m wide by 6m long passing bay located at the entrance of the right-of-way extending from Tempy Road].

3. GEN M10 – SEATING PLAN.

4. In accordance with the recommendations of the Ecological Assessment undertaken by Environmental Consulting Options Tasmania, a weed management plan identifying methods to control weeds, must be submitted to and approved by Council's Group Manager Asset Management prior to commencement of works. The plan must detail methods to minimise the risk of introducing weeds and/or disease to the site through application of strict machinery hygiene protocols in accordance with "Keeping It Clean: A Tasmanian Field Hygiene Manual to Prevent the Spread of Freshwater Pests and Pathogens (Allan & Gartenstein 2010)".

A building certificate of completion will not be granted until *Cotoneaster glaucophyllus* var. *serotinus* (largeleaf cotoneaster) and the remaining large individuals of *Chrysanthemoides monilifera* subsp. *monilifera* (boneseed) have been removed.

5. GEN S2 – SIGN LOCATION add "(131 Tempy Road)" to last sentence.

6. GEN S7 – SIGN MAINTENANCE.

7. ENG A6 – GRAVELLED CONSTRUCTION.

8. Prior to the commencement of the use, the developer must obtain a right-of-way over right-of-way "B" shown on Sealed Plan 154700 in favour of 115 Tempy Road.

9. Prior to the commencement of the use, a 5.5m wide gravelled passing bay is required to be constructed at the entrance of the right-of-way extending from Tempy Road and in any other location identified as part of the detailed design to the satisfaction of Council's Group Manager Asset Management. The passing bay must be a minimum length of 6m.

10. ENG S5 – STORMWATER PRINCIPLES.

11. ENG M1 – DESIGNS DA.

12. ENG M5 – EROSION CONTROL.

13. Prior to the commencement of the use, all works both within the development site and on access roads must be undertaken in accordance with the recommendations of the TIA submitted with the application to the satisfaction of Council's Group Manager Asset Management.

ADVICE – The Ecological Assessment undertaken by Environmental Consulting Options Tasmania advises that the developer would need to obtain a permit under the Tasmanian Threatened Species Protection Act 1995 for disturbance to *Rytidosperma indutum* (tall wallabygrass) through application to the Policy Conservation and Advice Branch (PCAB, DPIPWE).

ADVICE – The application for a Special Plumbing Permit will need to be accompanied by the information specified in Appendix "A" of Council's request for additional information letter dated 4 July 2016.

ADVICE – Plans submitted with the building application must demonstrate that the development complies with the Disability (Access to Premises — Buildings) Standards 2010.

ADVICE – The property is located within an area identified as bushfire-prone. The use is considered to be Vulnerable under Section 11A of the Building Regulations 2014. Accordingly, a bushfire report taking into account the vulnerable use and matters prescribed under AS/NZ 3959 must be submitted with the application of a building permit. The report must provide details of the proposed access arrangements, water provision for fire-fighting and hazard management areas.

- 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

Planning permit D-2015/36 was granted on 27 March 2015 (under the Clarence Planning Scheme 2007) for a partial change of use of the existing dwelling to a bed and breakfast establishment. The permit provides for the use of 3 bedrooms within the dwelling for accommodation, with a limit on 6 guests at any one time. The existing use results in 16 vehicle movements per day.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned Environmental Living under the Scheme.

2.2. The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme prescribed in the Environmental Living Zone and the Parking and Access, Stormwater Management, Signs, and Natural Assets Codes.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – Environmental Living Zone; and
- Section E6.0 – Parking and Access, Stormwater Management Codes, Signs, and Natural Assets Codes.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The property has an area of 15.29ha and contains an existing 2 storey dwelling constructed in 2005. The property is heavily forested and has an average slope of approximately 1 in 2.5.

The property has frontage and vehicle access to Tempy Road via an existing 5m wide right-of-way (ROW) “A” over 131 Tempy Road, which also provides a separate 5m wide ROW “B” to 123 Tempy Road alongside as shown in the attachments. It is noted that the existing gravel driveway is shared by 115 and 123 and is partially located on each. The ROW’s are currently not reciprocal. The alignment of the ROW’s is straight, while land is relatively flat.

It is noted that Tempy and Hyden roads are Council roads; but are “unmade”. Tempy Road is approximately 500m in length, while Hyden Road is approximately 400m in length. Council does not undertake routine maintenance of either road; however, it has undertaken minor and emergency repair works on occasion in order to keep the road serviceable to the few local residents who require it for access. Tempy Road currently provides access to just 5 properties including the subject site.

Hyden Road has a reserve width of approximately 15m and a gravel carriage way of approximately 5m. Tempy Road is a gravel track with a reserve width of 8-10m and a current carriageway width of approximately 3.5-4m. The carriageway within Tempy Road is located mostly against the fence line on the western side, which is located on the road reservation boundary. The terrain in the area slopes steeply (approximately 1 in 3) across the reservation from east to west. The eastern side of the road features a steep bank and several cuts, which limit the road to a width that is only suitable for passage of 1 vehicle in several points.

The surrounding area contains a number of rural and bush properties mainly used for residential living. There are no nearby agricultural uses.

3.2. The Proposal

The proposal is for construction of a new Single Dwelling and garage, conversion of the existing dwelling to visitor facilities and the construction of 8 visitor accommodation units. Visitors would use the property for bushwalking, general relaxation and as a base for exploring the broader area.

The proposed visitor facilities building would contain an office, meeting room, reception area, guest dining room with 22 seats, a bar, lounge and visitor interpretation and presentation area. The visitor facilities building would be available for visitors only and would not be available to members of the public. A deck and entrance roof would be added to the southern and western elevations of the existing building. An addition to the eastern side of the building would contain a laundry and kitchen.

Units 1 - 3 would be conjoined and would provide accommodation for people with a disability. The units would be located to the west of the visitor facilities building. Units 4 - 8 would be stand-alone buildings located to the east of the visitor facilities building. All units would be single storey and feature 1 bedroom, 1 bathroom, a deck and living areas. Each unit would have tea and coffee making facilities; however, none of the units would have a kitchen.

All buildings on the site would be clad using iron sheeting and timber on the walls, with corrugated iron rooves. Colours would be brown, grey and pale green to blend with the surrounding environment. Colours would not exceed a light reflectance value of 40.

The boundary setbacks of each building and the maximum height of each above natural ground level (NGL) are contained in the table below:

Building	Height	Setback from Northern Boundary	Setback from Eastern Boundary
Dwelling	7.75m	21.336m	15.08m
Garage	3.5m	14.3m	13.67m
Visitor Facilities Addition	6.7m	24.88m	88m
Units 1	8.47m	22.43m	147m
Unit 2	8.47m	27.7m	143m
Unit 3	8.47m	31.29m	136m
Unit 4	8.25m	10.895m	70.8m
Unit 5	8.25m	10.895m	57.2m
Unit 6	8.25m	35.035m	71.54m
Unit 7	8.25m	35.31m	55.86m
Unit 8	8.25m	27.885m	39.8m

A car park and shelter would be provided near the entrance to the site in the south-western corner of the property, with guests transported to the accommodation by a resort vehicle. The car park would contain vehicle turning facilities for a mini-bus. The shelter would have a setback of 4.7m from the western side boundary and a maximum height of 4.9m above NGL. The applicant proposes that guest/visitor access to the main site would be limited, with the entrance to the site controlled by a boom gate.

The entrance car park would contain 21 car parking spaces. The development would contain a total of 36 car parking spaces, which exceeds the required number of 22. Although car parking spaces would easily exceed the amount required, the applicant has advised that access to the site would be available for visitors only and would not be available to members of the public.

A traffic impact assessment (TIA) was undertaken by Midson Traffic Pty Ltd, and has been provided with the application to detail the expected traffic volumes that would be generated by the development. The TIA states that the development would generate 38 vehicle movements per day and 7 vehicle movements per hour during peak periods.

The TIA also outlines the potential impacts on the surrounding road network and recommends that works be undertaken to Tempy Road to improve the safety and efficiency of the road.

The proposed works include re-sheeting the gravel surface of the road and widening the road to a minimum width of 4m wherever possible; that is, wherever width is not restricted by existing trees and fencing. Signage would be provided at either end of the road to warn motorists of the narrow width, and to advise a speed limit of 30km/h. Furthermore, the TIA proposes some vegetation removal, localised road widening at 4 locations and the implementation of an unsealed road maintenance strategy.

The applicant proposes to use the existing 4m wide gravel access over the existing ROW “A” and “B”, with a passing bay located approximately 130m from the end of Tempy Road. The owner of the subject site intends to seek the agreement of the owner of 131 Tempy Road to extend the right to use ROW “B” to allow for construction of the passing bay; however no ROW is in place at this time.

A sign is proposed at the entrance to ROW “A” and “B” in the south-eastern corner of 131 Tempy Road. The sign would identify the entrance to the property and would be visible from the southern end of Tempy Road. The sign would be erected on 2 poles with a maximum height of 1.6m and a width of 1.05m. The sign would have a total surface of 0.5m².

The applicant has provided a plan identifying the extent of vegetation that would be removed/modified to provide for construction of buildings, driveways and implementation of bushfire hazard management areas. A natural values assessment undertaken by Environmental Consulting Options Tasmania has been submitted with the application and specifies that the development would have a “Minor Impact” on priority vegetation ie vegetation that is threatened, an integral part of threatened vegetation, or provides habitat for a threatened flora species.

Wastewater would be managed using an aerated wastewater treatment system. Effluent would be irrigated through a subsurface land application system applied through a raised bed located on the southern side of the proposed buildings.

It is noted that the proposal plans identify a location for “Stage 2” of the proposal; however, the current application is limited to the items described above. Any future development of the site would require submission of a separate application.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme's relevant Acceptable Solutions of the Environmental Living Zone and Parking and Access, Stormwater Management Codes, Signs, and Natural Assets Codes with the exception of the following.

Environmental Living Zone

Clause	Standard	Acceptable Solution	Proposed
14.3.2 A1	Visitor Accommodation	Visitor accommodation must comply with all of the following: (a) is accommodated in existing buildings; (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site; (c) has a floor area of no more than 160m ² .	Does not comply Complies Does not comply (combined floor area of Visitor Accommodation would be approximately 860m ²)

The proposed variation cannot be supported pursuant to the Performance Criteria (P1) of the Clause 14.3.2 for the following reasons.

Performance Criteria	Comment
<i>P1 Visitor accommodation must satisfy all of the following:</i>	See below
<i>(a) not adversely impact residential amenity and privacy of adjoining properties;</i>	Vehicles would have an insignificant impact on adjacent properties from vehicle noise and dust, given that these houses are at least 100m away from roadways and it is a low-speed environment.

<p><i>(b) provide for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;</i></p>	<p>The application proposes 36 car parking spaces. Clause E6.6.1 of the Scheme requires provision of 22 spaces. Council's Development Engineer has advised that adequate manoeuvring space has been provided to allow vehicles to turn and exit the site in a forward direction.</p>
<p><i>(c) be of an intensity that respects the character of use of the area;</i></p>	<p>The area is characterised by residential living within a native bushland setting. The majority of the surrounding properties contain Single Dwellings. Lot sizes range from 2.8ha – 103ha, with an average lot size of approximately 10ha for those lots fronting Tempy Road (Zone minimum of 20ha).</p> <p>Council's Development Engineer has advised that the proposed traffic flow along Tempy Road would increase by 22 vehicle movements per day based on the TIA (38 movements post development compared with 16 movements pre-development). This is considered to be a relatively minor increase in traffic in comparison with the broader traffic network.</p> <p>Additionally, the proposed tourist accommodation units would be nestled in the north-east corner of the property approximately 400m from the nearest existing dwelling.</p> <p>For these reasons, it is considered that the proposed use/development is of an intensity that would be consistent with the character values of the area.</p>

<p>(d) <i>not adversely impact the safety and efficiency of the local road network or disadvantage owners and users of private rights-of-way.</i></p>	<p>Council's Traffic Engineer has assessed the impact that increased traffic would have on the local road network, in particular Tempy Road and Hyden Road and has made the following comments in relation to the proposal:</p> <p><i>"Tempy Road is currently a residential access road where users are familiar with traffic patterns and road conditions. Existing traffic counts are low, with traffic generated locally with no commercial traffic. The proposed development would almost double the traffic in Tempy Road and introduce significant commercial/visitor traffic.</i></p> <p><i>Despite the provision of localised widening, the narrow width and winding layout of Tempy Road would place road users at greater risk of an accident as traffic numbers increase. Additional traffic numbers would increase the chance that vehicles travelling in opposite directions would meet along the road and would not be able to pass appropriately.</i></p> <p><i>There is no road side protection along Tempy Road to contain vehicles in the event of an accident. Steep terrain and a private driveway running parallel to the top side of Tempy Road limit opportunity for widening the road.</i></p> <p><i>At present Council's waste collection contractor collects garbage bins from the junction of Tempy and Hyden Roads as garbage trucks cannot navigate Tempy Road.</i></p> <p><i>It should be noted that, the additional commercial traffic would increase physical degradation of the road, which provides complications given that responsibility for maintenance of the road is uncertain".</i></p>
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	<p>While the preferred option would be to upgrade the road to the relevant standard for Council to take full responsibility under the Local Government (Highways) Act 1982, the current topography and road reservation width does not provide for a road upgrade in accordance with Council's by-law. Accordingly the only option to make the road suitable for the proposed use/development would be for the developer to upgrade Tempy Road in accordance with the recommendations of the TIA.</p> <p>In relation to waste management, it is expected that the operator of the development would apply to Council for additional garbage and recycling bins. Council's Development Engineer has advised that bins for Tempy Road residents are currently collected from the end of Hyden Road where there is adequate space for collection of additional bins.</p> <p>Regarding the impact on the owners and users of private ROW's, the applicant intends to seek the agreement of the owner of 131 Tempy Road to extend the right to use ROW "B" to allow for construction of the passing bay; however, no ROW is in place at this time. At a minimum, the developer would need to construct a driveway with a minimum width of 4m along the entire length of ROW "A".</p> <p>It is considered that either scenario would not significantly disadvantage owners and users of the existing ROW's. Traffic would either be confined to the existing ROW "A", or the existing driveway with a suitable passing bay provided to allow passage of vehicles.</p>
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Environmental Living Zone

Clause	Standard	Acceptable Solution	Proposed
14.4.1 A1	Building Height	Building height must not be more than 7.5m.	Units 1 – 3 would have a maximum height of 8.47m Units 4 – 8 would have a maximum height of 8.25m

The proposed variation can be supported pursuant to the Performance Criteria (P1) of the Clause 14.4.1 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 or, if no such statements are provided, have regard to the landscape of the area;</i>	There are no Desired Future Character Statements provided for the area. The property has an average slope of approximately 1 in 2.5 in the area proposed to be developed and is heavily forested. The existing vegetation would provide screening to the units, which are relatively small and would not be visually prominent from surrounding areas.
<i>(b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i> <i>(i) overlooking and loss of privacy;</i> <i>(ii) visual impact when viewed from adjoining lots, due to bulk and height;</i>	Units 4 and 5 would be setback a minimum of 10m from the northern side boundary. All other units would have a setback of over 20m from the northern side boundary, which is located upslope of the site. The units would otherwise be located a minimum of 40m from adjoining residential properties. Accordingly, it is considered that there would be no unreasonable loss of privacy or visual impact on the residential amenity of adjoining lots.
<i>(c) be reasonably necessary due to the slope of the site;</i>	Due to the slope, the applicant wishes to avoid significant excavation in order to minimise impact on the landscape. Units would be constructed with a floor level on a single plain. It is considered reasonably necessary to construct the buildings in the form proposed, given the challenges presented by the slope. The majority of each building would have a maximum height below the Acceptable Solution of 7.5m.

(d) <i>be no more than 8.5m.</i>	Maximum height would not exceed 8.5m.
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Environmental Living Zone

Clause	Standard	Acceptable Solution	Proposed
14.4.2 A2	Building Setback From Boundaries	Building setback from side and rear boundaries must be no less than 30m.	Side setbacks are as follows: <ul style="list-style-type: none"> • Unit 1: 22.43m • Unit 2: 27.7m • Units 4 and 5: 10.895m • Unit 8: 27.885m • Visitor facilities additions: 22.43m • Garage: 13.67m • Dwelling: 15.08m • Bus shelter: 4.7m

The proposed variation can be supported pursuant to the Performance Criteria (P1) of the Clause 14.4.2 for the following reasons.

Performance Criteria	Comment
<i>P1 Building setback from side and rear boundaries must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:</i>	See below
<i>(a) the topography of the site;</i>	The applicant proposes to site the buildings in existing cleared areas of the site, or areas where vegetation is of lower density. In order to avoid construction of new driveways on the steep land, and to avoid further clearance of vegetation, the applicant proposes to site all the buildings in the north-eastern corner of the site.
<i>(b) the size and shape of the site;</i>	The size and shape of the site does not limit the placement of buildings.
<i>(c) the location of existing buildings on the site;</i>	The proposed development seeks to take advantage of existing driveways and to re-use the existing dwelling as visitor facilities. The proposed buildings have therefore been sited around the existing dwelling, which is considered a logical site for the development.

<i>(d) the proposed colours and external materials of the building;</i>	Buildings would be clad using iron sheeting and timber on the walls with corrugated iron rooves. Colours would be brown, grey and pale green to blend with the surrounding environment.
<i>(e) visual impact on skylines and prominent ridgelines;</i>	The proposed buildings would be located below the skyline. The site is not on a prominent ridgeline viewed from surrounding areas.
<i>(f) impact on native vegetation;</i>	The applicant proposes to site the buildings in existing cleared areas of the site, or areas where vegetation is of lower density. Alternative sites would require further clearance of vegetation for building footprints and driveways.
<i>(g) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i> <i>(i) overlooking and loss of privacy;</i> <i>(ii) visual impact, when viewed from adjoining lots, through building bulk and massing;</i>	As discussed, Units 4 and 5 would be setback a minimum of 10m from the northern side boundary. All other units would have a setback of over 20m from the northern boundary, which is located upslope of the site. The units would otherwise be located a minimum of 40m from adjoining residential property boundaries. It is considered that the buildings would cause no unreasonable loss of privacy or visual impact on the residential amenity of adjoining lots.
<i>(h) be no less than:</i> <i>(i) 10m; or</i> <i>(ii) 5m for lots below the minimum lot size specified in the acceptable solution; or</i> <i>(iii) the setback of an existing roofed building (other than an exempt building) from that boundary.</i> <i>unless the lot is narrower than 40m at the location of the proposed building site.</i>	Buildings would have a minimum setback of 10.895m. A condition requiring the bus shelter being located a minimum of 10m from the western side boundary would need to be included on any permit granted.

Environmental Living Zone

Clause	Standard	Acceptable Solution	Proposed
14.4.3 A3	Building Design – Combined Gross Floor Area of Buildings	The Combined Gross Floor Area of Buildings must be no more than 300m ² .	Combined Gross Floor Area of approximately 1140m ²

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

Performance Criteria	Comment
<i>P1 The combined gross floor area of buildings must satisfy all of the following:</i>	See below
<i>(a) there is no unreasonable impact on natural values;</i>	Buildings would be located in existing cleared areas of the site or areas where vegetation is of lower density in order to minimise impact on natural values.
<i>(b) there is no unreasonable impact on the landscape;</i>	As discussed, buildings would not be sited on a prominent ridgeline or skyline. Clearance of vegetation and land excavation would be minimised.
<i>(c) buildings are consistent with the domestic scale of dwellings on the site or in close visual proximity;</i>	The proposed buildings would be single-storey and with the exception of the entry shelter, would be located within a cluster in the north-east of the site. Units would each have a floor area of approximately 60m ² , which is approximately half the area of an average sized dwelling. Although units 1 - 3 would be conjoined, the buildings would have a lower profile and floor area than the existing dwelling. It is therefore considered that the buildings would be of domestic scale.
<i>(d) be consistent with any Desired Future Character Statements provided for the area.</i>	There are no Desired Future Character Statements provided for the area.

Parking and Access Code

Clause	Standard	Acceptable Solution	Proposed
E6.7.3 A1	Vehicular Passing Areas	Vehicular passing areas must: (a) be provided if any of the following applies to an access: (i) it serves more than 5 car parking spaces; (ii) is more than 30m long; (iii) it meets a road serving more than 6000 vehicles per day;	The access would serve more than 5 parking spaces. The access exceeds 30m (ROW approximately 220m and internal access approximately 650m)

		(b) be 6m long, 5.5m wide, and taper to the width of the driveway;	Complies – The proposed passing bays would meet the required length and width (detailed engineering design may require longer/wider bays).
		(c) have the first passing area constructed at the kerb;	Does not comply – no 5.5m wide passing areas can be provided at the entrance to the ROW within the present ROW boundaries
		(d) be at intervals of no more than 30m along the access.	Does not comply – Passing bays would be at intervals of 90-130m

The proposed variation cannot be supported pursuant to the Performance Criteria (P1) of the Clause E6.7.3 for the following reasons.

Performance Criteria	Comment
<i>P1 Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:</i>	See below
<i>(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;</i>	Council's Development Engineer has advised that the proposed 4m wide access ROW is of insufficient width to contain a carriageway that would allow passing of the type of vehicles which would be accessing the site, without conflict. The Development Engineer has advised that an additional passing bay provided at the entrance of the right-of-way extending from Tempy Road would be acceptable given the amount of site distance available.
<i>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</i>	The construction of an additional passing bay at the road alignment would ensure that vehicles could leave Tempy Road to enter the property without causing interference with the flow of traffic from other properties, which have access from the turning head of Tempy Road.

<i>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</i>	As discussed above, the proposal would be acceptable with construction of an additional passing bay.
<i>(d) ease of accessibility and recognition for users.</i>	As discussed above.

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 treated on-site and discharged into an existing dam. Dam outflow is proposed to be upgraded and drained to a natural water course.

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>	<p>The applicant proposes to collect stormwater run-off in 2 water tanks for reuse. Overflow from the tanks would be directed to the existing dam on the site. Overflow from the dam would flow into the existing natural watercourse on the site, which flows to Faggs Gully Creek.</p> <p>Council's Development Engineer has advised that the proposed stormwater disposal arrangements are satisfactory and that post-development site discharge would not exceed pre-development quantities.</p>
<i>(b) collected for re-use on the site;</i>	As discussed, the applicant proposes to collect some stormwater run-off in 2 water tanks for reuse with overflow to the existing dam.
<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 - the application complies with (a).

Signs Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E17.6.1 A1	Use of Signs	A sign must be a permitted sign in Table E17.3	Ground Based Sign

The proposed variation can be supported pursuant to the Performance Criteria P1 of Clause E17.6.1 for the following reasons:

Performance Criteria	Comment
<i>P1 – A sign must be a discretionary sign in Table E17.3</i>	The sign is discretionary. The sign satisfies all other relevant Acceptable Solutions prescribed in Clause E17.6.1 and E17.7.1

Natural Assets Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E27.7.1 A1 (Minor Impact)	Operation of a Use	No Acceptable Solution for uses outside the Residential use class	Removal/modified of vegetation to provide for construction of buildings and driveways implementation of bushfire hazard management areas would involve thinning of existing trees and middle growth.

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

Performance Criteria	Comment
<i>P1 For any other use classes, no burning, blasting or construction works involving excavators or multiple truck movements are to occur within 500m (or 1km if in line-of-sight) of an active raptor nest during the breeding season between July to January inclusive.</i>	The natural values assessment states that there are no known active raptor nests within 500m or 1km line-of-sight of the proposed development site. The use would not involve the on-going use of trucks.

Natural Assets Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E27.8.1 A1 (Minor Impact)	Vegetation Clearance or Disturbance	No Acceptable Solution	Removal/modification of vegetation to provide for construction of buildings and driveways. Implementation of bushfire hazard management areas would involve thinning of existing trees and middle growth.

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

Performance Criteria	Comment
<i>P1</i> <i>(a) The clearance of native vegetation is the minimum extent necessary for the development (including bushfire hazard minimisation);</i>	Buildings would be confined to areas of the site where vegetation is of lower density. Implementation of bushfire hazard management areas would involve thinning of existing trees and middle growth rather than clearance of vegetation. The natural values assessment states that the extent of clearing is the minimum extent necessary for the development to take place. It is considered that P1 (a) is satisfied.
<i>(b) No burning, blasting or construction works involving excavators or multiple truck movements are to occur within 500m (or 1km if in line-of-sight) of an active raptor nest during the breeding season between July to January inclusive.</i>	The natural values assessment states that there are no known active raptor nests within 500m or 1km line-of-sight of the proposed development site.
<i>(c) Additional mitigation measures are proposed to ensure that the development will satisfactorily reduce all remaining impacts on priority vegetation; and</i>	The natural values assessment states that no priority vegetation would be affected by the proposed development.

(d) <i>Conservation outcomes and long terms security of any off-set is consistent with the Guidelines for the use of Biodiversity Off-sets in the local planning approval process, Southern Tasmanian Councils Authority 2013.</i>	The natural values assessment states that if approved, the planning permit should be conditioned to require the preparation and submission of a weed management plan. In addition, the assessment advises that the developer would need to obtain a permit under the Tasmanian Threatened Species Protection Act 1995 for disturbance to <i>Rytidosperma indutum</i> (tall wallabygrass).
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5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 3 representations were received. The following issues were raised by the representors.

5.1. Impact on Residential Amenity

Representors have raised concern that the traffic generated by the proposal would cause a loss of residential amenity to adjoining properties by generating noise and impacting privacy. Additionally, representors are concerned that the entrance car park on the western side of the site would reduce the amenity of surrounding residential properties through noise and visual impact.

- **Comment**

As discussed, the proposal is considered to satisfy the Performance Criterion (a) of Clause 14.3.2, which relates to the impact on residential amenity through generation of noise from increased vehicles, dust from gravel roads and privacy.

5.2. Impact on Right-of-Way

One representor has raised concern that their use of the private right-of-way over 131 Tempy Road would be compromised by the development, which would use the land as access for cars and buses. The representor is also concerned that passing areas along the access would not be provided every 30m in accordance with Clause E6.7.3A1 of the Scheme.

- **Comment**

Council's Development Engineer has advised that the proposal satisfies the performance criteria of Clause E6.7.3 subject to construction of an additional passing bay. As discussed, it is not considered that the proposal would have an unreasonable impact on the owners/users of ROW's under the Scheme provisions. The alignment of the ROW's is straight, while land is relatively flat.

5.3. Services to Neighbouring Properties

A representor has requested that they have access to any services, such as water, sewer or power that may be installed as part of the development.

- **Comment**

The Scheme does not control access to water, sewer or power services. Access is controlled by the relevant service providers.

5.4. Bushfire

A representor has queried whether a bushfire assessment was submitted with the application.

- **Comment**

The Scheme does not require the submission of a bushfire assessment. It is noted that the applicant has considered how the bushfire protection measures required under the Building Act 2000 would be incorporated, including how implementation of the bushfire hazard management areas would affect management of native vegetation. Should a planning permit be granted for the proposal, the developer would need to submit a bushfire assessment to Council with an application for a building permit.

5.5. Future Expansion

Representors are concerned that Stage 2 of the development would exacerbate traffic problems.

- **Comment**

The application is for “Stage 1” only. Should the current proposal be granted approval, the development of any additional units would require lodgement of a separate application, in which the impacts of increased traffic would be considered.

5.6. Future Use of Buildings

One representor has raised concern that the Visitor Accommodation units could be used as Multiple Dwellings if the business proves unviable.

- **Comment**

The application seeks approval for Visitor Accommodation. Should the buildings no longer need to be used for that purpose in the future, the applicant would need to seek approval for an alternative use in accordance with the Scheme. The Environmental Living Zone does not provide for the use of land for Multiple Dwellings.

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 Tourist Accommodation at 115 Tempy Road, Geilston Bay. The application meets the relevant acceptable solutions and performance criteria of the Scheme.

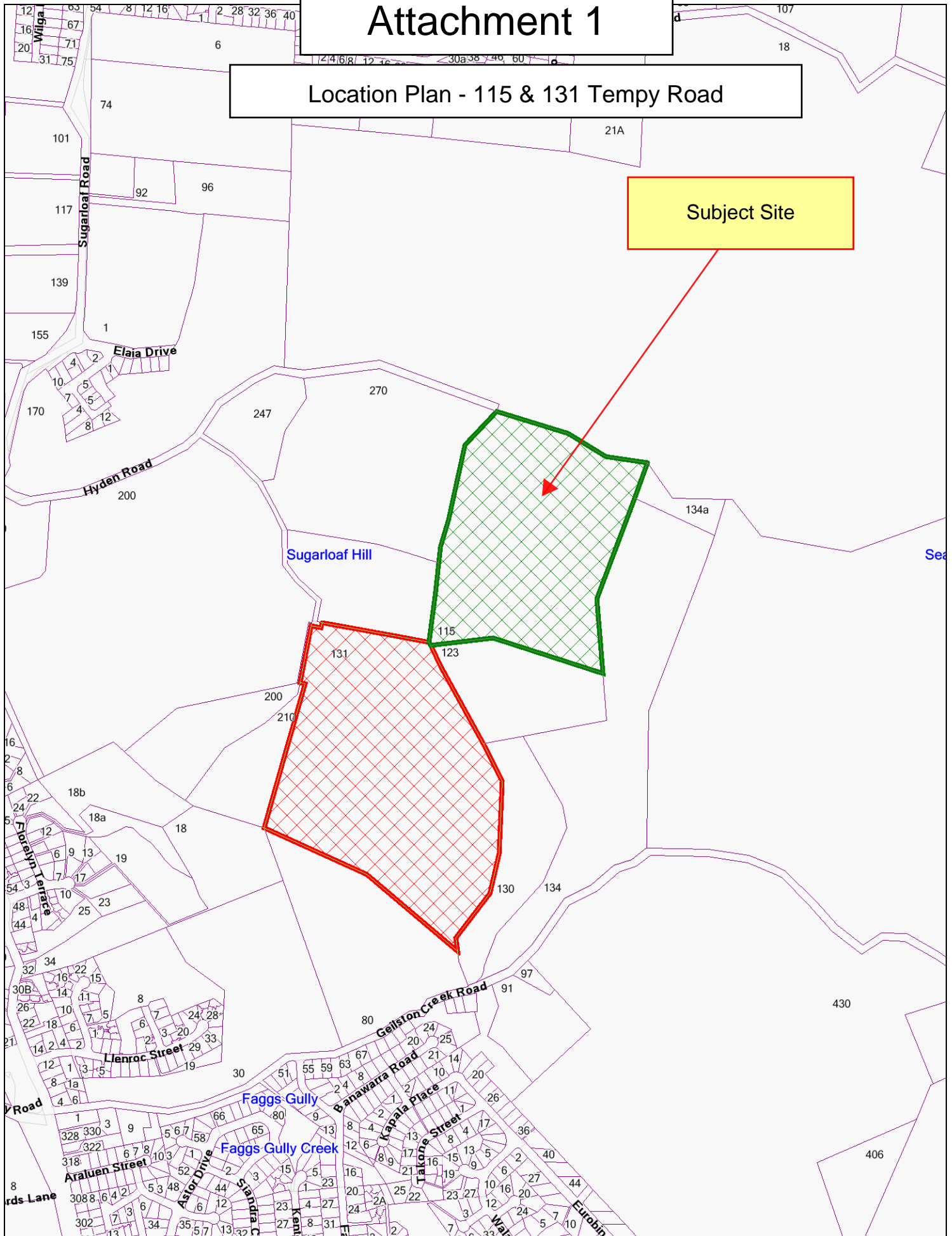
The proposal is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plan (16)
3. Title Plan Showing Location of Right-Of-Ways (1)
4. Site Photo (3)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan - 115 & 131 Tempy Road



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:** Tuesday, 22 November 2016 **Scale:** 1:9,723 @A4

PROPOSED DWELLING FOR GUEST FACILITIES CONSISTING OF DINING ROOM, LOUNGE, OFFICE & INTERPRETATION DISPLAY
REFER TO DRAWINGS KELLY-003, 004 & 005 FOR DETAILS

— APPROXIMATE EXTENT OF POSSIBLE FUTURE
STAGE 2 VISITOR ACCOMMODATION
DEVELOPMENT CONSISTING OF 12 UNITS

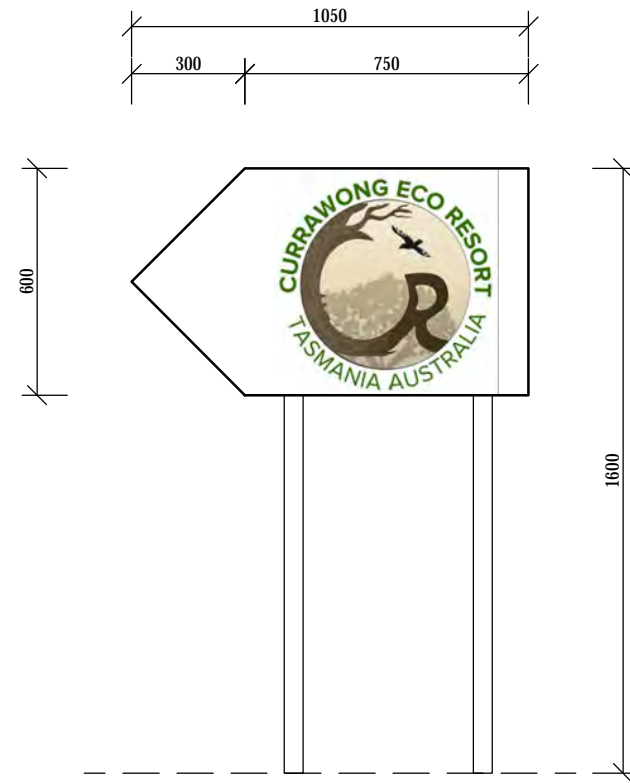
PROPOSED 3 ACCESSIBLE —
ACCOMMODATION UNITS
REFER DRAWING KELLY-007 FOR DETAILS

PROPOSED 4m WIDE CLASS 4C ACCESS ROAD WITH 20m + LONG x 6m WIDE PASSING BAYS AT MINIMUM 100m INTERVALS. CULVERTS AND BRIDGES MUST BE DESIGNED FOR MIN. VEHICLE LOAD OF 20 TONNES. MINIMUM VERTICAL CLEARANCE OF 4m ABOVE THE ACCESS ROAD AND 0.5m HORIZONTALLY EITHER SIDE OF THE ACCESS ROAD. FOR DETAILED CIVIL DESIGNS
REF JSA CONSULTING ENGINEERS PROJECT No. 16E02-24

PROPOSED ENTRY GATE, BUS SHELTER,
21 SPACE CAR PARK, MINI BUS TURNING
AREA FOR STAGE 1

— PROPOSED SIGNAGE FOR DEVELOPMENT
SEE DETAIL THIS DRAWING



PROPOSED SIGNAGE DETAIL
SCALE 1 : 20 @ A2

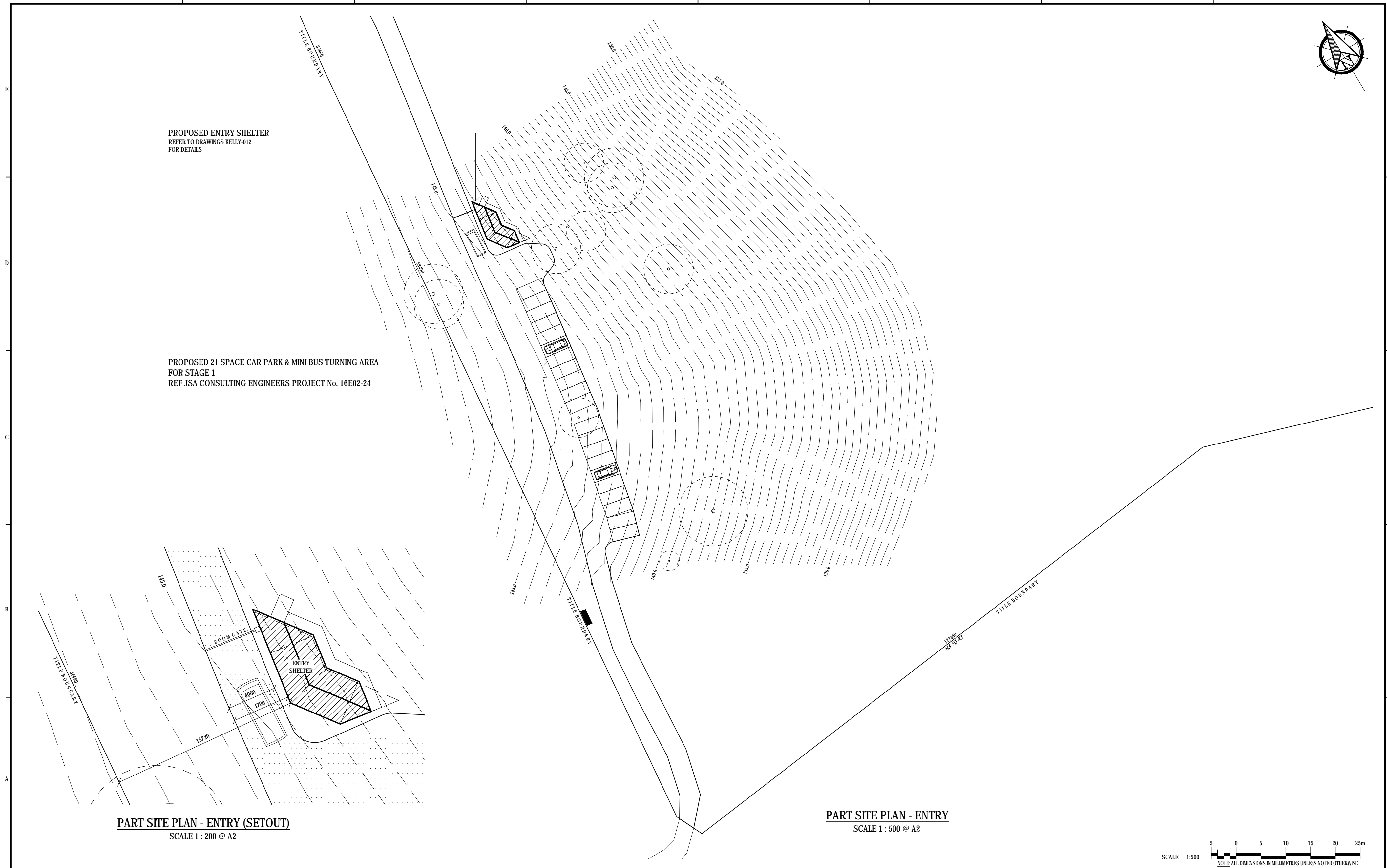
TEMPY ROAD
CONTINUES



SCALE 1:2000

20 0 20 40 60 80 100m

NOTE: ALL DIMENSIONS IN MILLIMETRES UNLESS NOTED OTHERWISE

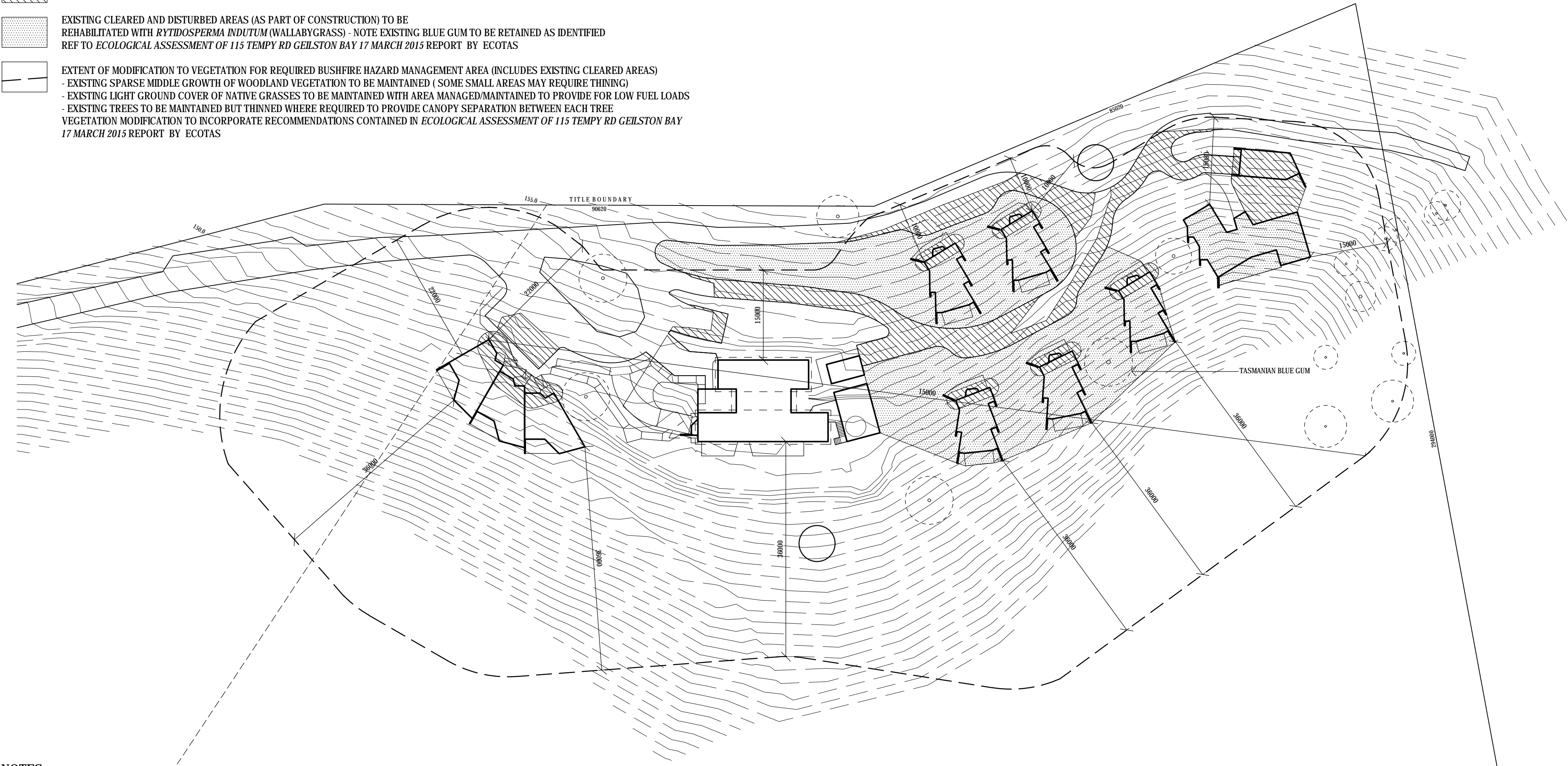
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0	ISSUED FOR PRELIMINARY PLANNING REVIEW. 3-6-2016							SEE DWG. KELLY-000 FOR DRAWING REFERENCE		 ABN 89 056 706 640 12 Warwick Street, Hobart Tas 7000 Ph. (03) 5224 5105 Email admin@smeekesdrafting.com Website www.smeekesdrafting.com	S. KELLY PROPOSED ECO TOURISM DEVELOPMENT - STAGE 1 115 TEMPY ROAD, GEILSTON BAY, TAS 7015			
1	ISSUED TO COUNCIL FOR PLANNING PERMIT. 23-6-2016													
2	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-9-2016													
3	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-10-2016													
												SITE PLAN - PROPOSED		
										Accreditation No's CC4900A & CC6621		DRG No. KELLY	SHT. 001B	SCALE 1 : 2000 A2



REV.	DESCRIPTION	DRN	APPD	REV.	DESCRIPTION	DRN	APPD	REFERENCE	DRN / DIS	R. SMEEKES	S.MEEKES DRAFTING PTY LTD							CLIENT	S. KELLY								
0	ISSUED FOR PRELIMINARY PLANNING REVIEW. 3-6-2016							SEE DWG. KELLY-000 FOR DRAWING REFERENCE		 ABN 89 056 705 640 12 Warwick Street, Hobart Tas 7000 Ph. (03) 6234 6185 Email admin@smeekesdrafting.com Website www.smeekesdrafting.com	PROPOSED ECO TOURISM DEVELOPMENT - STAGE 1 115 TEMPY ROAD, GEILSTON BAY, TAS 7015										TITLE						
1	ISSUED TO COUNCIL FOR PLANNING PERMIT. 23-6-2016																										
2	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-9-2016										PART SITE PLAN - ENTRY										DRG	KELLY	SHT.	001C	SCALE	1 : 500	A2
3	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-10-2016																				Accreditation No's CC4900A & CC6621	No.					

