

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 FEBRUARY

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

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

1. APOLOGIES

Ald von Bertouch (Leave of Absence)
Ald Hulme

2. CONFIRMATION OF MINUTES

(File No. 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 15 January 2018, 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**

Upgrade – Alma's Activities Centre
South Arm Master Plan
Lauderdale Foreshore

22 January

Tasmanian Planning Scheme – Local Planning Provisions and
Southern Tasmanian Regional Land Use Strategy
Hardwaste Collection
IT Project Update

29 January

RECOMMENDATION:

That Council notes the workshops conducted.

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

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

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

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

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

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

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

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

Nil

10. REPORTS FROM OUTSIDE BODIES

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

10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES

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

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

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

Quarterly Reports

December Quarterly Report pending.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

Quarterly Reports

December Quarterly Report pending.

Representative Reporting

- **TASWATER CORPORATION**

TasWater Corporation has distributed its Quarterly Report to Owners' Representatives for the period ending 31 December 2017 (refer Attachment 1).

RECOMMENDATION:

That the TasWater Corporation Quarterly Report to Owners' Representatives for the period ending 31 December 2017 be received.



Quarterly Report to Owners' Representatives

Progress update to 31 December 2017



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) Raja Iyer, Manager Performance Reporting

Date: 25 Jan 18

ENDORSED:

(For release) Dean Page, General Manager Finance and Commercial Services

Date: 25 Jan 18

APPROVED:

(For acceptance) Michael Brewster, Chief Executive Officer

Date: 25 Jan 18

Build Status:

Version	Date	Author	Reason	Sections
1.0	25 January 2018	R. Iyer	Distribution to Owners Representative Group	All Sections

Amendments in this release:

Section Title	Section Number	Amendment Summary

Distribution:

Copy No	Version	Issue Date	Issued To

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1. Introduction

We are pleased to present our second quarter (Q2) FY2017–18 Quarterly Report to Owners' Representatives in accordance with the requirements of the Shareholders' Letter of Expectations.

Outlined below are reports on the key aspects of our performance year to date. These are followed by scorecards reflecting the status of our performance against key performance indicators outlined in our FY2018–20 Corporate Plan and our financial performance compared to FY2017–18 Budget.

2. Key Matters for Noting

2.1 Price and Service Plan 3 (PSP3) Update

The Tasmanian Economic Regulator (TER) has reviewed our proposed Price and Service Plan 3 (PSP3) (1 July 2018 to 30 June 2021), and released its draft report including a draft price determination on 30 November 2017 for public consultation. A summary of key findings is provided below:

- The TER intends to accept most of our proposed service standards, policies and customer contract with a few minor exceptions.
- The TER intends to accept almost all of our proposed capital expenditure in PSP3.
- The TER intends to accept the majority of our proposed operating expenditure. However, the TER intends to require reductions in the escalation rate for salaries, materials and services and chemicals, a reduction in motor vehicles expenditure and is seeking greater productivity savings than we proposed.
- By using a different methodology, the TER has calculated a price increase of 4.16% per annum which is slightly lower than the 4.6% we proposed.

We are preparing a response to the TER's draft determination as part of the consultation period. After considering the responses received during consultation, the TER will publish a final determination on 30 April 2018 with the PSP3 period commencing on 1 July 2018.

2.2 Feedback from the Legislative Council Submission

The recent Legislative Council review of the state Government's draft water and sewerage legislation confirmed that the case for a state government takeover was not made. However, during the Select Committee hearings and in the Parliamentary debate, a number of issues were raised that relate to how we do what we do.

In particular, in some quarters, there is a perception that in the application of a number of our policies we are inflexible and not prepared to listen. Further, that it is often difficult to find the right person in TasWater, which can make getting answers difficult, particularly for key stakeholders.

We are reviewing our key customer related policies and, in particular, the way they are implemented. We will also be seeking to ensure that where customers query our policies their issues are elevated, so where there are systemic issues these are appropriately reviewed.

To allow key stakeholders to go directly to key decision makers rather than go through the call centre we are preparing a list of contact details for specific areas of our business that will be distributed to key stakeholders.

2.3 Productivity Program

Year to date the Productivity Improvement Program (PIP) has achieved \$4.0M in operating expense savings against a target of \$3.3M. We are on track to exceed our end of year budgeted cost saving target of \$5.0M.

In addition, we are on track to achieve our targeted revenue enhancement of \$3.8M. The Meter Replacement and Revenue Assurance programs have achieved a \$2.5M increase in revenue against a target of \$1.9M YTD FY2017-18.

2.4 Removal of Public Health Warnings in Regional Towns

We have made significant progress towards our commitment to remove the Public Health Alerts¹ (PHAs) in the 30 Tasmanian regional towns.

Two towns² were removed in the last financial year, 11 towns³ have been removed this year as committed and the remaining 17 towns⁴ with PHAs are on track to be removed by August 2018 as committed.

2.5 Program to minimise sewage spills in oyster leases

We have had two instances of sewage spills into oyster leases this quarter. We are implementing further programs to reduce the instances of sewer spills into oyster leases to minimise the financial impact on oyster growers from these spills and the associated reputational damage to TasWater. The aim is to adopt a proactive approach combining the following aspects:

- **Preventative Actions**
 - Implementation of SCADA pump station monitoring and manhole level sensors to enable “early warning” of potential spills. A review is underway with a view to develop trigger points based on downstream flow changes at sewerage pump stations (SPS). This will provide quicker response times in the event of imminent spills. This work is being trialled in the Midway Point catchment, and will be rolled out to other high priority catchments in the future
 - Proactive sewer cleaning programs to prevent blockages – across the state all summer
 - Provisioning of larger pipes or storage to prevent overflows
- **Better Operations and Control**
 - Utilising the Operational Control Centre (OCC) to alert oyster growers and Tasmanian Shellfish Quality Assurance Program (TSQAP) of forecast wet weather events.
 - Increase visibility of oyster leases using GIS (Geographic Information System) in the OCC
- **Responsiveness and Communication**
 - Streamlining our response and communication strategy in the event of a spill to ensure that the relevant stakeholders are notified about the event, and our response to mitigate the impacts.

¹ Public Health Alerts includes Boil Water Alerts (BWA) and Do Not Consume Notices (DNC)

² Scamander and Whitemark

³ Avoca, Mole Creek, Lady Barron, Ringarooma, Legerwood, Branxholm, Derby, Winnaleah, Mountain River, Pioneer and Gretna

⁴ Cornwall, Epping Forest, Gladstone, Herrick, Judbury, Mathinna, Rossarden, Wayatinah, Conara, Bronte Park, Colebrook, Gormanston, Rocky Creek, Fentonbury, Westerway, National Park and Maydena

2.6 Enterprise Agreements

Senior Enterprise Agreement

Agreement has not been reached between the bargaining representatives. However, the negotiations reached a stage where the relevant employees were asked to vote on a proposed Agreement. The ballot was conducted during November. The agreement was not approved by the majority of employees who voted. Consequently, negotiations will continue into 2018 for a new Agreement.

General Employee Enterprise Agreements

These Agreements nominally expire on 30 June 2018. Planning is well progressed for the commencement of negotiations in early February 2018.

2.7 Corporate Credit Cards

The use and issuing of TasWater corporate credit cards is outlined in our Corporate Purchasing Card Policy (Policy) with details of the processes and requirements for use provided in the Corporate Purchasing Card Guideline (Guideline). Both documents are scheduled to undergo review and refresh before 30 June 2018 to ensure that corporate credit cards continue to provide administrative efficiency, whilst having appropriate checks and balances to mitigate risks in line with corporate best practice.

Credit cards are very cost effective when used correctly. For example for online purchases like training or for buying materials during installation or repair that are not available in the service vehicle and would otherwise require a return to the TasWater depot. For small purchases credit cards are more efficient as the internal costs of purchasing and accounts payable functions are avoided.

The Policy and Guideline make it clear that credit cards are to be used for official purposes in line with the employee's financial delegations and must not be used where we have an existing supplier arrangement. All personal use is prohibited.

Table 1 below illustrates the large number of vendors that our credit cards are used for and the generally small value of the transactions.

Table 1: Credit cards by employee category – calendar year 2017

Employee Category	Total Spend (incl GST)	No. of Transactions	No. of Vendors	Average spend per month (incl. GST)	Average transaction amount (incl. GST)
Executive	\$171,607	1,069	342	\$14,301	\$161
Department Managers	\$151,331	1,479	385	\$12,611	\$102
Managers / Team Leaders	\$209,410	1,737	431	\$17,451	\$121
Operators	\$8,108	91	61	\$676	\$89
TOTALS	\$540,456	4,376	1,219	\$45,038	\$124

The single highest expense was an IT Service Agreement of \$5,175 (GST free) paid to an overseas company. The highest category of spend was Travel at \$233,550 (incl. GST) and the highest subcategory within this area was Airfares at \$82,440 (incl. GST). The most common transaction type was for meals and refreshments for staff travelling away from their normal workplace.

Issuing of Credit Cards

The Policy and Guideline govern and detail how and when credit cards are issued to staff members. Following consideration of whether a credit card is appropriate, approvals must then be given by the

employee's line manager and the General Manager Finance and Commercial Services. The finance team then provide training for the card holder in managing the expenses, the appropriate use of the card and reporting requirements. The card holder is required to sign a notification form to acknowledge receipt of the card and their understanding of their responsibilities.

As of 31 December 2017, TasWater had 104 credit cards in use across the business.

Ensuring appropriate use of credit cards

The Guideline details the review process for credit card transactions. Credit cards have set limits based on the purchasing needs of the role and existing financial delegation under the Board Delegations Manual. Limits are set for each monthly billing period and for an individual transaction. Depending on the role, goods and services may be restricted from purchase, such as domestic and overseas travel, hospitality and entertainment.

The cardholder is required to account for their transactions monthly and submit the coded transaction statement to their line manager, or a one-up manager with appropriate financial delegation, for review and approval. The submitted paperwork is to include an ATO compliant tax invoice for each transaction.

In addition to line manager review and approval there is a monthly review of transactions by the transactional services team, and the Department Manager Finance with any unauthorised use referred to the General Manager Finance and Commercial Services. The multiple review points by multiple roles within this process help to mitigate risks of inappropriate use.

The expenditure and transactions on the credit card are subject to our ongoing and yearly external financial audit process. No irregularities have been identified to date.

2.8 Waratah Dam

We have received a request for background information on the Waratah Dam given recent media, political interest and concerns about our processes. The following section sets out the history, how the issue has been managed to date and the current situation.

Background

Waratah Dam is one of over 300 dams owned and operated by TasWater. The dam is located on the Waratah River and is in close proximity to the township of Waratah. It has a capacity of approximately 800ML, is six metres high and 90 metres long.

The original dam was built over 100 years ago and was used to service the local mining industry. When the storage was no longer needed for mining it was used to provide water to the township during dry periods. In 1975 a portion of the dam failed, following heavy rain, and was subsequently rebuilt. The quality of the rebuilt dam is unknown.

Cradle Mountain Water took over the dam's ownership from Waratah-Wynyard Council and in 2013 TasWater took over its ownership when the three water corporations amalgamated.

Cradle Mountain Water identified the need for considerable maintenance on the dam and this work has been carried out over the last few years. Maintenance at the dam has included improving the safety of the spillway, refurbishing the dam's outlet, managing vegetation on the dam embankment, erosion protection to the dam's upstream face, installation of survey marks, routine monitoring and surveillance and a new access bridge over the spillway and onto the dam embankment.

In addition to the dam's maintenance a number of engineering studies and assessments have also been undertaken to assess the dam's safety. This work has used a specialist dam safety consultant and our own staff.

Community engagement

A number of on-site sessions have been held at the dam with residents and other key stakeholders. Two meetings have been held with Wynyard-Waratah Council at the council offices in Wynyard.

A community meeting attended by more than 30 people was held at Waratah on the evening of 13 December with a follow-up meeting planned for the evening of 13 February 2018.

The aim of the engagement sessions to date has been three-fold:

1. To explain the existing structural issues with the dam and the risk to public safety
2. To explain the steps that have already been taken to minimise any risk to public safety
3. To explain the options open to us in relation to the dam moving forward.

We have also fielded a number of media enquiries in relation to the dam's future.

Residents and stakeholders have raised a number of concerns in relation to the possible decommissioning of the dam broadly relating to environmental impacts and loss of a tourism asset.

The 13 February meeting will be used to update residents on a recent Expression of Interest process (to determine if we can divest the dam) and to outline TasWater's plans for the dam moving forward should the divestment process prove unsuccessful.

Dam failure risk and the role of the Regulator

The dam safety team has an ongoing program of assessing risk within its portfolio. At Waratah Dam a risk assessment was commissioned and carried out in 2013 by industry respected dam safety consultants, Entura, and this assessment found the risk to be in excess of the tolerable limit.

Entura is the consulting arm of Hydro Tasmania and has experience working on many dams within Tasmania and internationally.

Due to the dam's high risk a subsequent assessment was commissioned and in 2016 Entura undertook a further study with the aims of reviewing the 2013 assessment and to investigate risk reduction measures. This investigation found that the risk had increased when using the latest up-to-date information.

In addition to the risk assessment findings, the June 2016 flooding validated the risk assessment's revised lower spillway capacity when the dam was nearly overtopped.

In mid-2016 deterioration in the dam's embankment was observed. In accordance with the *Water Management Act 1999*, TasWater notified the Dam Safety Regulator that the dam was unsafe and took steps to make the dam safe by lowering the full supply level. Consent from the Dam Regulator is required before TasWater can undertake any further work on the dam. To date the Dam Safety Regulator has agreed to TasWater's approach of first looking to divest the asset and if this is not successful then to breach the dam (to remove the risk) and then to fully decommission.

Current situation

TasWater's primary aim is to protect the community. In August 2016 evidence of piping within the embankment was discovered and steps were taken to make the dam safe by lowering the full supply level. Once the reservoir was lowered the pipe was no longer exposed and the amount of leakage from the dam reduced. Even though this pipe was isolated it does not mean that piping is not occurring elsewhere in the embankment.

Hydrological studies have demonstrated that the amount of natural flow in the river is sufficient for water supply to Waratah. However, for TasWater to keep the reservoir it will require significant funding for upgrade and ongoing maintenance and upkeep. This expenditure cannot be easily justified as the infrastructure is not required for drinking water purposes. Therefore the Tasmanian

Economic Regulator is highly unlikely to allow expenditure for upgrades and ongoing maintenance to be recovered from the customer base. Preliminary estimates to upgrade the dam to modern standards are in the order of \$3 million and ongoing costs have been estimated to be in the order of \$50,000 to \$100,000 per annum.

In December 2017, TasWater sought expressions of interest for a capable party to take over the dam. Should this process not be successful then TasWater intends to make the dam safe for the upcoming winter period, by breaching the reservoir and then fully decommissioning in the following summer(s).

At this point TasWater is in the preliminary stages of determining how much decommissioning of the dam would cost – but initial estimates are in the order of \$1 million. As part of the breaching process TasWater will initially undertake an environmental study to highlight what matters will need to be addressed prior to the dam being breached. To fully decommission the dam a comprehensive environmental study will be undertaken and included in TasWater's application to DPIPWE. No environmental studies were undertaken before water levels in the dam were lowered because the risk to the community was considered significant and imminent.

3. Performance update

3.1 Commercial and economic outcomes

At 31 December 2017 we recorded a year to date Net Profit after Tax of \$18.9M, being \$2.7M (16.7 per cent) above budget. The reported result was driven by a favourable revenue variance of \$5.7M (3.6 per cent), which was partially offset by an unfavourable operating expenditure variance of \$1.7M (1.9 per cent).

Revenue was higher than budget primarily due to increased recognition of assets from developments and adjustments to the installation details of a number of larger commercial/industrial customers increasing fixed revenue.

Expenditure was higher than budget primarily due to higher power and external services expenditure, coupled with a lower than budgeted level of salary capitalisation. Salary capitalisation has been adversely affected mostly by minor capital works now being outsourced. This is not expected to affect our ability to meet our \$5M sustainable cost savings target with a range of initiatives being implemented to obtain the required savings.

Capital expenditure for the quarter ending 31 December 2017 was \$56.5M, being \$5.5M (8.8 per cent) below our profiled \$135.3M budget. We expect to meet the targeted capital spend for FY2017-18, with \$103.9M of committals in place as at 31 December 2017.

Debtor levels against turnover are at 4.7 per cent. The key initiatives in place to reduce this percentage under the Retail Value Creation Program (RVCP) debt recovery review are:

- New credit cycles being implemented in our billing system
- New payment arrangement options being considered as part of the review of our hardship program
- New finalised debt processes.

Table 2: Commercial and economic performance to date

Strategy		KRA	KPI	FY2017–18	
				YTD Result ¹	Target
1	Ensure we have the necessary funding sources to deliver our desired long term outcomes	Financial performance	Net Profit After Tax (\$ Million)	18.9	34.7
			Capital Expenditure (\$ Million)	56.5	135.3
			Interest cover ratio (times)	3.35	3.5
			Gearing ratio	30.5%	34.4%
			Net Cash from Operating Activities (\$ Million)	34.0	98.6
2	Improve business productivity and reduce costs to achieve our financial plans	Productivity improvement	Sustainable cost savings (\$ Million) ³	4.0	7.8
			Increase income from revenue leakage initiatives (\$ Million) ⁴	2.5	3.8
			% of Growth & Capacity Plans completed ²	10%	30%
			Total overdue debtors as a percentage of the revenue at the end of the financial year ²	4.7%	4.0%
3	Operate the business in a manner that is consistent with our risk appetite	Compliance	Percentage of customers on target tariff – Water 20mm	98.1%	98.0%
			Percentage of customers on target tariff for Sewage (1ET)	98.0%	98.0%
			Non-compliances rated serious	0	0

KPI Footnotes

¹ KPI actual figure rounded to nearest whole number where target has no decimal places

² New KPI included for FY2017-18 in line with priorities for FY2017-18

³ Budget for Productivity Savings in FY2017-18 is \$5 Million: subsequent to the budget being finalised the Board and management have agreed to increase the target to \$7.8 Million

⁴ Target includes benefits from the Meter Replacement Program

Colour Key:

GREEN = on or better than target

AMBER = within 10% of target

RED = greater than 10% outside target

Table 3: Financial statements – Balance Sheet

Balance Sheet	Closing Position at 31 Dec 17	Opening Position at 1 July 17	Year to Date Movement	FY2018 Corporate Plan
	\$ '000	\$ '000	\$ '000	\$ '000
ASSETS				
Cash & Cash Equivalents	5,958	2,852	3,106	2,500
Trade Receivables	50,312	48,755	1,557	48,358
Inventories	5,958	5,695	263	5,984
Property, Plant & Equipment & Intangibles	2,085,318	2,052,575	32,743	2,113,285
Tax Assets	43,623	39,703	3,920	57,583
Other	6,664	3,860	2,804	2,012
TOTAL ASSETS	2,197,833	2,153,440	44,393	2,229,721
LIABILITIES				
Borrowings	(498,394)	(474,902)	(23,492)	(534,569)
Employee Benefits	(26,954)	(31,814)	4,860	(26,044)
Payables	(27,249)	(22,919)	(4,330)	(24,657)
Unearned Income	(32,135)	(32,891)	756	(34,152)
Tax Liability	-	(737)	737	(886)
Other	(992)	(5,134)	4,142	(5,642)
TOTAL LIABILITIES	(585,724)	(568,397)	(17,327)	(625,949)
NET ASSETS	1,612,109	1,585,043	27,066	1,603,772
MEMBERS FUNDS				
Retained Profits	49,847	22,781	27,066	41,510
Revaluation Reserve	34,448	34,448	-	34,448
Contributed Equity	1,527,814	1,527,814	-	1,527,814
TOTAL MEMBERS FUNDS	1,612,109	1,585,043	27,066	1,603,772

Table 4: Financial statements – Income Statement

Income Statement	Year to Date Actual	Year to Date Budget	Year to Date Variance	FY2018 Corporate Plan
	\$ '000	\$ '000	\$ '000	\$ '000
Revenue				
Fixed Charges	117,279	115,557	1,722	231,100
Volumetric Charges	31,419	30,586	833	64,864
Services & consulting revenue	2,087	2,668	(580)	5,441
Contributed Assets	10,309	7,000	3,309	14,000
Other Revenue	2,571	2,134	437	4,298
Total Revenue	163,666	157,945	5,721	319,703
Expenses				
Chemicals, Power & Royalties	(11,166)	(10,294)	(872)	(22,154)
Materials & Services	(15,729)	(16,366)	637	(32,646)
Salaries & Related Personnel Expenditure	(46,020)	(44,979)	(1,042)	(93,078)
Administration Costs	(17,798)	(17,401)	(396)	(35,847)
Total Expenses	(90,713)	(89,040)	(1,673)	(178,725)
Earnings before Interest & Depreciation	72,953	68,905	4,047	140,978
Depreciation	(36,154)	(35,763)	(391)	(71,526)
Interest expense	(8,349)	(8,535)	186	(17,058)
Loan guarantee fee (LGF)	(1,383)	(1,407)	24	(2,787)
Net Operating Profit before Tax	27,066	23,200	3,866	49,607
Tax	(8,120)	(6,960)	(1,160)	(14,882)
Net Profit after Tax	18,946	16,240	2,706	34,725

Table 5: Financial statements – Cash Flow Statement

Cash Flow Statement	Year to Date Actual	Year to Date Budget	Year to Date Variance	FY 2018 Corporate Plan
	\$ '000	\$ '000	\$ '000	\$ '000
Cash Flows from Operating Activities				
Receipts from Customers	151,070	148,539	2,531	307,801
Payments to Suppliers & Employees	(113,320)	(100,871)	(12,449)	(200,450)
GST Refund	10,029	10,971	(942)	21,726
Interest Paid	(7,822)	(7,095)	(727)	(17,326)
Loan Guarantee Fees Paid	(1,271)	(2,665)	1,394	(2,665)
Income Tax Equivalents Paid	(4,658)	(5,247)	589	(10,493)
Net Cash from Operating Activities	34,027	43,632	(9,605)	98,591
Cash Flows from Investing Activities				
Payments for Property, Plant & Equipment	(55,813)	(61,900)	6,087	(135,324)
Government Grants	-	-	-	200
Net Cash Flows from Investing Activities	(55,813)	(61,900)	6,087	(135,124)
Cash Flows from Financing Activities				
Net Proceeds from Borrowings	24,892	18,268	6,625	53,375
Dividends Paid	-	-	-	(16,842)
Net Cash Flows from Financing Activities	24,892	18,268	6,625	36,533
Net Movement in Cash for the Year				
Net (Decrease) Increase in Cash Held	3,107	-	3,107	-
Opening Cash Balance	2,852	2,500	352	2,500
Closing Cash Balance	5,958	2,500	3,458	2,500

3.2 Customer and community outcomes

Performance in this quarter has been largely positive with the majority of our targets achieved.

However, the number of customer complaints (per 1,000 properties) is unfavourable to target. Water quality complaints continue to represent the largest category of complaints at 45% of complaints received this year. Discoloured water and taste and odour are the largest sub-categories of complaints.

An Aesthetic Water Quality Taskforce was established in July 2017 with a view to proactively reduce the number of complaints.

The main actions as an outcome from this taskforce are:

- Retrofitting of carbon dosing units and establishing trigger levels for carbon dosing
- Implementation of flushing programs for locations with high complaints such as Burnie, Coles Bay etc
- Targeting dead end pipes for locations with complaints.

We have had two instances of sewage spills into oyster leases this quarter:

- On 3 and 4 December 2017 a heavy rain event resulted in the discharge of untreated or partially treated sewage from Bilney St (Richmond) SPS, the Cambridge Sewage Treatment Plant (STP) and the Cambridge Park SPS. This caused the closure of oyster leases in Pittwater Lagoon
- On 8 December 2017 a blocked sewer manhole at Midway Point caused an overflow of raw sewage into the stormwater system that discharges to Pittwater Lagoon. The oyster lease closure that occurred on 3 December was extended by four days.

We are implementing a program aimed at minimising the instances of sewer spills into oyster leases, as detailed in section 2.5 of this report.

Table 5: Customer and community performance to date

Strategy	KRA	KPI	FY2017–18	
			YTD Result ¹	Target
Invest in programs that enhance customer experiences	Customer experience	Customer satisfaction	94.3%	80%
		First point resolution	98.7%	90%
		Customer effort score	1.5	<1.5
		Calls answered in the first 30 seconds	90%	85%
		Complaints (per 1,000 properties)	6.5	<9
Minimise service interruptions and impacts from sewage spills and water interruptions	Service standards	Time taken to attend Priority 1 water bursts and leaks (minutes) ²	34	60
		Time to attend sewage breaks, chokes and spills (minutes) ²	55	60
		Sewer breaks and chokes (per 100km of main)	53	93
		Oyster farm shutdowns caused by sewage spills ³	2	0
		Reportable dry weather sewage spills per annum	33	80

KPI Footnotes

¹ KPI actual figure rounded to nearest whole number where target has no decimal places

² To be achieved at least 90% of time per Customer Service Code

³ For rainfall events of less than 1 in 5 recurrence interval

Colour Key:

GREEN = on or better than target

RED = greater than 10% outside target

3.3 Water and environmental outcomes

We have experienced a drop in compliance and quality of drinking water this quarter mainly due to three *E.coli* detections. Two of these led to temporary boil water alerts (BWA) being issued by the Department of Health and Human Services (DHHS):

- Risdon Vale – a sample taken on 31 October contained 51 MPN⁵/100 mL of *E. coli*.⁶ Due to the high number of *E. coli*, DHHS issued a temporary BWA. Our staff undertook intensive door knocking and letter drops to notify impacted customers on the same day. DHHS approved the removal of the BWA on 3 November after resamples collected were free from *E.coli*. A 'catchment to tap' investigation was undertaken by the Water System Optimisation team, however the source of the contamination was not identified. As the area was being fed by Risdon Brook dam (only used during the warmer months) we took the extra precautions of an increased monitoring program and other additional procedures, prior to the BWA being removed. A detailed investigation is now underway.
- Mole Creek - a sample taken on 28 December contained 48.3 MPN/100mL of *E. coli*. Due to the high number of *E. coli* the DHHS placed a BWA. Resamples collected on 30 and 31 December were free of *E. coli* and therefore DHHS approved the removal of the BWA on 1 January. The Mole Creek Water Treatment Plant (WTP) was operating well during this time with chlorine residuals maintained well throughout the system. An investigation is underway to determine the cause of the *E. coli* detection.

In addition to the BWAs there was *E.coli* detected from routine sampling of the Adventure Bay water supply on 8 December 2017. The supply was immediately isolated and bottled water was provided to the Adventure Bay shop and provisions made to allow water carting from Electrona. As the *E.coli* detection coincided with a project to implement chlorine disinfection at the site, the supply was only returned to service once chlorine dosing was in place. Both resamples were clear and the supply was reinstated on the 22 December.

The year to date microbiological compliance has dropped below the target of 98%. However, we remain on track to meet our end of the year target, provided there are no further *E. coli* detections in the Adventure Bay or Mole Creek systems.

There are 10 dams that currently plot above the ANCOLD LOT.⁷ The Flagstaff Gully dam reservoir level was lowered in this quarter to reduce the risk. A major project is underway at Conglomerate Creek Dam, expected to be completed in March 2018, which will reduce the figure to nine in line with our target.

The volume of compliant effluent is unfavourable to target. We have identified further improvement actions for aspects of system that adversely impact effluent compliance through our process assessments of sewerage systems. The Sewerage System Optimisation program has focused on completing improvement actions with the aim to lift volumetric effluent compliance. Operational control points have been implemented for 10 sewerage systems, including six of the Big 13 systems.

⁵ Most probable number (MPN) of total coliforms

⁶ Threshold is 0 MPN/100 ml *E. coli*

⁷ Australian National Committee On Large Dams Limits Of Tolerability

Table 6: Water and environmental performance to date

Table 6: Water and environmental performance to date					
Strategy		KRA	KPI	FY2017–18	
				YTD Result ¹	Target
1	Invest in robust drinking water systems to ensure water is safe for consumption	Drinking water quality	Water Quality Complaints ²	629	1,000
			Number of <i>E. coli</i> detections	4	20
			Short term Boil Water Alerts put in place by DHHS	2	0
			Towns on long term Boil Water Alerts or Do Not Consume Notices	17	17
			Percentage of compliant fluoride systems	94.1%	98%
			Percentage of microbiological compliant potable systems	96%	98%
		Water Supply Reliability	Number of dams that plot above the ANCOLD LOT ⁵ for societal risk	10	9
2	Lift sewerage system performance to align with modern day environmental standards	Environmental compliance and impact	Trade Waste Commercial Customers – Compliance Improvement ²	166	410
			Volume of compliant effluent ³	48%	56%
			Number of environmental non-compliances rated serious ⁴	2	0

KPI Footnotes

¹ KPI actual figure rounded to nearest whole number where target has no decimal places

² New KPI included for FY2017-18 in line with priorities for FY2017-18

³ The total volume of effluent for each system is only classed as compliant if all compliance parameters are within the set EPN limits. This differs from State of Industry reporting where pro-rata volumes are used to calculate compliance statistics, giving a more favourable outcome than that reported by TasWater

⁴ Measures a threat of a fine from EPA or receiving a fine from the EPA

Colour Key:

GREEN = on or better than target

AMBER = within 10% of target

RED = greater than 10% outside target

3.4 Our people and culture

There have been two Lost Time Injuries (LTIs) in Q2 of FY2017-18, resulting in a small increase in LTIFR to 5.9 from 5.2 at the end of Q1. The Total Recordable Injury Frequency Rate (TRIFR) is above our end of year target of 11.0 largely due to a reduction in total people hours worked over the last quarter. We forecast that that we will meet our end of the year LTIFR and TRIFR targets.

Innovation

The key innovations during the quarter are:

- Performance, Operating and Reporting system (PORS) – a prototype of PORS was implemented. This is a four component system that utilises a mobile app and dashboard to aid in managing performance and reporting of our drinking water and wastewater systems
- Water Research Australia Health Based Targets (HBT) manual – the aim is to develop a “how to guide” for the Source Vulnerability Assessment component of the HBT assessment.

Some of the other innovations that have been adopted, or are in train, include:

- Chlor Clam - an infield chlorine monitoring system that gathers information and data from the drinking water network on key quality performance indicators such as chlorine and turbidity
- Participation in benthic cyanobacteria research project - focusing on toxic and aesthetic impacts on drinking water supplies across Australia and Singapore. The project is largely funded and coordinated by Water Research Australia. Findings will help identify and understand benthic blooms that are active in our catchments, and inform our monitoring program
- Smart SPSs to detect gravity pipe overflows - exploration and investigation into smarter ways to detect overflows in the sewer network
- ATP (Adenosine triphosphate) incident management tool - an infield tool to enable quicker identification of potential contamination source in drinking water incidents. This tool has been applied to several incidents already with much success.

Table 7: People and culture performance to date

			FY2017–18		
Strategy		KRA	KPI	YTD Result ¹	Target
1	Invest in programs that create a safe working environment	Safety performance	Lost time injury frequency rate (LTIFR)	5.9	3
			Total recordable injury frequency rate (TRIFR)	14.3	11
			Notifiable safety incidents	1	3
2	Invest in leadership development, skills training programs and innovation	Organisation capability	Innovations under trial or implemented	3	5
			Number of leaders completing LSI ²	35	35
3	Ensure we have the necessary resources to deliver our desired long term outcomes whilst remaining lean and cost effective	Workforce Planning	Number of FTE ²	850	835

KPI Footnotes

¹ KPI actual figure rounded to nearest whole number where target has no decimal places

² New KPI included for FY2017-18 in line with priorities for FY2017-18

Colour Key:

GREEN = on or better than target

4. Capital expenditure projects and programs

To ensure that we meet our FY2017/18 budget (\$135.3M) requirements and deliver the benefits assigned to our capital projects and programs, our capitalised expenditure at 21 December 2017 was \$56.5M and our commitments are \$103.9M to be achieved this financial year. Major Projects that are forecast to be substantially complete this year include:

- Regional Towns Water Supply Upgrade
- Kingborough Sewerage Strategy
- Ti Tree Bend STP Biosolids De-watering Facility & Digester and
- King Island Water Treatment.

Table 9 below combines the Kingborough Treatment, Kingborough Network and Kingston SPS E Rising Main projects to form one project - the Kingborough Sewerage Strategy.

Table 8: Status updates Top 25 priority capital projects

Sr. No.	Project Title	Current Project Stage	Completion Date	Project Budget ('000)	Project Status Comments
1	Longford STP Upgrade - Northern Midlands Sewerage Improvement Plan (NSMIP)	Design	Dec-20	\$25,100	First Stage Longford STP Upgrade Tender documentation being prepared - on schedule for completion in December 2020.
2	Kingborough Sewerage Strategy	Construction	Aug 18	\$51,625	Construction underway at Blackmans Bay STP and the three network pipelines. Completion date now includes a two year operations, maintenance and training period. No proposed change to dates for completion at this stage since any delays are not yet effecting the final Practical Completion date. There was a delay gaining access to Peter Murrell Reserve however approval has now been granted.
3	Regional Towns Water Supply Upgrade	Construction	Aug-18	\$40,798	Program is on track to removal of boiled water notices by August 2018. Completion dates for WTPs within the project are when the public health alert (PHA) is scheduled to be removed.
4	King Island Treated Water	Construction	Aug-18 Nov-18	\$17,635	Budget increased in Q2 due to higher than anticipated tenders from contractors and delivery date moved from August to November 2018 to accommodate a value engineering exercise.
5	System Optimisation - Water	Construction	Jun-19	\$10,000	Capital works to support the Water Systems Optimisation have been scoped and handed over for prioritisation, planning and delivery. These include: - Upgrading of Critical Control Point equipment at 51 WTPs - Installation of UV disinfection at 10 high priority sites - Needs statements for 12 water supply schemes with proposed capital works initiatives
6	System Optimisation - Sewerage	Construction	Jun-19	\$10,000	Key capital projects identified to date are being handed over for planning and implementation. These include an increase in secondary clarifier capacity at Ulverstone, installation of UV disinfection at Ulverstone and Prospect Vale, and implementation of partial reuse at Smithton. Minor capital works are being undertaken where possible to improve STP operation, and include projects such as instrumentation and control system improvements.
7	Ti Tree Bend STP Biosolids De-watering Facility & Digester	Construction	Dec-18	\$12,374	Early works have been completed and the design is progressing. Capital expenditure is on track.
8	Margate Water Main Upgrade	Construction	May-18	\$8,224	Stage 1 Commissioning progressing to be completed at end of Quarter 2. Stage 2 is under redesign due to land access issues in conjunction with the Kingborough Sewerage Strategy.

Sr. No.	Project Title	Current Project Stage	Completion Date	Project Budget ('000)	Project Status Comments
9	Gretna/Bushy Park/Glenora Water Supply Upgrade	Construction	Mar-18	\$5,260	Gretna BWA has been lifted. Pipeline practical completion date is anticipated by early Jan 2018. Uxbridge Road WTP is progressing with issued for construction (IFC) drawings. Anticipated Practical Completion date is 21 March 2018.
10	Conglomerate Creek Dam	Construction	Mar-18	\$5,676	Rockfill berm replacement work underway
11	Cambridge STP Wet Weather Overflow	Design	Sep-18	\$4,570	A preliminary process review determined the approved option will result in a negative step change in biological plant performance. This will result in an inability to obtain the required EPA approval to construct the project. Business case handed to internal Business Review Group for direction.
12	Longford to MacKinnons Hill Reservoir Rising Main	Construction	Aug-17 Oct-17 Nov-17 Jan-18	\$4,057	Pipe section four to be completed by end of December 2017. Significant rock encountered in trench excavations is slowing progress.
13	Huonville Main Road SPS Replacement	Construction	Mar-18	\$2,928 \$5,367	Scope increased to incorporate rising main and access road. Excavation works have commenced for the pump station site and all environmental controls are in place. SPS pipework has been installed and shafts backfilled, hydrostatic testing is complete, valve pit and SPS lids have been installed and electrical switchboard is complete and awaiting installation.
14	Lake Mikany Dam Replacement	Design	Jun-20	\$7,320	Design works are underway.
15	Girdlestone Reservoir Rectification	Construction	Dec-17 Jan 18	\$2,584	Delay due to the requirement to obtain a planning permit. Expected start to construction in January 2018.
16	Prince of Wales Digester Roof Replacement	Design	Jun-19 Apr 19	\$3,500	Specification works in progress to advance to tender stage.
17	Wynyard STP – Electrical & Control System Renewal Upgrade	Construction	Oct-17 Mar-18	\$1,800	Contract awarded and issued.
18	Swansea Meredith Dam Rectification and Improvement (Stage 1 & Stage 2)	Design	Sep-18	\$4,200	Options assessment underway. Construction on track for June 2018 completion. Geotechnical drilling underway, geophysical investigations complete. Concept design underway and ECI tender to be awarded.
19	St Helens STP Inlet Works & Esplanade SPS	Construction	Nov-17 Aug-18	\$1,668 \$2,099	Phase 2 work on the pumping station is scheduled for completion in August 2018. The delay is intended to minimise any potential impact on the tourist season. New Esplanade rising main is now connected through to STP.
20	Davis St Smithton SPS Upgrade	Design	May-18	\$1,701	Revised Business Case approved for relocation of SPS to Foffey Street. Approach to design service procurement discussions underway.
21	Burnie Cam Pipeline Construction	Tender	Mar-18 May-18	\$2,837	Tender assessment complete and issued for endorsement 15 December 2017.
22	Flinders Island Water Supply	Construction	Jan-17 Jul-17	\$10,979	
23	Fonterra - STP By Pass Line (Wynyard)	Tender	Nov-17 Jun-18	\$2,300	Civil & Mechanical tender assessment report has been completed and is being reviewed by management. Construction to start January/February 2018. Electrical RFT scheduled to be released on 8 January 2018.

Sr. No.	Project Title	Current Project Stage	Completion Date	Project Budget ('000)	Project Status Comments
24	Pet Dam Safety Upgrade	Design	Jun-19	\$7,710	Awaiting Dam Safety team's finalisation of preliminary works to inform the project scope.
25	Port Sorell Reservoir	Tender	Jul-18	\$6,000	Project is staged. First stage is the pipeline upgrade. Scheduled for tender in January 2018.

Note – Projects that are yet to receive Business Case approval via the gating process are not included in the table above.

Key

BLUE = Project completed

GREEN = Program Scope expected to be delivered within budget

AMBER = Program Scope at risk of not being delivered or exceeding budget allowance

RED = Program Scope will not be delivered or cost will move above budget

Table 9: FY2017-18 Top 10 capital programs

Title	Program Budget ('000) FY2017-18	Program Status	Comments
Statewide Meter Budget	\$7,140	In Progress	On track
Minor Projects Program	\$5,440	In Progress	On track
Non-network Other	\$4,100	In Progress	On track
Statewide Water Main Renewals Program	\$3,770	In Progress	Majority of projects in design phase. Procurement scheduled for November with delivery to commence in January 2018.
Statewide Sewer Main Renewals Program	\$3,400	In Progress	Program on target – still some scope to be developed.
Statewide Electrical Program	\$3,330	In Progress	On track
Statewide SCADA Program	\$2,800	In Progress	On track
Dam Safety Program of Works – Compliance Reports	\$2,260	In Progress	On track
Non-network IT	\$2,000	In Progress	On track
Statewide STP Renewal Program	\$1,890	In Progress	On track

Note – Projects that are yet to receive Business Case approval via the gating process are not included in the table above.

Key

BLUE = Project completed

GREEN = Program Scope expected to be delivered within budget

AMBER = Program Scope at risk of not being delivered or exceeding budget allowance

RED = Program Scope will not be delivered or cost will move above budget



Quarterly Report to Owners' Representatives

Progress update to 31 December 2017

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES**AUDIT PANEL**

(File No 07/02/12)

Chairperson's Report 48 – January 2018

The Audit Panel held a Meeting on 17 January 2018. I attach a copy of the draft Minutes of the Meeting for tabling at Council's Meeting (Attachment 1).

The Panel was provided with an update on implementation of the new IT system and progress on the implementation of the Annual Audit Plan for 2017/18. The Panel endorsed the commencement of Project 54 – Council's actions in response to Climate change and noted that suitable consultant have not yet be sourced to undertake Project 53 - Risks associated with Council's Community Engagement.

The Panel concluded its review of the Council Audit Panel Charter and have provided the Council with a number of recommended changes, which it considers will enhance the document. These recommended changes do not make any material changes to the scope of the Panel's operational Charter and in fact improve alignment with the Act. A key recommendation is to change the length of the appointment terms for independent Panel members to establish a clear rotational sequencing that fits in with the statutory parameters; namely, the maximum 8 years that independent members may serve on the Audit Panel.

A number of suggestions were also presented by the Panel on the Fraud Management Plan implementation in regard to the staff awareness training/briefings and the recording in the Register of any incidents of possible fraud activity and the outcome of investigation; regardless of whether these arose within the organisation or were due to externally initiated activity.

It was noted that the internal review of Council's Asset Management Plans would be submitted to the next meeting of the Panel in March 2018.

A report was received from the General Manager that provided an outline of a review of Council's performance based on the recommendations which were identified in the report of the Director for Local Government on an investigation conducted into complaints received regarding the operations of the Derwent Valley Council. The Panel, in so far as the items were relevant to the Clarence Council, were satisfied that these were being appropriately managed by the organisation.

RECOMMENDATION:

That the Chairperson's Report be received by Council

Attachments: 1. Minutes of Audit Panel Meeting 17 January 2018 (10)

John Mazengarb
CHAIRPERSON

**MINUTES OF A MEETING OF THE CLARENCE COUNCIL AUDIT PANEL
HELD IN THE COMMITTEE ROOM AT 4.00PM, AT THE COUNCIL
OFFICES, BLIGH STREET, ROSNY PARK ON WEDNESDAY, 17 JANUARY
2018**

Note: this meeting was deferred from the initial scheduled date of 28 November 2017

HOURLY CALLED: 4.00pm

PRESENT: The Meeting commenced at 4.05pm with Mr J Mazengarb in the Chair and Panel Members:
Mr R Bevan and
Ald H Chong, present.

IN ATTENDANCE: Corporate Secretary
(Mr A Van Der Hek)

Corporate Treasurer
(Mr F Barta)

APOLOGIES: Ald Cusick
Ald McFarlane
Mr A Paul (General Manager)

ORDER OF BUSINESS: Items 1 - 14

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MINUTES

1. ATTENDANCE AND APOLOGIES

Refer to cover page.

2. CONFIRMATION OF MINUTES

The Minutes of the Meeting of the Audit Panel dated 26 September 2017 have been circulated to Panel Members.

RECOMMENDATION:

That the Minutes of the Meeting of the Audit Panel dated 26 September 2017, as circulated, be confirmed.

Decision: It was **MOVED** Mr Bevan **SECONDED** Ald Chong

“That the Minutes of the Meeting of the Audit Panel dated 26 September 2017, as circulated, be confirmed”.

CARRIED

3. DECLARATION OF CONFLICTS OF INTEREST/PECUNARY INTERESTS

The Chair asked members if there were any new declarations. There were no new declarations.

4. ANNUAL AUDIT PLAN FOR 2017/2018

The following Projects make up the 2017-2018 Annual Audit Plan programme and have been formally adopted by Council. Progress on approaching suitable service providers to submit proposals to the audit projects is detailed as follows.

Project 51: Workforce Planning

At the September 2017 meeting the Panel endorsed the recommendation to defer commencement of this Project.

Project 52: Identity Security and Information Protection Management Systems

Alison Flakemore – Crowe Horwath Australasia

The Panel has endorsed the engagement of Crowe Horwath Australasia for the project subject to a cap being set at the stated indicative fee.

Project 53: Risks associated with Council's Community Engagement

John Dengate – Twyfords was approached, however, the firm has declined to take up the brief. Advice received from Twyfords and after contacting IAP2 Australasia, the professional body associated with community engagement practices indicate that whilst the association and Twyfords lobby to work in partnership with Councils to develop plans for community engagement, they do not conduct discreet reviews to measure and test existing practices.

As a result Council has been unable to secure an alternative service provider for this project and is open to further suggestions from the Panel.

Project 54: Council's actions and response to Climate Change

An audit project outline was been provided by Donovan Burton.

Project 55: Review of IT Implementation Review

The Panel discussed the optimum timing of this review and accepted the General Manager's suggestion that he would bring to the next Panel meeting the interim review of phase 1 of the IT implementation and the Panel would then be in a better position to determine the best time for the review and a provider.

The Panel noted the difficulty in sourcing suitable providers to undertake Project 53: Risks associated with Council's Community Engagement was discussed and a number of further suggestions were forthcoming including approaching LGAT, a "non-local" university (e.g. University of Queensland) and/or Council's PR consultants for advice and suggestions on sourcing suitable consultants for this project.

RECOMMENDATION:

- A. That the update on proposed consultants be noted.
- B. That the project scope for "Project 54: Council's actions and response to Climate Change" provided by Donovan Burton be endorsed.

Decision: It was **RESOLVED**

- "A. That the update on proposed consultants be noted;
- B. That suitable consultants be further investigated for Project 53: Risks associated with Council's Community Engagement;
- C. That any further suggestions on suitable consultants for Project 53 be circulated to the Panel for consideration "out of session"; and
- D. That the project scope for 'Project 54: Council's actions and response to Climate Change' provided by Donovan Burton be endorsed."

5. UPDATE ON PROJECT 35 - EFFECTIVENESS OF COUNCIL'S IT SOLUTIONS

This matter is listed as a standing item.

Implementation Plans have been developed for the phased introduction of new IT systems for Council. Stage 1 of the implementation went “live” on Tuesday, 1 August comprising Asset Management, Payroll and Financials. Implementation of Stage 2 of the system is now well underway, incorporating Property and Rating, document management and GIS. The Panel is now in receipt of regular project reporting as to the progress of the project implementation.

The Corporate Treasurer provided a further verbal update in respect to this matter to the meeting. Although some performance issues remain in respect to specific processes, the performance issues that arose in Stage 1 implementation are significantly better and operational timeframes are being maintained. Stage 2 is clearly a significant and more complex undertaking and “go live” for this has been pushed out to a more realistic date of end August 2018 and has required additional resourcing. Council management has met with the State Manager for Technology 1 in respect of an initial contract management review. The Project was currently in line with budget forecasting, however, potential additional resource needs may necessitate variation.

RECOMMENDATION:

That the update advice be noted.

Decision: It was **RESOLVED**

“A. That the update advice be noted; and

B. That the Corporate Treasurer be requested to provide a closing report on Stage 1 of Project 55 once this has been completed by the project team.”

6. AUDIT PANEL CHARTER

At its September 2017 meeting, the Panel generally discussed the suggestion of Member Robert Hogan that changes be made to update the Audit Panel Charter.

The General Manager undertook to the Panel to ensure that the present Charter would be reviewed and redrafted incorporating Mr Hogan's suggestions and that a redrafted Charter would be brought back to the next Panel meeting for comment/approval by the Panel.

The draft changes were further discussed and a number of further edits were identified.

Item 6 Cont/-

Item 6 Cont/-

RECOMMENDATION:

That the draft changes to the Audit Panel Charter be endorsed and that it be presented to the Council for formal adoption.

Decision: It was **RESOLVED**

“That the draft changes and additional edits from the meeting to the Audit Panel Charter be endorsed and that the updated draft be redistributed to the Panel members prior to it being presented to the Council for formal adoption”.

Decision: It was **RESOLVED**

“That the review of the budget and resources to undertake the Panels responsibilities as envisaged in the Charter be incorporated into the Panel’s standing Works Schedule”.

7. FRAUD MANAGEMENT PLAN

The Fraud Policy and the Fraud Management Plan was formally adopted by Council in December 2014.

The Plan provides the following:

“Annually, the Fraud Control Officer will provide the Audit Panel with a report on the implementation of the Fraud Control Plan including the following:

- details of all detected instances of fraud or corruption;*
- a summary of the resources used in the investigation of allegations of fraud or corruption;*
- details of all instances that resulted in administrative remedies;*
- details of all instances referred to the police and the outcome of the police investigations and/or prosecution;*
- amount of monies recovered;*
- modifications to internal controls made as a result of the fraudulent activity; and*
- the effectiveness of the Council’s Fraud Control Policy and the Fraud Control Plan and the need for possible review as to its contents”.*

Reporting on this matter is scheduled for each calendar year. In the reporting year concluding November 2017, there were no new incidents detected of any fraud activities.

Item 7 Cont/-

Item 7 Cont/-

In addition to the Fraud Register reporting in this item the Corporate Treasurer provided a verbal briefing of a recent incident that occurred in which the Council's bank identified an anomaly in respect to an electronic bank transfer for a creditor payment. Although the matter was fully investigated and no internal fraud was discovered it highlighted this area of potential fraud exposure.

The Panel expressed its desire that the Fraud Register incorporate appropriate incidents that are investigated (such as the banking example above) but may not eventuate as a fraud to provide comfort and evidence that reasonable diligence is being maintained with respect to potential or actual fraud.

RECOMMENDATION:

That the report be noted.

Decision: It was **RESOLVED**

- "A. That the report be noted;
- B. That the electronic bank transfer incident and its investigation and review be recorded in the Fraud Register; and
- . C. That regular refresher training on fraud awareness for staff be conducted".

8. DEPARTMENT OF PREMIER AND CABINET – REPORT TO THE DERWENT VALLEY COUNCIL

At the September 2017 meeting, the Panel discussed generally the tabled report of the Director for Local Government on an investigation into complaints received regarding the operations of the Derwent Valley Council. Panel Members expressed the view that the Summary of Recommendations at Page 19 of the report constituted a good check-list against which Council's performance could be measured.

The General Manager undertook to have Management conduct a review of Council's performance against each of the 15 recommendations and to report the result of that review to the next meeting of the Panel.

A copy of the report was attached. A reminder has been issued to all management staff to reinforce the need to ensure that purchases and contracts are dealt with in accordance with procurement guidelines particularly when purchase values are close to recognised thresholds.

RECOMMENDATION:

That the report be noted.

Decision: It was **RESOLVED**

“That the reported be noted”.

9. MANAGEMENT ACTION PLAN

An updated Management Action Plan was provided. The Corporate Secretary gave a further update on the implementation of the outcomes for Project 48 – Appropriate Use of Delegations and confirmed that a publishable Register had been created and that there had been a complete reissue of all delegations instruments to staff.

RECOMMENDATION:

That the advice be noted.

Decision: It was **RESOLVED**

“A. That the advice contained in the Management Action Plan be noted; and

B. That the Panel also notes the additional advice regarding the completion of actions associated with Project 48 – Appropriate Use of Delegations”.

10. UPDATE ON PROGRESS OF ASSET MANAGEMENT PLANS REVIEW

At the September 2017 meeting, the Panel discussed and provided input in respect to Council asset management plans.

Council Officers are presently completing the Open Space Asset Management Plan. Consideration is being given to the issues raised by the Audit Panel with the draft Asset Management Plans presented at their last meeting. These will be addressed in the Open Space and remaining Asset Management Plan for presenting at the next Audit Panel Meeting.

RECOMMENDATION:

That the advice be noted.

Decision: It was **RESOLVED**

“That the advice be noted”.

11. SIGNIFICANT INSURANCE/LEGAL CLAIMS

There have been no new major claim notifications since the last report to the Panel. A copy of the schedule of outstanding matters was attached.

RECOMMENDATION:

That the advice be noted.

Decision: It was **RESOLVED**

“That the advice be noted”.

Decision: It was **RESOLVED**

“That the Panel request advice from the Council’s Building Regulatory Function on whether it is aware of the existence or otherwise of buildings in the city that may contain the hazardous inflammable insulation panels and whether the Council has a responsibility to investigate and take action in this matter”.

12. ANY FURTHER BUSINESS

No matters identified.

13. TIME, DATE, PLACE OF NEXT MEETING

It is practice for the schedule to be updated by the Panel each meeting on a rolling basis to maintain an advanced schedule of meetings.

The updated Forward Workplan for the Audit Panel was attached.

Draft Meeting Schedule – 2017/18

Mtg	Business Items are listed as per Work Plan	Scheduled time of year - Qtr	Proposed Mtg Date
2018			
1.	<ul style="list-style-type: none">Consideration of Audit Project reportsA/General Briefing on External Audit	Feb/Mar	Tuesday 20 March 2018
2.	<ul style="list-style-type: none">Finalisation of current Audit ProgrammeRecommendation of forward Audit Programme.	May/June	Tuesday, 19 June 2018 (4.00pm)
3.	<ul style="list-style-type: none">Electronic sign off of Annual Financial Statements 2017/18	August	7 August 2018 (by email exchange)
4.	<ul style="list-style-type: none">Annual Audit Outcomes	Aug/Sept May require 2 meeting times to deal with these matters and subject to Auditor General availability	Tuesday, 25 September 2018 (4.00pm)

5.	• Endorsement of Audit Project scopes	Nov/Dec	Tuesday, 27 November 2018 (4.00pm)
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Note 1: The above schedule has been based on the past practice of the Panel and recent consultation on suitability of meeting dates; however, ongoing meetings of the Audit Panel are open to the Panel taking into consideration its obligations.

Note 2: The **Work Plan** is distributed with the agenda. The above meeting schedule will be modified to take into account the adopted Audit Panel Work Plan.

The forward schedule has been updated to include suggested dates for 2018 calendar year. Once considered by the Panel these will be updated in Panel members' diaries. Please indicate any conflict between the schedule and Panel member's commitments.

A possible change to the scheduling of the Panel's March 2018 meeting was canvassed, however, at the conclusion the scheduled meeting time was not changed.

RECOMMENDATION:

That the Panel confirms the proposed forward schedule of Audit Panel meetings.

Decision: It was **RESOLVED**

“That the Panel confirms the proposed forward schedule of Audit Panel meetings”.

14. CLOSE

There being no further business, the Chair declared the Meeting **Closed** at **5.43 pm**.

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No 10/02/02)

The Weekly Briefing Reports of 15, 22 and 29 January 2018 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 15, 22 and 29 January 2018 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-2017/555 - 69A HOWRAH ROAD, HOWRAH - DWELLING
(File No D-2017/555)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 69a Howrah Road, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned General Residential and subject to the Parking and Access Code and Stormwater 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.

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 7 February 2018 as agreed with the applicant.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for a Dwelling at 69a Howrah Road, Howrah (CI Ref D-2017/555) be approved subject to the following conditions and advice.
 - 1. GEN AP1 – ENDORSED PLANS.
 - 2. GEN AP3 – AMENDED PLAN [a reduction in the width of the south-west facing deck to maintain a 4m setback from the rear boundary].
- 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-2017/555 - 69A HOWRAH ROAD, HOWRAH - DWELLING/contd...

ASSOCIATED REPORT**1. BACKGROUND**

The lot was created by SD-2015/39.

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 certain Acceptable Solutions under the Scheme specifically in relation to a building envelope encroachment.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zone;
- Section E6.0 – Parking and Access Code; and
- Section E7.0 – Stormwater Management Code.

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

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

The site is a 552m² vacant, internal lot with access to Howrah Road via an access strip.

3.2. The Proposal

The proposal is for a contemporary single storey, 3 bedroom dwelling with attached single garage. The dwelling would have a long, narrow footprint with a low height profile. The dwelling would be clad with a variety of materials including brick, timber and cement sheeting. A deck is proposed to extend from the south-western elevation of the dwelling.

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

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

- (a) all applicable standards and requirements in this planning scheme; and*
 - (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*
- but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

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

General Residential

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 A3	Setbacks and Building Envelopes for all dwellings	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>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>Does not comply - the dwelling is located 1.005m to the eastern boundary therefore resulting in the eastern elevation of the dwelling encroaching the building envelope.</p> <p>Does not comply – the following building envelope encroachments would result:</p> <ul style="list-style-type: none"> the deck on the western elevation is located 3.17m from the rear boundary; and the dwelling extends out of the building envelope on the western elevation by 1.8m. <p>Does not comply – the eastern elevation of the dwelling would be located 1.005m from the eastern side property boundary and would have a wall length of 12.94m.</p>
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The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.2 as follows.

Performance Criteria	Proposal
<p><i>“P3 - The siting and scale of a dwelling must:</i></p> <p><i>(a) not cause unreasonable loss of amenity by:</i></p>	see below assessment
<p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p>	<p>The dwelling on the adjoining property to the west at 18 Corinth Street is located 14m from the western boundary of the subject site. The windows of the adjoining habitable rooms are oriented to the west, away from the subject site, in order to take advantage of the river views. The proposal will therefore not cause any loss of sunlight to the habitable room windows located on the south-western elevation of the adjoining dwelling at 18 Corinth Street.</p> <p>The dwelling to the south at 2/20 Corinth Street does not contain windows to habitable rooms which would be affected by overshadowing.</p> <p>The adjoining property to the south-east at 1/71 Corinth Street contains living room windows on the north-western and north-eastern elevations of the existing dwelling. The windows are significantly off-set to the east of the proposed development therefore would not be impacted by loss of sunlight.</p>
<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>The proposal will cause overshadowing to a small portion of the private open space of the adjoining property at 18 Corinth Street during the morning in the winter months; however, as the majority of the open space will be unaffected, the overshadowing impact is considered reasonable.</p>
<p><i>(iii) overshadowing of an adjoining vacant lot; or</i></p>	not applicable
<p><i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i></p>	<p>The proposal is single storey which is compatible with the single and double storey built form in the area.</p>

<i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i>	The location of the dwelling is consistent with other dwellings on adjoining lots, including 69 Howrah Road, which is located around 0.5m from its rear boundary, 71 Corinth Street which is located around 2.5m from the northern boundary and 2/20 Corinth Street which is located around 3m from its rear (eastern) boundary.
---	--

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 A1	Privacy for all dwellings	<p>A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <ul style="list-style-type: none"> (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m: <ul style="list-style-type: none"> (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or 	Does not comply – the proposed deck would have a finished surface level of 1.5m above natural ground level and would be located 3.17m from the western rear boundary. No screening is proposed.

		(ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.	
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The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.6 as follows.

Performance Criteria	Proposal
<i>“P1 - A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:</i>	see below assessment
<i>(a) a dwelling on an adjoining lot or its private open space; or</i>	<p>The proposed deck would have a maximum height above natural ground level of 1.5m and does not provide screening in accordance with Acceptable Solution.</p> <p>It is considered that the deck will result in a loss of privacy to the adjoining property to the west at 18 Corinth Street due to the height of the deck and the topography of the site, which slopes down towards the adjacent property and further exacerbates the loss of privacy.</p> <p>This issue was discussed with the applicant who has agreed to design the deck to meet the Acceptable Solution in that the width of the deck would be reduced to provide a 4m setback from the rear boundary. Accordingly, it is recommended that a condition be included requiring the agreed setback of 4m.</p>
<i>(b) another dwelling on the same site or its private open space; or</i>	not applicable
<i>(c) an adjoining vacant residential lot”.</i>	not applicable

5. REPRESENTATION ISSUES

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

5.1. Loss of Amenity

Concern was raised by the representor that the proposal will result in a loss of privacy, possible loss of sunlight to parts of the garden and a general loss of amenity to the adjacent residential property downslope to the west.

- **Comment**

As discussed above, the proposal is not considered to result in a significant loss of sunlight to the representor's property. However, the deck on the western elevation has a maximum height above natural ground level of 1.5m and does not provide screening in accordance with Acceptable Solution 10.4.6 A1 of the Scheme. This issue was discussed with the applicant whereby agreement has been reached to reduce the width of the deck so that a 4m setback is maintained from the rear boundary. The amended deck design will result in compliance with Acceptable Solution 10.4.6 A1 of the Scheme therefore acts as an appropriate response to mitigate against overlooking into the adjoining residential property.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

The proposal is for a dwelling at 69a Howrah Road which requires variations to certain standards in the General Residential Zone. It is considered that the proposal will not have a detrimental impact on the amenity of the adjoining properties, on the condition that the deck is modified.

Attachments: 1. Location Plan (1)
2. Proposal Plan (5)
3. Site Photo (1)

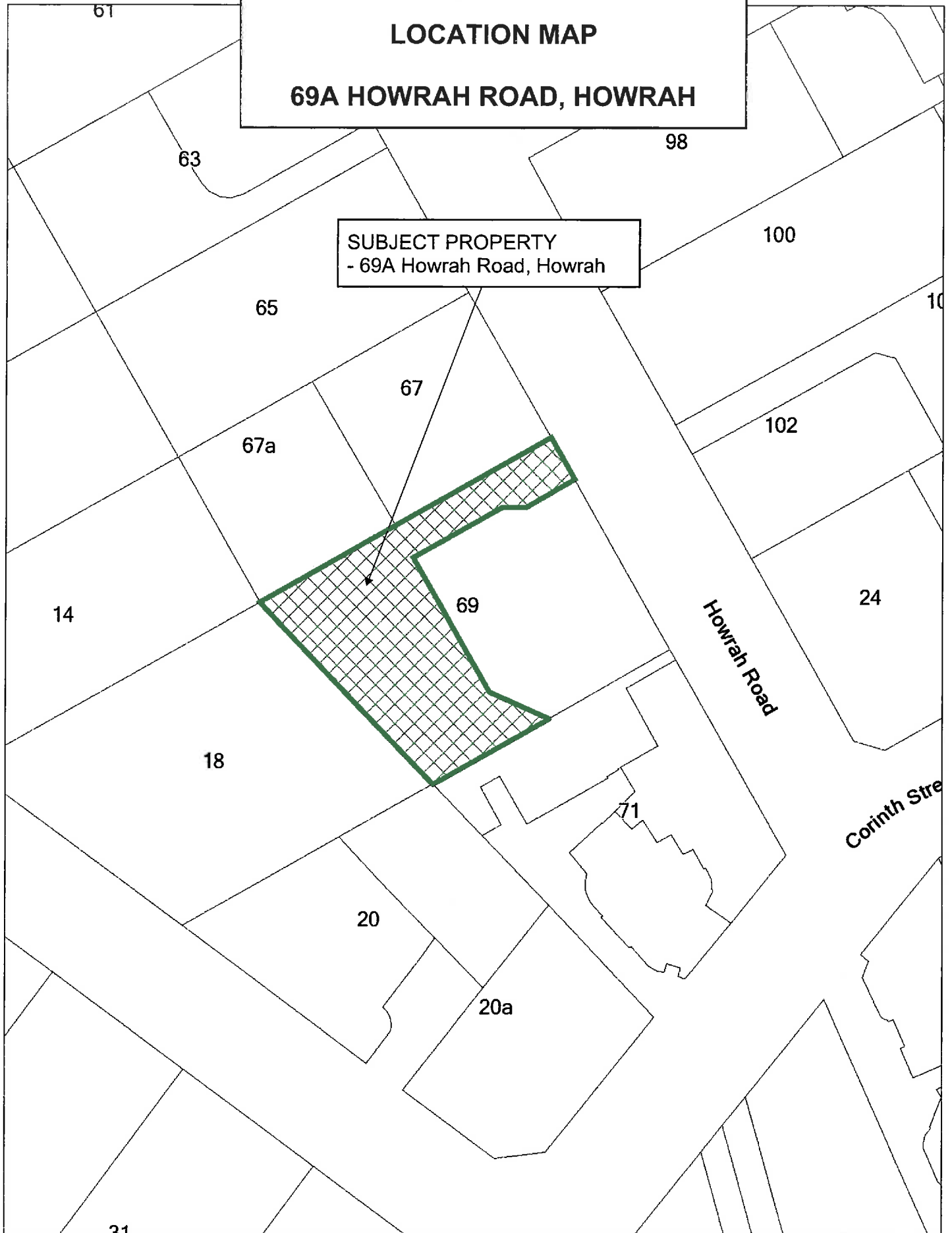
Ross Lovell
MANAGER CITY PLANNING

ATTACHMENT 1

LOCATION MAP

69A HOWRAH ROAD, HOWRAH

SUBJECT PROPERTY
- 69A Howrah Road, Howrah

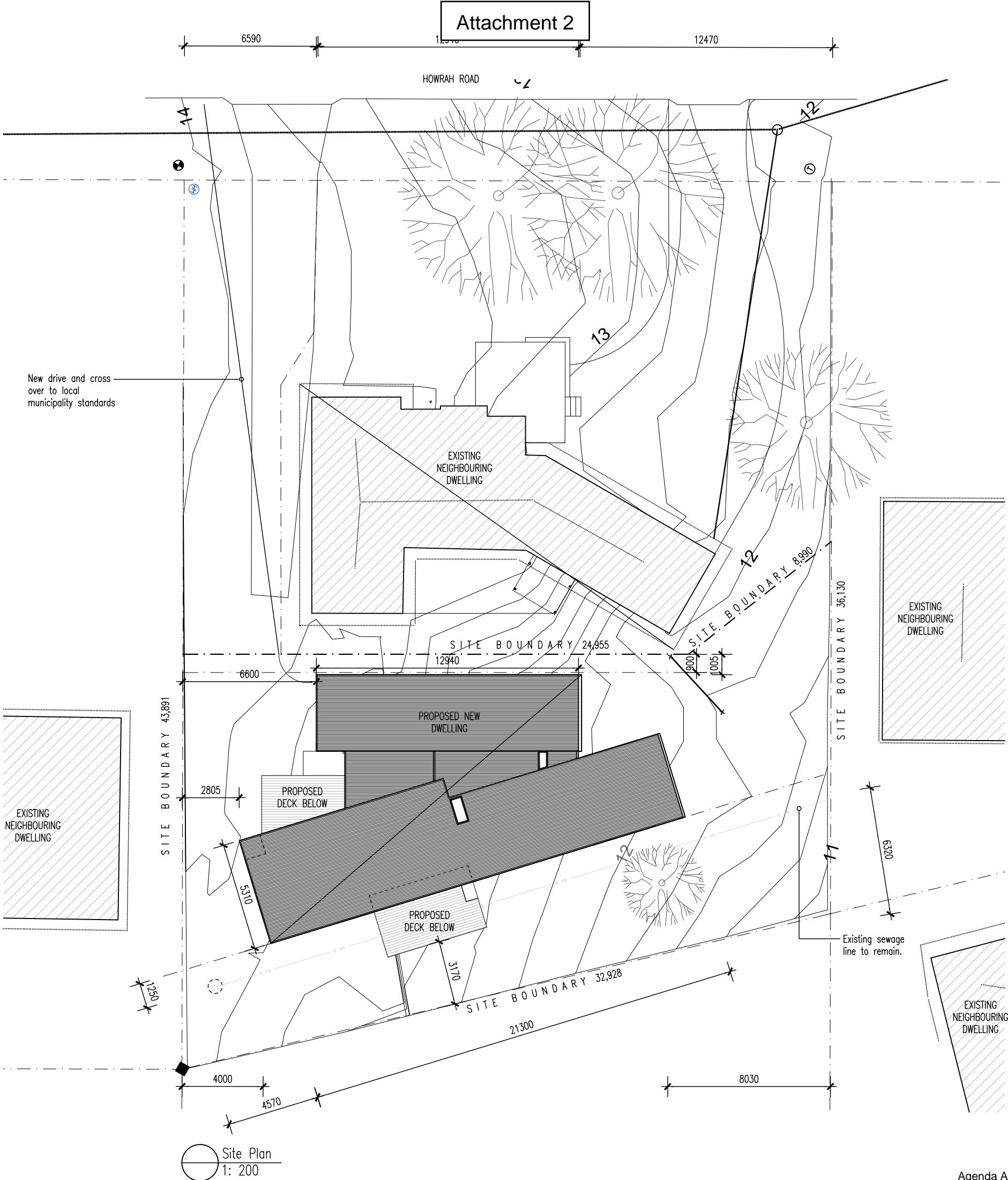


Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 2 February 2018 **Scale:** 1:628.9 @A4

DESIGN DETAILS	
TITLE REFERENCE	
CERTIFICATE FOLIO	2
VOLUME	173586

FLOOR AREAS	
EXISTING SITE AREA	552 m ²
PROPOSED GROUND FLOOR	163 m ²
TOTAL FLOOR AREA	163 m ²

DRAWING SCHEDULE - ARCHITECTURAL		
DRAWING NO.	DRAWING	REVISION
A00-00	Site Plan	M
A02-00	Ground Floor Plan	M
A02-01	Roof Plan	M
A04-00	Elevations	M
A04-01	Elevations	M



Hobart
45 Goulburn Street Hobart TAS 7000
T 61 3 6231 2923
ACC CC1017F

Melbourne
3 Tivoli Road South Yarra VIC 3141
T 61 3 9627 8902
info@prestonlane.com.au
prestonlane.com.au

The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

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Proprietor
Andrea Davis

Project
69a Howrah Road, Howrah, TAS 7018
New Residence

Drawing
Site Plan

Scale
1: 200 @ A3

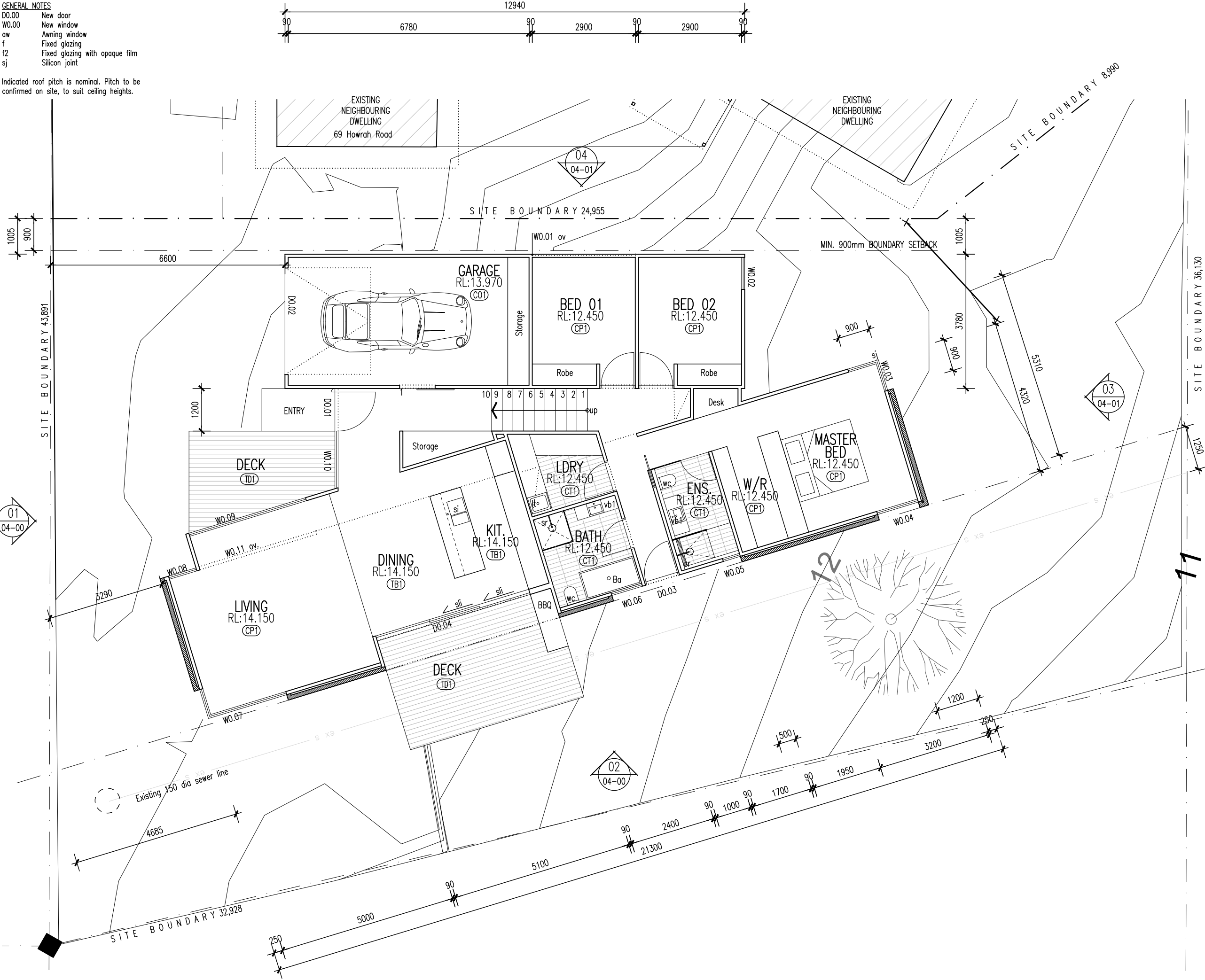
Revision				
G	15/08/2017	Drawings revisions for DA	SC	DL
H	07/09/2017	Drawing revision for Client	SC	DL
I	08/09/2017	Drawing revision for Client	SC	DL
J	11/09/2017	Drawing revision for Client	SC	DL
K	14/09/2017	Drawing revision for Client	SC	DL
L	26/09/2017	Drawing revision for Client	SC	DL
M	28/11/2017	Issued for DA	SC	DL

Project No
16042

Drawing Number
A00-00

- GENERAL NOTES
- D0.00 New door
 - W0.00 New window
 - aw Awning window
 - f Fixed glazing
 - f2 Fixed glazing with opaque film
 - sj Silicon joint

Indicated roof pitch is nominal. Pitch to be confirmed on site, to suit ceiling heights.



- FINISHES SCHEDULE
- (C01) concrete steel trowel finish. clear satin polyurethane sealer.
 - (CB1) Colorbond roof sheeting. profile and colour to future selection.
 - (MA1) Scyon Matrix 9mm compressed cement sheet cladding (complete system). Installed to manufacturers recommendations. Paint finish, colour to future selection.
 - (MW1) 50mm Masterwall complete system, installed strictly in accordance with the manufacturers recommendations/specifications. Acrylic render finish. Paint finish, colour to future selection.
 - (FB1) Face brick work, to future selection. Timber cladding. Oil finish to future selection.
 - (TM1) Timber cladding. Oil finish to future selection.
 - (TD1) Timber decking, clear finish. Species to future selection.
 - (TB1) 12mm standard grade tas oak timber overlay flooring over Structaflor.
 - (CP1) Carpet.
 - (CT1) Ceramic tile.

Preston
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Hobart
45 Goulburn Street Hobart TAS 7000
T 61 3 6231 2923
ACC CC1017F
Melbourne
3 Tivoli Road South Yarra VIC 3141
T 61 3 9627 8902
info@prestonlane.com.au
prestonlane.com.au

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Proprietor: Andrea Davis
Project: 69a Howrah Road, Howrah, TAS 7018
New Residence

Drawing: Floor Plan

Scale: 1: 100 @ A3

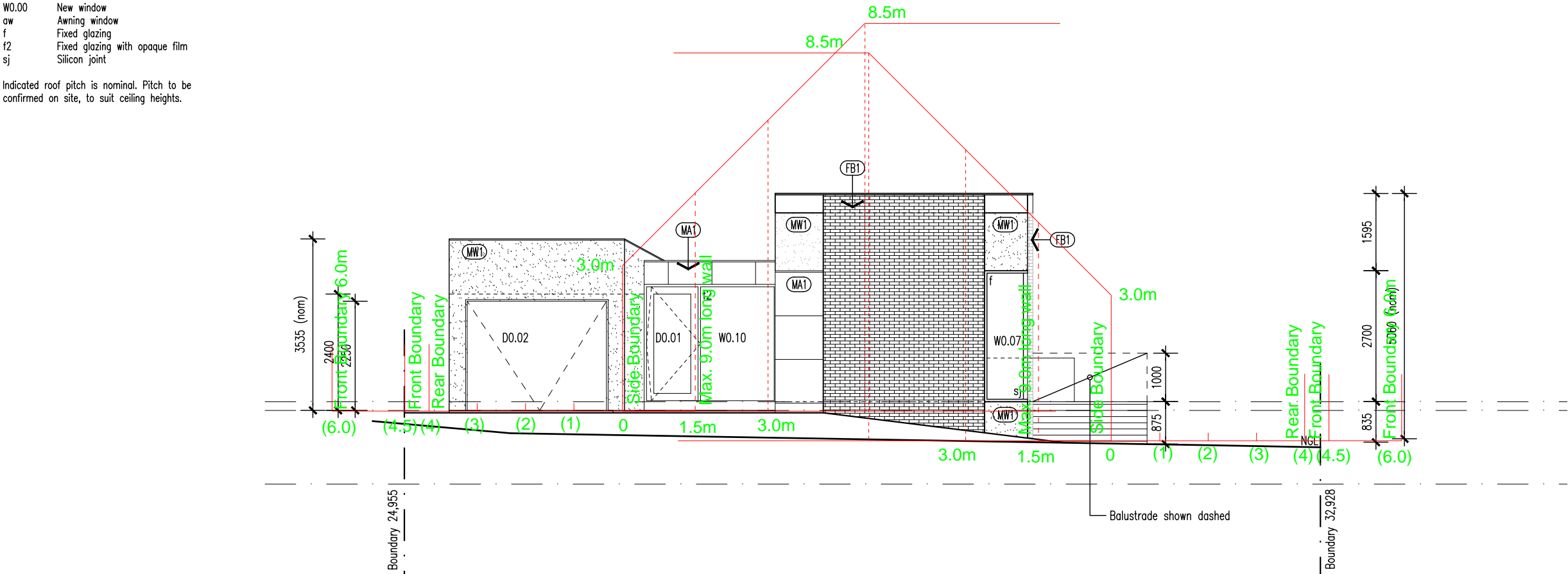
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K	14/09/2017	Drawing revision for Client	SC	DL
L	26/09/2017	Drawing revision for Client	SC	DL
M	28/11/2017	Issued for DA	SC	DL
Project No				

Drawing Number: 16042

GENERAL NOTES
D0.00 New door
W0.00 New window
aw Awning window
f Fixed glazing
f2 Fixed glazing with opaque film
sj Silicon joint

Indicated roof pitch is nominal. Pitch to be confirmed on site, to suit ceiling heights.

FINISHES SCHEDULE	
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(TM1)	Timber cladding. Oil finish to future selection.
(TD1)	Timber decking, clear finish. Species to future selection.
(TB1)	12mm standard grade tas oak timber overlay flooring over Structaflor.
(CP1)	Carpet.
(CT1)	Ceramic tile.



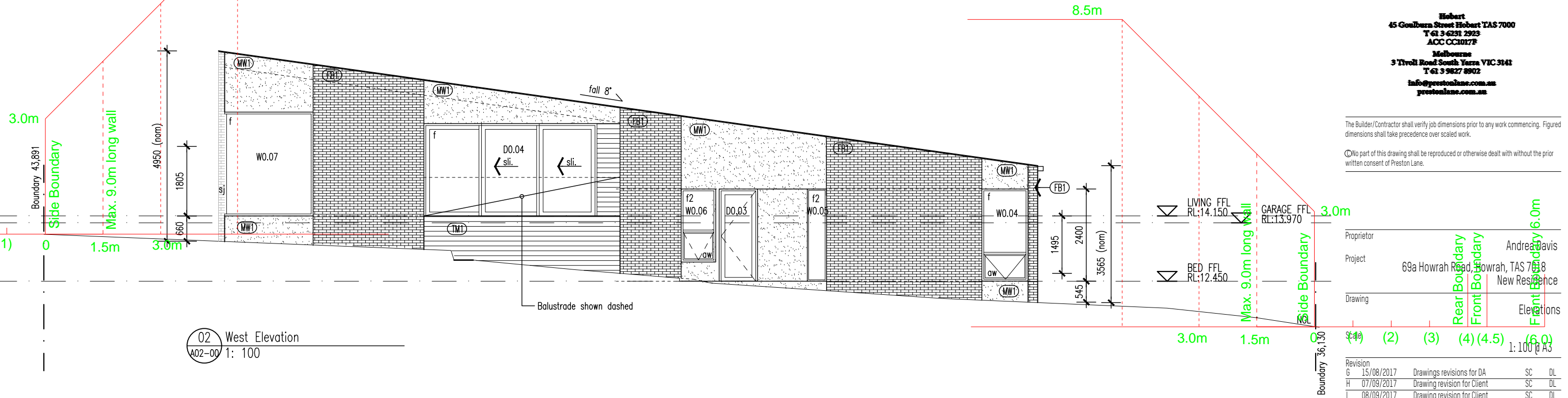
01 North Elevation
A02-00 1: 100



Hobart
45 Goulburn Street Hobart TAS 7000
T 61 3 6231 2923
ACC CC1017F
Melbourne
3 Tivoli Road South Yarra VIC 3141
T 61 3 9627 8902
info@prestonlane.com.au
prestonlane.com.au

The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

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02 West Elevation
A02-00 1: 100

Proprietor	Andrea Davis
Project	69a Howrah Road, Howrah, TAS 7808 New Residence
Drawing	Elevations

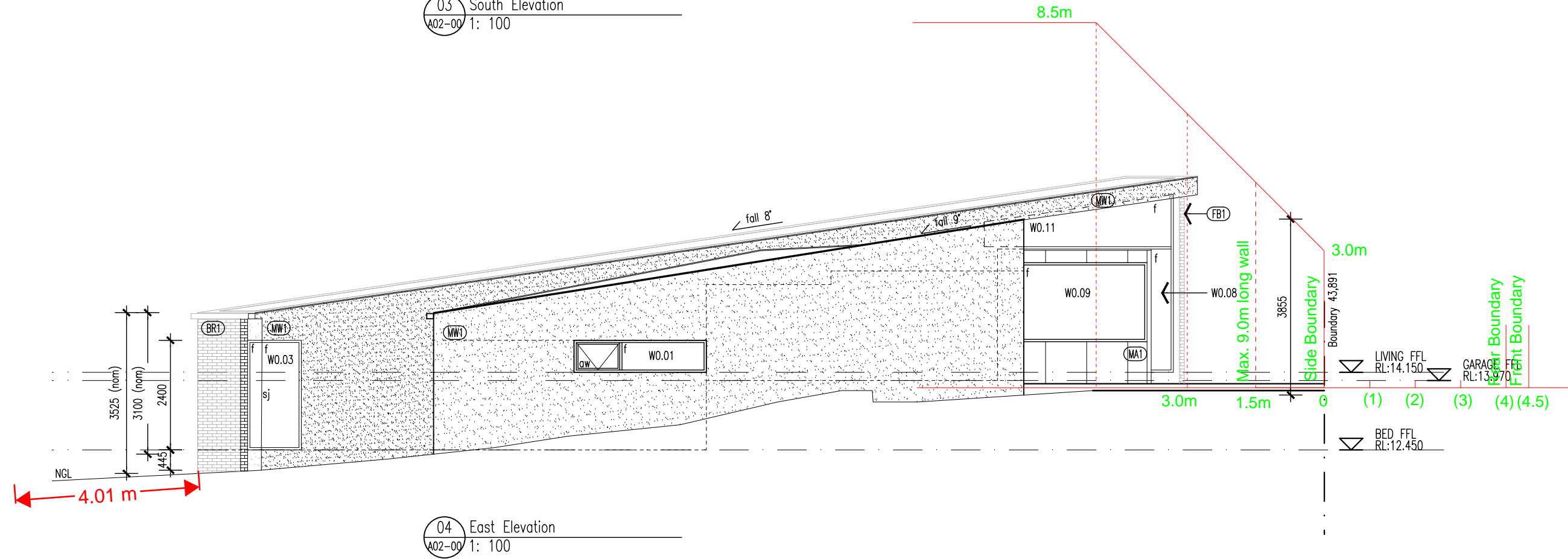
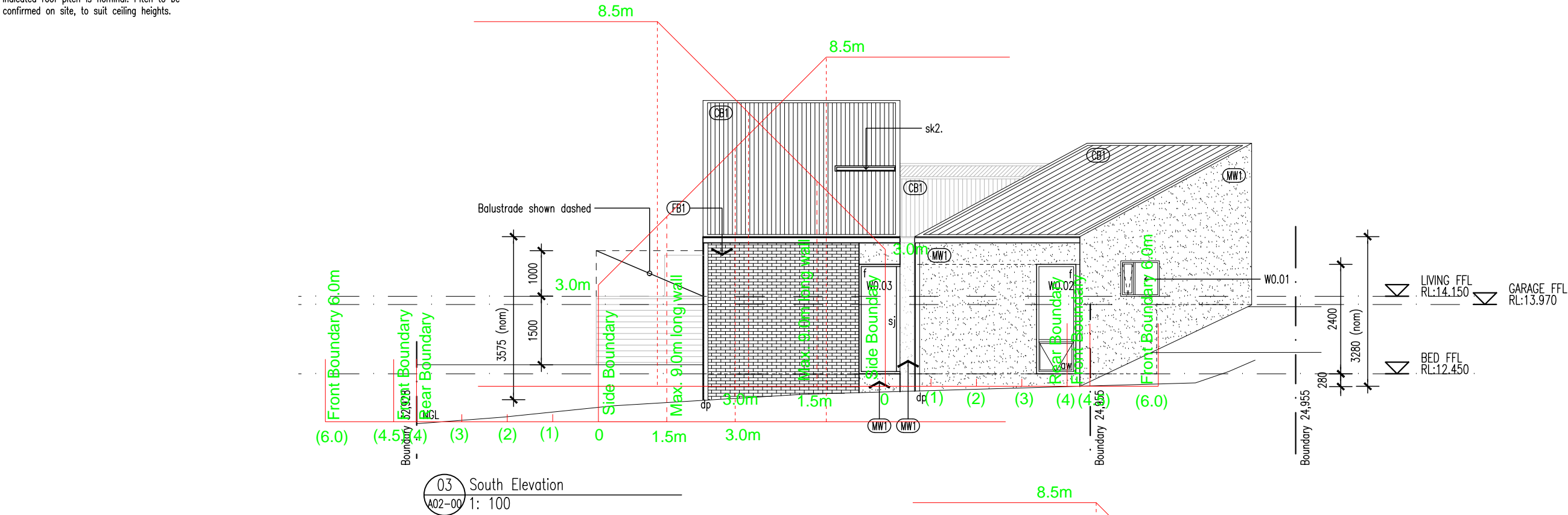
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M	28/11/2017	Issued for DA	SC	DL

Project No 16042

Drawing Number

GENERAL NOTES
D0.00 New door
W0.00 New window
aw Awning window
f Fixed glazing
f2 Fixed glazing with opaque film
sj Silicon joint

Indicated roof pitch is nominal. Pitch to be confirmed on site, to suit ceiling heights.



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(TM1)	Timber cladding. Oil finish to future selection.
(TD1)	Timber decking, clear finish. Species to future selection.
(TB1)	12mm standard grade tas oak timber overlay flooring over Structaflor.
(CP1)	Carpet.
(CT1)	Ceramic tile.



Hobart
45 Goulburn Street Hobart TAS 7000
T 61 3 6231 2923
ACC CC1017F
Melbourne
3 Trevi Road South Yarra VIC 3141
T 61 3 9627 8902
info@prestonlane.com.au
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Proprietor	Andrea Davis
Project	69a Howrah Road, Howrah, TAS 7018 New Residence
Drawing	Elevations
Scale	1: 100 @ A3

Revision	Date	Description	SC	DL
G	15/08/2017	Drawings revisions for DA	SC	DL
H	07/09/2017	Drawing revision for Client	SC	DL
I	08/09/2017	Drawing revision for Client	SC	DL
J	11/09/2017	Drawing revision for Client	SC	DL
K	14/09/2017	Drawing revision for Client	SC	DL
L	26/09/2017	Drawing revision for Client	SC	DL
M	28/11/2017	Issued for DA	SC	DL

Project No 16042

Drawing Number

(CB1) New Custom Orb roof sheeting, colour to future selection. Base metal thickness 0.48.

DOWNPILES & CUTTERS
dp1 90mm diameter PVC down pipe.

g.1 Stratco smoothline eaves gutter,
colour to future selection

sump1 Machine folded colorbond sump.
refer plans for sizing. minimum
100mm deep. Connect into existing
storm water connection.

Notes

Supply and install proprietary infill strips to suit roof sheeting profiles, typical.
Allow to supply and install spreaders to existing down pipes that fall onto new roof's.

Preston
—
Lane

Hobart
45 Goulburn Street Hobart TAS 7000
T 61 3 6231 2923
ACC CC1017F
Melbourne
3 Tivoli Road South Yarra VIC 3141
T 61 3 9827 8902
info@prestonline.com.au
prestonline.com.au

The Builder/Contractor shall verify job dimensions prior to any work commencing. Figured dimensions shall take precedence over scaled work.

©No part of this drawing shall be reproduced or otherwise dealt with without the prior written consent of Preston Lane.

Proprietor	Andrea Davis
Project	69a Howrah Road, Howrah, TAS 7018 New Residence

Drawing _____ Roof Plan _____

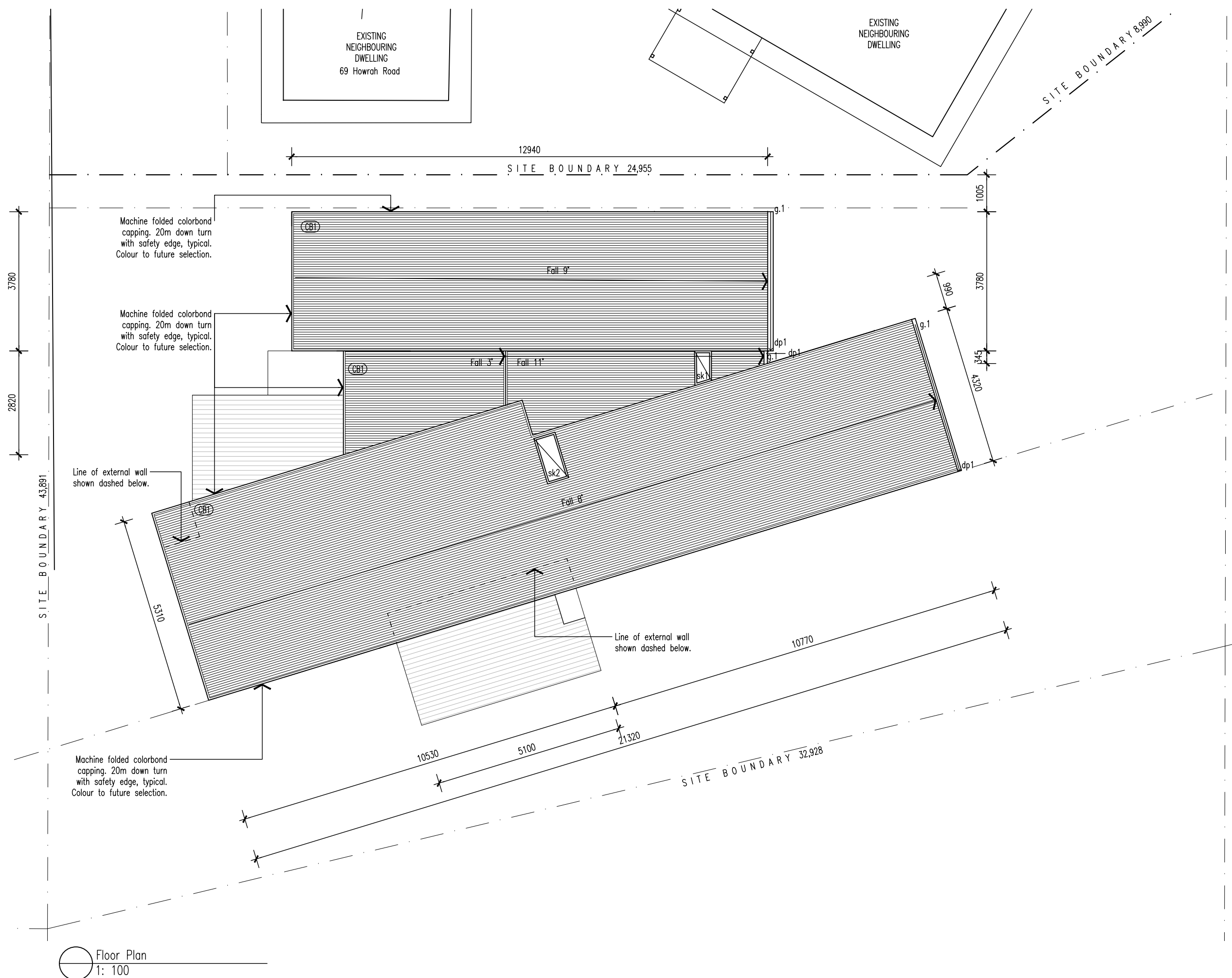
Scale 1: 100 @ A3

Revision				
G	15/08/2017	Drawings revisions for DA	SC	DL
H	07/09/2017	Drawing revision for Client	SC	DL
I	08/09/2017	Drawing revision for Client	SC	DL
J	11/09/2017	Drawing revision for Client	SC	DL
K	14/09/2017	Drawing revision for Client	SC	DL
L	26/09/2017	Drawing revision for Client	SC	DL
M	28/11/2017	Issue for DA	SC	DL

Project No				
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Drawing Number

Agenda Attachments - 69a Howrah Road, Howrah Page 6 of 7



69 HOWRAH ROAD, HOWRAH



Photo 1: The existing dwelling at 69 Howrah Road and shared driveway access servicing the subject site.

**11.3.2 DEVELOPMENT APPLICATION D-2017/572 – 69 CONNEMARA PLACE,
SANDFORD - DWELLING**
(File No D-2017/572)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 69 Connemara Place, Sandford.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Living and is subject to the Bushfire Prone Areas Code, Road and Rail Assets Code, Parking and Access Code, Stormwater Management Code and Natural Assets Code under the Clarence Interim Planning Scheme 2015 (the Scheme). The proposal is also subject to the requirements of the Sandford Specific Area Plan. In accordance with the Scheme, the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expired on 21 January 2018 but has been extended until 7 February 2018 as agreed with the applicant.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of proximity of the building to the road and its visual appearance.

RECOMMENDATION:

- A. That the Development Application for a Single Dwelling at 69 Connemara Place, Sandford (CI Ref D-2017/572) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AP3 – AMENDED PLAN [USE OF DOUBLE GLAZING IN ALL WINDOWS ASSOCIATED WITH A HABITABLE USE].

ADVICE

- A. It is advised that the property is located within a bushfire prone area. An accredited bushfire assessor must be engaged to determine a BAL rating for the habitable use with such documentation submitted as part of a future building permit application.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT**1. BACKGROUND**

No relevant background.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Rural Living under the Scheme.

2.2. The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme relating to the proximity of the dwelling to an operational quarry and on-site stormwater management.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – Rural Living Zone;
- Section 1.0 – Bushfire Prone Areas Code;
- Section 5.0 – Road and Rail Assets Code;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code;
- Section E11.0 – Natural Assets Code; and
- Section F11.0 – Sandford Specific Area Plan.

- 2.4.** The property is located within a bushfire prone area as identified on the Planning Scheme overlay. The proposal is for a habitable building as opposed to a vulnerable or hazardous use therefore satisfies exemption Clause E1.4(a) of the Code. Bushfire hazard management will be addressed as part of a future building permit application assessment, with such application required to be accompanied with a bushfire hazard management plan prepared by a bushfire assessor. Advice to this effect has been included.
- 2.5.** The Biodiversity Protection Area – High Risk overlay covers the native woodland located in the south-western corner of the site. A bushfire report has accompanied the application demonstrating that the bushfire hazard management areas will avoid extending into the area covered by the Biodiversity Protection Area, therefore the Natural Assets Code does not apply to the assessment of this application.
- 2.6.** 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 2.15ha regular shaped lot located on the southern side of the newly completed Connemara Place, Sandford. The site is level and forms part of a newly created rural living infill development located between Rifle Range Road and School Road. TasVeg 3.0 mapping indicates that the south-western corner of the lot contains E.tenuiramis forest and woodland on sediments, which is listed as a threatened native vegetation community under State legislation. The proposed development, including bushfire management areas, access and servicing infrastructure would not extend into the woodland area.

Access to the site is provided via a sealed crossover extending from the cul-de-sac end of Connamara Place.

The surrounding land use context is characterised by rural residential development. A gravel quarry is located 750m to the south-east of the subject site. The quarry is currently operational with a limited lifespan.

3.2. The Proposal

The proposal is for the construction of a combined dwelling and garage. The building would maintain a 40m setback from the road frontage and a 20m setback from the western side boundary, being the closest side boundary. The length of the building would be parallel with the property frontage. The building would be 20m long by 10m wide with the eastern end containing the habitable parts of the building, including 2 bedrooms, combined bathroom/laundry and open plan living space. The habitable component would form 40% of the overall floor area of the building, the remainder to be used as a garage/domestic workshop.

The building would reach a maximum height of 4.86m above natural ground level, would be clad with “Colorbond” and would have a low-pitched gabled roof profile. The garage roller door entry would be contained to the southern elevation (facing the rear boundary). Two windows would be located on the northern elevation facing the street.

The applicant has indicated that the dwelling is intended to form a temporary living arrangement until such time approval is granted for the main residence, which is intended to be located further towards the rear boundary. However, for the purposes of assessment, the building is required to be treated as a dwelling. The on-site wastewater and stormwater management infrastructure has been designed so as to not compromise the siting of a future dwelling.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

- (a) all applicable standards and requirements in this planning scheme; and*

*(b) any representations received pursuant to and in conformity with ss57(5) of the Act;
but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s definition of a “Single dwelling” which has a “No Permit Required” use status in the Rural Living Zone.

The proposal meets the Scheme’s relevant Acceptable Solutions of the Rural Living Zone, Road and Rail Assets Code, Parking and Access Code, Stormwater Management Code, On-site Wastewater Management Code and the Sandford Specific Area Plan with the exception of the following.

Sandford Specific Area Plan

Clause	Standard	Acceptable Solution (Extract)	Proposed
F11.7.1 A1	Residential amenity	<p>(a) the development is not associated with a residential use;</p> <p>(b) the development is a non-habitable building or structure associated with an existing single dwelling; or</p> <p>(c) the quarry at 100 School Road has ceased to operate.</p>	<p>Does not comply – the proposal is for a single dwelling.</p> <p>not applicable</p> <p>not applicable</p>

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause F11.7.1 as follows.

Performance Criteria	Proposal
<p><i>“P1 – Development of a single dwelling is to take into account potential impacts from the quarry including noise, dust and visual amenity and be designed, sited or screened accordingly”.</i></p>	<p>The proposed dwelling would be located 750m from the existing gravel quarry located at 100 School Road.</p> <p>The Planning Scheme’s Attenuation Code typically applies a buffer area around existing extractive industry uses to protect such uses from encroachment by sensitive use. The Code does not apply to the Sandford Quarry as it is replaced with the requirements of the Sandford Specific Area Plan.</p> <p>However, the attenuation distance requirements for sensitive use offer best practice guidance as to a suitable buffer distance for new dwellings from quarry activities. The Attenuation Code requires a 1000m separation distance from an extractive industry involving blasting and crushing activities. The proposed dwelling would not comply with the 1000m attenuation distance requirement. Notwithstanding this, it is noted that the site is located at the outer limit of the Sandford Specific Area Plan coverage.</p> <p>The quarry is not visible from the subject site therefore no particular visual or dust mitigation measures are required. The dwelling may, however, be subject to noise and vibration impacts arising from crushing and occasional blasting activities (such blasting activities are required to be approved by the Director of the Environmental Protection Authority). It is therefore considered appropriate to require the use of double glazing for the windows associated with the habitable components of the dwelling. This has been discussed and agreed with the applicant. This response will ensure the dwelling has been designed to account for potential impacts arising from the use of the nearby quarry.</p>

Stormwater Management Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E7.7.1 A1	Buildings and works	Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	Does not comply - stormwater would be detained on-site in the absence of Council stormwater services in the area.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause E7.7.1 as follows.

Performance Criteria	Proposal
<p><i>“P1 - Stormwater from new impervious surfaces must be managed by any of the following:</i></p> <p><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> <p><i>(b) collected for re-use on the site;</i></p> <p><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></p>	<p>Council’s Development Engineer has advised that the land area of the property is sufficient to enable all stormwater to be detained and/or reused on the site. A concept drainage plan has been provided to demonstrate such arrangements.</p> <p>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.</p>

5. REPRESENTATION ISSUES

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

5.1. The Proximity of the Building to the Road and its Visual Appearance

The representor has raised concern that the building would be unsightly due to its position at the front of the property and “shed” like appearance. The representor has suggested that the outbuilding be relocated to the rear of the site and utilise more visually appealing external materials and finishes such as render or weatherboards.

- **Comment**

The proposed dwelling is intended to be integrated into the shed building as the property owner intends to later construct a main residence elsewhere on the property. Whilst the building would occupy a large footprint (200m²) and would have the appearance of a shed, the building has been designed and sited to comply with the height, setback, design and outbuilding requirements of the Rural Living Zone. Regard can only be had to the visual appearance of a building where a height or setback variation is sought. In this case, no such variation is sought.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

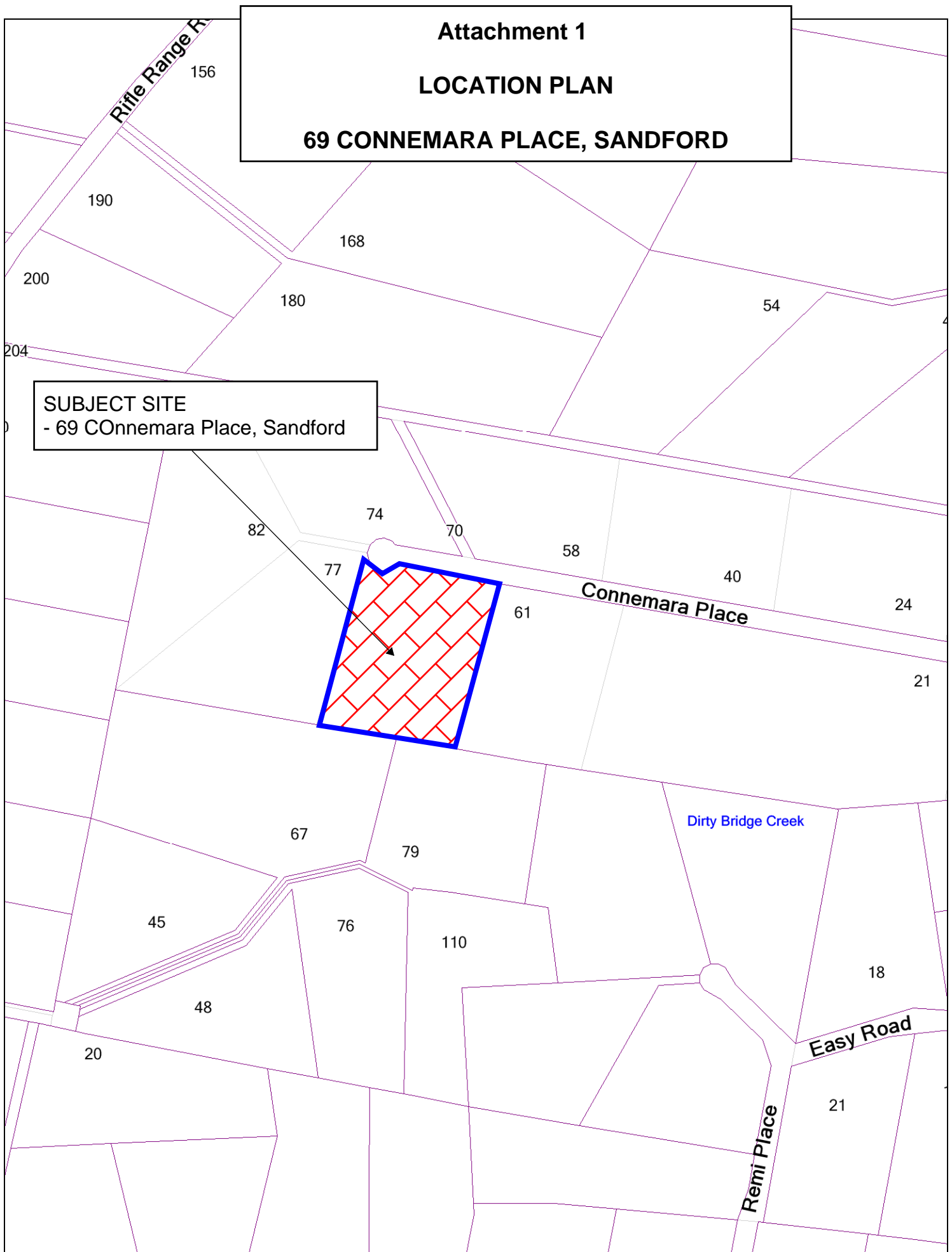
There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

9. CONCLUSION

The proposal is for a Single Dwelling at 69 Connemara Place, Sandford. The proposal has been assessed as complying with all relevant Acceptable Solutions and Performance Criteria and is accordingly recommended for conditional approval.

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

Ross Lovell
MANAGER CITY PLANNING



Attachment 1

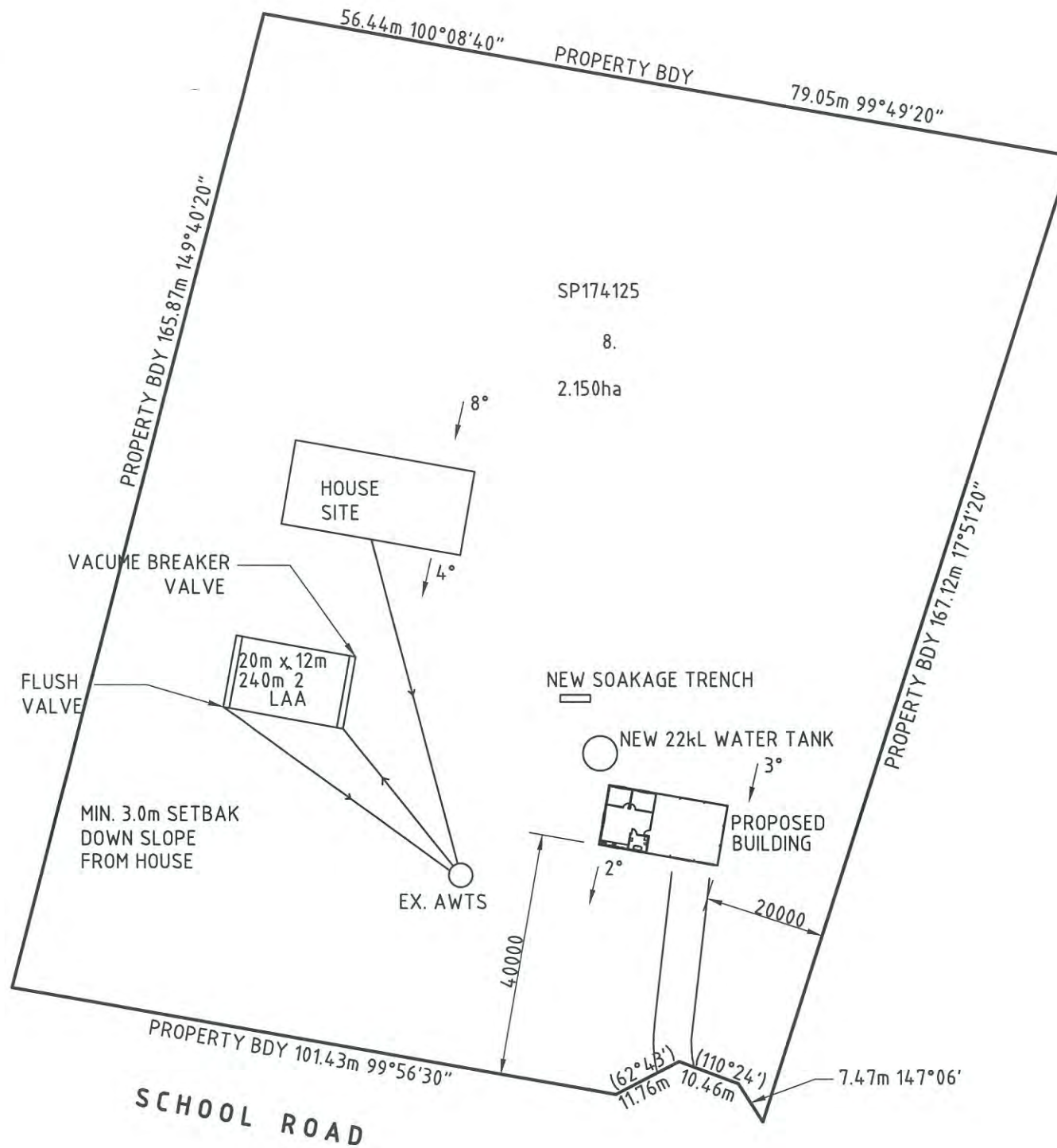
LOCATION PLAN

69 CONNEMARA PLACE, SANDFORD

SUBJECT SITE
- 69 COnnemara Place, Sandford




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, 22 January 2018 **Scale:** 1:4,683 @A4

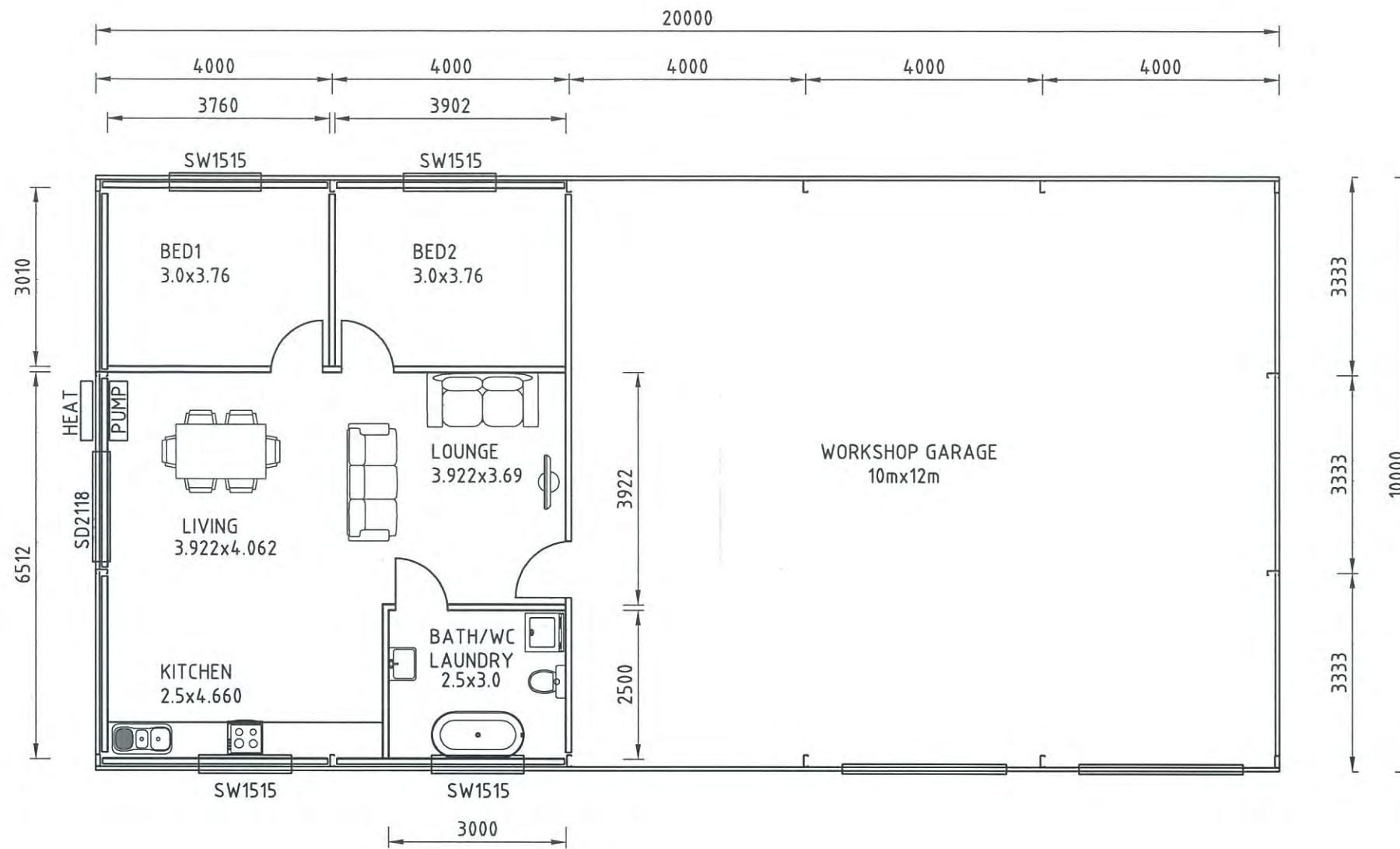


SITE & LOCATION PLAN

NOTE : REFER DRAWING H1 FOR DRAINAGE DETAILS


PRELIMINARY

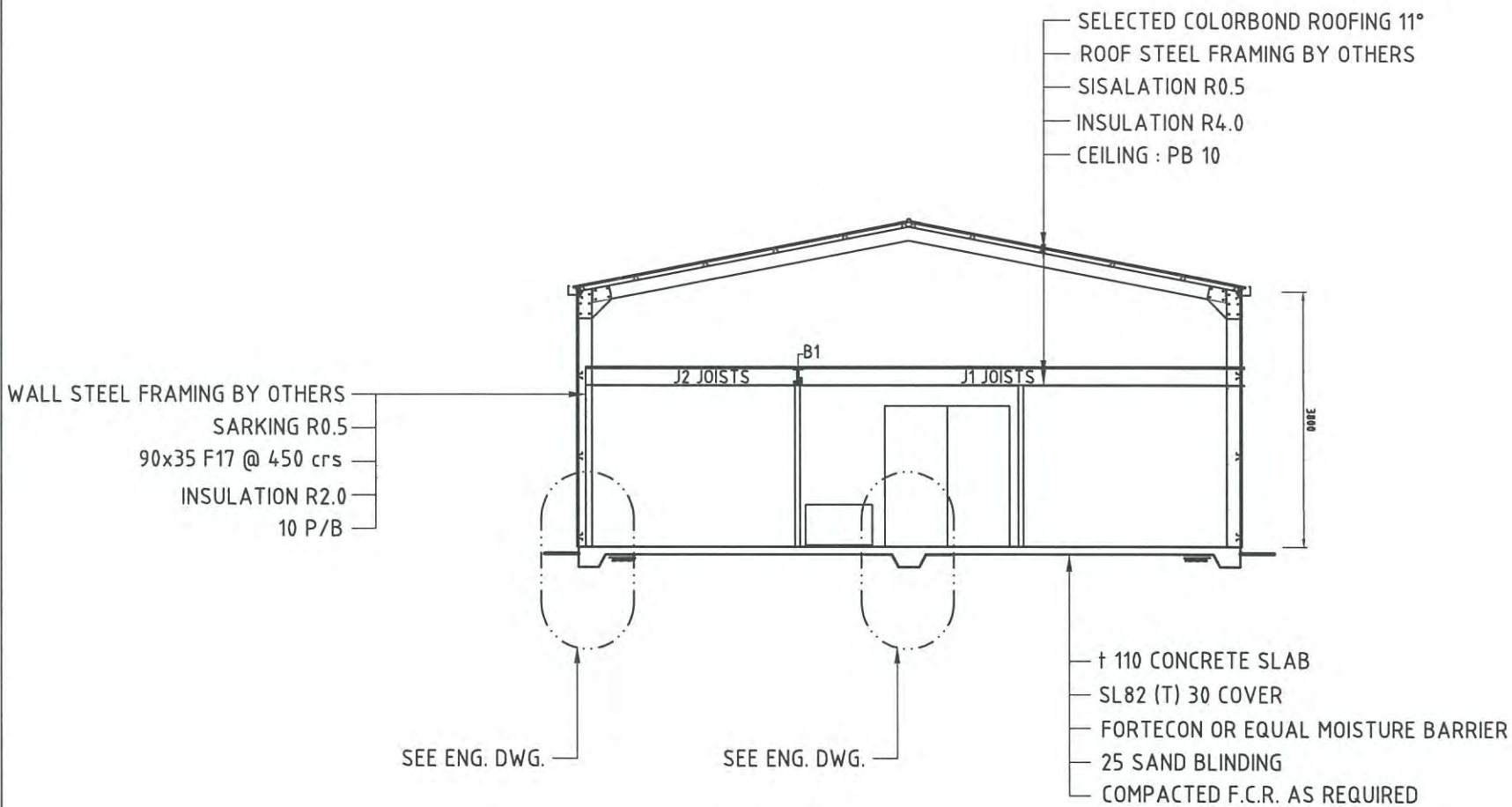
 CONSULTING ENGINEERS Emmanuel Dellas Pty Ltd phone: 6228 2225 fax: 6228 2235 mobile: 0418 232 811 email: edell@bigpond.com 20 Stratton Ave, LENA VALLEY 7008	Project Title: PROPOSED TEMPORARY DWELLING AT LOT 8 SCHOOL ROAD, SANDFORD FOR K. SACCO SITE & LOCATION PLAN		Scale: 1:100	A3
			Job No. 4539	
	Designed by: E.D.		ED Accreditation Number: CC164C	Date: Nov '17
				Drawing No. A1



FLOOR PLAN

PRELIMINARY


 <p>CONSULTING ENGINEERS Emmanuel Dellas Pty Ltd phone: 6228 2225 fax: 6228 2235 mobile: 0418 232 811 email: edellas@bigpond.com 20 Stratton Ave, LENA VALLEY 7008</p>	Project Title: PROPOSED TEMPORARY DWELLING AT LOT 8 SCHOOL ROAD, SANDFORD FOR K. SACCO FLOOR PLAN	Scale:	A3
		1:100	
	Job No.		4539
	Designed by:	ED Accreditation Number:	Date:
E.D.		CC164C	Nov '17
Drawing No.		Rev.	
A2		0	



WINDOW LIST	
ID	W01
No off	3
TYPE	AWNING
GLAZING	SINGLE GLAZED
U-VALUE	
SHGC	
FRAME MATERIAL	ALUMINIUM
WIDTH	1450
HEIGHT	1450
SILL HEIGHT	650
AREA	2.10
ELEVATION	

DOOR LIST		(INTERNAL)	
No off	1	2	4
TYPE	SLIDING	ROLLER DOOR	SWINGING
GLAZING	SINGLE GLAZED		
U-VALUE			
SHGC			
FRAME MATERIAL	ALUMINIUM	ALUMINIUM	TIMBER
WIDTH	1800	2800	820
HEIGHT	2100	3100	2100
HEAD HEIGHT	2100	2100	2100
AREA	3.78	8.68	1.72
ELEVATION			

PRELIMINARY



CONSULTING ENGINEERS
Emmanuel Dellas Pty Ltd
phone: 6228 2225 fax: 6228 2235
mobile: 0418 232 811
email: edellas@bigpond.com
20 Stratton Ave, LENA VALLEY 7008

Project Title:
**PROPOSED TEMPORARY DWELLING
AT LOT 8 SCHOOL ROAD, SANDFORD
FOR K. SACCO
TYP. SECTION, DOORS & WINDOWS
SCHEDULE**

Designed by: E.D. ED Accreditation Number: CC164C Date: Nov '17

Scale: 1:100	A3
Job No. 4539	
Drawing No. A4	Rev. 0

69 Connemara Place, Sandford



Photo 1: The subject site when viewed from School Road.

11.3.3 DEVELOPMENT APPLICATION D-2017/596 - 624 CAMBRIDGE ROAD, CAMBRIDGE - OUTBUILDING
(File No D-2017/596)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an outbuilding at 624 Cambridge Road, Cambridge.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the consent of the applicant on 7 February 2018.

CONSULTATION

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

- building use; and
- noise.

RECOMMENDATION:

- A. That the Development Application for an outbuilding at 624 Cambridge Road, Cambridge (CI Ref D-2017/596) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN M7 – DOMESTIC USE.
- 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-2017/596 - 624 CAMBRIDGE ROAD,
CAMBRIDGE – OUTBUILDING /contd...**

ASSOCIATED REPORT**1. BACKGROUND**

The dwelling on the subject property was approved by Council by B-1946/504.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Rural Living 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 13.0 – Rural Living Zone;
- Section E1.0 – Bushfire Prone Areas Code;
- Section E3.0 – Landslide Code;
- Section E6.0 – Parking and Access Code; and
- Section E7.0 – Stormwater Management Code.

2.4. The Landslide Code is applicable to part of the site, and the Bushfire Prone Areas Code is applicable to the whole of the site. The proposal relates to the use of the site as a Single Dwelling, meaning that the detailed provisions of both codes do not apply to the development and have therefore not been addressed by the following assessment.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 3162m² irregularly shaped lot with 124.57m frontage to Cambridge Road. It supports an existing dwelling and outbuilding, is located within an established rural living area at Cambridge and slopes down to the west. Vehicular access to the site is from an existing driveway from Cambridge Road and there are no easements encumbering the subject property.

3.2. The Proposal

The proposal is to construct a 78m² domestic outbuilding, with a 30m² carport at the eastern elevation of the building. The structure would replace an existing 15m² outbuilding. The proposed building would be a maximum of 3.45m in height above natural ground level at its highest point, would be accessed via a roller door on the northern elevation and pedestrian doors on the southern and eastern elevations of the building, and would be clad using mid grey Colorbond wall cladding and a light grey Colorbond roof and roller door.

The proposed outbuilding would be sited 8.43m from the eastern (front) property boundary, 7.79m from the western (rear) boundary and 6.21m to the north-east of the dwelling. The structure would be accessed from the existing driveway and turning area to the north of the dwelling and to achieve a level surface for the outbuilding, a 500mm cut at the fill to the front of the building site is proposed.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

The proposal meets the Scheme’s relevant Acceptable Solutions of the Rural Living Zone, Stormwater Management and Parking and Access Codes with the exception of the following.

Rural Living Zone

Clause	Standard	Acceptable Solution	Proposed
13.4.2 A1	Setback	Building setback from frontage must be no less than: <ul style="list-style-type: none"> • 20m. 	Does not comply – 8.43m front setback proposed.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 13.4.2 as follows.

Performance Criteria	Proposal
<i>“Building setback from frontages 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 site slopes down to the west, and it is proposed to site the outbuilding to the north of the existing dwelling to be accessed from the driveway and turning areas associated with the dwelling. A 500mm cut is proposed and is a necessary response to the gradient of the site.
<i>(b) the prevailing setbacks of existing buildings on nearby lots;</i>	The dwelling at 612 Cambridge to the south of the subject lot is setback 5m from the front boundary, and the dwelling at the property to the north at 636 Cambridge Road is setback 12m from the front boundary. The area is characterised by development with a range of front setback distances.

(c) <i>the size and shape of the site;</i>	The site is an irregularly shaped, 3162m ² lot with in excess of 125m frontage to Cambridge Road. The lot is used for rural living purposes and surrounded by lots ranging in size, typically supporting a single dwelling and associated domestic outbuildings. The lot is 25.6m in width at the location of the proposed outbuilding.
(d) <i>the location of existing buildings on the site;</i>	The proposed outbuilding would be located 6.21m to the north-east of the existing dwelling and would replace an existing (smaller) outbuilding. There are no other outbuildings on the subject property.
(e) <i>the proposed colours and external materials of the building;</i>	The building would be clad using mid grey Colorbond wall cladding and a light grey Colorbond roof and roller door. This would be consistent with the range of styles and materials in the area.
(f) <i>the visual impact of the building when viewed from an adjoining road;</i>	The structure would have a maximum height above natural ground level of 3.45m, and would involve a 500mm cut to facilitate the building given the slope of the site. The outbuilding would be lower in height than the existing dwelling, would therefore have minimal impact when viewed from Cambridge Road.
(g) <i>retention of vegetation;</i>	No vegetation clearance is required to facilitate the proposal, in that the outbuilding would be located within an existing cleared driveway area, in the same location as an existing outbuilding.
(h) <i>be no less than:</i> i. <i>15m; or</i> ii. <i>5m for lots below the minimum lot size specified in the acceptable solution; or</i> iii. <i>the setback of an existing roofed building (other than an exempt building) from that boundary”.</i>	The site is less than the minimum lot size for the zone, meaning that the proposed 8.43m setback is consistent with the minimum 5m allowed by (ii) of the criterion.

Rural Living Zone

Clause	Standard	Acceptable Solution	Proposed
13.4.2 A2	Setback	Building setback from side and rear boundaries must be no less than: <ul style="list-style-type: none"> • 20m. 	Does not comply – 7.79m rear setback proposed.

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause 13.4.2 as follows.

Performance Criteria	Proposal
<i>“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 site slopes down to the west and a 500mm cut is proposed as a necessary response to the gradient of the site.
<i>(b) the size and shape of the site;</i>	The site is an irregularly shaped lot which is 25.6m in width at the location of the proposed outbuilding. The proposed rear setback of 7.79m is a response to the location of the existing driveway and turning area, and the shape of the lot.
<i>(c) the location of existing buildings on the site;</i>	The proposed outbuilding would be located 6.21m to the north-east of the existing dwelling, and would replace an existing (smaller) outbuilding. The dwelling on the site is setback 8.4m from the rear boundary, and there are no other outbuildings on the subject property.
<i>(d) the proposed colours and external materials of the building;</i>	The building would be clad using mid grey Colorbond wall cladding and a light grey Colorbond roof and roller door - consistent with the range of styles and materials in the area.
<i>(e) visual impact on skylines and prominent ridgelines;</i>	The proposed building would not be located on a skyline or ridgeline.
<i>(f) impact on native vegetation;</i>	No vegetation clearance would be required as part of the proposed development.