VEGETATION MANAGEMENT & EXCAVATION PLAN LEGEND:

- VEGETATION REMOVED AND / OR EXCAVATION FOR ROADS AND BUILDINGS
REF TO JSA CONSULTING ENGINEERS PROJECT NO. 16E02-24
- EXISTING CLEARED AND DISTURBED AREAS (AS PART OF CONSTRUCTION) TO BE
REHABILITATED WITH *RYTIDOSPERMA INDUTUM* (WALLABYGRASS) - NOTE EXISTING BLUE GUM TO BE RETAINED AS IDENTIFIED
REF TO *ECOLOGICAL ASSESSMENT OF 115 TEMPY RD GEILSTON BAY 17 MARCH 2015* REPORT BY ECOTAS
- EXTENT OF MODIFICATION TO VEGETATION FOR REQUIRED BUSHFIRE HAZARD MANAGEMENT AREA (INCLUDES EXISTING CLEARED AREAS)
- EXISTING SPARSE MIDDLE GROWTH OF WOODLAND VEGETATION TO BE MAINTAINED (SOME SMALL AREAS MAY REQUIRE THINNING)
- EXISTING LIGHT GROUND COVER OF NATIVE GRASSES TO BE MAINTAINED WITH AREA MANAGED/MAINTAINED TO PROVIDE FOR LOW FUEL LOADS
- EXISTING TREES TO BE MAINTAINED BUT THINNED WHERE REQUIRED TO PROVIDE CANOPY SEPARATION BETWEEN EACH TREE
VEGETATION MODIFICATION TO INCORPORATE RECOMMENDATIONS CONTAINED IN *ECOLOGICAL ASSESSMENT OF 115 TEMPY RD GEILSTON BAY 17 MARCH 2015* REPORT BY ECOTAS



NOTES:

- IT IS THE RESPONSIBILITY OF THE DEVELOPER TO INSTALL, MAINTAIN AND (UPON COMPLETION) REMOVE ALL SEDIMENT CONTROL MEASURES.
- SEDIMENT FENCE TO BE CHECKED AND CLEANED DAILY TO PREVENT BREAKAGE AND OVERTOPPING.
- PROVIDE TEMPORARY CONNECTION FROM DOWNPIPES TO STORMWATER DRAIN IMMEDIATELY FOLLOWING COMPLETION OF ROOF CLADDING, FASCIA AND GUTTER INSTALLATION. PERMANENT DOWNPIPE CONNECTION TO BE INSTALLED AT APPROPRIATE TIME OF DWELLING CONSTRUCTION.

PROTECTION WORKS NOTES:

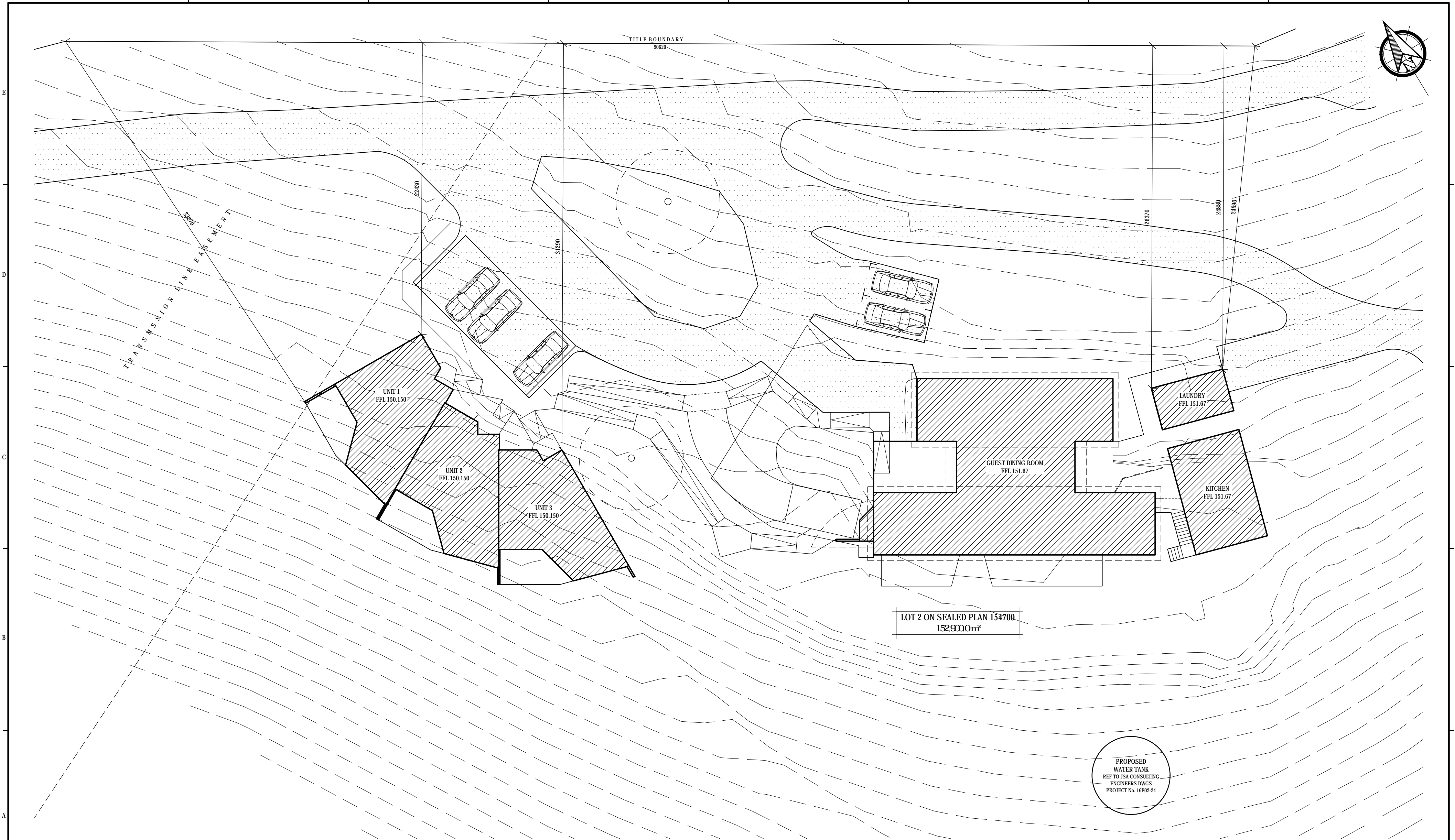
- THE SITE/AREAS BEING EXCAVATED SHALL BE ADEQUATELY BARRICADED TO PROTECT THE CONTRACTORS OR PUBLIC FROM INJURY.

VEGETATION MANAGEMENT & EXCAVATION PLAN

SCALE 1 : 500 @ A2



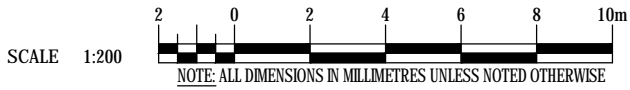
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2	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-9-2016												VEGETATION MANAGEMENT & EXCAVATION PLAN
3	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-10-2016											DRG No.	KELLY
												SHT.	001E
												SCALE	1 : 500
													A2



NOTES:

1. WRITTEN DIMENSIONS TO TAKE PRECEDENCE OVER SCALE.
2. BUILDER TO VERIFY ALL BOUNDARY CLEARANCES AND SITE SET-OUT DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.

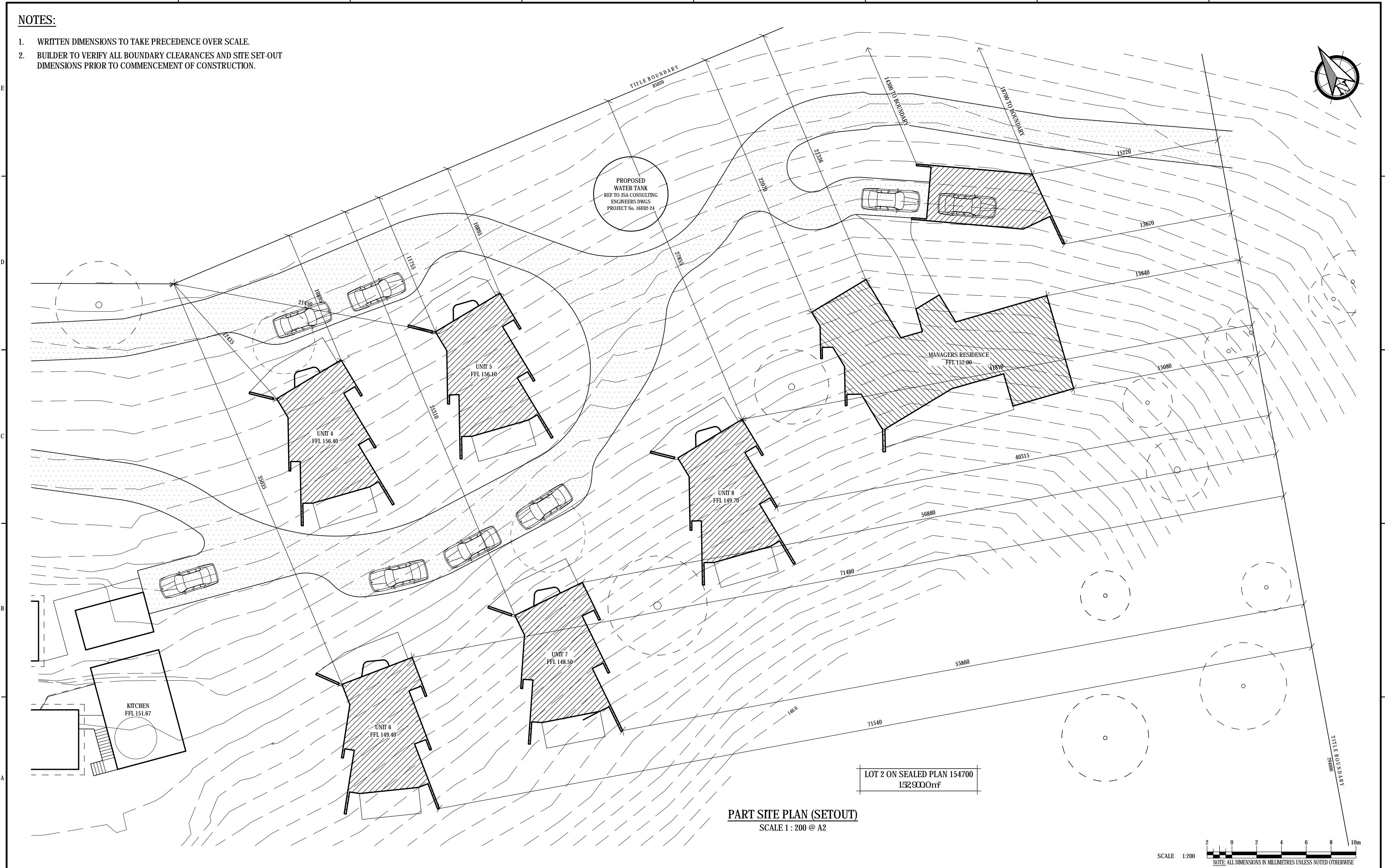
PART SITE PLAN (SETOUT)
SCALE 1 : 200 @ A2



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3	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-10-2016												SHEET 1 OF 2
												DRG No.	KELLY
												SHT.	001F
												SCALE	1 : 200
													A2

NOTES:

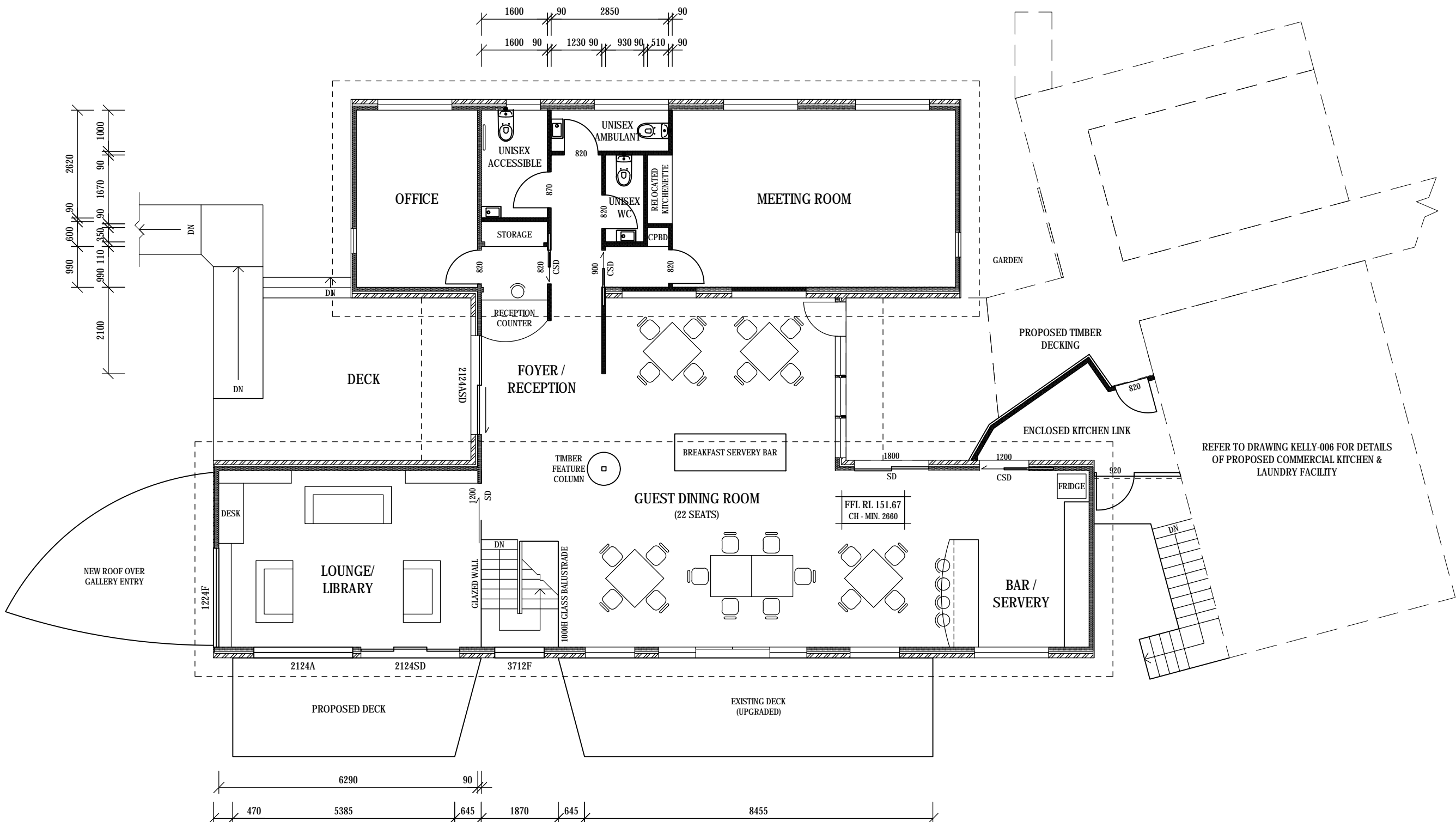
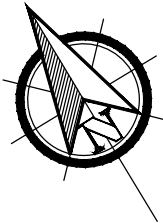
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1	ISSUED TO COUNCIL FOR PLANNING PERMIT. 23-6-2016							SEE DWG. KELLY-000 FOR DRAWING REFERENCE					SETOUT PLAN SHEET 2 OF 2
2	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-9-2016										Accreditation No's CC4900A & CC6621	DRG	KELLY
3	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-10-2016											No.	001G
												SCALE	1 : 200
												SHT.	A2

STAIRS / HANDRAIL NOTES:

1. CLOSED TIMBER STAIRS CONSTRUCTED IN ACCORDANCE WITH BCA PART 3.9.1
2. TREADS MUST HAVE A SLIP-RESISTANT FINISH OF A SUITABLE NON-SKID STRIP NEAR THE EDGE OF THE NOSINGS.
3. RISER AND GOING DIMENSIONS IN ACCORDANCE WITH BCA PART 3.9.1.4.
RISER (R) MAX. 190 - MIN. 115
GOING (G) MAX. 355 - MIN. 240
SLOPE RELATIONSHIP
2R + G MAX. 700 - MIN. 550
4. INSTALL HANDRAIL TO ONE SIDE OF FLIGHT IN ACCORDANCE WITH BCA PART 3.9.2.4.



MATERIALS LEGEND:

- BAL - 1200H GLASS BALUSTRADE WITH GRAB RAIL
ED - SOLID TIMBER EXTERNAL DOOR
GL-1 - ALUMINIUM FRAMED DOORS & WINDOWS (CLEAR GLAZING)
COLOUR - COLORBOND WOODLAND GREY (L.R.V 29%) or WALLABY (L.R.V 36%)
MW - BAGGED RENDER FINISHED MASONRY WALL
COLOUR - COLORBOND COVE
RS - COLORBOND LONGLINE ROOF SHEETING, COLOUR -
COLORBOND MANGROVE (L.R.V OF 36%) / COLORBOND
IRONSTONE (L.R.V OF 26%)
SP - STONE PAVING
ST - PAINTED STEEL FRAMING
COLOUR - COLORBOND WALLABY
TB - NOMINAL 90 x 32 SPOTTED GUM TIMBER BATTENS
TD - HARDWOOD TIMBER DECKING
TC - SPOTTED GUM TIMBER CLADDING VERTICAL
WC-1 - COLORBOND 'SPANDEK' EXTERNAL WALL CLADDING
COLOUR - COLORBOND WOODLAND GREY (L.R.V OF 29%) /
'MANGROVE' (L.R.V OF 36%)
WC-2 - COLORBOND 'LONGLINE' EXTERNAL WALL CLADDING
COLOUR - COLORBOND 'PALE EUCALYPT' (L.R.V. OF 40%) /
'MANGROVE' (L.R.V OF 36%)
WC-3 - COLORBOND 'MINIORB' EXTERNAL WALL CLADDING
COLOUR - COLORBOND 'IRONSTONE' (L.R.V OF 26%)

WINDOW LEGEND:

- 1 5 0 9 A
TYPE
WIDTH (900)
HEIGHT (1500)

- A - AWNING
ASD - AUTOMATIC SLIDING DOOR
BF - BIFOLD DOOR
C - CUSTOM (BUTTED
CORNER GLAZING)
F - FIXED
FR - FROSTED GLAZING
GB - GLASS BRICK
H - HINGED DOOR
S - SLIDING
SD - SLIDING DOOR
STKSD - STACKING TYPE SLIDING DOOR

UPPER FLOOR PLAN

SCALE 1 : 100 @ A2



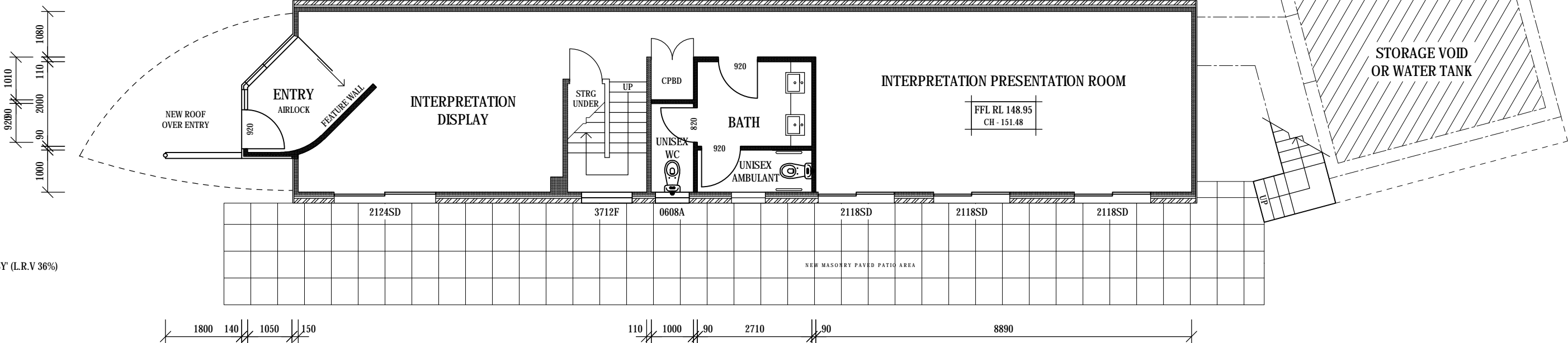
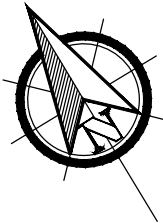
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											FLOOR PLANS - SHEET 1 OF 2				



SKEEKES DRAFTING PTY LTD
ABN 89 056 706 640
12 Warwick Street, Hobart Tas 7000
Ph. (03) 6234 6185
Email admin@smeekesdrafting.com
Website www.smeekesdrafting.com
Accreditation No's CC4900A & CC6621

STAIRS / HANDRAIL NOTES:

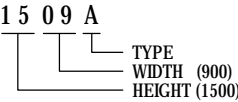
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GOING (G) MAX. 355 - MIN. 240
SLOPE RELATIONSHIP
2R + G MAX. 700 - MIN. 550
4. INSTALL HANDRAIL TO ONE SIDE OF FLIGHT IN ACCORDANCE WITH BCA PART 3.9.2.4.



MATERIALS LEGEND:

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H - HINGED DOOR
S - SLIDING
SD - SLIDING DOOR
STKSD - STACKING TYPE SLIDING DOOR

LOWER FLOOR PLAN

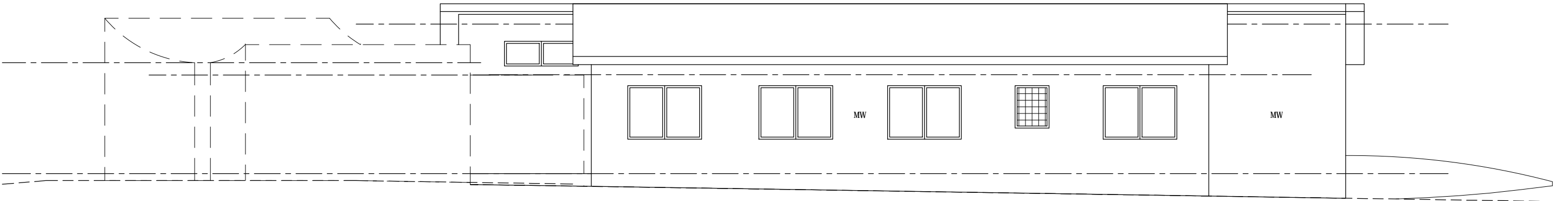
SCALE 1 : 100 @ A2



REV.	DESCRIPTION	DRN	APPD	REV.	DESCRIPTION	DRN	APPD	REFERENCE	DRN / DES	R. SKEEKES	CLIENT
0	ISSUED FOR PRELIMINARY PLANNING REVIEW. 3-6-2016							SEE DWG. KELLY-000 FOR DRAWING REFERENCE		SKEEKES DRAFTING PTY LTD ABN 89 056 706 640 12 Warwick Street, Hobart Tas 7000 Ph. (03) 6234 6185 Email admin@smeekesdrafting.com Website www.smeekesdrafting.com Accreditation No's CC4900A & CC6621	DRG No.
1	ISSUED TO COUNCIL FOR PLANNING PERMIT. 23-6-2016										TITLE
2	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-9-2016										PROPOSED ECO TOURISM DEVELOPMENT - STAGE 1 115 TEMPY ROAD, GEILSTON BAY, TAS 7015 PROPOSED DWELLING REDEVELOPMENT FLOOR PLANS - SHEET 2 OF 2
3	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-10-2016										DRG No.
											SHT. 004 SCALE 1 : 100 A2

MATERIALS LEGEND:

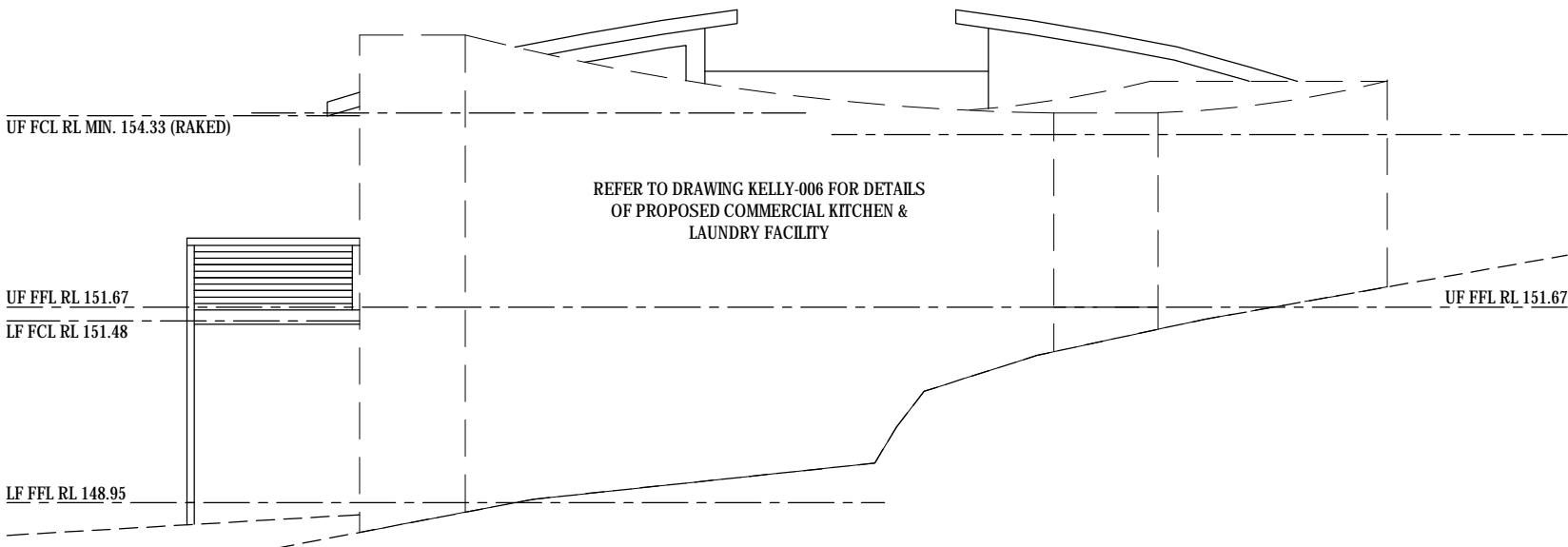
- BAL - 1200H GLASS BALUSTRADE WITH GRAB RAIL
ED - SOLID TIMBER EXTERNAL DOOR
GL-1 - ALUMINIUM FRAMED DOORS & WINDOWS (CLEAR GLAZING)
COLOUR - COLORBOND 'WOODLAND GREY' (L.R.V 29%) or 'WALLABY' (L.R.V 36%)
MW - BAGGED RENDER FINISHED MASONRY WALL
COLOUR - COLORBOND 'COVE'
RS - COLORBOND 'LONGLINE' ROOF SHEETING, COLOUR -
COLORBOND 'MANGROVE' (L.R.V OF 36%) / COLORBOND
'IRONSTONE' (L.R.V OF 26%)
SP - STONE PAVING
ST - PAINTED STEEL FRAMING
COLOUR - COLORBOND 'WALLABY'
TB - NOMINAL 90 x 32 SPOTTED GUM TIMBER BATTENS
TD - HARDWOOD TIMBER DECKING
TC - SPOTTED GUM TIMBER CLADDING VERTICAL
WC-1 - COLORBOND 'SPANDEK' EXTERNAL WALL CLADDING
COLOUR - COLORBOND 'WOODLAND GREY' (L.R.V OF 29%) /
'MANGROVE' (L.R.V OF 36%)
WC-2 - COLORBOND 'LONGLINE' EXTERNAL WALL CLADDING
COLOUR - COLORBOND 'PALE EUCALYPT' (L.R.V. OF 40%) /
'MANGROVE' (L.R.V OF 36%)
WC-3 - COLORBOND 'MINIORB' EXTERNAL WALL CLADDING
COLOUR - COLORBOND 'IRONSTONE' (L.R.V OF 26%)



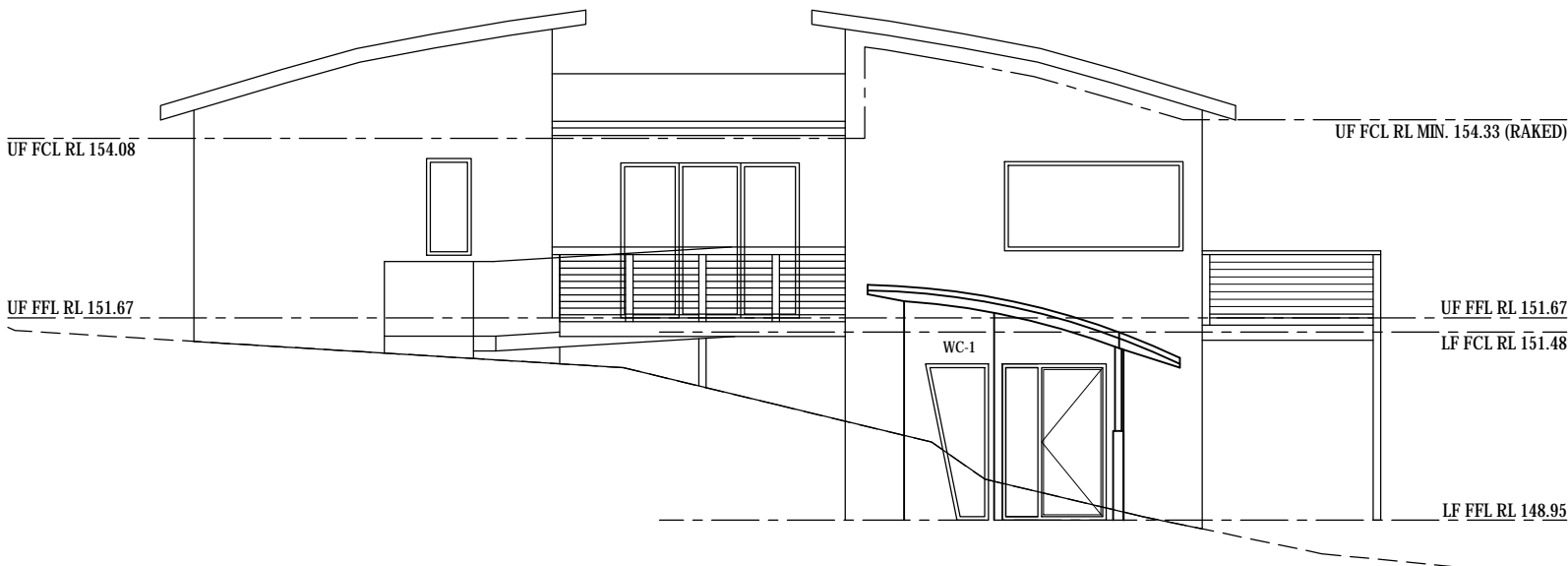
NORTH ELEVATION
SCALE 1 : 100 @ A2



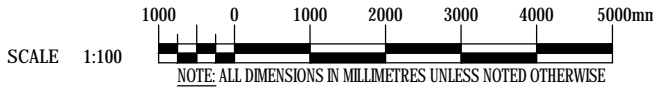
SOUTH ELEVATION
SCALE 1 : 100 @ A2



EAST ELEVATION
SCALE 1 : 100 @ A2

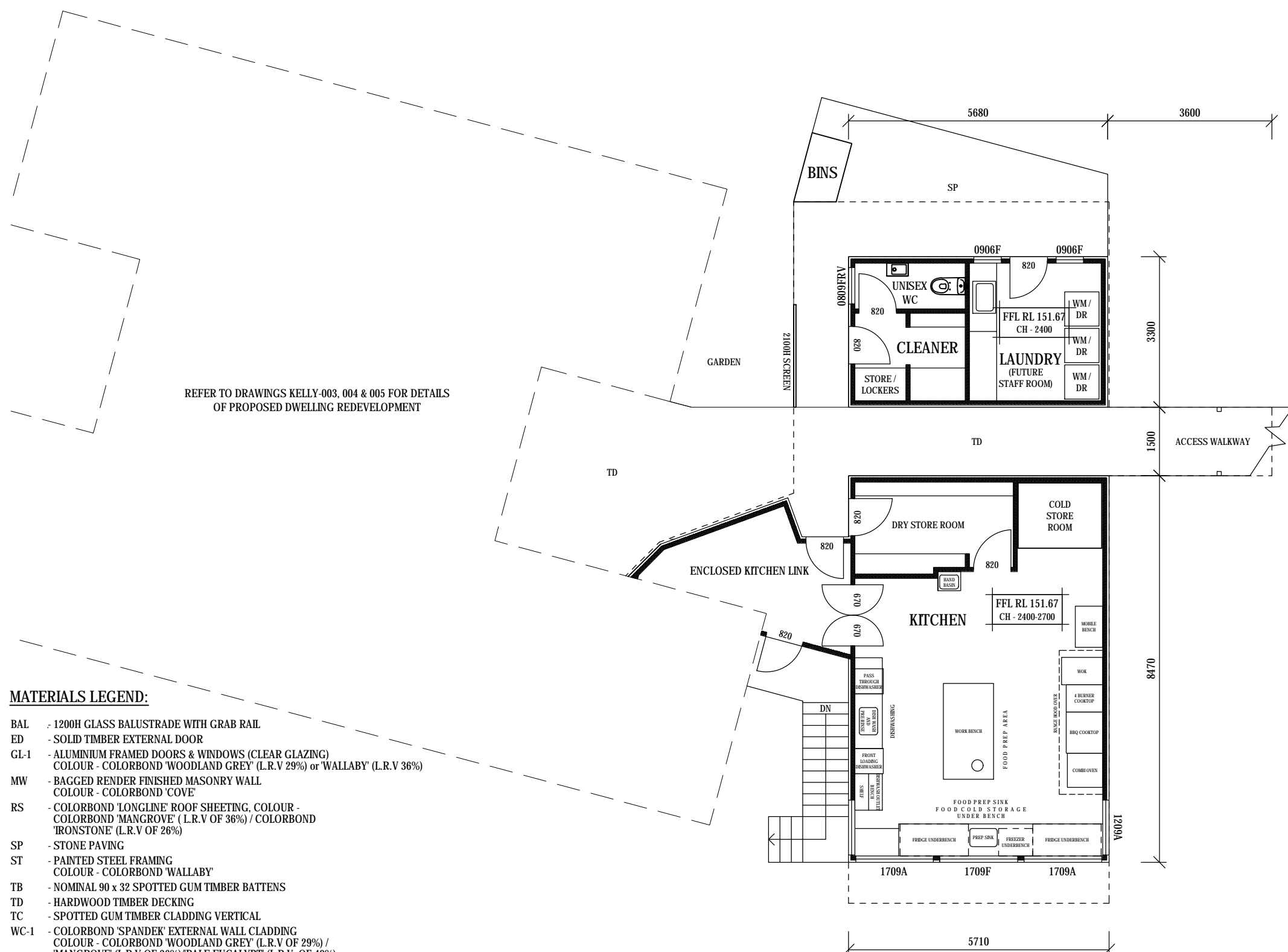
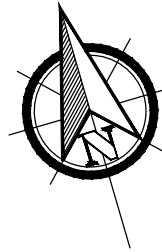


WEST ELEVATION
SCALE 1 : 100 @ A2



REV.	DESCRIPTION	DRN	APPD	REV.	DESCRIPTION	DRN	APPD	REFERENCE	DRN / DES	R. SREEKES	S. KELLY	CLIENT
0	ISSUED FOR PRELIMINARY PLANNING REVIEW. 3-6-2016											TITLE
1	ISSUED TO COUNCIL FOR PLANNING PERMIT. 23-6-2016											PROPOSED ECO TOURISM DEVELOPMENT - STAGE 1
2	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-9-2016											115 TEMPY ROAD, GELLSTON BAY, TAS 7015
3	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-10-2016											PROPOSED DWELLING REDEVELOPMENT
												ELEVATIONS
												DRG
												No.
												KELLY
												SHT.
												005
												SCALE
												1 : 100
												A2

1. CLOSED TIMBER STAIRS CONSTRUCTED IN ACCORDANCE WITH BCA PART 3.9.1
2. TREADS MUST HAVE A SLIP-RESISTANT FINISH OF A SUITABLE NON-SKID STRIP NEAR THE EDGE OF THE NOSINGS.
3. RISER AND GOING DIMENSIONS IN ACCORDANCE WITH BCA PART 3.9.1.4.
RISER (R) MAX. 190 - MIN. 115
GOING (G) MAX. 355 - MIN. 240
SLOPE RELATIONSHIP
2R + G MAX. 700 - MIN. 550
4. INSTALL HANDRAIL TO ONE SIDE OF FLIGHT IN ACCORDANCE WITH BCA PART 3.9.2.4.



BAL	- 1200H GLASS BALUSTRADE WITH GRAB RAIL
ED	- SOLID TIMBER EXTERNAL DOOR
GL-1	- ALUMINIUM FRAMED DOORS & WINDOWS (CLEAR GLAZING) COLOUR - COLORBOND WOODLAND GREY (L.R.V 29%) or WALLABY (L.R.V 36%)
MW	- BAGGED RENDER FINISHED MASONRY WALL COLOUR - COLORBOND COVE
RS	- COLORBOND LONGLINE ROOF SHEETING, COLOUR - COLORBOND 'MANGROVE' (L.R.V of 36%) / COLORBOND 'IRONSTONE' (L.R.V of 26%)
SP	- STONE PAVING
ST	- PAINTED STEEL FRAMING COLOUR - COLORBOND 'WALLABY'
TB	- NOMINAL 90 x 32 SPOTTED GUM TIMBER BATTENS
TD	- HARDWOOD TIMBER DECKING
TC	- SPOTTED GUM TIMBER CLADDING VERTICAL
WC-1	- COLORBOND 'SPANDEK' EXTERNAL WALL CLADDING COLOUR - COLORBOND WOODLAND GREY (L.R.V of 29%) / 'MANGROVE' (L.R.V of 36%) / PALE EUCALYPT (L.R.V. of 40%)
WC-2	- COLORBOND 'LONGLINE' EXTERNAL WALL CLADDING COLOUR - COLORBOND IRONSTONE (L.R.V. of 26%) / 'MANGROVE' (L.R.V of 36%)
WC-3	- COLORBOND 'MINIORB' EXTERNAL WALL CLADDING COLOUR - COLORBOND 'IRONSTONE' (L.R.V of 26%)

1 5 0 9 A

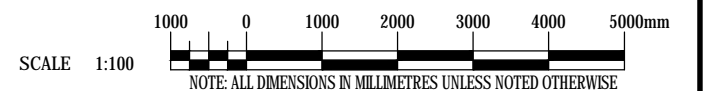
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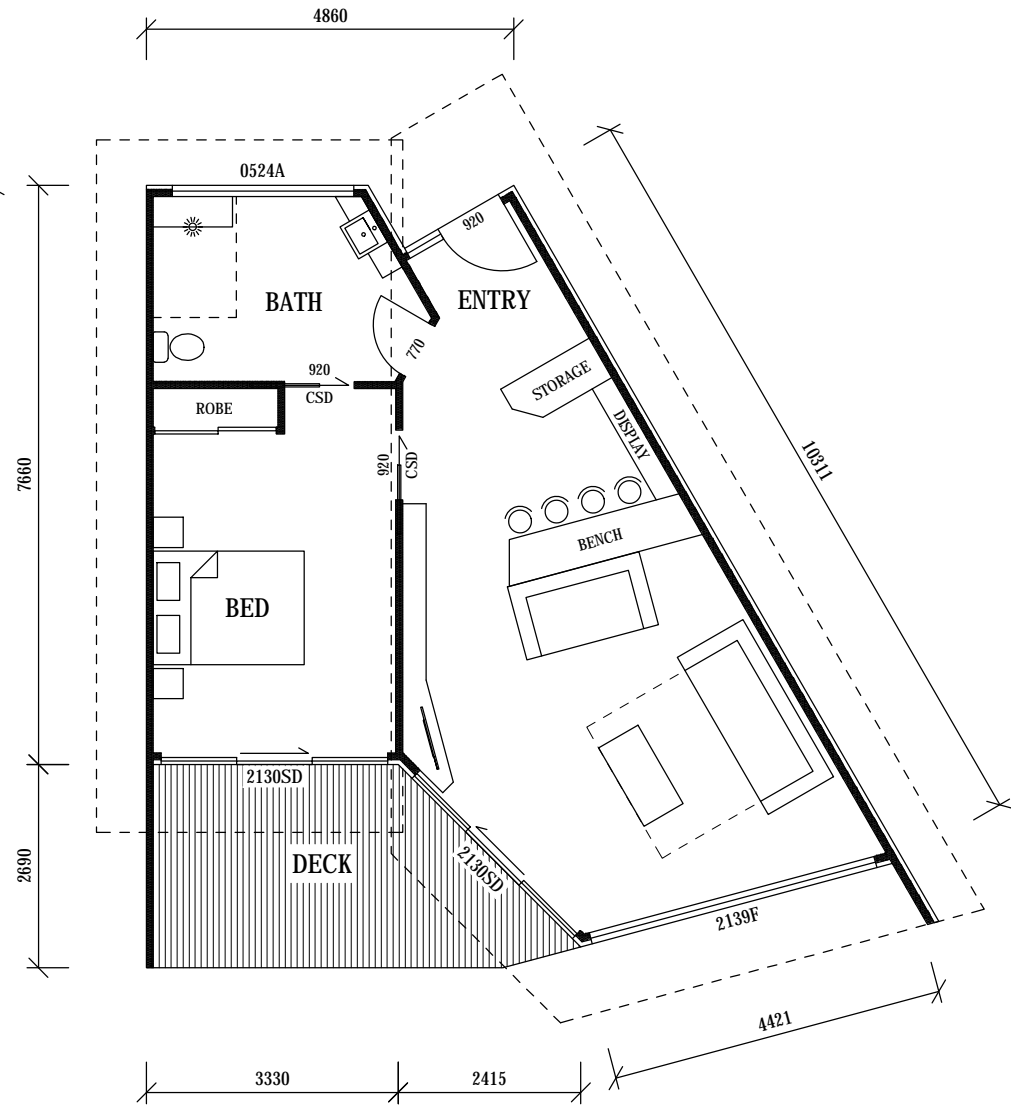
- A - AWNING
ASD - AUTOMATIC SLIDING DOOR
BF - BIFOLD DOOR
C - CUSTOM (BUTTED
CORNER GLAZING)
F - FIXED
FR - FROSTED GLAZING
GB - GLASS BRICK
H - HINGED DOOR
S - SLIDING
SD - SLIDING DOOR
STKSD - STACKING TYPE SLIDING DOOR