<p>(g) <i>be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</i></p> <ul style="list-style-type: none"> i. <i>overlooking and loss of privacy;</i> ii. <i>visual impact, when viewed from adjoining lots, through building bulk and massing;</i> 	<p>The proposed outbuilding would not compromise residential amenity in that there would be no windows that would create an impact in relation to overlooking, therefore addressing (i) of (g).</p> <p>In relation to (g)(ii), the proposed building would be separated from the nearest neighbouring dwelling to the north-west by a distance in excess of 75m meaning that the likely visual impact of the development would be low.</p>
<p>(h) <i>be no less than:</i></p> <ul style="list-style-type: none"> i. <i>10m; or</i> ii. <i>5m for lots below the minimum lot size specified in the acceptable solution; or</i> iii. <i>the setback of an existing roofed building (other than an exempt building) from that boundary.</i> <p><i>unless the lot is narrower than 40m at the location of the proposed building site”.</i></p>	<p>The site is less than the minimum lot size for the zone, meaning that the proposed 7.79m rear setback is consistent with the minimum 5m allowed by (ii) of the criterion.</p>

Rural Living Zone

Clause	Standard	Acceptable Solution	Proposed
13.4.4 A1	Outbuildings	<p>Outbuildings (including garages and carports not incorporated within the dwelling) must comply with all of the following:</p> <ul style="list-style-type: none"> (a) have a combined gross floor area no more than 100m²; (b) have a wall height no more than 6.5m and a building height not more than 7.5m; (c) have setback from frontage no less than that of the existing or proposed dwelling on the site. 	<p>complies</p> <p>complies</p> <p>Does not comply – existing dwelling setback 12.4m from frontage and proposed outbuilding setback of 8.43m.</p>

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 13.4.4 as follows.

Performance Criteria	Proposal
<i>“Outbuildings (including garages and carports not incorporated within the dwelling) must be designed and located to satisfy all of the following:</i>	see below
<i>(a) be less visually prominent than the existing or proposed dwelling on the site;</i>	<p>The closest point of the proposed outbuilding to the frontage is the carport (lean-to) part of the building, which would be open. The main part of the building would be setback 11.6m from the frontage, which is comparable to the existing dwelling.</p> <p>It is considered that the slope of the site being down to the west, away from Cambridge Road, would limit the visual prominence of the structure. The proposed colours would further lessen the prominence of the structure, when viewed from the road – as required by this part of the performance criteria.</p>
<i>(b) be consistent with the scale of outbuildings on the site or in close visual proximity;</i>	The proposed outbuilding would be consistent with the range of styles, materials and sizes associated with domestic outbuildings in the vicinity of the site.
<i>(c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape”.</i>	There are no Desired Future Character Statements relevant to the area, and it is considered that the colour, finish and location of the proposed outbuilding would have regard to the landscape in terms of siting, location and compatibility.

Stormwater Management Code

Clause	Standard	Acceptable Solution	Proposed
E7.7.1 A1	Stormwater drainage and disposal	Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	Does not comply – stormwater runoff from the proposed outbuilding to be contained within lot boundaries.

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause E7.7.1 as follows.

Performance Criteria	Proposal
<i>“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>	The proposal is that stormwater runoff would be retained on-site, by directing to the stormwater to a purpose-designed stormwater absorption trench to the south-west of the building. This approach is consistent with the relevant water sensitive urban design principles.
<i>(b) collected for re-use on the site;</i>	Collection of stormwater for re-use is not proposed.
<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

5. REPRESENTATION ISSUES

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

5.1. Building Use

Concern was raised by the representation that the proposed outbuilding would be used as a “band room, party room and musical practice room”. The concern is that the dwelling on the subject property has historically been used for such a purpose and that the hours of such activity have on some occasions been until 4am and regularly until 9pm at night, and that has created conflict with surrounding land use. The concern is that the proposed and likely use is not what has been applied for, to Council.

- **Comment**

The application made is for a domestic outbuilding and the application has been assessed on that basis. Were application made for a gathering place for the purposes of entertainment, it may be that the appropriate Use Class would be Community Meeting and Entertainment which, under the Scheme, would be a prohibited Use Class within the Rural Living Zone.

Though not relevant to this assessment, it is noted that the owner has advised Council that the previous tenant of the dwelling did practice music within the dwelling on the lot and that the tenant has not occupied the site for over 4 years. It was also noted by the owner that they do not intend to practice music of any form within the proposed building.

5.2. Noise

Following from the concern regarding likely future use of the proposed outbuilding, the representor is concerned that the outbuilding would be used for band practice and that this would create conflict with nearby residential land use. Should Council form the view that the approval of the development is reasonable, it is requested that “Council applies very strict noise levels and restrictions on what the building can be used for”. The impact upon land value is also raised, as a result of the noise likely to be generated.

- **Comment**

The proposed development is for a domestic outbuilding. Any issues pertaining to noise management are controlled by the Environmental Management and Pollution Control (Noise) Regulations 2016 and the Environmental Management and Pollution Control Act 1994, administered by Council’s Environmental Health Department.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

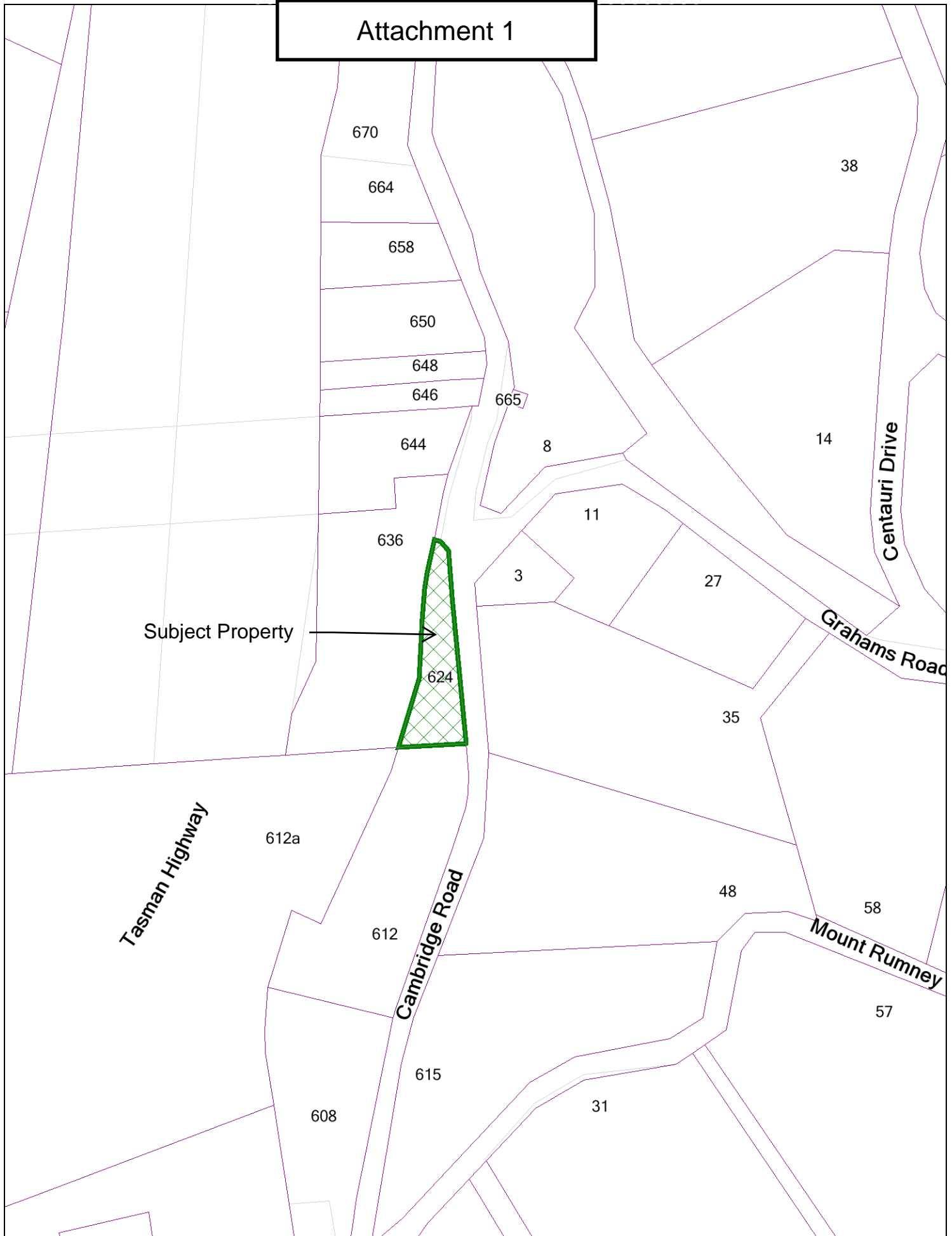
9. CONCLUSION

The proposal is for the development of an outbuilding on the subject property at 624 Cambridge Road, Cambridge. The development proposed satisfies the relevant requirements of the Scheme and is recommended for approval, subject to the inclusion of appropriate permit conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plan (5)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

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:** Thursday, 18 January 2018 **Scale:** 1:3,143 @A4

Attachment 2

DEMOLITION OF EXISTING OUTBUILDING
NEW OUTBUILDING
624 CAMBRIDGE ROAD, CAMBRIDGE, 7170
FOR B. MARSLAND

CERTIFICATE OF TITLE: VOLUME - 207465 FOLIO - 1
PID: 5162885
LAND AREA: 3162m²

PLANNING SCHEME: CLARENCE INTERIM PLANNING SCHEME 2015
ZONE: 13.0 RURAL LIVING
OVERLAYS: BUSHFIRE PRONE AREAS
LANDSLIDE HAZARD AREA

SOIL CLASSIFICATION: ASSUMED M
WIND REGION: A
TERRAIN CATEGORY: TC2
IMPORTANCE LEVEL: 2 (DOMESTIC)
SHIELDING: 1
TOPOGRAPHY: 1
BAL: NOT REQUIRED (CLASS 10A STRUCTURE NOT WITHIN 6m OF DWELLING)

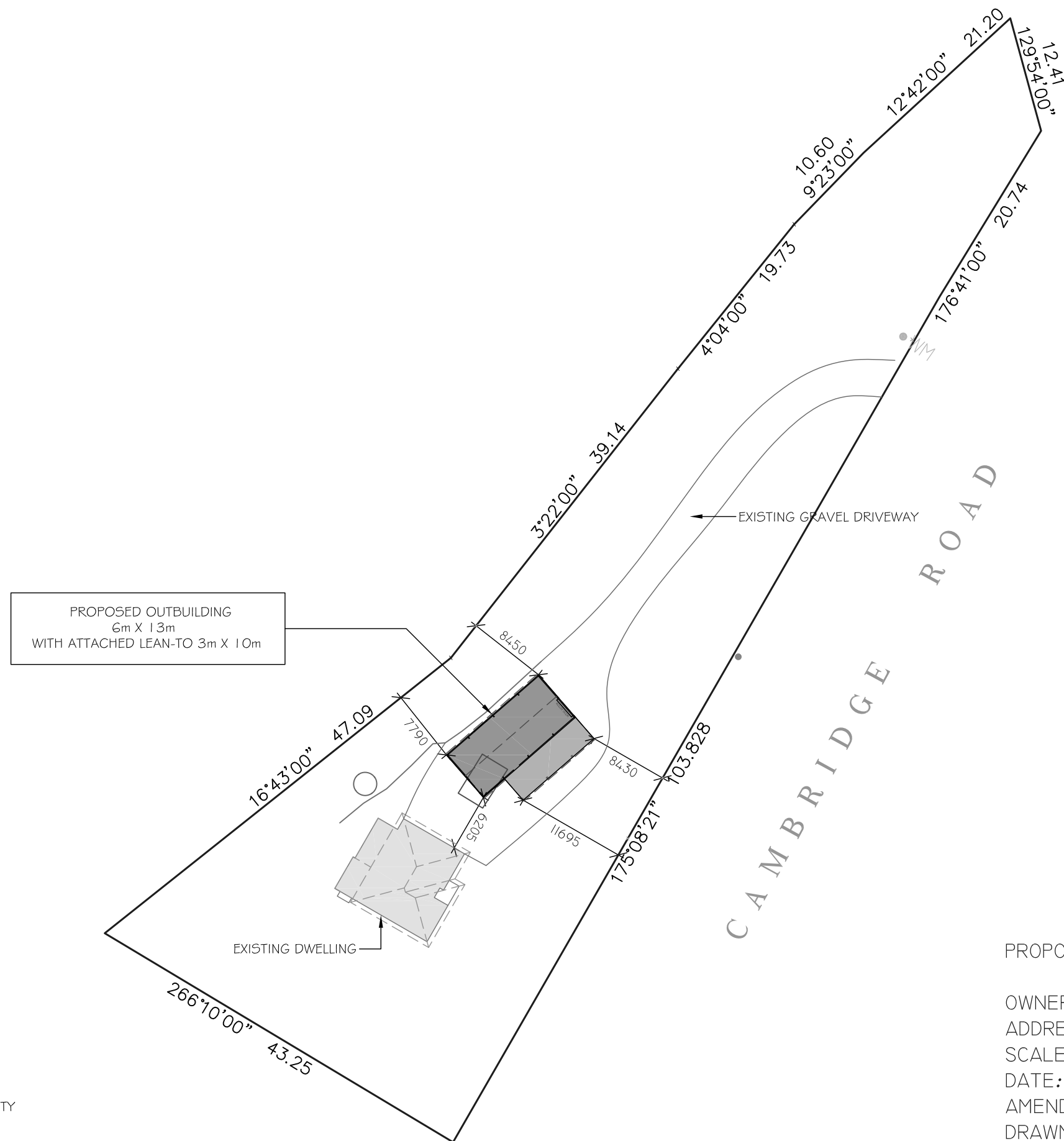
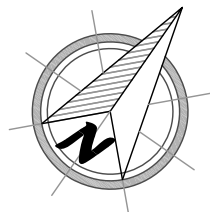
INDEX OF DRAWINGS - BY ADRIAN BROWN CC6003R

PAGE 1 - SITE PLAN 1:500
PAGE 2 - LOCATION PLAN 1:200
PAGE 3 - ELEVATIONS
PAGE 4 - FLOOR PLAN
PAGE 5 - PLUMBING PLAN

ADDITIONAL DRAWINGS / ENGINEERING
BY NORTHERN CONSULTING ENGINEERS

JOB NO - 82261





LOT AREA: 3162m²

EXISTING DWELLING AREA: 102.4m²
EXISTING OUTBUILDING TO BE DEMOLISHED: 15m²

PROPOSED OUTBUILDING AREA: 108m²
- ENCLOSED OUTBUILDING: 78m²
- ATTACHED LEAN-TO: 30m²

VOL : 207465
FOLIO: 1
3162m²

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.

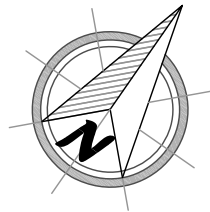
SITE PLAN 1:500

P&J SHEDS PTY LTD. 38 McIntyre Street, Mornington, TAS, 7018. P: (03) 62 44 4300 F: (03) 6244 4355 E: admin@fairdinkumhobart.com.au ABN: 45109681263 THIS DRAWING IS THE PROPERTY OF P&J SHEDS. © 2017

PROPOSAL : DEMOLITION OF EXISTING OUTBUILDING
NEW OUTBUILDING

OWNER : B. MARSLAND
ADDRESS: 624 CAMBRIDGE ROAD, CAMBRIDGE, 7170
SCALE: 1:500
DATE: 14th DECEMBER 2017
AMENDED:
DRAWN BY: ADRIAN BROWN CC6003R
PAGE: 01/05
JOB NO : 82261





PROPOSED OUTBUILDING
6m X 13m
WITH ATTACHED LEAN-TO 3m X 10m

PROPOSED STORMWATER
ABSORPTION TRENCH
(TO BE DESIGNED BY OTHERS)

ENVIROCYCLE

EXISTING OUTBUILDING
TO BE DEMOLISHED

EXISTING DWELLING

EXISTING GRAVEL DRIVEWAY

LOT AREA: 3162m²

EXISTING DWELLING AREA: 102.4m²
EXISTING OUTBUILDING TO BE DEMOLISHED: 15m²

PROPOSED OUTBUILDING AREA: 108m²
- ENCLOSED OUTBUILDING: 78m²
- ATTACHED LEAN-TO: 30m²

VOL : 207465
FOLIO: 1
3162m²

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.

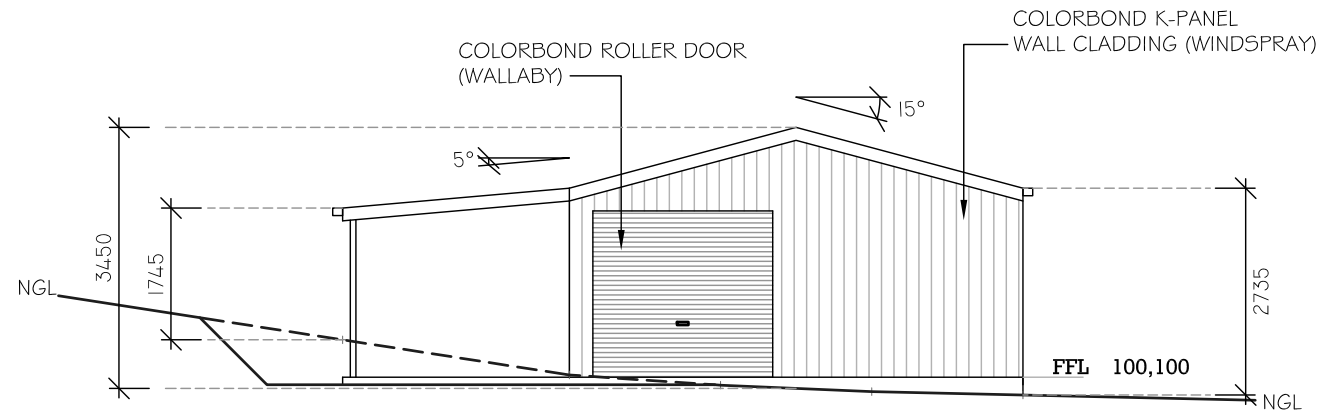
LOCATION PLAN 1:200

P&J SHEDS PTY LTD. 38 McIntyre Street, Mornington, TAS, 7018. P: (03) 62 44 4300 F: (03) 6244 4355 E: admin@fairdinkumrobart.com.au ABN: 45109681263 THIS DRAWING IS THE PROPERTY OF P&J SHEDS. © 2017

PROPOSAL : DEMOLITION OF EXISTING OUTBUILDING
NEW OUTBUILDING

OWNER : B. MARSLAND
ADDRESS: 624 CAMBRIDGE ROAD, CAMBRIDGE, 7170
SCALE: 1:200
DATE: 14th DECEMBER 2017
AMENDED:
DRAWN BY: ADRIAN BROWN CC6003R
PAGE: 02/05
JOB NO : 82261

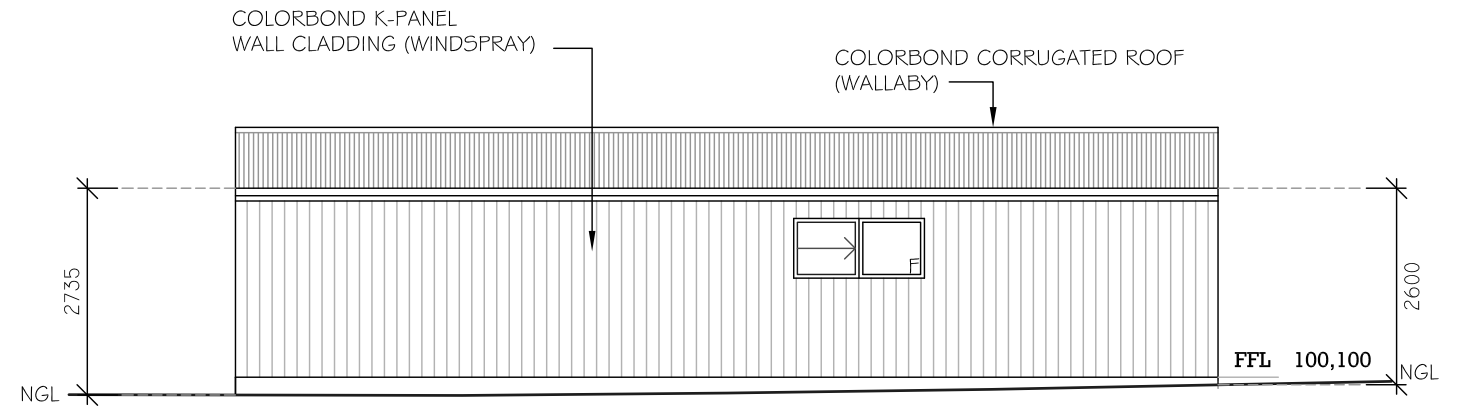




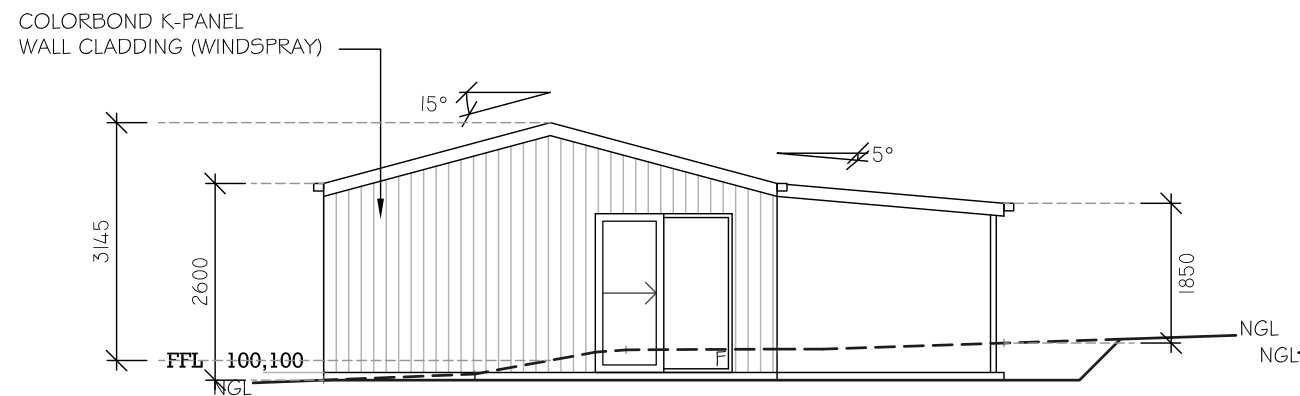
NORTH ELEVATION

UNPROTECTED EMBANKMENT SLOPES (FILL)
TO BE IN ACCORDANCE WITH TABLE 3.1.1.1
OF BCA 2016

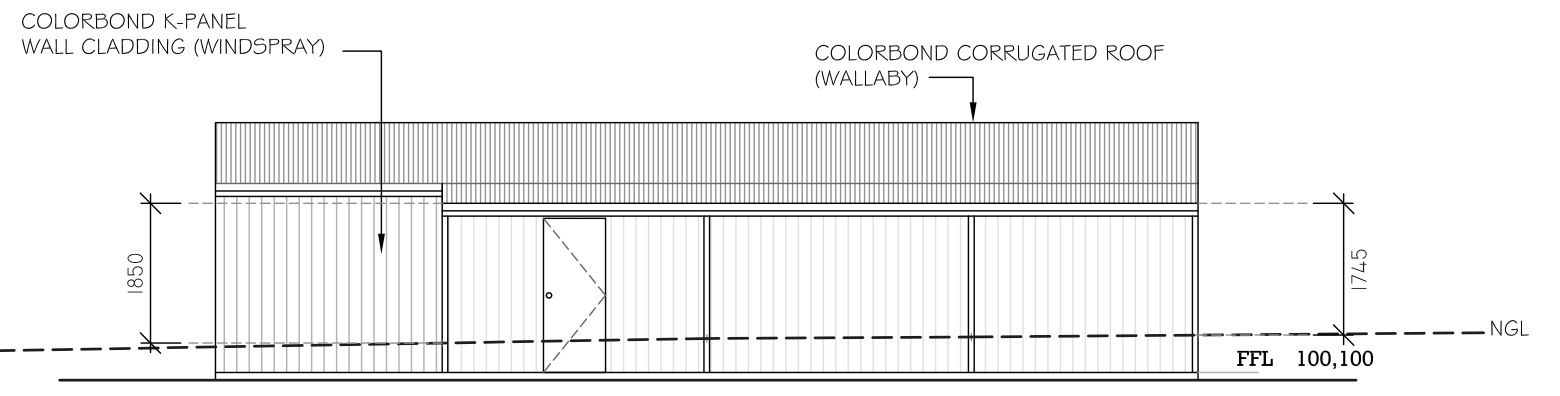
ALL EARTHWORKS & EXCAVATION
TO BE IN ACCORDANCE WITH
PART 3.1.1 BCA 2016.



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

COLOURS (COLORBOND®):
EXT. WALLS - SURFMIST
ROOF - SURFMIST
ROLLER DOOR - MONUMENT
PA DOOR - SURFMIST
WINDOW FRAME - SURFMIST
SLIDING DOOR - MONUMENT
GUTTER - SURFMIST
CORNER FLASH - SURFMIST
BARGE FLASHING - SURFMIST
OPENING FLASH - MONUMENT

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.

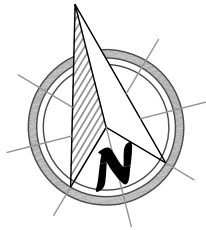
ACTUAL HEIGHTS OF WALLS ABOVE CONCRETE SLAB ARE:
SIDE WALL HEIGHT - 2500mm
END WALL HEIGHT TO APEX - 3304mm
SIDE WALL HEIGHT (LEAN-TO) - 2238mm

PROPOSAL : DEMOLITION OF EXISTING OUTBUILDING
NEW OUTBUILDING

OWNER : B. MARSLAND
ADDRESS: 624 CAMBRIDGE ROAD, CAMBRIDGE, 7170
SCALE: 1:100
DATE: 14th DECEMBER 2017
AMENDED:
DRAWN BY: ADRIAN BROWN CC6003R
PAGE: 03/05
JOB NO : 82261

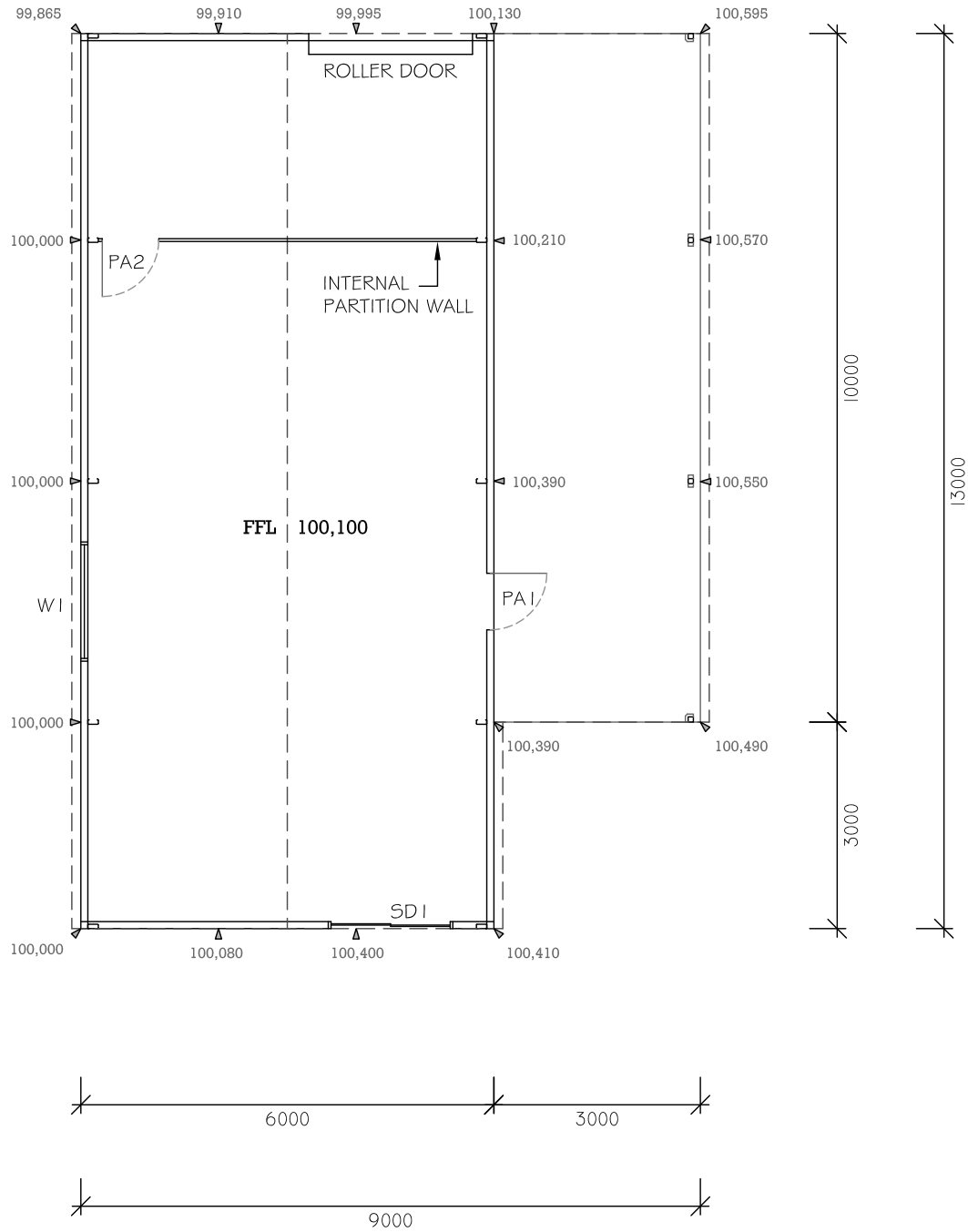


ELEVATIONS 1:100



WINDOW & DOOR SCHEDULE

	ID	HEIGHT	WIDTH
WINDOWS	W1	790mm	1730mm
SLIDING DOOR	SD1	2100mm	1810mm
ROLLER DOORS	RD1	2200mm	2380mm
ACCESS DOORS	PA1	2040mm	820mm
	PA2	2040mm	820mm



FLOOR PLAN 1:100

PROPOSAL : DEMOLITION OF EXISTING OUTBUILDING
NEW OUTBUILDING

OWNER : B. MARSLAND
ADDRESS: 624 CAMBRIDGE ROAD, CAMBRIDGE, 7170
SCALE: 1:100
DATE: 14th DECEMBER 2017
AMENDED:
DRAWN BY: ADRIAN BROWN CC6003R
PAGE: 04/05
JOB NO : 82261



624 Cambridge Road, CAMBRIDGE



Site of proposed outbuilding viewed from Cambridge Road, looking west



Site from Cambridge Road, showing existing dwelling and outbuilding to be demolished

11.3.4 DEVELOPMENT APPLICATION D-2017/570 - 56 SILWOOD AVENUE, HOWRAH - DWELLING ALTERATIONS AND ADDITIONS
(File No D-2017/570)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for dwelling alterations and additions at 56 Silwood Avenue, Howrah.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the consent of the applicant on 7 February 2018.

CONSULTATION

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

- privacy;
- visual impact; and
- overshadowing.

RECOMMENDATION:

A. That the Development Application for dwelling alterations and additions at 56 Silwood Avenue, Howrah (Cl Ref D-2017/570) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

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

DEVELOPMENT APPLICATION D-2017/570 - 56 SILWOOD AVENUE, HOWRAH - DWELLING ALTERATIONS AND ADDITIONS /contd...

ASSOCIATED REPORT**1. BACKGROUND**

The dwelling on the subject property was approved by Council by B-1968/221.

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 10.0 – General Residential Zone; and
- Section E6.0 – Parking and Access Code.

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

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

The site is a regularly shaped lot with an area of a 572m² and frontage and vehicular access to Silwood Avenue. The lot supports an existing dwelling and associated landscaped gardens, is terraced into a series of levels and the dwelling is oriented to the south towards the river.

The site is bounded by a public reserve containing a multi-user path adjacent the southern boundary, and residential properties adjoining the remaining boundaries. The surrounding area contains residential properties, similar in nature to the subject site.

3.2. The Proposal

The proposal is for the development of additions to the existing Single Dwelling at the subject property as shown by the attachments. The addition would be an 18m² extension to the upper level of the existing dwelling to provide a second living area in the place of an existing un-roofed deck, and the construction of a new un-roofed timber 18m² deck at a distance of 1.52m from the rear (southern) boundary. Side setbacks of 5.2m to the west and 7.99m to the east are proposed, and alterations to the internal layout of the upper level are also proposed to enable the creation of the proposed second living area.

The proposed resultant dwelling footprint would be 135.9m² and the additions would not exceed 6.4m in height. The additions would be clad using rendered cement sheet, brick, Colorbond and would be coloured to match the existing dwelling. There are 2 enclosed parking spaces provided within the existing garage associated with the dwelling, which would be unaffected.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*
but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

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

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.2 A3	Setbacks and building envelope for all dwellings	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p>	<p>complies</p> <p>Does not comply – proposed rear setback of 1.52m.</p> <p>complies</p>

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

The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.2 for the following reasons.

Performance Criteria	Comment
<p><i>“P3 – The siting of a dwelling must:</i></p> <p><i>(a) not cause any unreasonable loss of amenity by:</i></p>	see below
<p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p>	<p>The proposal plans show the location of the building envelope in relation to the dwelling proposed, and identify the extent of the parts of the proposed dwelling outside the prescribed building envelope relative to the rear setback.</p> <p>The proposal seeks a variation to the building envelope in relation to the rear boundary only. The side setbacks proposed are within the prescribed building envelope and therefore diagrams illustrating the extent of shadows likely to be cast on the properties to the east and west of the site were not required as part of the application. The side setbacks meet the prescribed building envelope and therefore the Scheme considers any impact in relation to both 54 and 58 Silwood Avenue acceptable.</p> <p>The land adjacent the subject property to the south is a public reserve containing a multi-user path. This land is known as 62A Silwood Avenue, and on the basis that it does not contain a dwelling, this performance criterion is satisfied by the proposal.</p>
<p><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>As noted, the proposal seeks a variation to the building envelope in relation to the rear boundary only, and the side setbacks proposed are within the prescribed building envelope. Therefore, diagrams illustrating the extent of shadows likely to be cast on any private open spaces of either adjacent residential property were not required.</p>

	That said, the addition would be to the south of the development meaning that any impacts would be limited to the land to the south of the subject property, thus minimising any unreasonable impact upon residential amenity.
<i>(iii) overshadowing of an adjoining vacant lot; or</i>	not relevant
<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	<p>The surrounding area generally contains single dwellings on multiple levels, given the gradient of the land in the vicinity of the site. Neighbouring dwellings are typically oriented to the south to obtain views of the river and mountain.</p> <p>The proposed development would be 6.4m in height at its highest point above natural ground level, and would partially enclose what is an existing un-roofed, upper level deck. It is considered that the variation to the building envelope is relatively minor and the development a reasonable response to increase the size of the indoor and outdoor living areas.</p> <p>The proposed additions would be consistent in appearance, scale and bulk when viewed from both neighbouring residential properties and from the adjoining multi-user path and for these reasons it is considered that the proposal will not cause a loss of amenity to the adjoining properties through visual bulk and scale of the development.</p>
<i>(b) provide separation between dwellings on an adjoining lot that is compatible with that prevailing in the surrounding area”.</i>	As noted, the adjoining lot to the southern boundary from which the setback variation is sought is public open space. Separation between dwellings is therefore not a relevant consideration.

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.6 A1	Privacy for all dwellings	<p>A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m:</p> <p>i. from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>ii. from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.</p>	<p>complies</p> <p>Does not comply – proposed rear setback of 1.52m.</p> <p>not applicable</p> <p>not applicable</p>

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.6 for the following reasons.

Performance Criteria	Comment
<i>“A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:</i>	see below

(a) <i>a dwelling on an adjoining lot or its private open space; or</i>	The proposed deck would meet the relevant side boundary setback requirements for privacy, meaning that the variation applies only to the rear boundary. As discussed, this land is public land and contains a multi-user path, not a dwelling. This part of the performance criterion is therefore met by the proposal.
(b) <i>another dwelling on the same site or its private open space; or</i>	There is no adjacent residential development to the south that requires consideration under this performance criterion.
(c) <i>an adjoining vacant residential lot”.</i>	not applicable

5. REPRESENTATION ISSUES

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

5.1. Privacy

The representor raised privacy as a concern, specifically in relation to the failure of the proposal to meet the requirements of Clause 10.4.6 of the Scheme. It is submitted that the height and transparent finish of the proposed glass balustrade would be inadequate and would compromise both residential amenity for nearby residential development, and the privacy of users of Howrah Beach.

- **Comment**

The proposal has been assessed in relation to Clause 10.4.6 and it is considered that the performance criterion P1 is met by the proposal. The reasons for this are discussed above, and it is specifically noted that the performance criteria is relevant to the rear (southern) boundary only. This boundary is shared with public open space, the privacy of which is not a relevant consideration under the Scheme.

5.2. Visual Impact

It is submitted that the proposed additions would have a detrimental visual impact in relation to nearby residential development, in that the development would not be contained within the building envelope prescribed by Clause 10.4.2.

- **Comment**

The development satisfies the performance criteria to Clause 10.4.2, P3. The detailed assessment is provided above.

That said, the neighbouring residential development to the west of the subject property is elevated from the site of the subject property, and similarly the property to the east is at a lower elevation. This stepped arrangement would assist in limiting conflict between dwellings, noting that the living areas of the subject and neighbouring dwellings are oriented to the south towards the mountain and river.

It is considered that the proposed additions would be consistent in appearance, scale and bulk when viewed from both neighbouring residential properties and from the adjoining multi-user path, and that any visual impact is not considered unreasonable.

5.3. Overshadowing

The concern is that the proposed additions would overshadow both the open space and habitable areas associated with nearby residential development, and that the proposal does not comply with Clause 10.4.2.

- **Comment**

The development satisfies the performance criteria to Clause 10.4.2, P3. The detailed assessment is provided above.

On the basis that the proposed reduction in setback relates to the rear boundary and the adjacent land to the south does not support a dwelling, overshadowing is not a relevant issue under the Scheme.

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

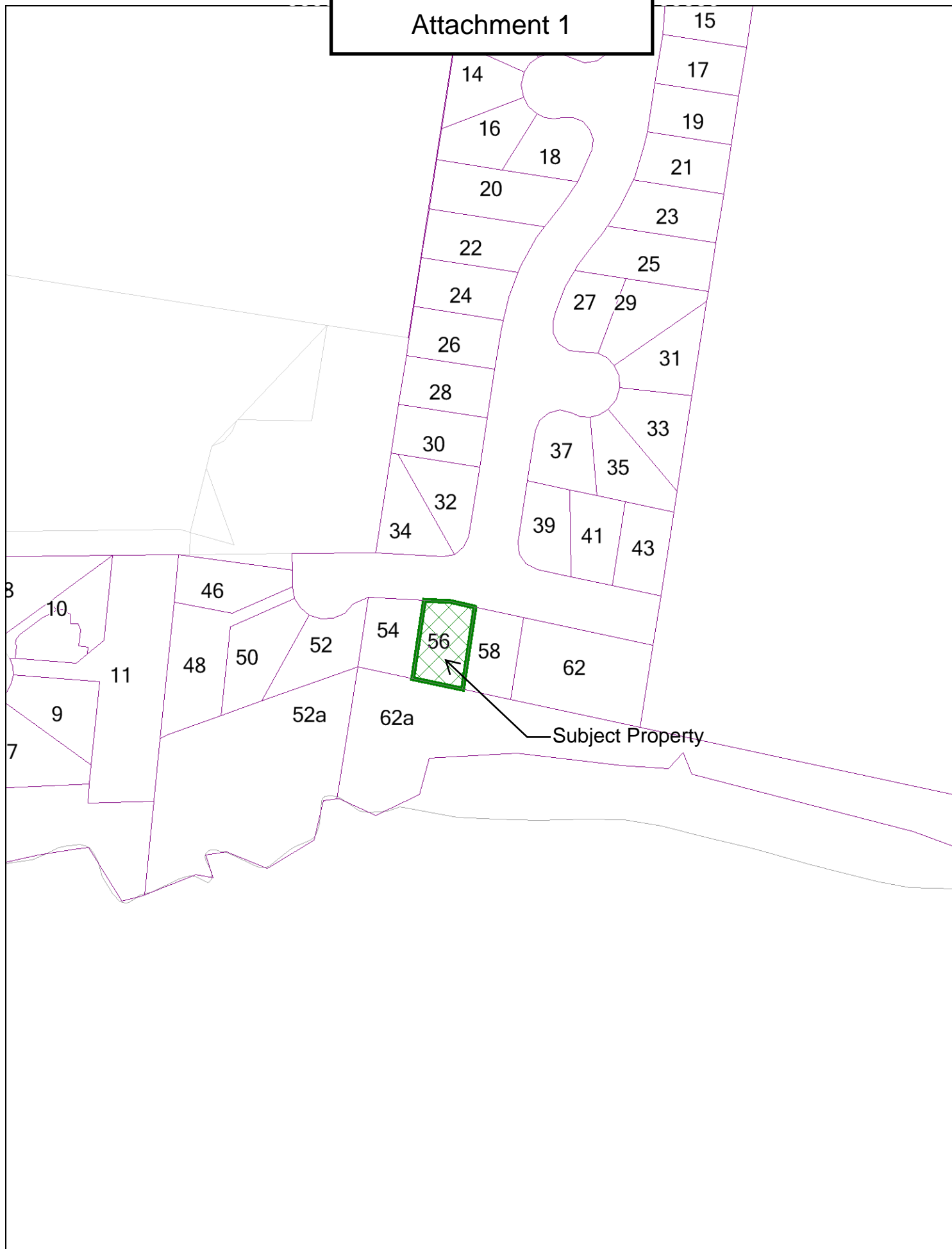
The proposal seeks approval for dwelling alterations and additions at 56 Silwood Avenue, Howrah. The application meets the relevant Acceptable Solutions and Performance Criteria of the Scheme.

The proposal is recommended for approval subject to conditions.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 19 January 2018 **Scale:** 1:1,794 @A4

Client:

Paul Hills

Site Address:

Nº 56, Silwood Avenue
Howrah

Drawn by:

IJ

GENERAL NOTES:

CHECK ALL DIMENSIONS AND MEASUREMENTS ON SITE PRIOR TO FABRICATION AND OR CONSTRUCTION. DIMENSIONS ARE IN MILLIMETERS "FRAME TO FRAME" AND DO NOT ALLOW FOR INTERIOR LININGS.

DO NOT SCALE DRAWINGS. IF IN DOUBT ASK.

ALL WORK IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA (BCA) AS AMENDED, RELEVANT AUSTRALIAN STANDARDS (AS) CODES AND GOOD BUILDING PRACTICES. DRAWINGS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS AND SCHEDULES.

ISSUE	DESCRIPTION	DATE

File Number:
JENARC/08/05

Title:
Specifications & detailing for certification & permit issue of residential construction

Sheet Original:

A - 2

Scale:

As Shown

map modern architecture practice

Registered Architects
Leon Jenkins
34 Silwood Avenue
Howrah Tas 7018
Phone: (03) 6244 4850
Mobile 0419 894 623
Email: maparch@netspace.net.au

TCC No: 1003
QCC No: 4833

Drawing Number:

DA01



VIEW FROM SOUTH



VIEW FROM SOUTH EAST

KEY PROPOSAL STATISTICS

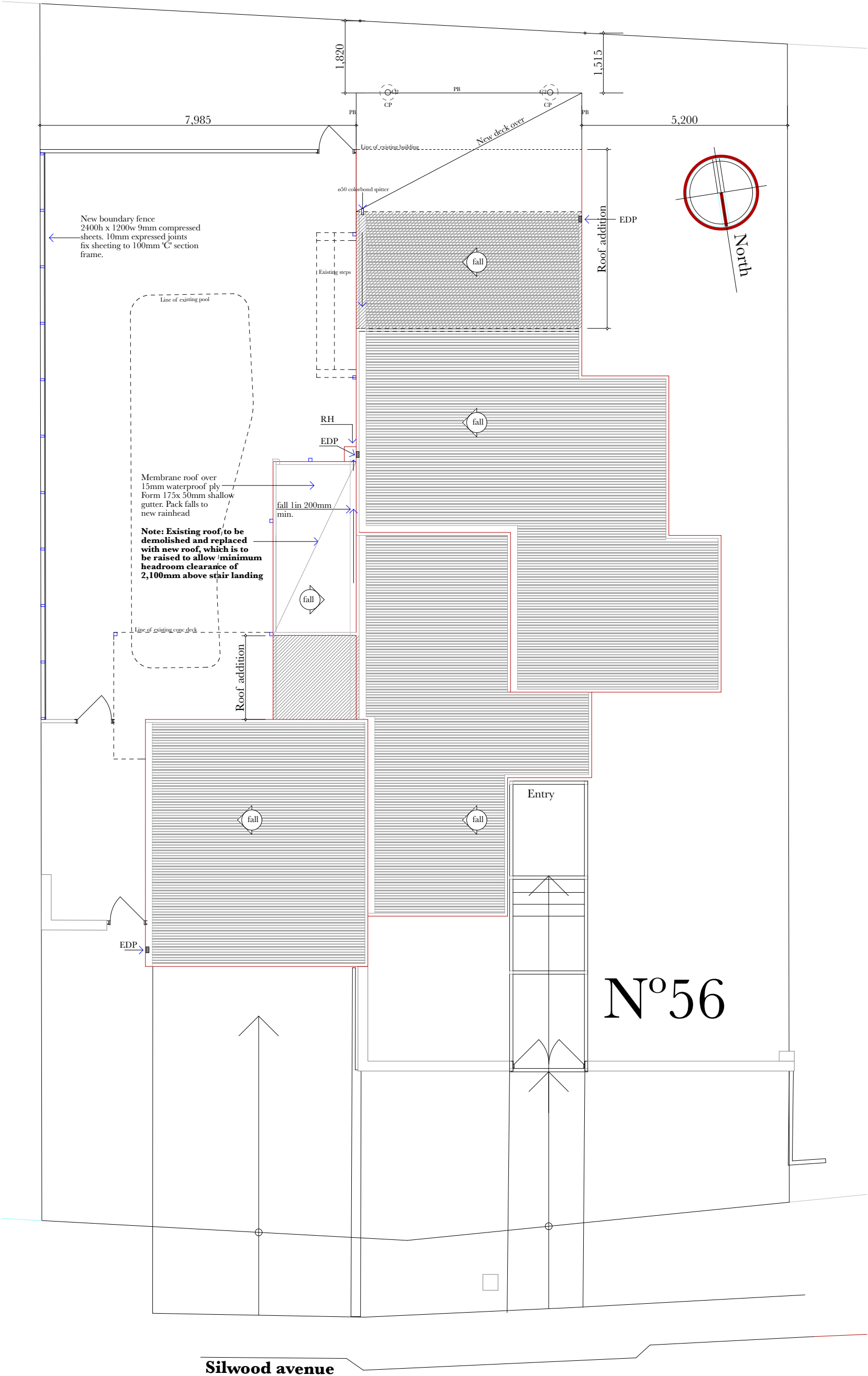
TITLE	VOLUME	FOLIO
LOCATION	2095	8
HOWRAH	LOT Nº 24 -56 SILWOOD AVENUE	
SITE AREA:	572m2	
FOOTPRINT PROPOSED	135.9M2 (INCLUDES DECKS)	
SITE COVERAGE	24%	
HIGHEST POINT OF BUILDING	6,100 ABOVE NGL.	

FINISHES

ALL FINISHES TO MATCH EXISTING

DRAWING LIST

SHEET 01	SITE/ROOF PLAN
SHEET 02	EXISTING CONDITIONS
SHEET 03	EXISTING FLOOR PLANS
SHEET 04	PROPOSED FLOOR PLANS
SHEET 05	ELEVATIONS/SECTION
SHEET 06	WINDOW SCHEDULE



Site/Roof Plan

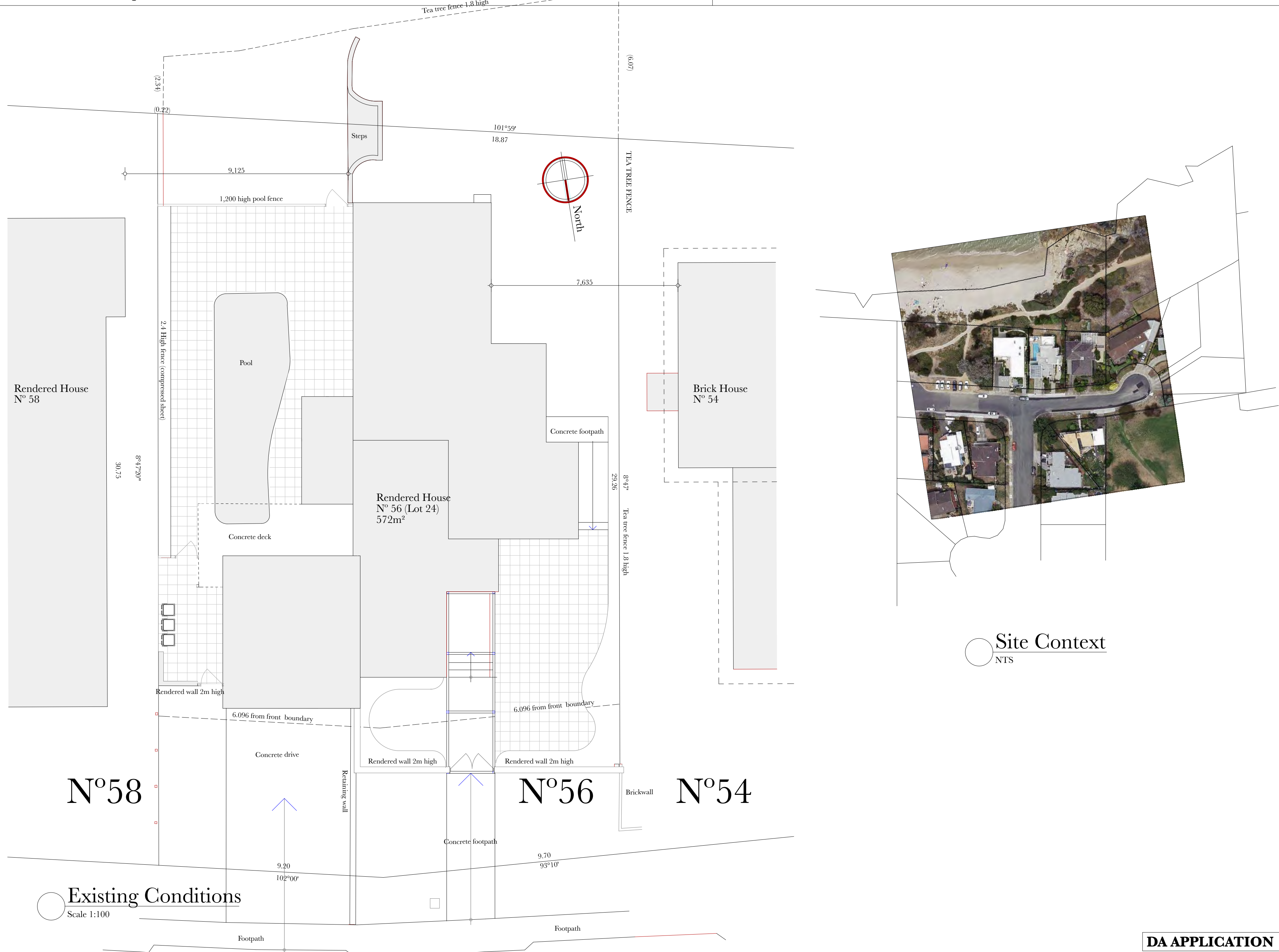
Scale 1:100

PROJECT CONSULTANTS:

Engineer:

Surveyor:

DA APPLICATION



Client:

Paul Hills

Site Address:

N° 56, Silwood Avenue
Howrah

Drawn by:

LJ

GENERAL NOTES:

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Registered Architects

Leon Jenkins

34 Silwood Avenue
Howrah Tas 7018
Phone: (03) 6244 4850
Mobile 0419 894 623
Email: maparch@netspace.net.au

TCC No: 1003

QCC No: 4833

Drawing Number:

DA02

DA APPLICATION

PROJECT CONSULTANTS:

Engineer:

SILWOOD AVENUE

Surveyor:

Client:

Paul Hills

Site Address:

Nº 56, Silwood Avenue
Howrah

Drawn by:

LJ

GENERAL NOTES:

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File

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Title:

Specifications & detailing
for certification & permit issue
of residential construction

Sheet

Original:

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Scale:

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map
modern architecture practice

Registered Architects

Leon Jenkins

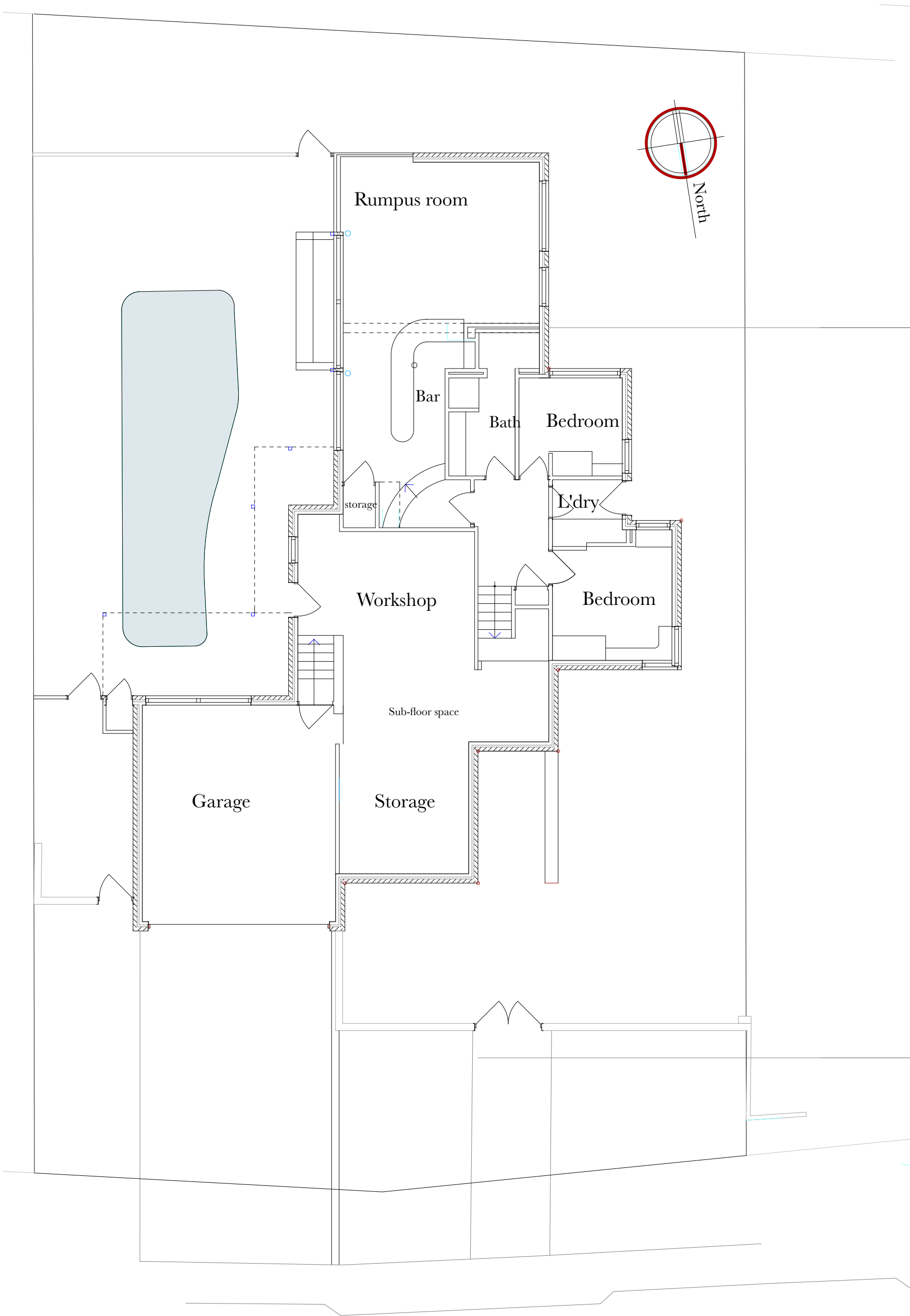
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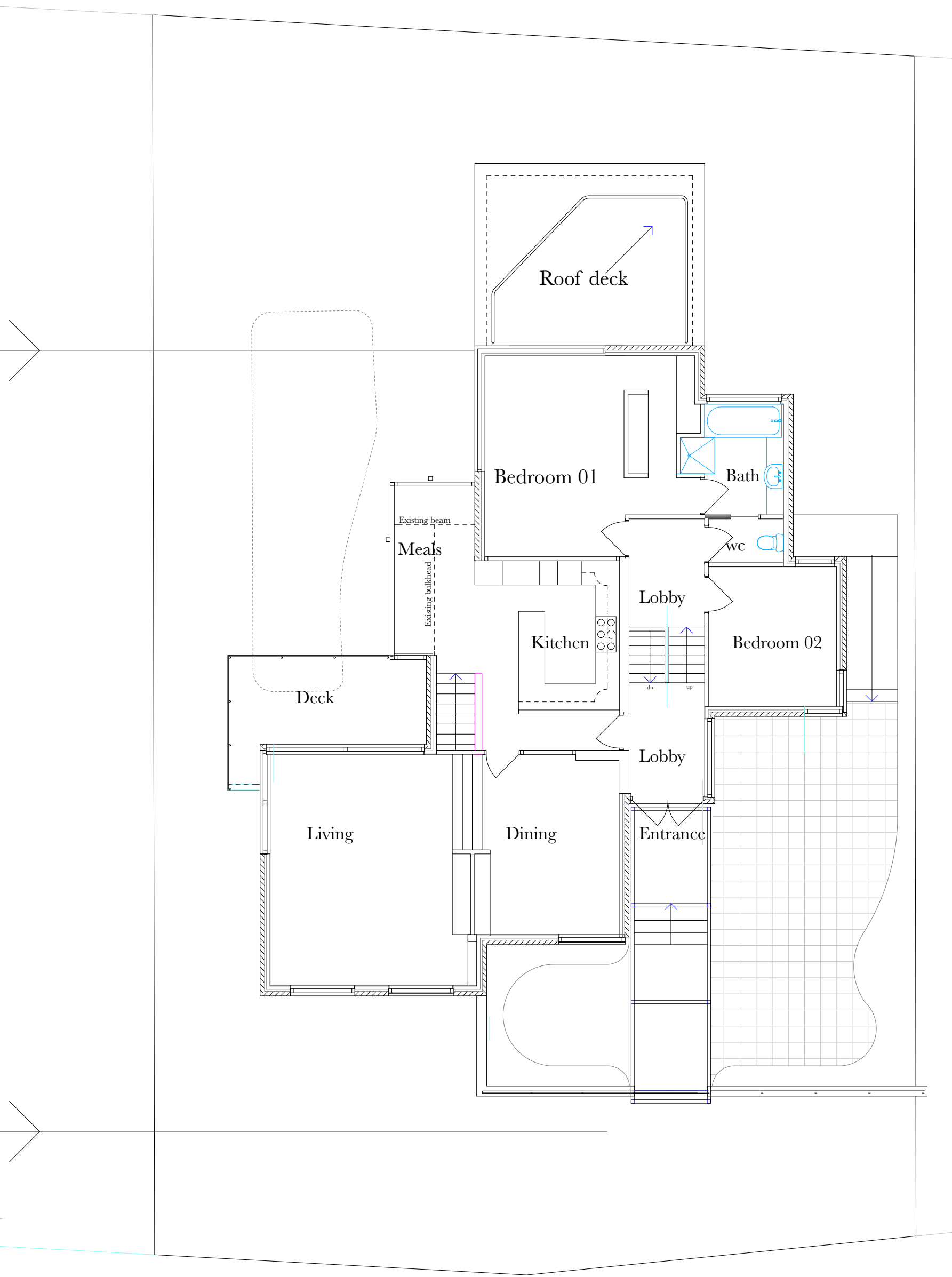
Drawing Number:

DA03



Existing Lower Ground Floor Plan

Scale 1:100



Existing Ground and First Floor Plan

Scale 1:100

DA APPLICATION

PROJECT CONSULTANTS:

Engineer:

Surveyor:

Client:

Paul Hills

Site Address:

Nº 56, Silwood Avenue
Howrah

Drawn by:

IJ

GENERAL NOTES:

CHECK ALL DIMENSIONS AND MEASUREMENTS ON SITE PRIOR TO FABRICATION AND OR CONSTRUCTION. DIMENSIONS ARE IN MILLIMETERS "FRAME TO FRAME" AND DO NOT ALLOW FOR INTERIOR LININGS.

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Specifications & detailing for certification & permit issue of residential construction

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A - 2

Scale:

As Shown



Registered Architects

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Email: maparch@netspace.net.au

TCC No: 1003

QCC No: 4833

Drawing Number:

DA06

DA APPLICATION

Window Schedule							
ID	W01	W02	W03	W04	W05	W06	W07
Type	Sliding	Sliding door	Swinging	Fixed	Fixed	Sliding door	Swinging
Glazing	Doubled glazed low-e						
*U-Value	3.7 max,SHGC 0.60 approx.	3.7 max,SHGC 0.60 approx.	3.7 max,SHGC 0.60 approx.	3.7 max,SHGC 0.60 approx.	3.7 max,SHGC 0.60 approx.	3.7 max,SHGC 0.60 approx.	3.7 max,SHGC 0.60 approx.
*SHGC							
Frame Material	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium
Width	2,590	2,930	4,110	1,995	4,300	5,700	995
Height	1,580	2,400	1,850	1,130	2,400	2,400	2,400
Sill Height	1,000	0	1,500	1,500	0	0	0
Area	4.00	6.95	7.65	3.60	10.35	13.0	2.50
ID							
Elevation							

Lintel Schedule		GlazingNotes	BCA Requirements
Span	Size (F17)	1. Glazing and frames to BCA part 3.6 AS2047 & AS1288 2. Window sash locations and glazing configurations refer elevations. 3. Double glazed low-e glazing with standard A1 frames. (U-value 3.7 max,SHGC 0.60 approx.) 4. Natural aluminium	Where people can fall - (a) 1meter or more - (1) from a floor or roof or through an opening (other than through an openable window) in the external wall of a building; or (2) due to a sudden change of level within or associated with a building; or (b) 2m or more from a floor through an openable window - (1) in a bedroom in a Class 2 or 3 building or a Class 4 part of a building; or (2) in a Class 9b early childhood centre; or (c) 4m or more from a floor through an openable window not covered by (b), a barrier must be provided which must be - (d) continuous and extend for the full extent of the hazard; and (f) constructed to prevent people from falling through the barrier; and (g) capable of restricting the passage of children; and (h) of strength and rigidity to withstand - (1) the foreseeable impact of people; and (2) where appropriate, the static pressure of people against it.
900	90x45		
1,800	120x45 or 140x35		
2,400	2- 140x35		
2,700	2-140x45 or 170x45		
3,000	2-170x45 or 190x45		
3,600	2-240x35 or 290x45		
		NOTE: CONTRACTOR TO CONFIRM ALL WINDOWS DIMENSIONS ON SITE AND REVIEW WITH CLIENT BEFORE FABRICATION. <u>IF IN DOUBT DISCUSS WITH ARCHITECT</u>	

NOTES:

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Verify all dimensions and levels on site and report any discrepancies to MAP Architects for direction prior to the commencement of work.

Drawings are to be read in conjunction with all other contract documents.

Use figured dimensions only. Do not scale from drawings.

MAP Architects cannot guarantee the accuracy of content and format for copies of drawings issued electronically.IF IN DOUBT ASK

The completion of the Issue Details Checked and Authorised section below is confirmation of the status of the drawing. The drawing shall not be used for construction unless endorsed 'For Construction' and authorised for issue.

Window Schedule

Scale 1:100

NOTE: ALL WINDOWS OTHER THAN SBJ (SILICON BUTT JOINT) SHALL BE DOUBLE GLAZED WITH THERMAL BREAK.

PROJECT CONSULTANTS:	Engineer:
----------------------	-----------

Surveyor:	
-----------	--

Attachment 3

56 Silwood Avenue, HOWRAH



Site viewed from Silwood Avenue, looking southwest



Site of proposed addition, viewed from adjacent the southern boundary looking northwest



Site of proposed addition, looking northeast from the multi-user path to the south of the site

11.3.5 DEVELOPMENT APPLICATION D-2017/577 - 59 HANSLOWS ROAD, CAMBRIDGE - VISITOR ACCOMMODATION
(File No D-2017/577)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a visitor accommodation at 59 Hanslows Road, Cambridge.

RELATION TO PLANNING PROVISIONS

The land is zoned Significant Agriculture and is subject to the Bushfire Prone Areas Code, Road and Rail Assets Code, Parking and Access Code, Stormwater Management 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.

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 7 February 2018 as agreed with the applicant.

CONSULTATION

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

- suitability of Hanslows Road to accommodate increased traffic; and
- runoff impacts from proposed driveway.

RECOMMENDATION:

A. That the Development Application for Visitor Accommodation at 59 Hanslows Road, Cambridge (CI Ref D-2017/577) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. The building is approved for the purposes of visitor accommodation (holiday cabin) providing for short or medium term accommodation for persons away from their normal place of residence and cannot be used as a dwelling.
3. Occupancy of the visitor accommodation building is not to exceed 6 persons at any given time.
4. GEN S1 – SIGN CONSENT.
5. GEN AM3 – EXTERNAL COLOURS.

ADVICE:

- A. In relation to Condition 2, if in the future it becomes necessary to confirm the nature of the use of the building, it is advised that you maintain records in relation to the length of the stays and/or number of bookings per year in order to verify the conduct of a visitor accommodation business.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT**1. BACKGROUND**

The lot was created as part of a 1980's subdivision approval.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Significant Agriculture under the Scheme.

2.2. The proposal is discretionary because it does not meet the Acceptable Solutions under the Scheme relating to use, access and stormwater and instead relies on several performance standards.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 27.0 – Significant Agriculture Zone;
- Section E1.0 – Bushfire Prone Areas Code;
- Section E5.0 – Road and Rail Assets Code;

- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code; and
- Section E27.0 – Natural Assets Code.

2.4. The Biodiversity Protection Area – High Risk overlay covers 2.5% of the site (along the southern side property boundary). The proposed visitor accommodation building, bushfire protection area, servicing infrastructure and access would be located outside of the overlay area. The proposed development is therefore not subject to the requirements of the Natural Assets Code.

Further, the subject site is located within a bushfire prone area. The proposal is not for a vulnerable or hazardous use therefore is not subject to the application of the Bushfire Prone Areas Code in accordance with Clause E1.2.1(b) of the Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The subject site is a 2.773ha generally square shaped lot located on the eastern side of the 90 degree bend in Hanslows Road. The site has a 20m frontage onto Hanslows Road. The site slopes in an easterly direction and has a gradient of approximately 10 percent. The site is vacant and consists of grassland with sporadic tree cover. A large clearing is located towards the rear of the site which is proposed to accommodate the new visitor accommodation building.

The site is located amongst a cluster of residential lifestyle lots located to the north, east and south. Larger agricultural lots are located to the south and west of the site which are used for crop production. Lots located on the western side of Richmond Road (380m to the west of the site) are located with the South-East Irrigation Water District.

3.2. The Proposal

The proposal is for the construction of a single visitor accommodation building.

The building would be located to the rear of the site and would maintain in excess of a 20m setback from the respective side and rear boundaries. The visitor accommodation building would be modern single storey and would occupy a square footprint with a circular winged shaped roof and pergola. The building would contain 3 bedrooms, open plan living space, bathroom and laundry.

Parking for 2 vehicles would be accommodated on the eastern elevation of the dwelling, with parking accommodated under the roofline of the dwelling. The external building materials would consist of metal roof sheeting, timber and recycled bricks.

A new internal driveway is proposed to be constructed in accordance with relevant requirements for development in a bushfire prone area.

The lot is located in an un-serviced area therefore will rely upon on-site servicing provision including an on-site wastewater management system, water storage tanks and stormwater absorption trenches.

The intended use is for short – medium term visitor accommodation. The applicant has not specified the intended maximum duration of stays or the way in which the visitor accommodation business is proposed to be managed.

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 Interim Planning Directive No 2 (IPD2)

As of 1 July 2017, the State Government introduced state-wide regulatory changes to planning and building requirements for visitor accommodation use within existing dwellings. IPD2 was given effect to provide exemption for specific forms of visitor accommodation within existing dwellings. The IPD2 also provides a permitted use status for visitor accommodation in certain zones, where not conducted within an existing dwelling or in cases where the visitor accommodation use would occur within an existing building which is not used as the owner's main place of residence.

The IPD2 does not apply to the subject site as the proposed visitor accommodation use would be conducted within the Significant Agriculture Zone and is not within an existing dwelling.

4.3. Compliance with Zone and Codes

Use Status

The proposed use is for visitor accommodation which is defined under Section 8.2 of the Scheme as:

“use of land for providing short or medium term accommodation for persons away from their normal place of residence. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment”.

The applicant has provided a planning report detailing that the proposal is for “visitor accommodation in the form of a holiday cabin”. A Holiday cabin is not defined under the Scheme. No further detail has been provided with the application to confirm whether the visitor accommodation use would provide for short or medium term accommodation as required by the definition. Whilst the Scheme does not define “short or medium term accommodation”, it is generally accepted that this includes a period not exceeding 3 months as this is generally short of the typical minimum lease for a residential property. To ensure the proposed building is utilised legitimately for visitor accommodation purposes, noting a Single Dwelling development is prohibited in the Significant Agriculture Zone if not necessary to support an agricultural use, it is considered appropriate to impose a permit condition limiting the length of stays to a short and medium term basis only and that the building must not be used as a person’s main place of residence. It is noted that under the Tasmanian Planning Scheme, a Single Dwelling use is discretionary where it can be demonstrated that the use would not be capable of supporting an agricultural use and would not confine or retrain agricultural use on adjoining properties.

In determining an application for a permit for a discretionary use, the planning authority is required to have regard to the matters referred to in Subclause 8.10.1 of the Scheme, including the purpose of the applicable zone. The compatibility of the proposed use with the Zone Purpose Statement for the Significant Agriculture Zone is discussed as follows.

“27.1.1.1 To provide for the use or development of land for higher productivity value agriculture dependent on soil as a growth medium.

- 27.1.1.2 *To protect the most productive agricultural land and ensure that non-agricultural use or development does not adversely affect the use or development of that land for agriculture.*
- 27.1.1.3 *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- 27.1.1.4 *To provide for limited non-agricultural uses that support the continued use of the land for agricultural use.*
- 27.1.1.5 *To protect regionally significant areas of significant agricultural land identified in the Regional Land Use Strategy, including areas subject to existing or proposed irrigation schemes, from conversion to non-agricultural use.*
- 27.1.1.6 *To protect areas used for reuse water irrigation.*
- 27.1.1.7 *To ensure that new residential use is only established where necessary to facilitate the management of the land for agricultural purposes and does not fetter existing or potential agricultural use on other land”.*

The site itself is considered to be severely constrained in terms of agricultural capability due to the lot being less than 3ha, not serviced with a reliable water supply, land capability classification as Class 5 and location within a cluster of rural lifestyle lots. Based on these considerations, the conversion of part of the land to a non-agricultural use would therefore not impact upon the agricultural capability of the site.

However, regionally significant agricultural land is located to the west of the site which is offered the highest level of protection by the application of the Significant Agriculture Zone. It is considered that the 150m separation from the nearest viable agricultural land, containment of the visitor accommodation use within an existing residential cluster and retention of remnant bushland at the front of the lot will ensure any impacts in terms of noise, light pollution and spray drift can be adequately mitigated to prevent any further fettering.

It is also likely that the tolerance of visitors to surrounding agricultural activity would be higher than those living in the area on a permanent basis. Visitors seeking to reside in an agricultural setting are likely to accept the surrounding agricultural experience and may seek to be immersed in such activity.

The applicant submits that the introduction of a visitor accommodation use on the site will support and complement the surrounding agricultural businesses such as the wineries, cheese makers and fruit producers through increased visitation to the public points of sale. It is recognised that visitors may visit local producers in the region, however, these businesses are not necessarily reliant on visitor accommodation in the area to support commercial viability.

For the above reasons, it is considered that the proposed visitor accommodation use is in keeping with the Zone Purpose Statements for the Significant Agriculture Zone.

The proposal meets the Scheme's relevant Acceptable Solutions of the Significant Agriculture Zone, Bushfire Prone Areas Code, Road and Rail Assets Code, Parking and Access Code, Stormwater Management Code and the Natural Assets Code with the exception of the following.

Significant Agriculture Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
27.3.2 A1	Visitor accommodation	<p>Visitor accommodation must comply with all of the following:</p> <ul style="list-style-type: none"> (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 160m². 	<p>Does not comply - the proposal is for a new building to accommodate a visitor accommodation use therefore does not comply with Clause (a).</p> <p>The proposed visitor accommodation building would have a floor area of 204m² therefore does not comply with Clause (c).</p>

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 27.3.1 as follows.

Performance Criteria	Proposal
<i>“P1 - Visitor accommodation must satisfy all of the following:</i>	see below assessment
<i>(a) not adversely impact residential amenity and privacy of adjoining properties;</i>	<p>The proposed visitor accommodation building would be located among open woodland with the nearest dwelling located 150m to the south. The adjoining residential properties are separated by bushland which will ensure the retention of the privacy and seclusion of the adjoining residential properties.</p> <p>The siting of the visitor accommodation use towards the rear of the site, among vegetation will ensure no overshadowing of adjoining dwellings.</p> <p>The nature of the visitor accommodation being quasi-residential will ensure no greater impact upon residential amenity than the surrounding existing residential uses. The proposal would not cause any commercial noise to be generated and would not cause any unreasonable noise impact beyond that currently experienced by residential and agricultural activity. It is therefore considered that the proposal would not affect the residential amenity and privacy of adjoining properties.</p>
<i>(b) provide for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site;</i>	<p>The proposed visitor accommodation use generates a demand for the provision of one on-site car parking space. This is a lesser on-site car parking requirement than the car parking demand generated by the surrounding residential uses. The proposed use is likely to generate a maximum of 4 vehicle movements per day associated with guests entering/leaving the property and staff servicing arrangements. The traffic volumes generated by the proposed development are not considered significant and would not cause usage beyond the capacity of the local road network.</p>

<p><i>(c) be of an intensity that respects the character of use of the area;</i></p>	<p>The site is located within a cluster of properties containing dwellings set amongst native bushland. The hillside is typified by rural residential development on bushland lots with a land area of between 2-3ha. The surrounding lots are physically separated from the cleared agricultural land located downhill along Richmond Road. The proposal is for one visitor accommodation building which from the road and surrounding properties would present as a single dwelling. In the wider context, many of the agricultural properties lining Richmond Road contain single dwellings. The proposal would therefore be no more dominant in scale and form beyond a single dwelling, which dominates the character of the surrounding area.</p> <p>The existing character of use is evident in the small clearings within the bushland used for predominantly single dwelling purposes. The proposal would provide for a maximum occupancy of 6 guests (based on 3 bedrooms) which is consistent with the occupancy of an average 3 bedroom dwelling. The floor area of the proposed building being 204m² is also consistent with the floor area of single dwellings located within the surrounding area.</p>
<p><i>(d) not adversely impacts the safety and efficiency of the local road network or disadvantage owners and users of private rights-of-way;</i></p>	<p>The site is accessed independently from Hanslows Road therefore would not disadvantage users of existing rights-of-way.</p>
<p><i>(e) be located on the property's poorer quality agricultural land or within the farm homestead buildings precinct;</i></p>	<p>The site is classed as Class 5 land under the Land Capability Classification System. Class 5 land is identified as being unsuitable for cropping and is generally suited to pasture establishment or renewal with slight to moderate limitations on pastoral use. The site has negligible agricultural capability.</p>

(f) <i>not fetter the rural resource use of the property or adjoining land”.</i>	The containment of the visitor accommodation use within an area displaying single dwellings as the dominant use and built form will prevent any increased fettering potential upon the agricultural land located downslope to the west.
--	---

Clause	Standard	Acceptable Solution (Extract)	Proposed
27.3.3 A1	Discretionary use	No Acceptable Solution.	Does not comply – the proposal is for visitor accommodation which is a discretionary use in the Significant Agriculture Zone.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 27.3.3 as follows.

Performance Criteria	Proposal
<i>“P1 - A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:</i>	see below assessment.
<i>(a) the characteristics of the proposed non-agricultural use;</i>	It is considered that the nature and intensity of the proposed visitor accommodation use is commensurate with the surrounding prevailing residential character.
<i>(b) the characteristics of the existing or likely agricultural use;</i>	As indicated previously, the characteristics of the site preclude any significant agricultural potential.
<i>(c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</i>	The siting of the proposed visitor accommodation building complies with all relevant setback standards applied to the Significant Agriculture Zone.
<i>(d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use”.</i>	The proposed visitor accommodation building would maintain a 170m setback from the agricultural land located downslope to the west. A 115m vegetative buffer would be retained on the subject site to provide a physical buffer from the nearby agricultural land to protect from fettering impacts.

Parking and Access Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E6.7.3 A1	Vehicular Passing Areas Along and Access	<p>Vehicular passing areas must:</p> <ul style="list-style-type: none"> (a) be provided if any of the following applies to an access: <ul style="list-style-type: none"> (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; (b) be 6m long, 5.5m wide, and taper to the width of the driveway; (c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 30m along the access. 	Does not comply – the proposal includes a single passing bay along the 4m wide 180m long internal driveway. The proposal therefore does not comply with Clause (d).

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause E6.7.3 as follows.

Performance Criteria	Proposal
<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 assessment.
<i>(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;</i>	The rural location of the property means residents in the Hanslows Road area are heavily reliant upon private vehicle use. In addition, the traffic movements generated by the proposed use would be less than that associated with a single dwelling. The proposed visitor accommodation use would therefore cause minimal increase in traffic movements and given its single use, no other vehicles are likely to be encountered along the internal driveway access at any given time.

<i>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</i>	The proposed internal driveway and provision of passing bays is considered suitable for the nature of the proposed development and would not cause any interference with the flow of traffic on Hanslows Road.
<i>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</i>	The proposed access arrangement is considered reasonable for the use of a single visitor accommodation building and the provision of passing bays at 100m intervals satisfies relevant bushfire egress requirements to prevent conflict between emergency vehicles and egressing vehicles.
<i>(d) ease of accessibility and recognition for users”.</i>	The access arrangement provides for adequate width, passing provision and sight lines therefore will ensure ease of accessibility and recognition for all users.

Stormwater Management Code

Clause	Standard	Acceptable Solution (Extract)	Proposed
E7.7.1 A1	Buildings and works	Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	Stormwater would be detained on-site in the absence of Council stormwater services in the area.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause E7.7.1 as follows.

Performance Criteria	Proposal
<p><i>“P1 - Stormwater from new impervious surfaces must be managed by any of the following:</i></p> <p><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> <p><i>(b) collected for re-use on the site;</i></p> <p><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></p>	<p>Council’s Development Engineer has advised that the land area of the property is sufficient to enable all stormwater to be detained and/or reused on the site. Stormwater is proposed to be captured in the in ground water tank for reuse, with overflow to be dispersed on-site.</p> <p>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.</p>

5. REPRESENTATION ISSUES

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

5.1. Suitability of Hanslows Road to Accommodate Increased Traffic

The representor is concerned that Hanslows Road is unsuitable for use by tourists due to its gravel surface. The representor is also concerned that tourists may not be familiar with gravel roads therefore placing added danger to other users of Hanslows Road.

- **Comment**

Whilst Hanslows Road is a narrow rural road, only a short, straight section of Hanslows Road would be required to be negotiated to obtain access to the property. The 400m section of road required to be negotiated has good visibility to enable ample opportunity to see oncoming vehicles. The traffic movements generated by the proposed development would be minimal thereby is not expected to have any significant impact on the safety or efficiency of the local road network.

5.2. Runoff Impacts from Proposed Driveway

Concern is raised by the representor that the internal driveway will cause runoff to erode Hanslows Road.

- **Comment**

Council's Development Engineer has advised that a table drain located on the southern side of Hanslows Road would be capable of collecting all drainage emanating from the new driveway so as to not cause any scouring or erosion impacts upon the surface of Hanslows Road. Further, any works proposed to be carried out within the road reservation, such as the access crossover, will require separate approval from Council's Asset Management Department. This approval process will address any potential drainage issues.

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.

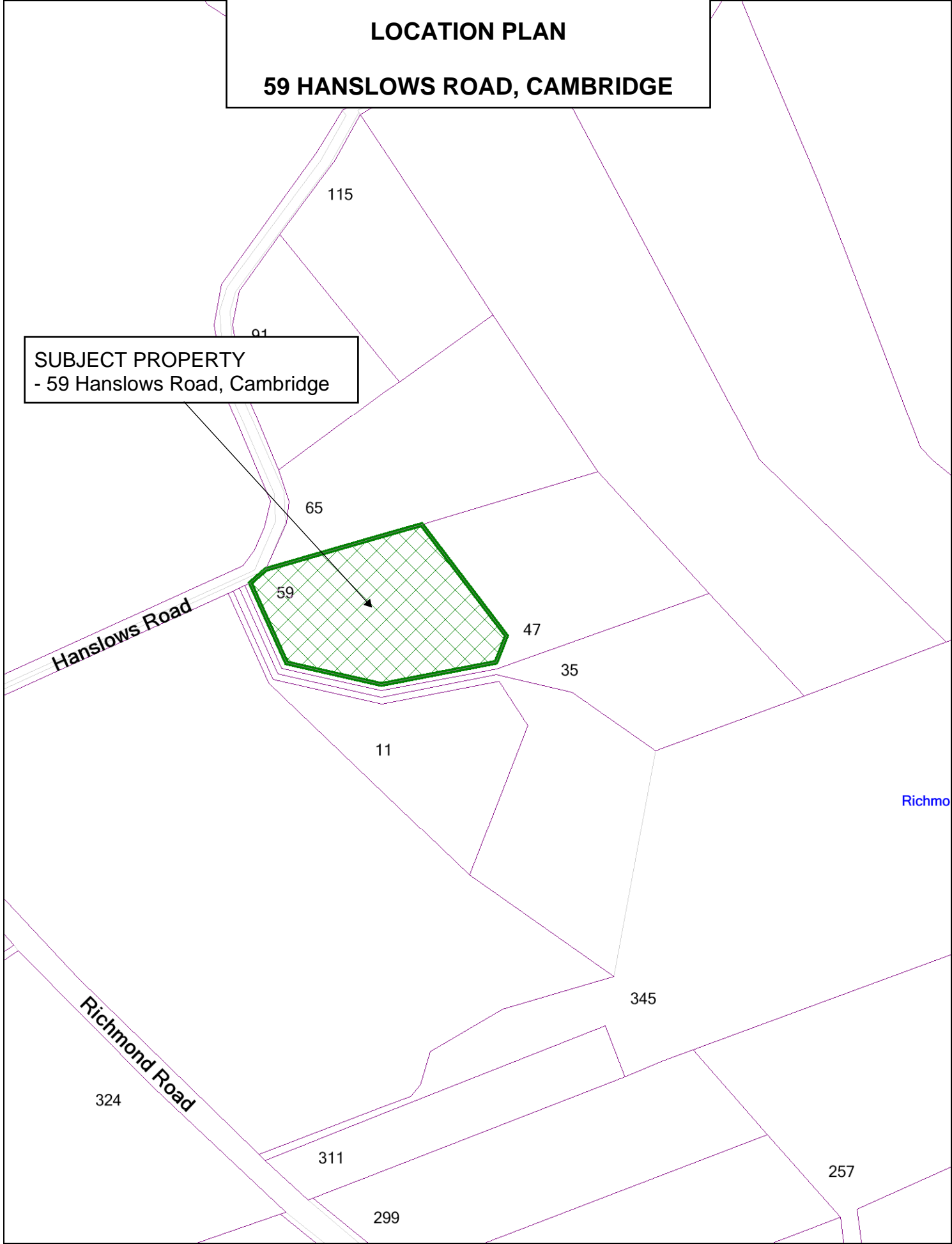
9. CONCLUSION

The proposal seeks approval for visitor accommodation at 59 Hanslows Road, Cambridge. The proposal complies with all relevant Acceptable Solutions and Performance Criteria of the Scheme and is accordingly recommended for approval subject to conditions reinforcing the scope of the use as visitor accommodation.

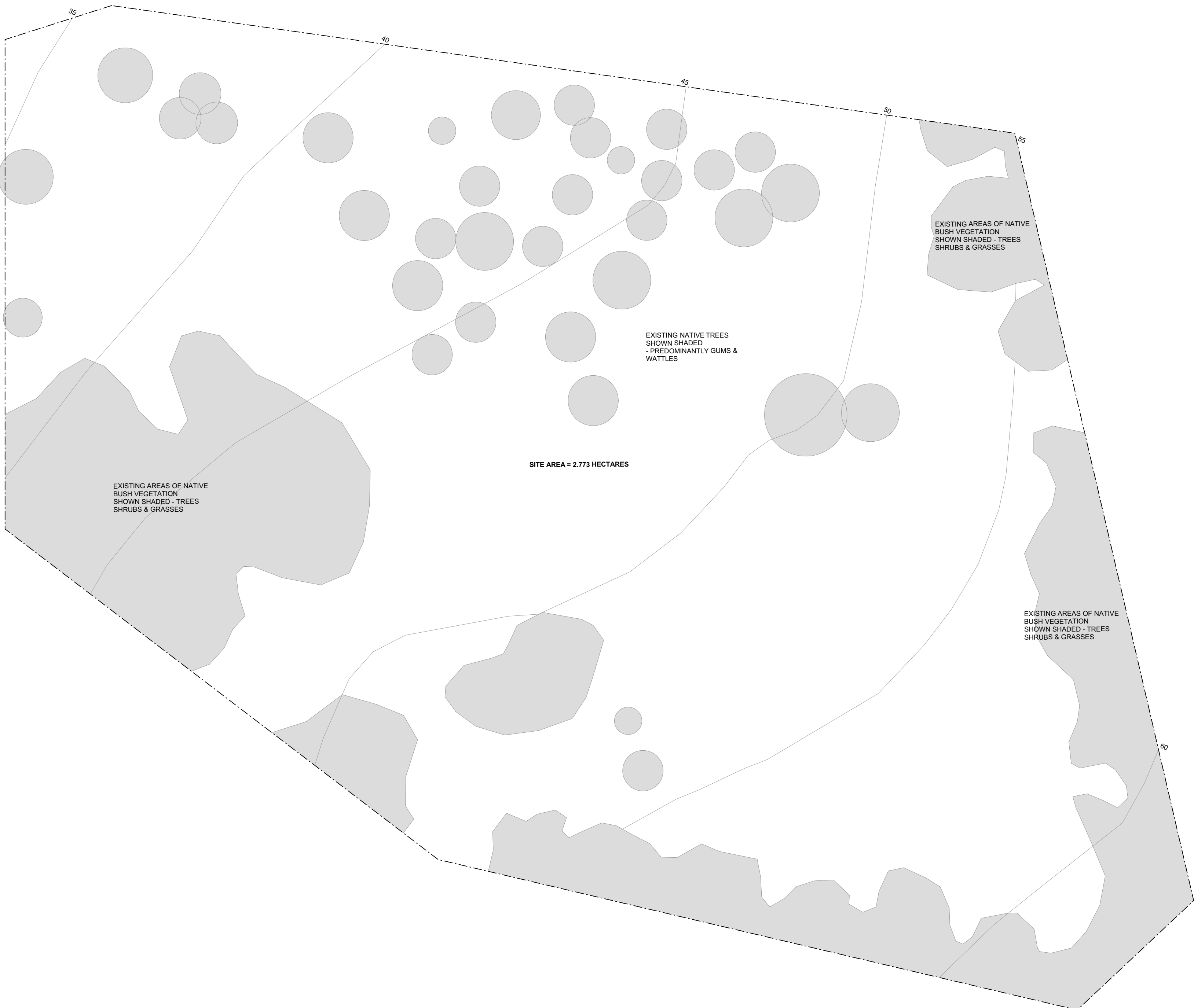
Attachments: 1. Location Plan (1)
2. Proposal Plan (6)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1
LOCATION PLAN
59 HANSLOWS ROAD, CAMBRIDGE

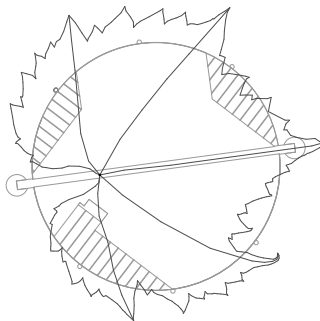


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Project
**59 HANSLOWS ROAD,
CAMBRIDGE**



Architect
**ZENI
BAKER**

Project No.
1702

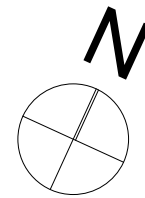
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PROPOSED SITE PLAN

Drawing Status
PLANNING SUBMISSION

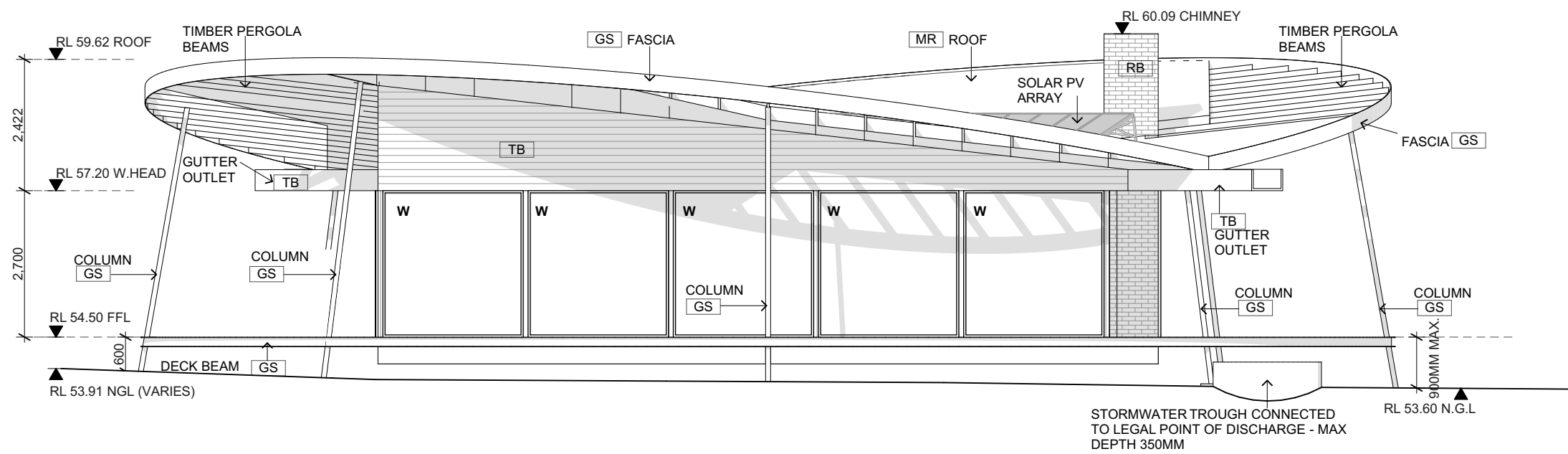
Drawn by
MDB
Date
7/12/2017

Drawing Scale
As Indicated

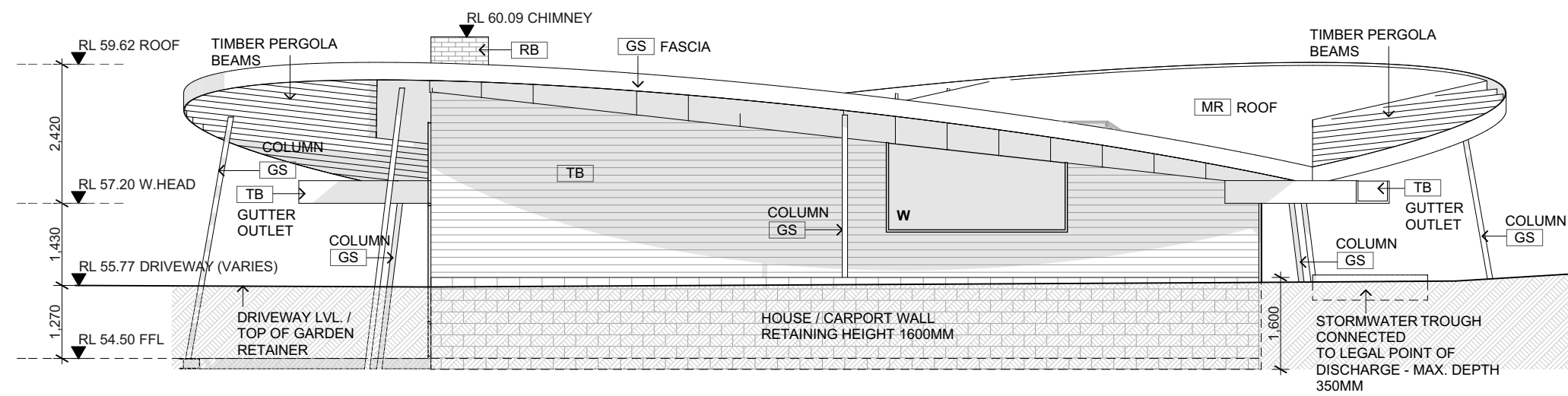
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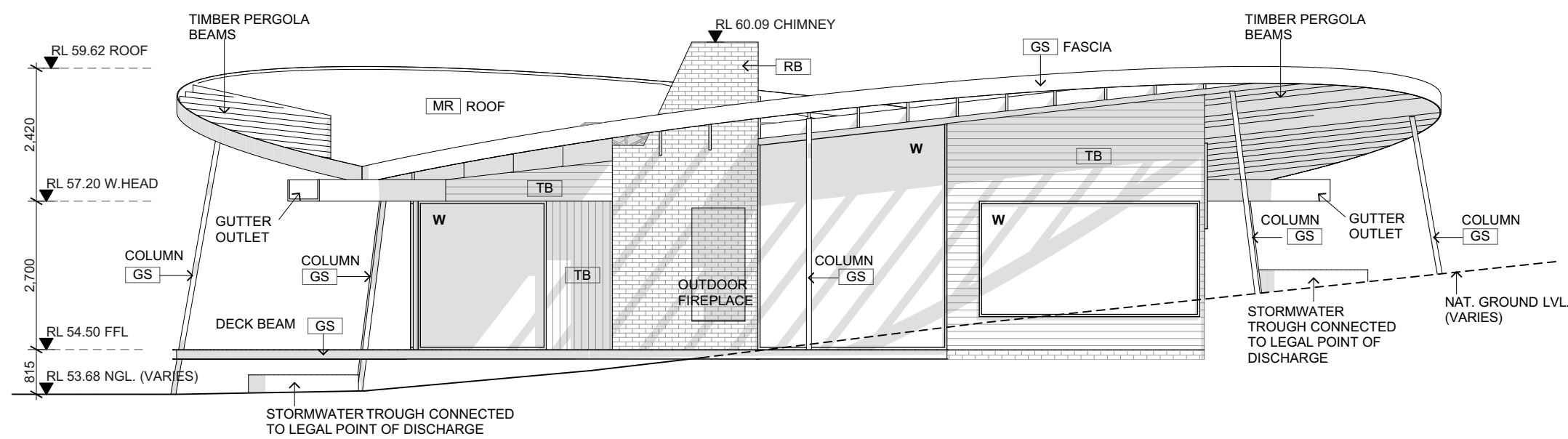
Revision



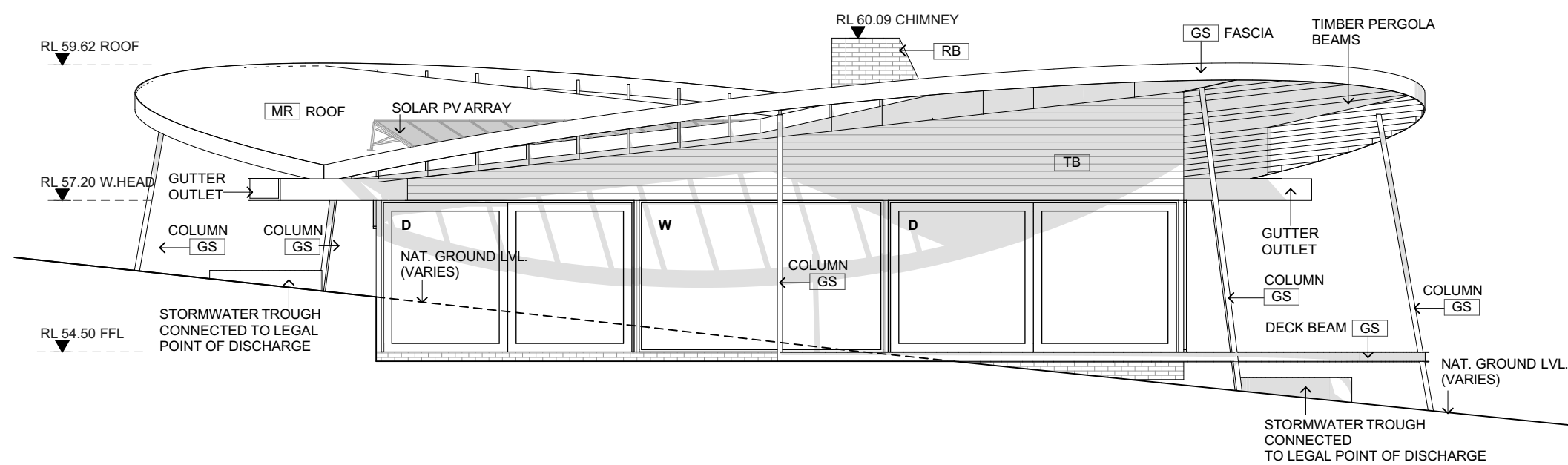
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02 ELEVATION 02 - SOUTH EAST 1:100

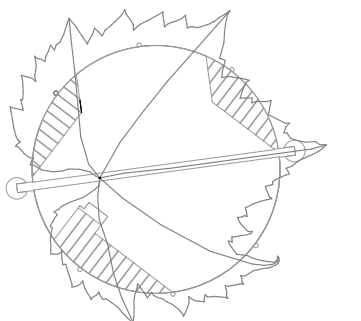


03 ELEVATION 03 - SOUTH WEST 1:100



04 ELEVATION 04 - NORTH EAST ELEVATION 1:100

59 HANSLOWS ROAD,
CAMBRIDGE



Architect

**ZENI
BAKER**

Project No.

1702

Drawing Name

ELEVATION DRAWINGS

Drawing Status

PLANNING SUBMISSION

Drawn by

MDB

Date

8/09/2017

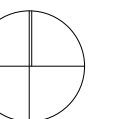
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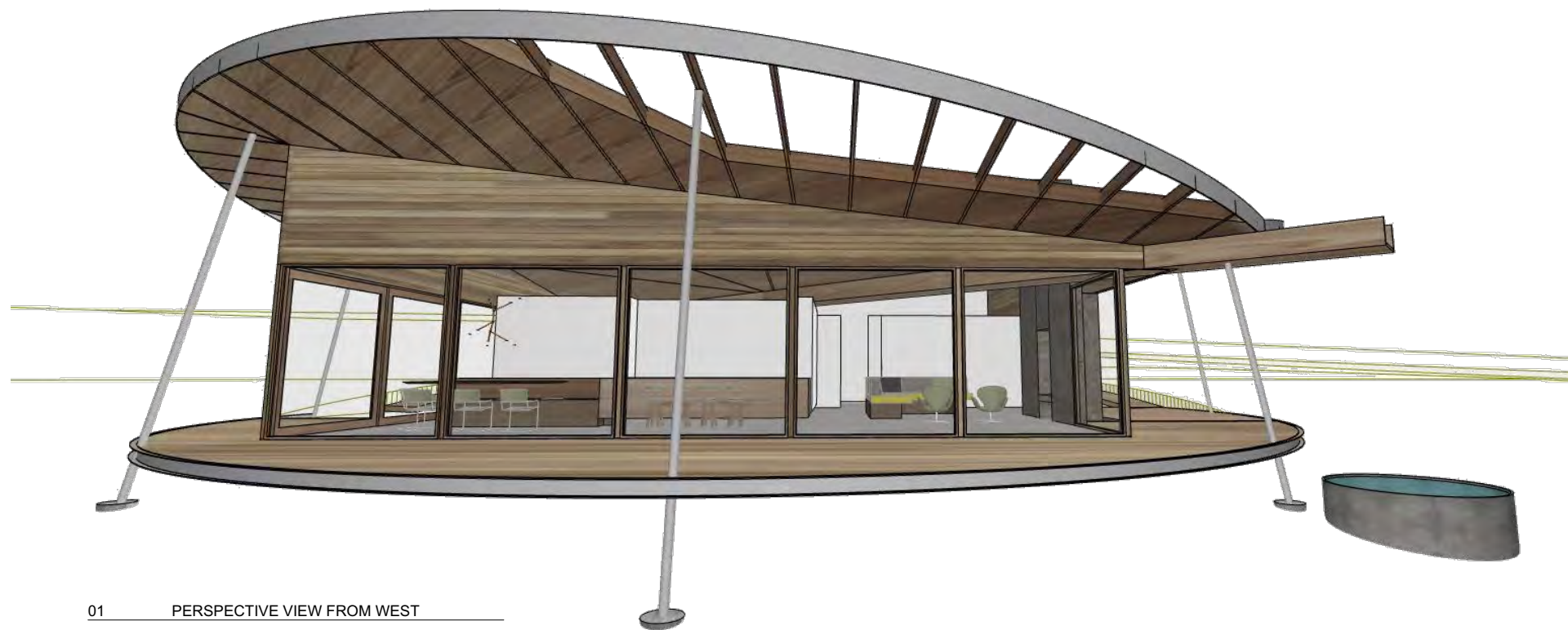
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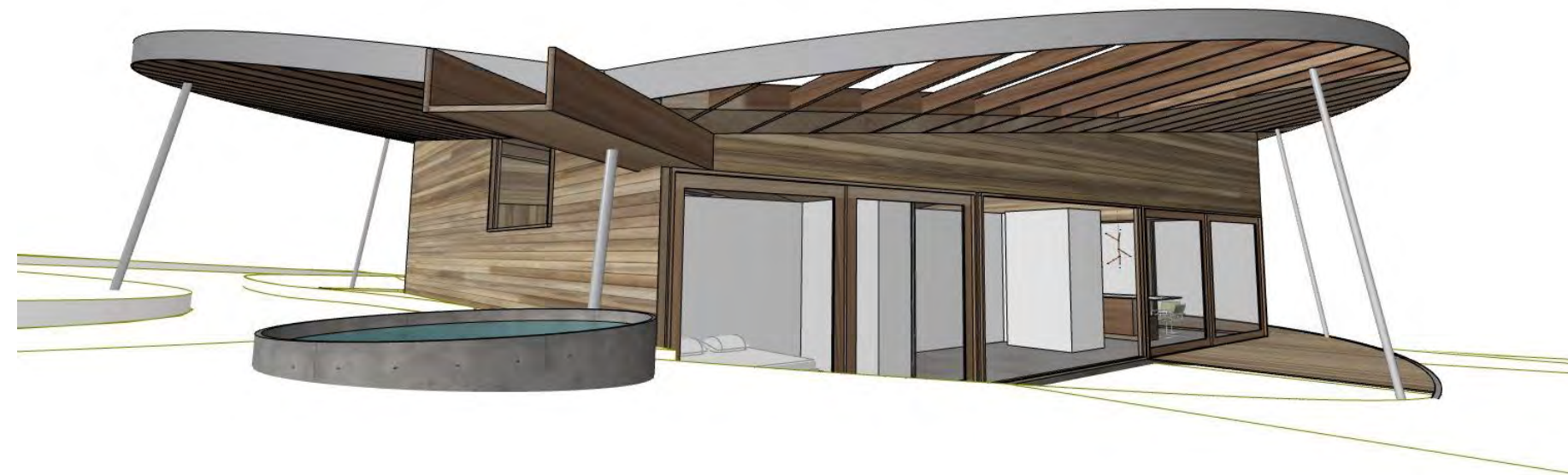
Revision



01 PERSPECTIVE VIEW FROM WEST



02 PERSPECTIVE VIEW FROM NORTH WEST



03 PERSPECTIVE VIEW FROM NORTH EAST

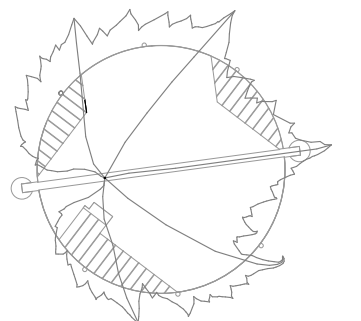


05 PERSPECTIVE VIEW FROM SOUTH WEST



04 PERSPECTIVE VIEW FROM SOUTH EAST

59 HANSLOWS ROAD,
CAMBRIDGE



Architect

Project No.
1702

Drawing Name

PERSPECTIVE IMAGES

Drawing Status

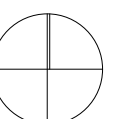
PLANNING SUBMISSION

Drawn by
MDB
Date
8/09/2017

Drawing Scale
As Indicated

Layout ID
A.301

N



Revision

59 HANSLOWS ROAD, CAMBRIDGE



Photo 1: The subject site when viewed from Hanslows Road.

11.3.6 DEVELOPMENT APPLICATION D-2017/468 - 52 MERINDAH STREET, HOWRAH - DECK
(File No D-2017/468)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a replacement deck at 52 Merindah Street, Howrah.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 9 February 2018.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of Loss of privacy due to size.

However, the proposal was readvertised following design changes involving a reduction in size of the proposal and no representations were received during the second advertising period.

RECOMMENDATION:

- A. That the Development Application for Deck at 52 Merindah Street, Howrah (Cl Ref D-2017/468) be approved subject to the following conditions and advice.
 - 1. GEN AP1 – ENDORSED PLANS.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

**DEVELOPMENT APPLICATION D-2017/468 - 52 MERINDAH STREET, HOWRAH
– DECK /contd...**

ASSOCIATED REPORT**1. BACKGROUND**

It was brought to Council's attention that a dwelling addition was being constructed at the rear of the subject property.

Council investigated the matter and was informed that the addition was to replace the existing deck which required repairs and maintenance and increase its footprint. A review of Council records showed that the existing deck had been constructed without the required Council approval.

A planning application was submitted and advertised for the larger replacement deck. Council received 1 representation and conducted a site inspection and it became apparent that the proposed deck was unable to comply with the Performance Criteria.

The applicant revisited the proposal and submitted amended plans showing a deck of a similar scale to the existing deck. These plans were advertised and no further representations were received.

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 – General Residential Zone;
- Section E6.0 – Parking & Access Code; and
- Section E7.0 – Stormwater Management Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 784m² triangular shaped lot located in the Merindah Street cul-de-sac.

3.2. The Proposal

The proposal is for a replacement deck at the rear of the property. The deck would achieve a minimum setback of 5m from the western side boundary and a minimum setback of 2.6m from the rear boundary. The deck would have a finished floor level of 2.5m above natural ground level and as a result of a laserlite roof, have an overall height above natural ground level of 5.1m.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

- (a) all applicable standards and requirements in this planning scheme; and*
- (b) any representations received pursuant to and in conformity with ss57(5) of the Act; but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

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

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.2 Setbacks and building envelope for all dwellings	A3	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p>	<p>The deck would be outside the building envelope as it would not be setback 4m from the rear boundary.</p> <p>The deck would be setback a minimum of 2.62m from the rear property boundary.</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>	not applicable

The proposed variation must be considered pursuant to the Performance Criteria P3 of the Clause 10.4.2 as follows.

Performance Criteria	Proposal
<p><i>“The siting and scale of a dwelling must:</i></p> <p><i>(a) not cause unreasonable loss of amenity by:</i></p> <p><i>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p> <p><i>(ii) overshadowing the private open space of a dwelling on an adjoining lot; or</i></p> <p><i>(iii) overshadowing of an adjoining vacant lot; or</i></p> <p><i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i></p>	<p>The applicant has advised that the proposed deck will achieve the same footprint as the previously existing unapproved deck.</p> <p>The deck will not have an impact on the reduction in sunlight to a habitable room of a dwelling on an adjoining lot or overshadow the private open space of a dwelling on an adjoining lot.</p> <p>There are no adjoining vacant lots and the visual impact caused by the deck when viewed from the adjoining properties should not be dissimilar to the visual impact of the previous deck, the main difference being the addition of the privacy screen facing the rear property boundary.</p>
<p><i>(b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area”.</i></p>	<p>Whilst the deck seeks discretion in relation to the rear property boundary, the reduced setback is compatible with the surrounding area, namely the setback of the dwellings at 12 and 18 Minno Street. Both these properties are on adjoining lots to 52 Merindah Street.</p>

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.6 Privacy for all dwellings	A1	A balcony, deck, roof terrace, parking space, or carport (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above natural ground level must have a permanently fixed screen to a height of at least 1.7m above the finished surface or floor level, with a uniform transparency of no more than 25%, along the sides facing a:	complies

		(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 3m from the side boundary; and	
		(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of at least 4m from the rear boundary; and	Does not comply. The deck would be located 2.62m from the rear boundary.
		(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is at least 6m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space, of the other dwelling on the same site.	not applicable

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 10.4.6 as follows.

Performance Criteria	Proposal
<i>“A balcony, deck, roof terrace, parking space or carport (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above natural ground level, must be screened, or otherwise designed, to minimise overlooking of:</i>	The deck includes 2.4m high permanent screen along the side facing the rear boundary.
<i>(a) a dwelling on an adjoining lot or its private open space; or</i>	
<i>(b) another dwelling on the same site or its private open space; or</i>	not applicable
<i>(c) an adjoining vacant residential lot”.</i>	not applicable

5. REPRESENTATION ISSUES

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

5.1. Loss of Privacy Due to Size

Concern was raised during the first advertising period that the size of the deck would result in overlooking and a loss of privacy.

- **Comment**

The plans have been revised and the proposed replacement deck size has been reduced from 5.3m x 4.8m to 5.4m x 3.2m. No representations were received during the readvertising period for the revised plans.

The proposed deck meets the building envelope and privacy Acceptable Solutions relevant to the representor; therefore there should be no impact.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

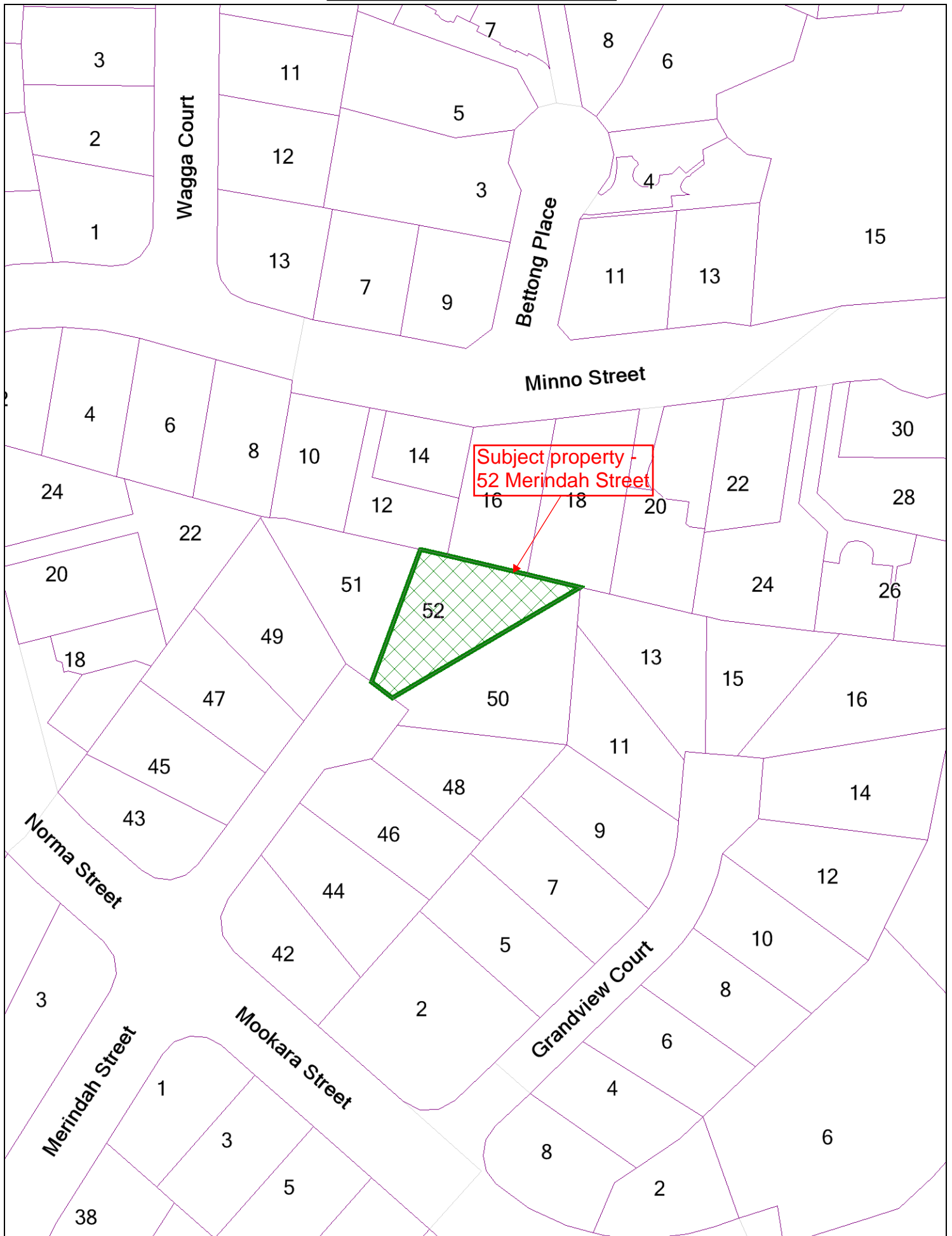
There are no inconsistencies with Council's adopted Strategic Plan 2016-2026 or any other relevant Council Policy.

9. CONCLUSION

The proposal is recommended for approval.

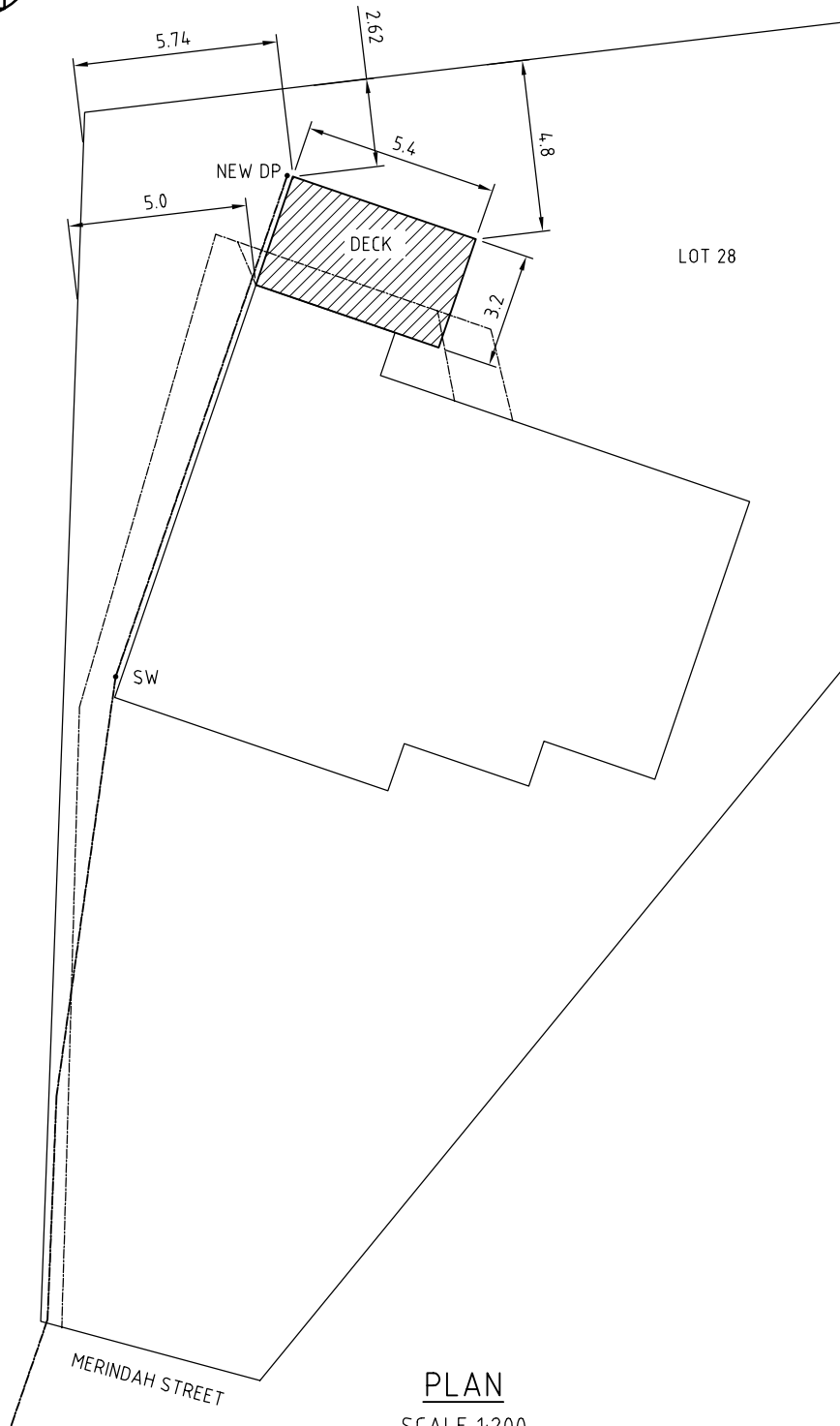
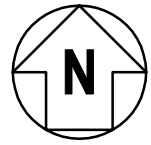
Attachments: 1. Location Plan (1)
2. Proposal Plan (1)
3. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING

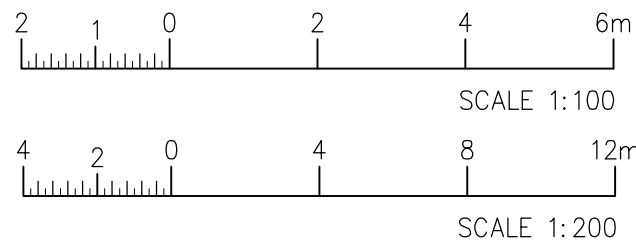


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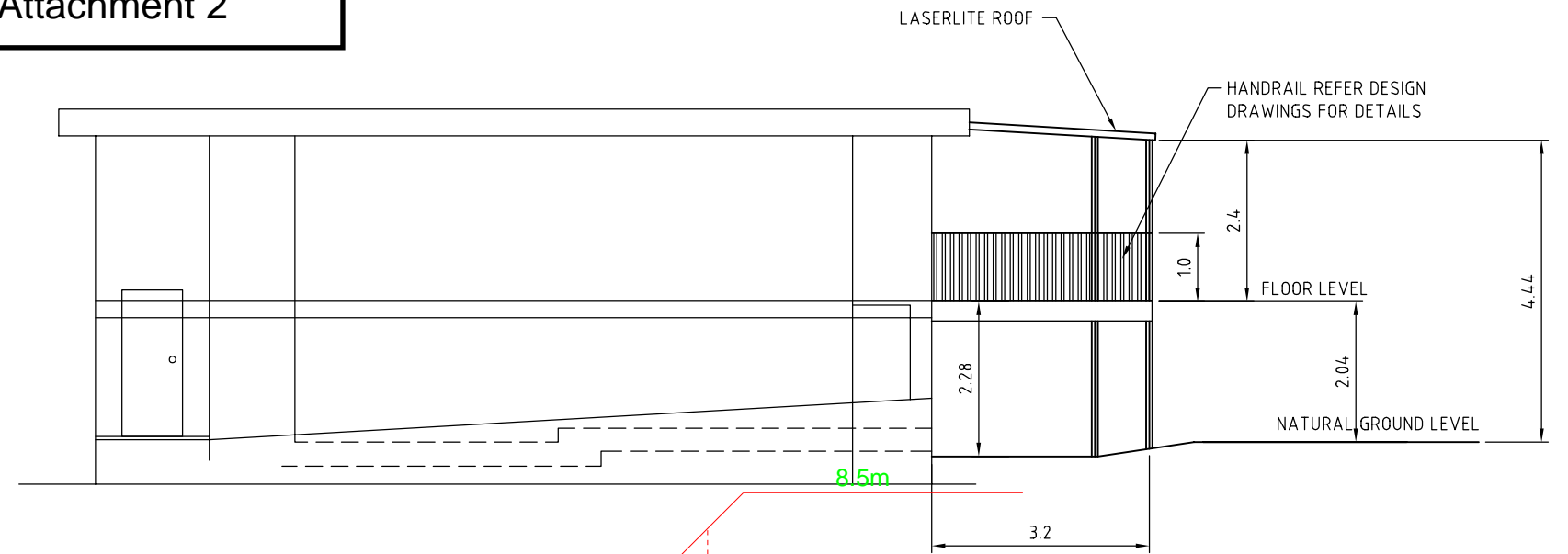
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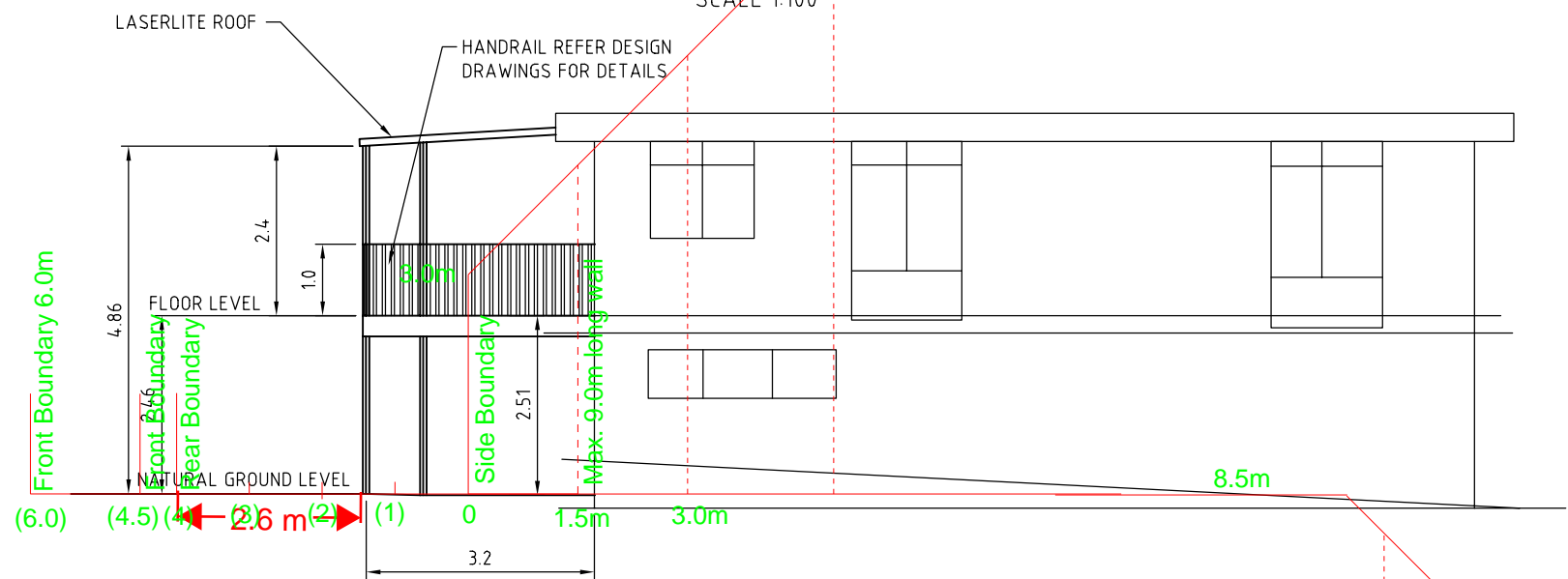
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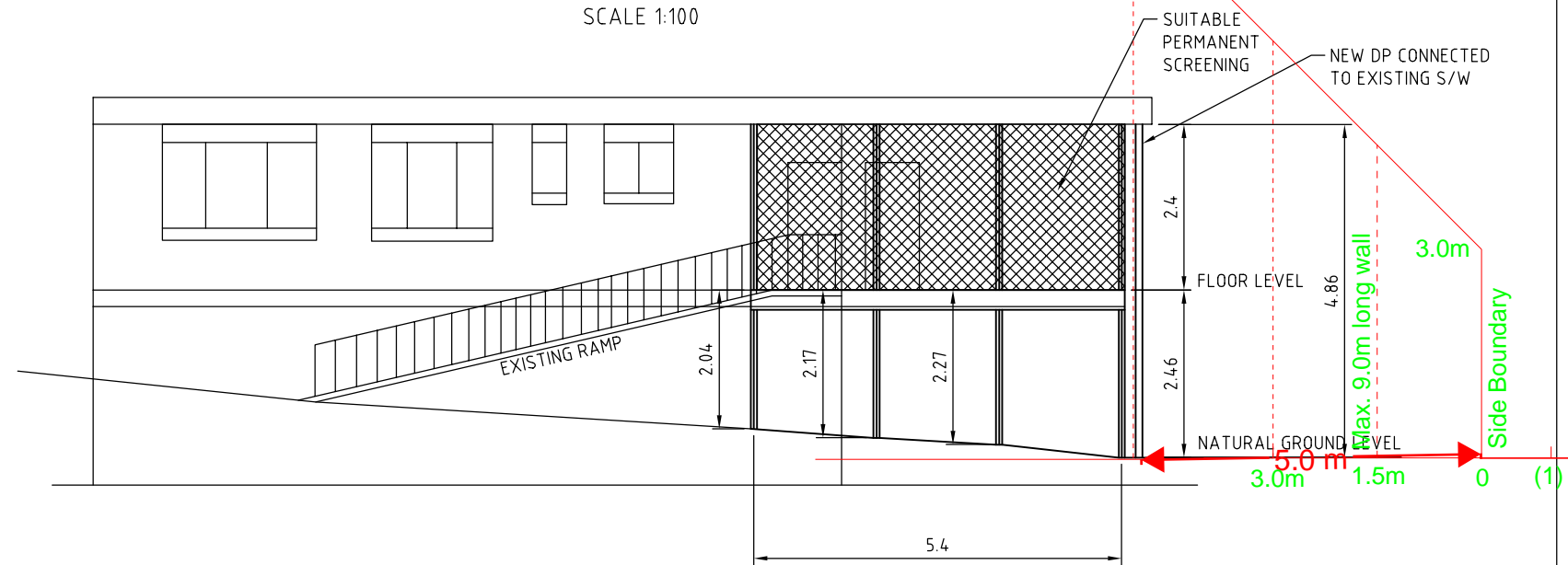
DECK FOR
N & V FENNELL
52 MERINDAH STREET
HOWRAH



EAST ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100



NORTH ELEVATION
SCALE 1:100

Attachment 3 - Photos



Site view of western side boundary showing setback from boundary to dwelling and deck



View of the site looking from the eastern side boundary towards the rear boundary and western side boundary.