FLOOR PLAN
SCALE 1 : 100 @ A2

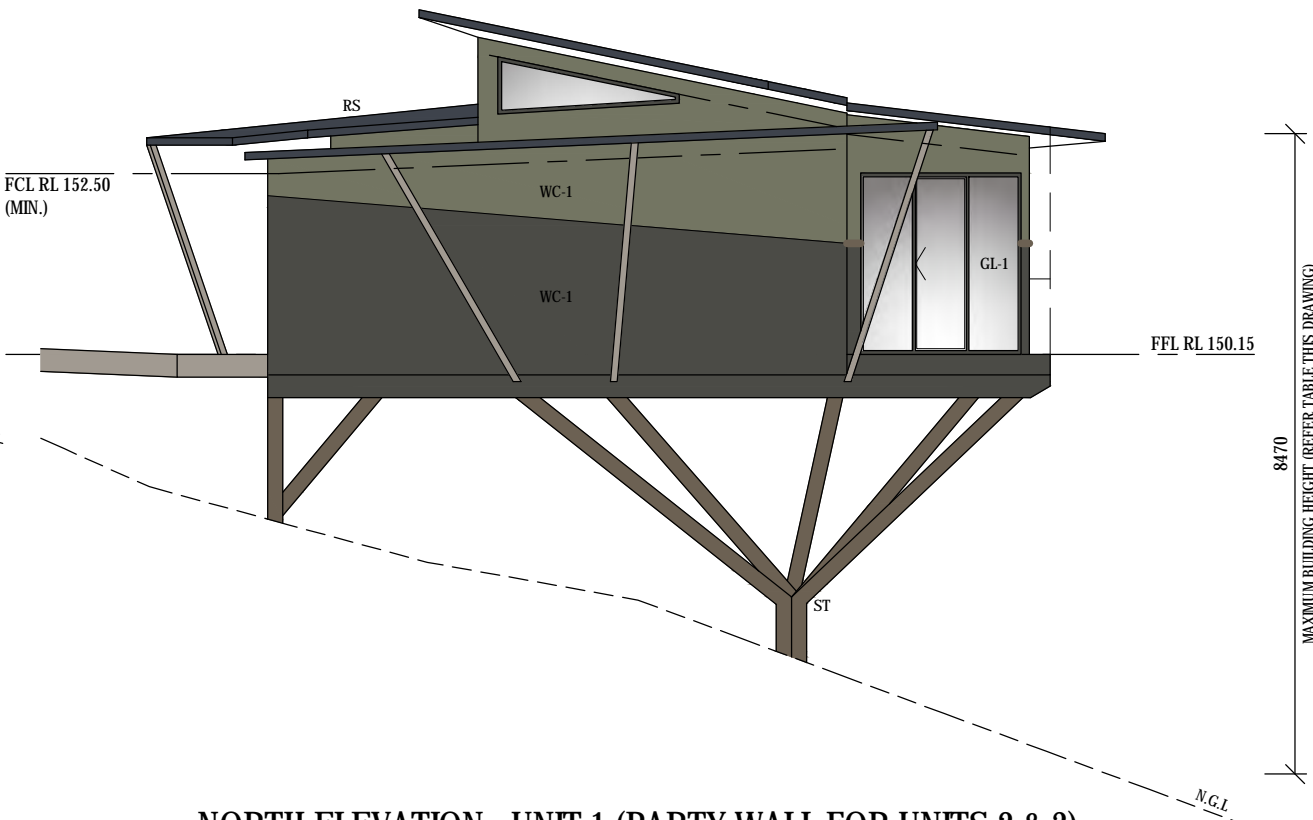


SOUTH ELEVATION
SCALE 1 : 100 @ A2

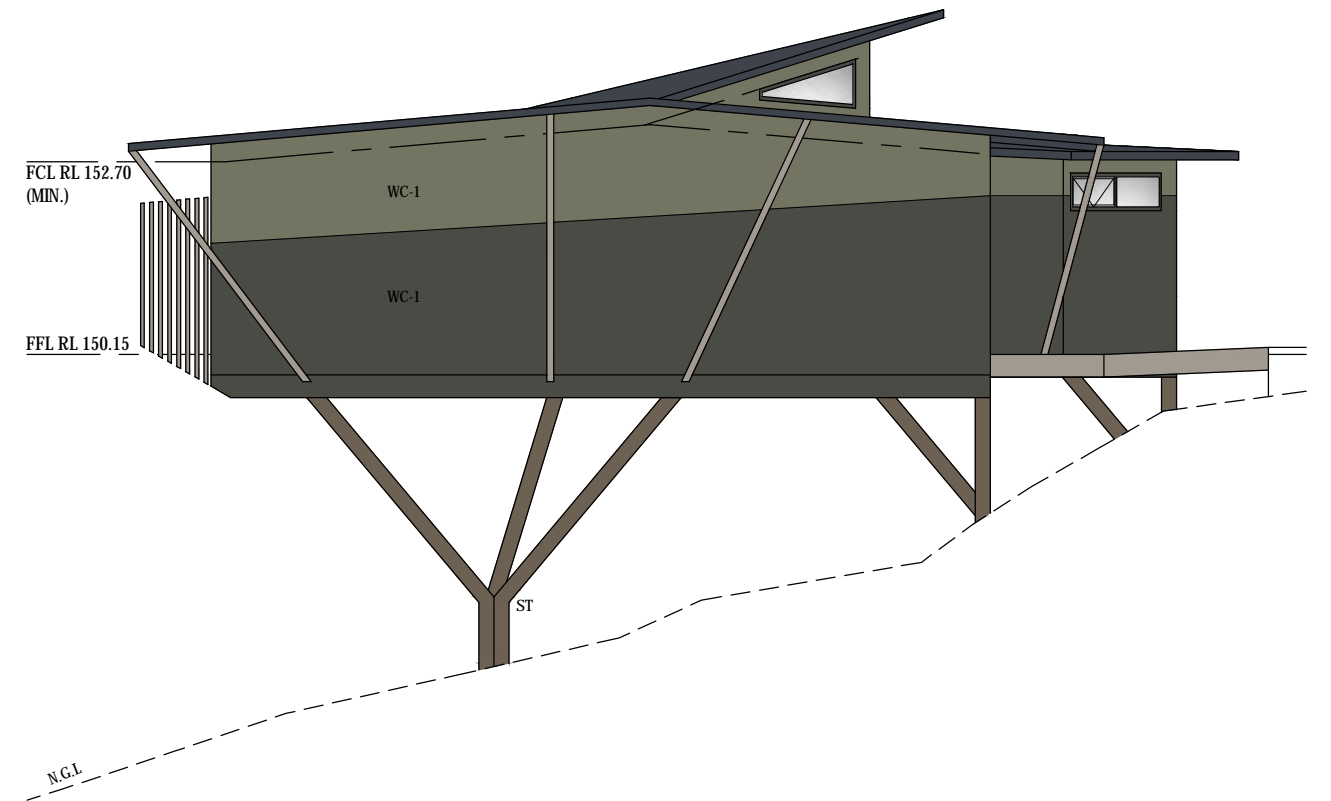
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SCALE 1 : 100 @ A2



SCALE 1 : 100 @ A2

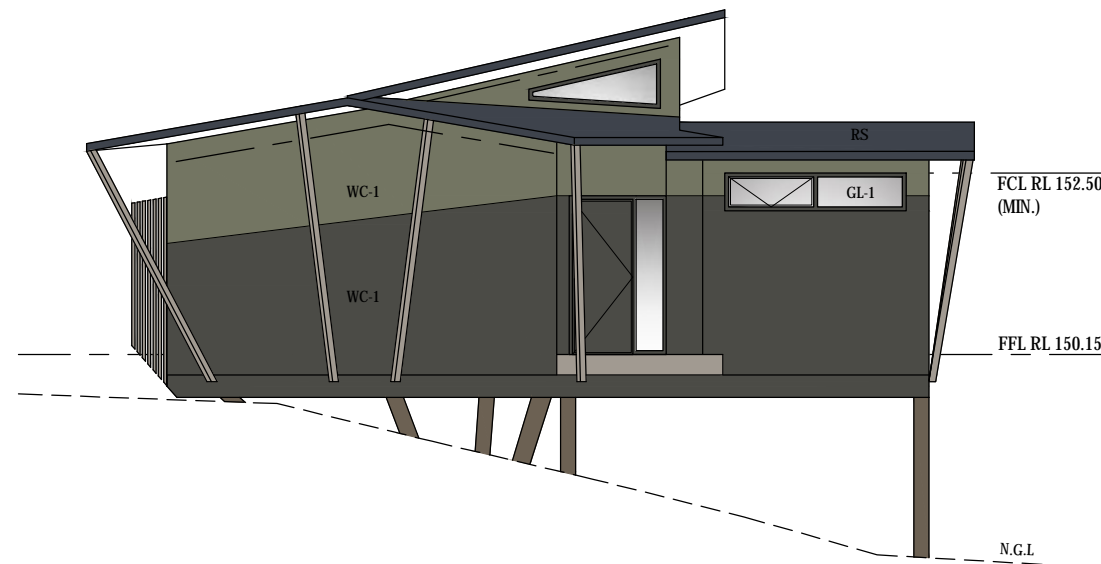
UNIT No.	F.F.L	N.G.L UNDER HIGHEST ROOF POINT	MAXIMUM HEIGHT
1	150.15	145.20	7870mm
2	150.15	144.60	8470mm
3	150.15	145.20	7870mm

BAL	ED	1200H GLASS BALUSTRADE WITH GRAB RAIL
ED		SOLID TIMBER EXTERNAL DOOR
GL-1		ALUMINIUM FRAMED DOORS & WINDOWS (CLEAR GLAZING) COLOUR - COLORBOND WOODLAND GREY (L.R.V 29%) or WALLABY (L.R.V 36%)
MW		BAGGED RENDER FINISHED MASONRY WALL COLOUR - COLORBOND WOODLAND GREY (L.R.V 29%) or WALLABY (L.R.V 36%)
RS		COLORBOND LONGLINE ROOF SHEETING, COLOUR - COLORBOND MANGROVE (L.R.V of 36%) / COLORBOND IRONSTONE (L.R.V of 26%)
SP		STONE PAVING
ST		PAINTED STEEL FRAMING COLOUR - COLORBOND WALLABY
TB		NOMINAL 90 x 32 SPOTTED GUM TIMBER BATTENS
TD		HARDWOOD TIMBER DECKING
TC		SPOTTED GUM TIMBER CLADDING VERTICAL
WC-1		COLORBOND SPANDEK EXTERNAL WALL CLADDING COLOUR - COLORBOND WOODLAND GREY (L.R.V of 29%) / MANGROVE (L.R.V of 36%)
WC-2		COLORBOND LONGLINE EXTERNAL WALL CLADDING COLOUR - COLORBOND PALE EUCALYPT (L.R.V. OF 40%) / MANGROVE (L.R.V of 36%)
WC-3		COLORBOND MINORIB EXTERNAL WALL CLADDING COLOUR - COLORBOND IRONSTONE (L.R.V of 26%)

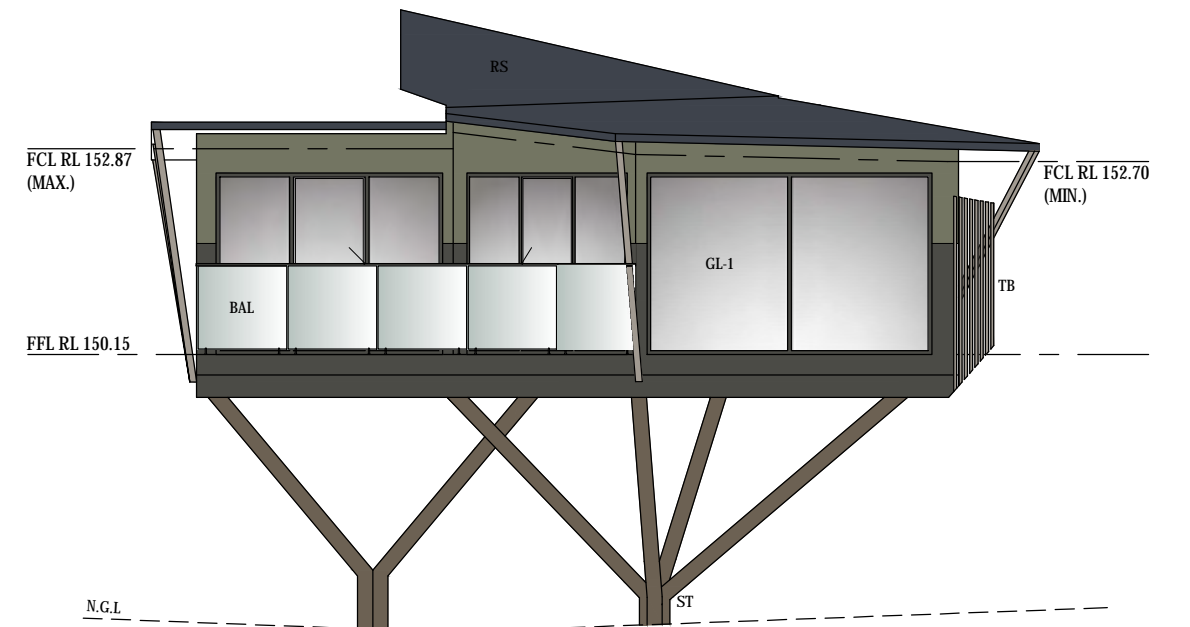
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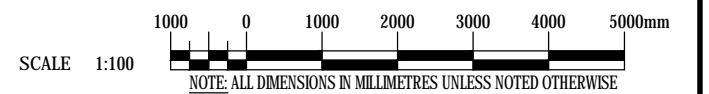
- | | |
|-------|-------------------------------------|
| A | - AWNING |
| ASD | - AUTOMATIC SLIDING DOOR |
| BF | - BIFOLD DOOR |
| C | - CUSTOM (BUTTED
CORNER GLAZING) |
| F | - FIXED |
| FR | - FROSTED GLAZING |
| GB | - GLASS BRICK |
| H | - HINGED DOOR |
| S | - SLIDING |
| SD | - SLIDING DOOR |
| STKSD | - STACKING TYPE SLIDING DOOR |





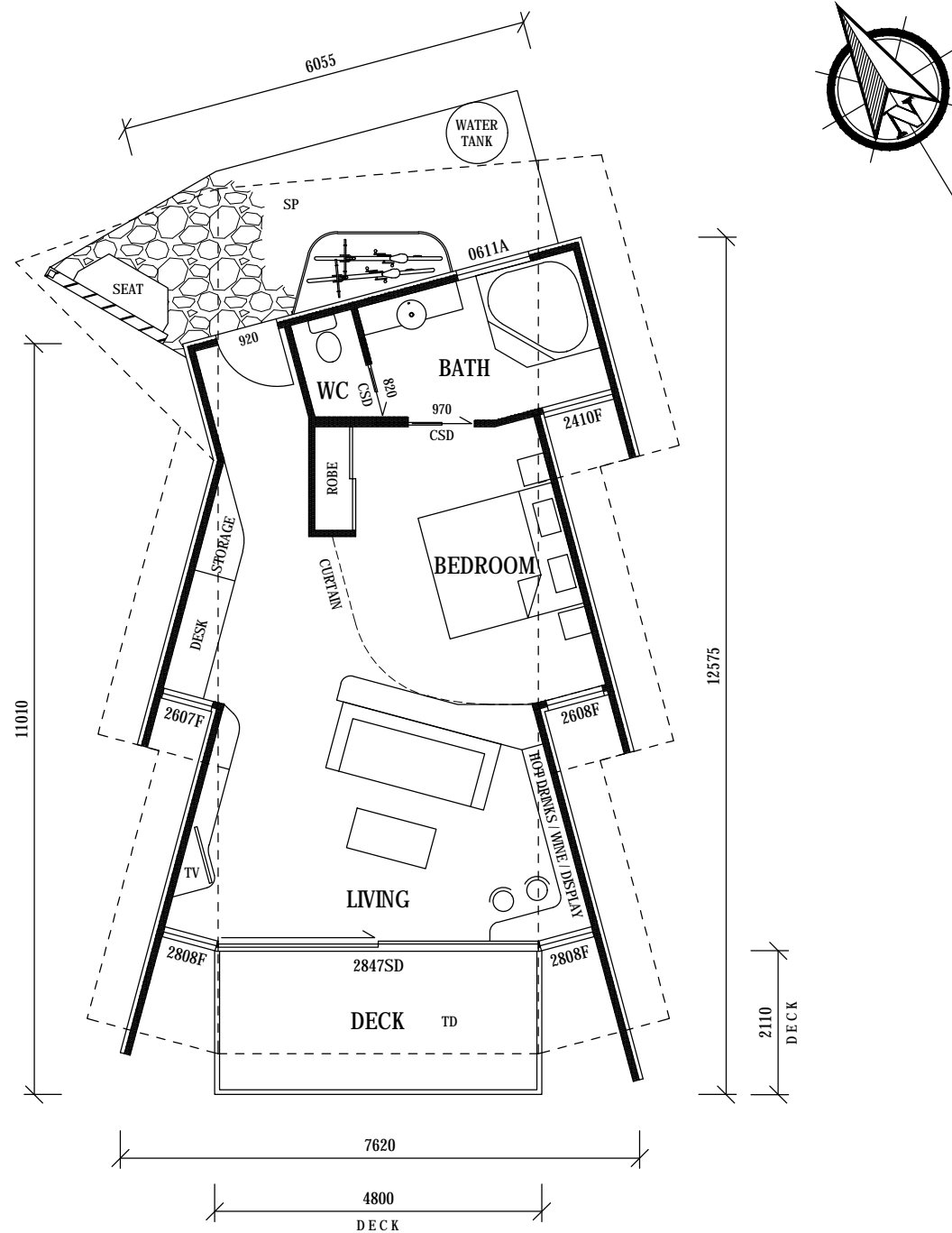
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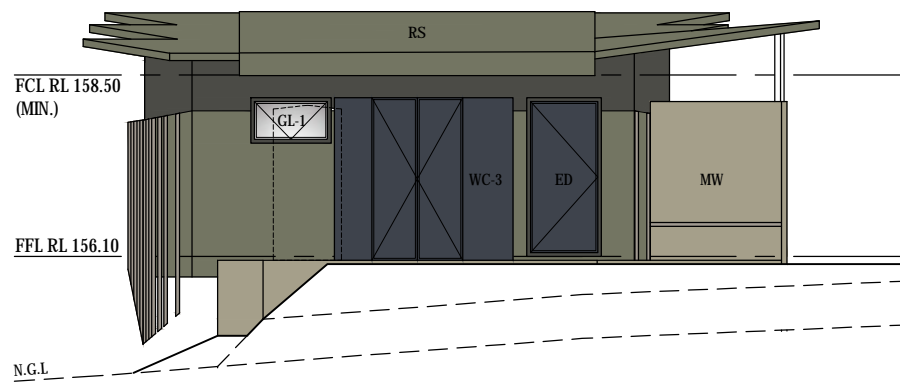
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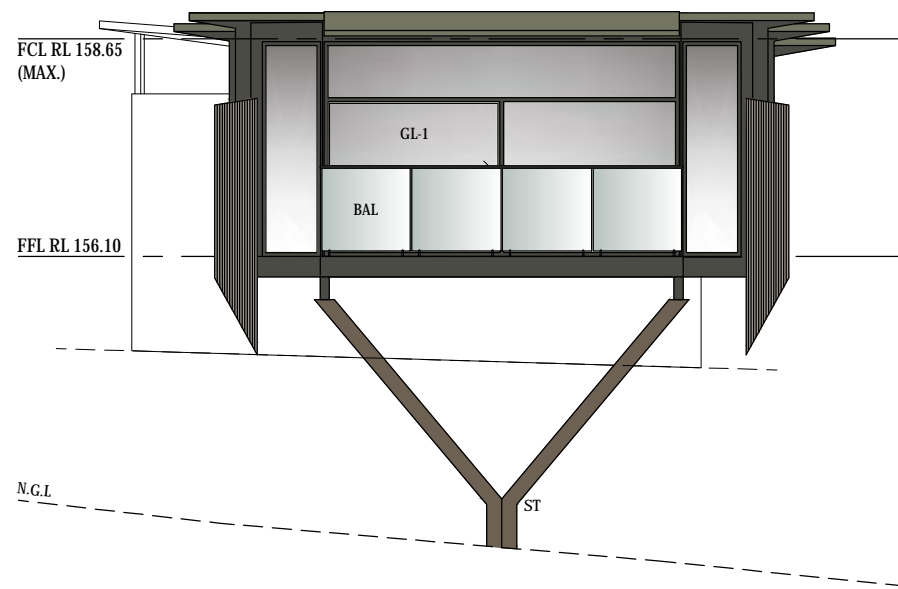
REV.	DESCRIPTION	DRN	APPD	REV.	DESCRIPTION	DRN	APPD	REFERENCE	DRN / DES	R. SMEEKES	S.MEEKES DRAFTING PTY LTD				CLIENT	S. KELLY																		
0	ISSUED FOR PRELIMINARY PLANNING REVIEW. 3-6-2016							SEE DWG. KELLY-000 FOR DRAWING REFERENCE			ABN 89 056 706 640 12 Warwick Street, Hobart Tas 7000 Ph. (03) 8234 6185 Email admin@smEEKESdrafting.com Website www.smEEKESdrafting.com	Accreditation No's CC4900A & CC6621	DRG No.	1	2	3	4	5	6	7	8	TITLE	PROPOSED ECO TOURISM DEVELOPMENT - STAGE 1 115 TEMPY ROAD, GEILSTON BAY, TAS 7015											
1	ISSUED TO COUNCIL FOR PLANNING PERMIT. 23-6-2016																						PROPOSED 3 ACCESSIBLE ACCOMMODATION UNITS											
2	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-9-2016																						SHT.				007		SCALE		1 : 100		A2	
3	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-10-2016																																	



TYPICAL FLOOR PLAN (BASED ON UNIT 5)
SCALE 1 : 100 @ A2



TYPICAL NORTH ELEVATION (BASED ON UNIT 5)
SCALE 1 : 100 @ A2



TYPICAL SOUTH ELEVATION (BASED ON UNIT 5)
SCALE 1 : 100 @ A2

MAXIMUM BUILDING HEIGHTS TABLE

UNIT No.	F.F.L	N.G.L UNDER HIGHEST ROOF POINT	MAXIMUM HEIGHT
4	156.40	152.10	7700mm
5	156.10	151.25	8250mm
6	149.40	144.75	7900mm
7	148.50	143.30	8450mm
8	149.70	144.50	8450mm

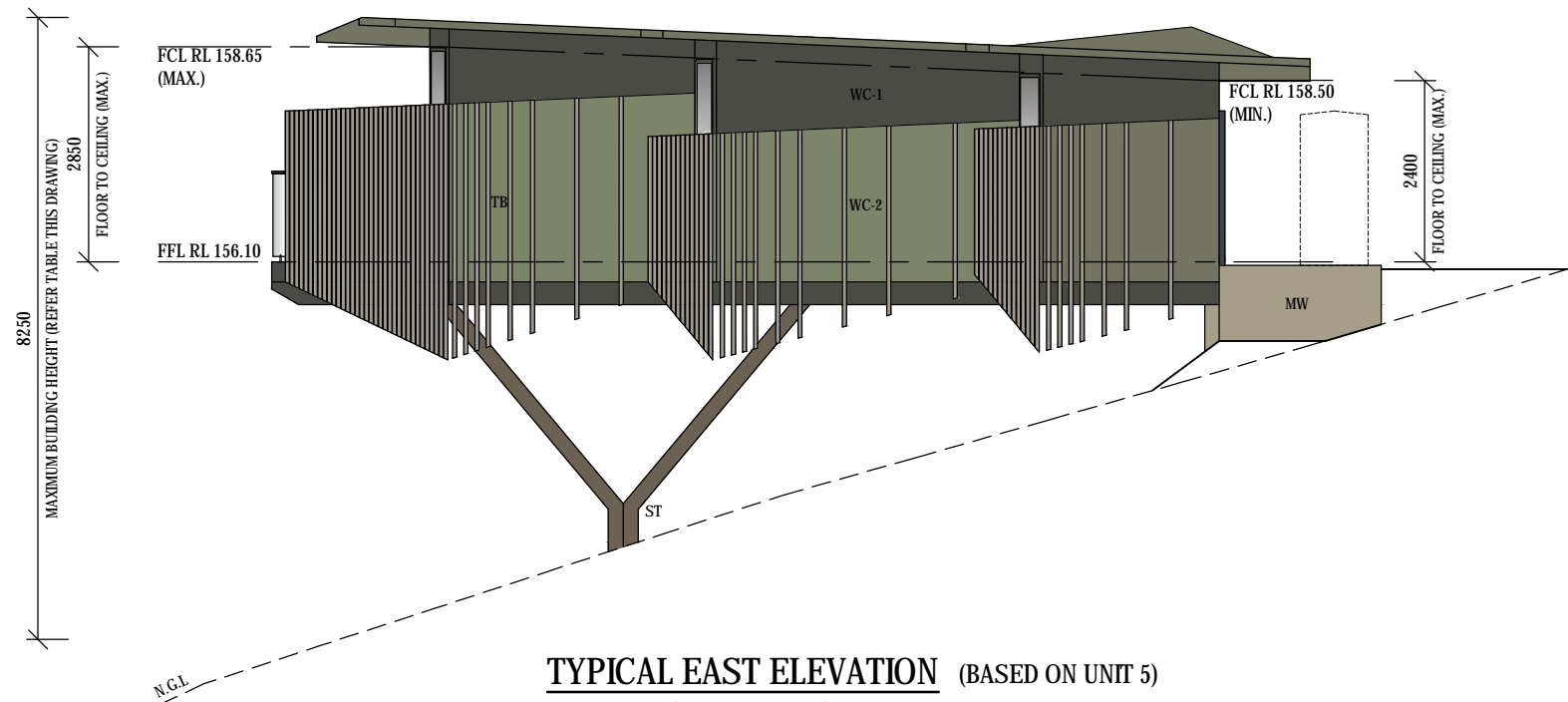
MATERIALS LEGEND:

- BAL - 1200H GLASS BALUSTRADE WITH GRAB RAIL
ED - SOLID TIMBER EXTERNAL DOOR
GL-1 - ALUMINIUM FRAMED DOORS & WINDOWS (CLEAR GLAZING)
COLOUR - COLORBOND 'WOODLAND GREY' (L.R.V 29%) or 'WALLABY' (L.R.V 36%)
MW - BAGGED RENDER FINISHED MASONRY WALL
COLOUR - COLORBOND 'COVE'
RS - COLORBOND 'LONGLINE' ROOF SHEETING, COLOUR -
COLORBOND 'MANGROVE' (L.R.V OF 36%) / COLORBOND
'IRONSTONE' (L.R.V OF 26%)
SP - STONE PAVING
ST - PAINTED STEEL FRAMING
COLOUR - COLORBOND 'WALLABY'
TB - NOMINAL 90 x 32 SPOTTED GUM TIMBER BATTENS
TD - HARDWOOD TIMBER DECKING
TC - SPOTTED GUM TIMBER CLADDING VERTICAL
WC-1 - COLORBOND 'SPANDEK' EXTERNAL WALL CLADDING
COLOUR - COLORBOND 'WOODLAND GREY' (L.R.V OF 29%) /
'MANGROVE' (L.R.V OF 36%)
WC-2 - COLORBOND 'LONGLINE' EXTERNAL WALL CLADDING
COLOUR - COLORBOND 'PALE EUCALYPT' (L.R.V. OF 40%) /
'MANGROVE' (L.R.V OF 36%)
WC-3 - COLORBOND 'MINIORB' EXTERNAL WALL CLADDING
COLOUR - COLORBOND 'IRONSTONE' (L.R.V OF 26%)

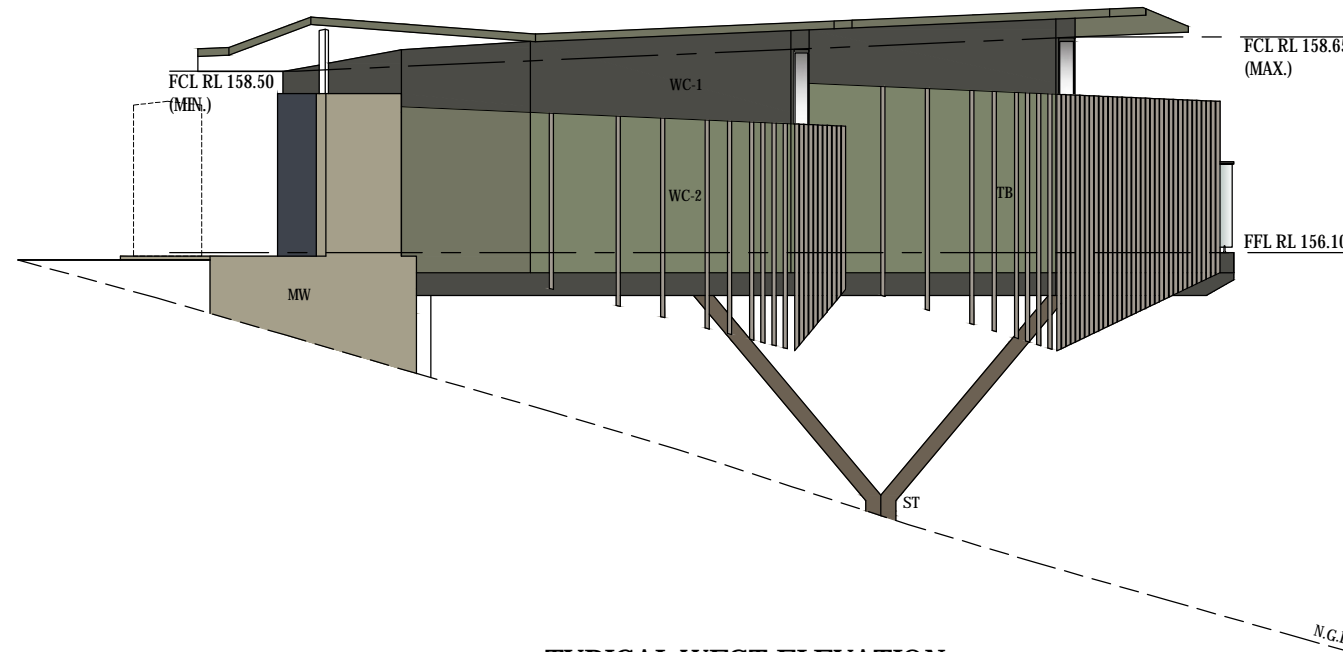
WINDOW LEGEND:

1 5 0 9 A
TYPE
WIDTH (900)
HEIGHT (1500)

- A - AWNING
ASD - AUTOMATIC SLIDING DOOR
BF - BIFOLD DOOR
C - CUSTOM (BUTTED
CORNER GLAZING)
F - FIXED
FR - FROSTED GLAZING
GB - GLASS BRICK
H - HINGED DOOR
S - SLIDING
SD - SLIDING DOOR
STKSD - STACKING TYPE SLIDING DOOR





TYPICAL EAST ELEVATION (BASED ON UNIT 5)
SCALE 1 : 100 @ A2



TYPICAL WEST ELEVATION (BASED ON UNIT 5)
SCALE 1 : 100 @ A2



REV.	DESCRIPTION	DRN	APPD	REV.	DESCRIPTION	DRN	APPD	REFERENCE	DRN / DES	R. SMEEKES	S. KELLY					
0	ISSUED FOR PRELIMINARY PLANNING REVIEW. 3-6-2016							SEE DWG. KELLY-000 FOR DRAWING REFERENCE		 ABN 89 056 706 640 12 Warwick Street, Hobart Tas 7000 Ph. (03) 6234 6185 Email admin@smeekesdrafting.com Website www.smeekesdrafting.com Accreditation No's CC4900A & CC6621	CLIENT TITLE PROPOSED ECO TOURISM DEVELOPMENT - STAGE 1 115 TEMPY ROAD, GELSTON BAY, TAS 7015					
1	ISSUED TO COUNCIL FOR PLANNING PERMIT. 23-6-2016										PROPOSED 5 ACCOMMODATION UNITS					
2	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-9-2016										DRG No.	KELLY	SHT.	008	SCALE 1 : 100	A2
3	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-10-2016															
1		2		3		4		5		6		7		8		

E

- D

B

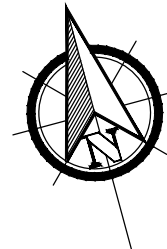
A

A

A

A

SCALE 1 : 100 @ A2

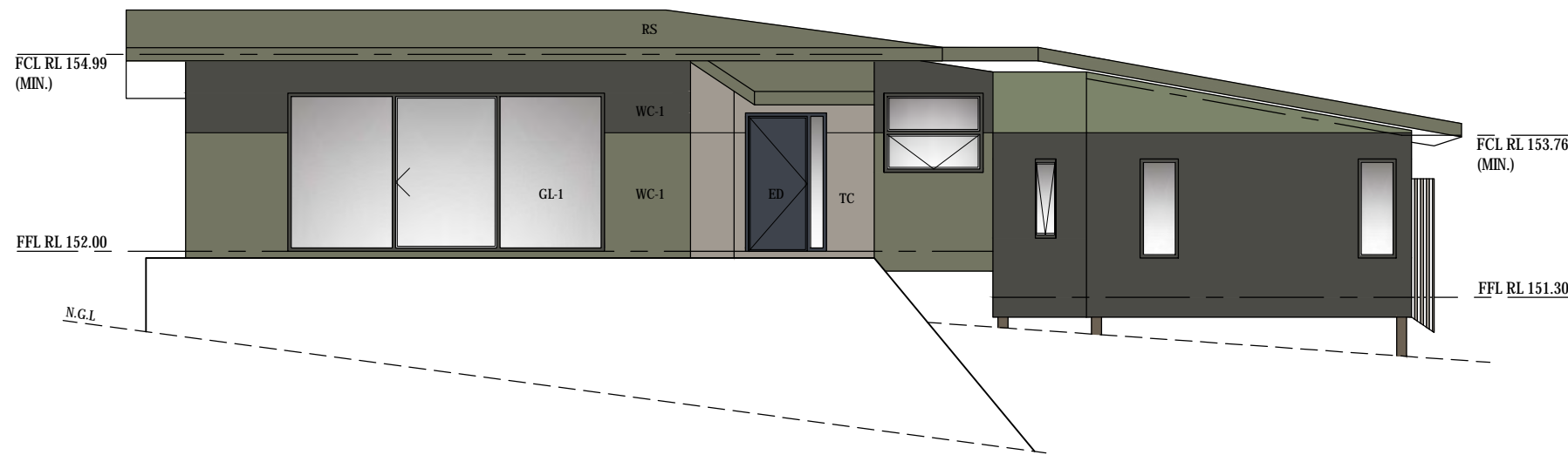


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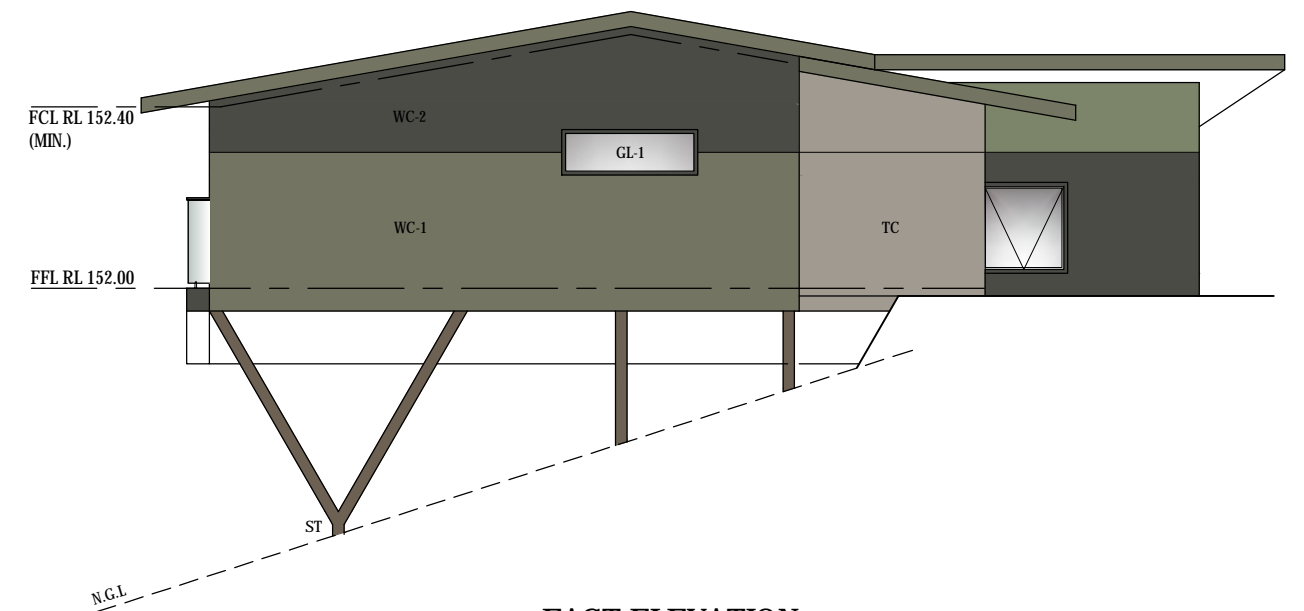
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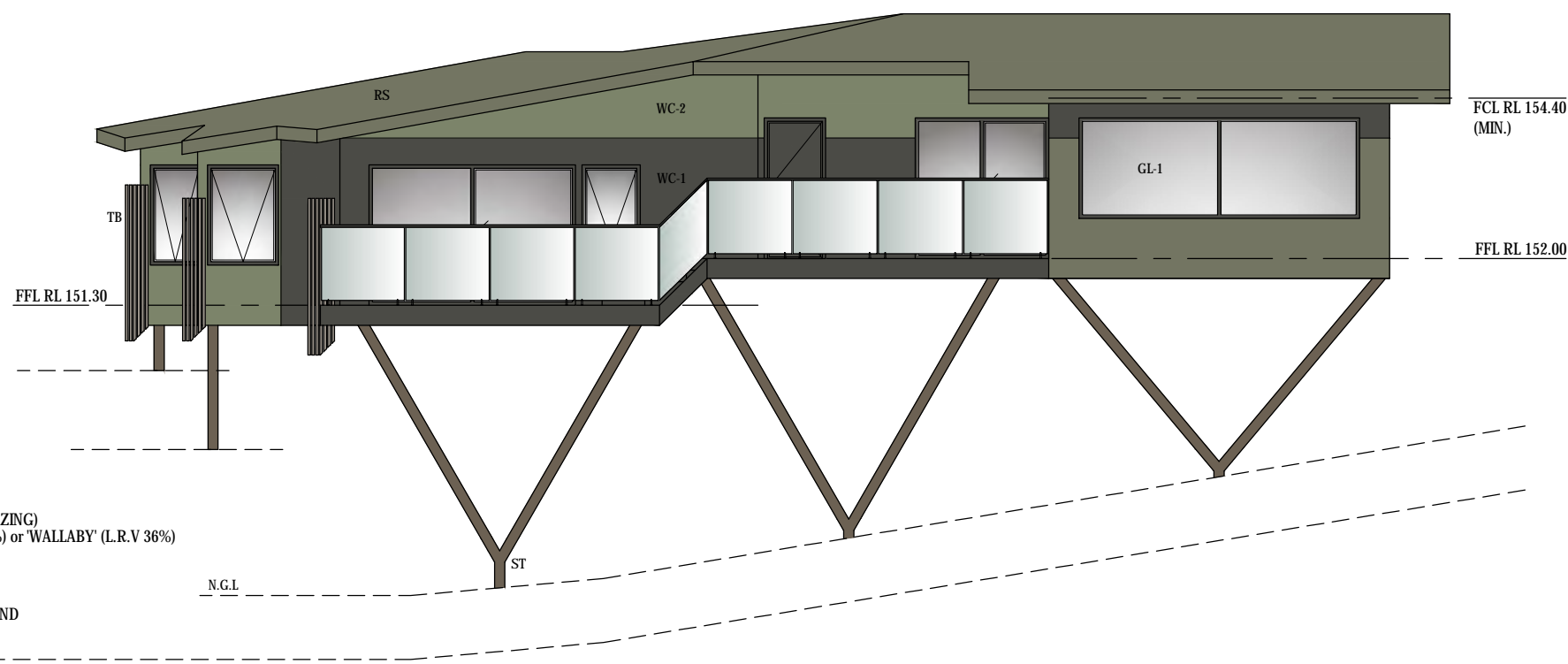
Agenda Attachments - 115 & 131 Tempy Road - Page 13 of 21



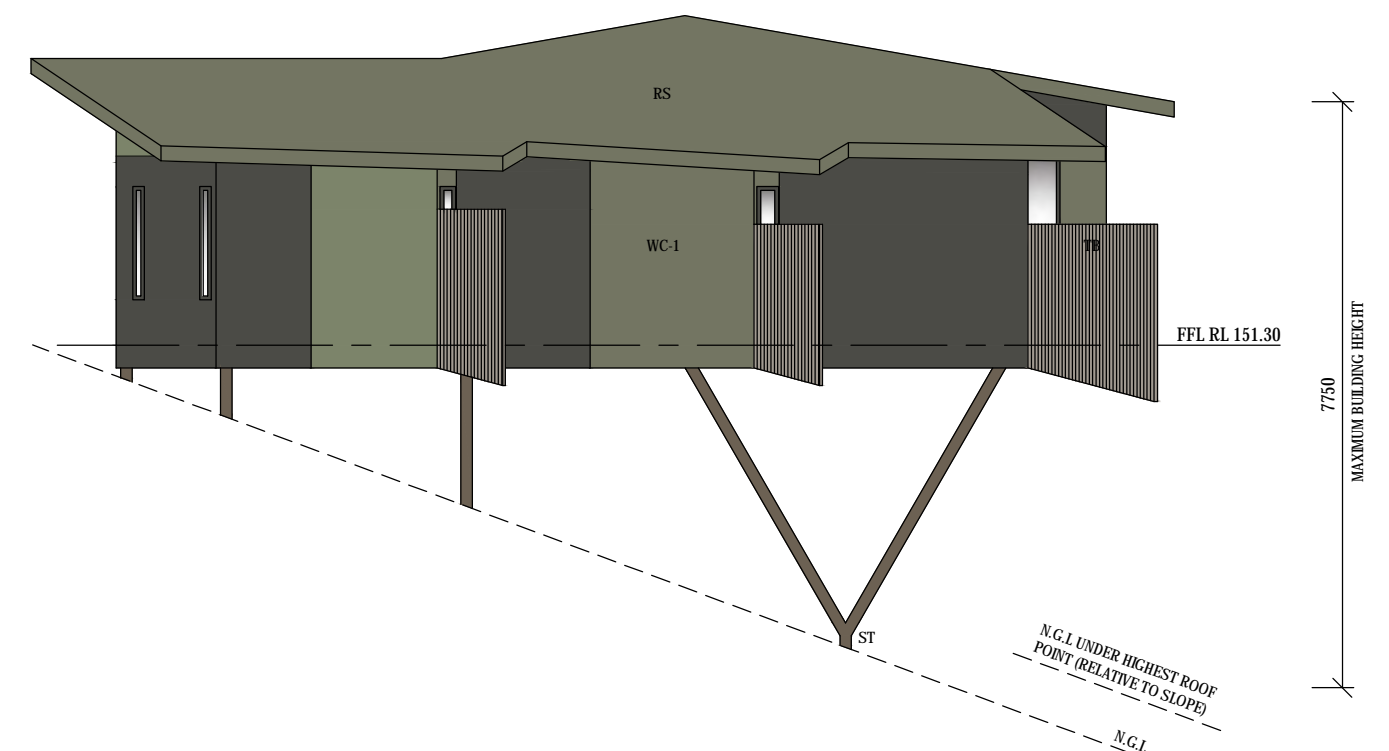
NORTH ELEVATION
SCALE 1 : 100 @ A2



EAST ELEVATION
SCALE 1 : 100 @ A2



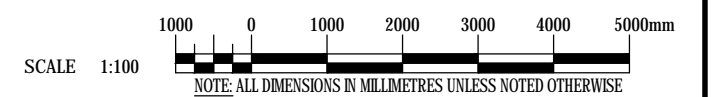
SOUTH ELEVATION
SCALE 1 : 100 @ A2



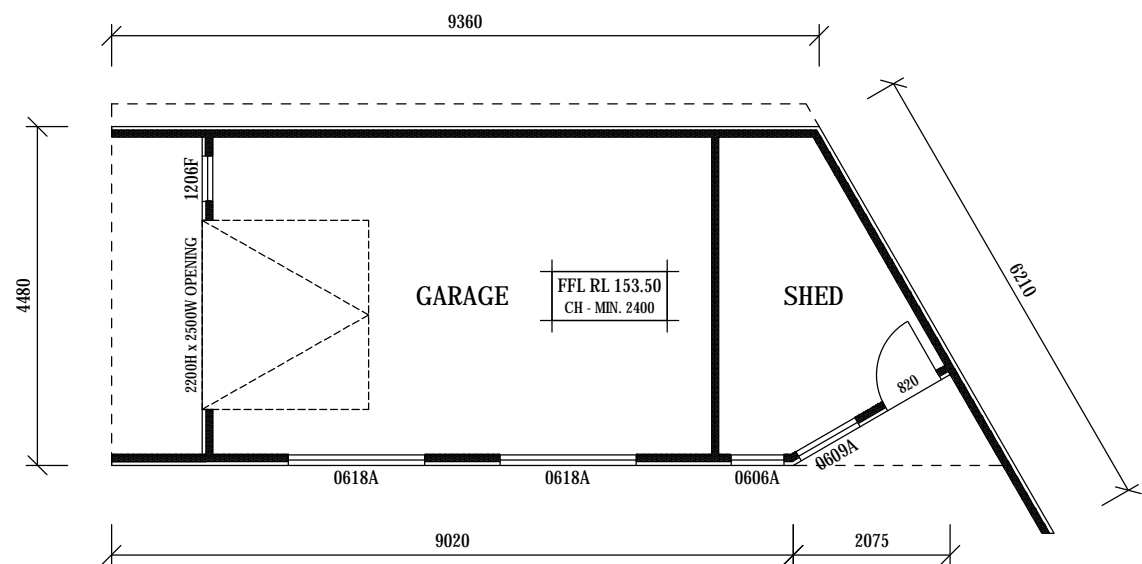
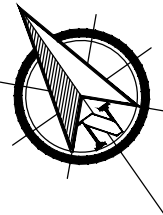
WEST ELEVATION
SCALE 1 : 100 @ A2

MATERIALS LEGEND:

- BAL - 1200H GLASS BALUSTRADE WITH GRAB RAIL
- ED - SOLID TIMBER EXTERNAL DOOR
- GL-1 - ALUMINIUM FRAMED DOORS & WINDOWS (CLEAR GLAZING)
COLOUR - COLORBOND 'WOODLAND GREY' (L.R.V 29%) or 'WALLABY' (L.R.V 36%)
- MW - BAGGED RENDER FINISHED MASONRY WALL
COLOUR - COLORBOND 'COVE'
- RS - COLORBOND 'LONGLINE' ROOF SHEETING, COLOUR -
COLORBOND 'MANGROVE' (L.R.V OF 36%) / COLORBOND
'IRONSTONE' (L.R.V OF 26%)
- SP - STONE PAVING
- ST - PAINTED STEEL FRAMING
COLOUR - COLORBOND 'WALLABY'
- TB - NOMINAL 90 x 32 SPOTTED GUM TIMBER BATTENS
- TD - HARDWOOD TIMBER DECKING
- TC - SPOTTED GUM TIMBER CLADDING VERTICAL
- WC-1 - COLORBOND 'SPANDEK' EXTERNAL WALL CLADDING
COLOUR - COLORBOND 'WOODLAND GREY' (L.R.V OF 29%) /
'MANGROVE' (L.R.V OF 36%)
- WC-2 - COLORBOND 'LONGLINE' EXTERNAL WALL CLADDING
COLOUR - COLORBOND 'PALE EUCALYPT' (L.R.V. OF 40%) /
'MANGROVE' (L.R.V OF 36%)
- WC-3 - COLORBOND 'MINIORB' EXTERNAL WALL CLADDING
COLOUR - COLORBOND 'IRONSTONE' (L.R.V OF 26%)



REV.	DESCRIPTION	DRN	APPD	REV.	DESCRIPTION	DRN	APPD	REFERENCE	DRN / DES	R. SKEEKES	S.MEEKES DRAFTING PTY LTD	CLIENT	S. KELLY
0	ISSUED FOR PRELIMINARY PLANNING REVIEW. 3-6-2016											TITLE	PROPOSED ECO TOURISM DEVELOPMENT - STAGE 1
1	ISSUED TO COUNCIL FOR PLANNING PERMIT. 23-6-2016												115 TEMPY ROAD, GEILSTON BAY, TAS 7015
2	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-9-2016												PROPOSED MANAGERS RESIDENCE
3	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-10-2016												ELEVATIONS
												DRG	KELLY
												No.	
												SHT.	010
												SCALE	1 : 100
												A2	

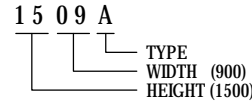


FLOOR PLAN
SCALE 1 : 100 @ A2

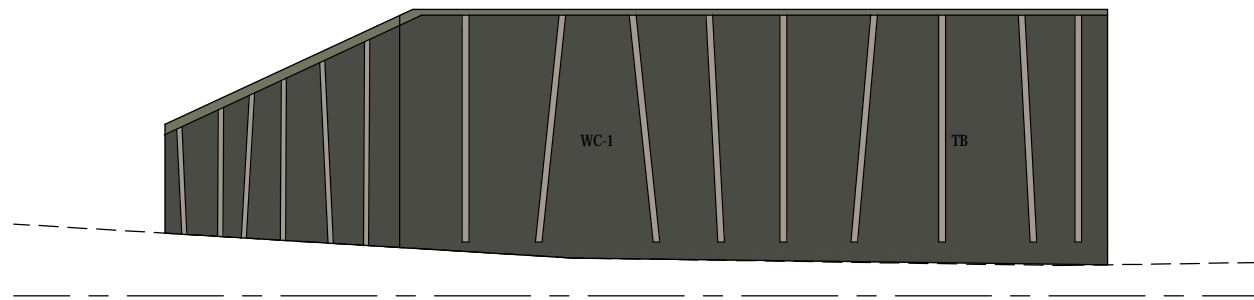
MATERIALS LEGEND:

- BAL - 1200H GLASS BALUSTRADE WITH GRAB RAIL
ED - SOLID TIMBER EXTERNAL DOOR
GL-1 - ALUMINIUM FRAMED DOORS & WINDOWS (CLEAR GLAZING)
COLOUR - COLORBOND WOODLAND GREY (L.R.V 29%) or WALLABY (L.R.V 36%)
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COLOUR - COLORBOND COVE
RS - COLORBOND LONGLINE ROOF SHEETING, COLOUR -
COLORBOND MANGROVE (L.R.V OF 36%) / COLORBOND
IRONSTONE (L.R.V OF 26%)
SP - STONE PAVING
ST - PAINTED STEEL FRAMING
COLOUR - COLORBOND WALLABY
TB - NOMINAL 90 x 32 SPOTTED GUM TIMBER BATTENS
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TC - SPOTTED GUM TIMBER CLADDING VERTICAL
WC-1 - COLORBOND SPANDEK EXTERNAL WALL CLADDING
COLOUR - COLORBOND WOODLAND GREY (L.R.V OF 29%) /
MANGROVE (L.R.V OF 36%)
WC-2 - COLORBOND LONGLINE EXTERNAL WALL CLADDING
COLOUR - COLORBOND PALE EUCALYPT (L.R.V. OF 40%) /
MANGROVE (L.R.V OF 36%)
WC-3 - COLORBOND MINIORE EXTERNAL WALL CLADDING
COLOUR - COLORBOND IRONSTONE (L.R.V OF 26%)

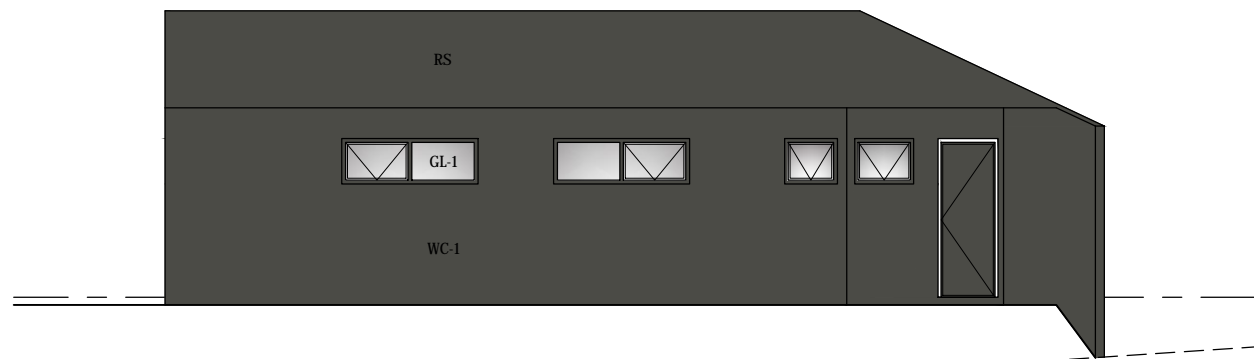
WINDOW LEGEND:



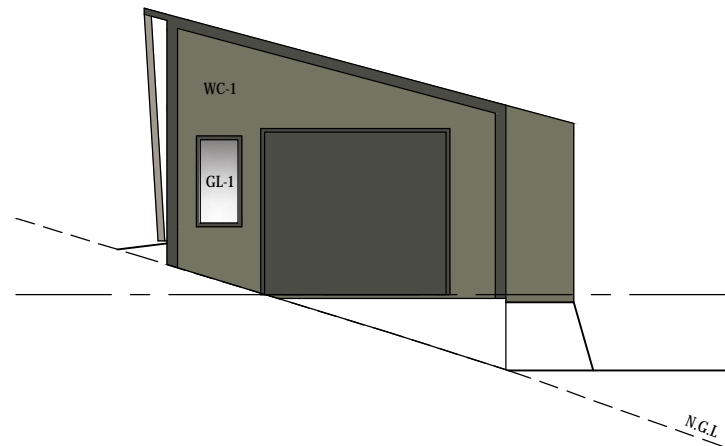
- A - AWNING
ASD - AUTOMATIC SLIDING DOOR
BF - BIFOLD DOOR
C - CUSTOM (BUTTED
CORNER GLAZING)
F - FIXED
FR - FROSTED GLAZING
GB - GLASS BRICK
H - HINGED DOOR
S - SLIDING
SD - SLIDING DOOR
STKSD - STACKING TYPE SLIDING DOOR



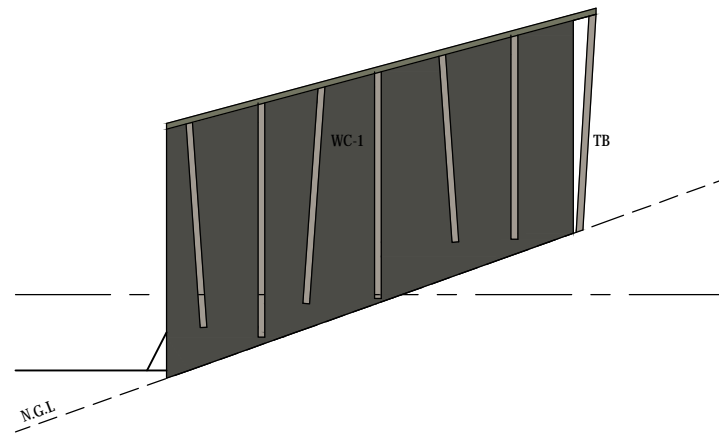
NORTH ELEVATION
SCALE 1 : 100 @ A2



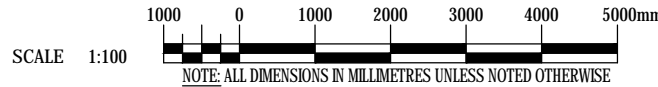
SOUTH ELEVATION
SCALE 1 : 100 @ A2



WEST ELEVATION
SCALE 1 : 100 @ A2



EAST ELEVATION
SCALE 1 : 100 @ A2



REV.	DESCRIPTION	DRN	APPD	REV.	DESCRIPTION	DRN	APPD	REFERENCE	DRN / DES	R. SKEEKES	S.MEEKES DRAFTING PTY LTD	CLIENT	S. KELLY
0	ISSUED FOR PRELIMINARY PLANNING REVIEW. 3-6-2016											TITLE	PROPOSED ECO TOURISM DEVELOPMENT - STAGE 1
1	ISSUED TO COUNCIL FOR PLANNING PERMIT. 23-6-2016												115 TEMPY ROAD, GEILSTON BAY, TAS 7015
2	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-9-2016												PROPOSED MANAGERS GARAGE
3	DRAWING SET AMENDED, REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-10-2016												FLOOR PLAN & ELEVATIONS
												DRG	KELLY
												No.	011
												SCALE	1 : 100
												A2	

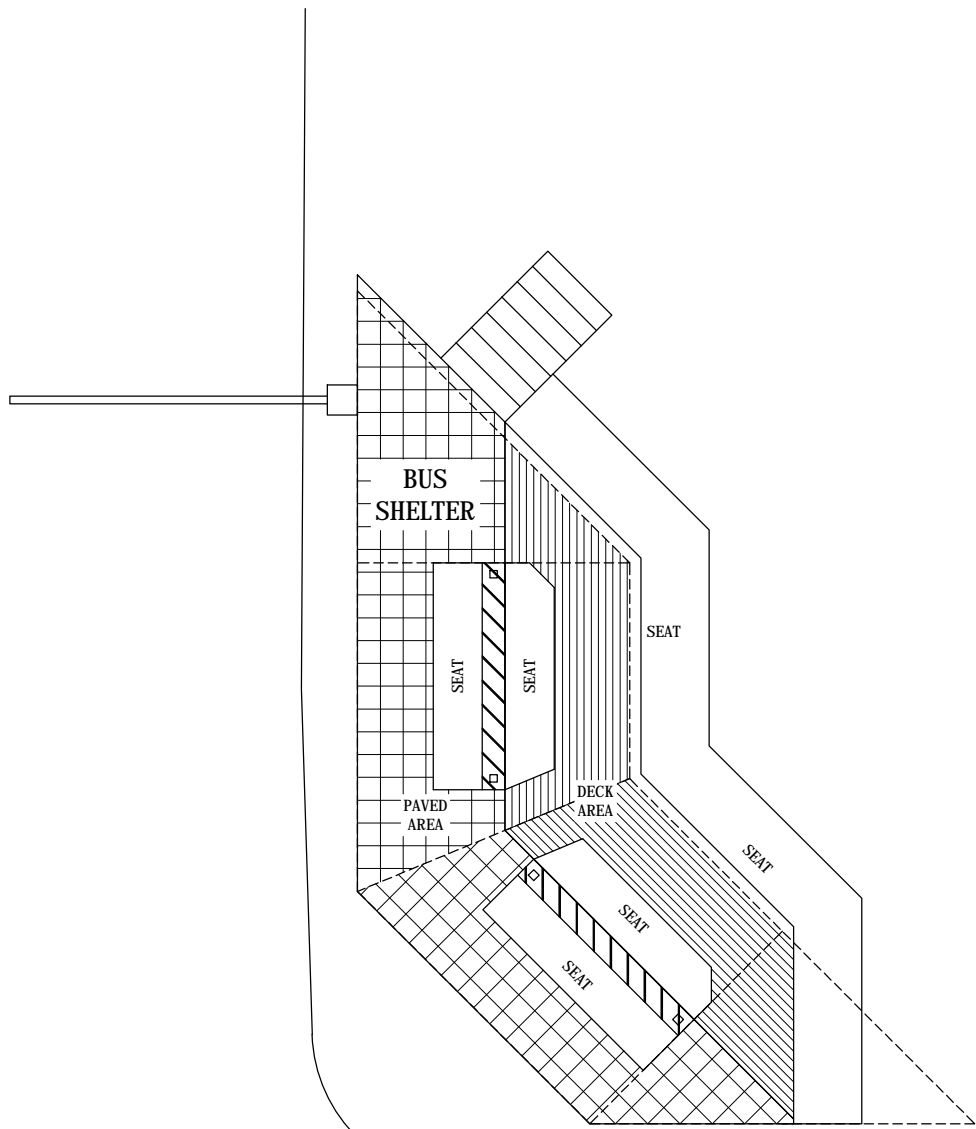
E

D

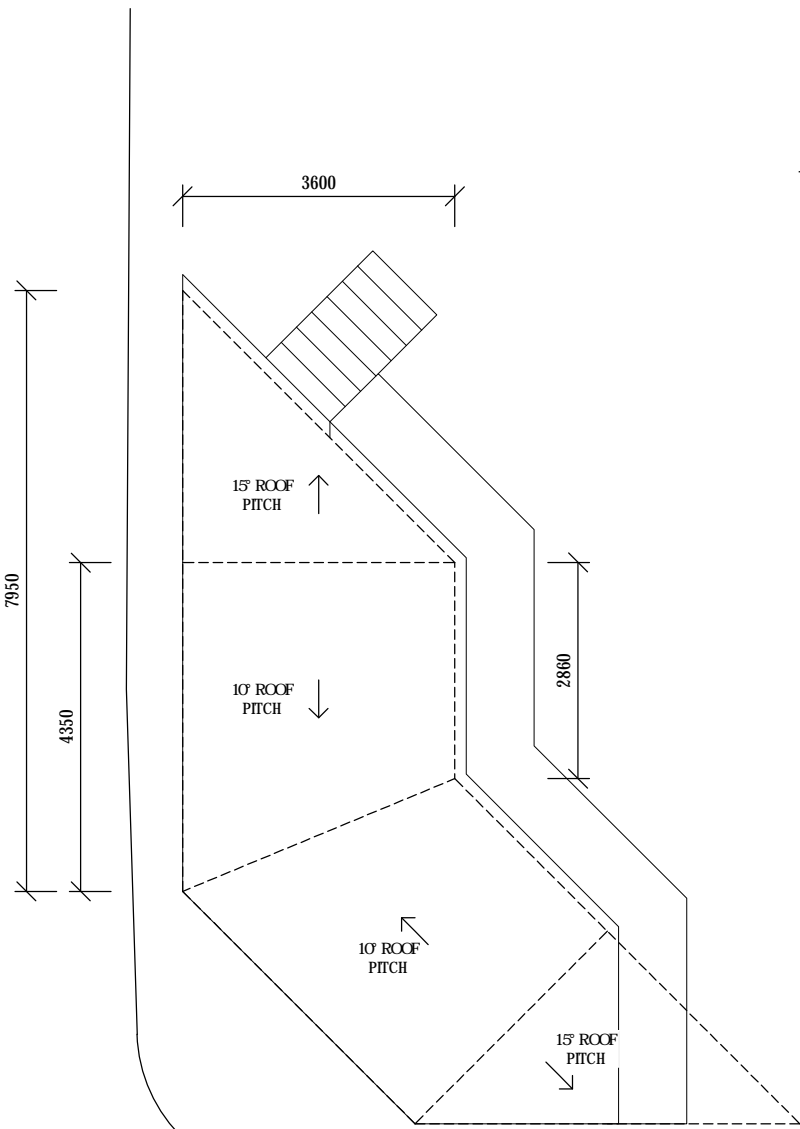
C

B

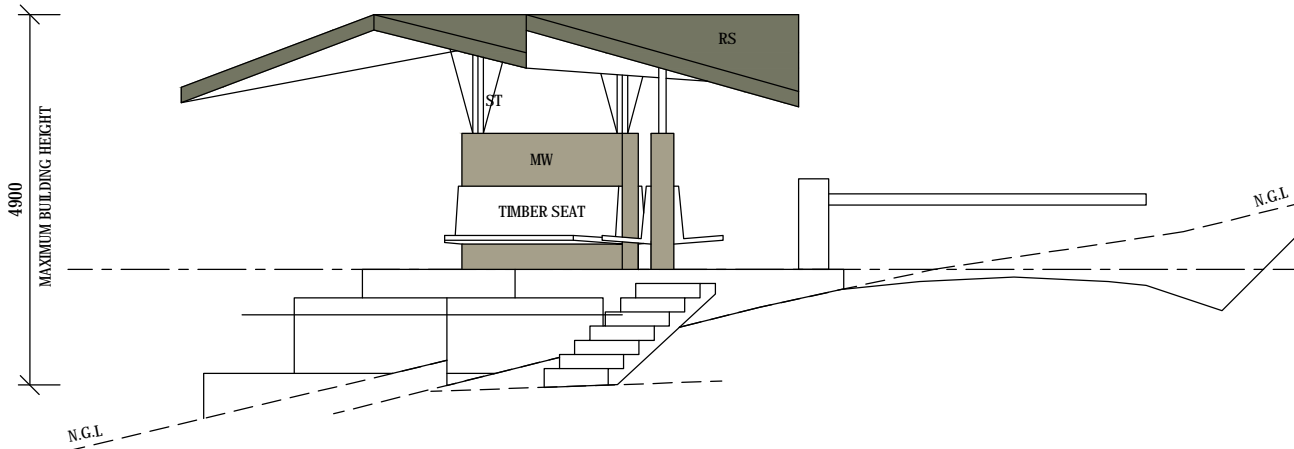
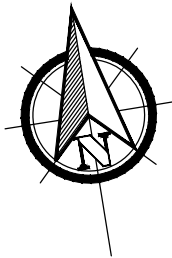
A



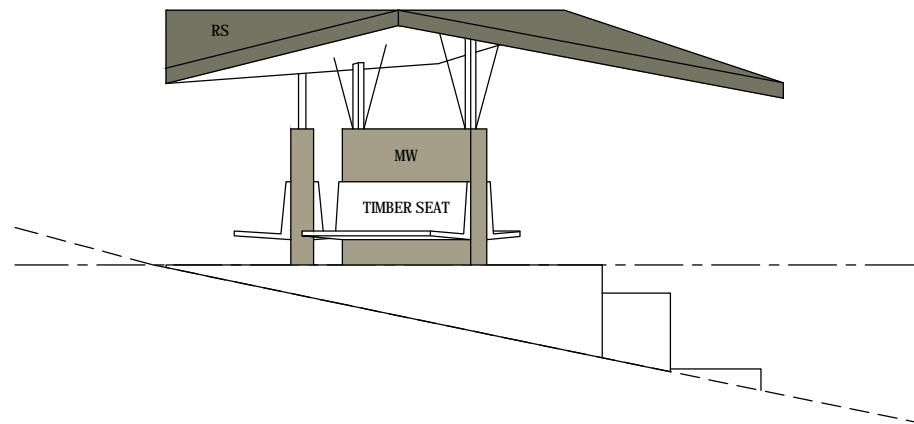
FLOOR PLAN
SCALE 1 : 100 @ A2



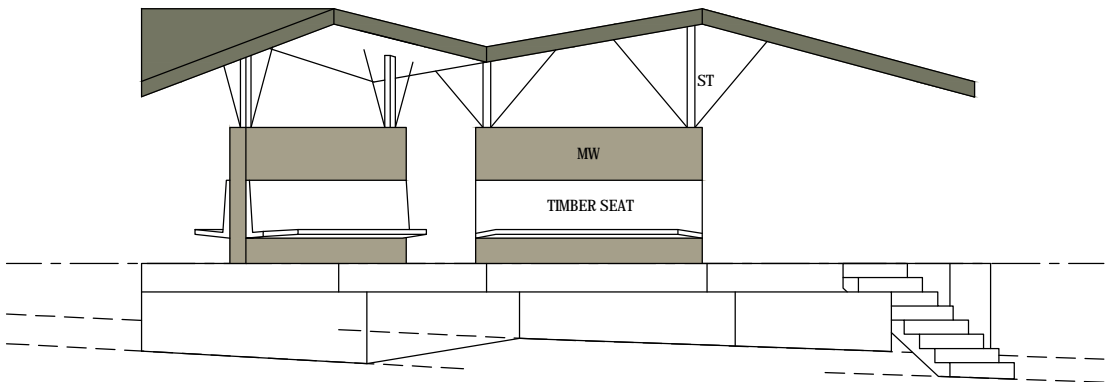
ROOF PLAN
SCALE 1 : 100 @ A2



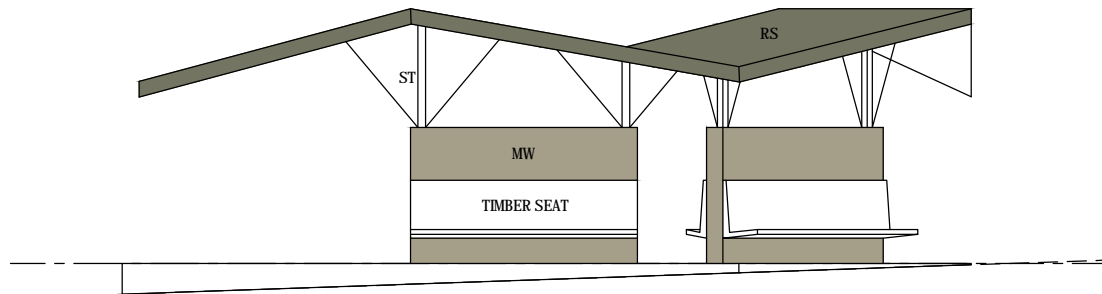
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SCALE 1 : 100 @ A2



SOUTH ELEVATION
SCALE 1 : 100 @ A2



EAST ELEVATION
SCALE 1 : 100 @ A2

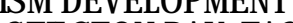
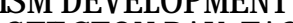


WEST ELEVATION
SCALE 1 : 100 @ A2

MATERIALS LEGEND:

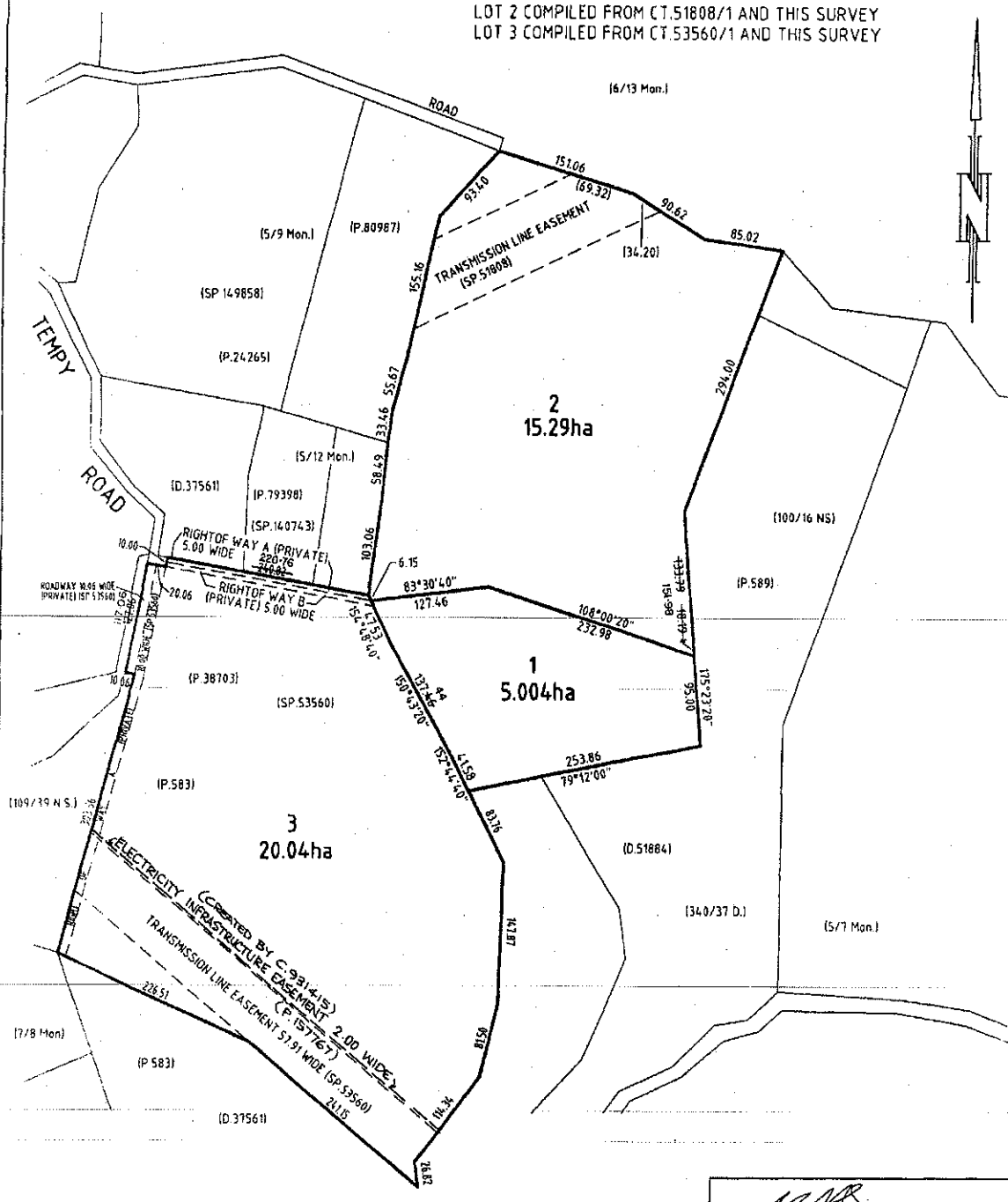
- BAL - 1200H GLASS BALUSTRADE WITH GRAB RAIL
- ED - SOLID TIMBER EXTERNAL DOOR
- GL-1 - ALUMINIUM FRAMED DOORS & WINDOWS (CLEAR GLAZING)
COLOUR - COLORBOND 'WOODLAND GREY' (L.R.V 29%) or 'WALLABY' (L.R.V 36%)
- MW - BAGGED RENDER FINISHED MASONRY WALL
COLOUR - COLORBOND 'COVE'
- RS - COLORBOND 'LONGLINE' ROOF SHEETING, COLOUR -
COLORBOND 'MANGROVE' (L.R.V OF 36%) / COLORBOND
'IRONSTONE' (L.R.V OF 26%)
- SP - STONE PAVING
- ST - PAINTED STEEL FRAMING
COLOUR - COLORBOND 'WALLABY'
- TB - NOMINAL 90 x 32 SPOTTED GUM TIMBER BATTENS
- TD - HARDWOOD TIMBER DECKING
- TC - SPOTTED GUM TIMBER CLADDING VERTICAL
- WC-1 - COLORBOND 'SPANDEK' EXTERNAL WALL CLADDING
COLOUR - COLORBOND 'WOODLAND GREY' (L.R.V OF 29%) /
'MANGROVE' (L.R.V OF 36%)
- WC-2 - COLORBOND 'LONGLINE' EXTERNAL WALL CLADDING
COLOUR - COLORBOND 'PALE EUCALYPT' (L.R.V. OF 40%) /
'MANGROVE' (L.R.V OF 36%)
- WC-3 - COLORBOND 'MINORB' EXTERNAL WALL CLADDING
COLOUR - COLORBOND 'IRONSTONE' (L.R.V OF 26%)



REV.	DESCRIPTION	DRN	APPD	REV.	DESCRIPTION	DRN	APPD	REFERENCE	DRN / DES	R. S.MEEKES	S.MEEKES DRAFTING PTY LTD						
0	ISSUED FOR PRELIMINARY PLANNING REVIEW. 3-6-2016							SEE DWG. KELLY-000 FOR DRAWING REFERENCE		 <div>ABN 89 056 706 640 12 Warwick Street, Hobart Tas 7000 Ph. (03) 6234 6185 Email admin@smeekesdrafting.com Website www.smeekesdrafting.com</div>	CLIENT TITLE						
1	ISSUED TO COUNCIL FOR PLANNING PERMIT. 23-6-2016										S. KELLY PROPOSED ECO TOURISM DEVELOPMENT - STAGE 1 115 TEMPY ROAD, GEILSTON BAY, TAS 7015						
2	DRAWING SET AMENDED. REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-9-2016										PROPOSED ENTRY SHELTER FLOOR PLAN & ELEVATIONS						
3	DRAWING SET AMENDED. REISSUED TO COUNCIL FOR PLANNING PERMIT. 7-10-2016										DRG No.						
											KELLY						
											SHT.		012		SCALE	1 : 100	A2

<p>OWNER PHILIP JOHN KELLY & GERALD ANTHONY HUGHES</p> <p>FOLIO REFERENCE C.T.51808/1 & C.T.53560/1</p> <p>GRANTEE Part of 2,560 Acres Gld to Thomas George Gregson</p>	<p>PLAN OF SURVEY BY SURVEYOR ANDREW STEPHEN BIRCH ROGERSON & BIRCH SURVEYORS UNIT 1B 120 CAMBRIDGE ROAD ROSNY PARK PH 6244-6255 FAX 6244-6221 MOB. 0418-120-796</p> <p>LOCATION CITY OF CLARENCE</p> <p>SCALE 1:4000 LENGTHS IN METRES</p>	<p>REGISTERED NUMBER SP154700</p> <p>APPROVED EFFECTIVE FROM 1.5-AUG-2008 <i>Miss Kana</i> Recorder of Titles</p>
<p>MAPSHEET MUNICIPAL CODE No.107 (5225-13,23)</p>	<p>LAST UPI No. HRN 48 HRN 50</p>	<p>LAST PLAN No. SP.51808, SP.53560</p>
<p>ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN</p>		

LOT 2 COMPILED FROM C.T.51808/1 AND THIS SURVEY
LOT 3 COMPILED FROM C.T.53560/1 AND THIS SURVEY



[Signature] 21-7-08
COUNCIL DELEGATE DATE

Attachment 3

115 & 131 Tempy Road, GEILSTON BAY



View of Tempy Road showing existing gravel surface



View of Tempy Road showing entrance to ROW 'A' and 'B'



View of existing right-of-way driveway over 131 Tempy Road from entrance to 115 Tempy Road looking west towards Tempy Road (unseen)



View of existing driveway showing approximate location of proposed car park and shelter



View of existing dwelling and bed and breakfast



Site viewed from eastern boundary showing approximate location of Units 4 - 8

11.3.5 DEVELOPMENT APPLICATION D-2016/347 - 64 BRIDGE STREET, RICHMOND (WITH ACCESS OVER 66 BRIDGE STREET, RICHMOND) - DEMOLITION, ALTERATIONS TO DWELLING, EXTENSION TO SHOP, NEW FENCE AND CARPORT

(File No. D-2016/347)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for demolition, alterations to dwelling, extension to shop, new fence and carport at 64 Bridge Street, Richmond (with access over 66 Bridge Street, Richmond).

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 7 December 2016 with the written agreement of the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 5 representations were received raising the following issues:

- the house extension will detract from the views from the Richmond Bridge;
- the house extension is too high and too prominent due to its 2 storey form and will dominate the historic cottage;
- the shop extension will detract from the streetscape qualities of Bridge Street;
- the dwelling extension may facilitate an expansion to the tourist accommodation business;
- the vegetation removal will diminish the landscape setting of the cottage and more significantly the wider streetscape and Richmond Bridge;
- the tourist accommodation business is named similarly to other nearby businesses;
- no historic reference has been undertaken in response to the dwelling and shop additions;
- the proposal will set a precedent for riverbank property extensions which will affect the ambience of the Coal River;
- the residential zoning does not allow for commercial activities;
- no justification for the demolition of existing aspects including the carport and tree removal;
- no inclusion of Heritage Council advice in the application;

- lack of documentation relating to the impacts of the extension on Richmond Bridge;
- the suggestion by the Applicant's Heritage Architect to de-list the heritage listed cottage is not supported;
- the proposal is inconsistent with the Environment Protection and Biodiversity Conservation (EPBC) Act 1999; and
- the site notices were not displayed on the property for the duration of the public exhibition.

RECOMMENDATION:

- A. That the Development Application for the demolition, alterations to dwelling, extension to shop, new fence and carport at 64 Bridge Street, Richmond (with access over 66 Bridge Street, Richmond) - (CI Ref D-2016/347) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. The shop extension fronting Bridge Street must only be used as a “Home occupation” as defined under Clause 5.2 of the Clarence Interim Planning Scheme 2015 and must not be used for any other use without further approval from Council.
 3. GEN AP3 – AMENDED PLANS [The inclusion of a solid floor to ceiling wall between the existing shop and the home occupation extension].
 4. GEN AM3 – EXTERNAL COLOURS.
 5. GEN S1 – SIGN CONSENT.
 6. A sign must be provided at the frontage of the site to direct vehicles to the 2 customer car parking spaces. Plans of the sign must be submitted to and approved by Council's Manager City Planning prior to the commencement of the use. When approved, the plans will form part of the permit.
 7. The use and development must meet all required Conditions of Approval specified by TasWater notice dated 13 October 2016 (TWDA 2016/01187-CCC).
 8. The use and development must meet all required Conditions of Approval specified by the Tasmanian Heritage Council's Notice of Heritage Decision for 64 Bridge Street, Richmond, dated 9 November 2016 (THC Works Reference 5101).

ADVICE:

The sandwich board sign advertising the business located within the Bridge Street road reservation is not approved and must be removed in accordance with Council's Temporary Street Furniture Policy and Guidelines.

- 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**

Approval was granted on 11 September 2015 permitting the conversion of the existing Single Dwelling to self-contained tourist accommodation and the existing shed fronting Bridge Street to a 20m² shop. A Building Permit was subsequently granted for the change of use in 2015.

The change of use is prohibited in the General Residential Zone, however, the change of use was facilitated through the application of Clause 9.5.1 and 9.5.2 of the Scheme, which allows for a change of use of a heritage place to a prohibited use on the basis that it would facilitate the restoration, conservation and future maintenance of the historic cultural heritage significance of the place as demonstrated by a Heritage Impact Statement. The shop was not capable of consideration as a "Home occupation" at the time as the existing building was being utilised for tourist accommodation purposes as opposed to residential. Two customer car parks were required as part of this approval to be provided on-site. These car parks are not currently made available to guests in that there is no business identification signage directing customers from Bridge Street to these spaces and a gate has been installed. It is therefore considered necessary to require the applicant to erect a sign directing customers to these spaces from Bridge Street.

It is also apparent that a sandwich board sign is located within the Bridge Street road reserve advertising the business. This is a prohibited sign type under the Temporary Street Furniture Policy and Guidelines (3 April 2006) therefore will be required to be removed. Advice to this effect is recommended for inclusion within the planning permit.

2. STATUTORY IMPLICATIONS

- 2.1.** The land is zoned General Residential under the Scheme.
- 2.2.** The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme.
- 2.3.** The relevant parts of the Planning Scheme are:
- Section 8.10 – Determining Applications;
 - Section 10.4 – General Residential Zone;
 - Section E6.0 – Parking and Access Code;
 - Section E7.0 – Stormwater Management Code; and
 - Section E13.0 – Historic Heritage Code.
- 2.4.** Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

3. PROPOSAL IN DETAIL

3.1. The Site

The property is a 910m² lot accessed via Bridge Street, Richmond. The site supports a single storey dwelling in an Old Colonial Georgian style which was built in 1840 as a 3 - 4 room brick fronted cottage. The dwelling has undergone significant modifications over time including the external cladding with weatherboards. The dwelling is listed on the Tasmanian Heritage Register and as a heritage place under the Scheme.

The site is adjacent to and visually prominent from the historic Richmond Bridge. A small garage fronting Bridge Street has recently been converted into a shop providing for the sale of soaps.

3.2. The Proposal

The proposal involves alterations and additions to the existing dwelling and shop encompassing 3 main parts described as follows.

1. Extension to the Existing Shop

It is proposed to extend the existing shop from 20m² to 40m². The extension would replace an existing carport extending to the north of the existing shop. The extension would result in the building frontage being increased from 3.7m to 7.4m. The shop would be clad with cement sheeting and a corrugated iron roof to match the existing. A new shop front window is proposed which will be concealed by timber garage doors when the shop is closed. It is also proposed to reframe the existing roof to allow for its replacement with a 40 degree pitched roof running in the opposite direction to existing. A 1.2m wide awning is also proposed to be added along the street elevation to provide weather protection to customers upon entering the shop. The existing vegetation located alongside the northern side property boundary would be retained to conceal the addition from the Richmond Bridge.

The extension will include a bench and hot plate to allow for the making of soap resulting in a 10m² increase in floor space accessible to the public. Given an extension to the shop for retailing purposes is a prohibited use in the General Residential Zone, it is not proposed to increase the retailing floor space but rather to extend the shop to allow for soap products to be produced on the site as a “Home occupation”. The business is capable of exemption under Clause 5.2.1 of the Scheme as the home occupation standards would be satisfied subject to the shop use and home occupation use being physically separated by a solid wall. A condition to this effect is recommended.

In terms of operating hours associated with the existing shop, it is noted that the previously approved business operating hours of 9am to 4pm, 7 days a week would remain unchanged.

2. Dwelling Extension

It is proposed to extend the rear of the existing dwelling with a 2 storey addition linked via a 4.5m long enclosed walkway. The dwelling addition would maintain the same height as the existing dwelling with the ground level accommodated into the slope of the land as it falls steeply to the rear. The ground level would contain an open plan living space and an internal staircase providing access to the upper level addition which would contain a master bedroom and indoor swim spa. The exterior cladding would consist of a mix of “Smart-rock ledgestone” in a sandstone colour, masonry in a rendered finish and “Colorbond” roof sheeting. A eucalypt and she-oak contained at the rear of the site will be required to be removed to facilitate the dwelling addition. Ground level decking, terraces and landscaping will complete the dwelling addition.

The existing 1960 woodshed located alongside the rear property boundary is also proposed to be removed.

3. New Carport

It is proposed to construct a 6m long by 5m wide carport to the rear of the existing shop and to the side of the existing dwelling. The carport would be sited 8.2m from the frontage with Bridge Street and would have a maximum height of 2.5m. The carport would formalise an existing gravel parking hardstand and would accommodate the parking of 2 vehicles. A 6m long by 1.7m wide covered walkway is proposed to link the carport to the garden terrace located to the north of the dwelling addition.

Lastly, it is proposed to replace the existing front picket fence with a new one.

Table E6.1 of the Parking and Access Code requires a Single Dwelling to be provided with a minimum of 2 on-site car parking spaces. The previous shop approval requires the allocation of a minimum of 2 car parking spaces also. The “Home occupation” use does not generate a demand for on-site car parking. A total of 4 car parking spaces are provided on the site therefore satisfying the demand generated by the Scheme.

The proposal has been developed in conjunction with Heritage Tasmania, who has been involved in the preliminary stages in terms of review of the proposal with respect to the heritage and streetscape values of Richmond.

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 Schemes relevant Acceptable Solutions of the General Residential Zone, Parking and Access Code, Stormwater Management Code and Historic Heritage Code with the exception of the following.

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A1	Setbacks and building envelope for all dwellings	<p>Unless within a building area, a dwelling, excluding protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, at least 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; or</p> <p>(b) if the frontage is not a primary frontage, at least 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; or</p> <p>(c) if for a vacant site with existing dwellings on adjoining sites on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road.</p>	<p>Non-compliance – The proposed shop extension would be sited between 0.7m – 1.4m from the Bridge Street road frontage. A new awning is also proposed to extend from the exiting shop which is not capable of consideration as a minor protrusion as it would extend 1.1m from the façade.</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p>

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

Performance Criteria	Comment
<i>P1 – A dwelling must:</i>	See below.
<i>(a) Have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and</i>	<p>The proposed shop extension would replace an existing carport lean-to extending from the northern elevation of the existing shop. The shop addition would not increase the concentration of building length fronting the street nor would it encroach any closer to the street frontage than the existing (with the exception of the awning). The addition will however, increase the building mass in that the addition will be replacing an open walled structure with a solid one.</p> <p>The north-eastern end of Bridge Street is characterised by shops fronting directly onto Bridge Street and residences to a lesser extent offering an increased setback containing varying degrees of garden vegetation. Nearby examples of historic cottages presenting directly onto the street frontage include number 41 and 43 Bridge Street. The directly adjoining property to the south at 62 Bridge Street offers a 1m setback from the road frontage which is identical to the setback provided by the existing dwelling on the subject site. Uniformity in building setback is displayed by numbers 62 and 64 Bridge Street.</p> <p>The increased bulk associated with the replacement building would be consistent with the setback of other commercial buildings within Bridge Street and will contribute to an active street frontage through the additions presenting directly onto the street.</p>

	The Tasmanian Heritage Council has considered the proposal and requires the roof of the shop extension to be redesigned so as to reduce its massing and to lessen its visual impact on the existing historic cottages presentation within the townscape. Subject to these adjustments implemented by way of conditions, the proposal would present to the street in a manner encouraged by the provisions contained within the Historic Heritage Code.
<i>(b) If abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.</i>	Not applicable – the property does not adjoin a road listed in Table 10.4.2.

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Setbacks and building envelope for all dwellings	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p>	Complies

		<p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8. m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>Non-compliance - The ground level timber decking extending from the rear elevation of the dwelling addition would be sited 1 - 2.4m from the rear (eastern) property boundary.</p> <p>Complies</p>
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The proposed variation can be supported pursuant to the Performance Criteria (P3) of the Clause 10.4.2 for the following reasons.

Performance Criteria	Comment
<i>P3 – The siting and scale of a dwelling must:</i>	See below
<i>(a) Not cause unreasonable loss of amenity by:</i> <i>(xi) Reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i>	Given the adjoining land to the east does not support a residence; there is no requirement to consider amenity loss arising from overlooking or overshadowing.
<i>(xii) overshadowing the private open space of a dwelling on an adjoining lot; or</i>	As per above

<i>(xiii) overshadowing of an adjoining vacant lot; or</i>	The proposed decking would be located at ground level therefore would not cause any overshadowing of the adjoining Council recreation land to the east which is presently vacant.
<i>(xiv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	The proposed timber decking would be located marginally above ground level and would be separated by a fence therefore would not be visible from the adjoining Council recreation land.
<i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.</i>	The proposed decking would not be visible from adjoining properties therefore would not affect the visual separation between dwellings.

Historic Heritage Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E13.7.1 A1	Demolition (Heritage Place)	No Acceptable Solution.	<p>The proposal includes the demolition of a carport fronting Bridge Street and a woodshed alongside the rear property boundary.</p> <p>Given there is no Acceptable Solution in which to satisfy, consideration is required under the corresponding Performance Criteria.</p>

The proposed variation can be supported pursuant to the Performance Criteria (P1) of the Clause E13.7.1 for the following reasons.

Performance Criteria	Comment
<i>P1 – Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic, cultural heritage significance of the place unless all of the following are satisfied;</i>	Council's Heritage Advisor has considered that the items proposed for demolition are not considered to be of any heritage significance or value to the Richmond townscape.
<i>(a) There are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;</i>	As per above

<i>(b) There are no prudent and feasible alternatives;</i>	As per above
<i>(c) Important structural and façade elements that can feasibly be retained and reused in a new structure, are to be retained;</i>	As per above
<i>(d) Significant fabric is documented before demolition.</i>	As per above

Historic Heritage Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E17.3.2 A1	Buildings and Works Other than Demolition (Heritage Place)	No Acceptable Solution.	Given there is no Acceptable Solution in which to satisfy, consideration is required under the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria (P1) of the Clause E13.7.2 for the following reasons.