Note: Photo shows unapproved replacement deck under construction, however the proposal has been redesigned and new deck would achieve a minimum setback of 2.62m off the rear boundary.

11.3.7 DEVELOPMENT APPLICATION D-2017/470 - 68 MALUNNA ROAD, LINDISFARNE - 3 MULTIPLE DWELLINGS
(File No D-2017/470)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 3 Multiple Dwellings at 68 Malunna Road, Lindisfarne.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 7 February 2018.

CONSULTATION

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

- loss of views;
- noise;
- privacy; and
- overshadowing.

RECOMMENDATION:

A. That the Development Application for 3 Multiple Dwellings at 68 Malunna Road, Lindisfarne (CI Ref D-2017/470) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. ENG A2 – CROSSOVER CHANGE [5.5m].

3. ENG A5 – SEALED CAR PARKING.
 4. ENG M1 – DESIGNS DA.
 5. ENG S1 – INFRASTRUCTURE REPAIR.
 6. The site must be provided with minimum 150mm diameter stormwater drainage connected to Council's main. An extension to Council's stormwater main may be required at the owner's expense.
 7. Stormwater designs must incorporate Water Sensitive Urban Design principles to the satisfaction of Council's Group Manager Engineering Services.
 8. The development must meet all required Conditions of Approval specified by TasWater notice dated 2 January 2018 (TWDA 2017/01644-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

The existing dwelling was approved by Council in 1952 under B-1952/2534.

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 certain Acceptable Solutions under the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10.0 – General Residential Zone;
- Section E6.0 – Parking and Access Code; and
- Section E7.0 – Stormwater Management Code.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is an internal lot with a land area of 1111m², and has 18.29m frontage and vehicular access onto Malunna Road. The site supports an existing dwelling and outbuilding on the northern part of the lot, to be demolished as part of the proposal. The site slopes down to the south-east at an average gradient of 1 in 3 and is clear of significant vegetation. Fill has historically been placed on the central part of the site and it is proposed that this would be removed as part of this development.

The surrounding area is similarly zoned General Residential and is characterised by single detached dwellings located within the established residential area at Lindisfarne.

A drainage easement of 0.91m in width encumbers the southern part of the subject property, which also has a benefitting right to drain over Lots 6-9 and 12-14 to the east and south-east, also within the same sealed plan.

3.2. The Proposal

The proposal is for the construction of 3 Multiple Dwelling units on the subject property. Each of the proposed units would contain 3 bedrooms, shared kitchen/dining areas, kitchen, amenities, and outdoor living areas to the west of each unit. The total floor areas of Units 1 and 2 would each be 153.78m² and Unit 3, 154.22m².

Units 1 and 2 would each have a single car garage, whilst Unit 3 would have a carport. A single visitor parking space is proposed to the north of Unit 2. A copy of the proposal is included in the attachments.

Unit 1 would have the maximum height of the proposed units, and would be 7.28m in height above natural ground level at its highest point. Outdoor living areas are proposed to the west of each of the dwelling units, each with an area in excess of 80m².

Units 1 and 2 would be setback 2.72m from the western (side) property boundary, and Unit 3 would be setback 1.56m. Unit 3 would be setback 4.0m from the southern (rear) boundary and the closest unit to the eastern (side) boundary would be Unit 3 at a setback distance of 2.7m. A setback distance from the northern (front) boundary of 4.52m is proposed.

The units would be clad using a combination of Colorbond roofing, vertical weatherboard type cladding, rendered brick, glass balustrading and timber decking.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

- (a) all applicable standards and requirements in this planning scheme; and*
 - (b) any representations received pursuant to and in conformity with ss57(5) of the Act;*
- but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised”.*

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

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

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.2 A3	Setbacks and building envelope for all dwellings	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0. m 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>complies</p> <p>Does not comply - the western part of Unit 3 would extend beyond the prescribed building envelope by 1200mm, and the rear of Unit 3 by 3.0m. Units 1 and 2 comply.</p> <p>not applicable</p> <p>not applicable</p>

The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.2 for the following reasons.

Performance Criteria	Comment
<p><i>“P3 – The siting of a dwelling must:</i></p> <p><i>(a) not cause any unreasonable loss of amenity by:</i></p>	<p>see below</p>
<p><i>(v) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p>	<p>The proposal plans show the location of the building envelope in relation to the dwelling units proposed, and identify the extent of the parts of Unit 3 outside the prescribed building envelope. Diagrams illustrating the extent of shadows likely to be cast at Winter Solstice were provided with the application.</p> <p>The subject properties most affected by the proposed development are 213 Gordons Hill Road, located to the south of the subject property and 70 Malunna Road, to the east. The rooms at the rear of the dwelling at 213 Gordons Hill Road are bedrooms, and a bathroom, both being non-habitable rooms. The living areas of the dwelling are to the south, and unaffected by the proposal. This impact is considered reasonable, in that at least 3 hours of sunlight would exist to the habitable parts of that dwelling, at Winter Solstice.</p> <p>Shadow diagrams show that part of 70 Malunna Road would lose sunlight after 1.30pm. However, this leaves over 3 hours of sunlight to the habitable parts of that dwelling at Winter Solstice, as required. Given that Units 1 and 2 are compliant with the prescribed building envelope the impact upon 70 Malunna Road is not a relevant consideration.</p> <p>On the basis of the shadow diagrams submitted, the impact is therefore considered to be reasonable.</p>

<p>(vi) <i>overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>In relation to 213 Gordons Hill Road, the diagrams show that overshadowing of parts of the private open space to the north-west of the dwelling would occur at Winter Solstice. This is an internal lot with an area of 597m² and the outdoor living areas associated are located to the west of that dwelling, which would be largely unaffected by the proposed development.</p> <p>The impact is considered reasonable, in that at least 3 hours of sunlight would exist to the private open space associated with that dwelling at Winter Solstice, as shown by the diagrams.</p>
<p>(vii) <i>overshadowing of an adjoining vacant lot; or</i></p>	<p>not relevant</p>
<p>(viii) <i>visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i></p>	<p>Given the gradient of the land in the vicinity of the site, the surrounding area generally contains single dwellings on multiple levels. Neighbouring dwellings (including 213 Gordons Hill Road) are typically oriented to the south to obtain views of the river and mountain.</p> <p>The visual impact of the proposed development is considered reasonable, in that Unit 3 is the only unit reliant upon this performance criterion, and it would be 6.12m at its highest point above natural ground level. It would be setback 4.0m where closest to the rear boundary, and would be clad using combination of materials consistent with the ranging styles in the vicinity of the site.</p> <p>It is considered that the variation to the building envelope is relatively minor and the excavation into the slope is a reasonable response to the constraints of the site. For the above reasons, it is therefore considered that the proposal would not cause a loss of amenity to the adjoining properties through visual bulk and scale of the development.</p>

<i>(b) Provide separation between dwellings on an adjoining lot that is compatible with that prevailing in the surrounding area”.</i>	Development within proximity of the subject property is characterised by setbacks ranging from 6.0m (to side boundaries), to rear boundary setbacks of 1.8m to the south of the subject property. The proposed dwelling separation distance to the south would be in excess of 5.5m and therefore compatible with the separation distances evident in the surrounding area.
---	---

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.3 A2	Site coverage and private open space for all dwellings	<p>A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least:</p> <ul style="list-style-type: none"> i. 24m²; or ii. 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and <p>(b) has a minimum horizontal dimension of:</p> <ul style="list-style-type: none"> i. 4m; or ii. 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p> <p>(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and</p>	<p>complies</p> <p>complies</p> <p>Does not comply – open space accessed from stairs to the upper level deck.</p> <p>complies</p>

		(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and	complies
		(f) has a gradient not steeper than 1 in 10; and	complies
		(g) is not used for vehicle access or parking.	complies

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.4 for the following reasons.

Performance Criteria	Comment
<p><i>“A dwelling must have private open space that:</i></p> <p><i>(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</i></p>	The proposed development would provide in excess of 80m ² of private open space per dwelling unit, in a manner that complies with the location, dimension, solar access, gradient and siting requirements.
<p><i>(i) conveniently located in relation to a living area of the dwelling; and</i></p>	Access to the ground level open space for each unit would be from stair access to the deck (and living areas) areas to the west of each unit. This is considered to be conveniently located, as required by this part of the performance criterion.
<p><i>(ii) orientated to take advantage of sunlight”.</i></p>	The open space would have north-westerly orientation, and would therefore achieve reasonable solar access.

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.4 A1	Sunlight and overshadowing for all dwellings	A dwelling must have at least one habitable room (other than a bedroom) in which there is a window that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).	Does not comply – units to be oriented at 68 degrees west of north.

The proposed variation must be considered pursuant to the Performance Criteria (P1) of the Clause 10.4.4 for the following reasons.

Performance Criteria	Comment
<i>“A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom)”.</i>	The proposed dwelling units would each be oriented at 68 degrees west of north, and would have large outdoor living areas on the western side of each dwelling. The units would each have large windows from the living areas to the north and north-western elevations, meaning that the units would experience high levels of natural sunlight and residential amenity.

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.6 A3	Privacy for all dwellings	<p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of at least:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of at least 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of at least 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of at least 1.7m above the floor level.</p>	Does not comply – separation distance of 1.7m and minimum sill height not achieved.

The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.6 for the following reasons.

Performance Criteria	Comment
<i>“A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise detrimental impacts of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling”.</i>	The proposed dwelling Units 1 and 2 would have bedrooms on the lower level of each dwelling, which would be separated by 1.7m from the proposed shared driveway. The walls to each of the subject bedrooms would themselves be separated by 1.8m from the edge of the proposed driveway, which would ensure that the amenity of these rooms would not be compromised by users of the shared driveway. On this basis it is considered that the performance criterion is satisfied.

Stormwater Management Code

Clause	Standard	Acceptable Solution	Proposed
E7.7.1 A2	Stormwater drainage and disposal	<p>A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply:</p> <p>(a) the size of new impervious area is more than 600m²;</p> <p>(b) new car parking is provided for more than 6 cars;</p> <p>(c) a subdivision is for more than 5 lots.</p>	<p>Does not comply – impervious area of 690m².</p> <p>Does not comply – parking provided for 7 cars.</p> <p>not applicable</p>

The proposed variation must be considered pursuant to the Performance Criteria (P2) of the Clause E7.7.1 for the following reasons.

Performance Criteria	Comment
<i>“A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so”.</i>	Council’s Engineers are satisfied that the proposed development and driveway configuration is a reasonable response to the site constraints, and that stormwater can be appropriately drained to Council’s existing network whilst achieving the targets established by the State Stormwater Strategy 2010, as required by this performance criterion. An appropriate condition has been included above to reflect this requirement.

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

Concern is raised that views of the river would be lost from nearby residential development, as a result of the proposal.

- **Comment**

Loss of view is not a relevant consideration under the Scheme. That said, the site slopes down to the south at an average gradient of 1 in 3 and neighbouring dwellings at both 66 and 70 Malunna Road would therefore retain all views of the mountain, and largely of the river. Nevertheless, this is not an issue of determining weight.

5.2. Noise

Concerns relating to anticipated noise to be generated as a result of driveway traffic and residential use are highlighted by the representations as an objection to the proposal.

- **Comment**

The site is located within an established residential area near to the East Derwent Highway, which is a busy arterial road at Lindisfarne. While noise is not a matter relevant to the determination of this application, under the Scheme, noise levels should be within normal expectations for a residential area.

5.3. Privacy

Overlooking is raised as a concern in terms of the outdoor living areas of adjacent residential development. Specifically, it is raised that the areas used for private recreation as backyard would be entirely overlooked (and therefore unreasonably compromised) by the proposed development.

- **Comment**

The proposed development meets the relevant acceptable solutions in relation to privacy at Clause 10.4.6 A2 of the Scheme, in that the proposed windows have been designed to achieve the required sill heights to comply with (b)(ii).

5.4. Overshadowing

Concern is raised that the proposed development would have a significant and negative impact upon the solar access to nearby residential properties, most significantly in relation to access to solar energy. It is submitted that solar efficiency would be unreasonably compromised, damp issues would be created for adjacent dwellings and that daylight into rooms of adjacent dwellings would be blocked. It is submitted that the clothes drying facilities of adjacent residential properties would be unreasonably compromised by the proposed development and that the proposal should be refused on this basis.

It is noted that further comments were received by the representors in relation to overshadowing, with advice that the shadow diagrams clearly show that the solar panels and clothesline associated with an adjacent residential property would be compromised by the proposed development.

- **Comment**

The proposed development meets the relevant tests of the Scheme in relation to overshadowing as discussed in relation to Clause 10.4.2, above.

Specifically, the rooms at the northern part of the dwelling at 213 Gordons Hill Road include bedrooms and a bathroom, both being non-habitable rooms. The living areas of the dwelling are to the south, and unaffected by the proposal. This impact is considered reasonable, in that at least 3 hours of sunlight would exist to the habitable parts of that dwelling at Winter Solstice. It is further noted that overshadowing of solar panels is not a relevant consideration under the Scheme. This issue therefore does not justify the refusal of the proposal, under the Scheme.

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 seeks approval for 3 Multiple Dwellings at 68 Malunna Road, Lindisfarne. 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 (12)
3. Site Photo (1)
4. Shadow Diagrams (14)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Site location 68 Malunna Road,
Lindisfarne



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, 23 January 2018 **Scale:** 1:1,358 @A4



1811 - Proposed Unit Developement For GOODMAN & HILL
68 MULANNA ROAD, LINDISFARNE

Drawing No. Description

01	Existing Site Plan
01a	Proposed Site Plan
02	Unit 1 Ground Floor Plan
02a	Unit 1 First Floor Plan
03	Unit 1 Elevations
04	Unit 2 Ground Floor Plan
04a	Unit 2 First Floor Plan
05	Unit 2 Elevations
06	Unit 3 Ground Floor Plan
06a	Unit 3 First Floor Plan
07	Unit 3 Elevations

Wind Speed - TBC
Climate Zone - 7
C.T. No. 96573/15
Soil Classification - TBC

BAL- NOT BUSHFIRE PRONE

SITE IS NOT IN A BUSHFIRE PRONE AREA AS PER
CLARENCE INTERIM PLANNING SCHEME OVERLAY 2015.
No additional restrictions for construction methods / materials apply.

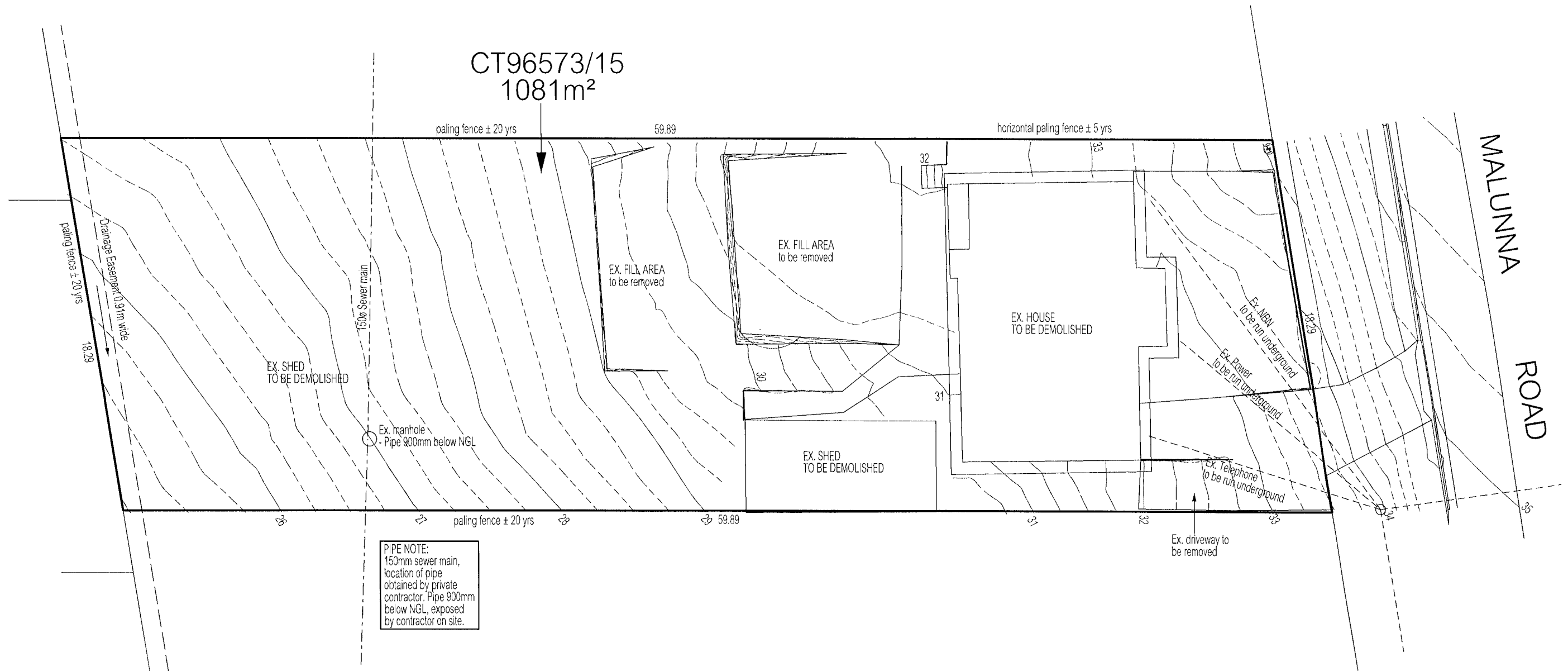
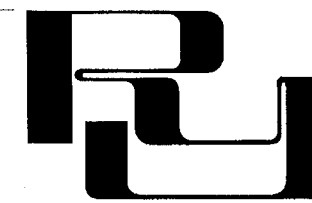
B	06 December 2017	01, 01a, 01b, 06, 06a, 07, U3 GF & FF Electrical Plans	TASWATER RFI: Note how sewer main was located & indicate pipe depth, Move Unit 3 & retaining wall South by approx. 174mm to move away from sewer main, Also re-position carport attached to Unit 3 to keep it 4000mm away from rear setback (move north by 175mm), Re-locate 450 pit 1000mm away from sewer main.	CK	ST
A	01 June 2017	01 - 07, U1 & U2 Roof Plan	Add existing site plan to set, Amend cut design & retaining walls, Relocate U1 & 2 HW & outdoor HP unit for, U1 & 2 Half height wall to stairs, Amend U1 & 2 WIR area, Relocate U1 & 2 d.p., Add U1 & 2 1dry bench, Extend brick line above windows to CL all units, Relocate vanity in U3, Amend 2400w window style.	CK	MM
REVISION	DATE	SHEETS	DESCRIPTION	DRAWN	CHECKED
AMENDMENTS					

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BUILDER JOB NO.: 1811
DRAWING: COVER SHEET
DATE: 25/05/17
FILE NAME: 1321 DA 170517.dgn
DRAWN BY: CK

DWG No:

COVER SHEET



PIPE NOTE:
150mm sewer main,
location of pipe
obtained by private
contractor. Pipe 900mm
below NGL, exposed
by contractor on site.

N
Scale 1:200

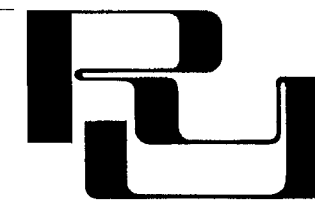
**PROPOSED UNIT DEVELOPMENT FOR GOODMAN & HILL
AT 68 MALUNNA ROAD, LINDISFARNE**

REVISION	DATE	DESCRIPTION
A	01 June 2017	Changes as described on Cover Sheet
B	06 December 2017	Changes as described on Cover Sheet

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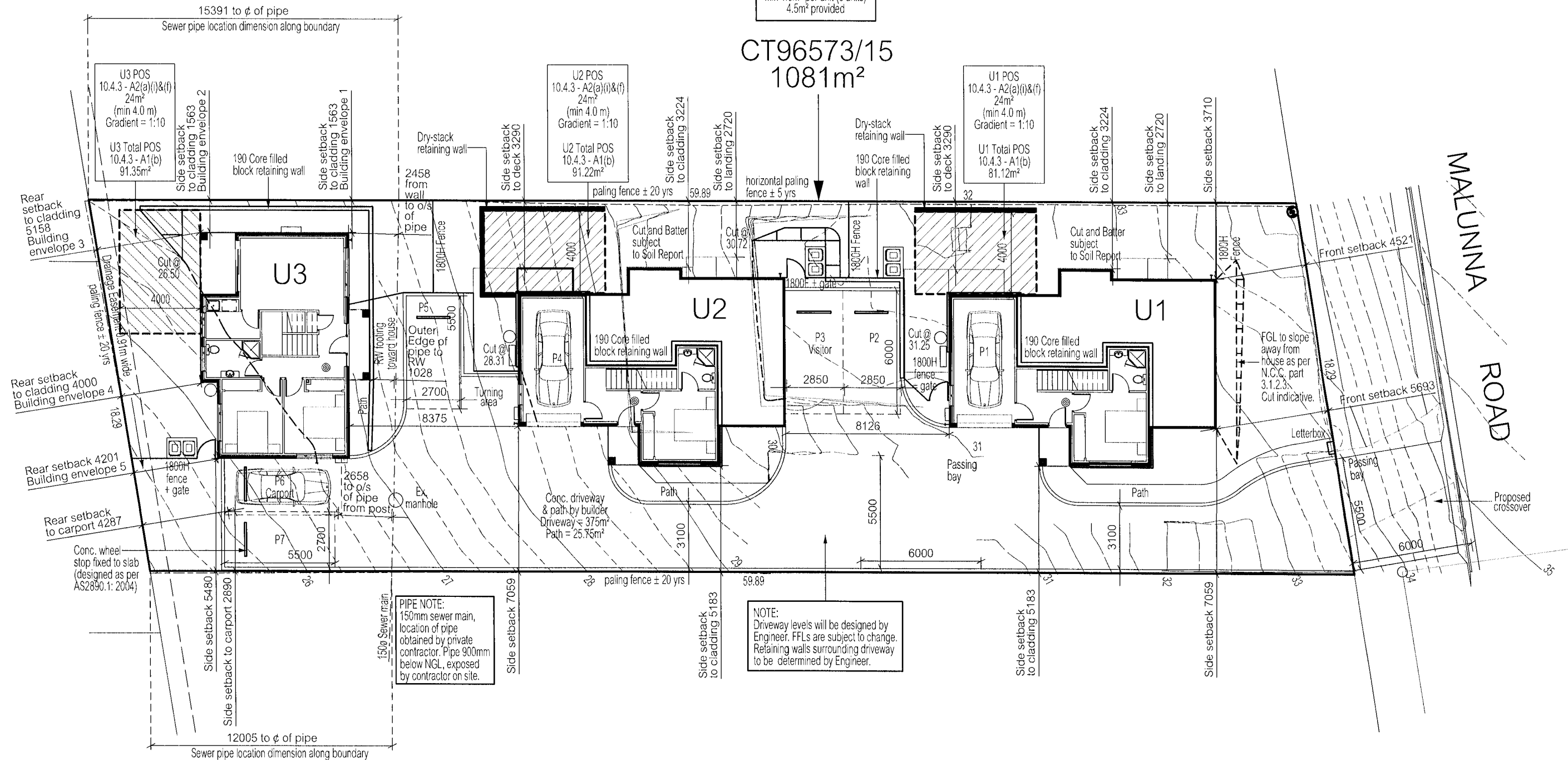
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DRAWING: EXISTING SITE PLAN
DATE: 01/06/17
FILE NAME: 1321 DA 170517.dgn
DRAWN BY: CK

DWG No:



CT96573/15
1081m²

Waste Storage
10.4.8 A1
Min 1.5m² per unit (3 units)
4.5m² provided



EXPLANATORY NOTES: CLARENCE COUNCIL INTERIM PLANNING SCHEME		
10.4.1- Residential density for multiple dwellings		
A1	(a)	Site Density: Min. 325m ² per unit 1081m ² / 3 (units) = 360.33m ² provided
10.4.3 - Site coverage and private open space for all dwellings		
A1	(a)	Site Coverage: Max. 50% of Site = 540.50m ² Proposed site coverage: 340.30m ² (31.48%)
	(c)	Impervious Surfaces: Min. 25% of Site to be free of impervious surfaces = 270.25m ² Proposed area free of impervious surfaces: 391.11m ² (36.18%)

UNIT 1 GF FFL: 31.40
UNIT 1 FF FFL: 34.16
UNIT 2 GF FFL: 28.46
UNIT 2 FF FFL: 31.22
UNIT 3 GF FFL: 26.65
UNIT 3 FF FFL: 29.41

Scale 1:200

PROPOSED UNIT DEVELOPMENT FOR GOODMAN & HILL
AT 68 MALUNNA ROAD, LINDISFARNE

REVISION	DATE	DESCRIPTION
A	01 June 2017	Changes as described on Cover Sheet
B	06 December 2017	Changes as described on Cover Sheet

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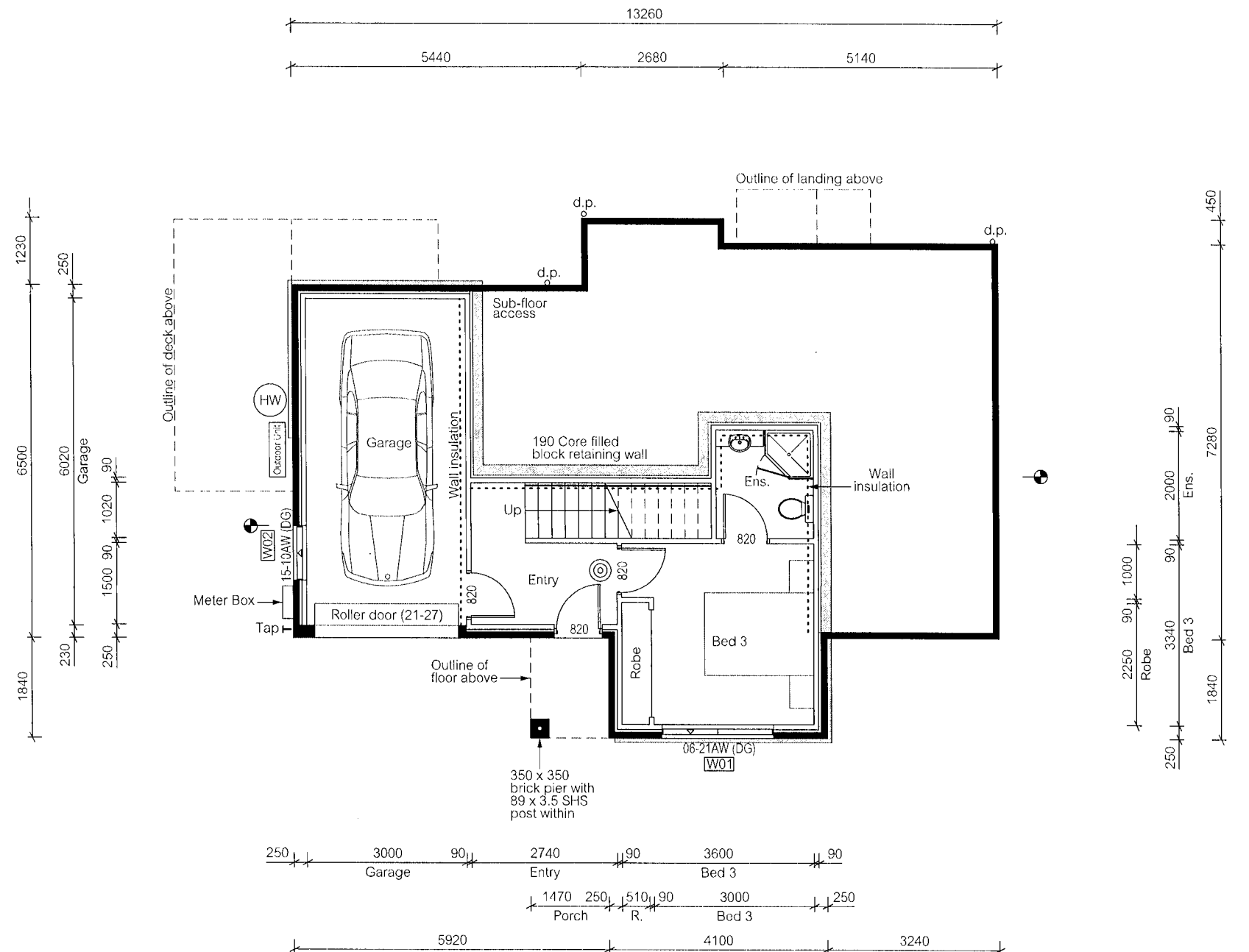
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01a

ARTICULATION JOINT

SMOKE ALARM

Floor Area = 50.47 sqm



Scale 1:100

REVISION	DATE	DESCRIPTION
A	01 June 2017	Changes as described on Cover Sheet

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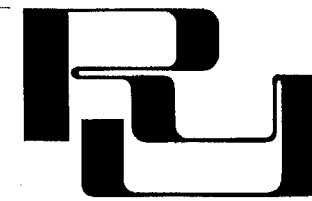
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DRAWING: UNIT 1 GROUND FLOOR PLAN
DATE: 25/05/17
FILE NAME: 1321 DA 170517.dgn
DRAWN BY: CK

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PROPOSED UNIT DEVELOPMENT FOR GOODMAN & HILL AT 68 MALUNNA ROAD, LINDISFARNE

02

- ARTICULATION JOINT
- SMOKE ALARM



RONALD YOUNG

A.B.N. 52 009 494 446

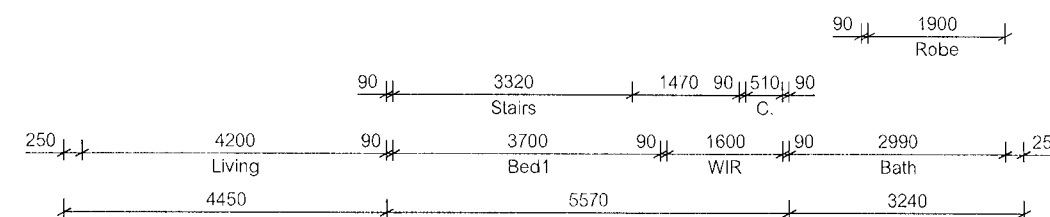
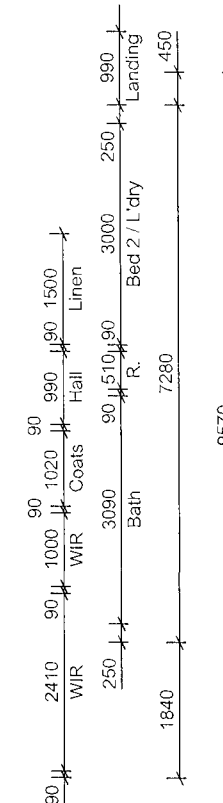
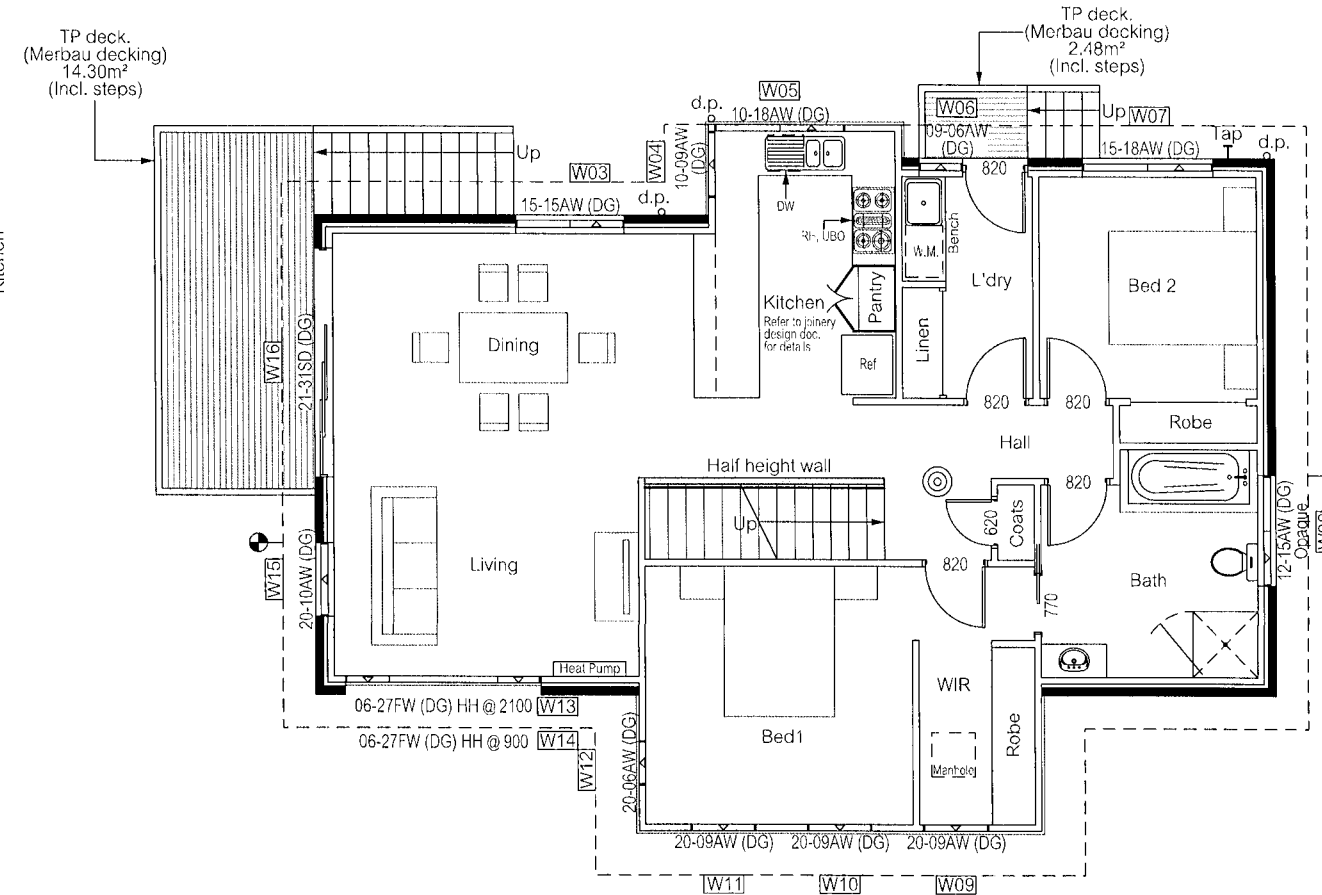
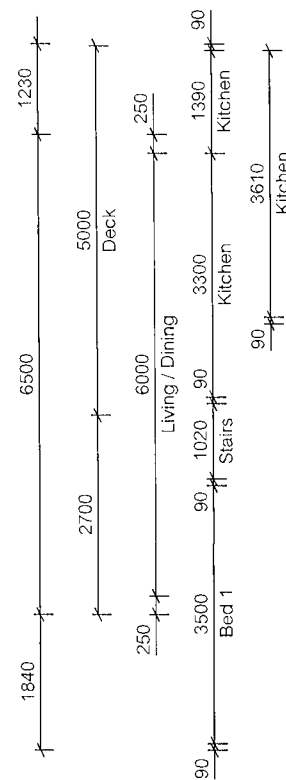
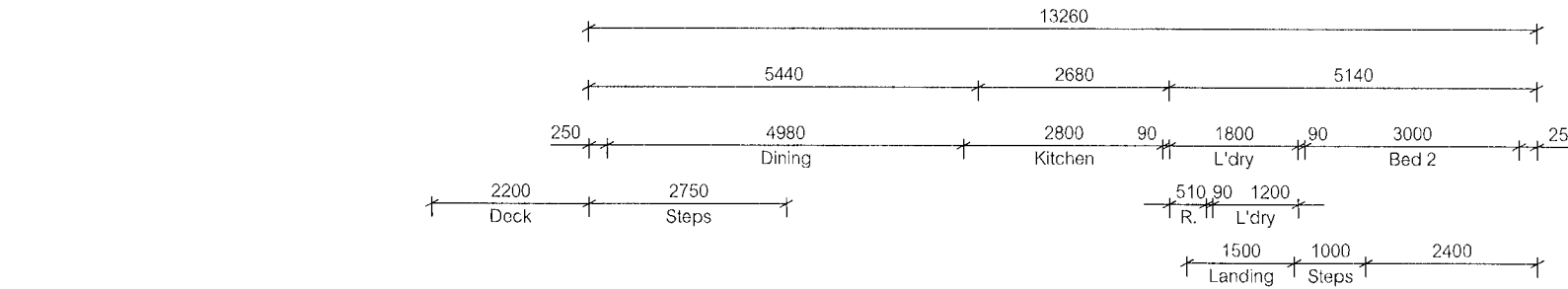
CNR COLLINS & HARRINGTON STS, HOBART 7000

PHONE: 6234 7633 FAX: 6234 6445

BUILDING - DESIGN - DEVELOPMENT

CO BUILDERS PTY LTD

Floor Area = 103.31 sqm



PD4.1 clause 10.4.4
W03, W05 satisfy P1.

Scale 1:100

PROPOSED UNIT DEVELOPMENT FOR GOODMAN & HILL AT 68 MALUNNA ROAD, LINDISFARNE

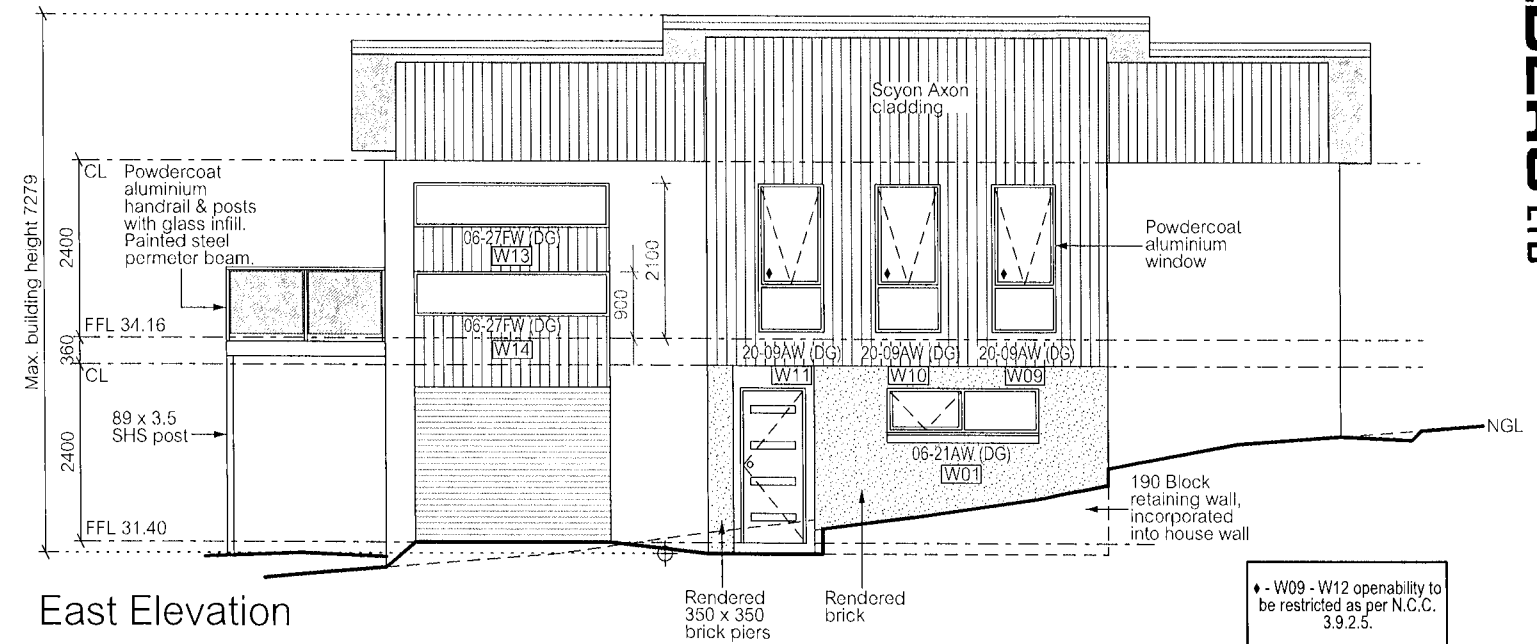
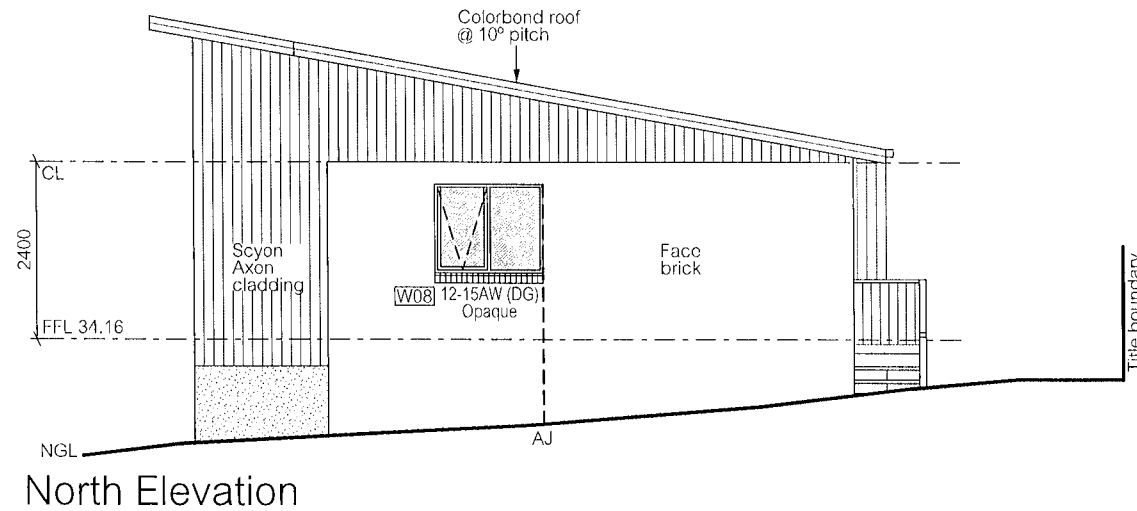
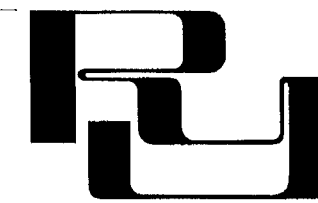
REVISION	DATE	DESCRIPTION
A	01 June 2017	Changes as described on Cover Sheet

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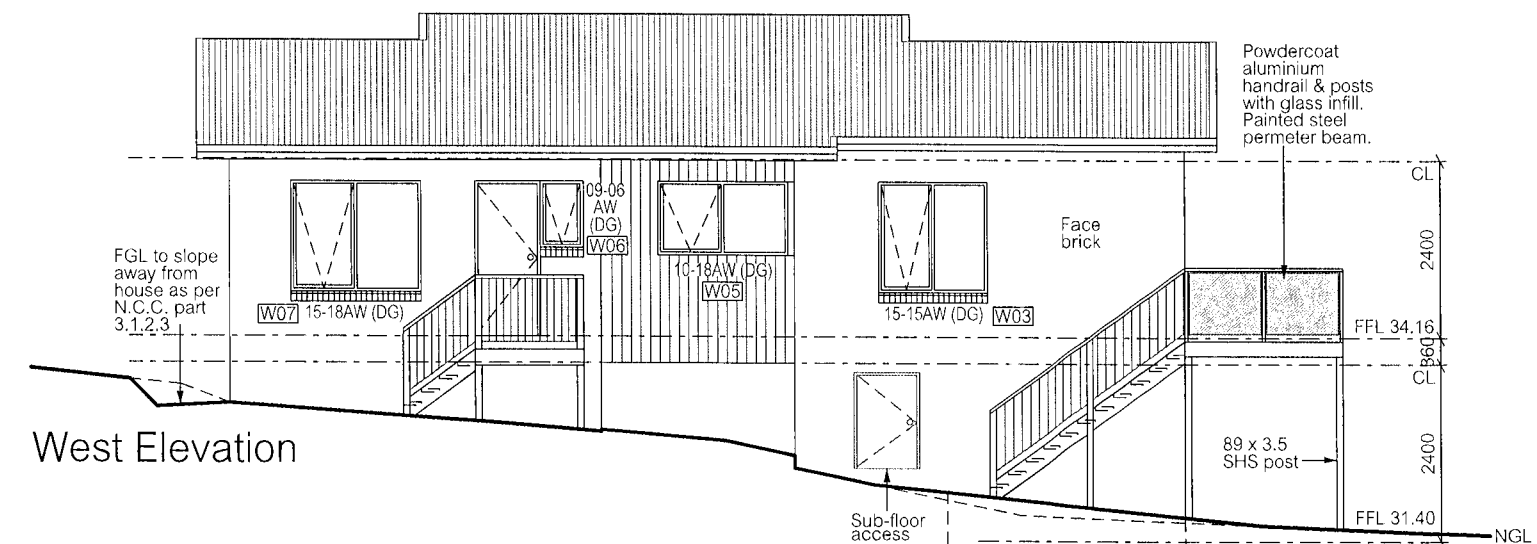
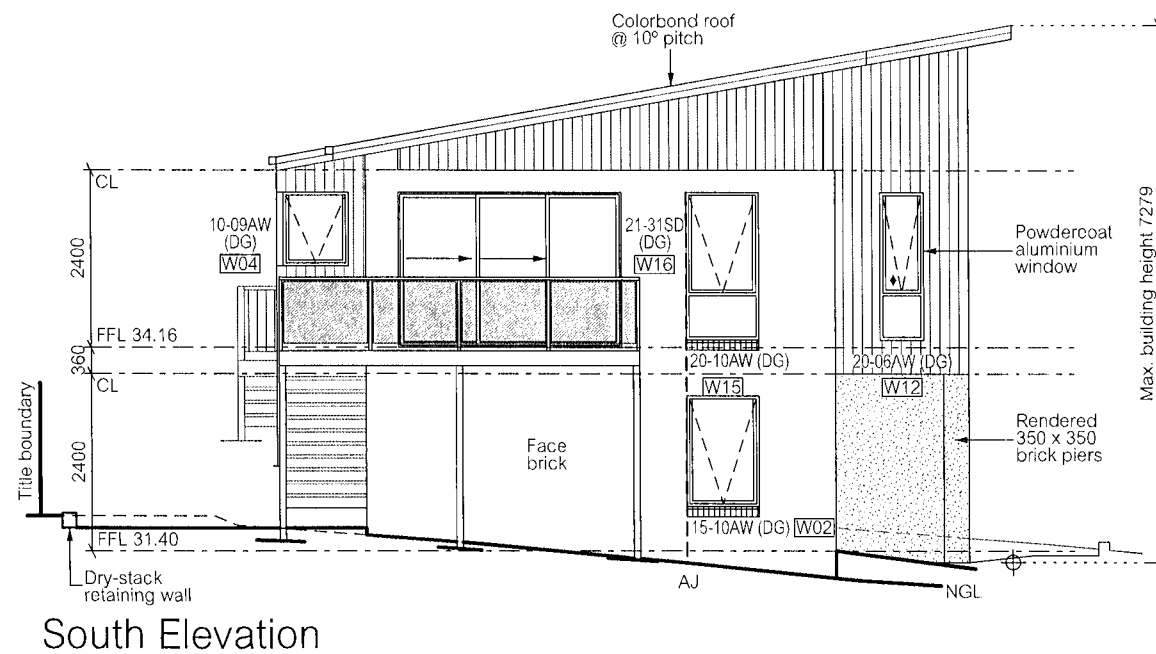
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DRAWING: UNIT 1 FIRST FLOOR PLAN
DATE: 25/05/17
FILE NAME: 1321 DA 170517.dgn
DRAWN BY: CK

DWG No:

02a



Please note:
Ground lines shown have
been drawn based on the
survey, however in some
areas have been interpolated
due to the presence of
existing structures.



REVISION	DATE	DESCRIPTION
A	01 June 2017	Changes as described on Cover Sheet

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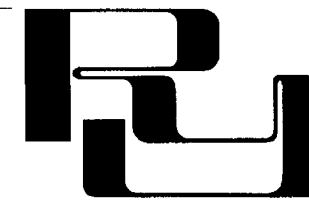
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DATE: 25/05/17
FILE NAME: 1321 DA 170517.dgn
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PROPOSED UNIT DEVELOPMENT FOR GOODMAN & HILL
AT 68 MALUNNA ROAD, LINDISFARNE

Scale 1:100

DWG No:

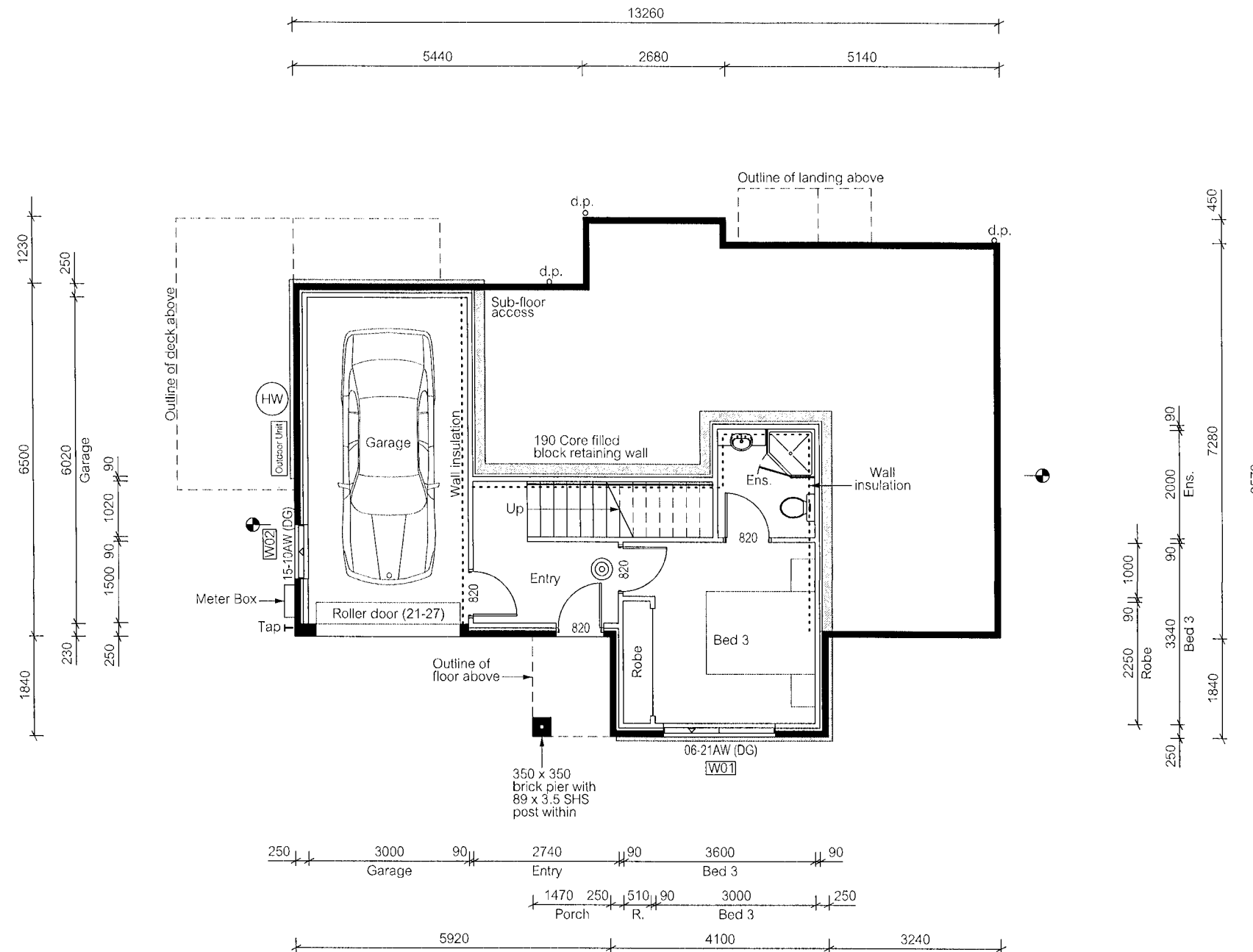
- ARTICULATION JOINT
- SMOKE ALARM



RONALD YOUNG
A.B.N. 52 009 494 446
CNR COLLINS & HARRINGTON STS, HOBART 7000
PHONE: 6234 7633 FAX: 6234 6445
BUILDING - DESIGN - DEVELOPMENT

CO BUILDERS PTY LTD

Floor Area = 50.47 sqm



Scale 1:100

PROPOSED UNIT DEVELOPMENT FOR GOODMAN & HILL AT 68 MALUNNA ROAD, LINDISFARNE

REVISION	DATE	DESCRIPTION
A	01 June 2017	Changes as described on Cover Sheet

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BUILDER JOB NO.: 1811
DRAWING: UNIT 2 GROUND FLOOR PLAN
DATE: 25/05/17
FILE NAME: 1321 DA 170517.dgn
DRAWN BY: CK

DWG No:

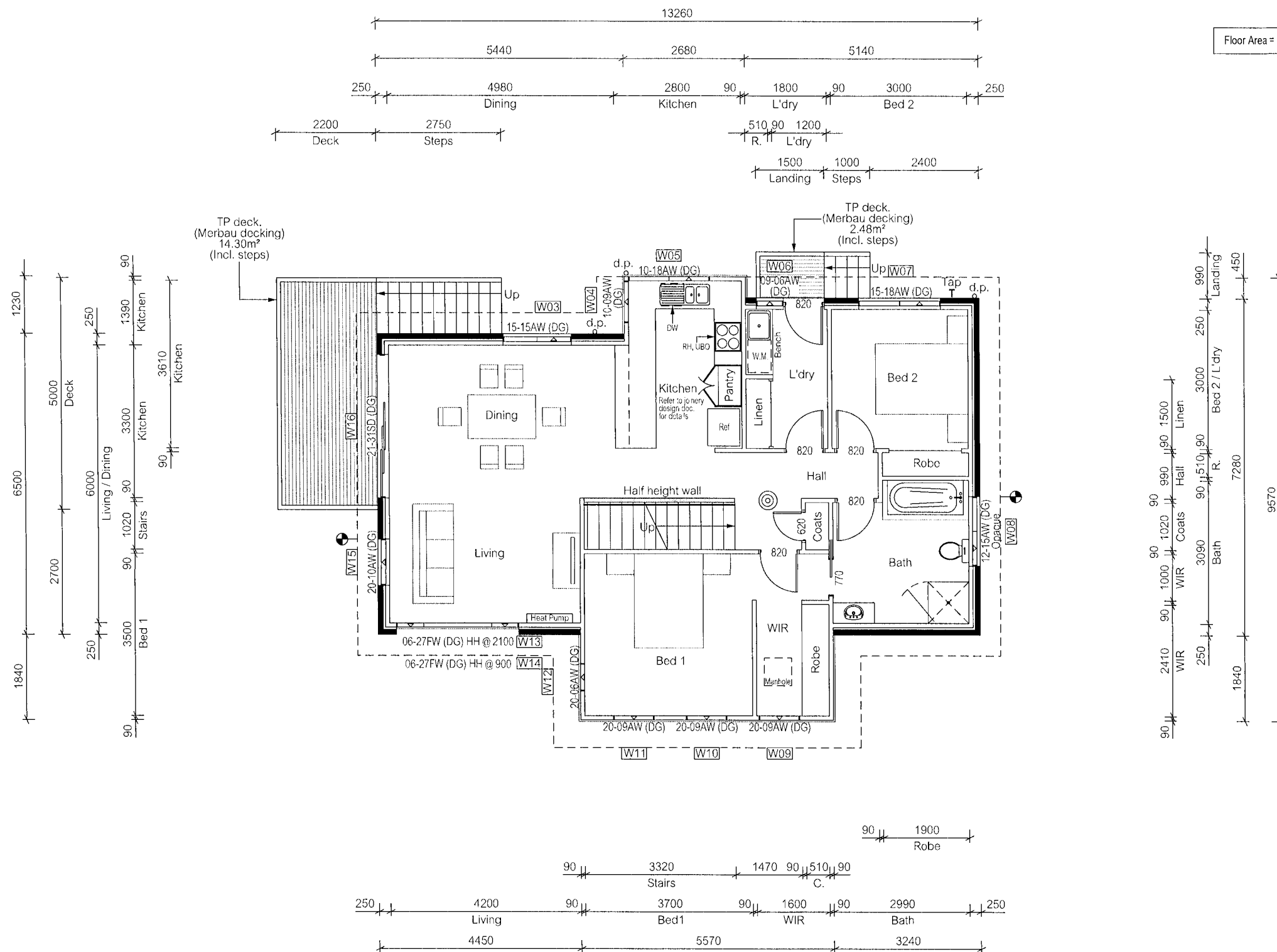
04

- ARTICULATION JOINT
- SMOKE ALARM



RONALD YOUNG
A.B.N. 52 009 494 446
CNR COLLINS & HARRINGTON STS, HOBART 7000
PHONE: 6234 7633 FAX: 6234 6445
BUILDING - DESIGN - DEVELOPMENT

CO BUILDERS LTD



PD4.1 clause 10.4.4
W03, W05 satisfy P1.