Performance Criteria	Comment
<i>P1 – Development must not result in any of the following:</i>	See below.
<i>(a) Loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;</i>	Council's Heritage Advisor has formed the view that the proposal appears to incorporate compatible design elements to that of the existing dwelling located on the site. Whilst building height, scale and form emulate the characteristics of the existing building, proposed colour, materials, fenestration and finishes are considered an appropriate enhancement to the predominant Colonial Georgian style without undesirable replication of period detail.
<i>(b) Substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.</i>	Council's Heritage Advisor has considered advised that the proposal would not detrimentally impact the streetscape qualities of the Bridge Street precinct. Further, the proposal to extend and re-roof the existing garage upon the subject site (of little heritage value) will consolidate existing eclectic forms into an appropriate and compatible structure commensurate with its intended purpose and placement within the townscape.

Historic Heritage Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E17.3.2 A2	Buildings and Works Other than Demolition (Heritage Place)	No Acceptable Solution.	Given there is no Acceptable Solution in which to satisfy, consideration is required under the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria (P2) of the Clause E13.7.2 for the following reasons.

Performance Criteria	Comment
<i>P2 – Development must be designed to be subservient and complementary to the place through characteristics including:</i>	See below.
<i>(a) Scale and bulk, materials, built form and fenestration.</i>	Council's Heritage Advisor has advised that the proposal satisfies this criterion albeit in an unambiguously contemporary manner. Larger building components are appropriately articulated to reduce visual impact and are distinctly separated from existing heritage fabric.
<i>(b) Setback from frontage;</i>	Not applicable
<i>(c) Siting with respect to buildings, structures and listed elements;</i>	Council's Heritage Advisor has advised that although largely located to the rear of the property, the proposal will be visible from other significant buildings and structures within the river precinct. This proposal appears to diffuse potential visual impact via its submersion into the hillside in addition to articulation of overall scale by way of utilising various design elements and roof forms that maintain compatibility to existing structures.
<i>(d) Using less dominant materials and colours.</i>	The use of muted earthy tones and compatible materials is noted and considered an appropriate design response in this instance.

Historic Heritage Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E17.3.2 A3	Buildings and Works Other than Demolition (Heritage Place)	No Acceptable Solution.	Given there is no Acceptable Solution in which to satisfy, consideration is required under the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria (P3) of the Clause E13.7.2 for the following reasons.

Performance Criteria	Comment
<i>P3 – Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.</i>	Council's Heritage Consultant has advised the proposed design elements and colours are an appropriate response to this criterion and no replication of period detail is noted nor is it encouraged.

Historic Heritage Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E17.3.2 A4	Buildings and Works Other than Demolition (Heritage Place)	No Acceptable Solution.	Given there is no Acceptable Solution in which to satisfy, consideration is required under the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria (P4) of the Clause E13.7.2 for the following reasons.

Performance Criteria	Comment
<i>P4 – Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.</i>	Council's Heritage Advisor has advised the design response presented is considered to fulfil this requirement appropriately.

Historic Heritage Code

Clause	Standard	Acceptable (Extract)	Solution	Proposed
E17.8.1 A1	Demolition (Heritage Precinct)	No Acceptable Solution.		Given there is no Acceptable Solution in which to satisfy, consideration is required under the corresponding Performance Criteria.

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

Performance Criteria	Comment
<i>P1 – Demolition must not result in the loss of any of the following:</i>	See below
<i>(a) Buildings or works that contribute to the historic cultural heritage significance of the precinct.</i>	The buildings proposed for demolition are not considered to be of heritage value or cultural significance.
<i>(b) Fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct;</i> <i>Unless all of the following apply:</i> <i>(i) There are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;</i> <i>(ii) There are no prudent feasible alternatives;</i> <i>(iii) Opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.</i>	Although some mature trees are destined for removal as part of this proposal, their collective significance and questionable life-span offer further opportunities to improve upon the vegetation characteristics of the river precinct. Accordingly, opportunities are also available to enhance visual privacy both to and from the subject site, including visual screening of proposed additions if deemed appropriate. This is reflected in the Tasmanian Heritage Council's Notice of Decision which includes a condition requiring the production of a landscape and planting plan.

Historic Heritage Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E17.8.2 A1	Buildings and Works Other than Demolition (Heritage Precinct)	No Acceptable Solution.	Given there is no Acceptable Solution in which to satisfy, consideration is required under the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria (P1) of the Clause E13.8.2 for the following reasons.

Performance Criteria	Comment
<i>P1 – Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.</i>	The proposed dwelling addition will undoubtedly be visible from significant vantage points throughout the Richmond Bridge and riverbank precincts however, detrimental impact is considered minimal or unlikely due to appropriate use of well-considered design elements and subtle use of muted colours and compatible materials.

Historic Heritage Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E17.8.2 A2	Buildings and Works Other than Demolition (Heritage Precinct)	No Acceptable Solution.	Given there is no Acceptable Solution in which to satisfy, consideration is required under the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria (P2) of the Clause E13.8.2 for the following reasons.

Performance Criteria	Comment
<i>P2 – Design and siting of buildings and works must comply with any relevant design criteria/conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.</i>	The proposal is considered an appropriate design response to the principle characteristics of the Colonial Georgian era via its simplicity, articulation of form and subtle use of contextual colours and materials.

Historic Heritage Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E17.8.2 A3	Buildings and Works Other than Demolition (Heritage Precinct)	No Acceptable Solution.	Given there is no Acceptable Solution in which to satisfy, consideration is required under the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria (P3) of the Clause E13.8.2 for the following reasons.

Performance Criteria	Comment
<i>P3 – Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.</i>	The proposal is considered an appropriate design response to the principle characteristics of the Colonial Georgian era via its simplicity, articulation of form and subtle use of contextual colours and materials.

Historic Heritage Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E17.8.2 A5	Buildings and Works Other than Demolition (Heritage Precinct)	No Acceptable Solution.	Given there is no Acceptable Solution in which to satisfy, consideration is required under the corresponding Performance Criteria.

The proposed variation can be supported pursuant to the Performance Criteria (P5) of the Clause E13.8.2 for the following reasons.

Performance Criteria	Comment
<i>P5 – The design of new development must be sympathetic to the heritage locality in terms of bulk, setbacks, materials, colour scheme, form, and character of the place, streetscape and surrounding area. If therefore must:</i>	See below
<i>(a) Not be confused with the original historic fabric associated with nearby historic places in the locality;</i>	Council's Heritage Advisor has advised that the subtle use of compatible design elements, form and colour in a contemporary manner is an appropriate response to this criterion.

<i>(b) Be compatible with the architectural design, colour and aesthetic characteristics of the historic places in the area;</i>	As per the comments above, the proposal is considered to satisfy this criterion.
<i>(c) Not visually dominate an existing heritage place or street in terms of size, height and bulk when viewed from the street frontage or frontages;</i>	It is considered that the visibility of the proposed additions will be limited from the street frontage of the subject property and Council's Heritage Advisor has indicated that the building elements that do address the street frontage are considered to be an appropriate design response.
<i>(d) Adopt a contemporary architectural character of an understated appearance to minimise the visual dominance over adjacent contributory buildings, the heritage place or historic places in the locality, in terms of size, height or bulk;</i>	As per the comments above, the proposal is considered to satisfy this criterion.
<i>(e) repeats the particular rhythm, spatial characteristics and character of historic places and other contributory buildings in the area;</i>	As per the comments above, the proposal is considered to satisfy this criterion.
<i>(f) relates to and uses as reference points the materials, front and side setbacks, roof form, colours and details of adjacent buildings and the surrounding precinct;</i>	As per the comments above, the proposal is considered to satisfy this criterion.
<i>(g) avoid blank walls at ground and upper floor levels when viewed from surrounding streets;</i>	Council's Heritage Advisor has considered that the proposal would satisfy this criterion through the incorporation of interesting and diverse design elements appropriate to the surrounding precinct.
<i>(h) utilise landscaping, fencing or other techniques to enhance the property and to reduce conflict with historic streetscapes.</i>	As per the comments above, the proposal is considered to satisfy this criterion.

5. REPRESENTATION ISSUES

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

5.1. The House Extension will Detract from the Views from the Richmond Bridge

Concern is raised by the representors that the dwelling and shop extensions, together with vegetation removal, will have a dramatic impact on views in and around the Richmond Bridge (including the riverside walk). The representor suggests that the proposal would impact on key vantage points from the Bridge as well as the setting in which the Bridge sits as key elements requiring conservation. One representation included photomontages to show the indicative location of the addition when viewed from the Richmond Bridge and Bridge Street.

- **Comment**

The photomontages indicate that the extensions to the shop and dwelling would be readily visible in the backdrop to the Richmond Bridge on the basis that there would be no visual separation offered by landscaping. Whilst vegetation removal will be required across the site to facilitate the proposed additions, the vegetation on the adjoining Council owned land would not be affected and it is this vegetation which offers the greatest visual separation. The Tasmanian Heritage Council's Notice of Decision requires a detailed landscaping and planting plan to be provided to Heritage Tasmania for approval to minimise the visual impact that the new works would have on the historic cottage.

5.2. The House Extension is too High and too Prominent due to its Two Storey Form and will dominate the Historic Cottage

The representors have raised concern that the dwelling addition will detract from the heritage character of Richmond due to its excessive height.

- **Comment**

The materials and built form of the dwelling extension has been considered by Council's Heritage Advisor and the Tasmanian Heritage Council as being characteristic of the dominant heritage values associated with the existing heritage listed cottage and streetscape.

The dwelling addition would be contained to the rear and the height of the dwelling addition would not exceed the ridge height of the existing cottage as required by the Notice of Heritage Decision. The height of the addition is a response to the fall of the land with the existing floor level carried through to serve the upper floor of the extension. The addition would be linked via a conservatory structure allowing the addition to be readily distinguishable from the existing dwelling.

5.3. The Shop Extension will detract from the Streetscape Qualities of Bridge Street

The representors have raised concern that the addition to the existing shop will significantly change the height and design of the existing building and consequently overwhelm the streetscape.

- **Comment**

The proposal to alter the roof design for the shop building was a direct response to preliminary advice sought from Heritage Tasmania. Consideration of the proposal by the Tasmanian Heritage Council has resulted in a condition being incorporated into the Notice of Heritage Decision requiring the roof of the building to be redesigned so as to reduce its massing and lessen its visual impact on the heritage places presentation within the townscape. The amended design will be required to be approved by Heritage Tasmania prior to the commencement of works and this will act to significantly reduce the height and scale of the building which is presently mostly attributed to the roof design.

5.4. The Dwelling Extension may Facilitate an Expansion to the Tourist Accommodation Business

The representor has raised concern that the dwelling extension and associated inclusion of 1 additional bedroom will increase the number of guests capable of being accommodated within the previously approved visitor accommodation use.

- **Comment**

The proposal presently before Council is for an extension to the existing dwelling as distinct from an extension to the tourist accommodation use. The tourist accommodation approval will remain valid, however, this approval relates only to the existing cottage. Should the dwelling extension be required for visitor accommodation purposes then a new development application would be required to be lodged with Council for assessment.

5.5. The Vegetation Removal will Diminish the Landscape Setting of the Cottage and more Significantly the Wider Streetscape and Richmond Bridge

The representors have raised concern that the vegetation removal on the site will expose the dwelling and shop extensions to Richmond Bridge and Bridge Street resulting in significant detrimental impacts to the streetscape and townscape values.

- **Comment**

The impacts of vegetation loss on the values of the heritage listed place and broader townscape values have been considered by Council's Heritage Advisor who has advised that the collective significance of these trees and questionable life-span, offer opportunity to improve upon the vegetation and characteristics of the river precinct. The Tasmanian Heritage Council have required the production of a landscaping and planting plan to be prepared for submission and approval by Heritage Tasmania to ensure the suitable off-set plantings improve the screening capacity around the additions.

5.6. The Tourist Accommodation Business is Named too Similarly to other Nearby Businesses

The representor seeks to bring to Council's attention the similarity in the name of the tourist accommodation business and other businesses within a close proximity which has resulted in booking confusion with guests.

- **Comment**

This is not a relevant planning consideration; however, it is noted that the proposal is to revert the use of the building to a dwelling, meaning the visitor accommodation aspect would not continue.

5.7. No Historic Reference has been made in the Design of the Dwelling and Shop Additions

The representor has raised concern that the dwelling and shop design does not respond to the architectural qualities of other buildings within Richmond.

- **Comment**

The Heritage Impact Assessment accompanying the application recognises that the proposed extensions should be respectful to the broader heritage context in a manner which does not create historicism or mimicry. The extensions have been designed in a contemporary way using some elements or materials of the Georgian or Victorian-Georgian style, a gabled roof, stone-base and render and timber cladding which is considered an appropriate response to the principle characteristics of the Colonial Georgian era.

5.8. The Proposal will set a Precedent for Riverbank Property Extensions which will affect the Ambience of the Coal River

The representor has raised concern that the proposal will set a precedent for riverbank development which will affect the ambience of the Coal River.

- **Comment**

Council's Heritage Advisor has considered that detrimental impacts on the riverbank are unlikely due to an appropriate use of well-considered design elements and subtle use of muted colours and compatible materials.

5.9. The Residential Zoning does not allow for Commercial Activities

The representor has queried how it is possible for a commercial use to be established on a General Residential zoned property.

- **Comment**

The existing shop was approved for commercial use under planning approval D-2015/221 through the application of Clause 9.5.1 which allows for the conversion of a heritage place to a prohibited use (ie. “General retail and hire”) if it can be demonstrated that the change of use would facilitate the restoration, conservation and future maintenance of the historic cultural heritage significance of the place. The proposed shop extension is intended to form a “Home occupation” as defined under Section 5.2 of the Scheme which is an exempt use.

5.10. No Justification for the Demolition of Existing Aspects including the Carport and Tree Removal

The representor has queried the demolition of existing aspects including the removal of a wood shed and timber carport.

- **Comment**

The buildings proposed for demolition are considered to have no heritage significance therefore the removal of these buildings would have no impact upon the heritage significance of the place.

5.11. No Inclusion of Heritage Council Advice in the Application

The representor has raised concern that the Tasmanian Heritage Council has not been involved in the assessment of the application.

- **Comment**

The applicant engaged in initial discussions with Heritage Tasmania Officer’s prior to the lodgement of the development application. The Heritage Tasmania Officers provided design feedback which was incorporated into the final design documents. The application was referred to Heritage Tasmania and the Tasmanian Heritage Council considered the proposal at its Meeting held on 8 November 2016. A Notice of Decision was issued subject to conditions requiring minor modifications to the design and in particular the design of the proposed shop extension.

5.12. Lack of Documentation relating to the Impacts of the Extension on Richmond Bridge

The representor has raised concern that the application includes insufficient documentation on the impact of the extension on the Richmond Bridge.

- **Comment**

Section 7 of the Heritage Impact Assessment accompanying the application provides an extensive assessment of the impact of the development on important views and vistas. The impact on views and vistas has also been considered by the Tasmanian Heritage Council and Council's Heritage Advisor.

5.13. The Suggestion by the Applicant's Heritage Architect to De-list the Heritage Listed Cottage is Not Supported

The representor has expressed their objection to any proposed heritage de-listing for this site as suggested by the Heritage Architect.

- **Comment**

The heritage architect has made no application to de-register the heritage place from the Tasmanian Heritage Register. This is a matter for consideration by the Tasmanian Heritage Council should an application for a de-listing be requested.

5.14. The Proposal is Inconsistent with the Environment Protection and Biodiversity Conservation (EPBC) Act 1999

The representor has expressed concern that the proposal may not be capable of meeting the requirements of the EPBCA.

- **Comment**

The Scheme does not require demonstration of compliance with the EPBCA. The nearby Richmond Bridge is listed on the National Heritage Register and the EPBCA requires any activity that could have a significant impact on a matter protected by this Act to be referred to the Australian Government Minister for the Environment and Heritage. Initial discussions between the Heritage Architect and the relevant department are underway.

5.15. The Site Notices were Not Displayed on the Property for the duration of the Public Exhibition

The representor has indicated that the site notices were removed from the premises prior to the 14 day public exhibition expiry.

- **Comment**

Section 57(4A) of the Act specifies that it is an offence to obscure or remove a notice of an application for a permit displayed on the land, however, there is no requirement for the sign to be reinstated. Council advertised the application in accordance with the Act and applicable Regulations.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

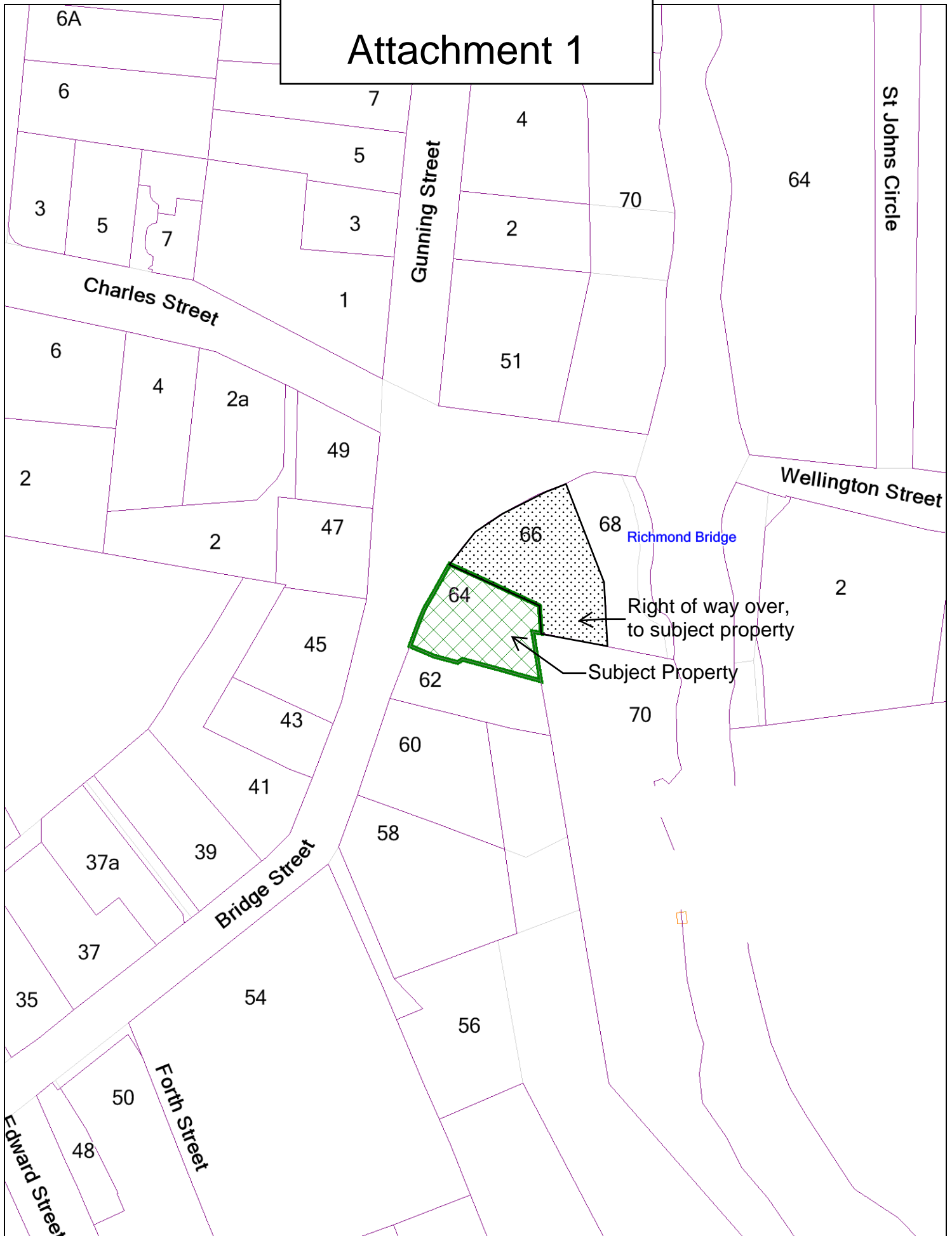
The proposal is for a demolition, alterations to dwelling, shop, new fence and carport at 64 Bridge Street, Richmond. The proposal satisfies the relevant requirements of the Scheme and with the inclusion of appropriate conditions is recommended for approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (5)
3. Notice of Heritage Decision (2)
4. Site Photo (2)

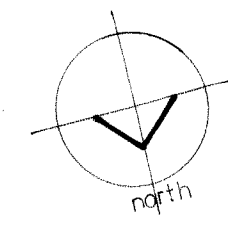
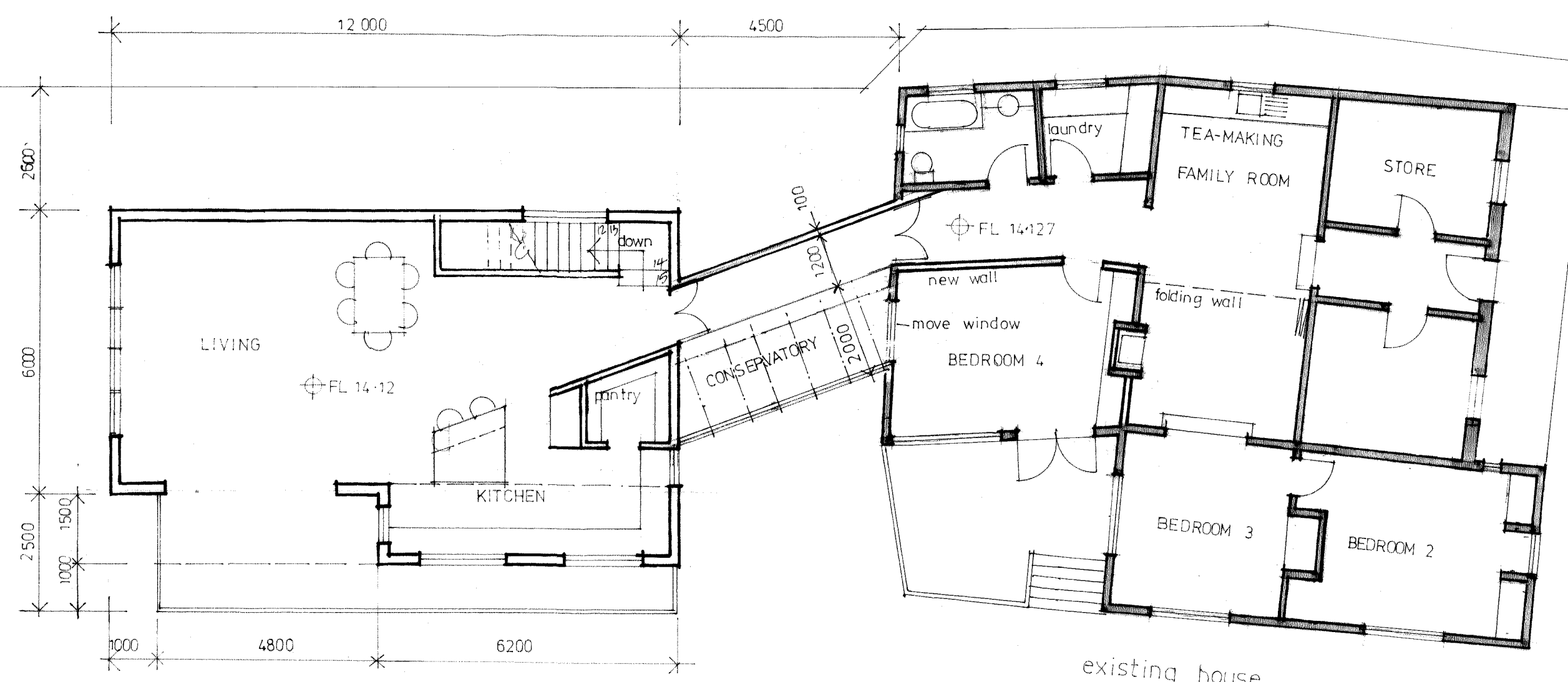
Ross Lovell
MANAGER CITY PLANNING

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

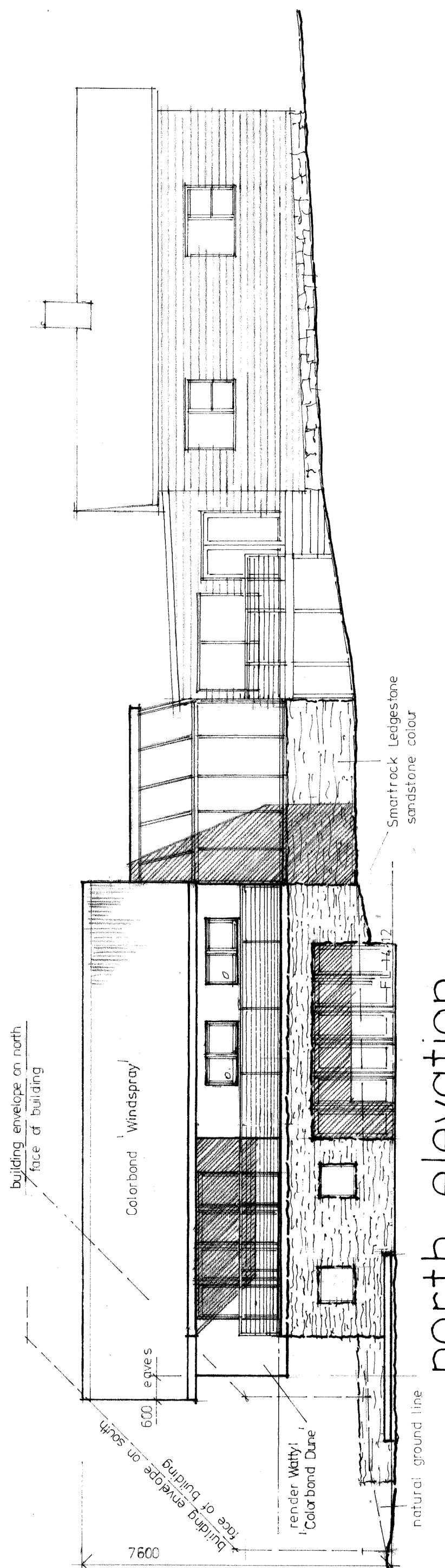
Attachment 1



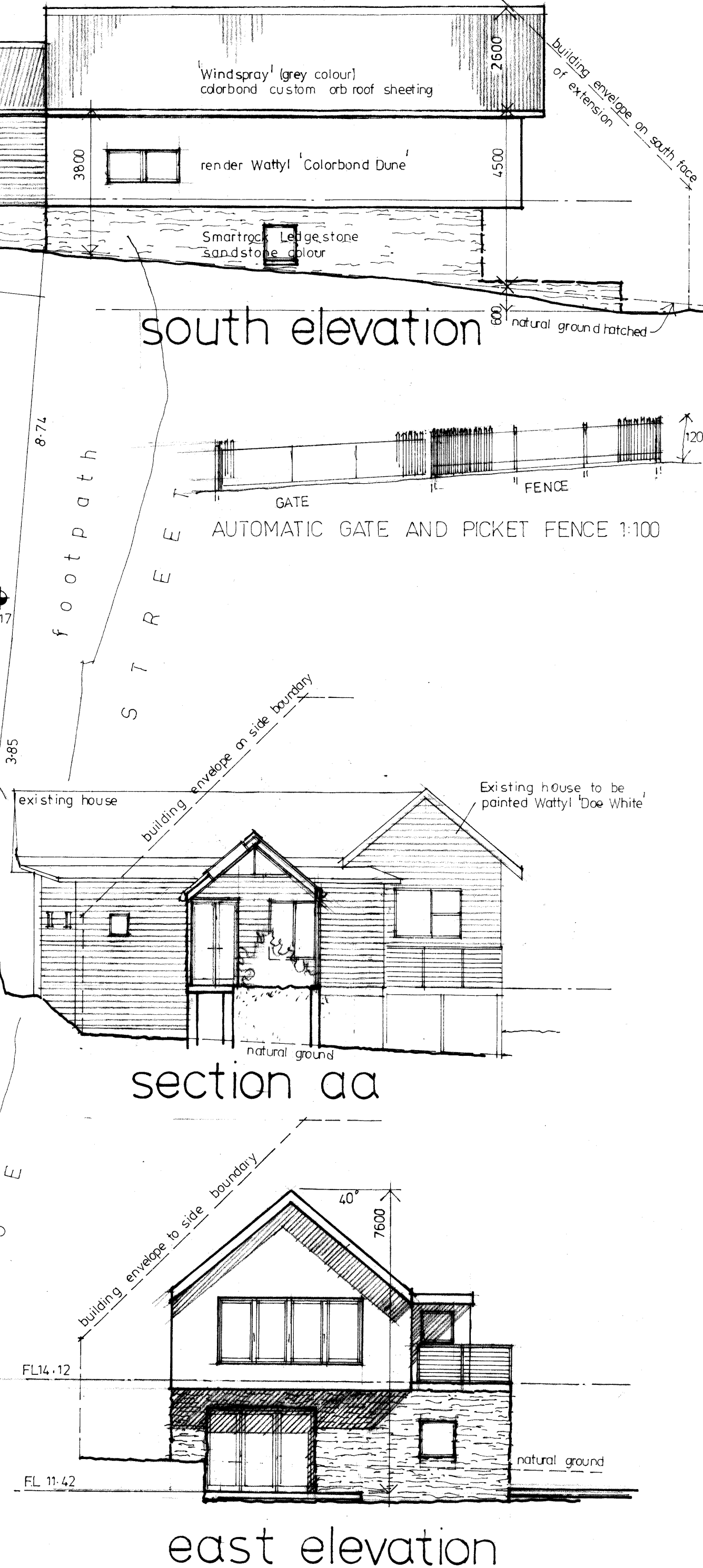
Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Monday, 21 November 2016 **Scale:** 1:1,487 @A4



ground floor plan

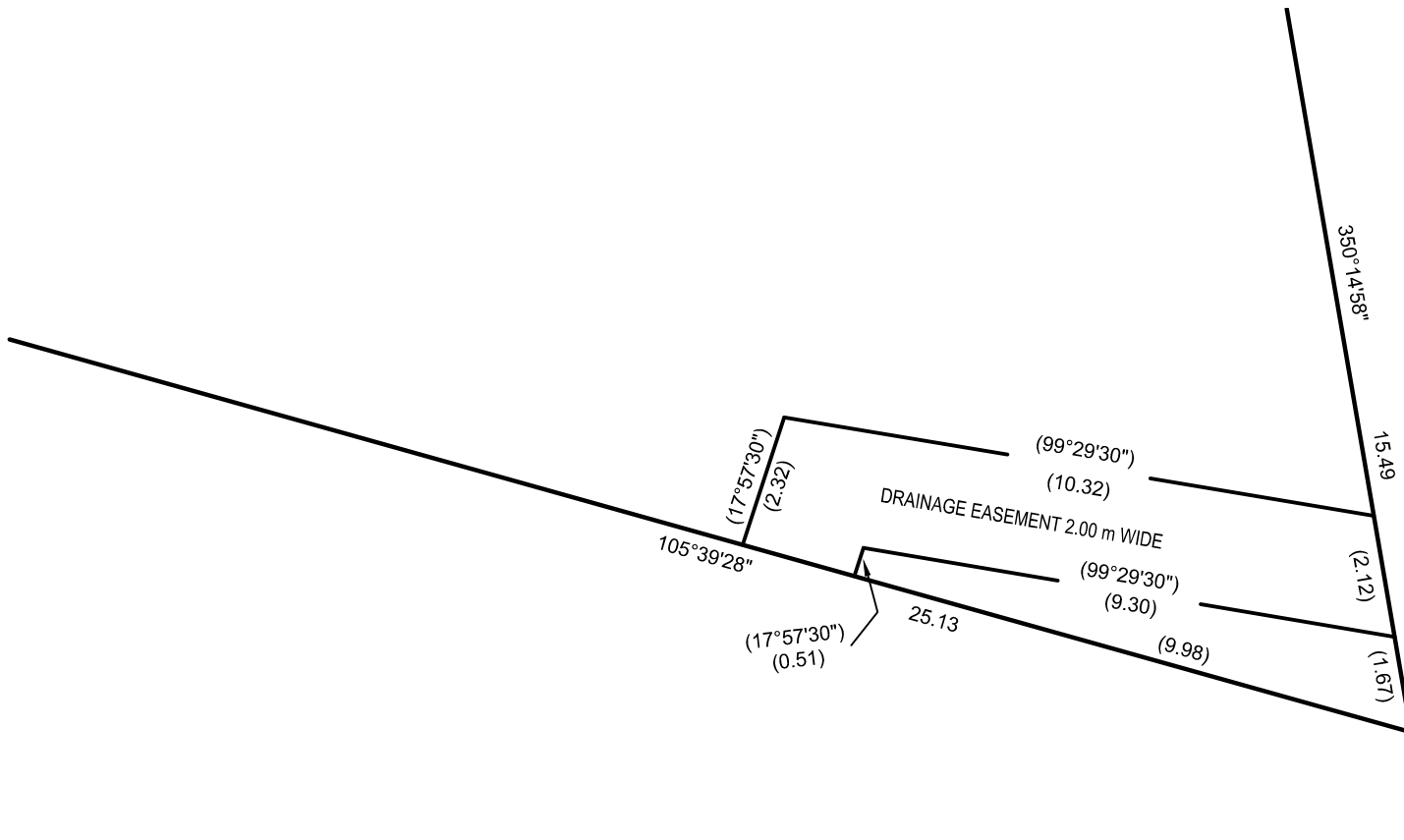


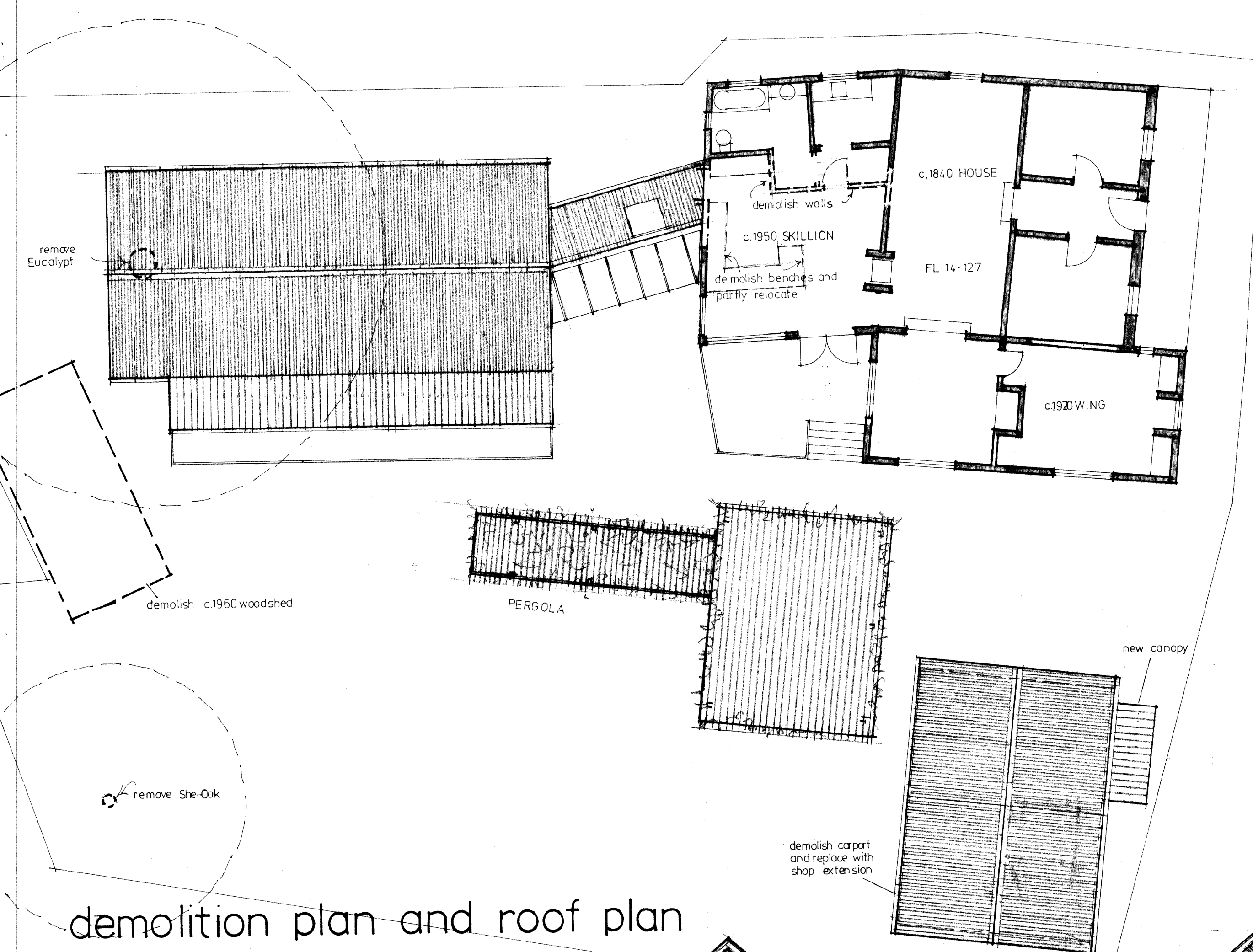
north elevation



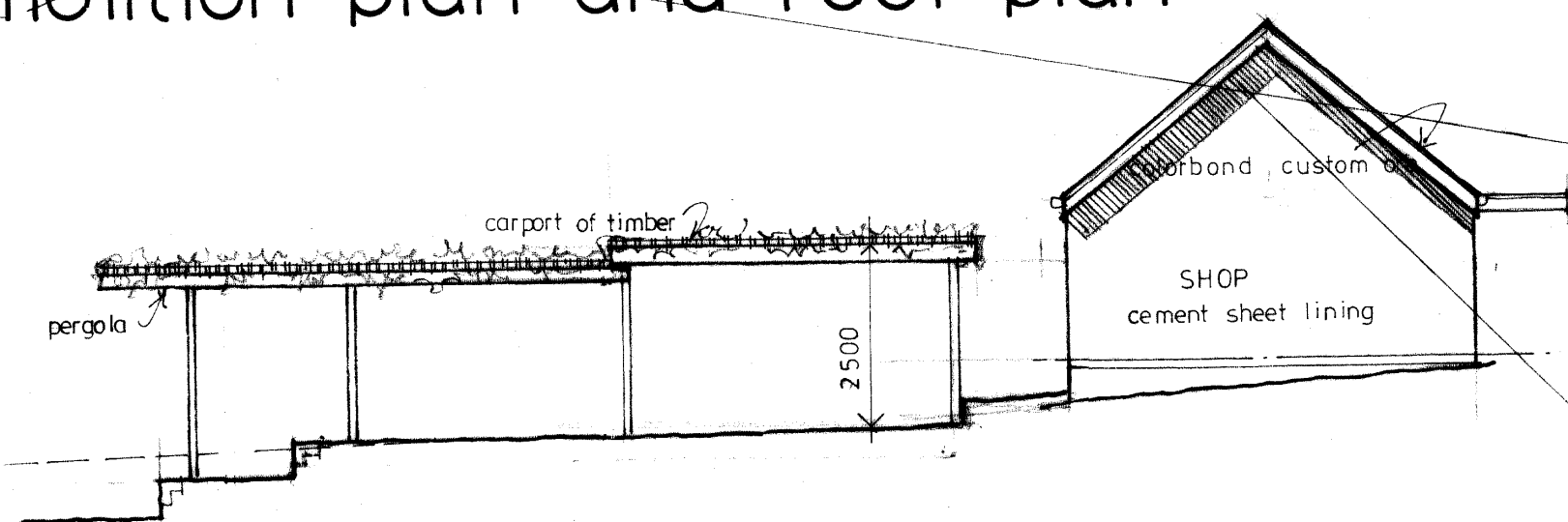
east elevation

Agenda Attachments -64 Bridge Street - Page 4 of 10

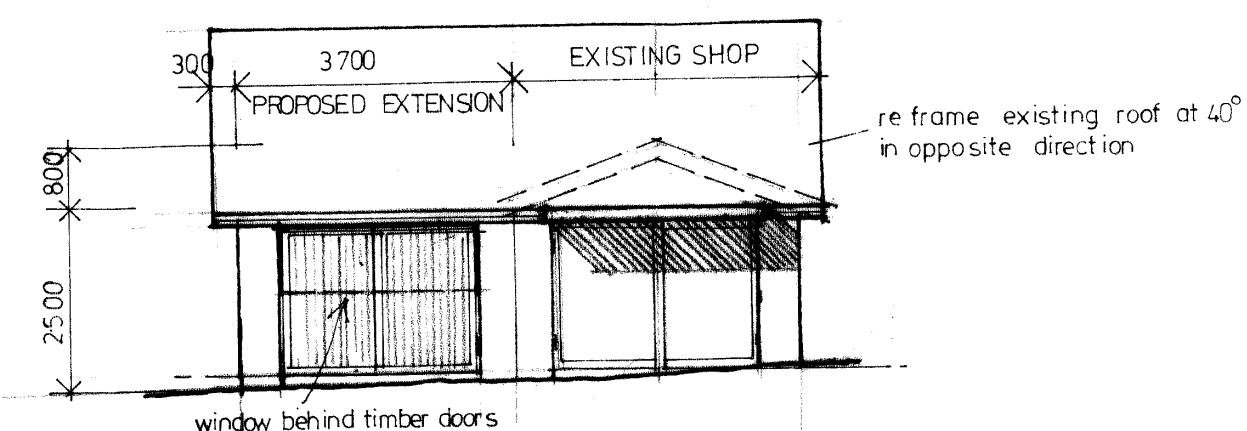
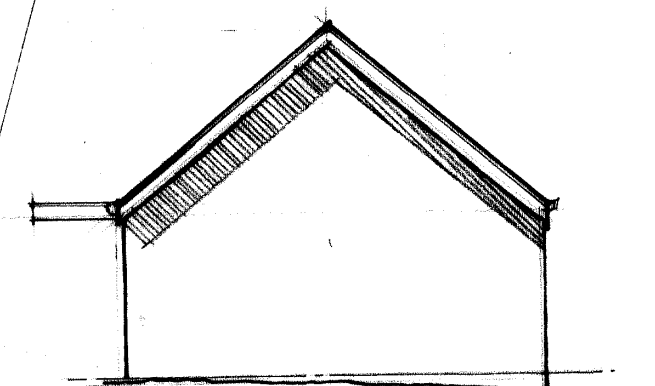




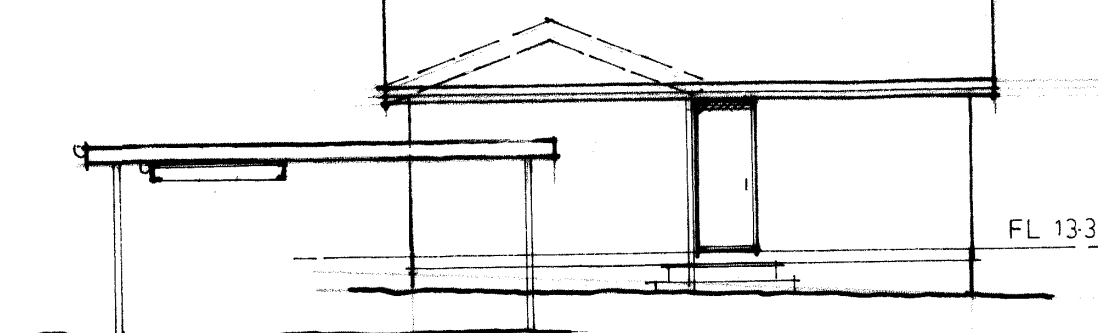
demolition plan and roof plan



north elevation covered way and shop



west elevation shop



east elevation carport and shop

Attachment 3

Tasmanian Heritage Council

Tasmanian Heritage Council
GPO Box 618 Hobart Tasmania 7000
103 Macquarie St, Hobart Tasmania 7000
Tel: 1300 850 332
enquiries@heritage.tas.gov.au
www.heritage.tas.gov.au

PLANNING REF: DA2016/347
THC WORKS REF: 5101
REGISTERED PLACE NO: 1100
FILE NO: 15-11-16THC
APPLICANT: Graeme Corney
DATE: 9 November 2016

NOTICE OF HERITAGE DECISION

(*Historic Cultural Heritage Act 1995*)

The Place: 64 Bridge Street, Richmond.
Proposed Works: Demolition, alterations and extension to dwelling; alterations and extension shop; new fence and carport.

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995* (the Act), the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with in accordance with the documentation submitted with Development Application D-2016/347 subject to the following conditions:

1. The ridge height of the dwelling addition must not exceed the ridge height of the existing cottage.

Reason for condition

To minimise the visual impact that the new works will have on the historic cottage.

2. Prior to the commencement of any works requiring a building permit, a detailed landscaping and planting plan must be submitted to, and signed off by, Heritage Tasmania's Works Manager. Upon being thus signed off, this landscaping plan will form part of this consent and must be complied with.

Reason for condition

To minimise the visual impact that the new works will have on the historic cottage.

3. The roof of the shop extension must be redesigned so as to reduce its massing and lessen its visual impact on the heritage place's presentation within the townscape. The amended design must not be constructed without the prior written consent of Heritage Tasmania's Works Manager.

Reason for condition

To minimise the impact that the new works will have on the townscape associations of the historic cottage.

Advice

It is recommended that the applicant and owners make themselves aware of any requirements for approval under the *Environment Protection and Biodiversity Conservation Act 1999* in relation to the National Heritage Listing for the Richmond Bridge. Further information on this matter can be obtained from the Federal Department of the Environment and Energy.

Further, any new signage at the place will require separate approval.

Please ensure the details of this notice, including conditions, are included in any permit issued, and forward a copy of the permit or decision of refusal to the Heritage Council for our records.

Please contact Russell Dobie on 1300 850 332 if you require clarification of any matters contained in this notice.



Dr Kathryn Evans

Chair

Under delegation of the Tasmanian Heritage Council

Attachment 4

64 Bridge Street, RICHMOND (with access over 66 Bridge Street, Richmond)



Site viewed from Richmond Bridge, looking towards existing dwelling (visible beyond treeline)



Site viewed from northern bank of Coal River, looking towards Richmond Bridge



Site, including existing shop (open for business), viewed from Bridge Street



Site viewed from Bridge Street looking south along Bridge Street

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 CLARENCE PLAINS ENVIRONMENTAL MANAGEMENT PLAN**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To seek Council endorsement to release the draft Clarence Plains Environmental Management Plan for public consultation in order to obtain feedback from the broader community.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 and Community Participation Policy are relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Preliminary consultation was conducted through the Clarence Plains Environmental Management Plan Steering Committee, 2 community forums, 3 field days, survey forms, briefings of local businesses and 3 Landcare groups in the region. The next stage of the draft Clarence Plains Environmental Management Plan is to undertake broader community consultation.

FINANCIAL IMPLICATIONS

There are no direct financial implications from undertaking a community consultation process for the draft Clarence Plains Environmental Management Plan. Council will consider, as part of future Annual Plans, on-going funding for the future implementation of the Clarence Plains Environmental Management Plan

RECOMMENDATION:

- A. That Council authorise the General Manager to undertake community consultation for the draft Clarence Plains Environmental Management Plan.
- B. That the results of the community consultation be reported back to Council.

CLARENCE PLAINS ENVIRONMENTAL MANAGEMENT PLAN /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** In 1998, Council endorsed the Clarence Plains Catchment Management Plan, given the passage of time and the development of subdivisions within the catchment it was appropriate to undertake a further planning process for the catchment and funds were allocated in the Annual Plan to review this management plan. Consultants Northbarker Ecosystems Services was appointed to prepare a new plan for the catchment.
- 1.2.** A copy of the draft Clarence Plains Environmental Management Plan (Plan) was drop boxed to Aldermen and a copy of the Overview document was circulated via the Weekly Briefing Report. A Council Workshop was held on Monday, 31 October 2016 where the draft Clarence Plains Environmental Management Plan was presented and discussed.

2. REPORT IN DETAIL

- 2.1.** The Plan provides a summary of the cultural and environmental values of Clarence Plains. Key outcomes of the Plan are:
- acknowledgment of the need for shared responsibility between public and private land owners;
 - identification of priority areas for management that enhance landscape function and the ability of the landscape to sustain the biodiversity it contains;
 - a Biodiversity Corridors and Track Network to integrate the provision of tracks with biodiversity corridors;
 - a Clarence Plains Specific Area Plan to provide a strong signal to community and developers of Council's expectations for future development and management within the catchment; and

- investigation of the viability of a Land Management Incentives Program of rates rebates to encourage private landowners to undertake environmental enhancement works.

2.2. The recommendations within the Plan can be classified into 4 broad areas:

- Governance;
- Planning;
- Operations; and
- Education.

Each classification will be dealt with separately below.

2.3. Governance

Within the Governance classification there are 3 recommendations.

- **Recommendation 1**
Establish a Clarence Plains Catchment Committee.
- **Recommendation 2**
A permanent Project Officer (0.2 FTE) position to provide operational and technical advice to internal and external stakeholders. This is a new position and is expected to cost \$12,000 per annum; to put this in context Council contributes in excess of \$50,000 per annum for the Derwent Estuary Program, which is the biggest catchment within Clarence. The funding for a Project Officer will be sought as part of the 2017/2018 Annual Plan process.
- **Recommendation 3**
Undertake investigations into the viability of a Land Management Incentives Program for properties greater than 2ha with “opt out” rebate for environmental enhancement works.

2.4. Planning

Within the Planning classification there are 8 recommendations.

- **Recommendation 4**
Develop a process to ensure Cultural Heritage values are appropriately protected.
- **Recommendation 5**
Adopt the Biodiversity Corridors proposal that will improve connectivity between existing native vegetation and the east and west forested hills and along the Clarence Plains Rivulet.
- **Recommendation 6**
Review the adequacy of protection of landscape values through a Scenic Protection Code under the Tasmanian Planning Scheme in light of absence of the Environmental Management Zone and Scenic Landscape Code under the Clarence Interim Planning Scheme 2015.
- **Recommendation 7**
Implement a standard requirement for subdivision applications that reports from “MUSIC” or similar holistic stormwater management programs are included. Council is already undertaking this as a standard condition within the current Interim Planning Scheme.
- **Recommendation 8**
Review and amend the Natural Asset Code to ensure priority vegetation is appropriately protected.
- **Recommendation 9**
Review the management of Acid Sulphate and dispersive soils in light of absence of relevant codes.
- **Recommendation 10**
Amend the Biodiversity Protection Area map to ensure Priority Management Areas are included.

- **Recommendation 11**

Establish a Clarence Plains Specific Area Plan to capture Priority Management Areas and Biodiversity Corridors.

2.5. Operations

Within the Operations classification there are 2 recommendations.

- **Recommendation 12**

Establish a track network integrated with Biodiversity Corridors that provides for current and future recreation needs of the community.

- **Recommendation 13**

Adopt the Regional Ecosystem Model for the catchment which identifies Priority Areas for Management.

2.6. Education

Within the Education classification there is 1 recommendation.

- **Recommendation 14**

Promote land management of the Catchment on Council's website that includes links and advice including a pre-purchase advice sheet for advocating good rural lifestyle land management.

3. CONSULTATION

3.1. Community Consultation

The draft Plan was developed from input provided by Council officers and numerous key stakeholders. A broader community consultation process is still required to be carried out in order to obtain feedback on the draft Plan.

As part of Council's Workshop, Aldermen indicated that there should be an option for key stakeholders to obtain a printed copy of the draft Plan recognising it was not possible for some people to access Council's Website.

Given the size and complex nature of the draft Plan (amounting to over a hundred pages) an Overview document has been produced that summarises the key outcomes and recommendations associated with the draft Plan. The community consultation will be undertaken utilising the following options:

- advertisement in the Eastern Shore Sun/Mercury newspaper advising of the consultation process and the various options available to provide feedback;
- the Overview document entitled; Clarence Plains Environmental Management Plan 2017 – 2032 will be sent to key stakeholders letting them know of the various options to view the Plan and asking them to comment on the draft Plan by either:
 - completing the feedback form and returning it in the self-addressed envelope; or
 - completing the feedback form on Council’s website;
- display of draft Plan and Overview document will be in Council foyer along with associated feedback forms;
- a copy of the draft Plan, Overview document and associated feedback forms will be on Council’s website; and
- an article advising of the draft Plan will be included in the January Rates Newsletter advising of the consultation process and the various options available to provide feedback.

Given the Christmas and summer holiday period the community consultation will be extended until February 2017.

3.2. State/Local Government Protocol

Consultation was held with relevant State Government Agencies as part of the development of the draft Plan.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council's Strategic Plan 2016-2026 under the Goal Area A People City has the following Caring for our place/environment Strategy to: *"Provide opportunities for involvement and increased awareness for the care of the local environment"*.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

There are no risk and legal implications from carrying out public consultation.

7. FINANCIAL IMPLICATIONS

Council could consider the allocation of funds as part of its consideration of future Annual Plans once the consultation process is complete and Council has adopted the final versions of the draft Plan.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. Consultation was held with relevant State Government Agencies, key stakeholder groups and Council officers as part of the development of the draft Plan.

9.2. The recommendations outlined in the draft Plan intend to facilitate the implementation of a holistic approach to the catchment area of the Clarence Plains, which is coming under increasing pressure.

- 9.3.** Following the conclusion of the community consultation the results will be presented at a future Council Workshop at which further consideration will occur in relation to the adoption of the draft Plan.

Attachments: Nil.

John Stevens
GROUP MANAGER ASSET MANAGEMENT

11.5.2 CAMBRIDGE MASTER PLAN

(File No 20-09-34)

EXECUTIVE SUMMARY**PURPOSE**

To adopt the draft Cambridge Master Plan as the final Cambridge Master Plan following public consultation with the community and key stakeholders.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Consultation was held with relevant State Government Agencies as part of the development of the draft Cambridge Master Plan.

FINANCIAL IMPLICATIONS

There are funds available in the current Annual Plan for undertaking the cycleway component of the Cambridge Master Plan along the eastern section of Cambridge Road from Richmond Road to the Kennedy Drive roundabout.

Funds could be allocated for the implementation of the Cambridge Master Plan as part of future Annual Plans depending on the adoption of a Cambridge Master Plan.

RECOMMENDATION:

That Council adopt the draft Cambridge Master Plan as the final Cambridge Master Plan with the following actions to be undertaken.

- A. The General Manager write to the Department of Education advising that the Departmental Master Plan in its present form is unacceptable to Council and for the Department to more thoroughly consider other options that do not impact on the Cambridge Memorial Oval.
- B. The General Manager write to the Department of State Growth advocating for the bringing forward of the Cambridge Road By-pass.
- C. Council officers finalise the lease with Football Federation Tasmania.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council, at its Meeting of 17 September 2012, in response to a Notice of Motion, resolved the following:

“That Council request Officers prepare a report for Council consideration detailing the feasibility of developing a new broadly based Master Plan for the Cambridge/Cambridge Park area. The report should include a discussion of the scope, possible timing and potential cost of such a Master Plan. The broadly based Plan should address transport, roads, land use, public open space and community facilities”.

- 1.2.** The Explanatory Notes accompanying the Notice of Motion are set out as follows.

“The Cambridge area has changed extensively over the past few years, not least due to Council’s decision re Cambridge Park and the rapid expansion this has engendered. The extension of the residential developments in the area as well as the potential lease to Football Federation Tasmania of the Cambridge Oval, suggests that it is time to review the overall development plan for this precinct.

A number of residents and school users have expressed concern regarding the lack of footpaths in Cambridge as well as the dangers of the road junction. Whilst the junction is a DIER responsibility, a master plan for the area would assist in determining the best options for traffic movement whilst allowing for pedestrian safety. The school continues to be heavily used and the added dangers to children in the area should not be ignored.

There have also been a number of rezoning requests in the area in recent times. A Master Plan should also critically consider where this area fits into the Urban Growth Boundary and Southern Tasmania Regional Land Use Strategy. A strategic look at the area could highlight potential anomalies and possible areas for growth”.

- 1.3.** Council officers developed a working document which considered 8 elements:
- Cambridge demographics and visitation;
 - transport and access;
 - community facilities and services;
 - future recreation and open space needs/demands;
 - strategic land holdings;
 - streetscape and connectivity;
 - natural areas and landscape; and
 - land use planning.

- 1.4.** Each of the above elements was considered and a table of 13 recommendations made, which covered all the aspects raised as part of the draft Cambridge Master Plan (Plan).
- 1.5.** At Council's Workshop on 23 June 2014, there were a number of issues raised:
- traffic;
 - Public Open Space land; and
 - Council land at the former Sewage Treatment Works.
- 1.6.** The above issues were incorporated into the Plan. There was concern expressed especially around the intersection treatment of Richmond/Cambridge Roads with Rose Court, the Cambridge Shop and Service Station. It was taken on board that Council officers would undertake a preliminary design of the area and present the information at a further Council Workshop.
- 1.7.** On 29 June 2015, a further Workshop was presented to Council that looked at the provision of a roundabout solution for the above intersection. It was stressed at the Workshop that this particular solution would only work once the Cambridge Township is bypassed by the proposed By-Pass, which is under the control of the Department of State Growth (DSG).
- 1.8.** A copy of the draft Plan was sent out to Aldermen under separate cover soon after, however, given the amount of lapsed time a copy of the draft Plan used in the consultation is Attachment 1.
- 1.9.** At its Meeting of 11 April 2016, Council resolved:
- “A. That Council authorise the General Manager to undertake community consultation for the draft Cambridge Master Plan as outlined in this report.*
- B. That the results of the community consultation be reported back to Council”.*

2. REPORT IN DETAIL

2.1. Council officers undertook the community consultation on the Plan which closed on 10 June 2016; the consultation involved:

- letters being sent to 288 residents and businesses in Cambridge;
- advertisement in “The Mercury” newspaper on Saturday, 14 and 20 May 2016;
- display of the plans in the foyer of the Council Offices; and
- copy of plans and feedback form available on Council’s website.

2.2. The Department of Education (DoE) and the Cambridge Primary School wanted an extension of time to assess various options for the future expansion of the Cambridge Primary School to produce its own Master Plan for the Cambridge Primary School. As a key stakeholder in the process this was granted and Council received the DoE draft Master Plan on 6 October 2016.

2.3. As a result of the consultation a total of 57 responses were received.

2.4. In summary the 57 responses identified 123 key issues which have been summarised in the table below.

Key Issues	Supported	Not Supported
Bike Lanes	27	2
Extend Trails	15	0
Cambridge By-pass	14	0
Footpath along Richmond Road	12	0
Primary School Expansion	12	0
Cambridge Hall Improvements	11	0
Blossom Court Park and Rose Court	11	1
Barilla Rivulet Track	11	8
840 Cambridge Road	8	1
Football Federation Tasmania Proposal	2	4

2.5. In analysing the above table the issues crystallise into 4 main areas:

- pedestrian/cyclist connectivity;
- road connectivity;
- Cambridge Primary School expansion; and
- recreation/amenity.

Each of these main issues is dealt with separately.

2.6. Pedestrian/Cyclist Connectivity Issues

- **On-road Bike Lanes/Footpaths**

There was a strong level of support for the on-road bike lanes as proposed in the Plan, along with the provision of bike lanes along Richmond Road. DSG have scheduled a program to widen Richmond Road to allow for safe bike transport and the Plan will reflect that connection.

The construction of a footpath/walking track from the Barilla Rivulet Bridge to Barilla Holiday Park was supported. The owners of Barilla Holiday Park support this element of the Plan and will work with Council to achieve the best outcome.

Similarly there was support for an extension of on-road bike lanes to connect Cambridge to Mornington. Cambridge Road and the Tasman Highway are the responsibility of DSG and the suggestion of extending bike lanes would need to be raised with DSG.

- **Trails**

The purpose of the proposed Barilla Rivulet Track is to create connectivity with various sectors of Cambridge, including the school, Council land at 840 Cambridge Road, Meehan Range and potentially to Barilla Bay to the east. Obviously such a track will require negotiations with landowners along the proposed route of the track.

The community expressed strong support to extend the trails further to the south to provide a link to Belbins Road and onto the Meehan Range and also access to the mountain bike park; this will require negotiation with landowners.

The responses relating to the Barilla Rivulet Track are more even in number. The main area of concern relating to the Barilla Rivulet Track are from parents of school students, the school principal and parents and friends; where they state that the walking track would pose a potential risk for students. However, this concern appears to be outweighed by the community's need for additional public open space and connections between those spaces.

2.7. Road Connectivity Issues

- **Roundabout Richmond/Cambridge Road**

The Service Station owner raised concerns relating to the functionality of the roundabout and the ability for his customers to enter and exit the Service Station from all directions and the potential this arrangement would have on the viability of his business.

The roundabout shown in the Plan is conceptual only and preliminary turning curves were used to determine this conceptual design so that large vehicles could access the roundabout and Service Station. There will need to be further detailed design undertaken to exactly position the roundabout. Such design could result in the roundabout being moved towards the north-west with a consequent improvement in the queuing length on Rose Court, which will resolve the current proposed one-way flow through the Service Station and allow two-way flows, which will address the concerns relating to access.

- **Cambridge By-pass Road**

The by-pass will alleviate the need for many large vehicles to travel through Cambridge and therefore provide a safer environment for the residents.

There was universal support for the Cambridge By-pass Road with many respondents believing that Council need to progress the design and construction of the roundabout “sooner rather than later” and as such, believe that Council need to request the State Government bring forward the timing for the construction of the by-pass.

The by-pass is currently not included in the Tasmania State Roads 10 Year Infrastructure Investment Plan; as a result of the submissions to Council it will be recommended that the General Manager write to DSG advocating for the bringing forward of the Cambridge Road By-pass.

2.8. Cambridge Primary School Expansion Issues

As indicated above the DoE have submitted its own Master Plan for the future of the Cambridge Primary School. Council were previously sent the proposal presented by the DoE in a Briefing Report dated 12 October 2016. In summary, DoE assessed 3 options with estimates ranging from \$8.533 million to \$19.136 million:

- utilise part of the adjoining Memorial Oval;
- expand over Barilla Rivulet; and
- new construction on a “Green Field” site.

The preferred option from DoE is the first option; to utilise the adjoining Clarence City Council property associated with the Cambridge Memorial Oval. This proposed Master Plan is shown in Attachment 2.

There are a number of facts Council needs to bear in mind in consideration of this particular submission. The current users of the Cambridge Memorial Oval are:

- Cambridge Primary School;
- Southern Cricket Association;
- St Aiden’s Cricket Club; and
- Soccer – Eastern Regions Junior Soccer Association.

Cambridge Memorial Oval was donated to the Municipality of Clarence by Mr Alan Wilmot Maxwell in memory of his 2 sons who died in the war. The conveyance of the land included a condition that Council “...*would not without the consent of the Transferor (Mr Maxwell) or his personal representatives use the said piece of land for any other purpose and would not, without such consent sell, lease or otherwise part with the possession of the said land*”.

There are no surviving representatives of the Transferor, Mr Maxwell; as such Council are in effect holding the Cambridge Memorial Oval in trust for the community.

The preferred Master Plan option by DoE has the following effects:

- seeking tenure over a large portion of the Cambridge Memorial Oval (shaded in blue on Attachment 2);
- realigning the Cambridge Memorial Oval and moving it further eastwards;
- displacing the Southern Cricket Association and St Aiden’s Cricket Club lease over the change/club rooms building. The plan shows a new/replacement building between the Cambridge Memorial Oval and the main soccer pitch but there is no funding included in the DoE estimate;
- impacting on the Football Federation Tasmania proposal for a junior soccer hub at Cambridge; and
- does not provide for a walking track along the Barilla Rivulet as this was strenuously opposed by the Cambridge Primary School community as a risk to students.

Council had previously considered the use of Cambridge Memorial Oval as part of the FFT Lease but there was strong community concern over the alienation of the memorial status of the Cambridge Memorial Oval and as a result at its Meeting on 29 October 2012, Council resolved inter alia:

“That the General Manager be authorised to advise FFT that while declining to lease to it the Cambridge Oval, Council is prepared to licence the non-exclusive use of the oval by FFT but subject to existing formal licence arrangements extended to Cambridge School and other sporting bodies”.

The general aim of the Plan was to, amongst other things, increase the available Public Open Space opportunities to the community; not restrict them. Council at its Workshop held on 24 October 2016 indicated that the Master Plan from DoE conflicted with Council’s role to hold the Cambridge Memorial Oval in trust and its vision to expand opportunities for Public Open Space. On that basis it will be recommended that the General Manager write to DoE advising the Master Plan in its present form is unacceptable to Council and for the DoE to more thoroughly consider other options that do not impact on the Cambridge Memorial Oval.

2.9. Recreation/Amenity Issues

- **Council Land 840 Cambridge Road**

This parcel of land was the site of the Cambridge sewerage ponds, which have recently been decommissioned and the decontamination approved by the Environmental Protection Agency. The proposal to establish a mixed residential and a public recreation space at 840 Cambridge Road was supported by the community. It provides available public land that is in short supply within Cambridge and a link/destination for the Barilla Rivulet track.

- **Cambridge Hall Improvements**

This proposal was universally supported by respondents.

- **Blossom Crescent and Rose Court**

There was strong support for the development of the Public Open Space to a park containing play equipment, shelter, kick about area and landscaping.

Several respondents have suggested that Council engage with the local children when planning the development of this park; this will occur through the Reserve Management Plan process enshrined in Council's current Open Space Strategy Principles.

- **Football Federation Tasmania (FFT) Issues**

The responses relating to this element of the Plan were more against the proposal than supporting the proposal; however, Council resolved on 29 October 2012 to grant a Lease to FFT. FFT have continued to advise Council officers that this project is a high priority for the organisation. FFT have unsuccessfully sought Government funding for its master plan over the past 2 years.

Some discussions have been held with FFT but essentially the Lease has been held in abeyance pending the resolution of the Plan. It is recommended that Council officers now finalise the lease with FFT.

3. CONSULTATION

3.1. Community Consultation

The Plan was developed from input provided by Crown agencies and Council officers. A broader community consultation process was carried out in order to obtain feedback on the Plan.

Given the complex nature of the draft Plan and the number of sheets involved the community consultation was undertaken through the following options:

- copy of the draft Plan and associated feedback forms was on display at Council Offices;
- copy of the draft Plan and associated feedback forms was on Council's website;
- a letter to residents of Cambridge Township asking them to comment on the draft Plan by either:
 - completing the feedback form available at the Council Offices and placing in the feedback box; or

- completing the feedback form on Council’s website;
- advertisement in “The Mercury” newspaper advising of the display at the Council office and the Council website and the seeking comment on the draft Plan by either:
 - completing the feedback form available at the Council Offices and placing in the feedback box; or
 - completing the feedback form on Council’s website.

3.2. State/Local Government Protocol

Consultation was held with the DoE and the Cambridge Primary School as part of the initial consultation. An extension of time was granted as both parties wanted to assess various options for the future expansion of the Cambridge Primary School to produce its own Master Plan for the Cambridge Primary School.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

- 4.1.** Council’s Strategic Plan 2016/2026 under the Goal Area “A *People City*” has the following Liveability Strategy:

“1.3 – Develop and implement a public open space network including quality public spaces, parks, reserves, and tracks and trails”.

- 4.2.** Council’s Strategic Plan 2016/2026 under the Goal Area “A *well-planned liveable city*” has the following Roads and Transport Strategy:

“2.4 - Develop and implement traffic management plans to enhance connectivity and improve road safety”.

- 4.3.** Council's Strategic Plan 2016/2026 under the Goal Area "A *well-planned liveable city*" has the following Land use planning and urban design Strategy:

"2.17 - Undertake contemporary land use policy development, and active participation in regional planning processes, to ensure delivery of a range of planning measures aimed at:

- well planned, vibrant and accessible activity centres;*
- a regional approach to the planning of major sporting facilities".*

5. EXTERNAL IMPACTS

- 5.1.** The impact of the Cambridge By-pass Road may have a potential impact on the Cambridge Service Station and Shop.
- 5.2.** Dog walking/owner clubs made a representation requesting Council consider the provision of dog exercise areas in the Plan, eg on and off-lead areas. This is an issue more appropriately dealt with under Council's Dog Management Policy as a future year consideration.

6. RISK AND LEGAL IMPLICATIONS

The proposals by the DoE to take over 11,000 m² are contrary to the express provision under which the land was granted for the Cambridge Memorial Oval.

7. FINANCIAL IMPLICATIONS

- 7.1.** There are specific funds available in the Annual Plan for the development and implementation of some aspects of the Plan.
- 7.2.** Council could consider the further allocation of funds as part of its consideration of the preliminary 2017/2018 Annual Plan once Council has adopted a final version of the Plan.

8. ANY OTHER UNIQUE ISSUES

- 8.1.** There is no potential for current expansion of the urban area under the Regional Land Use Strategy Plan 2011.
- 8.2.** Council has funded the majority of footpaths to connect the residential areas of the Cambridge Township to the local shop and the recreational hub of the Cambridge Oval and Hall, as well as funding the connection of the multi-use pathway from Cambridge to Seven Mile Beach and the on-road cycle lane on Kennedy Drive to the Tasman Highway airport roundabout. Currently there is no option available to compel DSG to supply footpaths in the DSG controlled section of Cambridge Road. It is likely that this component of the Plan will be undertaken once this section of Cambridge Road is handed to Council to maintain when the Cambridge By-Pass is built.
- 8.3.** It is important to realise the roundabout solution for the Richmond Road/Cambridge Road intersection will only work once the Cambridge Township is by-passed by the proposed By-Pass which is under the control of DSG. This is noted on the Plan. The exact timing of the construction of the Cambridge By-Pass is in the hands of the State Government. At this stage it is believed to be programmed to occur within the next 5-10 years but as always will be subject to budget considerations.

9. CONCLUSION

- 9.1.** The recommendations outlined in the Plan intend to facilitate the implementation of an integrated concept Plan which is unique for the Cambridge Township and identifies it as an important part of the City of Clarence. Community consultation has been carried out for the Plan which is generally supported.

9.2. On that basis it will be recommended that the Plan be adopted with the additions of the following actions.

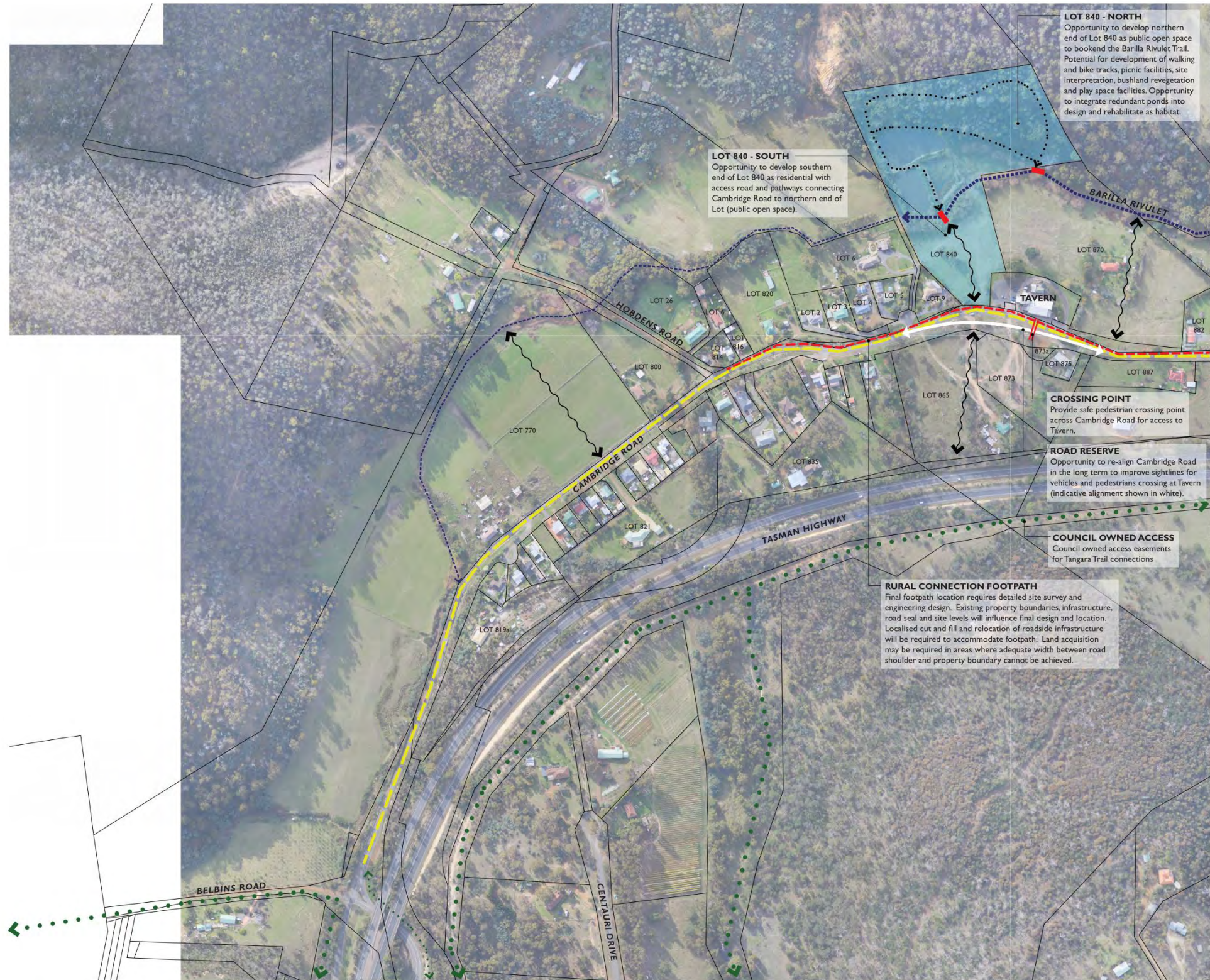
- The General Manager write to DoE advising the DoE Master Plan in its present form is unacceptable to Council and for the DoE to more thoroughly consider other options that do not impact on the Cambridge Memorial Oval.
- The General Manager write to DSG advocating for the bringing forward of the Cambridge Road By-pass.
- Council officers now finalise the lease with FFT.

Attachments: 1. Cambridge Master Plan (6)
2. DoE Master Plan for Cambridge Primary School (1)

John Stevens

GROUP MANAGER ASSET MANAGEMENT





ADJOINS PLAN 01

EXISTING CONNECTIONS

EXISTING PEDESTRIAN FOOTPATH

COUNCIL OWNED LAND TYPES

INFRASTRUCTURE

PROPOSED CONNECTIONS / OPPORTUNITIES

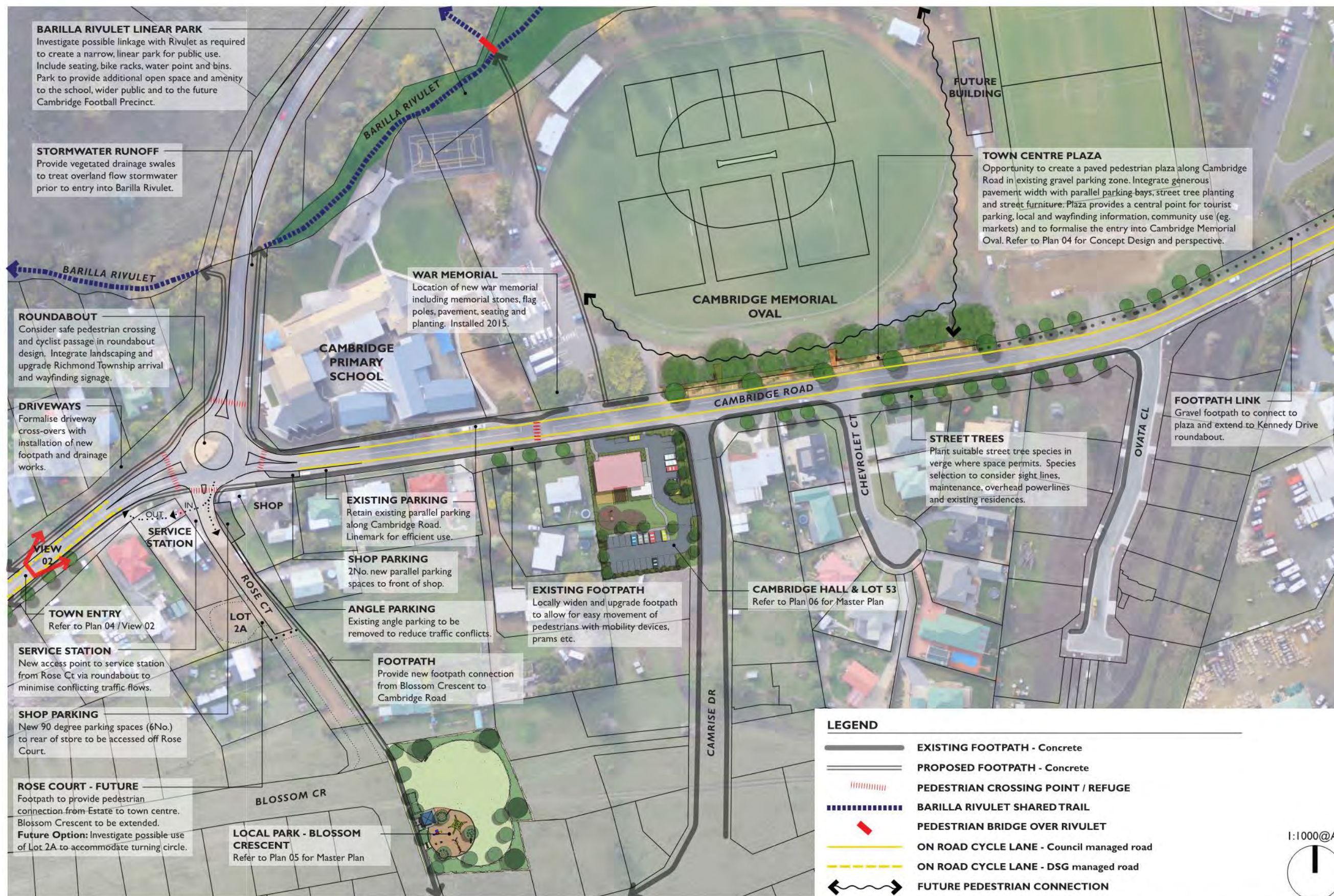
- PEDESTRIAN FOOTPATH - Rural Connection, gravel
- PEDESTRIAN REFUGE / CROSSING POINT
- BARILLA RIVULET SHARED TRAIL
- PEDESTRIAN BRIDGE OVER RIVULET
- ON ROAD CYCLE LANE - DSG road
- TANGARA TRAIL CONNECTION

FUTURE DEVELOPMENT OPPORTUNITIES

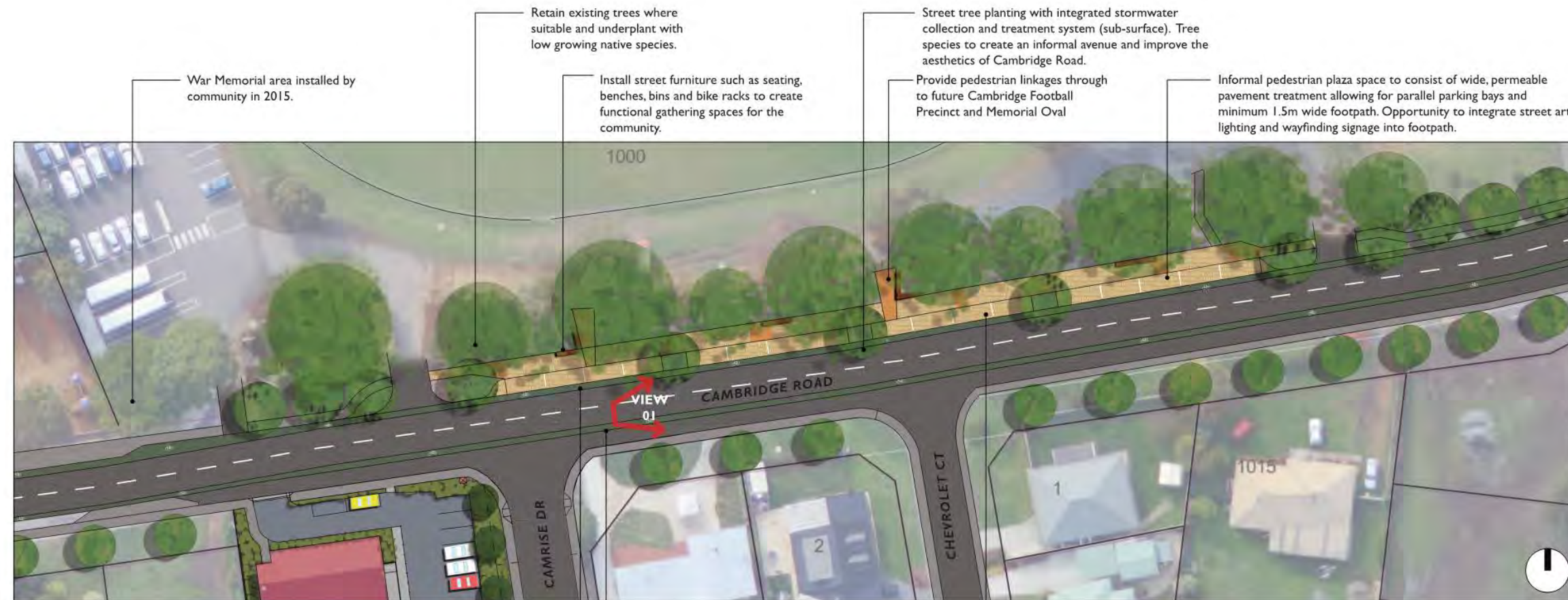
- KEY PEDESTRIAN CONNECTIONS**
Key pedestrian connections for consideration as part of any future development of large rural lots into residential subdivisions.
- BARILLA RIVULET SHARED TRAIL EXTENSION**
Continuation of trail to provide an extended link along Rivulet. Opportunity to link via Cambridge Road and Belbins Road to the Meehan Range. Requires long term acquisition of land.

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CAMBRIDGE MASTER PLAN
PLAN 03 - Cambridge Town Centre

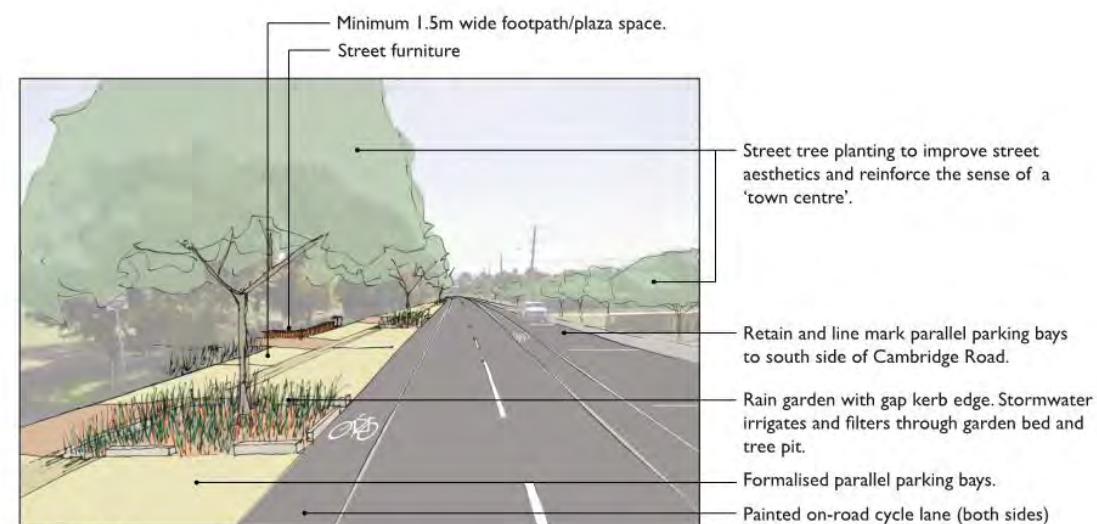


TOWN CENTRE PLAZA NTS

INTENT: To upgrade existing gravel parking area to create a functional plaza space for community and tourist use. Generous pavement widths allows for multi-use as footpath and market space and provides a central 'meeting point' for locals and tourists to Cambridge. Improves aesthetic appeal of town centre through formal street plantings and material finishes. Creates a street connection for the future Cambridge Memorial Oval upgrades.

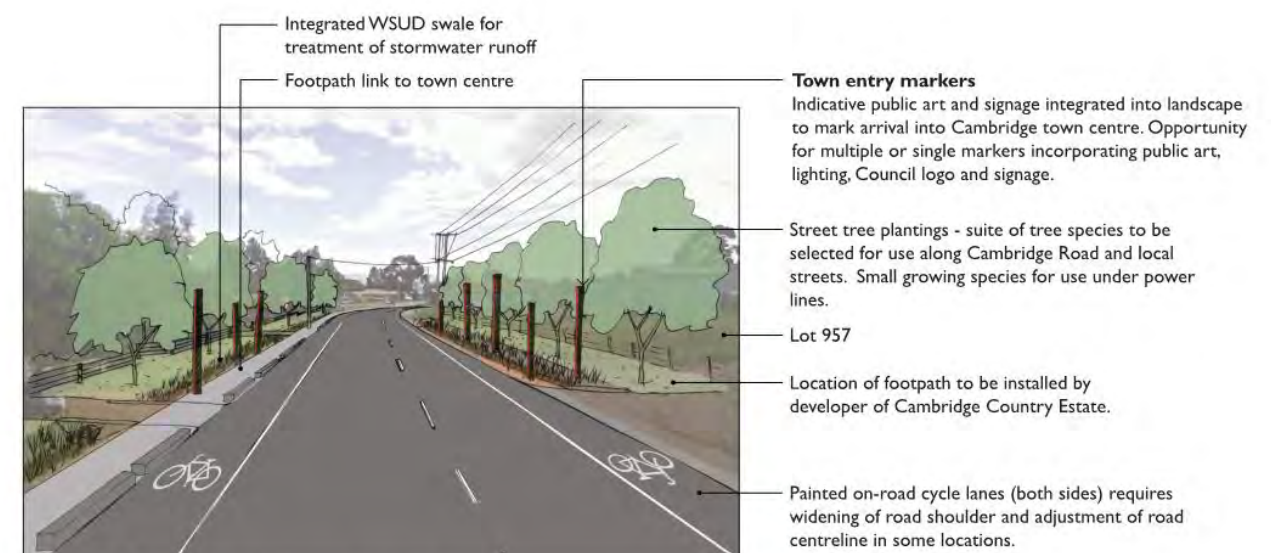
Painted on-road cycle lanes accommodated through relocation of Cambridge Road centre line. Retain existing parallel parking to south side of Cambridge Road.

Generous parallel parking bays accommodate buses, motor homes and caravans creating a central hub in the town centre for tourist facilities.



VIEW 01

Town centre plaza - travelling east along Cambridge Road



VIEW 02 (See Plan 03 for view location)

Western town entry - travelling east on Cambridge Road



TOWN CENTRE CONTEXT PLAN



PARK at BLOSSOM CRESCENT

DRAFT MASTER PLAN

The public open space that has been contributed to Council as part of the Cambridge residential subdivision represents approximately 2600m² of land. This Draft Master Plan shows the future opportunities for the development of this land as a functional and aesthetic parcel of open space for the Cambridge community.

Open space should provide a mix of passive and active spaces as well as park facilities such as seating, shelters and footpaths for residents. Provision of these facilities has been balanced with ease of access and ongoing maintenance practices for Council work crews.



Swing set with basket swing



Nature play elements



Picnic shelter and seating



Climbing net

FOOTPATH CONNECTION

Footpath to link into Rose Court pedestrian connection when completed.

PARK FURNITURE

Provide seating at suitable locations in open space, minimum of 3 individual seats. Provide a mix of bench seats and seating with back and arm rests for elderly users.

KICK ABOUT LAWN

Managed and irrigated open lawn area for passive recreation and ball sports.

GARDEN BED

Install and maintain garden beds with low native planting to soften views into park and to frame active playground and picnic areas.

PICNIC SHELTER

Provide 5x5m, skillion roof picnic shelter with picnic table setting below. Install bike racks, water bottle refill station and rubbish bin facilities on paved hardstand. Connect picnic shelter to existing road footpath network for ease of access. Consider installation of sensor or timed lighting within shelter to satisfy CPTED principles. Picnic shelter location ensures strong passive surveillance from road and neighbouring properties.

STREET TREES

Install consistent street tree plantings along Blossom Crescent edge of park to create a green corridor, provide shade and improve street appeal of park.

Existing footpath

ADJOINING
RESIDENTIAL
PROPERTIES

ADJOINING
RESIDENTIAL
PROPERTIES

FEATURE SHADE TREES

Selectively locate large growing shade trees such as Eucalyptus species to provide long term shade and scale to open space. Location and species selection to prioritise minimising impacts to adjoining properties.