Scale 1:100

PROPOSED UNIT DEVELOPMENT FOR GOODMAN & HILL AT 68 MALUNNA ROAD, LINDISFARNE

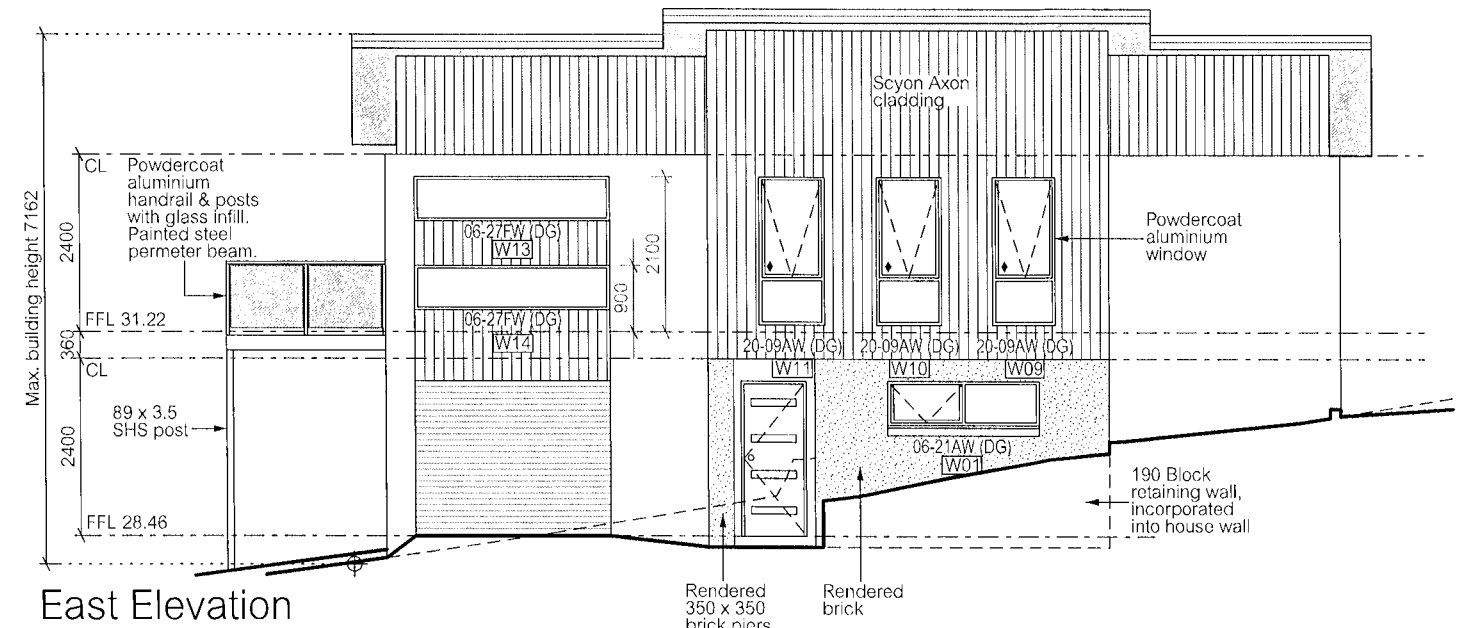
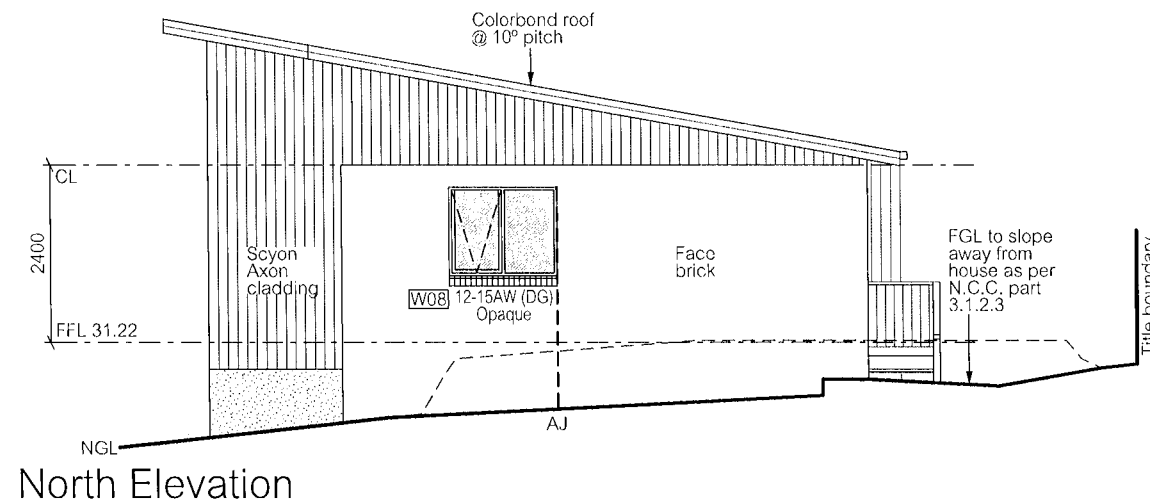
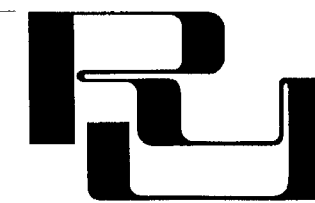
REVISION	DATE	DESCRIPTION
A	01 June 2017	Changes as described on Cover Sheet

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Compliance No. CC102Y

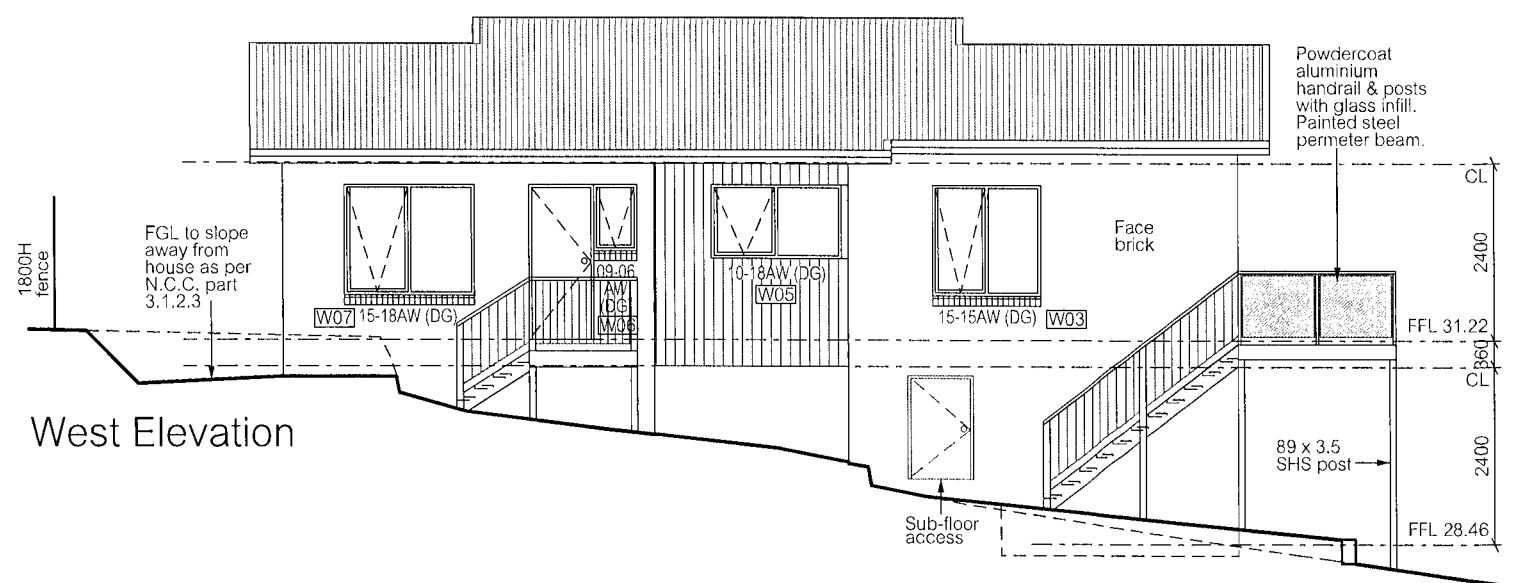
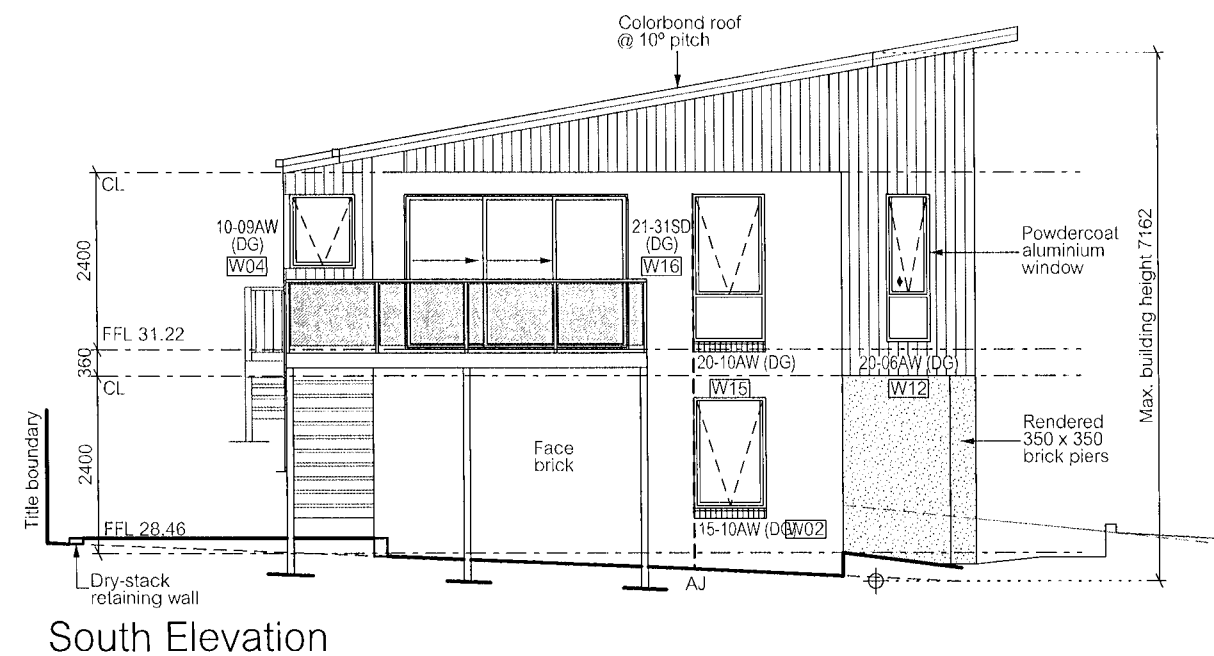
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DRAWING: UNIT 2 FIRST FLOOR PLAN
DATE: 25/05/17
FILE NAME: 1321 DA 170517.dgn
DRAWN BY: CK

DWG No:

04a



♦ - W09 - W12 openability to be restricted as per N.C.C. 3.9.2.5.



REVISION	DATE	DESCRIPTION
A	01 June 2017	Changes as described on Cover Sheet

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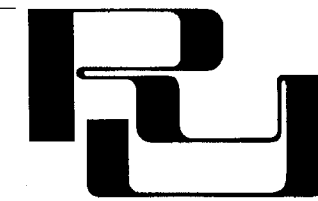
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DRAWING: UNIT 2 ELEVATIONS
DATE: 25/05/17
FILE NAME: 1321 DA 170517.dgn
DRAWN BY: CK

PROPOSED UNIT DEVELOPMENT FOR GOODMAN & HILL
AT 68 MALUNNA ROAD, LINDISFARNE

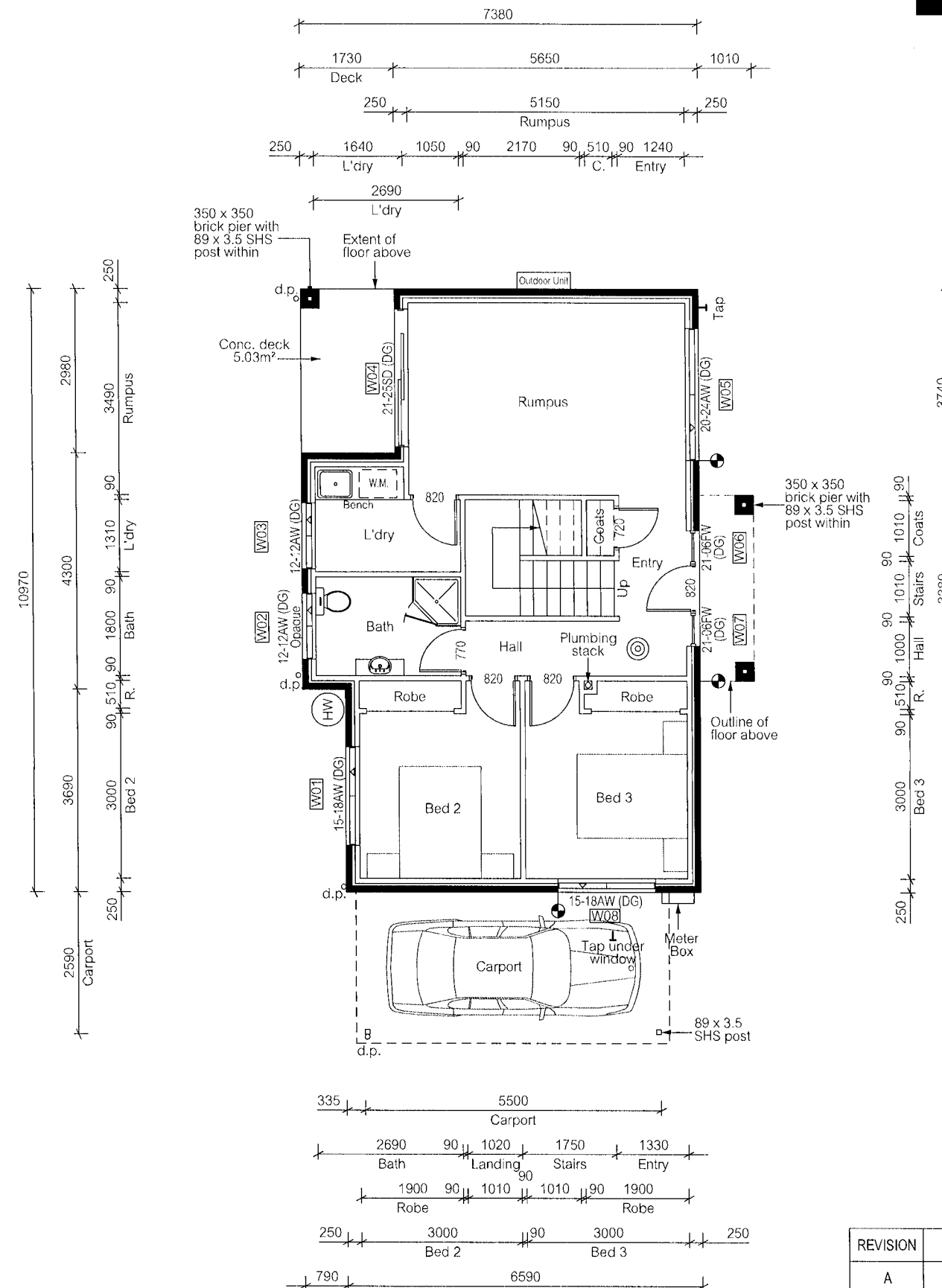
Scale 1:100

DWG No:

- ARTICULATION JOINT
- SMOKE ALARM



Floor Area = 72.89 sqm



PD4.1 clause 10.4.4
W12, W13 satisfy A1.

Scale 1:100

PROPOSED UNIT DEVELOPMENT FOR GOODMAN & HILL AT 68 MALUNNA ROAD, LINDISFARNE

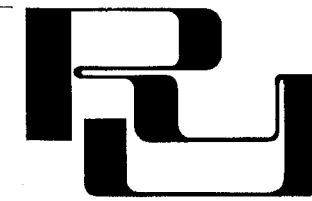
REVISION	DATE	DESCRIPTION
A	01 June 2017	Changes as described on Cover Sheet
B	06 December 2017	Changes as described on Cover Sheet

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BUILDER JOB NO.: 1811
DRAWING: UNIT 3 GROUND FLOOR PLAN
DATE: 25/05/17
FILE NAME: 1321 DA 170517.dgn
DRAWN BY: CK

DWG No:

- ARTICULATION JOINT
- SMOKE ALARM



RONALD YOUNG

A.B.N. 52 009 494 446

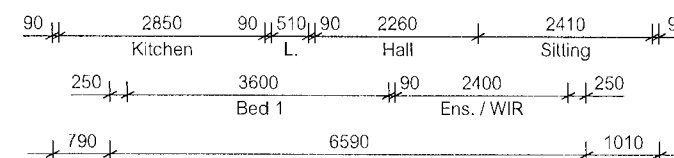
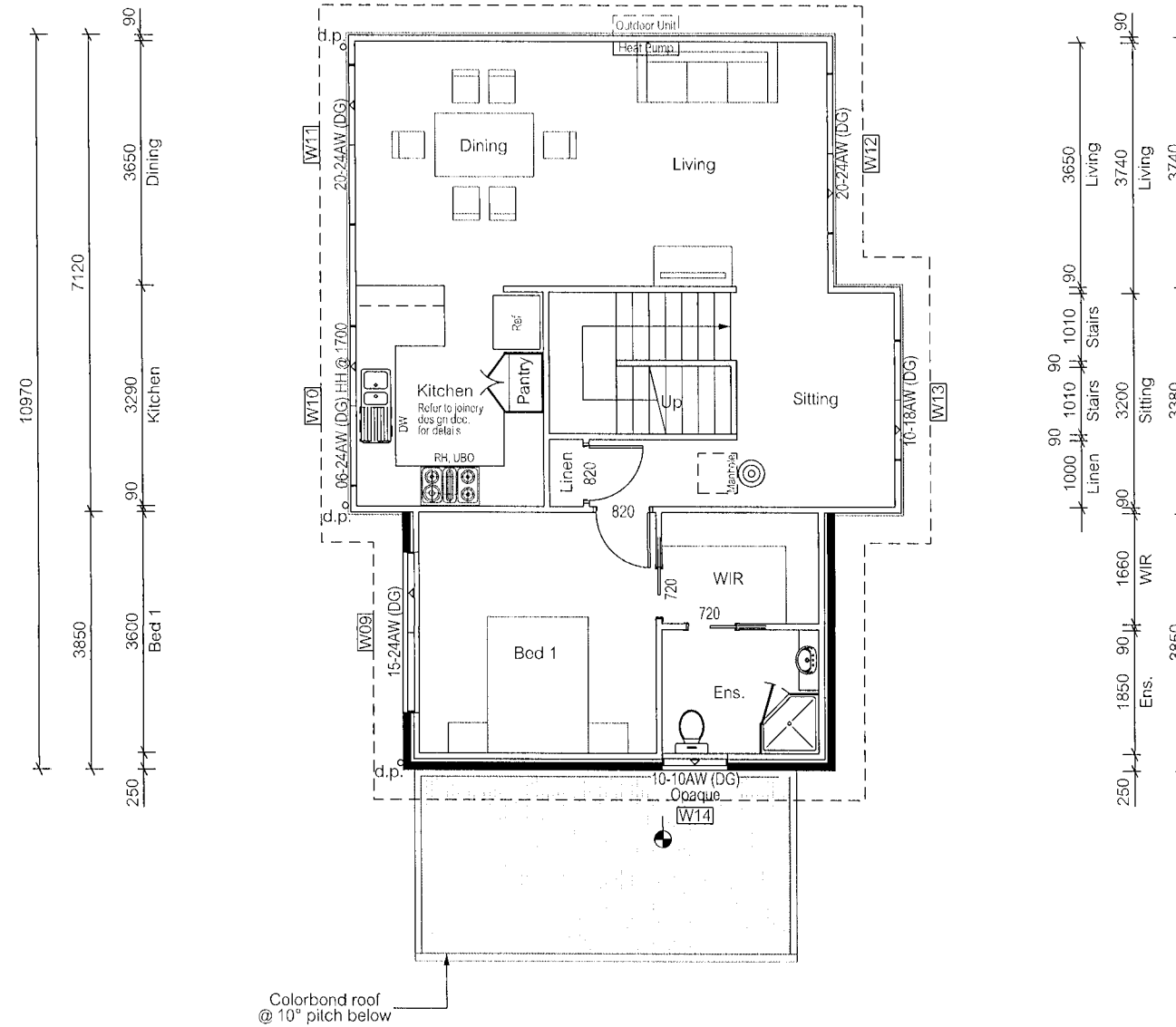
CNR COLLINS & HARRINGTON STS, HOBART 7000

PHONE: 6234 7633 FAX: 6234 6445

BUILDING - DESIGN - DEVELOPMENT

CO BUILDERS PTY

Floor Area = 81.33 sqm



PD4.1 clause 10.4.4
W12, W13 satisfy A1.

Scale 1:100

PROPOSED UNIT DEVELOPMENT FOR GOODMAN & HILL AT 68 MALUNNA ROAD, LINDISFARNE

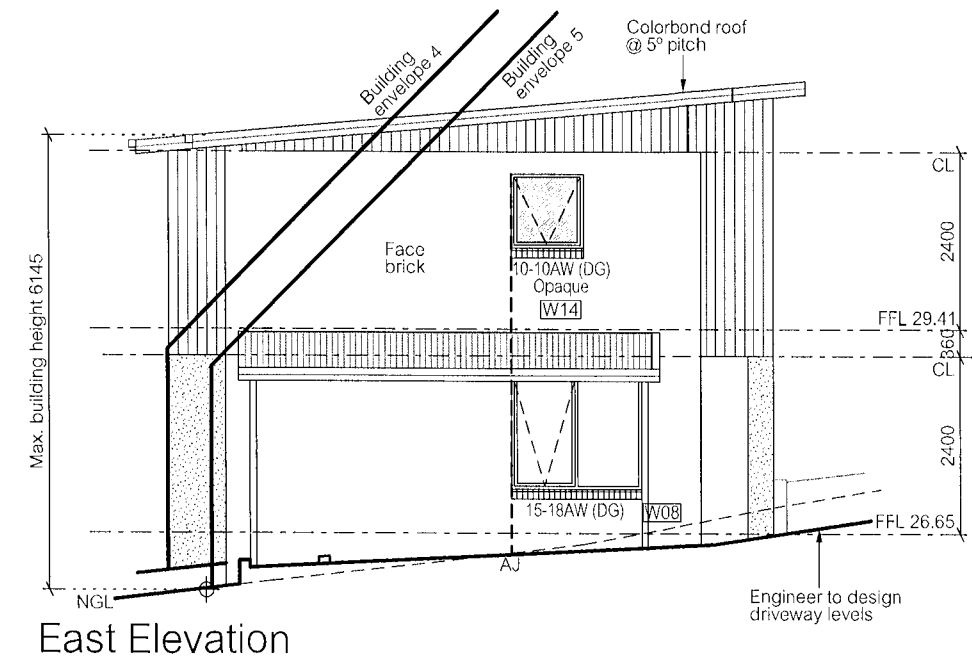
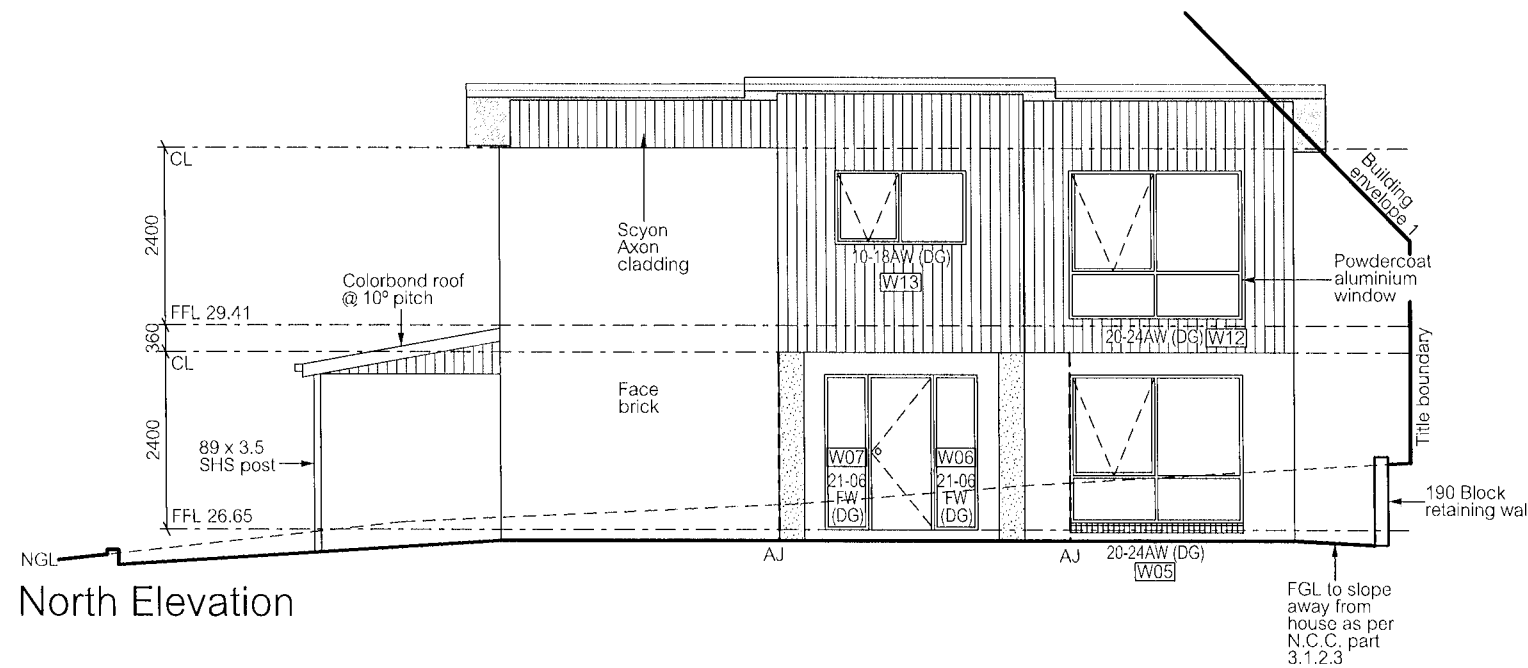
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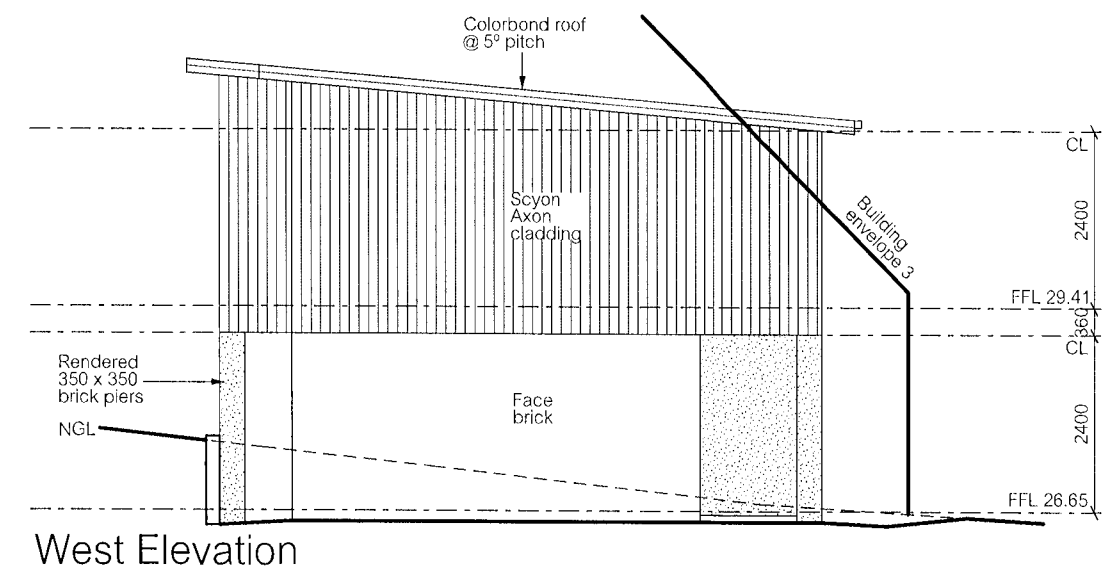
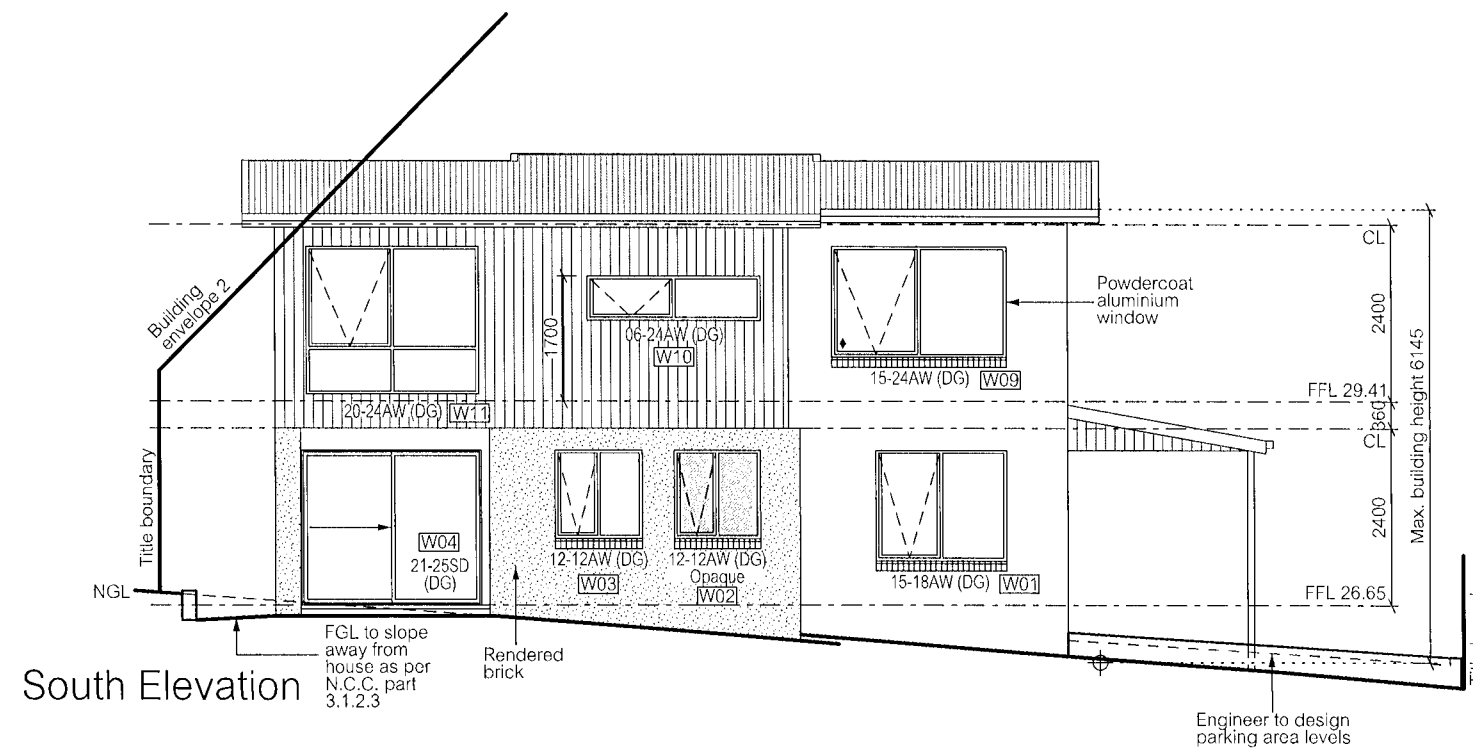
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DRAWING: UNIT 3 FIRST FLOOR PLAN
DATE: 25/05/17
FILE NAME: 1321 DA 170517.dgn
DRAWN BY: CK

DWG No:

06a



♦ - W09 openability to be restricted as per N.C.C. 3.9.2.5.



REVISION	DATE	DESCRIPTION
A	01 June 2017	Changes as described on Cover Sheet
B	06 December 2017	Changes as described on Cover Sheet

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BUILDER JOB NO.: 1811
DRAWING: UNIT 3 ELEVATIONS
DATE: 25/05/17
FILE NAME: 1321 DA 170517.dgn
DRAWN BY: CK

Scale 1:100

PROPOSED UNIT DEVELOPMENT FOR GOODMAN & HILL
AT 68 MALUNNA ROAD, LINDISFARNE

DWG No:

68 Malunna Road, LINDISFARNE



Site viewed from Malunna Road, looking southwest



Rear of site viewed from Malunna Road, looking south towards East Derwent Highway

Attachment 4

NOTES

- LATITUDE: -42° 51'
LONGITUDE: 147°22'
- No allowance for surrounding topography, trees, structures or fences
- Terrain surface derived from detail survey / LIDAR.



21/06/2017 9:00:00 AM



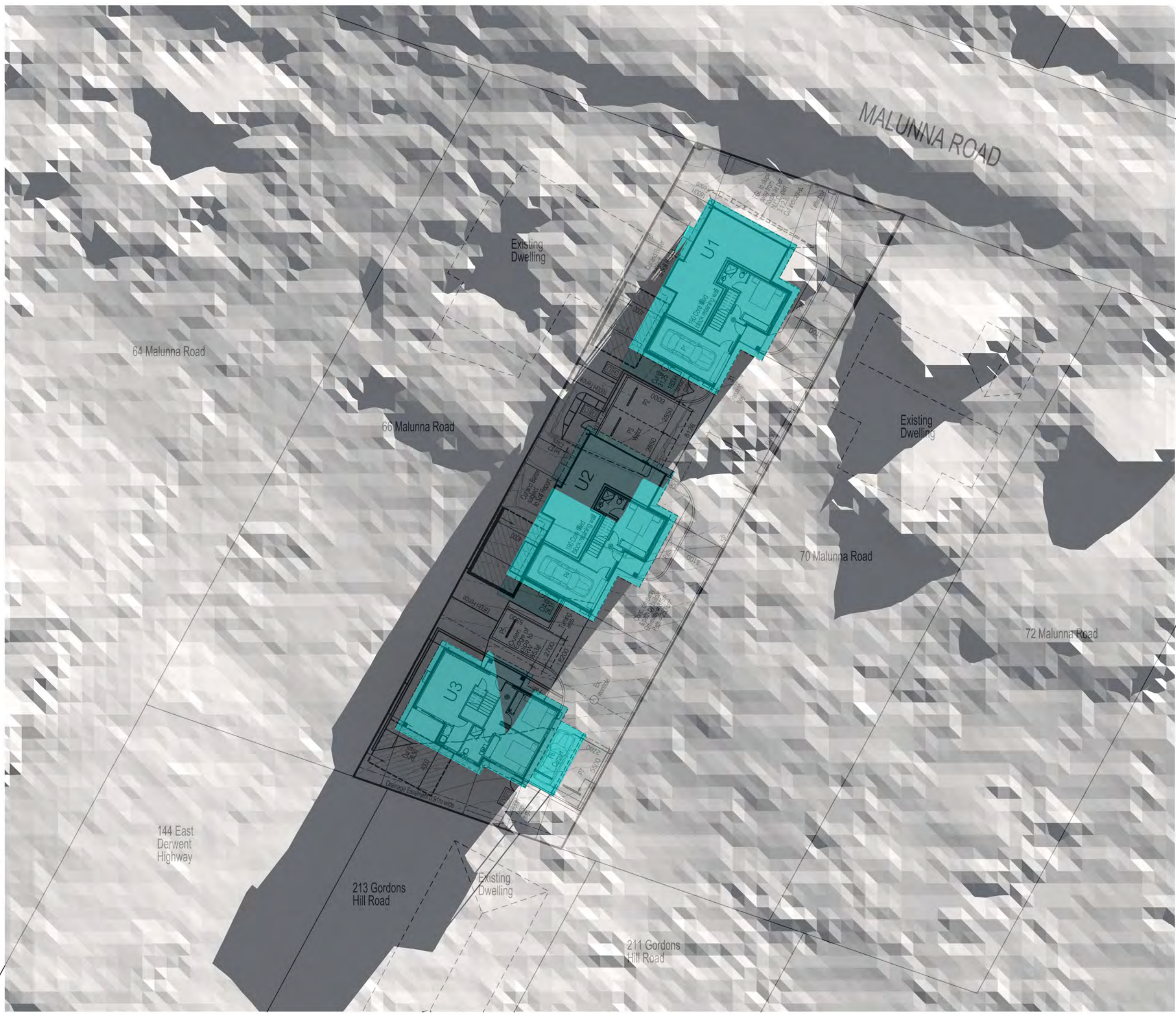
Solar Exposure Diagrams Prepared By:
Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SOLAR EXPOSURE DIAGRAM
UNIT DEVELOPMENT (3 UNITS)
68 MALUNNA ROAD
LINDISFARNE

SOLAR EXPOSURE DIAGRAM
June 21st 9.00am - 3.00pm

Drawn	AS	AP2017-1321
Date	V1 22 November 2017	Sheet
Scale	1:300 (A3)	



- NOTES
- LATITUDE: -42° 51'
LONGITUDE: 147°22'
 - No allowance for surrounding topography, trees, structures or fences
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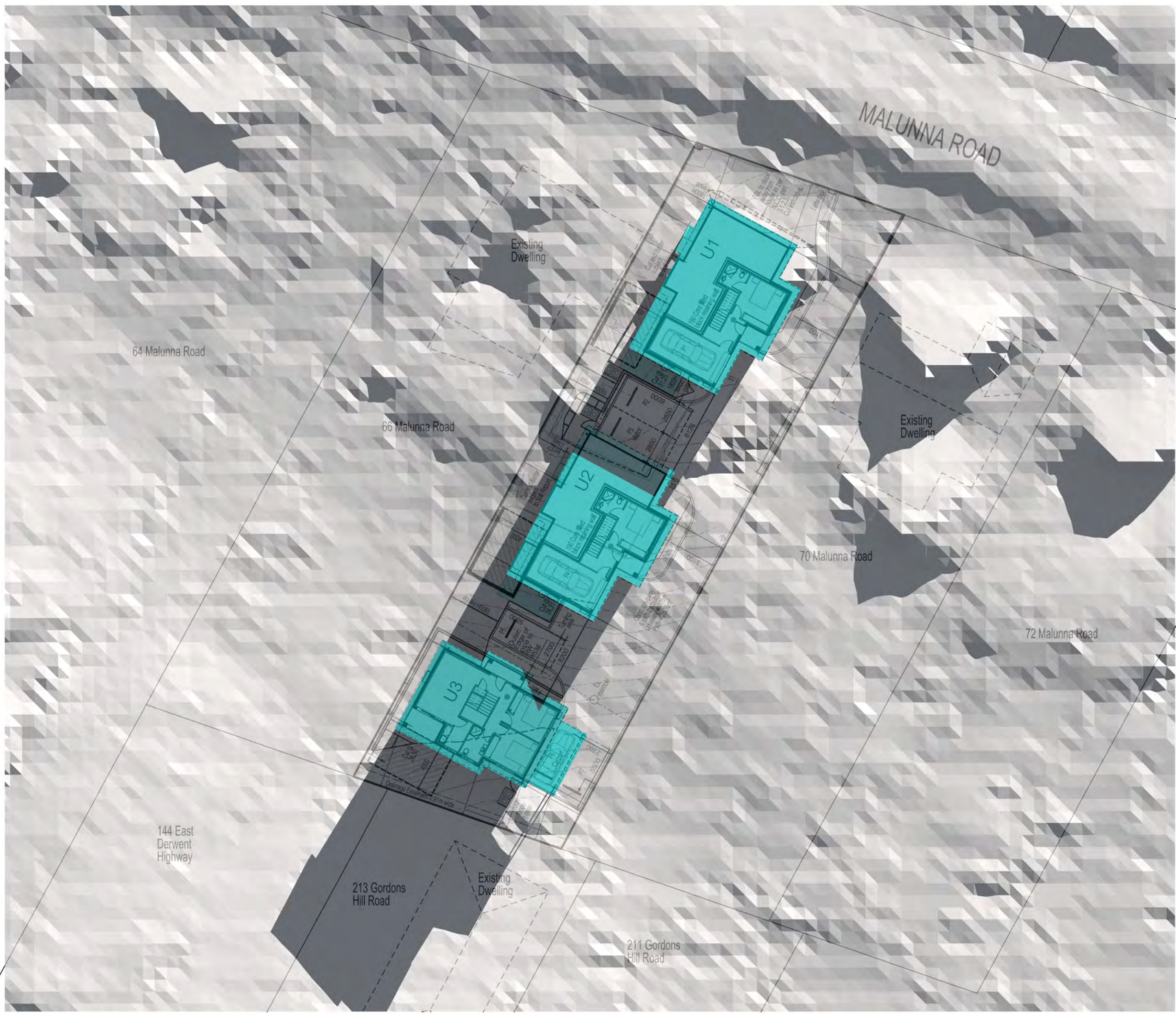
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Solar Exposure Diagrams Prepared By:
Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SOLAR EXPOSURE DIAGRAM UNIT DEVELOPMENT (3 UNITS) 68 MALUNNA ROAD LINDISFARNE		
SOLAR EXPOSURE DIAGRAM June 21st 9.00am - 3.00pm		
Drawn	AS	AP2017-1321
Date	V1 22 November 2017	Sheet
Scale	1:300 (A3)	



- NOTES
- LATITUDE: -42° 51'
LONGITUDE: 147°22'
 - No allowance for surrounding topography, trees, structures or fences
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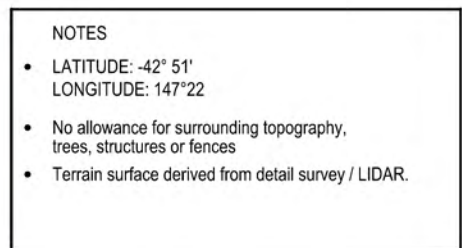


Solar Exposure Diagrams Prepared By:
Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SOLAR EXPOSURE DIAGRAM
UNIT DEVELOPMENT (3 UNITS)
68 MALUNNA ROAD
LINDISFARNE

SOLAR EXPOSURE DIAGRAM June 21st 9.00am - 3.00pm		
Drawn	AS	AP2017-1321
Date	V1 22 November 2017	Sheet
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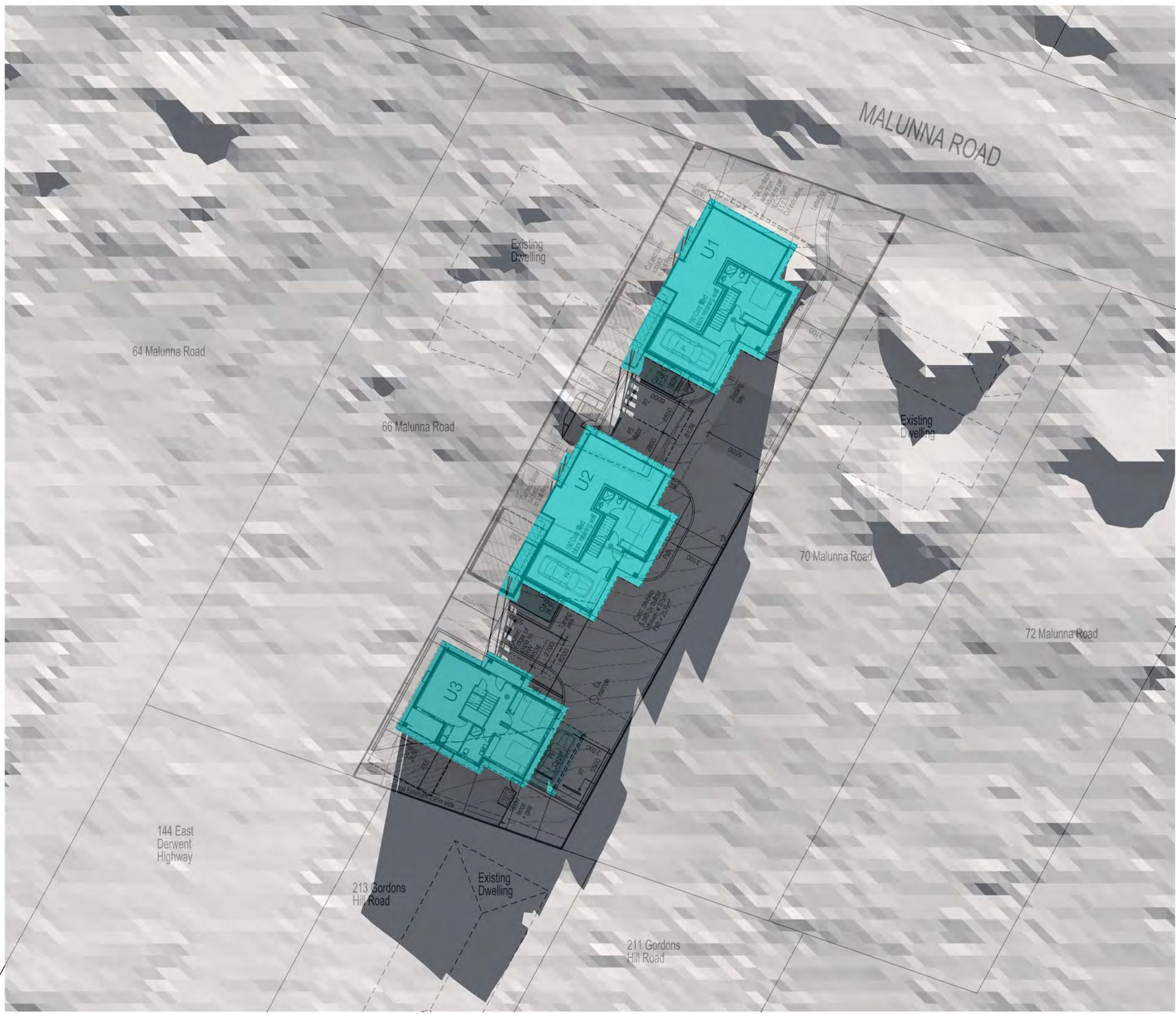


Solar Exposure Diagrams Prepared By:
Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SOLAR EXPOSURE DIAGRAM
UNIT DEVELOPMENT (3 UNITS)
68 MALUNNA ROAD
LINDISFARNE

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Drawn	AS	AP2017-1321
Date	V1 22 November 2017	Sheet
Scale	1:300 (A3)	



- NOTES
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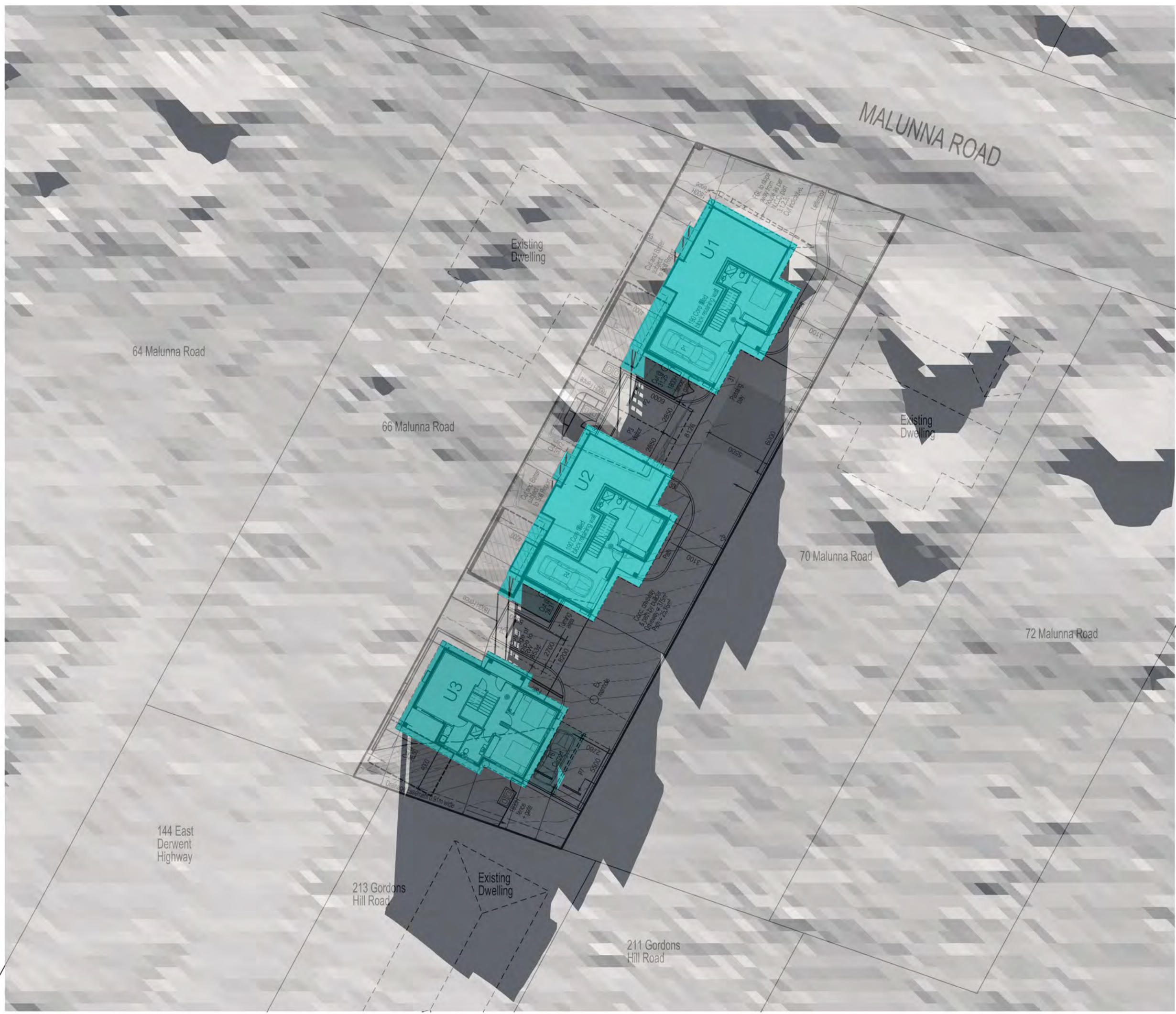


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Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SOLAR EXPOSURE DIAGRAM
UNIT DEVELOPMENT (3 UNITS)
68 MALUNNA ROAD
LINDISFARNE

SOLAR EXPOSURE DIAGRAM June 21st 9.00am - 3.00pm		
Drawn	AS	AP2017-1321
Date	V1 22 November 2017	Sheet
Scale	1:300 (A3)	



- NOTES
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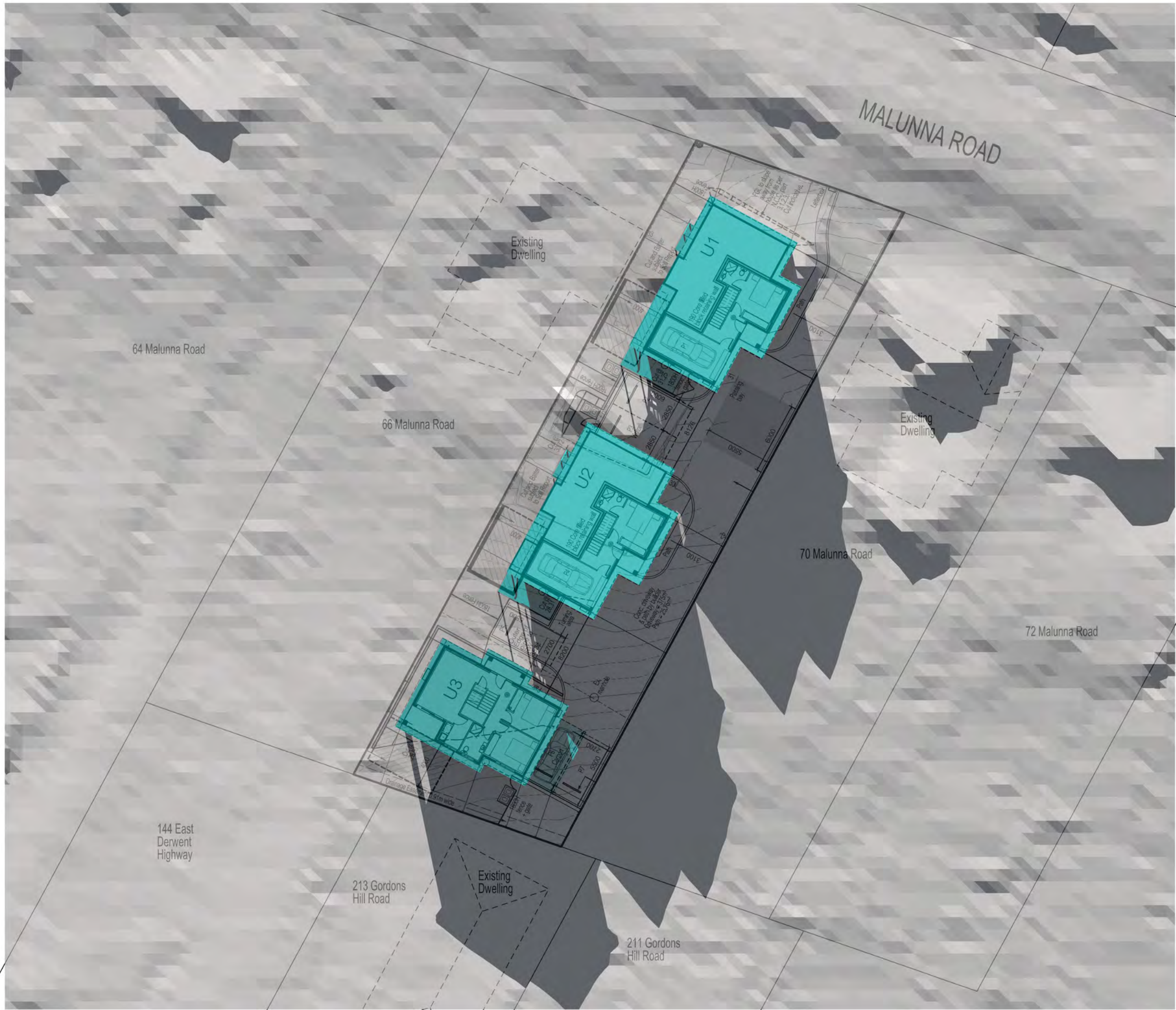


Solar Exposure Diagrams Prepared By:
Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SOLAR EXPOSURE DIAGRAM
UNIT DEVELOPMENT (3 UNITS)
68 MALUNNA ROAD
LINDISFARNE

SOLAR EXPOSURE DIAGRAM June 21st 9.00am - 3.00pm		
Drawn	AS	AP2017-1321
Date	V1 22 November 2017	Sheet
Scale	1:300 (A3)	



NOTES

- LATITUDE: -42° 51'
LONGITUDE: 147°22'
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21/06/2017 1:00:00 PM



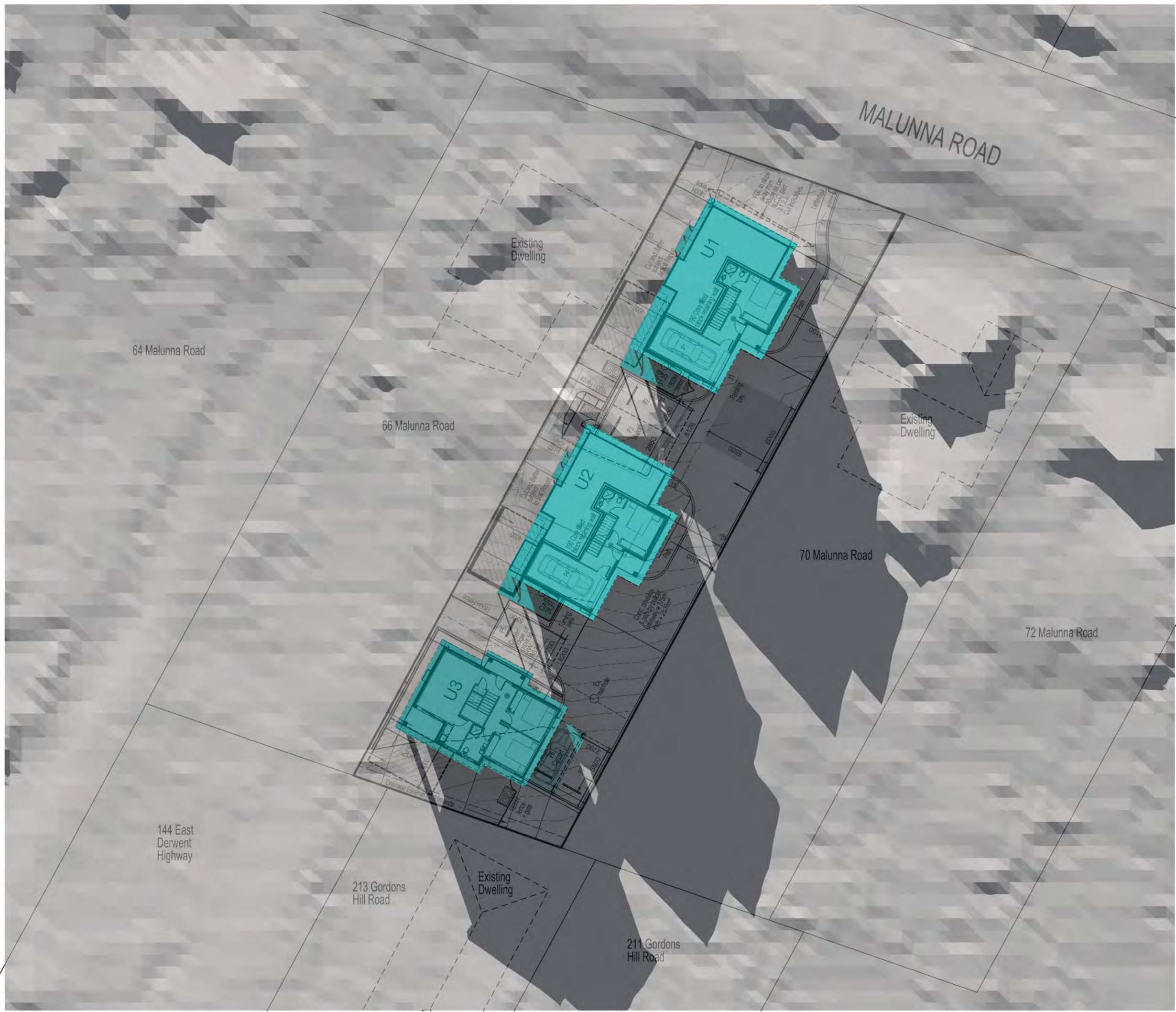
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North Hobart TAS 7000



SOLAR EXPOSURE DIAGRAM
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68 MALUNNA ROAD
LINDISFARNE

SOLAR EXPOSURE DIAGRAM
June 21st 9.00am - 3.00pm

Drawn	AS	AP2017-1321
Date	V1 22 November 2017	Sheet
Scale	1:300 (A3)	



NOTES

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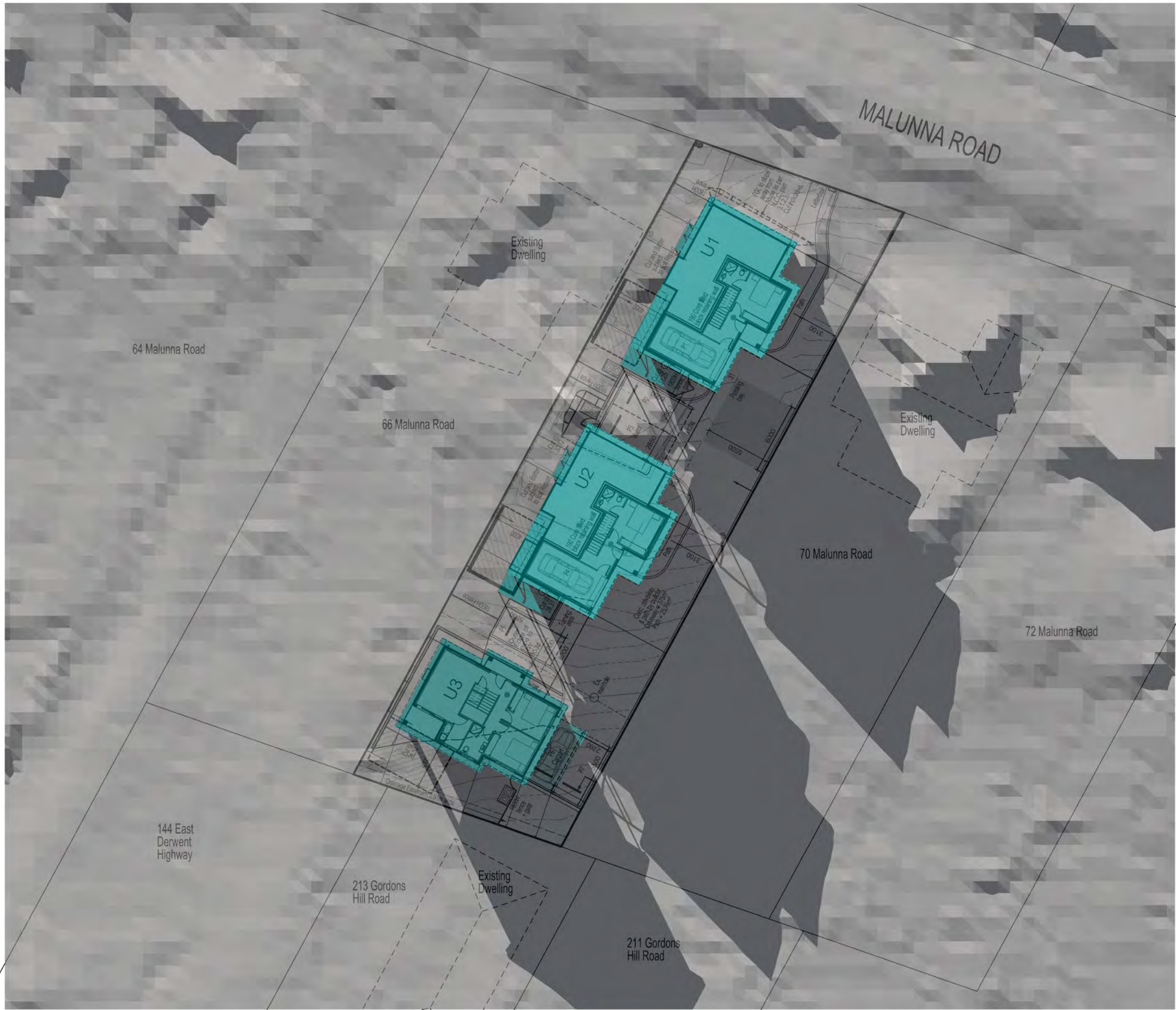
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Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SOLAR EXPOSURE DIAGRAM
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68 MALUNNA ROAD
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June 21st 9.00am - 3.00pm

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Scale	1:300 (A3)	



- NOTES
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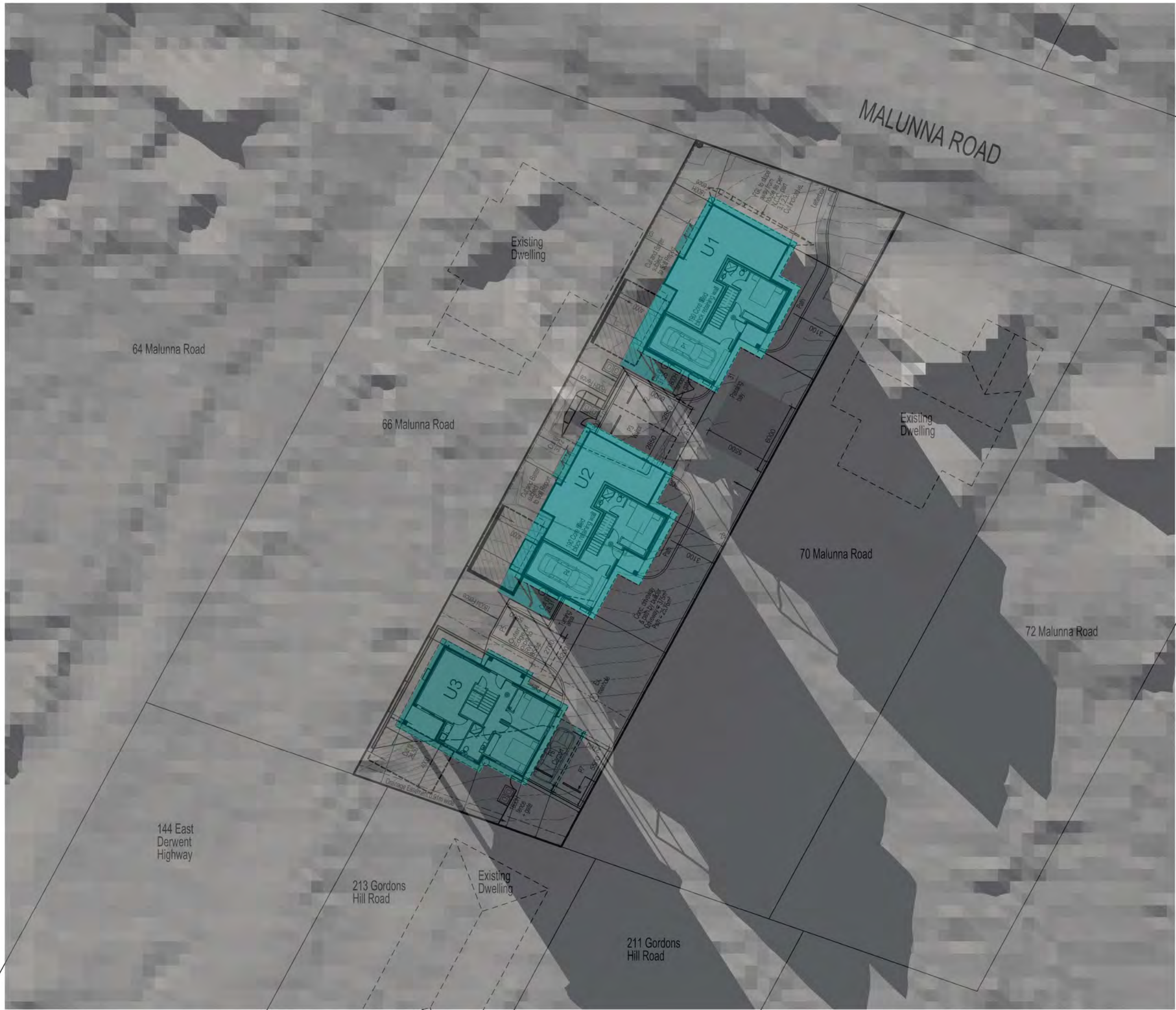


Solar Exposure Diagrams Prepared By:
Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SOLAR EXPOSURE DIAGRAM
UNIT DEVELOPMENT (3 UNITS)
68 MALUNNA ROAD
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Drawn	AS	AP2017-1321
Date	V1 22 November 2017	Sheet
Scale	1:300 (A3)	



NOTES

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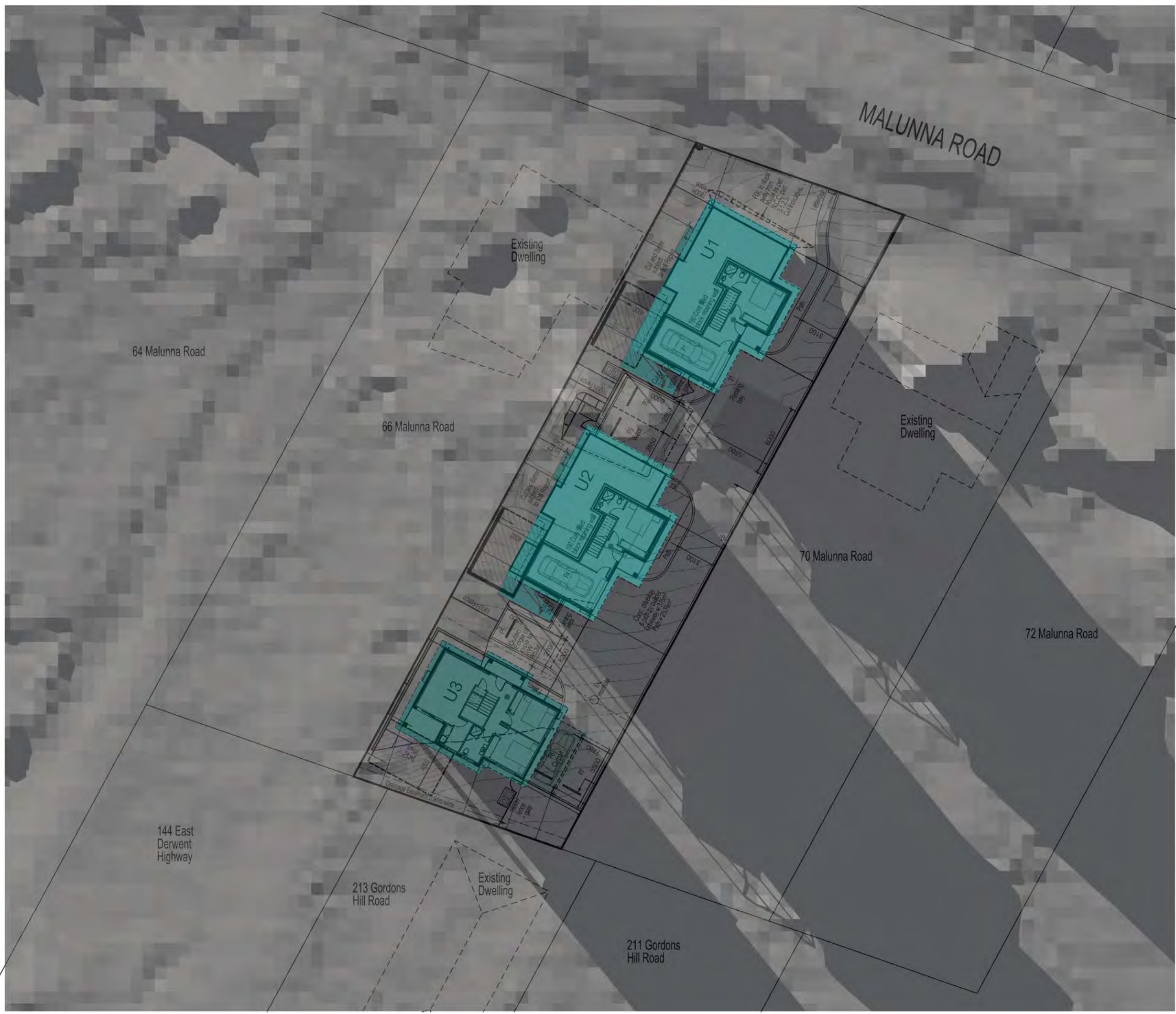
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Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SOLAR EXPOSURE DIAGRAM
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68 MALUNNA ROAD
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June 21st 9.00am - 3.00pm

Drawn	AS	AP2017-1321
Date	V1 22 November 2017	Sheet
Scale	1:300 (A3)	



NOTES

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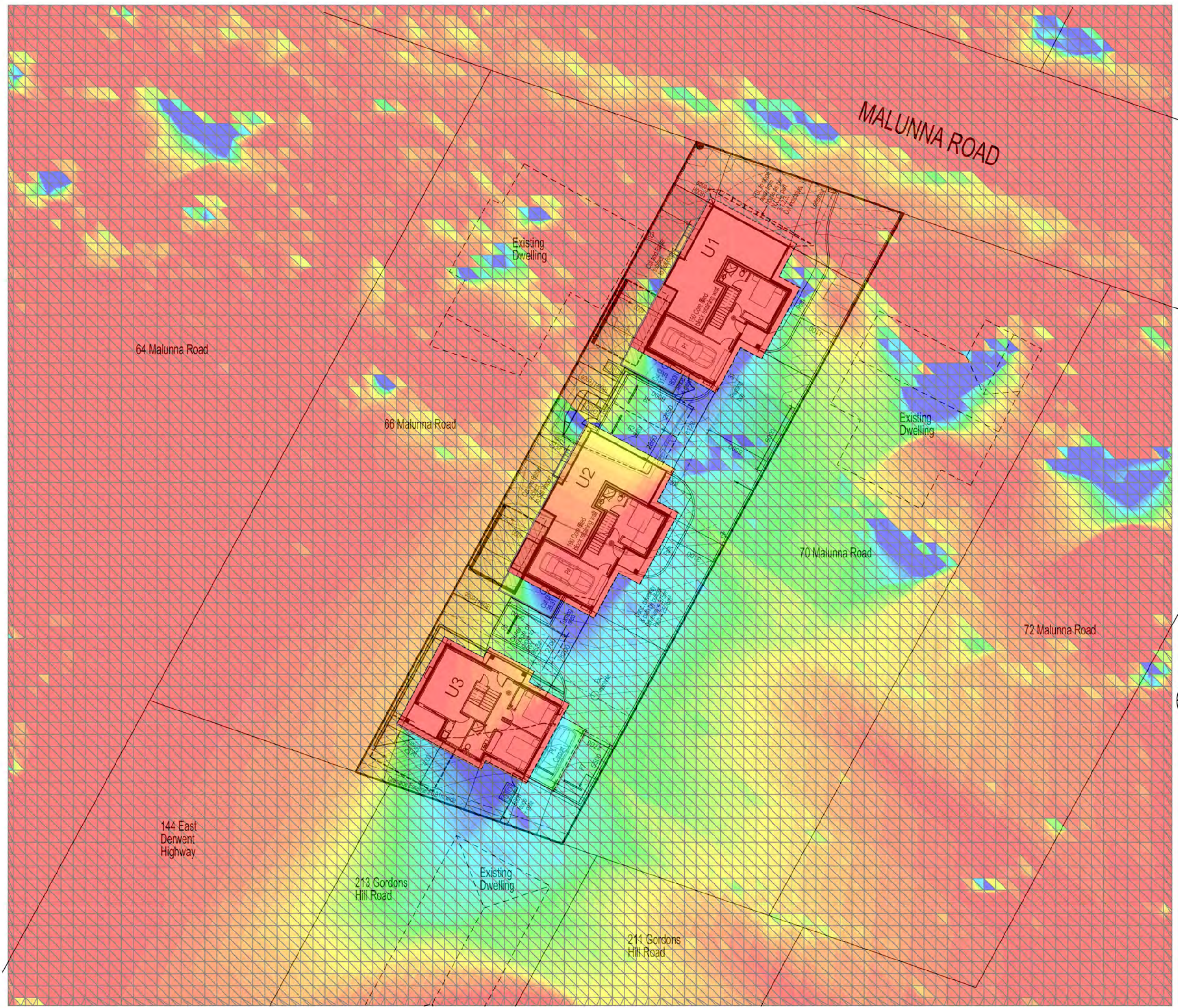
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Another Perspective Pty Ltd
Level 1, Biggins Building
67 Letitia Street
North Hobart TAS 7000



SOLAR EXPOSURE DIAGRAM
UNIT DEVELOPMENT (3 UNITS)
68 MALUNNA ROAD
LINDISFARNE

SOLAR EXPOSURE DIAGRAM
June 21st 9.00am - 3.00pm

Drawn	AS	AP2017-1321
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Another Perspective Pty Ltd
Level 1, Biggins Building
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68 MALUNNA ROAD
LINDISFARNE

SOLAR EXPOSURE DIAGRAM
June 21st 9.00am - 3.00pm

Drawn	AS	AP2017-1321
Date	V1 22 November 2017	Sheet
Scale	1:300 (A3)	

11.3.8 DEVELOPMENT APPLICATION D-2017/580 - 9 GUNNING STREET, RICHMOND - INTERNAL AND EXTERNAL BUILDING ALTERATIONS (FOR VISITOR ACCOMMODATION)
(File No D-2017/580)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for internal and external building alterations (for the purposes of visitor accommodation) at 9 Gunning Street, Richmond.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires with the written consent of the applicant on 7 February 2018.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 6 representations were received raising the following issues:

- accuracy of plans;
- lack of supporting documentation;
- noise;
- privacy;
- lighting;
- structural failing;
- impact upon Heritage Place, and townscape;
- access for works;
- safety; and
- alternative uses/designs.