NATIVE BOUNDARY PLANTING

Establish native gardens to perimeter of park. Utilise a mix of native shrubs, grasses and ground covers. Consider CPTED principles and impacts on adjoining properties when selecting planting species and densities.

GARDEN BED EDGING

Provide garden bed edging (low profile concrete kerb) to formalise the lawn and mulched areas and to assist in easy mowing and garden bed maintenance.

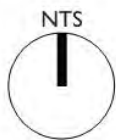
CHILDRENS PLAYGROUND

Provide play equipment for a wide range of age groups to service the local community. Consider large climbing net for older children, swing set, basket swing and a toddlers combination unit. Incorporate nature play elements such as large format boulders set out in rings or spirals beneath shade trees. Install edging to full perimeter of playground zone to contain softfall mulch.

BLOSSOM CRESCENT

ADJOINING
RESIDENTIAL
PROPERTIES

CAMRISE DRIVE



CAMBRIDGE MASTER PLAN

PLAN 05 - Local Park at Blossom Crescent - Master Plan

ENTRY ONLY
Main car park entry off Cambridge Road.

PEDESTRIAN LINKS
Provide footpath connection from Cambridge Road to main Hall entry.

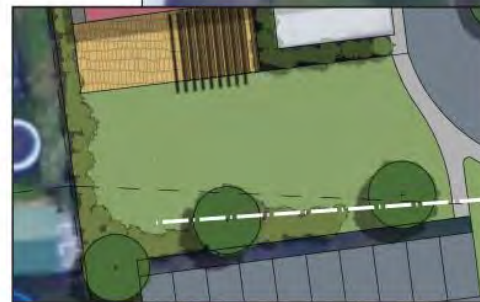
LOW PLANTING
Remove existing planting from garden beds and replant with low growing, low maintenance species to maintain strong sight lines and visual surveillance of Hall premises.

OUTDOOR TERRACE
Provide paved terrace to rear of Hall for outdoor functions and events. Opportunity to provide connection from within Hall directly onto paved area. Opportunity for pergola / roof structure over pavement and provision of outdoor BBQ facilities.

CHILDRENS PLAY AREA
Opportunity to provide outdoor childrens play area if required. Inclusion of sensor lighting or similar to prevent unintended use and vandalism.
See Inset Plan for alternative layout of lawn area without play facilities.

SCREEN PLANTING
Install narrow hedge to provide vegetation screen to adjacent property.

INSET PLAN
ALTERNATIVE LAWN AREA LAYOUT
Provide open kick about lawn to rear of Hall. Opportunity to utilise for outdoor events and markets or other Hall functions.



GARDEN BED
Plant out front boundary to improve street appeal and prevent vehicle entry.

PEDESTRIAN LINKS
Improve pedestrian connectivity to Hall through improved path connections.

UPGRADE PARKING
Improve layout, surfacing and line marking of existing car park.

EXISTING HEDGE
Remove existing hedge and replant with tall trunking trees and low growing ground covers to retain open sight lines to hall.

FOOTPATH LINK
Provide new footpath and bollards.

DISABLED PARKING BAYS - 2No.
Close to ramped Hall entry.

EXISTING TREE
Retain and protect existing tree.

EXISTING BUILDING
Opportunity to render and paint the brick extension to improve aesthetics.

LOW PLANTING
Mass planting to garden beds to improve aesthetics of Hall surrounds.

DRIVEWAY ENTRY
Existing crossover to be two way driveway entry to overflow car parking area.

LAWN AREA
Provide open, level lawn area for outdoor events and functions at Hall.

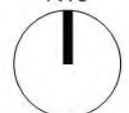
PROPOSED TREES
Small growing trees to provide shade to car park and lawn areas.

DISABLED PARKING BAYS - 2No.
Path connection to ramped Hall entry.

LOT 53 - OVERFLOW CAR PARK
Opportunity to provide overflow car parking spaces on Lot 53 with footpath connections to Hall. Provide 2 disability parking bays and 18 standard bays.

FENCING
Suitable fencing to define the boundary with adjoining private property.

NTS



CAMBRIDGE COMMUNITY HALL

DRAFT MASTER PLAN

LOTS 989 CAMBRIDGE RD & 53 CAMRISE DR

CAMBRIDGE MASTER PLAN
PLAN 06 - Cambridge Hall and Lot 53 - Master Plan

Attachment 2



Rev A	Comment Client Issue	Date 01.08.16	Rev Date 3/08/2016	Project No 1612	Scale (A3) 1:1000	DO NOT SCALE DRAWING. © M2a Architects. Unauthorised copying prohibited.	Project Name Cambridge Primary School	Client Department of Education	Drawing Title Proposed site Plan	1 03 6234 3307 f 03 6234 3192 www.m2a.com.au 25 Arthur St North Hobart, 7000 PO Box 114 North Hobart, 7002 abn. 300474080443
							Address 976 Cambridge Road, Cambridge 7170		Status B	Drawing No. 104
									Revision A	



11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 LEASED FACILITY – NOTIFICATION OF INTENTION TO LEASE PART OF THE KANGAROO BAY SPORTING FACILITY**

(File No K021-20)

EXECUTIVE SUMMARY**PURPOSE**

To consider representations to Council's proposed leasing of part of the building known as the Kangaroo Bay Sporting Facility situated at 20 Kangaroo Bay Drive, Bellerive.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026, Council's adopted Kangaroo Bay Urban Design Strategy and Concept Plan, the Kangaroo Bay Foreshore Recreation Master Plan and the Kangaroo Bay Memorandum of Understanding between the Crown and Council are relevant.

LEGISLATIVE REQUIREMENTS

The Local Government Act, 1993 is applicable.

The Lands Titles Act, 1980 is applicable for all lease agreements for periods in excess of 3 years.

CONSULTATION

Consultation has occurred between Council officers and representatives of the Clarence District Cricket Club (CDCC).

The proposal has been publicly advertised in accordance with the requirement for the disposal of public land provisions of the Local Government Act 1993.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the notification to lease process.

RECOMMENDATION:

- A. That Council notes the receipt of 1 representation in respect to its public advertising process and the matters raised therein.
- B. That in accordance with Section 178 of the Local Government Act 1993, Council, having considered the matters raised in the representor's submission forms the view:
 - that the matters raised in the submission were dealt with by the recommencement of the public notification process; and
 - that the submission raises no further matters or public interest issues which materially affect or warrant any changes to Council's intention to lease the facility for a period in excess of 5 years;

That Council resolves to proceed with the disposal of public land, namely the first floor of the Council property at 20 Kangaroo Bay Drive, Bellerive by way of lease to the Clarence District Cricket Club Inc for a term of 10 years with an option for a further 10 years for the facility at 20 Kangaroo Bay Drive, Bellerive known as the Kangaroo Bay Sporting Facility in accordance with Council's Adopted Leased Facilities Pricing and Term of Lease Policy.

- C. That the Clarence District Cricket Club Inc be offered use and operation of the kiosk facility on an annual licence basis in accordance with Council's Adopted Leased Facilities Pricing and Term of Lease Policy.
- D. That the representor be informed of Council's decision and their rights of appeal in writing in accordance with Section 178 (6) of the Local Government Act 1993.
- E. That Council's agreement to lease the premises to the Clarence District Cricket Club Inc commence at the conclusion of the appeal period or determination of any appeal arising from the land disposal process.

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

ASSOCIATED REPORT

1. BACKGROUND

- 1.1.** As part of its development of the Kangaroo Bay precinct, Council entered into a deed of arrangement dated 14 April 2015 between the Crown, Cricket Tasmania and the Clarence District Cricket Club ("the Club") to fund the development of the sporting facility known as the Kangaroo Bay Sporting Facility.
- 1.2.** The deed of arrangement provided that on completion of the Kangaroo Bay Sporting Facility Council would enter into this lease with the Club for part of the building.
- 1.3.** The Local Government Act, 1993 requires that if Council intends to lease public land, it is to undertake formal public processes in accordance with the Act as though it was disposing of the land.
- 1.4.** Council's intention to lease has been formally advertised.

2. REPORT IN DETAIL

Public Land Disposal

- 2.1.** Section 177A of the Local Government Act, 1993 defines Public Land as:
“any land that provides health, recreation, amusement or sporting facilities for public use”.
- 2.2.** On that basis the area occupied by the facility at 20 Kangaroo Bay Drive, Bellerive known as the Sporting Facility is regarded as public land.
- 2.3.** The proposed leasing of the facility will be undertaken in accordance with Council’s Leased Facilities Pricing and Term of Lease Policy and in accordance with the Local Government Act, 1993.
- 2.4.** The disposal of Public Land by leasing the land required to follow a set statutory process. The following outlines the process required:
- a Council resolution by Absolute Majority is required;
 - Council is to publish its intention in the daily newspaper on 2 separate occasions;
 - Council is to notify the public that objections may be made to Council within 21 days;
 - if Council does not receive any objections it may lease the land;
 - if Council receives objections it must consider any objections received and advise the objector of its decision;
 - the objector may appeal to the Resource Management and Planning Appeals Tribunal (RMPAT) against Council’s decision within 14 days;
 - the RMPAT decision on the appeal is final and neither party can appeal further, as the legislation prohibits an appeal to the Supreme Court; and
 - in cases where an objection has been lodged, Council is expressly prohibited from taking any action (ie commitment to lease) until after the appeal process has fully concluded.

- 2.5.** At its Meeting of 14 August 2014, Council resolved to authorise the General Manager to negotiate and sign a Deed of Arrangement between the Crown, Cricket Tasmania and the Clarence District Cricket Club to fund the development of Kangaroo Bay Oval change rooms and Clarence District Cricket Club clubrooms.
- 2.6.** The Deed acknowledges that on completion of the facility, Council would develop a lease agreement with the Club for the clubrooms and a seasonal licence for the cricket grounds and change rooms.
- 2.7.** A lease has been drafted and provided to the Club for comment. The Lease sets out the respective obligations and rights of Council and the Club. The Club has provided some comment on the draft which has been addressed at officer level. The proposed lease terms and conditions were outlined in the report to Council on 17 October 2016 to commence this process.
- 2.8.** Council's intention to lease the first floor of the 20 Kangaroo Bay Drive facility was advertised on 22 October 2016 and, subsequent to the 1 representation on this matter being received, was re-advertised on 26 October 2016 with corrected description of the area of the premises to be leased.
- 2.9.** The public advertising period closed on 15 November 2016 and no further objections/representations were received. The objector was advised that their earlier representation would be regarded as a valid submission and taken into account as a response to the re-advertised process.
- 2.10.** The grounds stated in the objection received were as follows:
- “1. The notice refers to 20 Kangaroo Bay Bellerive. I assume this is meant to be 20 Kangaroo Bay Drive. The intention is to lease, to the Clarence Cricket Club, part of the newly constructed Kangaroo Bay Sporting Facility.*
 - 2. There is no indication in the notice as to the terms of the lease.*

3. *The notice says it is for the first floor and part of the ground floor. The notice DOES NOT reflect the Council decision on 17 October at Item 11.7.6:*
 - a. *The Council decision restrict the lease area.*
 - b. *The decision which, is not the recommendation, only refers to the first floor AND not the ground floor.*
 - c. *It sets the term at 10 plus 10 years.*
4. *The advertisement is wrong in relation to the address, the area to be leased and does not refer to the terms of the lease. The advertisement is incorrect and misleading and I object accordingly.*
5. *To allow proper consideration by the community the correct information ought be provide and the intention to lease the area should be re-advertised”.*

2.11. Points 1, 3, 4 and 5 are of a process nature and were addressed in the re-advertising of the notice of intention. The kiosk area was removed from the advertisement (refer to further explanation below). As such these matters have been fully addressed and satisfied.

2.12. The only remaining issue under Point 2 is the question of whether the advertisement of Council’s intention should include the terms of the lease (ie the term of 10 plus 10 years). This is not a matter that the Act provision requires albeit that this detail is on the public record as it forms part of Council’s earlier deliberations of 17 October 2016. The objector has been advised accordingly on this issue.

2.13. The covering report to Council to commence the process makes reference to all the areas proposed to be leased to the Club, which included both the first floor of the building and the ground floor kiosk. The recommendation was worded in an open manner assuming that what was to be advertised was captured in the body of the report.

In so far as the intention to also lease the kiosk to the Club, this component became isolated by a last minute change to the Motion passed by Council. This was intended to clarify what was proposed to be leased, however, only then took into account the first floor. So as to not impede the public land process, tenure for the kiosk can be provided by way of a licence arrangement with the Club and this is now proposed as the alternative measure.

2.14. Much of the objection is concerned with the description of the proposed lease area and its primary focus is in the public notification details not the actual intention to lease or otherwise dispose of public land. The objection does not raise any issues as to how leasing of the land adversely affects the public or precludes the public from public land for which there is no similar facilities available elsewhere. These are the 2 identified criteria and grounds that an objecting party can submit as grounds of appeal to the Tribunal.

2.15. The building is almost complete and is ready for occupation and the Club will not be permitted to hire the facility until the appeal period is finalised.

3. CONSULTATION

3.1. Community Consultation

This matter has been the subject of a public notification process in accordance with the Local Government Act, 1993.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Consultation has occurred between Council officers and representatives of the Club as to the terms of the lease.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

4.1. Council's Strategic Plan 2016-2026 under A Well-planned Liveable City – Parks and Recreation Facilities has the following Strategy to: *“Develop and implement a sport and active recreation strategy to monitor trends and changing needs, and provide sport and recreation infrastructure through a planned approach which encourages partnerships with local clubs, state or regional sporting organisations and other levels of government”.*

4.2. The leasing of the building will generally be in accordance with the adopted Leased Facilities Pricing and Term of Lease Policy 2006.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

6.1. The Local Government Act, 1993 requires that Council gives notice of intention to lease facilities. This requires a decision by Council by Absolute Majority. In addition, there is a requirement to publish Council's intention to lease on 2 occasions in the daily newspaper notifying the public that objections to the proposed lease may be made within 21 days of the first notice.

6.2. Any objections received are to be formally considered by Council and should Council resolve to proceed with the intention to lease, then further appeal processes are allowable and are to be determined by the Appeal Tribunal under the Resource Management and Planning Appeal Tribunal Act, 1993.

7. FINANCIAL IMPLICATIONS

None identified.

8. ANY OTHER UNIQUE ISSUES

None identified.

9. CONCLUSION

- 9.1.** Sections 177 and 178 of the Local Government Act, 1993 require that Council resolves by Absolute Majority to lease part of the building at 20 Kangaroo Bay Drive, Bellerive. This matter has been through the public advertising process and 1 objection/representation was received.
- 9.2.** It is not considered that the objection received has raised any issues that impact on the public interest in the public land that Council needs to consider in respect to its intention to lease.

Attachments: Nil

Andrew Paul
GENERAL MANAGER

11.7.2 COUNCIL DELEGATIONS UNDER THE BUILDING ACT 2016

(File No 10/08/00)

EXECUTIVE SUMMARY**PURPOSE**

To consider the update of Council's delegations based on the introduction of the new Building Act 2016 which commences on 1 January 2017.

RELATION TO EXISTING POLICY/PLANS

The changes sought are specifically to deal with the introduction of the new Building Act 2016 which replaces the Building Act, 2000. The delegations proposed will not impact on any pre-existing policies or strategies of Council.

LEGISLATIVE REQUIREMENTS

The Building Act 2016 provides that a council is empowered to delegate to any person any of its powers and functions under this Act, other than its power of delegation.

CONSULTATION

Consultation has occurred at an administrative level.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

- A. That the following Schedule of Delegations in respect to the Building Act 2016 and the Building Regulations 2016 be approved.
- B. That the following Schedule of functions and powers, in respect to the Building Act 2016 and the Building Regulations 2016, be delegated to the General Manager together with the power to on-delegate.

SECTION REF	SECTION	DETAILS OF DELEGATION	DELEGATION
Building Act 2016 and Building Regulations 2016	General	In accordance with the procedures and requirements set out in the Act, administer and undertake Council's responsibilities under the Act including the keeping and management of records; recovery of costs borne by Council and the permit authority and receipting of monies payable under the Act including facilitating stormwater connections and disposal and other alterations to the stormwater disposal system; the determination of lands that have a reasonable probability of flooding for the purposes of identifying hazardous areas as defined under the Act.	General Manager

Building Act 2016 and Building Regulations 2016	Sections 265-271	To undertake necessary administrative actions consistent with Council's obligations of enforcement for non-compliance with the provisions of the Act, including the undertaking of required work that is the subject of an emergency, building or plumbing order; the serving of demolition orders, taking possession of a building site; undertaking demolition, recovering costs incurred and the disposal of demolished building materials.	General Manager
Building Act 2016 and Building Regulations 2016	Section 41	To undertake Council's functions and responsibilities under the Building Act specifically, duties to inform owners of their responsibility under the Act; and to be aware of building, plumbing and demolition work being undertaken and the use and occupancy of buildings and to ensure proceedings are instigated against persons failing to comply with the Act and the enforcement of orders issued under the Act.	General Manager, and Manager City Planning

ASSOCIATED REPORT

1. BACKGROUND

- 1.1.** The Building Act 2016 will replace the current Building Act 2000 when it commences on 1 January 2017.
- 1.2.** The Building Act 2016 grants some powers to Council and some powers to the General Manager who can then on-delegate to officers.

2. REPORT IN DETAIL

- 2.1.** On 1 January 2017 a new building legislative framework will commence to replace the current Building Act 2000 and associated Regulations.

- 2.2.** A new Building Act 2016 and Building Regulations 2016 (incorporating Building and Plumbing Regulations), an amended Occupational Licencing Act 2005 and a new Residential Building Contracts and Dispute Resolution Act 2016 will be enacted. These will replace the current Building and Plumbing Regulations 2014 and the current accreditation scheme for building practitioners.
- 2.3.** The intent of the new Act and Regulations is to provide a “fairer, faster simpler and cheaper” process for building and plumbing approval.
- 2.4.** The new legislation moves to a risk based assessment process for building and plumbing works and away from the current permit concept of exempt and permit works. Four new risk based level will be introduced:
- Low Risk work by owner;
 - Low Risk work by licensed building practitioner;
 - Medium Risk (Notifiable Work); and
 - High Risk (Permit Work).
- 2.5.** Under the new Building Act, Councils continue to have some powers and obligations, primarily in the areas of compliance and enforcements. Under current delegation arrangements, those powers are delegated to the General Manager and in some instances, to Council’s Manager City Planning.
- 2.6.** The Schedule of Delegations proposed forms part of the Associated Report recommendation. Based on delegations that arise from the Act on delegation will be dealt with under the current organisational structure, including associated responsibilities and functions.

3. CONSULTATION

3.1. Community Consultation

Not applicable.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Consultation has occurred at an administrative level to ensure that the schedule of delegations prepared will achieve the most efficient operational outcomes for Council.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The changes sought are specifically to deal with daily operational matters and will not impact on any pre-existing policies or strategies of Council.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

The Act sets out some functions and powers of Council. Delegations will assist in the efficient administration of the requirements of the Act.

7. FINANCIAL IMPLICATIONS

Not applicable.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

The delegations under the new Building Act 2016 have been prepared to ensure the continued efficient provision of services by Council to its community.

Attachments: Nil

Andrew Paul
GENERAL MANAGER

11.7.3 COMMUNITY SAFETY PLAN 2016-2021

(File No 09-17-07)

EXECUTIVE SUMMARY**PURPOSE**

To adopt the “Community Safety Plan 2016-2021”.

RELATION TO EXISTING POLICY/PLANS

Council’s Strategic Plan 2016-2026, Community Health and Wellbeing Plan 2013-2018, Positive Ageing Plan 2012-2016, Access Plan 2014-2018, Youth Plan and Emergency Management Plan.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

The Draft Plan has been on public exhibition for comment for a period of 4 weeks. Extensive internal and external consultation for the development of the plan included community surveys held at Neighborhood Centres, listening posts in Lindisfarne, Eastlands, Shoreline and Lauderdale and external reference group.

FINANCIAL IMPLICATIONS

Identified actions will be considered on an annual basis as part of the budget process.

RECOMMENDATION:

That Council adopts the Community Safety Plan 2016-2021.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Draft Community Safety Plan was endorsed by Council for public exhibition and comment on 17 October 2016. No written submissions were received.
- 1.2.** Community Safety and Well-being is a key strategy in the Strategic Plan 2016-2026 and the development of a Community Safety Plan is a key action in the Community Health and Well-being Plan 2013-2018.

- 1.3.** A Community Safety Plan provides an opportunity to co-ordinate community safety and crime prevention initiatives, identifying, prioritising and addressing issues locally. Currently the Community Safety work of Council is scattered across Council groups and not well co-ordinated.
- 1.4.** Community Consultations were conducted by PDF Management and led by the Community Health and Well-Being Liveability Environment Working Group. Extensive consultation, including external reference groups, community surveys and listening posts have contributed to the development of the draft Community Safety Plan.

2. REPORT IN DETAIL

- 2.1.** The Draft Community Safety Plan was endorsed by Council on 17 October 2016 for public exhibition and comment for a period of 4 weeks.
- 2.2.** No written submissions were received during the 4 week period.
- 2.3.** On review, some minor changes were made to the formatting of the document and wording. Inclusions are:
- a. add Community Development to the Operational area (responsibility) role under Strategy 5 – Task 2; and
 - b. add City Planning to the Operational area (responsibility) role under Strategy 9 – Task 6.
- 2.4.** Developing a Safety Plan was identified as an action in the Health and Wellbeing Plan. Perceptions of safety, real or perceived, can often impact how safe a person feels and also how they interact within their community.
- 2.5.** The Plan outlines 4 key areas for action:
- Personal safety;
 - Resilient communities;
 - Safe streets and spaces; and underpinned by
 - Powerful partnerships.

- 2.6.** The overall goal of the Plan is to have a connected, safe and empowered community. Many actions in the Plan are already identified in other Plans of Council (eg Positive Ageing, Access, Emergency Management, Youth, Health and Wellbeing Plan); however, new actions that address gaps not identified in existing plans have been developed.
- 2.7.** Currently community safety work is scattered across groups and is not well co-ordinated within Council and with other outside organisations and agencies. The plan consolidates existing actions, identifies gaps and opportunities to improve safety outcomes for the community in a co-ordinated manner. It provides a framework for Council to assess, make judgements and communicate its response in respect to safety issues in the community.

3. CONSULTATION

3.1. Community Consultation

An external company, “PDF Management” was engaged to assist with the community consultation for the development of the Plan which included surveys, focus groups, listening posts located at Eastlands, Lindisfarne, Shoreline, Lauderdale and Neighbourhood Centres.

The Plan was endorsed for public exhibition and comment on 17 October 2016. No written submissions were received.

3.2. State/Local Government Protocol

State Government’s Department of Health and Human Services, Department of Education and the Department for Police and Emergency Services were consulted during the development of the Plan.

3.3. Other

The Plan was developed in consultation with an Internal Working Group at Council, Committees of Council and interested officers.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Relevant parts of the Strategic Plan 2016 – 2026

- **Strategic Goal Area: A People City**

Strategy: *“Promoting and Enhancing Safety.*

1.14 Develop and implement plans and programs addressing personal and community safety”.

Relevant part of the “Community Health and Wellbeing Plan”

- **GOAL AREA: PROMOTING AND ENHANCING SAFETY**

“Develop a community safety strategy for council”.

Public Safety is also mentioned in:

- Youth Plan;
- Positive Ageing Plan 2012-2016;
- Access Plan 2014-2018; and
- Emergency Management Plan.

5. EXTERNAL IMPACTS

Implementation of the Plan will require working with others through new, as well as established networks. The Plan will include some delivery of programs and services, but also will involve Council in a lobbying and advocacy role.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

Identified actions will be considered on an annual basis as part of the budget process as to whether we proceed with an action and if so, to what extent and how.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. The plan was endorsed for public exhibition and comment for a period of 4 weeks. No written submissions were received.

9.2. That the plan be adopted by Council.

Attachments: 1. Community Safety Plan 2016-2021 (28)

Andrew Paul
GENERAL MANAGER

2016-2021

COMMUNITY SAFETY PLAN

live
SAFE



Clarence... a brighter place

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Clarence... a brighter place

PURPOSE

The purpose of the *Clarence Community Safety Plan* is to identify actions that Council can take over the next five years that will improve safety in our communities. We recognise that many Groups within Council are already contributing to community safety in a variety of ways. For this reason we have connected many of the actions identified across these Council strategies and plans and integrated them into this Plan to provide a comprehensive approach to safety.

Background

Feeling safe and experiencing safety is a fundamental human right endorsed by the World Health Organisation (WHO). The WHO 1989 Manifesto for Safe Communities states: *All human beings have an equal right to health and safety.*¹ In line with this thinking, the Clarence City Council produced the *Community Health and Wellbeing Plan 2013-2018* which identified a need to also develop a Community Safety Strategy for Council. This Plan fulfils that need.

Health and safety are linked – our perceptions of safety influence our sense of wellbeing and our willingness and ability to be active and participate in community life. For people to feel and live well, it is vital that Clarence is a liveable community where people can go about their activities free from fear or risk of injury or harm.

In developing this Plan and through the other planning processes by Groups within Council, the building blocks that contribute to liveability and community safety have been systematically identified – our sense of personal safety, the resilience of our communities, the safety of our built and natural environments, and the way in which we collaborate and partner with others will make us more secure.

While the Council is committed to creating safe communities and safe environments, we all have a responsibility for safety – as both residents and visitors. We have a personal responsibility to ensure the things we do don't harm others, and to bring to notice those activities, places or situations that may contribute to harm or be perceived as a threat to safety. By working together – as individuals and responsible agencies – we can better provide appropriate and timely responses to safety issues.

The City of Clarence is an amalgam of villages, each with its own physical and social characteristics. Building the resilience and capacity of each of these communities is one of the main contributors to community safety. When we combine the resources and interests of local communities, build participation in community life, and the capacity of the community to work together, we jointly create safer communities – including their ability to develop and deliver

solutions that work in their neighbourhoods.

The prevention of crime and unintentional injury is also addressed through the development of safer streets and open spaces. It's important that everyone can move freely and safely around Clarence – as pedestrians, cyclists and

¹ Accessed at <http://www.vscn.org.au/international-safe-communities/information-kit/history-of-world-health-organizations-safe-communities-movement/> 04 May 2016

vehicle users – and feels safe and prepared in their local environment against potential threats such as bushfires and the impacts of climate change.

Council is currently doing many things right – 78 per cent of survey respondents said they felt always or mostly safe in their community. Additionally we acknowledge the work already being done by a number of agencies and community groups outside of Council and the potential strength and momentum that can be garnered by partnerships between us all. By working with partners, this *Clarence Community Safety Plan* continues our commitment to a healthy and safe community.

Consultation Findings

Gathering the views of key stakeholders and hearing the concerns of the community were key inputs to the development of this *Community Safety Plan 2016-2021*. There were forums at the Neighbourhood Centres of Warrane, Risdon Vale, Rokeby and Clarendon Vale; meetings with a range of individuals, Council committees and advisory groups; a forum with Council staff; and 'listening posts' at Shoreline, Eastlands, Hill Street Lauderdale and Woolworths Lindisfarne. A survey available both online and in hard copy was deployed to allow as many Clarence residents as possible to contribute their safety issues, priorities and ideas.

A patchwork of safety issues emerged from the face-to-face consultations. The conversations with Council committees and advisory groups provided valuable guidance on issues and potential solutions in key areas including trailbikes, tracks and trails, bicycle safety. The conversation with young people revealed concerns primarily about bullying and family violence, and with older residents, road and footpath safety, and scams. Priorities identified by Clarence staff included multi-agency awareness of bushfire risk, inclusive infrastructure for an ageing population, and concerns about a range of antisocial behaviours. Separate conversations with Police and Education representatives identified a range of issues including the illegal use of trailbikes, the detrimental influence of social media and its use in bullying, and the rise of drugs in the community and their impact on children.

Over 200 surveys were completed online, at the listening posts or in hard copy. The analysis indicated that while nearly four in five respondents felt always or mostly safe, there were a range of safety concerns that rated with 15% or more of respondents. These included: bullying; drugs and alcohol; graffiti; pedestrian, cyclist and vehicle-related road safety; safety in public places including teenage and antisocial behaviour and hooning and trailbikes; internet and phone scams; and theft.

A snapshot of the key consultation findings, as well as snapshots of the Clarence community and various crime and injury data, follows.

Consultation, Community & Safety Snapshots

CONSULTATION SNAPSHOT



Sources:

Forums at Neighbourhood Centres

Meetings with individuals, Council committees and advisory groups

Forum with Council staff

Four Listening Posts

Survey results

COMMUNITY SNAPSHOT

We are 26 suburbs scattered across 386 kilometres enjoying 191 kilometres of coastline.

Just under 1 person in 5 aged over 15 years is a volunteer.

Our population in June 2015 was 54,674.

Our median age is older than the Australian average – 41 years compared with 37 years.

About 5% of Clarence residents have a need for assistance.

In the 2011 Census, 1,501 people identified as Indigenous in Clarence.

By far the largest number of residents born outside Australia were born in the United Kingdom.

Over 80% of residents are aged over 15 years and almost one-fifth are over 65 years.

One in five of our residents is aged under 15 years.

Sources

Clarence City Council website: <http://www.ccc.tas.gov.au/>

Australian Bureau of Statistics 2011 Census Community Profiles - Clarence

SAFETY SNAPSHOT

COMMUNITY SAFETY PLAN

Offences committed against the person in 2014-15 totalled 246, a 7.5% decrease since 2010-11.

Offences committed against property in 2014-15 totalled 2,148, a 10.6% increase since 2010-11.

There were 16 serious road crashes in 2015 compared to 19 in 2011.

There's been a 45% decrease in family violence incidents reported to Tasmania Police between 2010 and 2015 in Clarence.

Between 2010 and 2014 there were 6282 hospitalisations (12% higher than age-specific rate for Tasmania) and 113 deaths (29% decrease for men) due to injury and poisoning conditions*.

There were 21 serious casualties from road crashes in 2015 compared to 25 in 2011.

Drivers and motorcyclists were most at risk.

Sources

Police Offences Reporting System, Tasmania Police

Family Violence Management System, Tasmania Police

Crash Data for Clarence, Department of State Growth

Epi-Reporting System, Department of Health and Human Services

*See Termson page 25

Role of Council

The Plan identifies Council's role in relation to a particular activity - whether it is a regulatory role, planning role, advocacy role, lobbying role, or a provider role. These various roles are defined as follows:

REGULATORY

Council will need to change or enforce its own laws and regulations or enforce state laws and regulations.

PLANNING

Council has a role in developing in advance how it desires particular aspects of the City to be in the future.

ADVOCACY

Council will take an active role in supporting or recommending a particular cause or action.

LOBBYING

Council will take an active role in influencing for changes in legislation or the provision of a service or facility through other tiers of government.

PROVIDER

Council has a direct role in providing this service, facility or infrastructure within the limits of Council's resources.

In carrying out these roles Council has various organisational groups with responsibility for leading and supporting delivery of the Plan. These include:

Asset Management Group: Management and design of services within the City, including roads, tracks and trails, recreation facilities including parks and sports fields, garbage collection and recycling, stormwater, drainage and natural areas.

Health and Community Development Group: Community services (community development, youth services, children's services, arts and events, volunteer service), building and plumbing, environmental health, animal management, and parking.

City Planning Group: City planning including administration of the City Planning Scheme, processing subdivisions and development applications and heritage issues.

Communication and Marketing Group: Civic affairs, City marketing and promotion, Economic Development, tourism and media.

Other Council groups include **Operations** (Depot), **Corporate Support** and **Financial Management**.

WORKING WITH PARTNERS

Underpinning the success of this Plan to deliver the safest possible community is the Focus Area: *Powerful Partnerships*. Council recognises that we can't achieve all the actions in the Plan without coordinating people, skills and resources and that many of these lie outside of Council within other agencies and groups who have a wide range of knowledge, skills and experience to contribute. Wherever it is appropriate, Council will link in with campaigns and use resources provided at the state and national level by government and non-government organisations.

Community Safety Framework

As a result of the research undertaken for the Community Safety Plan, four Focus Areas were identified to guide delivery of the Purpose: People feel safe in their community. The first three Areas address what Council and its partners will do; the fourth Area, Powerful Partnerships, describes how we will work to deliver the strategies and actions in the Plan.

The first Focus Area, **Personal Safety**, addresses the importance of all of us to not only experience safety but also contribute as individuals to a caring, respectful and responsive community. It considers many of the issues which were identified in the consultation process as being of concern to people across Clarence communities.

The second Focus Area, **Resilient Communities**, recognises the importance of living in, and being connected to, a dynamic community of which you feel a part and are free to participate. You feel free to make the choices you want to make without fear.

The third Focus Area, **Safe Streets and Spaces**, creates an environment in which you experience safety. It addresses the natural and built environments we live, work and play in, ensuring they provide the access and safety required to move about freely.

The fourth Focus Area, **Powerful Partnerships**, is about how we work together to deliver the safest possible community. It recognises that Council can't achieve all the actions in the Plan without coordinating people, skills and resources. Working in partnership allows us to tap into and use the wide range of knowledge and skills that contribute to a safe community and safe municipality.

Framework For Action



Focus Areas, Outcomes and Strategies

To achieve the desired outcome of each of the four Focus Areas, a number of strategies have been developed to guide action. Below is a summary of the Focus Areas, Outcomes and Strategies. The actions which will deliver each of the strategies are listed in the tables that follow.

People feel safe in their community

FOCUS AREA	OUTCOME	STRATEGIES
Personal Safety	People experience and contribute to a caring, respectful and responsive community	<ol style="list-style-type: none"> 1. Safety in homes and neighbourhoods 2. Safety for vulnerable groups 3. Safety awareness 4. Diversity and safety
Resilient Communities	A dynamic and connected community	<ol style="list-style-type: none"> 5. Community participation 6. Community capacity 7. Support for 'at-risk' groups 8. Preparedness
Safe Streets and Spaces	Liveable, accessible and safe streets and surroundings	<ol style="list-style-type: none"> 9. Preventative planning 10. Road safety 11. Accessibility & safety for all abilities 12. Sharing spaces 13. Bushfire readiness & management
Powerful Partnerships	Collaborative sustainable decision-making	<ul style="list-style-type: none"> • Networking • Coordinating • Cooperating • Collaborating

LEGEND FOR THE FOLLOWING TABLES

The Council Operational Area in BOLD is the lead group

Resource Implications

- Adequately resourced
- ◐ Resources reassigned
- ◑ Additional resources required
- New resources required

NOTE: Resource allocations will be subject to the usual annual budgetary consideration process

NOTE: Projects identified in the plan should require minimal additional resources

NEW Actions have been developed as part of the consultation process, and Council's ability to deliver on them will depend on the resources being available.

Any actions not marked as NEW are already part of Council's approved operations or Plans.

FOCUS AREA 1: PERSONAL SAFETY

OUTCOME: People experience and contribute to a caring, respectful and responsive community

STRATEGY 1: Safety in homes and neighbourhoods

ACTIONS	COUNCIL INVOLVEMENT	RELEVANT COUNCIL OPERATIONAL AREA	MEASURING OUR SUCCESS	RESOURCE IMPLICATION	SHORT TERM	MEDIUM TERM	LONG TERM
Promote and work with Neighbourhood Watch and Crime Stoppers	PLANNING ADVOCACY	· Community Development	INITIATIVES DELIVERED WITH NEIGHBOURHOOD WATCH & CRIME STOPPERS	○		NEW	
Investigate opportunities for supporting the Safety House program	PLANNING ADVOCACY	· Community Development	SAFETY HOUSE PROGRAM OPPORTUNITIES INVESTIGATED	○		NEW	
Participate in White Ribbon's 16 Days of Activism	ADVOCACY	· Community Development	RANGE OF PARTICIPATION	◎	NEW		
Implement workplace family violence prevention, eg <i>Respectful Relationships</i> or <i>Male Champions of Change</i> at Clarence City Council	ADVOCACY PLANNING	· Corporate Executive Committee	FAMILY VIOLENCE PREVENTION PROGRAM IMPLEMENTED	◎	NEW		
Attract funding for continuation of Facing Up To It (FUTI) First Contact Person Training	ADVOCACY	· Community Development	FUNDING ATTRACTED NO. OF PERSONS TRAINED	◎			
STRATEGY 2: Safety for vulnerable groups							
Implement strategies identified in the Draft Youth Plan 2016-21 that relate to young people's safety, particularly bullying	ADVOCACY PROVIDER PLANNING LOBBYING	· Youth Services	SAFETY STRATEGIES IN YOUTH PLAN IMPLEMENTED	○	NEW		
Implement strategies identified in the Access Plan 2014-18 that relate to people with a disability	ADVOCACY PROVIDER PLANNING LOBBYING	· DAAC · Community Development	SAFETY STRATEGIES IN ACCESS PLAN IMPLEMENTED	○			
Work with agencies in Clarence and support appropriate strategies to assist people out of homelessness	ADVOCACY PROVIDER	· Community Services	ISSUE OF HOMELESSNESS INVESTGATED & STRATEGIES SUPPORTED	○			
STRATEGY 3: Safety awareness							
Adopt safety awareness social marketing campaign	PROVIDER	· Communication & Marketing · Community Services	SOCIAL MARKETING CAMPAIGN CONDUCTED	◎		NEW	
Promote awareness of crime/safety issues relating to scams, cyber safety and mobile technologies	PROVIDER ADVOCACY PLANNING	· Communication & Marketing · Community Development	INFORMATION DISTRIBUTED	◎	NEW		

ACTIONS	COUNCIL INVOLVEMENT	RELEVANT COUNCIL OPERATIONAL AREA	MEASURING OUR SUCCESS	RESOURCE IMPLICATION	SHORT TERM	MEDIUM TERM	LONG TERM
Develop a 'Reporting an Issue Guide' to encourage the community to report safety issues and incidences of crime	ADVOCACY	· Community Development	INCREASED WITNESS STATEMENTS TO POLICE INCREASED SAFETY ISSUES REPORTED	●	NEW		
Embed messages of community safety in existing programs, publications and events	PROVIDER	· Communication & Marketing · Community Services	NUMBER OF PROGRAMS, PUBLICATIONS & EVENTS WITH COMMUNITY SAFETY MESSAGES	●	NEW		
Support affected communities with information about action on climate change, sea level rise, bushfire, and erratic weather events	PROVIDER	· Asset Management · Environmental Health · Communication & Marketing · Community Development · City Planning	INFORMATION DISTRIBUTED	●			
Further develop the <i>Live Safe</i> section of the <i>Live Clarence</i> website	PROVIDER	· Community Development · Communication & Marketing	WEBSITE UPDATED	●			
STRATEGY 4: Diversity and safety							
Develop a Multicultural Community Plan	PROVIDER	· Community Development	ACTION PLAN DEVELOPED	●		NEW	
Provide elements at events that foster cultural awareness	ADVOCATE PROVIDER	· Events · Community Services	CULTURAL ELEMENTS PROVIDED	●			

FOCUS AREA 2: RESILIENT COMMUNITIES

OUTCOME: A dynamic and connected community

STRATEGY 5: Community participation

ACTIONS	COUNCIL INVOLVEMENT	RELEVANT COUNCIL OPERATIONAL AREA	MEASURING OUR SUCCESS	RESOURCE IMPLICATION	SHORT TERM	MEDIUM TERM	LONG TERM
Manage or support a range of events that attract different sectors of the community including small community gatherings, 'know your neighbours' series	PLANNING PROVIDER	· Events · Community Development	CROSS SECTION OF THE COMMUNITY ATTRACTED TO EVENTS	○	NEW		
Continue to implement Council's Community Participation Policy	PLANNING	· Communication & Marketing · Community Development	NUMBER OF PROJECTS WHERE POLICY IS APPLIED	○			
Encourage, promote and support residents groups (eg SAPRA) as a model for community building	ADVOCACY PLANNING	· Community Development	RESIDENTS MEETINGS FACILITATED & GROUPS FORMED	○			
Promote recreational & social opportunities in local halls, and facilities eg Dance Hall Days Series, birthday parties (Richmond Hall) including reviewing the Halls brochure	ADVOCACY PROVIDER	· Community Services · Asset Management · Communication & Marketing	RECREATIONAL & SOCIAL OPPORTUNITIES IN LOCAL HALLS PROMOTED	○			
Invoke a sense of identity and place in the community through encouraging community and visitor participation in the cultural history of Clarence in meaningful and relevant ways	ADVOCACY	· Arts	PARTICIPATION IN THE CULTURAL HISTORY OF CLARENCE	○			
Hold regular 'networking' morning or afternoon teas with interested groups across the City with the purpose of helping to facilitate the sharing and dissemination of information, ideas and issues	PROVIDER	· Community Development	NO. OF NETWORKING EVENTS	○			
Work with diverse communities to facilitate access to community grants, resources and funding opportunities for arts and cultural activities	PROVIDER	· Arts and Events · Community Services	NO. OF ARTS & CULTURAL ACTIVITIES FUNDED FOR DIVERSE COMMUNITIES	○			
Improve access to recreation and social support programs	PROVIDER ADVOCACY	· Youth Services	NO. OF PROGRAMS PROVIDED NO. OF YOUNG PEOPLE PARTICIPATING	○			
Support and facilitate the development of Men's and Community Sheds and community gardens across the City	PROVIDER ADVOCACY	· CPAAC · Community Development	NO. OF MENS & COMMUNITY SHEDS NO. OF COMMUNITY GARDENS	○			

ACTIONS	COUNCIL INVOLVEMENT	RELEVANT COUNCIL OPERATIONAL AREA	MEASURING OUR SUCCESS	RESOURCE IMPLICATION	SHORT TERM	MEDIUM TERM	LONG TERM
STRATEGY 6: Community capacity							
Identify and improve community hubs that are the centre of activity and focal point for the community	PLANNING PROVIDER ADVOCACY	· CHAWAC · Community Development	COMMUNITY HUBS IDENTIFIED & IMPROVED	○			
Improve community life and public spaces, and provide activities for all ages through integrated projects eg One Community Together at Clarence Plains, Our Shared Space	PROVIDER ADVOCACY LOBBYING PLANNING	· Community Development	APPROACHES AND MODELS DEVELOPED IMPROVED COMMUNITY LIFE & PUBLIC SPACES	○			
Empower the community to prevent and respond to drug and alcohol issues	ADVOCACY PLANNING	· Community Development	ALCOHOL & DRUG ISSUES RESEARCHED & IDENTIFIED REDUCTION IN DRUG & ALCOHOL RELATED ISSUES IN COMMUNITIES	●			
Work with Tasmania Police and other relevant stakeholders to reduce the incidence of drug-related activities in communities	ADVOCACY LOBBYING PLANNING	· Community Development	REDUCED DRUG-RELATED INCIDENTS	◎			
STRATEGY 7: Support for 'at risk' groups							
Work with young parents to build their parenting skills and give their babies the best start to life	ADVOCACY PROVIDER PLANNING	· Community Services	NO. OF YOUNG PARENTS ATTENDING PARENTING SKILLS CLASSES	●	NEW		
Facilitate access by young people identified as being most 'at risk' to health and support services through CCYC and other youth services programs	ADVOCACY PLANNING	· Youth Services	NO. OF 'AT RISK' YOUNG PEOPLE ACCESSING HEALTH & SUPPORT SERVICES	○			
Continue to work collaboratively to develop appropriate approaches and models to engage young people who are most 'at risk' in the Clarence community to develop their skills and sense of belonging	PROVIDER ADVOCACY	· Youth Services	APPROACHES AND MODELS DEVELOPED	○			
STRATEGY 8: Preparedness							
Maintain a City Emergency Plan including reference to the <i>National Strategy for Disaster Resilience</i>	PLANNING	· Asset Management	EMERGENCY PLAN DEVELOPED & UPDATED	○			
Develop and implement plans dealing with climate change, sea level rise, bushfires and emergencies	PLANNING	· Asset Management	PLANS DEVELOPED & IMPLEMENTED	○			