RECOMMENDATION:

- A. That the Development Application for internal and external building alterations (for visitor accommodation) at 9 Gunning Street, Richmond (CI Ref D-2017/580) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. The development must meet all required Conditions of Approval specified by Notice of Heritage Decision dated 19 January 2018 (07-66-41 THC).
 3. The development must meet all required Conditions of Approval specified by TasWater notice dated 8 December 2017 (TWDA 2017/01960-CCC).

ADVICE

- A. The Building Assessment Form, attached to the Associated Report, is to be completed and provided to Council prior to commencement of the use of the site for visitor accommodation.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT**1. BACKGROUND**

The most recent approvals granted for works at the subject property are for additions to the heritage-listed dwelling, approved by Council under D-2000/241 in November 2000 and the associated building permit B-2000/584.

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 certain Acceptable Solutions under the Scheme.

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10.0 – General Residential Zone;
- Section E6.0 – Parking and Access; 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 parcel has a land area of 2605m², and has 43.89m frontage and vehicular access onto Gunning Street. The site is generally level and supports 2 heritage listed buildings, being the Former Sawyers Arms and associated stable building, which is the subject of this application. Established landscaped gardens surround both structures.

The surrounding area is similarly zoned General Residential and is characterised by single detached dwellings located within the established residential area at Richmond.

3.2. The Proposal

The proposal is for internal and external building alterations (for the purposes of visitor accommodation) to the existing stable building on the subject property. The proposed internal works would provide for a 2 bedroom configuration, for use by a single family or group.

The building alterations proposed are summarised (by the proposal plans in the attachments) as follows:

- removal of non-original river stone and pebble cobbled floor and replace with concrete floor;
- removal of existing, partially damaged floor joists but retain existing penetrations into the brick wall;
- removal non original concrete floor and replace with sandstone flags to match existing;
- removal of carpet and concrete substrate and replace with new concrete floor to allow new in slab services;
- retention of portion of manger, and part removal;
- removal of non-original particle board throughout;
- removal of existing roof sheet to allow for proposed skylight, whilst retaining roof structure;
- construction of internal walls, stairs and associated amenities for 2 level, 2 bedroom visitor accommodation facility;
- construction of a paved 16m² terrace to west of building, to be screened by a brick privacy screen of 2.86m in height where adjacent the terrace and to re-use bricks retained from partial demolition;
- installation of multi-pane window on northern elevation to match existing;
- installation of proposed flue on northern elevation;
- installation of proposed steel frame to support glass sliding door on western elevation, to terrace;
- gravel 2 car parking area to be developed to west of the stable building, and minor modification of the existing gravel driveway; and
- installation of associated new gutters and downpipes where required.

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

- **Interim Planning Directive No 2**

The Interim Planning Directive No. 2 – Exemption and Standards for Visitor Accommodation in Planning Schemes was issued on 1 July 2017 and provides certain exemptions for visitor accommodation.

The applicant has submitted that it is intended to operate the visitor accommodation as “Air BnB” style accommodation, which would be available throughout the year and supported by the owners of the property residing within the main dwelling. On this basis, the Planning Directive provides that the proposed use of the stable building as visitor accommodation is exempt from requiring a planning permit.

The use of the stable building for visitor accommodation would meet the relevant acceptable solutions of the Interim Planning Directive (IPD) as follows.

Clause	Standard	Acceptable Solution	Proposed
IPD Clause 3.1 A1	Visitor Accommodation	Visitor Accommodation: (a) guests are accommodated in existing buildings; and	complies

		(b) has a gross floor area of not more than 300m ² .	Complies – existing floor area of 81.84m ² .
--	--	---	---

- **Clarence Interim Planning Scheme 2015**

The proposed internal and external building works meet the Scheme's relevant Acceptable Solutions of the General Residential Zone and Parking and Access and Historic Heritage Codes with the exception of the following.

General Residential Zone

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

		(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).	Does not comply – total proposed wall length of 16.87m, with 3.0m brick privacy screen for terrace area to west of building.
--	--	---	--

The proposed variation must be considered pursuant to the Performance Criteria (P3) of the Clause 10.4.2 for the following reasons.

Performance Criteria	Comment
<i>“P3 – The siting of a dwelling must: (c) not cause any unreasonable loss of amenity by:</i>	see below
<i>(ix) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i>	The proposal plans show the location of the proposed brick privacy screen in relation to the southern property boundary. The adjacent dwelling at 7 Gunning Street is located to the south-west of the proposed brick screen, and separated by a distance of 6.0m to the south-west. On the basis that overshadowing of the neighbouring dwelling to the south would not occur, diagrams illustrating the extent of shadows likely to be cast at Winter Solstice were not required. The impact would not cause an unreasonable (or any) impact on the residential amenity of the neighbouring dwelling by loss of sunlight.
<i>(x) overshadowing the private open space of a dwelling on an adjoining lot; or</i>	In relation to 7 Gunning Street, overshadowing of part of the private open space to the east of the dwelling would occur at Winter Solstice. The additional impact would be limited to a 3.0m section of the existing garden of 7 Gunning Street, noting that this parcel has an area of 1075m ² and the dwelling is on the western part of the lot. The impact upon solar access to the outdoor living areas would therefore be reasonable, in that the lot is sufficiently large to retain substantial and useable areas of private open space for residential use.

<i>(xi) overshadowing of an adjoining vacant lot; or</i>	not relevant
<i>(xii) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	<p>The proposed 2.87m brick screen would have a length of 3.0m, and create a total wall length of 16.87m where adjacent the southern boundary. The proposed finish would be using the same brick as the existing wall, and would be substantially lower than the existing wall height of the stable building – at 3.7m.</p> <p>The visual impact of the proposed brick screen is considered reasonable, in that the height would be substantially less than the existing barn wall and consistent with the existing boundary wall finish. It is considered that the variation to the building envelope is relatively minor in relation to overall wall length and for the above reasons; it is considered that the proposal would not cause a loss of amenity to the adjoining properties through visual bulk and scale of the development.</p>
<i>(d) provide separation between dwellings on an adjoining lot that is compatible with that prevailing in the surrounding area”.</i>	The proposed brick screen would be a screen only, and separated from the adjacent building to the southwest when viewed from Gunning Street.

Historic Heritage Code

Clause	Standard	Acceptable Solution	Proposed
E13.7.2 A1, A2, A3	Building and Works other than Demolition	No acceptable solution	as previously described

The proposed variation must be considered pursuant to the Performance Criteria P1, P2, P3 and P4 of the Clause E13.7.2 as follows.

Performance Criteria	Proposal
<p><i>“P1 Development must not result in any of the following:</i></p> <p><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></p> <p><i>(b) substantial diminution of the historic cultural heritage significance 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></p>	<p>Council’s Heritage Adviser has assessed the application and considers that the proposed works are complimentary to the cultural heritage values of the subject property.</p> <p>The proposal is considered to be of appropriate scale and form against the existing brick structure and building features, and as the works documented would have only minor impacts to the existing heritage fabric. Council’s Heritage Adviser supports the proposal on the basis that it is an appropriate response to adaptive re-use of an existing heritage place.</p> <p>The proposal has been designed to preserve the existing building and the works do not necessitate removal of any vegetation that surrounds and supports the site.</p> <p>The proposal would largely not alter the appearance of the site when viewed from Gunning Street, which is screened from view by extensive landscaping. There would therefore be no significant impact or conflict with the heritage significance of the site when viewed from the street.</p>
<p><i>P2 Development must be designed to be subservient and complementary to the place through characteristics including:</i></p> <p><i>(a) scale and bulk, materials, built form and fenestration;</i></p> <p><i>(b) setback from frontage;</i></p> <p><i>(c) siting with respect to buildings, structures and listed elements;</i></p> <p><i>(d) using less dominant materials and colours.</i></p>	<p>The proposal is considered complimentary to the cultural heritage values of the subject property. The proposed works are considered appropriate in terms of the minor external changes proposed, and would retain the existing appearance of both buildings and surrounds on site.</p>

<p><i>P3</i> <i>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></p>	<p>The new window on the northern elevation would be constructed to match existing, whilst the brick screen would be constructed using bricks from the partial demolition of the western wall. This is considered appropriate and easily identifiable as being a new addition to the place.</p>
---	---

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 6 representations were received. The following issues were raised by the representors.

5.1. Accuracy of Plans

Concern was raised by the representations that the submitted plans are inaccurate, in that the location of neighbouring development and likely impacts associated with the proposed development have not been correctly represented. It is also submitted that contours have been omitted on the site plan and further question the accuracy of the plans.

- **Comment**

The development plans are consistent with the relevant application requirements articulated by Clause 8.1 of the Scheme. The detail of the plans has been reviewed in relation to Council’s GIS and records, and it is considered accurate for the purposes of the consideration of this application.

5.2. Lack of Supporting Documentation

The representations raise concerns that the application documentation submitted does not meet the detailed requirements of Clause 8.1.3 of the Scheme, and that a Heritage Impact Assessment has not been provided and should have been required.

- **Comment**

Clause E13.5.1 of the Scheme enables the planning authority to require the applicant to provide supporting documentation if considered necessary to determine compliance with performance criteria.

The documentation considered necessary (and as directed by the Heritage Council) was provided by the applicant and considered as part of the detailed assessment of this proposal. It is noted that the proponent of this development had extensively consulted with Heritage Tasmania prior to lodgement with Council, and that Council's Heritage Adviser was satisfied with the level of detail provided by the application.

5.3. Noise

Concern is raised by the representations that the proposed development would have an adverse impact upon the residential amenity of the area, by creating excessive noise likely as part of the proposed and any future use for visitor accommodation.

- **Comment**

The site is located within an established residential area at Richmond. Noise is a matter related to use, and the use of the site for visitor accommodation is exempt under the Interim Planning Directive as not requiring a planning permit. Noise associated with such use is not a relevant consideration in relation to this application.

While noise is not a matter relevant to the determination of this application under the Scheme, noise levels should be within normal expectations for the area.

5.4. Privacy

Concerns were raised that the privacy of neighbouring properties would be compromised as a result of the proposed change of use. Specifically, the location of the proposed terrace area and use of the modified building for visitor accommodation is raised as a concern.

- **Comment**

The proposed development meets the relevant acceptable solutions for development within the General Residential Zone, in relation to privacy.

That said, the proposed terrace area would be screened by a proposed brick privacy screen which would be 3.0m in length, 2.87m in height and would extend the length of the terrace. This fence is an appropriate response to privacy for both the visitors to the site, and for adjacent residential development,

5.5. Lighting

The impact of light spill from the proposed use of the site for visitor accommodation is raised as a concern, both from within the building and any possible external lighting of the terrace and parking areas.

- **Comment**

This application relates to internal and external works to a Heritage Place only. The change of use, and any associated impacts associated with lighting, is not a relevant consideration under the Scheme.

5.6. Structural Failing

The representations raise concern that the subject building is in need of immediate remediation works, in terms of degradation and cracking of the southern wall of the subject building.

- **Comment**

The structural failing of the subject building is not a relevant consideration under the Scheme.

That said, this issue has been discussed with the owner who has advised that an engineer will be engaged to assess the situation, and that the necessary consultation would be undertaken with Heritage Tasmania with a view to urgently undertake any necessary remediation works as part of the maintenance (and preservation) of the building, if required prior to the undertaking of works associated with this application.

5.7. Impact upon Heritage Place and Townscape

The representations raise concerns that there would be a significant loss of heritage value associated with the site and more broadly the cultural heritage of the Richmond townscape, if approved. The specific concerns are that there would be loss of the stables, timber box stalls and linings, cobbled drains and that the heritage values of the building, the site and surrounds would be lost as a result of the proposal.

- **Comment**

The relevant requirements at Clause E13.7.2 of the Scheme are met, in relation to both the internal and external works proposed, for the reasons discussed above. The Heritage Council has approved the development and provided conditions that must be included as part of any planning permit granted by Council.

The proposed use is exempt from requiring a planning permit, and on that basis is not a relevant consideration under the Scheme.

It is acknowledged that Richmond is an established tourist destination, known for its Georgian architecture and setting within the rural Coal River Valley and winery region. The cultural and heritage significance of the area is also acknowledged, and it is considered the proposed internal and external works would be consistent with this character and an appropriate example of adaptive re-use of an existing Heritage Place.

5.8. Access for Works

Consent for access to adjacent property to undertake the works is raised as a concern.

- **Comment**

This is not a relevant planning consideration under the Scheme.

The applicant has submitted that it is intended that the impact of any access would be low, and that access would be where possible limited to scaffolding only. This is a matter to be resolved by the owner, prior to the commencement of works.

5.9. Safety

Concerns are raised that works necessary to the roof of the structure would risk falling objects. The integrity (and therefore fire-rating) associated with the southern wall of the subject building is also raised as a safety concern.

- **Comment**

Both matters raised are not relevant to the determination of the application under the Scheme. The detailed structural design documentation required as part of a building permit application would, however, address the matters raised.

5.10. Alternative Uses/Designs

The representations express concern that the proposed use as visitor accommodation is inappropriate in terms of preserving the cultural and heritage significance of the site, and submit that an alternative use such as gallery should be explored. It is further submitted that the terrace should be relocated to the northern side of the building.

- **Comment**

The proposed use does not require a planning permit under the Scheme, and this application relates to the internal and external works only.

The proposed brick wall associated with the terrace area meets the relevant requirements of Clause 10.4.2 (P3) of the Scheme, for the reasons above.

6. EXTERNAL REFERRALS

The proposal was referred to the Tasmanian Heritage Council (THC) and on the basis of the documentation subsequently received; the application was concurrently assessed and advertised under both LUPAA and the Historic Cultural Heritage Act 1995. The representations received were considered by both Council and the Heritage Council, and a Notice of Heritage Decision dated 19 January 2018 was provided to Council to be included as part of a planning permit, if granted. This decision is included in the attachments.

The proposal was also referred to TasWater, which provided advice 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 seeks approval for internal and external building alterations (for the purposes of visitor accommodation) at 9 Gunning Street, Richmond. The application meets the relevant acceptable solutions and performance criteria of the Scheme.

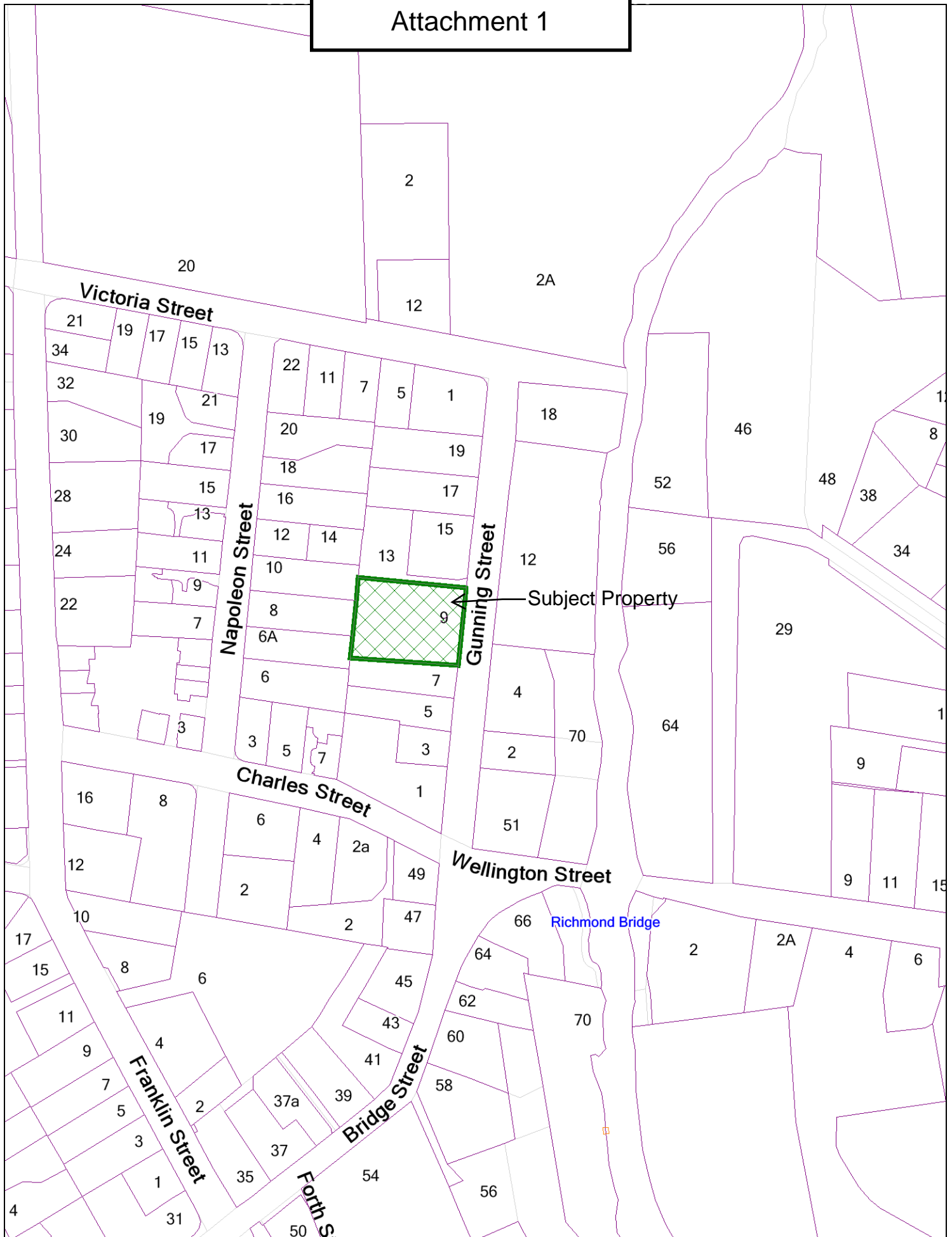
The proposal is recommended for approval subject to conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plan (6)
3. Site Photo (1)
4. Notice of Heritage Decision (3)

Ross Lovell
MANAGER CITY PLANNING

LOCATION PLAN - 9 GUNNING STREET

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:** Thursday, 25 January 2018 **Scale:** 1:2,700 @A4

Gunning St Stable, 9 Gunning Street Richmond Tasmania 7025 Australia

General Notes

PROJECT

DESIGNER
Cumulus Studio Pty Ltd
Certified Architect: Peter Walker
Accreditation N°: CC2143E
Architects Address: Suite 2, Level 2
147 Macquarie St
Hobart
6231 4841

LOCATION
Project N°: T17357
Project Name: Gunning St Stable
Title Reference: <1 / 116608>
Project Address: 9 Gunning Street
Richmond
Tasmania

SITE DETAILS
BAL: TBC @ BA
CLIMATE ZONE: Zone 7
WIND SPEED: Refer Eng
SOIL CLASS: Refer Eng
ALPINE AREA: No
CORROSION: <BCA Vol2 3.5.1.3>

ABBREVIATIONS

Ex' existing
Ex'D# existing door
Ex'CL# existing cladding
Ex'FF# floor finish
Ex'W# existing window
FG fixed glazing
FF floor finish
FR fridge
LN linen closet
R# roof lining
RB robe
RL relative level
SD# sliding door
SH shower
SK sink
TR laundry trough
W# window #
WC toilet
WM washing machine
SKY# skylight

FIXTURES AND FINISHES SCHEDULE

Roof Cladding:

R.01: New Custom Orb Sheeting to replace existing like for like, colour to match existing

Claddings:

CL.01: Repurposed removed brick, bond and joints to match existing.
Ex'CL.01: Existing brick work wall, to be retained

Floor Finishes:

FF.01: Polished concrete floor.
FF.01: Polish timber hardwood floor.
Ex'FF.01: Existing sandstone flagstone floor. to be retained.

GENERAL

These drawings show design intent and are suitable as a guide only. Do not scale off the drawings. All dimensions in millimetres. Dimensions of existing building are indicative only and should not be relied on - verify all dimensions on site before commencing any work. All documents shall be read in conjunction with specifications and any consultants detail.

Any discrepancies, errors or omissions shall be referred to the Architects. Drawings are not to be used for construction purposes until issued by the Architect for construction.

All work carried out shall be in accordance with relevant Australian Standards, NCCS, Building Code of Australia, Specifications and any local authority by-laws and regulations.

DDA (Disability Discrimination Act) accessible areas are to comply with AS1428.1 - 2009. Prior to construction the dimensions of room sizes, door swings, fitting locations and grab rails should be confirmed to comply.

All wet areas are to be waterproofed to AS3740 2010

Drawing List

Set	N°	Drawing Name	Rev	Scales
da plan	da01	Cover Page		
da plan	da02	Site Plan		
da plan	da03	Existing Plans		
da plan	da04	Proposed Plans		
da elevations	da05	North + East Elevations		
da elevations	da06	South + West Elevations		

PERSPECTIVE



LOCATION



0. Location Plan
1:500

rev	date	purpose	rev	date	purpose

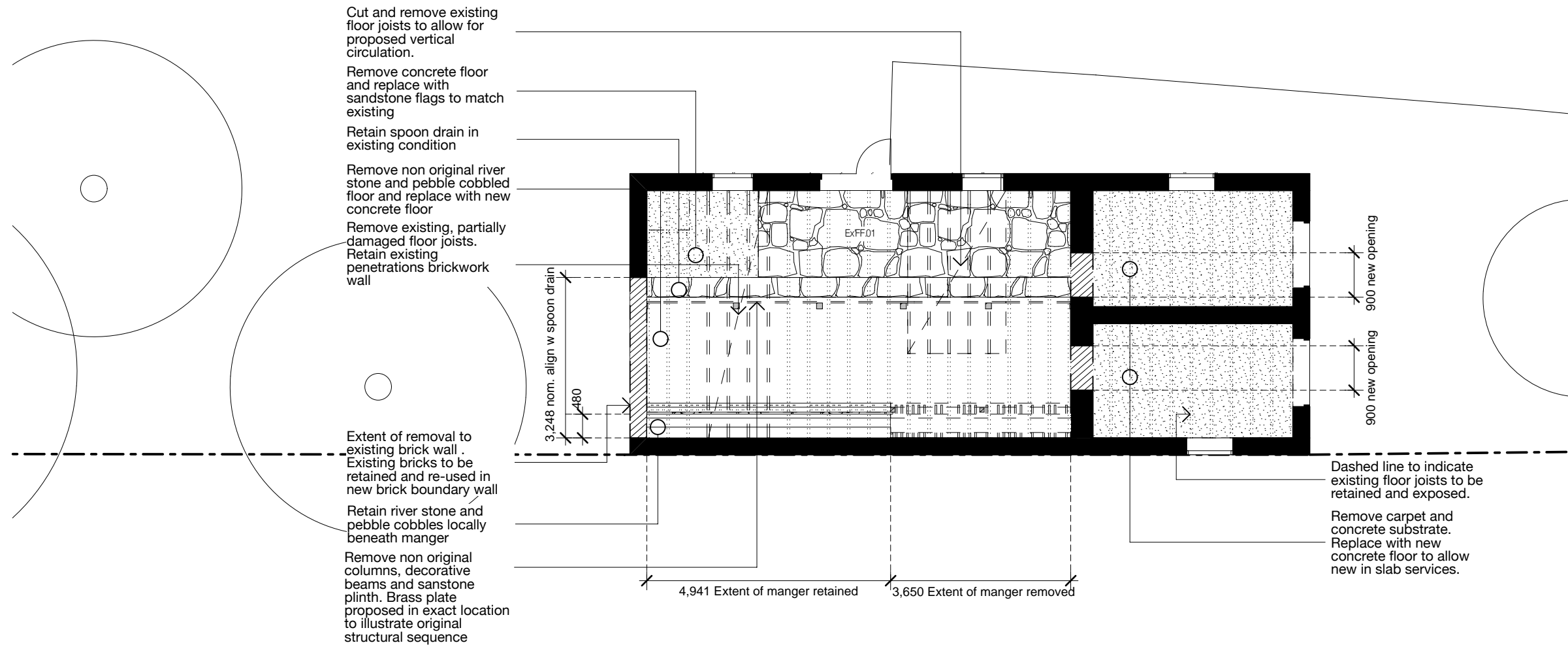
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Tasmania 7000
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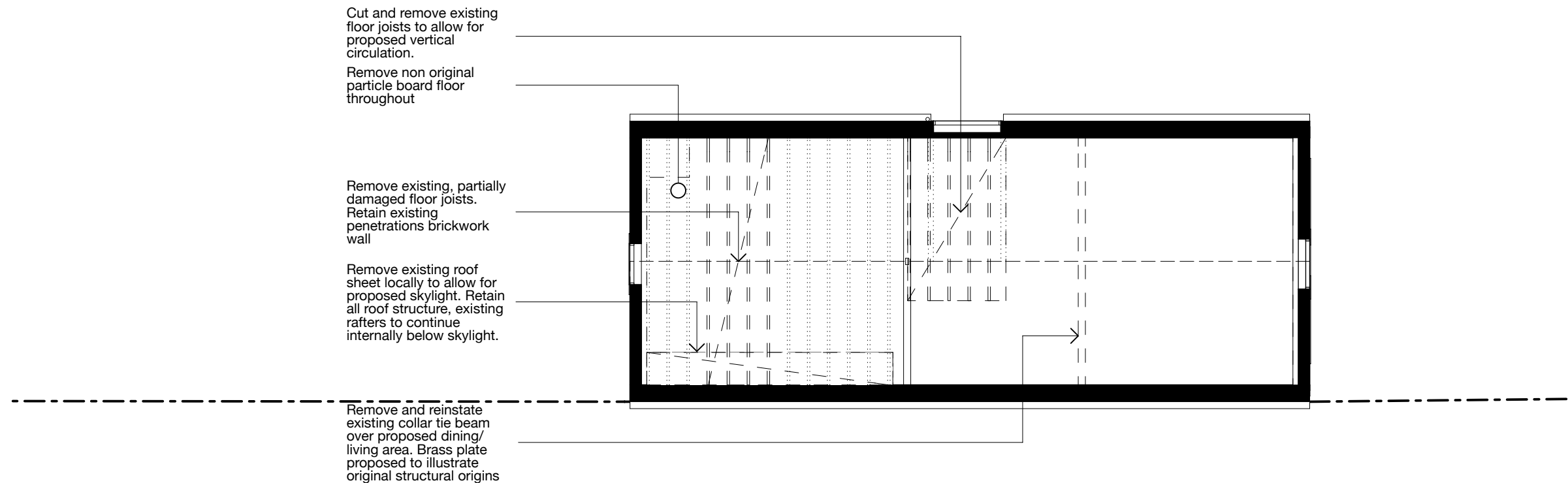
accredited designer:
Cumulus Studio
Peter Walker, CC2143E
drawn by
LW, DP
checked by
LW, JL
reason of issue
Development Application

client
Stuart & Sara Whatling
9 Gunning St
Richmond
Tasmania, 3121
project
Gunning St Stable

drawing title
Cover Page
(plan)
print date
8/12/2017
drawing n°
T17357-da01
original size
A3
issue
DA



1. Existing Ground Floor
1:100



2. Existing Loft Floor
1:100

rev	date	purpose	rev	date	purpose

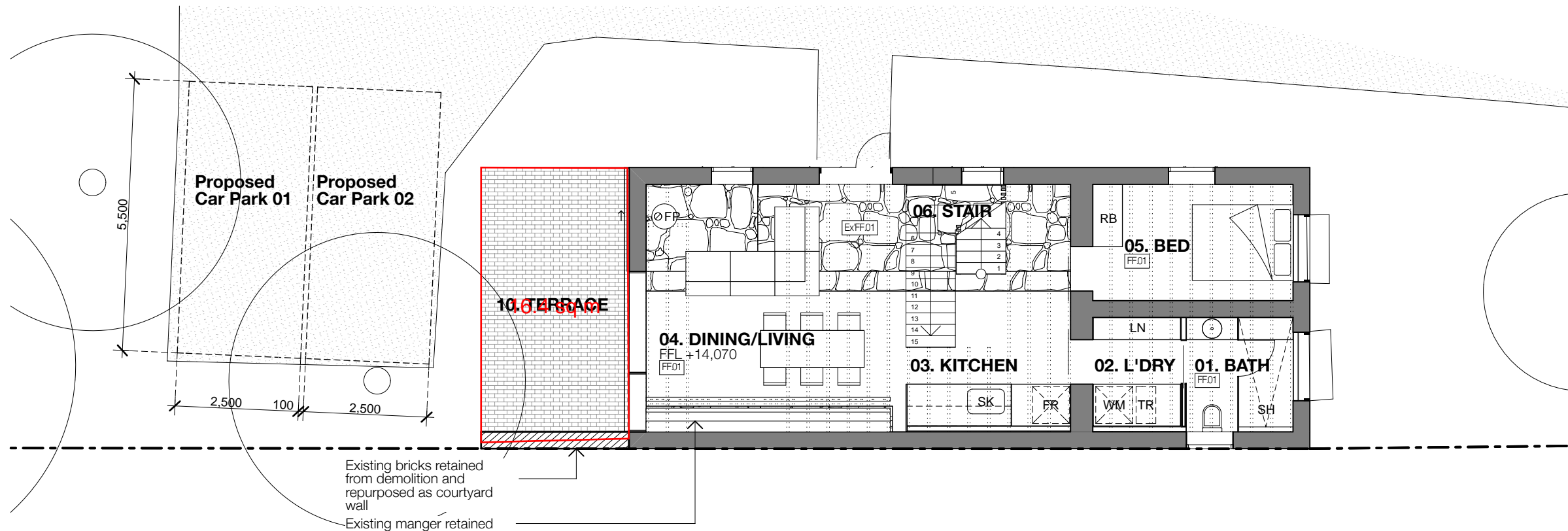
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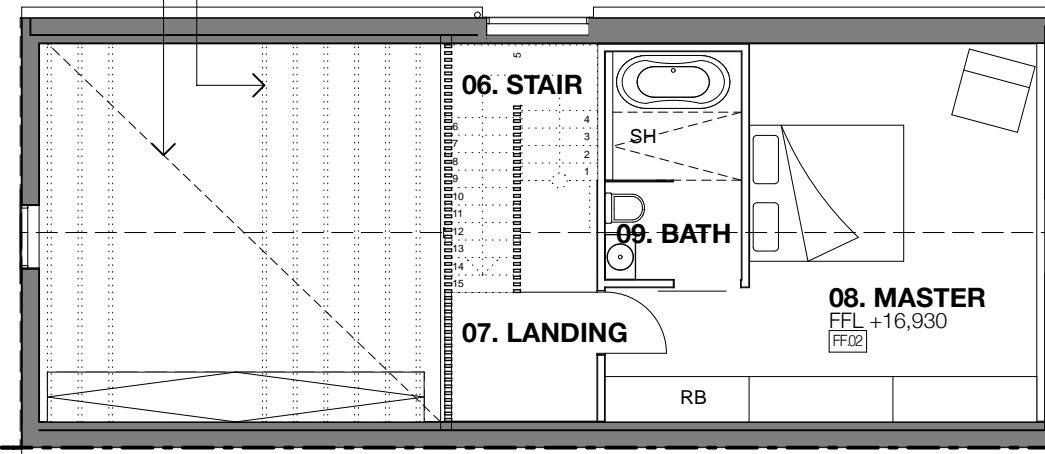
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 (plan)
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 drawing n°
T17357-da03
 original size
 A3
 issue
 DA



1. Ground Floor
1:100

Dashed lines to indicate
existing roof structure

Dashed line to indicate void
over dining/living below



2. Loft
1:100

rev	date	purpose	rev	date	purpose

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Tasmania 7000
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project
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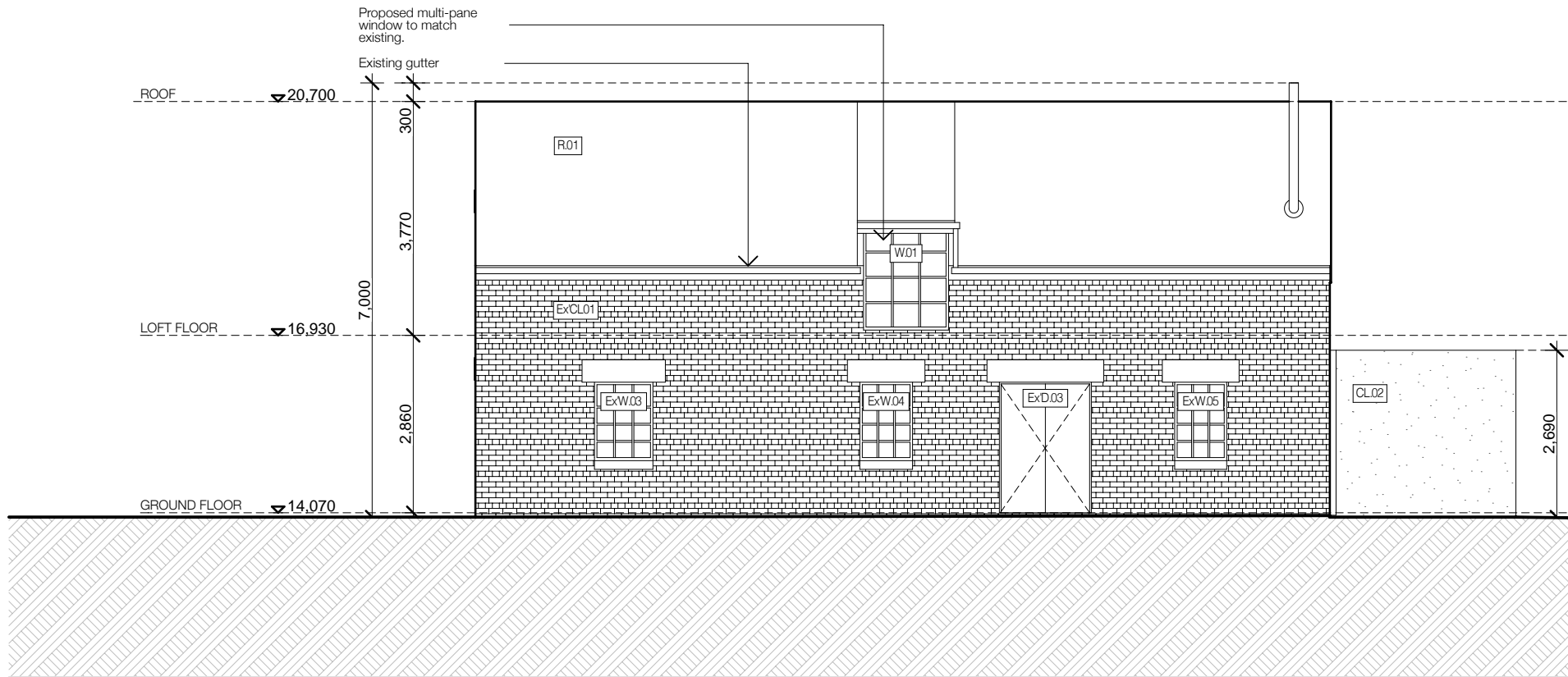
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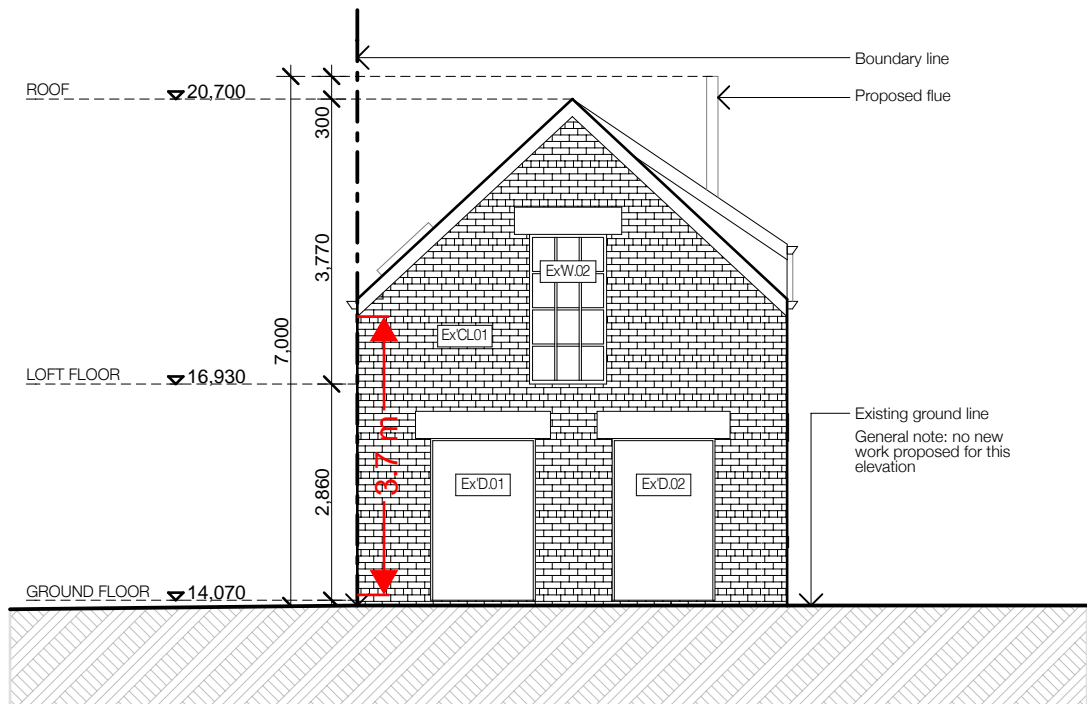
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issue
DA



E/07 North
1:100



E/08 East
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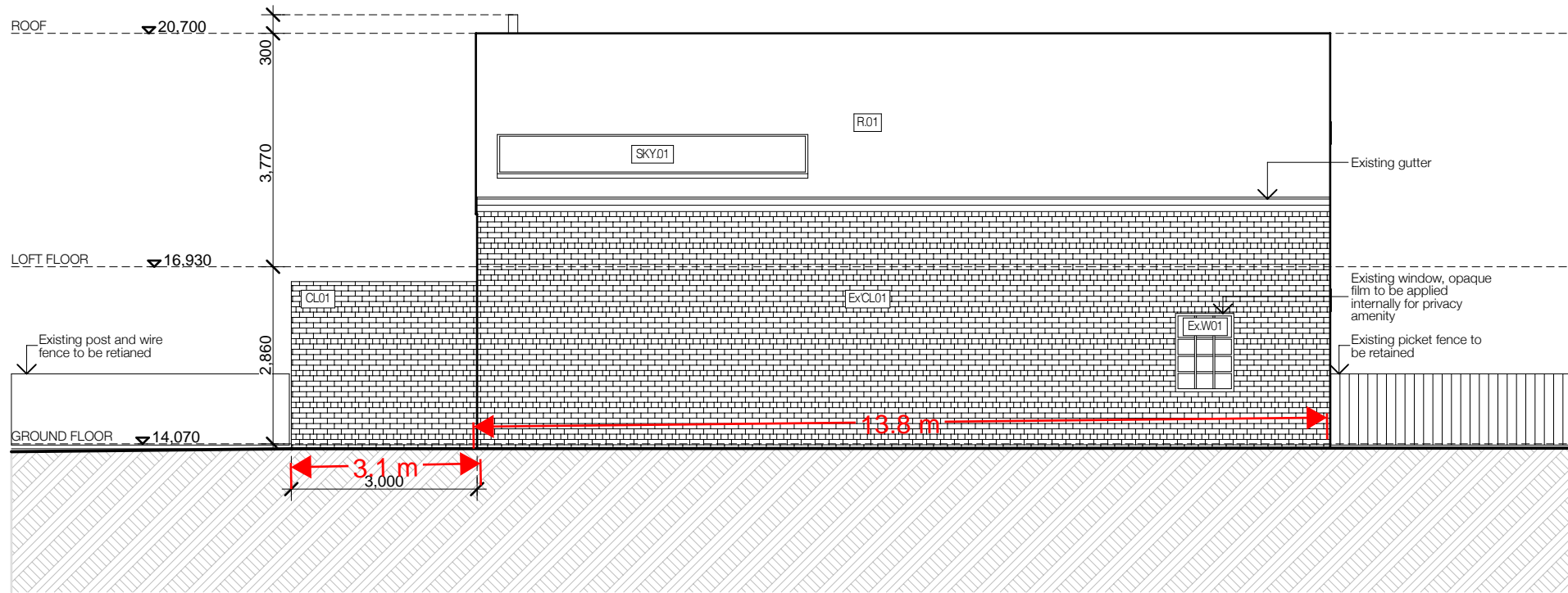
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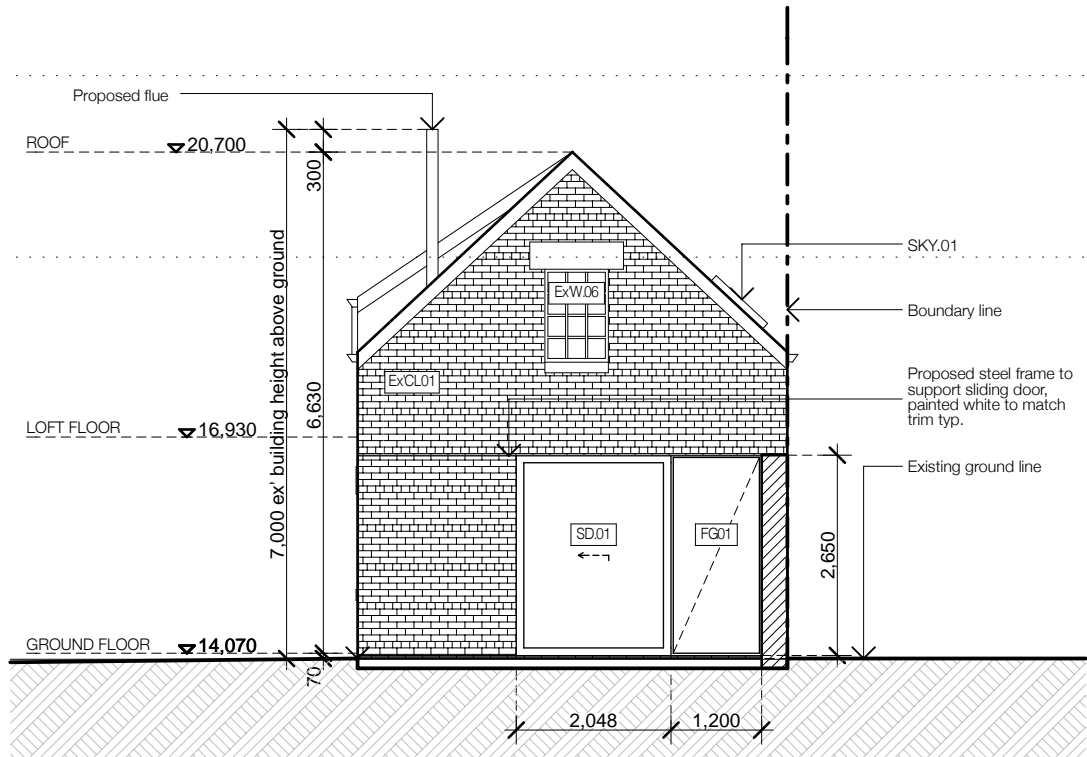
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client
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project
Gunning St Stable

drawing title
North + East Elevations
(elevations)
print date
8/12/2017
drawing n°
T17357-da05
original size
A3
issue
DA



E/05 South
1:100



E/06 West
1:100

rev	date	purpose	rev	date	purpose

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project
Gunning St Stable

drawing title
South + West Elevations
(elevations)
print date
8/12/2017
drawing n°
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original size
A3
issue
DA

Attachment 3

9 Gunning Street, RICHMOND



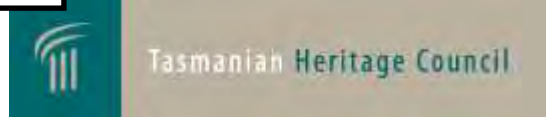
Site viewed from Gunning Street, looking southwest



Subject building, viewed from Gunning Street looking west



Subject building, viewed from looking southeast towards Gunning Street



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

PLANNING REF: 2017-580
THC WORKS REF: 5498
REGISTERED PLACE NO: 1116
FILE NO: 07-66-41 THC
APPLICANT: SJ Whatling
DATE OF DECISION: 19 January 2018

NOTICE OF HERITAGE DECISION

(Historic Cultural Heritage Act 1995)

The Place: Former Sawyers Arms, 9 Gunning Street, Richmond
Proposed Works: Change of use, alterations and additions to stable for visitor accommodation.

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995*, the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with Development Application 2017-580, advertised on 03/01/2018, subject to the following conditions:

- I. (i) The new roof sheeting must be of corrugated 'custom-orb' profile in galvanised steel (not Zinalume or Colorbond); and,
- (ii) The sheet lengths must match the existing sheet lengths (i.e. short sheets); and,
- (iii) The new ridge cappings must be of a 'roll top' profile matching the existing ridge cappings; and,
- (iv) The new gutters must be metal and of 'ogee' profile; and,
- (v) The new downpipes must be metal and of a circular profile of a diameter not exceeding 75mm; and,
- (vi) New barge boards must be timber.

Reason for condition

To conserve significant characteristics of the roof.

2. A photographic record must be made of the manger and trough assembly. This extant record must include photographs of high resolution that illustrate the form and detail of the assembly and must be provided to Heritage Tasmania prior to the commencement of any works.

Reason for condition

To record items of historic interest, and document the evolution of this important heritage place.

- 3. The elements of the manger/trough assembly which are approved to be removed must be dismantled and removed with the least possible damage so as to enable their reinstatement and either:**
- (i) reused to replace missing elements of the manger/trough assembly that is to be retained *in situ*; or,**
 - (ii) stored in good condition at the place with a copy of this notice attached in a protective plastic sleeve.**

Reason for condition

To ensure that these significant original elements are preserved so as to allow for their reinstatement at some future date.

- 4. Any flagstones revealed through the works in the storerooms must be conserved *in situ* and appropriate measures taken to avoid any circumstances that may cause or exacerbate rising damp.**

Reason for condition

To avoid unanticipated impacts on significant heritage fabric.

- 5. The proposed concrete floors must be detailed and constructed such that the junctions between the slab and existing masonry walls do not result in the transfer of moisture or the introduction of soluble salts to the existing walls; and this is to be achieved by incorporating a porous strip of minimum 300mm width or a ventilated space of minimum 100mm between the new concrete and the base of the masonry wall; or by another detail that Heritage Tasmania's Works Manager is satisfied as having a similar effect in enabling the evaporation of moisture from the ground at the base of the wall.**

Reason for condition

To avoid any circumstances that may cause or exacerbate rising damp or rot in the historic masonry or timber wall structures.

- 6. Prior to the commencement of heritage works the stables building must be assessed, and deemed structurally adequate for the proposed works, by a suitably qualified structural engineer. Prior to the commencement of heritage works the structural engineer's report must be provided to Heritage Tasmania, including details of any recommended remedial works.**

Reason for condition

To ensure that works not documented in the Works Application minimise the impact on the place's heritage values.

- 7. A copy of all plans and specifications submitted in making application for a building permit must also be provided to Heritage Tasmania, and must demonstrate compliance with conditions 1, 5 and 6 of this approval.**

Reason for condition

To ensure that works not documented in the Works Application minimise the impact on the place's heritage values.

Advice

It is recommended that essential maintenance works not documented in this approval be identified and the relevant approvals sought from the Heritage Council.

Please ensure the details of this notice, including conditions and advice, 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.



Ian Boersma

Works Manager – Heritage Tasmania

Under delegation of the Tasmanian Heritage Council

11.3.9 SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY

(File No 10-12-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider proposed revisions to the Southern Tasmanian Regional Land Use Strategy (STRLUS), following a request for feedback from the Minister for Planning and Local Government.

RELATION TO PLANNING PROVISIONS

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026.

LEGISLATIVE REQUIREMENTS

Not Applicable.

CONSULTATION

The Minister has asked for any comments by 16 February 2018.

FINANCIAL IMPLICATIONS

None.

RECOMMENDATION:

- A. That Council thanks the Minister for the opportunity to comment on the proposed amendment to the Southern Tasmanian Regional Strategy Plan and that he be advised that:
- SRD 1.4 should be deleted as part of the amendment, since it is in conflict with the State Planning Provisions.
 - Council is concerned that continued ad hoc expansion of the Urban Growth Boundary has potential to prejudice the implementation of the Strategy, with significant impacts on current and future planning for a sustainable and affordable city.
 - That Council urges the Minister to create an appropriate structure to urgently undertake a major review of the Strategy Plan and to provide ongoing monitoring of the STRLUS.
- B. That the officer report accompany the response to the Minister in order to provide clarification of the above matters.

SOUTHERN TASMANIAN REGIONAL LAND USE STRATEGY /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Southern Tasmanian Regional Land Use Strategy (STRLUS) was adopted on 27 October 2011. It has been amended twice since then, although it is fundamentally unchanged, despite important changing trends in population, housing, transportation and traffic management, infrastructure and other planning issues since that time.
- 1.2.** The STRLUS includes a chapter to guide Settlement and Residential Development holistically across the Southern Region. The Residential Strategy for Greater Hobart is represented on Map 10. Amongst other things, Map 10 identifies an Urban Growth Boundary (UGB), Densification areas and Green Field Development Precincts. The initially approved Map 10 included a note to the effect that the mapped areas were indicative only that the edges were not intended to be interpreted at the cadastral level. Over time the “rubbery edge” proved difficult to interpret and resulted in pressure at the edges.
- 1.3.** To resolve uncertainty, by improving the resolution of Map 10, Council’s provided improved mapping of the UGB, Densification areas and Green Field Development Precincts to the cadastral level. Following this exercise the STRLUS (and Map 10) was amended on 1 October 2013. The amendment provided for a new large scale UGB map to remove uncertainties around the precise alignment of the boundary – to give certainty and thereby avoid ad hoc creep that could prejudice the strategy.
- 1.4.** On 14 September 2016, further amendments were made to the UGB on Map 10. The amendments were limited to Woodhurst Road at Seven Mile Beach (providing for a potential of 4 additional lots) and a minor extension in West Hobart.

2. STATUTORY IMPLICATIONS

- 2.1.** Under Section 5A of the Act, the Minister must undertake regular and periodic reviews of regional strategies and must consult with planning authorities.
- 2.2.** There is no statutory mechanism for either individuals or Planning Authorities to apply to amend the STRLUS.

3. CONSULTATION

The Minister has sought feedback from the relevant planning authorities by 16 February 2018.

4. REPORT IN DETAIL

- 4.1.** There are 3 elements to the proposed STRLUS amendment. The first involves a series of minor policy changes while the other 2 concern site specific changes to the UGB to permit rezoning and then residential development.
- 4.2.** The Proposed changes to the STRLUS strategies appear to be generally minor – required to correct anomalies, correctly reflect State Policies or to make necessary modifications to take into account the introduction of the Tasmanian Planning Scheme system. While the changes appear warranted, it is noted that no modification to SRD 1.4 is proposed. SRD 1.4 currently states: *“Increase densities in existing rural living areas to an average of 1 dwelling per hectare, where site conditions allow”*. As drafted, this strategy cannot be met due to the minimum lots sizes in the Rural Living zone provided for under the SPPs (being 1ha, 2ha, 5ha and 10ha respectively). It is submitted that SRD 1.4 ought to be deleted.
- 4.3.** However, the changes to the STRLUS Urban Growth Boundary require consideration. On the face of it, these alterations may seem relatively benign; however, they raise the broader questions of due process and a scientific approach to regional planning.

- 4.4.** The first relates to a 4.947ha area on the western edge of the Sorell UGB. Although there is no subdivision plan, it would appear capable of yielding around 100 lots if rezoned to General Residential. In this case, an application for rezoning the land was initiated and certified by the Sorell Council, however, because it was outside the UGB, the TPC panel deferred consideration dependent upon the outcome of an amendment to the STRLUS. The proposal represents a substantial increase in the total supply within the towns' UGB, and the STRLUS supply target will be exceeded.
- 4.5.** The second relates to the edge of the edge of the UGB at Lenah Valley. In this case, Hobart City Council responded to enquiries from a landowner about rezoning from Environmental Living to General Residential. The yield may be around 8 lots. Although insignificant in lot yield, the request may raise expectations from adjacent owners and others who may also wish to facilitate subdivision through rezoning and more importantly, whether small ad hoc accretions when combined have an overall impact on the strategy.
- 4.6.** The UGB is a major component of the Greater Hobart Residential Strategy. It is based on a scientific approach to the supply of urban land and strategic settlement pattern. Taking into account economic, social and environmental impacts of urban form, the UGB balances a 50/50 target for infill housing and growth in designated greenfield locations. This balanced approach to growth, includes actively encouraging consolidation of inner areas in order to achieve a more efficient and affordable city through a sustainable city form. To date, the targets have not been fulfilled as anticipated, so directing growth to alternative locations has obvious implications for the timely delivery of the strategy as it stands. Moreover, there are critical strategic planning implications for metropolitan Hobart associated with the ad hoc growth of outlying areas. For example, with most residents travelling to the City for employment, there are significant implications for traffic management and infrastructure, as people converge on activity centres at peak periods.

- 4.7.** Given the above, it is clear that ad hoc additions to the UGB may contribute to the undermining of the adopted strategy and have significant implications for the growth of metropolitan Hobart and the costs associated with those choices, particularly if planning authorities resort to the current ad hoc approach because there is no timeframe for an overall review and update.
- 4.8.** In his letter, the Minister does confirm his commitment to a comprehensive review of the STRLUS following the implementation of the LPSs and future Tasmanian Planning Policies. Bearing in mind these projects will not be completed for some considerable time; there is great potential in the meantime for significant undermining of the STRLUS, as planning authorities are compelled to seek revisions on an ad hoc basis and without necessarily a regional impact assessment based on contemporary information.
- 4.9.** It is in fact technically possible to simultaneously undertake the various planning tasks described by the Minister and undertake the necessary review of the STRLUS. It is therefore assumed that the Government's delay is a resourcing consideration.
- 4.10.** Provided resourcing is made available, there is only one major impediment to getting a review underway and that is the lack of an administrative structure capable and authorised to lead and implement the review process. This gap has been identified many times by regional planning authorities since the STCA completed the initial project and responsibility for the STRLUS was handed to the State Government. However, there is no technical reason why a suitable administrative structure cannot be created in the short term. Indeed this would be an ideal opportunity to utilise the strategic alliance of the sub regional Councils to make substantive contributions to the process.

5. STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2016-2026.

6. EXTERNAL IMPACTS

External impacts relate to the sustainable growth of the sub region and are discussed above.

7. CONCLUSION

The Minister should be advised of Council's concern with a lack of action on a major review of the STRLUS, which has led to planning authorities resorting to ad hoc requests for amendments; amendments which in the long term may have serious impacts on the sustainable development of metropolitan Hobart. In the circumstances the Minister should be urged to create an appropriate structure to undertake a review and indeed on going monitoring of the STRLUS.

Attachments: 1. Minister's Letter and Attachments (34)

Ross Lovell
MANAGER CITY PLANNING

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

Treasurer
Minister for Planning and Local Government
Minister for State Growth

5 JAN 2019



Level 9 15 Murray Street HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: +61 3 6165 7670
Email: treasureroffice@dpac.tas.gov.au

Alderman Doug Chipman
Mayor
PO Box 96
ROSNY TAS 7018
clarence@ccc.tas.gov.au

Dear Mayor

Southern Tasmania Regional Land Use Strategy

I refer to the attached draft revisions to the Southern Tasmania Regional Land Use Strategy (STRLUS). The revisions include a draft Addendum to the STRLUS and minor adjustments to the Urban Growth Boundary (UGB) in Map 10 of the STRLUS as requested by Sorell Council and Hobart City Council.