FOCUS AREA 3: SAFE STREETS AND SPACES

OUTCOME: Liveable, accessible and safe streets and surroundings

STRATEGY 9: Preventative planning

ACTIONS	COUNCIL INVOLVEMENT	RELEVANT COUNCIL OPERATIONAL AREA	MEASURING OUR SUCCESS	RESOURCE IMPLICATION	SHORT TERM	MEDIUM TERM	LONG TERM
Improve street safety through clever contemporary design including creative lighting, introduction of WiFi hot spots, art and information eg in the Rosny Bus Mall	PLANNING PROVIDER	<ul style="list-style-type: none"> Asset Management Community Services 	PERCEPTION OF SAFETY IN KEY AREAS eg BUS MALL	●	NEW		
Develop and implement the Clarence Graffiti Management Plan including graffiti reduction approaches	PLANNING PROVIDER	<ul style="list-style-type: none"> Community Services Asset Management 	DECREASED INCIDENCE OF GRAFFITI	○	NEW		
Assess subdivision and urban design considering connectivity, legibility, open spaces, active and passive surveillance	PLANNING REGULATORY	<ul style="list-style-type: none"> City Planning Community Services 	SUBDIVISIONS ASSESSED FOR SAFETY	○			
Use 'Crime Prevention through Environmental Design' (CPTED) principles in design of parks and public open spaces	PLANNING PROVIDER ADVOCACY	<ul style="list-style-type: none"> Asset Management Community Services City Planning 	CPTED PRINCIPLES INCORPORATED INTO DESIGN OF PUBLIC OPEN SPACES	○			
Work with Metro toward improving public transport facilities and services	ADVOCACY LOBBYING PLANNING	<ul style="list-style-type: none"> Community Development Asset Management 	IMPROVED FACILITIES & SERVICES	○			
Develop well-designed recreational assets including activated streetscapes	ADVOCACY	<ul style="list-style-type: none"> Asset Management Community Services City Planning 	RECREATIONAL ASSETS DEVELOPED	◎			
STRATEGY 10: Road safety							
Assess and improve village areas for pedestrians and cyclists	PLANNING PROVIDER	<ul style="list-style-type: none"> Asset Management Bicycle Steering Committee City Planning Community Development 	AUDIT & REVIEW PEDESTRIAN & CYCLIST ROAD ACCESS IN VILLAGE AREAS	◎			
Assess and improve transport safety corridors for cyclists	PLANNING PROVIDER	<ul style="list-style-type: none"> Asset Management Bicycle Steering Committee City Planning Community Development 	AUDIT & REVIEW SAFETY OF TRANSPORT CORRIDORS	●			
Monitor, review and respond to road safety issues	PLANNING ADVOCACY LOBBYING	<ul style="list-style-type: none"> Asset Management Bicycle Steering Committee Community Services 	TIMELY RESPONSE TO ISSUES	○			

ACTIONS	COUNCIL INVOLVEMENT	RELEVANT COUNCIL OPERATIONAL AREA	MEASURING OUR SUCCESS	RESOURCE IMPLICATION	SHORT TERM	MEDIUM TERM	LONG TERM
Implement National Road Safety Strategy as appropriate	PLANNING PROVIDER	<ul style="list-style-type: none"> Asset Management City Planning 	KEY STRATEGIES IMPLEMENTED AS APPROPRIATE	○			
Develop a regional approach to promoting safe road use behaviours particularly among young people	PLANNING PROVIDER	<ul style="list-style-type: none"> New Regional Committee Youth Services 	ENGAGEMENT OF YOUNG PEOPLE	○			
Work with Tasmania Police and the Trailbikes Working Group to reduce illegal trailbike riding	ADVOCACY LOBBYING PLANNING	<ul style="list-style-type: none"> Trailbikes Working Group Community Development 	REDUCED COMPLAINTS ABOUT ILLEGAL TRAILBIKE RIDING	◎			
Work with Tasmania Police and other relevant stakeholders to reduce the incidence of hooning in communities	ADVOCACY LOBBYING PLANNING	<ul style="list-style-type: none"> Community Development 	REDUCED INCIDENCE OF HOONING	◎			
STRATEGY 11: Accessibility and safety for all abilities							
Provide infrastructure that is: <ul style="list-style-type: none"> · strategic · needs-based · age-friendly · universally accessible · timely · future-oriented · well-designed to support, sustain and enhance community safety and social wellbeing eg. public toilets	PLANNING PROVIDER	<ul style="list-style-type: none"> Asset Management Community Development City Planning 	STRATEGICALLY PLANNED, WELL-DESIGNED INFRASTRUCTURE PROVIDED	●	NEW		
Implement and review the progress of the Road Asset Management Plan including upgrading guide posts, street signs and lighting to ensure safety and accessibility	PLANNING PROVIDER	<ul style="list-style-type: none"> Asset Management Community Development DAAC 	NUMBER OF UPGRADES UNDERTAKEN	○			
Implement and review the Footpath Audit Plan and allocate funding for Priority One defects in footpaths	PLANNING PROVIDER	<ul style="list-style-type: none"> Asset Management DAAC Community Development 	NUMBER OF FOOTPATH DEFECTS RECTIFIED	○			
STRATEGY 12: Sharing Spaces							
Roll out consistent and clear signage that defines responsible and safe use of shared pathways and multiple use recreation spaces eg shared cycle and pedestrian pathways; dogs on leads etc	PLANNING PROVIDER	<ul style="list-style-type: none"> Asset Management Community Development 	SIGNAGE ROLLED OUT ACROSS COUNCIL	●	NEW		
Adopt and communicate a Tracks and Trails User Code of Conduct	PLANNING PROVIDER	<ul style="list-style-type: none"> Asset Management Tracks & Trails Committee 	CODE OF CONDUCT ADOPTED & COMMUNICATED	●			

ACTIONS	COUNCIL INVOLVEMENT	RELEVANT COUNCIL OPERATIONAL AREA	MEASURING OUR SUCCESS	RESOURCE IMPLICATION	SHORT TERM	MEDIUM TERM	LONG TERM
STRATEGY 13: Bushfire readiness and management							
Explore options for a resident fuel load alert and clean up	PLANNING PROVIDER	<ul style="list-style-type: none"> Asset Management Communication & Marketing 	OPTIONS IDENTIFIED	●		NEW	
Review the Bushfire Management Strategy every five years	PLANNING PROVIDER	<ul style="list-style-type: none"> Asset Management 	UPDATED PLAN INCLUDING LATEST INFORMATION ON NATURAL & CULTURAL ASSETS, CHANGES IN BUSHFIRE RISK & BEST PRACTICE BUSHFIRE MANAGEMENT	○			
Complete annual maintenance of fire trails, fuel breaks and fuel modified buffer zones on Council-owned land to minimise adverse impacts	PLANNING PROVIDER	<ul style="list-style-type: none"> Asset Management 	ANNUAL MAINTENANCE COMPLETED	○			
Undertake regular communication between fire management agencies, landowners and the community to raise public awareness of bushfire risks and management issues through programs such as: Bushfire Ready Neighbourhoods, Community Protection Planning and Fuel Reduction Burning Program	PLANNING PROVIDER ADVOCACY	<ul style="list-style-type: none"> Asset Management Communication & Marketing 	COMMUNICATION UNDERTAKEN	○			
Work with key stakeholders to plan and implement multi-tenure bushfire management plans, particularly in areas with regionally significant vegetation communities	PLANNING ADVOCACY	<ul style="list-style-type: none"> Asset Management 	SUBDIVISIONS ASSESSED FOR SAFETY	○			
Update as required Bushfire Prone Areas Map	PLANNING	<ul style="list-style-type: none"> City Planning Building & Plumbing Services 	BUSHFIRE PRONE AREAS MAP UPDATED	○			

FOCUS AREA 4: POWERFUL PARTNERSHIPS

OUTCOME: Collaborative sustainable decision-making

Partnerships add value by aligning the effort and resources of key stakeholders. In working together, the knowledge, experience and expertise of diverse individuals, organisations and sectors are applied to finding effective solutions to complex issues. Successful partnerships are built on shared purpose; a culture of trust, openness and transparency; creative problem solving with opportunities to work and learn together; and agreed leadership and management practices.

*The Partnerships Analysis Tool*² defines four levels of partnership: networking – having a chat; coordinating – networking plus adapting; cooperating – networking, coordinating and contributing resources; and collaboration to achieve shared outcomes and mutual benefits. Working in partnership with individuals and agencies at each of these levels is essential for Council to deliver this *Community Safety Plan* in full.

Council already has a number of advisory and working groups that bring together a diversity of voices and capability to deliver change. We also have experience in forming, supporting and participating in cross-functional collaborative mechanisms like the Clarence Stronger Communities Partnership, where a wide range of agencies work together on complex issues.

We will continue to invest in, and build our expertise, in developing strong and effective partnerships with key stakeholders to deliver the best results for Clarence.

Implementation and Collaboration

The **Clarence Health and Wellbeing Advisory Committee** will oversee implementation of the *Community Safety Plan* and monitor and review progress. The **Clarence Stronger Communities Partnership** is a reference group which will be involved in the implementation of the Plan, together with key partners and other special committees of Council.

New Partnerships

In order to fully implement the Plan, some new partnerships will be explored. These include a Graffiti Management Partnership to prevent and act on graffiti; a new Early Childhood Parenting Partnership to bring together the range of expertise needed to support young parents to give their babies and young children the best start to life; and a renewed Regional Road Safety Partnership to address road safety issues, particularly involving young people.

Key Partners

- Department of Police, Fire and Emergency Services
- Metro
- Education Bodies including the Department of Education, Catholic Education Office and Independent Schools of Tasmania
- Department of Health and Human Services
- Tasmanian Health Service
- Department of Premier and Cabinet
- Neighbourhood Centres
- Community Partners
- Neighbourhood Watch
- Crime Stoppers

² VicHealth 2011, The partnerships analysis tool, Victorian Health Promotion Foundation, Melbourne.

Committees of Council

- Clarence Bicycle Steering Committee
- Clarence Positive Ageing Advisory Committee (CPAAC)
- Community Health and Wellbeing Advisory Committee (CHAWAC)
- Cultural History Advisory Committee (CHAC)
- Disability and Access Advisory Committee (DAAC)
- Events Special Committee
- Tracks and Trails Committee
- Youth Network Advisory Group (YNAG)

Consultation

Stakeholder Sessions

Stakeholder sessions were held with the following groups and individuals:

- Liveability and Environment Working Group
- Trailbikes Working Group
- Tracks and Trails Advisory Committee
- Clarence Stronger Communities Partnership
- Youth Network Advisory Group
- Rokeby Neighbourhood Centre
- Clarendon Vale Neighbourhood Centre
- Clarence Positive Ageing Advisory Committee and Access Committee
- Warrane Mornington Neighbourhood Centre
- Clarence Council Staff
- John Peers and Kay McFarlane (Council Aldermen representing road safety)
- Risdon Vale Neighbourhood Centre
- Mark Burke, Tasmania Police
- Bicycle Committee
- Jenny Cowling, Department of Education

At each group session or individual consultation, participants were asked to consider three key questions:

- What do you see as your major safety challenges?
- What are the top two or three safety priorities?
- What are your ideas about how these challenges might be addressed?

A 'patchwork' of safety issues emerged which largely related to concerns in each group's specific area of interest or community location. The findings from these face-to-face consultations are addressed across the four Focus Areas in the Plan.

Community Safety Survey

Four 'listening posts' were also conducted – at Shoreline, Eastlands, Hill St Lauderdale and Woolworths Lindisfarne – to provide further reach and understanding of community issues. In each case community members were asked to complete a Community Safety Survey to provide better understanding of safety issues and locations.

The Survey was also posted on the Clarence City Council website for online completion and some hard copy surveys were delivered directly to Clarence Council offices. In total, more than 200 responses were received in both hard copy and online formats. The Survey results revealed that 78% of Clarence residents always or mostly felt safe in their community. This finding is indicative only, as a sample size of approximately 400 would be needed for a valid result.

As with the face-to-face consultations, the findings from the Survey are addressed across the four Focus Areas in the Plan.

Policy Context

International

The World Health Organization's (WHO) Safe Communities Framework was first developed in 1989 and is a community oriented approach to preventing accidents and injuries. Under the WHO Safe Communities approach, an international network of accredited Safe Communities has been established. Becoming an accredited Safe Community requires a community to meet the following:

1. An infrastructure based on partnership and collaborations, governed by a cross-sector group that is responsible for safety promotion in their community
2. Long-term, sustainable programs covering genders and all ages, environments and situations
3. Programs that target high-risk groups and environments and programs that promote safety for vulnerable groups
4. Programs that are based on the available evidence
5. Programs that document the frequency and causes of injuries
6. Evaluation measures to assess their programs, processes and the effects of change
7. Ongoing participation in national and international Safe Communities networks.

The Clarence Community Safety Plan addresses the majority of these requirements

National

A range of Community Safety Plans from local government jurisdictions across Australia were reviewed in the development of this Plan.

State

DEPARTMENT OF POLICE, FIRE AND EMERGENCY MANAGEMENT

The Department of Police, Fire and Emergency Management's (DPFEM) Business Priorities 2015-16 has four Strategic Output Groups with the following aims:

1. Public Safety – for the community to feel safe and be safe
2. Crime – to reduce crime
3. Traffic Policing – to improve driver behaviour through traffic law enforcement
4. Emergency Management – to contribute towards community resilience through effective security and emergency management

A key part of their community policing approach is called 'reassurance' – ensuring there is a genuine, recognisable and regular police presence in communities. The Department plays a key role in addressing public safety hazards including bushfire, floods and storms.

DEPARTMENT OF STATE GROWTH

The Department of State Growth's (DSG) *Our Safety Our Future* is a ten-year road safety strategy for Tasmania. It recognises that to move forward, road safety needs to be a shared responsibility with everyone having a part to play:

- As driver, to obey the road rules to the best of our abilities.
- As road designers, managers and regulators, to provide a safe road environment.

- As vehicle manufacturers, designers and fleet owners to provide vehicles that assist us to drive safely and not contribute to injuries if we crash.

The Strategy has four Key Strategic Directions:

1. Safer Travel Speeds – best practice measures delivered in combination include:
 - lowering speed limits
 - increasing the number of speed cameras
 - modifying infrastructure
 - educating people to drive more slowly
2. Best Practice Infrastructure – best practice measures include:
 - separation of opposing vehicles in high-speed settings (>70 km/h zones), using flexible barriers
 - roadside barriers
 - roundabouts at intersections in both urban and rural settings
 - safer roadside areas
 - high standards of delineation
 - sealed shoulders in rural areas
 - consistently high skid resistance of road pavements
 - comprehensive coverage of roadside hazards using crashworthy barriers
3. Increased Safety for Young Road Users – best practice measures include strengthening the graduated licensing system through a package of measures:
 - increasing the number of hours of supervised driving experience during the learner phase
 - introducing night-time driving restrictions (curfews)
 - peer-passenger restrictions during the Provisional licence stage
4. Enhanced Vehicle Safety – achieved by:
 - State and Local Governments and large corporate fleet owners committing to purchase the highest level of safety features in their vehicles
 - educating consumers about the benefits of vehicle safety features

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Department of Health and Human Services' (DHHS) A Fair and Healthy Tasmania Final Report provides a model for supporting Tasmanians to be healthy, well and in control of what matters to them. There are six activities:

1. Leadership
2. Vulnerable Tasmanians
3. Healthy messages
4. Supportive environments and policies
5. Community driven approaches
6. Health intelligence

Combined, these activities form *A Fair and Healthy Tasmania Model of Health and Wellbeing*. Collaborative partnerships that support the development of healthier communities are at the heart of much of this work.

Leadership

- *Working together* – to drive collaboration across government and community sectors for the attainment of shared goals and responsibilities
- *Taking intersectoral action for health and wellbeing* – highlighting the urgent need to address how the root causes of health are influenced by all sectors
- *Addressing inequity and health* – so that we have increased understanding of patterns of inequity; how they affect health to create unfair, unjust and avoidable differences; and how to address this

Vulnerable Tasmanians

- *Adopting a life-course approach* – to coordinate programs across key life-transitions, from pregnancy and the early years, to young adulthood, ageing and dying well
- *Targeting social determinants of health* – acting across sectors to influence the underlying causes of health and health inequity

Healthy messages

- *Empower people and communities* – to have more control over their lives and the conditions that affect them
- *Connect to support* – by linking marketing to services and programs that support people to change (eg smoking cessation services and walking groups)
- *Enable access* – to all available services in the health and social care system by, for example, adopting ‘no wrong door’ and client first approaches

Supportive environments and policies

- *Promote and protect* – to make healthy choices easier through legislation, regulation and settings based strategies (eg food labelling, school canteens)
- *Build healthy people and places* – by promoting facilities and spaces that are healthy by design, providing more access to alternative transport options and more opportunities for physical activity
- *Explore health equity impact assessment* – that will deliver evidence of the impact of all sectors on wellbeing

Community-driven approaches

- *Encouraging place-based approaches* – so that we can mobilise the strengths of communities to help them overcome the barriers Tasmanians face to living well
- *Using people-centred planning* – to develop health and wellbeing programs with consumers and communities, in accordance with their needs

Health intelligence

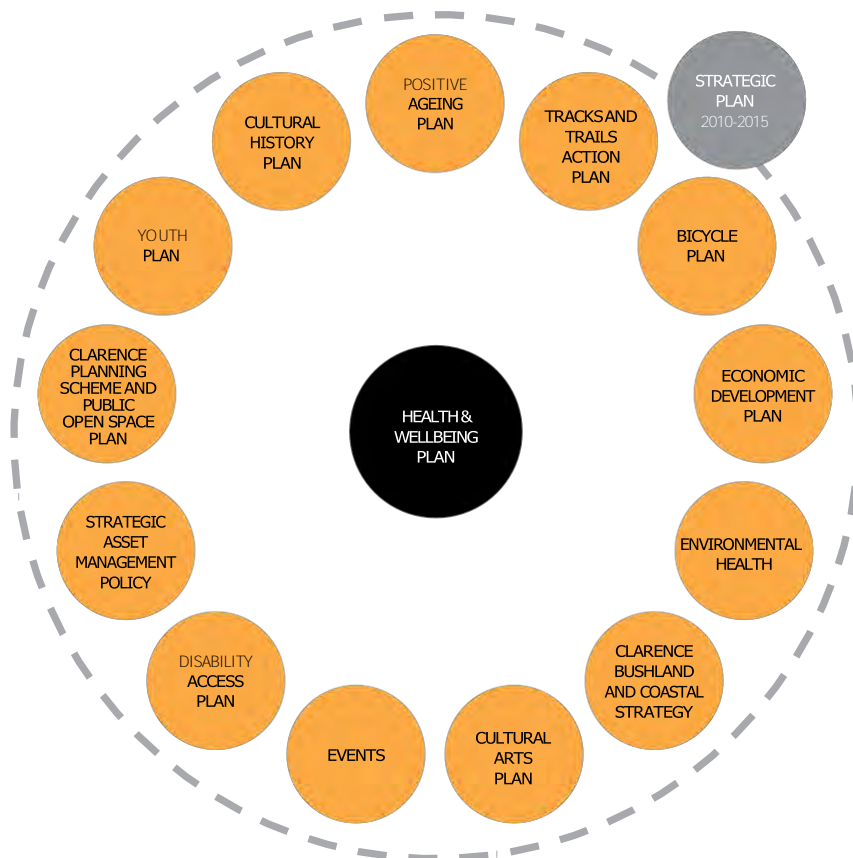
- *Fostering Social Action Research* – by developing partnerships between citizens, researchers and health practitioners to find out what keeps Tasmanians healthy and well
- *Establishing health and wellbeing indicators* – to improve the data and analysis needed to profile the health of our communities and meet national reporting requirements
- *Investigating health outcomes-oriented commissioning* – with the aim of funding services more effectively to meet the health and wellbeing needs of local populations

Local

Within the context of Council's Community Planning Framework, the following strategies and plans were reviewed:

- Community Health and Wellbeing Plan 2013-2018
- Strategic Plan 2010-2015
- Bushfire Management Strategy for Council Owned and Controlled Land (Revised 2011)
- Economic Development Plan
- Clarence Bushland & Coastal Strategy (2011)
- Sport and Active Recreation Strategy (2014)
- Clarence Tracks and Trails Strategy 2012
- Clarence Events Plan 2014-2018
- Creative Connections – Clarence Graffiti Reduction Program
- Climate Change Impacts On Clarence coastal areas – Final Report (2009)
- Clarence City Council Youth Plan 2009-2012
- Access Plan 2014-2018
- Positive Ageing Plan 2012-2016
- Cultural Arts Plan 2012-2016
- Clarence City Council Cultural History Plan 2009-2013
- Public Open Space Policy (2013)

Council's Community Planning Framework



TERMS AND ACRONYMS

Terms

FUTI – Facing Up To It	FUTI is a project to tackle family violence that started in Clarence Plains in 2000. It is working to bring to light the issue of family violence in the community by building people's confidence and skills to talk about the issue and respond when someone they know is a victim. The program empowers people to act as 'First Contact Person' for people experiencing family violence.
Injury and poisoning conditions	<p>Numbers published on page 7 include the following conditions:</p> <ul style="list-style-type: none"> • Drowning • Transportation • Poisoning, pharmaceuticals • Poisoning, other substances • Falls • Fires, flames and scalds • Intentional, self-harm • Intentional, inflicted by another • Undetermined intent • Medical misadventure • Other injuries
Levels of partnership	<p>Networking – having a chat about your work</p> <p>Coordination – networking and adapting your approach for a common purpose</p> <p>Cooperation – networking, coordinating and sharing resources to achieve better outcomes</p> <p>Collaboration – you might jointly resource an important program or initiative for mutual benefit and a common purpose</p>
Male Champions of Change	Male Champions of Change, who are CEOs and Chairpersons from some of Australia's largest organisations, use their individual and collective leadership to elevate gender equality as an issue of national and international social and economic importance.
One Community Together	One Community Together brought a number of passionate people together to talk about ways to collectively improve safety in the community, and the look and feel of Clarence Plains. The initiative aims to improve community life and public spaces and provide more activities for residents, young and older to participate in.
Respectful Relationships	Teaches the skills to build respectful relationships, as well as recognise and challenge gender-stereotyping and violence-supportive attitudes.
White Ribbon	White Ribbon is Australia's only national, male led Campaign to end men's violence against women.

Acronyms

CCYC	Clarence Council Youth Centre
CHAC	Cultural History Advisory Committee
CHAWAC	Clarence Health and Wellbeing Advisory Committee
CPAAC	Clarence Positive Ageing Advisory Committee
DAAC	Disability and Access Advisory Committee
FUTI	Facing Up To It
SAPRA	South Arm Peninsula Residents Association



11.7.4 REVISED SCHEDULE – BUILDING, PLUMBING AND PLANNING FEES

(File No 20-13-01)

EXECUTIVE SUMMARY**PURPOSE**

To consider new fees provisions within Council's Fee Schedule to recognise new building notification types and to adjust existing permit types in accordance with the introduction of the Building Act 2016 on 1 January 2017.

RELATION TO EXISTING POLICY/PLANS

Council's existing Fee Schedule is adopted annually. The proposed new fees and adjustments to existing fees would sit within currently adopted Schedule.

LEGISLATIVE REQUIREMENTS

Council is required to adopt a formal Fee Schedule on an annual basis; however, this may be revised at any point by Council through its formal decisions.

CONSULTATION

Appropriate in-house consultation and discussions has occurred in respect to this matter. The need to revise the fees schedule has been discussed at a recent Aldermen's Workshop.

FINANCIAL IMPLICATIONS

The introduction of the Building Act 2016 in general terms and in particular the new classifications for Notifiable Work, will likely impact on the revenue generated by the permit approval and peripheral Council processes. The extent of this impact is difficult to quantify at this point.

It is hoped that the introduction of these new fees and charges and the adjustment to existing ones will respond to the anticipated changes in practitioner requirements that will impact on Council's resourcing as well as addressing some potential revenue loss.

These fees and charges can then be re-assessed as part of the 2017/2018 budgetary process.

RECOMMENDATION:

- A. That Council notes the implications and impacts on Council's operations associated with the new approval processes to be introduced in the Building Act 2016.
- B. That Council amend its adopted Fees and Charges Schedule (effective from 1 January 2017) by the replacement of current fees relating to Building and Plumbing Fees with the inclusions of the following new Fees.

Building NEW FEES	FEE
Register of Notifiable Building Works Class 1A under \$20,000	\$100
Register of Notifiable Building Works Class 1A over \$20,000	\$200
Register of Notifiable Building Works Class 2 - 9	\$500
Plumbing NEW FEES	
CLC Plumbing Class 10A Stormwater Only, plus Registration Fee	\$220
CLC Plumbing Class 10A with Fixtures and Fittings plus Registration Fee	\$360
CLC Plumbing Class 1A Stormwater Only, plus Registration Fee	\$320
CLC Plumbing Class 1A Sanitary Only plus Registration Fee	\$400
CLC Plumbing Class 1A with Fixtures and Fittings, Stormwater, plus Registration Fee	\$500
CLC Plumbing Class 2 – 9 Stormwater Only, plus Registration Fee	\$340
CLC Plumbing Class 2 – 9 Sanitary Only, plus Registration Fee	\$450
CLC Plumbing Class 2 – 9 with Fixtures and Fittings, Stormwater, Plus Registration Fee	\$600
Inspection Fee Schedule Based on Number of Inspections Required	Each Inspection \$87
Building Permit Class 1A under \$20,000	Remain as is
Building Permit Class 1A over \$20,000	Remain as is
Building Permit Class 2 – 9	Remain as is
Plumbing Permit Class 1A or 10A and Certificate of Completion	\$60
Plumbing Permit 2 – 9 Only and Certificate of Completion	\$200

- C. That Council introduce the following fee of \$200 for the processing of the proposed “Pre-Development/Building Works Certification – Building Act 2016”.

REVISED SCHEDULE – BUILDING, PLUMBING AND PLANNING FEES /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council, at its Meeting of 27 June 2016 formally adopted its Fee Schedule for the current financial year 2016 - 2017. The question of setting of Council's fees occurs on an annual basis.
- 1.2.** New legislation (Building Act 2016) will be introduced on 1 January 2017 to replace the existing Building Act 2000.
- 1.3.** The new legislation will introduce risk based assessment categories for all new building, plumbing and demolition works. Low and medium risk work will become permit exempt. Council will, however, be required to register (medium risk work) as notifiable.
- 1.4.** High Risk work will remain as is and will require permit approval.
- 1.5.** Council will therefore be required to introduce new fees to cover the register and assessment of medium risk notifiable works.
- 1.6.** A similar approach is to be introduced for plumbing approval and with medium risk notifiable plumbing work Council will be required to issue a new "Certificate of Likely Compliance Plumbing".
- 1.7.** Finally with the plumbing assessment work now becoming certified in documentation, Council may also wish to consider a small off-set adjustment in reducing the plumbing permit fee.

2. REPORT IN DETAIL

2.1. New legislation (Building Act 2016) will be introduced on 1 January 2017 to replace the existing Building Act 2000. The new legislation moves to a risk based assessment process for building and plumbing works and away from the current permit concept of exempt and permit works. Four new risk based levels will be introduced:

- Low Risk work by owner;
- Low Risk work by licensed building practitioner;
- Medium Risk (Notifiable Work); and
- High Risk (Permit Work).

2.2. Low risk works by owners, or by licensed practitioners will be totally exempt from Council building assessment and approvals. Medium Risk building work will be under the direction of a Building Surveyor but will not require formal Council approval. Council may, however, consider assessment of these works to ensure compliance. As such a new set of Notifiable Works fees is proposed to be introduced as outlined in the recommendation.

2.3. Medium risk, notifiable plumbing works will require formal certification by Council's Plumbing Inspector in the form of a Certificate of Likely Compliance (plumbing). Plumbing Permit work will remain as per the current situation. In considering this, however, it should be noted that with Plumbing Permits Council will have already undertaken most of the assessment works as part of any notification process. It is therefore also recommended that in such circumstances the Plumbing Permit fees be reduced accordingly.

2.4. The attached table (refer Attachment 1) shows the existing and proposed new fee schedule for works under the new Act. Existing fees will remain as is, for all assessments and approval works under the previous legislation. The table also includes consideration for a proposed small reduction in plumbing permit fee.

- 2.5.** In addition to the immediate changes required for Building and Plumbing fees, the nature of the changes in processes are expected to result in the diligent building practitioner seeking greater reliance on Council for advice and assurances regarding peripheral matters such as planning infrastructure, easements, road standards, works in Council road reservations (By-law) etc.
- 2.6.** Council currently provides a free preliminary development assessment service. It is intended that this free service remain as is but be limited to the current pre development assessment only.
- 2.7.** A new “Pre-Development/Building Works Certification – Building Act 2016” is proposed, where owners, designers, developers or Building Surveyors etc may make a formal application to Council that proposed works comply with the various requirements for Planning, Building, Plumbing, Environment Health and Asset Management. The assessment of such applications will require dedication of Council Resources to undertake these checks and to provide such factually based “advice”.
- 2.8.** The assessment fee for the proposed “Pre-Development/Building Works Certification – Building Act 2016” should cover the following details:
- confirmation of compliance with planning scheme provisions;
 - confirmation of the risk level and therefore building/plumbing work classification;
 - building and plumbing advice on such issues as fire separation, bushfire requirement or works in other hazardous areas, disability assessed provisions, siting of works, impact on on-site wastewater systems and protection of adjoining properties; and
 - engineering advice on service or infrastructure location, road embankments, driveway cross over and access and suitability and adequacy of stormwater provision.

- 2.9.** A suitable fee for this service based on the time that this work would entail, is projected to be \$200. A review of this fee and the process is suggested as part of the 2017/2018 budgetary process and gauged against the early experiences in dealing with and responding to public and practitioner demand for the information service.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

Not Applicable.

3.3. Other

Appropriate in-house consultation and discussions with Management Committees have occurred in respect to this matter. A presentation on the legislative framework in the new Building 2016 has also been provided to an Aldermen's Workshop.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council has by virtue of its existing Fee Schedule adopted a policy view in respect to the application of charged structures. Any new fees or amendments to existing fees are required to be considered by Council and formally passed for inclusion within the Fee Schedule.

5. EXTERNAL IMPACTS

- 5.1.** It is expected that there will be significant changes in the manner in which Council and its Permit Authority will conduct its respective roles under the new Building Act 2016.

- 5.2.** The transitioning and development of appropriate levels of understanding between the relationships of the regulatory role, accreditation role and the conduct of building practitioners and the public will take time to fully work through.

6. RISK AND LEGAL IMPLICATIONS

- 6.1.** Although there has been significant changes in reducing the level of involvement by the Council/Permit Authority role in the approval processes for building works, the responsibilities assigned to Council to “ensure compliance” is unchanged. This compliance role will definitely be more difficult to perform.
- 6.2.** In addition to this will be a greater degree of reliance on the advice and information sought and provided by Council. In both these aspects there will be increased risk and legal implications for Council.

7. FINANCIAL IMPLICATIONS

- 7.1.** There is likely to be a negative impact in the short term on the fees collected for building and plumbing work.
- 7.2.** Whilst the fees proposed in this report will address some of the shortfall, the issue is proposed to be addressed in consideration of the Fee Schedule in June 2017, once the new legislation has been in place for some months.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

- 9.1.** It is considered reasonable to introduce the new fee structure to accommodate the change in legislation and to reduce the plumbing permit fee accordingly.

- 9.2.** It is also now appropriate to consider the introduction of additional fees for services and advice provided to practitioners and owners upon which there is to be reliance within the new approval processes.

Attachments: 1. Proposed new Building Plumbing Fees and Charges and Current Schedule of Fees (4)

Andrew Paul
GENERAL MANAGER

ATTACHMENT 1

Additional Building and Plumbing Fees for Introduction of Building Act 2016

Fees Applicable from 1 January 2017

Building NEW FEES

	Proposed New Fee
Register of Notifiable Building Works Class 1A & 10A under \$20,000	100.00
Register of Notifiable Building Works Class 1A & 10A over \$20,000	200.00
Register of Notifiable Building Works Class 2 -9	500.00

Plumbing NEW FEES

CLC Plumbing Class 10A Stormwater Only Plus Registration Fee	220.00
CLC Plumbing Class 10A with Fixtures and Fittings Plus Registration Fee	360.00
CLC Plumbing Class 1A Stormwater Only Plus Registration Fee	320.00
CLC Plumbing Class 1A Sanitary Only Plus Registration Fee	400.00
CLC Plumbing Class 1A with Fixtures and Fittings, Stormwater Plus Registration Fee	500.00
CLC Plumbing Class 2-9 Stormwater Only plus Registration Fee	340.00
CLC Plumbing Class 2-9 Sanitary Only Plus Registration Fee	450.00
CLC Plumbing Class 2- 9 with Fixtures and Fittings, Stormwater Plus Registration Fee	600.00
Plumbing Permit Class 1A or 10A and Certificate of Completion	\$60.00
Plumbing Permit 2 -9 Only and Certificate of Completion	\$200.00

Inspection Fee Schedule Based On Number Of Inspections Required	\$87.00 per inspection
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New Permit Fees - High Risk Work

Building Permit Class 1A and 10A under \$20,000	Remain as is
Building Permit Class 1A and 10A over \$20,000	Remain as is
Building Permit Class 2-9	Remain as is
Pre-Development / Building Works Certification - Building Act 2016 Assessment Fee	\$200.00



Clarence... a brighter place

Clarence City Council List of Fees Effective from 1 July 2016

BUILDING FEES

ITEM	Unit	2016-17 Fee*	GST Applied
Permit Authority Fees Back to Index			
Building permit - Class 1a single dwellings works under \$12,000	per permit	\$206.00	N
Building permit - Class 1a single dwellings works exceeding \$12,000	per permit	\$412.00	N
Building permit - Class 10A works under \$12,000	per permit	\$103.00	N
Building permit - Class 10A works exceeding \$12,000	per permit	\$206.00	N
Building permit Multiple Dwellings	per permit	\$716.00 for 2 dwellings plus \$143.50 for each additional dwelling	N
Building permit Commercial Class 2-9 work under \$500,000	per permit	\$716.00	N
Building permit Commercial Class 2-9 work over \$500,000	per permit	0.031% of cost of works. Minimum \$716.00	N
Levy: prescribed under Part 3 of the <i>Building and Construction Industry Training Fund Act 1990</i> Applies for value of work more than \$12,000	per permit	0.2% of estimated cost of works e.g. for \$100,000 works Levy = \$200	N
Levy: payable under Section 270 of the <i>Building Act 2000</i> Applies for value of work \$12,000 or more	per permit	0.1% of estimated cost of works E.g. For \$100,000 works Levy = \$100	N
Extension of Time to Building / Plumbing Permit	per permit	\$116.00	N
Certificate of Completion	per permit	\$59.00	N
Sealing of Services (carried out by Council)	per permit	\$160.00	N
Amendment Fee (Re-assessment)	per permit	\$185.00	N
Infringement Notices		In accordance with Schedule 4 of the Building Regulations	N
Temporary Occupancy Permit	per permit	\$118.00	N
Plumbing Applications Back to Index			
Plumbing fees specifically relating to the installation of retro-fit rainwater tanks (only) will be waived		\$0.00	NA
Plumbing Permit - Stand Alone	per application	\$55.00	N
General Inspection - Plumbing Stand Alone	per application	\$87.00	N

* All fees and charges inclusive of GST where applicable
(A surcharge of 0.65% applies to all credit card payments)

BUILDING FEES Continued

ITEM	Unit	2016-17 Fee*	GST Applied
Other Building Fees Back to Index			
Infrastructure Protection Bond (All new dwellings, commercial buildings & substantial additions) Applies to urban areas and Richmond only		Please refer to "Infrastructure Bonds" section of Fees Schedule (see page 42)	N
Permit to proceed (following illegal works notice). This fee is in addition to the normal building fee	per permit	\$283.00	N
Permit of Substantial Compliance (Processing & Issue). This fee is in addition to the normal building fee	per permit	\$283.00	N
Build over easement request/assessment fee	per request	\$78.00	N
Building Certificate - Class 1 and 10	per application	\$950.00 Inspection and \$530.00 each subsequent inspection	N
Building Certificate - Commercial and Industrial	per application	\$1,804 Inspection and \$530.00 each subsequent inspection	N
Any application withdrawn prior to issue of permit	per application	50% of permit fee (balance of original fee to be refunded)	N
Hard copy paper print of permit and plans up to (A3) in size	per page	\$2.80	N
Hard copy paper print of permit and plans over (A3) in size	per page	\$15.00	N
Dwellings, Flats & Outbuildings Back to Index			
Plumbing Permit - Residential & Certificate of Completion	per permit	\$212.00	N
Plumbing Permit Class 10A - Stormwater Only & Certificate of Completion	per permit	\$238.00	N
Plumbing Permit Residential Class 1A and/or Class 10A with fixtures	per permit	\$212.00	N
Plumbing Permit - Lauderdale connection to sewer system only	per permit	\$71.00	N
Special Plumbing Permits non-trade waste (excluding on site systems)	per permit	\$62.00	N
Special Plumbing Permit Assessment Fee	per assessment	\$132.00	N
Residential Sanitary Plumbing Assessment Fee	per inspection, per dwelling/unit	\$195.00 for each dwelling.	N
Residential Stormwater Assessment Fee	per inspection, per dwelling/unit	Unit developments - \$195.00 for each unit	N
General Inspection Fee (Chargeable on all plumbing permits with sanitary fixtures and/or per unit in unit developments)	per inspection, per dwelling/unit	Unit developments - \$118.00 for each dwelling.	N
Amended permit	each	Unit developments - \$237.00 for each dwelling. Unit developments - \$237.00 for each unit	N
		\$152.00	N

* All fees and charges inclusive of GST where applicable
(A surcharge of 0.65% applies to all credit card payments)

BUILDING FEES Continued

ITEM	Unit	2016-17 Fee*	GST Applied
Commercial Buildings Back to Index			
Plumbing Permit Commercial Class 2-9 work under \$500,000	per permit	\$238.00	N
Plumbing Permit Commercial Class 2-9 work over \$500,000	per permit	0.031% of cost of works. Minimum \$238.00	N
Commercial Sanitary Assessment Fee	per permit	\$248.00	N
Commercial Stormwater Assessment Fee	per permit	\$123.00	N
General Inspection Fee	per permit	\$238.00	N
Amended permit	per permit	\$151.00	N
Plumbing Permit - connection of water tank in serviced urban and rural residential areas	per permit	\$27.50	N
Trade waste assessment and agreements connection to Stormwater - Annual Fee	per year	\$238.00	N
Other Plumbing Fees Back to Index			
Copy Sewerage House Connection Plans	per set of plans	\$24.00	Y
Any application withdrawn prior to issue of permit	per application	50% of permit fee (balance of original fee to be refunded)	N
Annual registration fee for tempering valves	per year	\$51.00	N
Annual registration fee for backflow device	per year	\$51.00	N
Stormwater Connection Fee (Urban Drainage Act Clause 19) Back to Index			
Urban Drainage Act Clause 19 Connection Fee being for the connection to the public stormwater system located in adjacent road reserve	per connection	\$1,358.00	N
Urban Drainage Act Clause 19 Connection Fee being for connection to the public stormwater system located in an adjacent property, including public & private land	per connection	\$658.00	N
Urban Drainage Act Clause 19 Extension Fee for each metre by which the Public Stormwater System has to be extended to meet the connection point	per metre	\$223.00	N

* All fees and charges inclusive of GST where applicable
(A surcharge of 0.65% applies to all credit card payments)

11.7.5 MAINTENANCE OF NATURE STRIPS AND VERGES

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To update the existing policy on mowing of nature strips and verges given the change in the Planning Scheme and recent Council decisions.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

Council has legislative responsibility for maintenance of road reservations under the Local Government (Highways) Act. Council's current policy is based on this Act.

CONSULTATION

No consultation has occurred with the community.

FINANCIAL IMPLICATIONS

There are no financial implications arising from changing the wording of the Policy to reflect the change of Planning Scheme and the operational decisions Council has already made and incorporated into the Annual Plan.

RECOMMENDATION:

That the following policy for maintenance of rural road verges and urban nature strips be adopted.

- A. Mowing of nature strips will not be undertaken by Council.
- B. Assistance will only be given to elderly or incapacitated owners/residents on request and such assistance will be limited to mowing nature strips twice per annum in the General Residential Zone under the Interim Planning Scheme or its State wide successor and only in areas where kerb and gutter exists.
- C. The mowing of road verges along arterial rural roads, as defined in Council's Road Asset Management Plan, will be the full width of the road reserve and will be undertaken annually, or as required to reduce sight hazards or public nuisance.

MAINTENANCE OF NATURE STRIPS AND VERGES /contd...

ASSOCIATED REPORT**1. BACKGROUND**

1.1. At its Meeting of 18 March 2002, Council resolved:

“That the following policy for maintenance of rural road verges and urban nature strips be adopted.

- 1. Mowing of nature strips will not be undertaken by Council.*
- 2. Assistance will only be given to elderly or incapacitated owners/residents on request and such assistance will be limited to mowing nature strips twice per annum in the following urban areas where kerb and gutter exists;*
 - those zoned Residential D under the Eastern Shore Planning Scheme 1963; and*
 - those zoned Urban under the Eastern Shore (Area 2) Planning Scheme 1986.*
- 3. The mowing of road verges along arterial rural roads, as defined in Council’s Road Asset Management Plan will be 1 slash 2.4m wide and along all other rural roads will be 1 slash 1.2m wide. Both will be undertaken annually, or as required to reduce sight hazards or public nuisance”.*

1.2. Given the effluxion of time, the changes in the Planning Scheme and Council’s own decisions on rural road verge mowing and the mowing of Richmond Nature Strips, it is appropriate to update the Policy.

2. REPORT IN DETAIL

2.1. Changes that drive this Policy update include:

- adoption of the Interim Planning Scheme;
- Council’s decision not to mow Richmond nature strips; and
- Council’s decision to mow rural verges full width.

2.2. Planning

The intent of the 2002 Policy was to only mow those areas that were suburban in nature rather than rural or “Villages”. The use of the qualifier “Kerb and Gutter” was to try and define those areas that were truly urban as opposed to those that were rural, semi-rural or a village style of living as requests were received from ratepayers in rural, not urban, areas to maintain roadside verges outside their rural properties. The basis of these requests was that the resident had always maintained the verge as if it were a nature strip and was now looking to Council to maintain the amenity they previously supplied themselves.

The areas that were formerly zoned Residential “D” or Urban under the Eastern Shore Planning Scheme 1963 have now been replaced by “General Residential” under the Clarence Interim Planning Scheme 2015 and are anticipated to still be zoned as “General Residential” in the new State-wide Planning Scheme. So essentially there is no change other than the semantics.

2.3. Richmond Nature Strips

With Council’s decision in last year’s Annual Plan not to mow nature strips in Richmond there have been a number of requests to Council officers for assistance in accordance with the Policy. Generally staff has applied the Policy but there are certain areas in Richmond (refer attached photo) that are not really urban nature strips and are more expansive as they lack definition from kerb and gutter that would occur in truly urban areas. These types of property are proving problematic in the equitable treatment of the community.

2.4. Rural Roads

Council’s decision encapsulated in the Annual Plan to mow rural road verges full width should now be reflected in the Policy.

3. CONSULTATION**3.1. Community Consultation**

No consultation has been undertaken with the community.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

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*".

5. EXTERNAL IMPACTS

Any change in Policy will have an impact on the community as the levels of service will change.

6. RISK AND LEGAL IMPLICATIONS

Council has legislative responsibilities in relation to the maintenance of road reservations under various Acts. Responsibility for the road reservation also includes responsibility for the nature strip. This responsibility only extends as far as ensuring that the nature strip does not become a fire hazard, public nuisance or a sight hazard for traffic.

7. FINANCE

There are no financial impacts arising from the upgrading of the Policy.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

It is recommended that the Policy be upgraded to reflect the current Planning Scheme and Council's decisions in the Annual Plan.

Attachments: 1. Photo of Franklin Street, Richmond (1)

John Stevens

GROUP MANAGER ASSET MANAGEMENT

Attachment



12. ALDERMEN'S QUESTION TIME

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

12.1 QUESTIONS ON NOTICE

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

Nil.

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil.

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

12.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

13. CLOSED MEETING

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

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

13.1 APPLICATIONS FOR LEAVE OF ABSENCE

13.2 JOINT AUTHORITY MATTER

13.3 TENDER T1092-16 – BELLERIVE BEACH PARK – ALL ABILITIES PLAYGROUND LANDSCAPE WORKS

13.4 TENDER T1126-16 – GRANVILLE AVENUE – RECONSTRUCTION OF KERB AND GUTTER AND FOOTPATH WORKS

13.5 TENDER T1125-16 – KERB AND GUTTER CONSTRUCTION AND ROAD WIDENING – PERCY STREET, RICHMOND

13.6 ANNUAL REVIEW – GENERAL MANAGER

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

- contracts and tenders for the supply of goods and services;
- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential;
- applications by Aldermen for a Leave of Absence.

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

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

PROCEDURAL MOTION

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