As you would be aware, section 34(2) of the *Land Use Planning and Approvals Act 1993* (the Act) requires Local Provisions Schedules (LPSs) to be consistent with each relevant regional land use strategy. In turn, the regional land use strategies also need to align with the recent planning reforms, particularly the approved State Planning Provisions (SPPs).

Revisions are necessary to the STRLUS to allow for the submission and assessment of the LPSs. However, the STRLUS must continue to operate effectively in accordance with the current regional directions and policies to allow for the consideration of any amendments to the interim planning schemes for the period until the LPSs are approved. To allow the STRLUS to operate as needed, the draft Addendum to the STRLUS aims to provide separate regional policies for the assessment of the LPSs.

The draft Addendum is the result of a review undertaken by the Planning Policy Unit (PPU) within the Department of Justice, and after extensive consultation with the Southern region's planners Technical Reference Group (TRG). It includes an implementation statement and minor revisions to the regional policies in the STRLUS to align with the approved SPPs.

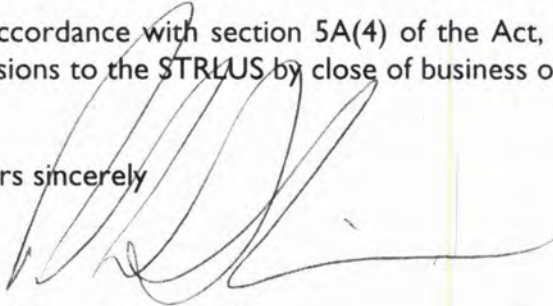
The two minor adjustments to the UGB relate to the land at 56-62 Forcett Street, Sorell (CT 9892/103) and 369 (or 353) Lenah Valley Road, Lenah Valley (CT 61937/1).

I acknowledge the need for a broader review of the STRLUS. However, at this time it is important that the preparation of the LPS remains the priority. I reiterate my commitment to a comprehensive review of the STRLUS following the implementation of the LPSs and the future Tasmanian Planning Policies.

Prior to the comprehensive review of the STRLUS, I also recognise the need to establish a medium-term process for the consideration of specific strategic changes to the regional strategy. This should only occur after the submission of the LPSs to the Tasmanian Planning Commission for assessment. Further advice will be provided in 2018 on the scope and process for undertaking a medium-term review.

In accordance with section 5A(4) of the Act, I request council's feedback on the attached draft revisions to the STRLUS by close of business on **Friday, 16 February 2017**.

Yours sincerely



Hon Peter Gutwein MP
Minister for Planning and Local Government

Attachment 1 – draft Addendum to the STRLUS

Attachment 2 – minor adjustment to the UGB at 369 Lenah Valley Road, Lenah Valley
– minor adjustment to the UGB at 56-62 Forcett Street, Sorell

Southern Tasmania Regional Land Use Strategy 2010–2035

TASMANIAN PLANNING SCHEME ADDENDUM

DRAFT

5 BIODIVERSITY AND GEODIVERSITY

5.5 REGIONAL POLICIES

BNV 1 *Maintain and manage the region's biodiversity and ecosystems and their resilience to the impacts of climate change.*

BNV 1.1 *Manage and protect significant native vegetation at the earliest possible stage of the land use planning process.*

Where possible, ensure zones that provide for intensive use or development are not applied to areas that retain biodiversity values that are to be recognised and protected by the planning scheme.

BNV 1.2 *Recognise and protect biodiversity values deemed significant at the local level and ensure that the planning scheme:*

- a** *specifies the spatial area in which biodiversity values are to be recognised and protected; and*
- b** *implements an 'avoid, minimise, mitigate' hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.*

BNV 1.3 *Provide for the use of biodiversity offsets if, at the local level, it is considered appropriate to compensate for the loss of biodiversity values where that loss is unable to be avoided, minimised or mitigated.*

Biodiversity offsets:

- a** *are to be used only as a 'last resort';*
- b** *should provide for a net conservation benefit and security of the offset in perpetuity;*
- c** *are to be based upon 'like for like' wherever possible.*

BNV 1.4 *Manage clearance of native vegetation arising from use and development in a manner that is generally consistent across the region but allowing for variances in local values.*

BNV 1.5 *Where vegetation clearance and/or soil disturbance is undertaken, provide for construction management plans that minimise further loss of values and encourages rehabilitation of native vegetation.*

BNV 1.6 *Include in the planning scheme, preserving climate refugia where there is scientifically accepted spatial data.*

- BNV 2** *Protect threatened native vegetation communities, threatened flora and fauna species, significant habitat for threatened fauna species, and other native vegetation identified as being of local importance and places important for building resilience and adaptation to climate change for these.*
- BNV 2.1** *Avoid or minimise the clearance of threatened native vegetation communities except:*
- a** *where the long-term social and economic benefit arising from the use and development facilitated by the clearance outweigh the environmental benefit of retention; and*
 - b** *where the clearance will not significantly detract from the conservation of that threatened native vegetation community.*
- BNV 2.2** *Minimise clearance of native vegetation communities that provide habitat for threatened species.*
- BNV 2.3** *Advise potential applicants of the requirements of the Threatened Species Protection Act 1995 and their responsibilities under the Environmental Protection and Biodiversity Conservation Act 1999.*
- BNV 3** *Protect the biodiversity and conservation values of the Reserve Estate.*
- BNV 4** *Recognise the importance of non land use planning based organisations and their strategies and policies in managing, protecting and enhancing natural values.*
- BNV 4.1** *Consult NRM-based organisations as part of the review and monitoring of the Regional Land Use Strategy.*
- BNV 5** *Restrict the spread of declared weeds under the Weed Management Act 1999 and assist in their removal.*
- BNV 5.1** *Provide for construction management plans where vegetation clearance or soil disturbance is undertaken that include weed management actions where the site is known, or suspected, to contain declared weeds.*
- BNV 6** *Geodiversity:*
- BNV 6.1** *Improve knowledge of sites and landscapes with geological, geomorphological, soil or karst features and the value they hold at state or local level.*
- BNV 6.2** *Progress appropriate actions to recognise and protect those values, through means commensurate with their level of significance (state or local).*

6 WATER RESOURCES

6.5 REGIONAL POLICIES

- WR 1** *Protect and manage the ecological health, environmental values and water quality of surface and groundwater, including waterways, wetlands and estuaries*
- WR 1.1** *Ensure use and development is undertaken in accordance with the State Policy on Water Quality Management.*
- WR 1.2** *Incorporate total water cycle management and water sensitive urban design principles in land use and infrastructure planning to minimise stormwater discharge to rivers.*
- WR 1.3** *Include setback requirements in planning scheme to protect riparian areas relevant to their classification under the Forest Practices System.*
- WR 1.4** *Where development that includes vegetation clearance and/or soil disturbance is undertaken, provide for construction management plans to minimise soil loss and associated sedimentation of waterways and wetlands.*
- WR 2** *Manage wetlands and waterways for their water quality, scenic, biodiversity, tourism and recreational values.*
- WR 2.1** *Manage use and development adjacent to Hydro Lakes in accordance with their classification: Remote Wilderness Lake, Recreational Activity Lake or Multiple Use Lakes.*
- WR 2.2** *Provide public access along waterways via tracks and trails where land tenure allows, where there is management capacity and where impacts on biodiversity, native vegetation and geology can be kept to acceptable levels.*
- WR 2.3** *Minimise clearance of native riparian vegetation.*
- WR 2.4** *Allow recreation and tourism developments adjacent to waterways where impacts on biodiversity and native vegetation can be kept to acceptable levels.*
- WR 3** *Encourage the sustainable use of water to decrease pressure on water supplies and reduce long term cost of infrastructure provision.*
- WR 3.1** *Reduce barriers in the planning system for the use of rainwater tanks in residential areas.*

7 THE COAST

7.5 REGIONAL POLICIES

- C 1** *Maintain, protect and enhance the biodiversity, landscape, scenic and cultural values of the region's coast.*
- C 1.1** *Ensure use and development avoids or minimises clearance of coastal native vegetation.*
- C 1.2** *Maximise growth within existing settlement boundaries through local area or structure planning for settlements in coastal areas.*
- C 1.3** *Prevent development on coastal mudflats, unless for the purposes of public access or facilities or for minor infrastructure that requires access to the coast. Prevent development on actively mobile landforms in accordance with the State Coastal Policy 1996.*
- C 1.4** *Zone existing undeveloped land within the coastal area, Environmental Management, Recreation or Open Space unless:*
- a** *The land is utilised for rural resource purposes; or*
 - b** *It is land identified for urban expansion through a strategic planning exercise consistent with this Regional Land Use Strategy.*
- C 2** *Ensure use and development in coastal areas is responsive to effects of climate change including sea level rise, coastal inundation and shoreline recession.*
- C 2.1** *Include provisions in the planning scheme relating to minimising risk from sea level rise, storm surge inundation and shoreline recession and identify those areas at high risk through the use of overlays.*
- C 2.2** *Ensure growth is located in areas that avoid exacerbating current risk to the community through local area or structure planning for settlements and the Urban Growth Boundary for metropolitan area of Greater Hobart.*
- C 2.3** *Identify and protect areas that are likely to provide for the landward retreat of coastal habitats at risk from predicted sea level rise.*

8 MANAGING RISKS AND HAZARDS

8.5 REGIONAL POLICIES

MRH 1 *Minimise the risk of loss of life and property from bushfires.*

MRH 1.1 *Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout of lots.*

MRH 1.2 *Ensure subdivision road layout designs provide for safe exit points in areas subject to bushfire hazard.*

MRH 1.3 *Allow clearance of vegetation in areas adjacent to dwellings existing at the time that the planning scheme based on this Strategy come into effect, in order to implement bushfire management plans. Where such vegetation is subject to vegetation management provisions, the extent of clearing allowable is to be the minimum necessary to provide adequate bushfire hazard protection.*

MRH 1.4 *Include provisions in the planning scheme for use and development in bushfire prone areas based upon best practice bushfire risk mitigation and management.*

MRH 1.5 *Allow new development (at either the rezoning or development application stage) in bushfire prone areas only where any necessary vegetation clearance for bushfire risk reduction is in accordance with the policies on biodiversity and native vegetation.*

MRH 1.6 *Develop and fund a program for regular compliance checks on the maintenance of bushfire management plans by individual landowners.*

MRH 2 *Minimise the risk of loss of life and property from flooding.*

MRH 2.1 *Provide for the mitigation of flooding risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by avoiding locating sensitive uses in flood prone areas.*

MRH 2.2 *Include provisions in the planning scheme for use and development in flood prone areas based upon best practice in order to manage residual risk.*

MRH 3 *Protect life and property from possible effects of land instability.*

MRH 3.1 *Prevent further development in declared landslip zones.*

MRH 3.2 *Require the design and layout of development to be responsive to the underlying risk of land instability.*

MRH 3.3 *Allow use and development in areas at risk of land instability only where risk is managed so that it does not cause an undue risk to occupants or users of the site, their property or to the public.*

MRH 4 *Protect land and groundwater from site contamination and require progressive remediation of contaminated land where a risk to human health or the environment exists.*

MRH 4.1 *Include provisions in the planning scheme requiring the consideration of site contamination issues.*

MRH 5 *Respond to the risk of soil erosion and dispersive and acid sulfate soils.*

MRH 5.1 *Prevent further subdivision or development in areas containing sodic soils unless it does not create undue risk to the occupants or users of the site, their property or to the public.*

MRH 5.2 *Wherever possible, ensure development avoid disturbance of soils identified as containing acid sulfate soils. If disturbance is unavoidable then ensure management is undertaken in accordance with the Acid Sulfate Soils Management Guidelines prepared by the Department of Primary Industries.*

9 CULTURAL VALUES

9.5 REGIONAL POLICIES

- CV 1** *Recognise, retain and protect Aboriginal heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region's competitive advantage.*
- CV 1.1** *Support the completion of the review of the Aboriginal Relics Act 1975 including the assimilation of new Aboriginal heritage legislation with the RMPS.*
- CV 1.2** *Improve our knowledge of Aboriginal heritage places to a level equal to that for European cultural heritage, in partnership with the Aboriginal community,*
- CV 1.3** *Avoid the allocation of land use growth opportunities in areas where Aboriginal cultural heritage values are known to exist.*
- CV 1.4** *Support the use of predictive modelling to assist in identifying the likely presence of Aboriginal heritage values that can then be taken into account in specific strategic land use planning processes.*
- CV 2** *Recognise, retain and protect historic cultural heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region's competitive advantage.*
- CV 2.1** *Support the completion of the review of the Historic Cultural Heritage Act 1995.*
- CV 2.2** *Promulgate the nationally adopted tiered approach to the recognition of heritage values and progress towards the relative categorisation of listed places as follows:*
- a** *places of local significance are to be listed within the Local Historic Heritage Code, as determined by the local Council*
 - b** *places of state significance are to be listed within the Tasmanian Heritage Register, as determined by the Tasmanian Heritage Council.*
 - c** *places of national or international significance are listed through national mechanisms as determined by the Australian Government.*

- CV 2.3** *Provide for a system wherein the assessment and determination of applications for development affecting places of significance is undertaken at the level of government appropriate to the level of significance:*
- a** *Heritage places of local significance: by the local Council acting as a Planning Authority*
 - b** *Heritage places of state significance: by the Tasmanian Heritage Council on behalf of the State Government with respect to heritage values, and by the local Council with respect to other land use planning considerations, with coordination and integration between the two.*
- CV 2.4** *Recognise and list heritage precincts within the Local Historic Heritage Code and spatially define them by associated overlays.*
- CV 2.5** *Base heritage management upon the Burra Charter and the HERCON Criteria, with the Local Historic Heritage Code provisions in the planning scheme drafted to be consistent with relevant principles therein.*
- CV 2.6** *Standardise statutory heritage management.*
- a** *Listings in the planning scheme should be based on a common inventory template, (recognising that not all listings will include all details due to knowledge gaps).*
 - b** *The Local Historic Heritage Code provisions in the planning scheme should be consistent in structure and expression, whilst providing for individual statements in regard to heritage values and associated tailored development control.*
- CV 2.7** *Provide a degree of flexibility to enable consideration of development applications involving the adaptive reuse of heritage buildings that might otherwise be prohibited.*

CV 3 *Undertake the statutory recognition (listing) and management of heritage values in an open and transparent fashion in which the views of the community are taken into consideration.*

- CV 3.1** *Heritage Studies or Inventories should be open to public comment and consultation prior to their finalisation.*

- CV 4** **Recognise and manage significant local historic and scenic landscapes throughout the region to protect their key values.**
- CV 4.1** **State and local government, in consultation with the community, to determine an agreed set of criteria for determining the relative significance of important landscapes and key landscape values.**
- CV 4.2** **Ensure the key values of regionally significant landscapes are not significantly compromised by new development through appropriate provisions within the planning scheme.**
- CV 4.3** **Protect existing identified key skylines and ridgelines around Greater Hobart by limited development potential and therefore clearance through the zones in the planning scheme.**
- CV 5** **Recognise and manage archaeological values throughout the region to preserve their key values.**
- CV 5.1** **Known sites of archaeological potential to be considered for listing as places of either local or state significance within the Local Historic Heritage Code or on the State Heritage Register respectively, as appropriate.**
- CV 5.2** **Ensure development that includes soil disturbance within an area of archaeological potential is undertaken in accordance with archaeological management plans to ensure values are not lost, or are recorded, conserved and appropriately stored if no reasonable alternative to their removal exists.**

10 RECREATION AND OPEN SPACE

10.5 REGIONAL POLICIES

ROS 1 *Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and well being, amenity, environmental sustainability and the economy.*

ROS 1.1 *Adopt an open space hierarchy consistent with the Tasmanian Open Space Policy and Planning Framework 2010, as follows;*

- a** *Local*
- b** *District*
- c** *Sub-regional*
- d** *Regional*
- e** *State*
- f** *National*

ROS 1.2 *Adopt an open space classification system consistent with the Tasmanian Open Space Policy and Planning Framework 2010, as follows;*

- a** *Parks;*
- b** *Outdoor Sports Venues;*
- c** *Landscape and Amenity;*
- d** *Linear and Linkage;*
- e** *Foreshore and waterway;*
- f** *Conservation and Heritage;*
- g** *Utilities and Services; and*
- h** *Proposed Open Space.*

ROS 1.3 *Undertake a regional open space study, including a gap analysis, to establish a regional hierarchy within a classification system for open space in accordance with the Tasmanian Open Space Policy and Planning Framework 2010.*

ROS 1.4 *Undertake local open space planning projects through processes consistent with those outlined in the Tasmanian Open Space Policy and Planning Framework 2010 (Appendix 3).*

ROS 1.5 *Ensure residential areas, open spaces and other community destinations are well connected with a network of high quality walking and cycling routes.*

ROS 1.6 *Ensure subdivision and development has regard to principles outlined in 'Healthy by Design: A Guide to Planning and Designing Environments for Active Living in Tasmania'.*

ROS 2 *Maintain a regional approach to the planning, construction, management, and maintenance of major sporting facilities to protect the viability of existing and future facilities and minimise overall costs to the community.*

ROS 2.1 *Avoid unnecessary duplication of recreational facilities across the region.*

11 SOCIAL INFRASTRUCTURE

11.5 REGIONAL POLICIES

- SI 1** *Provide high quality social and community facilities to meet the education, health and care needs of the community and facilitate healthy, happy and productive lives.*
- SI 1.1** *Recognise the significance of the Royal Hobart Hospital and support, through planning scheme provisions its ongoing function and redevelopment in its current location.*
- SI 1.2** *Match location and delivery of social infrastructure with the needs of the community and, where relevant, in sequence with residential land release.*
- SI 1.3** *Provide social infrastructure that is well located and accessible in relation to residential development, public transport services, employment and education opportunities.*
- SI 1.4** *Identify and protect sites for social infrastructure, particularly in high social dependency areas, targeted urban growth areas (both infill and greenfield) and in identified Activity Centres.*
- SI 1.5** *Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.*
- SI 1.6** *Co-locate and integrate community facilities and services to improve service delivery, and form accessible hubs and focus points for community activity, in a manner consistent with the Activity Centre hierarchy.*
- SI 1.7** *Provide flexibility in the planning scheme for the development of aged care and nursing home facilities in areas close to an Activity Centre and with access to public transport.*
- SI 1.8** *Provide for the aged to continue living within their communities, and with their families, for as long as possible by providing appropriate options and flexibility within the planning scheme.*
- SI 1.9** *Ensure the planning scheme provisions include Crime Prevention through Environmental Design principles.*
- SI 1.10** *Recognise the role of the building approvals processes in providing access for people with disabilities.*

SI 2 ***Provide for the broad distribution and variety of social housing in areas with good public transport accessibility or in proximity to employment, education and other community services.***

SI 2.1 ***Provide flexibility in the planning scheme for a variety of housing types (including alternative housing models) in residential areas.***

SI 2.2 ***Ensure the planning scheme does not prevent the establishment of social housing in residential areas.***

12 PHYSICAL INFRASTRUCTURE

12.5 REGIONAL POLICIES

- PI 1** *Maximise the efficiency of existing physical infrastructure.*
- PI 1.1** *Preference growth that utilises under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of Greater Hobart.*
- PI 1.2** *Provide for small residential scale energy generation facilities in the planning scheme.*
- PI 2** *Plan, coordinate and deliver physical infrastructure and servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.*
- PI 2.1** *Use the provision of infrastructure to support desired regional growth, cohesive urban and rural communities, more compact and sustainable urban form and economic development.*
- PI 2.2** *Coordinate, prioritise and sequence the supply of infrastructure throughout the region at regional, sub-regional and local levels, including matching reticulated services with the settlement network.*
- PI 2.3** *Identify, protect and manage existing and future infrastructure corridors and sites.*
- PI 2.4** *Use information from the Regional Land Use Strategy, including demographic and dwelling forecasts and the growth management strategies, to inform infrastructure planning and service delivery.*
- PI 2.5** *Develop a regionally consistent framework(s) for developer charges associated with infrastructure provision, ensuring that pricing signals associated with the provision of physical infrastructure (particularly water and sewerage) is consistent with the Regional Land Use Strategy.*
- PI 2.6** *Ensure electricity generation and major transmission assets are recognised and protected within the planning scheme to provide for continued electricity supply.*

13 LAND USE AND TRANSPORT INTEGRATION

13.5 REGIONAL POLICIES

- LUTI 1** *Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.*
- LUTI 1.1** *Give preference to urban expansion that is in physical proximity to existing transport corridors and the higher order Activity Centres rather than Urban Satellites or dormitory suburbs.*
- LUTI 1.2** *Allow higher density residential and mixed use developments within 400, and possibly up to 800 metres (subject to topographic and heritage constraints) of integrated transit corridors.*
- LUTI 1.3** *Encourage residential development above ground floor level in the Primary, Principal and Major Activity Centres.*
- LUTI 1.4** *Consolidate residential development outside of Greater Hobart into key settlements where the daily and weekly needs of residents are met.*
- LUTI 1.5** *Locate major trip generating activities in close proximity to existing public transport routes and existing higher order activity centres.*
- LUTI 1.6** *Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.*
- LUTI 1.7** *Protect major regional and urban transport corridors through the planning scheme as identified in Maps 3 & 4.*
- LUTI 1.8** *Ensure new development incorporates buffer distances to regional transport corridors identified in Map 4 in accordance with the Road and Railway Assets Code to minimise further land use conflict.*
- LUTI 1.9** *Ensure car parking requirements in the planning scheme and provision of public car parking is consistent with achieving increased usage of public transport.*
- LUTI 1.10** *Identify and protect ferry infrastructure points on the Derwent River (Sullivans Cove, Kangaroo Bay and Wilkinson Point) for their potential use into the future and encourage increased densities and activity around these nodes.*
- LUTI 1.11** *Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.*
- LUTI 1.12** *Encourage end-of-trip facilities in employment generating developments that support active transport modes.*

14 TOURISM

14.5 REGIONAL POLICIES

- T 1** *Provide for innovative and sustainable tourism for the region.*
- T 1.1** *Protect and enhance authentic and distinctive local features and landscapes throughout the region.*
- T 1.2** *Identify and protect regional landscapes, which contribute to the region's sense of place, through the planning scheme.*
- T 1.3** *Allow for tourism use in the Rural Zone and Agriculture Zone where it supports the use of the land for primary production.*
- T 1.4** *Provide flexibility for the use of holiday homes (a residential use) for occasional short-term accommodation.*
- T 1.5** *Provide flexibility within commercial and business zones for mixed use developments incorporating tourism related use and development.*
- T 1.6** *Recognise, that the planning scheme may not always be able to accommodate the proposed tourism use and development due to its innovative and responsive nature.*
- T 1.7** *Allow for objective site suitability assessment of proposed tourism use and development through existing planning scheme amendment processes (section 40T application).*

15 STRATEGIC ECONOMIC OPPORTUNITIES

15.5 REGIONAL POLICIES

SEO 1 *Support and protect strategic economic opportunities for Southern Tasmania.*

SEO 1.1 *Protect the following key sites and areas from use and development which would compromise their strategic economic potential through the planning scheme provisions:*

- a** *Hobart Port (including Macquarie and Princes Wharves)*
- b** *Macquarie Point rail yards; and*
- c** *Princes of Wales Bay marine industry precinct*

SEO 1.2 *Include place specific provisions for the Sullivans Cove area in the planning scheme.*

SEO 1.3 *Recognise the regional economic importance of Southwood through specific planning provisions within the planning scheme that allow for its expansion and use by timber, mineral or other primary industries benefitting from its strategic location.*

16 PRODUCTIVE RESOURCES

16.5 REGIONAL POLICIES

PR 1 *Support agricultural production on land identified as significant for agricultural use by affording it the highest level of protection from fettering or conversion to non-agricultural uses.*

PR 1.1 *Utilise the Agriculture Zone to identify land significant for agricultural production in the planning scheme and manage that land consistently across the region.*

PR 1.2 *Avoid potential for further fettering from residential development by setting an acceptable solution buffer distance of 200 metres from the boundary of the Agriculture Zone, within which the planning scheme is to manage potential for land use conflict.*

PR 1.3 *Allow for ancillary and/or subservient non-agricultural uses that assist in providing income to support ongoing agricultural production.*

PR 1.4 *Prevent further land fragmentation in the Agriculture Zone by restricting subdivision unless necessary to facilitate the use of the land for agriculture.*

PR 1.5 *Minimise the use of prime agricultural land for plantation forestry.*

PR 2 *Manage and protect the value of non-significant agricultural land in a manner that recognises the potential and characteristics of the land.*

PR 2.13 *Utilise the settlement strategy to assess conversion of rural land to residential land through rezoning, rather than the potential viability or otherwise of the land for particular agricultural enterprises.*

PR 2.24 *Ensure opportunities for down-stream processing of agricultural products are supported in appropriate locations or 'on-farm' where appropriate supporting infrastructure exists and the use does not create off-site impacts.*

PR 2.35 *Provide flexibility for commercial and tourism uses provided that long-term agricultural potential is not lost and it does not further fetter surrounding agricultural land.*

- PR 2.46** *Ensure the introduction of sensitive uses not related to agricultural use, such as dwellings, are only allowed where it can be demonstrated the use will not fetter agricultural uses on neighbouring land.*
- PR 3** *Support and protect regionally significant extractive industries.*
- PR 3.1** *Ensure existing regionally significant extractive industry sites are appropriately zoned, such as the Rural Zone, and are protected by appropriate attenuation areas in which the establishment of new sensitive uses, such as dwellings, is restricted.*
- PR 4** *Support the aquaculture industry.*
- PR 4.1** *Ensure appropriately zoned land on the coast is provided in strategic locations, and in accordance with The Coast Regional Policies, for shore based aquaculture facilities necessary to support marine farming.*
- PR 4.2** *Identify key marine farming areas to assist in reducing potential land use conflicts from an increasingly industrialised industry.*
- PR 5** *Support the forest industry.*
- PR 5.1** *Ensure working forests, including State Forests and Private Timber Reserves (for commercial forestry), are appropriately zoned, such as the Rural Zone.*
- PR 5.2** *Recognise the Forest Practices System as appropriate to evaluate the clearance and conversion of native vegetation for commercial forestry purposes.*
- PR 5.34** *Control the establishment of new dwellings in proximity to State Forests, Private Timber Reserves or plantations so as to eliminate the potential for land use conflict.*

17 INDUSTRIAL ACTIVITY

17.5 REGIONAL POLICIES

- IA 1** *Identify, protect and manage the supply of well-sited industrial land that will meet regional need across the 5, 15 and 30 year horizons.*
- IA 1.1** *Ensure industrial land is relatively flat and enables easy access to major transport routes, other physical infrastructure such as water, wastewater, electricity and telecommunications*
- IA 1.2** *Locate new industrial areas away from sensitive land uses such as residentially zoned land.*
- IA 1.3** *Provide for a 30-year supply of industrial land, protecting such land from use and development that would preclude its future conversion to industrial land use - in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.*
- IA 1.4** *Provide a 15-year supply of industrial land, zoned for industrial purposes within the planning scheme – in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.*
- IA 1.5** *Aim to ensure a minimum 5-year supply of subdivided and fully serviced industrial land.*
- IA 1.6** *Take into account the impact on regional industrial land supply, using best available data, prior to rezoning existing industrial land to non-industrial purposes.*
- IA 2** *Protect and manage existing strategically located export orientated industries.*
- IA 2.1** *Identify significant industrial sites through zoning and ensure that other industrial uses not related to its existing function do not diminish its strategic importance.*
- IA 3** *Ensure industrial development occurs in a manner that minimises regional environmental impacts and protects environmental values.*
- IA 3.1** *Take into account environmental values and the potential environmental impacts of future industrial use and the ability to manage these in the identification of future industrial land.*

18 ACTIVITY CENTRES

18.5 REGIONAL POLICIES

- AC 1** *Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas.*
- AC 1.1** *Implement the Activity Centre Network through the delivery of retail, commercial, business, administration, social and community and passenger transport facilities.*
- AC 1.2** *Utilise the Central Business, General Business, Local Business Zones as the main zones to deliver the activity centre network through the planning scheme, providing for a range of land uses in each zone appropriate to the role and function of that centre in the network.*
- AC 1.3** *Discourage out-of-centre development by only providing for in-centre development within the planning scheme.*
- AC 1.4** *Promote a greater emphasis on the role of activity centres, particularly neighbourhood and local activity centres, in revitalising and strengthening the local community.*
- AC 1.5** *Encourage high quality urban design and pedestrian amenity through the respective development standards*
- AC 1.6** *Encourage an appropriate mix of uses in activity centres to create multi-functional activity in those centres.*
- AC 1.7** *Improve the integration of public transport with Activity Centre planning, particularly where it relates to higher order activity centres.*
- AC 1.8** *Encourage new development and redevelopment in established urban areas to reinforce the strengths and individual character of the urban area in which the development occurs.*
- AC 1.9** *Require active street frontage layouts instead of parking lot dominant retailing, with the exception of Specialist Activity Centres if the defined character or purpose requires otherwise.*
- AC 1.10** *Activity centres should encourage local employment, although in most cases this will consist of small scale businesses servicing the local or district areas.*
- AC 1.11** *Ensure the Cambridge Park Specialist Activity Centre is consolidated by restricting commercial land to all that land bound by Tasman Highway and Kennedy Drive, and provide for a wide range of allowable uses, including, but not limited to, service industry, campus-style office complexes and bulky goods retailing.*

- AC 1.11** *Provide for 10 – 15 years growth of existing activity centres through appropriate zoning within the planning scheme.*
- AC 2** *Reinforce the role and function of the Primary and Principal Activity Centres as providing for the key employment, shopping, entertainment, cultural and political needs for Southern Tasmania.*
- AC 2.1** *Encourage the consolidation of cultural, political and tourism activity within the Primary Activity Centre*
- AC 2.2** *Encourage high quality design for all new prominent buildings and public spaces in the Primary and Principal Activity Centres*
- AC 2.3** *Undertake master planning for the Primary and Principal Activity Centres taking into account this Strategy. These should examine issues of urban amenity, economic development, accessibility, urban design and pedestrian movement.*
- AC 2.4** *Encourage structure and economic development planning for lower-level Activity Centres by local planning authorities.*
- AC 3** *Evolve Activity Centres focussing on people and their amenity and giving the highest priority to creation of pedestrian orientated environments.*
- AC 3.1** *Actively encourage people to walk, cycle and use public transport to access Activity Centres.*
- AC 3.2** *Support high frequency public transport options into Principal and Primary Activity Centres.*
- AC 3.3** *Ensure the minimum car parking requirements and associated 'discretion' in the planning scheme for use and development in the Principal and Primary Activity Centres encourages the use of alternative modes of transport than private cars.*
- AC 3.4** *Provide for coordinated and consistent car parking approaches across the Principal and Primary Activity Centres that support improved use of public transport and alternative modes of transports, pedestrian amenity and urban environment.*
- AC 3.5** *Allow flexibility in providing on-site car parking in the lower order Activity Centres subject to consideration of surrounding residential amenity.*

19 SETTLEMENT AND RESIDENTIAL DEVELOPMENT

19.5 REGIONAL POLICIES

SRD 1 *Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.*

SRD 1.1 *Implement the Regional Settlement Strategy and associated growth management strategies through the planning scheme.*

SRD 1.2 *Manage residential growth in District Centres, District Towns and Townships through a hierarchy of planning processes as follows:*

- 1. Strategy (regional function & growth scenario);*
- 2. Settlement Structure Plans (including identification of settlement boundaries);*
- 3. Subdivision Permit;*
- 4. Use and Development Permit.*

SRD 1.3 *Support the consolidation of existing settlements by restricting the application of the Rural Living Zone:*

- 1. to existing rural living communities; or*
- 2. for the purposes of preparing a Local Provision Schedule, to land within an existing Environmental Living Zone in an interim planning scheme if consistent with the purpose of the Rural Living Zone.*

Land not currently zoned for such use may only be zoned for such use where one or more of the following applies:

- a Recognition of existing rural living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to Rural Living provided:*
 - (i) the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and*
 - (ii) only limited subdivision potential is created by rezoning.*
- b Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agriculture with other land better suited for rural living purposes, in accordance with the following:*

- (i) the total area rezoned for rural living use does not exceed that which is back-zoned to other use;
 - (ii) the land rezoned to rural living use is adjacent to an existing rural living community;
 - (iii) the land rezoned to rural living use is not designated as Significant Agriculture Land on Map 5 of this Strategy;
 - (iv) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and
 - (v) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.
- c Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:**
- (i) the land must predominantly share common boundaries with:
 - existing Rural Living zoned land; or
 - rural living communities which comply with SRD 1.3(a);
 - (ii) the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;
 - (iii) development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;
 - (iv) such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;
 - (v) the land rezoned to rural living use is not designated as Significant Agricultural Land on Map 5 of this Strategy;
 - (vi) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and
 - (vii) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.

SRD 1.4 Increase densities in existing rural living areas to an average of 1 dwelling per hectare, where site conditions allow.

SRD 1.5 Encourage land zoned General Residential to be developed at a minimum of 15 dwellings per hectare (net density).

SRD 1.6 *Utilise the Low Density Residential Zone only where it is necessary to manage land constraints in settlements or to acknowledge existing areas.*

SRD 2 *Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.*

SRD 2.1 *Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development.*

SRD 2.2 *Manage greenfield growth through an Urban Growth Boundary, which sets a 20 year supply limit with associated growth limits on dormitory suburbs.*

SRD 2.3 *Provide greenfield land for residential purposes across the following Greenfield Development Precincts:*

- *Bridgewater North*
- *Brighton South*
- *Droughty Point Corridor*
- *Gagebrook/Old Beach*
- *Granton (Upper Hilton Road up to and including Black Snake Village)*
- *Midway Point North*
- *Risdon Vale to Geilston Bay*
- *Sorell Township East*
- *Spring Farm/Huntingfield South*

SRD 2.4 *Recognise that the Urban Growth Boundary includes vacant land suitable for land release as greenfield development through residential rezoning as well as land suitable for other urban purposes including commercial, industrial, public parks, sporting and recreational facilities, hospitals, schools, major infrastructure, etc*

SRD 2.5 *Implement a Residential Land Release Program that follows a land release hierarchy planning processes as follows:*

1. *Strategy (greenfield targets within urban growth boundary);*
2. *Conceptual Sequencing Plan;*
3. *Precinct Structure Plans (for each Greenfield Development Precinct);*
4. *Subdivision Permit; and*
5. *Use and Development Permit*

SRD 2.6 *Increase densities to an average of at least 25 dwellings per hectare (net density)⁽ⁱ⁾ within a distance of 400 to 800 metres of Integrated transit corridors and Principal and Primary Activity Centres, subject to heritage constraints.*

SRD 2.7 *Distribute residential infill growth across the existing urban areas for the 25 year planning period as follows:*

Glenorchy LGA 40% (5300 dwellings)

Hobart LGA 25% (3312 dwellings)

Clarence LGA 15% (1987 dwelling)

Brighton LGA 15% (1987 dwellings)

Kingborough LGA 5% (662 dwellings)

SRD 2.8 *Aim for the residential zones in the planning scheme to encompass a 10 to 15 year supply of greenfield residential land when calculated on a whole of settlement basis for Greater Hobart.*

SRD 2.9 *Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population*

SRD 2.10 *Investigate the redevelopment to higher densities potential of rural residential areas close to the main urban extent of Greater Hobart.*

SRD 2.11 *Increase the supply of affordable housing.*

- (i) *It is recognised that within a defined suburb or precinct in the densification area that not every hectare will contain 25 dwellings. Indeed in some locations a consistent increase in density across a single hectare may be less desirable than the redevelopment of key sites at much higher densities to achieve an alternative measure of densification such as 250 dwellings per 10 hectares.*



City of **HOBART**

Enquiries to: James McIlhenny

☎: 62382891

✉: mcilhennyj@hobartcity.com.au

Our Ref: S32-006-01/02

8 November 2017

Mr Brian Risby
Manager
Planning Policy Unit
Department of Justice

Via Email: Brian.Risby@justice.tas.gov.au

Dear Brian

SOUTHERN TASMANIA REGIONAL LAND USE STRATEGY – URBAN GROWTH BOUNDARY

You may recall some time ago I raised with you the process of amending the STRLUS Urban Growth Boundary in relation to the property at 369 Lenah Valley Road, as indicated on the attached map, following an enquiry from the owner about part of the property being rezoned to General Residential.

I recently raised the issue of the process to amend the UGB at the Southern Regional Planners Technical Reference Group. The TRG had no objection to the change to the UGB suggested but did have concerns with the lack of a formal process for these minor changes to be considered.

The lack of a process does make it difficult for council officers to give advice to property owners when enquiries are made and your consideration of this issue would be appreciated.

In relation to 369 Lenah Valley Road it would be appreciated if you could consider this minor amendment to the UGB when amendments are made to the STRLUS in the future.

Yours sincerely

(James McIlhenny)
MANAGER PLANNING POLICY & HERITAGE

Hobart Council Centre, 16 Elizabeth St Hobart, Tasmania
GPO Box 503, Hobart 7001
Tasmania

Telephone 03 6238 2711
Facsimile 03 6234 7109
TTY 03 6238 2187

Email coh@hobartcity.com.au
hobartcity.com.au

ABN 29 055 343 428







PO Box 126
47 Cole Street
SORELL TAS 7172
ABN 12 690 767 695

Telephone 03 6269 0000
Fax 03 6269 0014
sorell.council@sorell.tas.gov.au
www.sorell.tas.gov.au

Our Ref: 43.2017.2.1

Your Ref:

Enquiries to: John Molnar

8th December 2017

Hon Peter Gutwein MP
Minister for Planning and Local Government
GPO Box 123
HOBART TAS 7001



Dear Sir,

**RE: AMENDMENT TO THE URBAN GROWTH BOUNDARY FOR THE SORELL TOWNSHIP
RELATING TO 56 – 62 FORCETT STREET, SORELL**

I refer to a copy of a letter that you sent to the owners, Mr and Mrs Gill, of 56-62 Forcett Street, Sorell which Council received on the 22 May 2017. This letter informed the owners of the land of the processes involved in any subsequent rezoning application and as this land is outside the urban growth boundary in the Southern Tasmania Regional Land Use Strategy (STRLUS), that "a modification of this boundary would be required".

The owners have lodged the required rezoning application which was initiated and certified on the 8 August 2017 by Sorell Council, placed on public exhibition as required and representations were received. These were limited to State Growth and TasWater. Council continues to support the rezoning application.

The Tasmanian Planning Commission (TPC) held a hearing into this matter on the 5 December at which the applicant, Irenelnc Planning Consultants, Council's Senior Planner, the owner of the land and representatives from State Growth and TasWater were in attendance.

It is understood that no major issues were raised by the representors and that the TPC delegates were provided with information to assist with their determination of the merits of the amendment.

However, at the conclusion of the hearing the delegates determined to adjourn the hearing and their decision pending the outcome of any modification to the urban growth boundary. This letter responds to both your earlier letter to the owners and to the direction of the delegates at the TPC hearing.

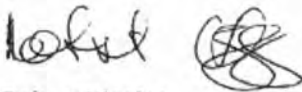
It is Council's opinion that the planning merits have been established during the assessment of the rezoning application and that such matters were provided to the TPC delegates. These include references to Council's recently endorsed Sorell Land Supply Strategy 2017, by

Echelon planning consultants, which provides clear strategic planning for the municipality and which supports this rezoning application. Attached is a map of the property in question.

Council continues to support the rezoning application and consequently requests that you give consideration to modifying the Southern Tasmania Regional Land Use Strategy, limited to the modification to the urban growth boundary to facilitate the continuation of the assessment by the TPC delegates on the rezoning application for the property at 56 – 62 Forcett Street, Sorell.

If you have any further queries regarding this letter please do not hesitate to contact John Molnar on ☎ 6269 0000.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Robert Higgins', followed by a circular stamp or seal.

Robert Higgins
GENERAL MANAGER

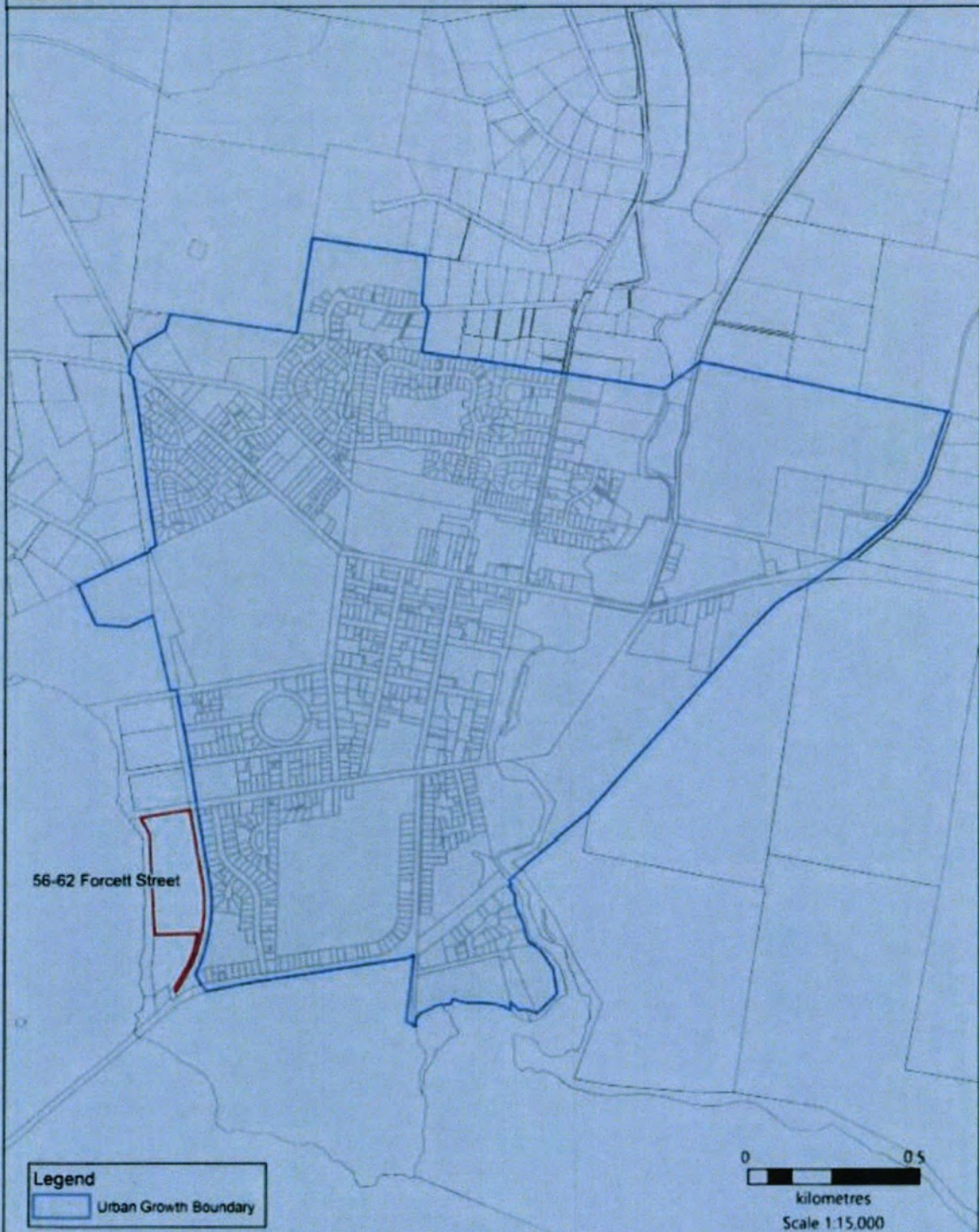
Cc: Brian Risby
Manager Planning Policy Unit
Department of Justice
Level 4B, 144 Macquarie Street
HOBART TAS 70001

Cc: Jacqui Blowfield
IreneInc Planning
49 Tasma Street
NORTH HOBART TAS 7000



Urban Growth Boundary Sorell

Created By Julie Mann
Date: 26/04/2017



Disclaimer: This map is a representation of the information currently held by Sorell Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 MEMORANDUM OF UNDERSTANDING – METRO TASMANIA PTY LTD**

(File No 25-06-00)

EXECUTIVE SUMMARY**PURPOSE**

To seek Council's authorisation to the signing of a new Memorandum of Understanding between Clarence City Council and Metro Tasmania Pty Ltd.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2016-2026 is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

That the General Manager be authorised to sign the Memorandum of Understanding with Metro Tasmania Pty Ltd.

ASSOCIATED REPORT**1. BACKGROUND**

1.1. Council, at its Meeting of 25 February 2013 resolved: *“That the General Manager be authorised to sign the Memorandum of Understanding with Metro Tasmania Pty Ltd”*. Accordingly, since that time a Memorandum of Understanding (MOU) has been in place between Clarence City Council and Metro Tasmania Pty Ltd.

1.2. In accordance with the existing MOU, regular discussions have been held with Officers from Metro Tasmania in regard to a range of operational and planning issues.

2. REPORT IN DETAIL

2.1. Metro have indicated their desire to enter into a new agreement to reflect new issues and priorities.

2.2. The aim of the agreement is: *“to outline procedures to enable the provision of safe, efficient, effective and sustainable passenger transport in the City of Clarence”*.

2.3. The principal objectives of the agreement are:

- The Clarence City Council and Metro Tasmania Pty Ltd agree to:
 - consult one another on issues which might have significant implications for the other organisation. Consultation will be undertaken early at an officer level;
 - work together to develop close and effective working relationships based on mutual respect and trust.
- Exchange relevant information gathered as a result of community engagement programs.
- Establish a framework for cooperation between the Clarence City Council and Metro Tasmania Pty Ltd.
- Each organisation will allocate resources to ensure the effective operation of this MOU.
- Clarence City Council and Metro Tasmania Pty Ltd agree to communicate regularly. This will be underpinned by regular 6 monthly meetings at senior management level and informal contact at officer level.
- Directories identifying relevant key officers in each organisation, their roles, responsibilities and contact details will be shared between the organisations.

- 2.4.** Numerous other matters are detailed in the MOU with 2 changes from the previous MOU.

“5. (b) *Provide, where possible, five days’ notice to Metro of actual works that might temporarily affect the operation of Metro services, recognising the need for Metro to plan alternate arrangements and provide advance notice to intending passengers. Where five days’ notice is not feasible, provide such notice as soon as is practicable.*

(c) *Encourage relevant development and permit applicants to provide five days’ notice to Metro of works that might temporarily affect the operation of Metro services”.*

A copy of the revised MOU is Attachment 1.

- 2.5.** The MOU will be reviewed every 2 years and will be updated to take account of any new issues and priorities.

3. CONSULTATION

3.1. Community Consultation

Not applicable.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

- 4.1.** Council’s adopted Strategic Plan 2016-2026, under the Goal Area A well-planned liveable city:

“• *Develop and implement a comprehensive transport strategy for the City.*

- *Establish and review a priorities list of outstanding road transport and alternative transport issues for the City to facilitate the appropriate ranking of projects for capital works planning and funding.*
- *Develop and implement traffic management plans to enhance connectivity and improve road safety.*
- *Monitor and provide public car parking facilities within activity centres (both on-street and off-street) as a component of broader transport and access strategies involving public transport and alternative transport modes”.*

4.2. Council’s adopted Strategic Plan 2016-2026, under the Goal Area A Prosperous city:

“Build and facilitate productive networks and relationships based on issues of common interest with business groups, regional bodies, other Councils, other levels of government, and including bodies such as Hobart International Airport, Destination Southern Tasmania, and Southern Tasmanian Councils Authority”.

4.3. Council’s Strategic Plan 2016-2026 under the Goal Area Governance and leadership the following Strategies:

“Establish strategic partnerships to facilitate greater opportunities for Council to improve service delivery”.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

The MOU is a statement of intent and does not create any enforceable rights.

7. FINANCIAL IMPLICATIONS

Nil.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

The proposed Memorandum of Understanding is in accord with the current MOU between the Council and Metro Tasmania Pty Ltd and as such is appropriate for Council to authorise its signing.

Attachments: 1. Memorandum of Understanding (3)

Ross Graham

GROUP MANAGER ENGINEERING SERVICES

Memorandum of Understanding between the Clarence City Council and Metro Tasmania Pty Ltd

Introduction

1. This Memorandum of Understanding (MoU):
 - a) Establishes a framework for cooperation between the Clarence City Council (Clarence Council) and Metro Tasmania Pty Ltd (Metro). It sets out the role of each party and how they will work together. Its aim is to outline procedures to enable the provision of safe, efficient, effective and sustainable passenger transport in the City of Clarence.
 - b) Will be reviewed every two years and will be updated to take account of any new issues and priorities.
 - c) Is a statement of intent and does not create any enforceable rights.

Meetings and Informal Contact

2. Each organisation will allocate resources to ensure the effective operation of this MoU.
3. Clarence Council and Metro agree to communicate regularly. This will be underpinned by regular six monthly meetings at senior management level and informal contact at officer level. Directories identifying relevant key officers in each organisation, their roles, responsibilities and contact details will be shared between the organisations.
4. Clarence Council and Metro agree to:
 - a) Consult one another on issues which might have significant implications for the other organisation. Consultation will be undertaken early at an officer level.
 - b) Work together to develop close and effective working relationships based on mutual respect and trust.
 - c) Exchange relevant information gathered as a result of community engagement programs.

Roles and Responsibilities of Clarence Council and Metro

5. Clarence Council will:
 - a) Engage with Metro in relation to proposals for roadworks, traffic operation changes, kerbside parking changes, traffic management schemes and other transport initiatives that might have an impact on the operation of Metro services, including the ride quality of passengers.
 - b) Provide, where possible, five days' notice to Metro of actual works that might temporarily affect the operation of Metro services, recognising the need for Metro to plan alternate arrangements and provide advance notice to intending passengers. Where five days' notice is not feasible, provide such notice as soon as is practicable.

- c) Encourage relevant development and permit applicants to provide five days' notice to Metro of works that might temporarily affect the operation of Metro services.
- d) Engage with Metro on development proposals and applications that may impact upon the access to and demand for passenger transport services and infrastructure, or the operation of existing services and location of infrastructure.
- e) Work with Metro to understand the issues of concern regarding the access to and operation of passenger transport services in the City of Clarence and to help identify practical solutions.
- f) Actively promote, where appropriate, the use of passenger transport to the benefit of the Clarence community.
- g) Work with Metro to develop an effective strategy for progressively improving access to passenger transport infrastructure and services to meet the *Disability Standards for Accessible Public Transport 2002*.
- h) Work with Metro to consider issues relating to the location of bus stop infrastructure.
- i) Remove graffiti from Clarence Council-owned infrastructure located adjacent to Metro-owned infrastructure (e.g. toilets and bus shelters) within five days of it being reported to Clarence Council, or within one day of it being reported to Clarence Council if the graffiti is offensive in nature.
- j) Engage with Metro regarding the potential for improved information being provided to the Clarence community regarding Metro services.
- k) Consider traffic management and priority measures that will facilitate an improvement in the movement of bus services through the City of Clarence.

6. Metro will:

- a) Work with Clarence Council to understand the issues of concern to the Clarence community regarding the operation of passenger transport services or infrastructure in the City of Clarence.
- b) Work with Clarence Council to help identify practical solutions to the issues of concern, and in particular those issues relating to any higher maintenance costs on local roads that serve as bus routes.
- c) Engage with Clarence Council on any reviews of passenger transport infrastructure or services in the City of Clarence.
- d) Work with Clarence Council and Tasmania Police to improve the overall safety, functionality and effectiveness of the Rosny Park Bus Interchange.
- e) Respond to requests from Clarence Council for information on the passenger transport impacts of development proposals, sub-divisional designs and other planning related matters.
- f) Work with Clarence Council to develop an effective strategy for progressively improving access to passenger transport infrastructure and services to meet the *Disability Standards for Accessible Public Transport 2002*.
- g) Engage with Clarence Council on the location, erection and maintenance of bus stop infrastructure and the location of bus routes.

- h) Remove graffiti from Metro-owned infrastructure (e.g. toilets and bus shelters) located in the City of Clarence within five days of it being reported to Metro, or within one day of it being reported to Metro if the graffiti is offensive in nature.
- i) Work with Clarence Council on the provision of services to, and promotion of, major Clarence Council events.

Signed on behalf of the Clarence City Council

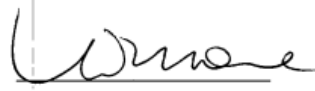
Dated: __/__/2017

Signed on behalf of Metro Tasmania Pty Ltd

Dated: 22/09/2017

Andrew Paul

General Manager


Megan Morse

Acting Chief Executive Officer

11.5.2 SOUTH ARM OVAL REVISED MASTER PLAN

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider the adoption of the South Arm Oval Revised Master Plan following community consultation.

RELATION TO EXISTING POLICY/PLANS

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

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

Residents within the South Arm Peninsula area and key stakeholders have been consulted.

FINANCIAL IMPLICATIONS

The implementation of the South Arm Oval Revised Master Plan is planned to be staged over at least 3 financial years, subject to Council approval of future Annual Plans. Council, in the 2016/2017 Annual Plan allocated \$150,000 to implement Stage 2 of the previously adopted South Arm Oval Master Plan. In addition, a grant of \$50,000 has been obtained from the Tasmanian Community Fund making a total amount of \$200,000 for Stage 2. Council has allocated \$223,000 in the 2017/2018 Annual Plan to implement Stage 3.

RECOMMENDATION:

- A. That Council removes the following items from the draft South Arm Oval Revised Master Plan circulated as part of the community consultation process:
 - bollards at the Calverton Hall surrounds; and
 - the fitness path.
- B. That Council adopts the South Arm Oval Revised Master Plan as the Master Plan set out in Attachment 1 of the Associated Report and modified by the requirements of "A" above.
- C. That Council stage the development over a number of financial years as per this report and subject to funding approval in future Annual Plans.
- D. That Council authorises the General Manager to write to the residents of South Arm Peninsula and inform them of Council's decision.

SOUTH ARM OVAL REVISED MASTER PLAN /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The South Arm Oval and Calverton Hall have been leased to the South Arm Calverton Hall Inc since 18 November 1996. The lease expired on 29 August 2017 and a new lease will be arranged.
- 1.2.** Local youths approached Aldermen for Council to consider the funding and construction of a skate park in South Arm. The South Arm Oval is central to the township of South Arm and is accessible to passing residents from Opossum Bay. The only recreational spaces in South Arm are the South Arm Oval and a playground along Blessington Street.
- 1.3.** In accordance with Council's Open Space Strategy Principles it was decided to develop a Master Plan for the South Arm Oval that would cater for the short term and long term goals for the provision of community and recreational facilities at the Oval.
- 1.4.** Council officers developed a draft Master Plan concept and met with key stakeholders on-site to discuss the draft Plan. The key stakeholders included representatives of South Arm Calverton Hall Inc, South Arm Peninsula Residents Association (SAPRA), local youths and an Alderman.
- 1.5.** A Briefing Report was sent to all Aldermen on 17 February 2015 outlining the public consultation process and an attached copy of the draft Master Plan.
- 1.6.** Public consultation was conducted in relation to the draft South Arm Oval Master Plan over the period from 14 March to 8 April 2015.
The consultation included:
 - completing the feedback form available at the South Arm shop and placing in the feedback box; or
 - completing the feedback form on Council's website; or

- emailing to Council’s general email address; or
- mailing the feedback form to the Council Offices.

1.7. Council received 198 submissions from the local community. Council considered all the submissions received and at its Meeting on 1 June 2015 resolved as follows:

- “A. *That Council removes the following items from the draft South Arm Oval Master Plan, circulated as part of the community consultation process:*
- *bollards and access gate adjacent to the Calverton Hall;*
 - *5 feature trees at the frontage of Calverton Hall and the Community Centre;*
 - *4 feature trees adjacent to the proposed car park upgrade; and*
 - *2 seats at the frontage of Calverton Hall and the Community Centre.*
- B. *That Council adopts the South Arm Oval Master Plan based on the Master Plan as set out in Attachment 1 to the Associated Report and modified by the requirements of ‘A’ above.*
- C. *That Council stage the development over 3 financial years as per the Associated Report and subject to funding approval in future Annual Plans.*
- D. *That Council add the following items to the preliminary Capital Works Program for consideration as part of future Annual Plans:*
- *upgrade of the existing toilet facility to include baby change room and accessible toilet;*
 - *expansion of car parking; and*
 - *additional BBQ/Picnic facilities”.*

- 1.8.** A letter to all respondents to the initial community consultation advising them of the amendments adopted by Council was sent on 10 June 2015. Stage 1 of the South Arm Master Plan, which included the outdoor gym equipment and seats, were installed as per the plan during 2016.
- 1.9.** A Planning Permit was received 21 June 2016 for the construction of the multi-use hardstand area (skate/scooter/bike ramp, basketball court and tennis wall).
- 1.10.** On 11 May 2017, Council received a further Planning Permit for the same construction with a minor amendment to relocate the skate park 2m to the south.
- 1.11.** On 22 May 2017, a letter was written to nearby residents of South Arm Oval providing information relating to a number of concerns raised by the residents regarding the construction of the skate park at South Arm Oval, with an enclosed site plan of the skate park. The letter addressed the main issues raised which were; noise levels, lighting, views, toilet facilities, car access and time restrictions.
- 1.12.** A Council Workshop was held on 29 May 2017, to discuss the concerns raised by nearby residents regarding the construction of the skate park. Council decided to proceed with the Tender process for the construction of the skate park.
- 1.13.** On 31 May 2017, a letter was sent to nearby residents addressing a number of concerns and advising that Council was seeking quotations on the construction of the skating facility.

- 1.14.** On 19 July 2017, a memo was distributed to Alderman from Council officers.

“Following a recent Council Workshop discussion and written correspondence to South Arm residents who expressed interest/concerns on the South Arm Skate Park, Council officers engaged acoustic consultant Pearu Terts to provide advice on the proposed Skate Park adjacent South Arm Oval. We have now received the report and it recommends noise barriers be erected around three sides of the proposed skate facility. Considering this advice, the current approved Development Application, the Tenders received and the interest/concerns received from the nearby community, it is appropriate for Council Officers in association with the skate park designer review all the information, consider options and advise Council of a recommended course of action. At this stage Council Officers will review all the information and present options to the 31 July 2017 Council workshop for discussion and a recommended course of action”.

- 1.15.** Since July 2017, a new design for the skate park has been prepared taking into account previous concerns raised by residents. The proposed skate park location has been moved further distance from adjacent property boundaries within the limited available space at the site, the height has been reduced from 1.6m to 1.2m and the skate park has been reduced in size/area.
- 1.16.** Council continue to receive representations from adjoining property owners concerned about the impact of the skate park. Concerns relate to the potential noise generated by the park and what Council will be doing to mitigate this and manage anti-social behaviour.
- 1.17.** The Planning Permit issued for the skate park on 11 May 2017 contains the following conditions:

This permit is granted, subject to the following conditions:

General Conditions:

1. The use or development must only be undertaken in accordance with the endorsed plans and amended plans dated 11 May 2017 and any permit conditions and must not be altered without the consent of Council.

Note: Condition 1 amended on the 11 May 2017 pursuant to Section 56 of the Land Use Planning and Approvals Act 1993 to reflect the relocation of the skate park 2m to the south of the originally approved location.

2. The use of the skate park facility must be within the following hours:
 - (a) 8.00am to 8.00pm Monday to Fridays inclusive;
 - (a) 9.00am to 6.00pm Saturdays;
 - (b) 10.00am to 5.00pm Sundays and Public Holidays;
3. Any form of public address system must not be audible outside the property.
4. Outdoor lighting (except security lighting), where provided, must be located, designed and baffled to ensure that no direct light is emitted outside the boundaries of the site and be turned off between 9.00pm and 6.00am.
5. Flood lighting within 200m of a residential zone must not subject nearby residential lots to obtrusive light, as defined in AS 4282-1997-1.4.7.

Environmental Health Conditions:

6. Noise emissions associated with the use of the skate park facility measured at the boundary with a residential zone must not exceed the following:
 - (a) 55dB(A) (LAeq) between the hours of 7.00am to 7.00pm;
 - (a) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00pm and 7.00am;
 - (b) 65dB(A) L_{Amax} at any time.

Measurement of noise levels must be in accordance with methods in the Tasmanian Noise Measurement Procedures Manual issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.

- 1.18. The hours of use for the skate park, contained in the above permit conditions, are difficult to enforce and as part of a new Development Application Council will seek to change the hours of use to daylight hours only. This change will result in the application being a Discretionary Use and will require public advertising.
- 1.19. A public address system, outdoor lighting and flood lighting are not included in the design and therefore these conditions are not required to be met. These conditions are included as precautionary and must be met should any occasion warrant their compliance.

- 1.20.** A Noise Assessment Report prepared for Council by an Acoustic Engineer and a further less complex summary prepared by an independent engineer and approved by the Acoustic Engineer were made available on the Clarence City Council website.
- 1.21.** It is unknown at this stage exactly what level of noise impact the use of the skate park will have on adjoining property owners. It is proposed that following the construction of the skate park that a regime of noise assessments be scheduled and the results of these assessments inform any need for noise attenuation of the skate park. This assessment can be included as a condition of a Planning Permit for the skate park. The pre-construction noise assessment indicates that a 2.4m high sound barrier may be required to attenuate the noise from the use of the skate park, if the use of the skate park is similar to the North Hobart skate park.
- 1.22.** A workshop presentation to Aldermen on 13 November 2017 provided an update on progress in relation to the South Arm Master Plan and Skate Park.
- 1.23.** Council, at its Meeting held Monday 27 November 2017 resolved the following:
- “A. Council authorises the General Manager to undertake community consultation with residents and key stakeholders of South Arm to provide feedback on the South Arm Oval draft Revised Master Plan and skate park design.*
- B. Following the community consultation, feedback be provided to Council so a final Master Plan and skate park design can be considered for adoption”.*

2. REPORT IN DETAIL

- 2.1.** The main changes to the master plan included:

- addition of the redesigned skate park and its altered position;
- additional area for native plantings adjacent to 43a Harmony Lane;
- minor change to the location of the playground; and

- reintroduction of bollards to prevent unauthorised vehicular entry to the oval and skate park.

A copy of the revised Master Plan is Attachment 1 and the proposed revised skate park is Attachment 2.

- 2.2.** Public consultation was conducted in relation to the Revised Master Plan over the period from 30 November 2017 to 21 December 2017.

The consultation included:

- feedback forms being provided to the South Arm shop, to be placed in each mail box;
- additional feedback forms being available at the shop;
- providing feedback forms on our website;
- advertising the consultation period in “The Mercury”; and
- using social media to advise of the consultation period.

- 2.3.** At the conclusion of the consultation there were 190 responses received by Council in relation to the Revised Master Plan. The following points are noted:

- Responses were received from the broader South Arm area, including Lauderdale and Sandford. Further responses came from Glenorchy, Sandy Bay and Moonah. One respondent provided a Queensland address.
- Approximately 100 photocopied forms were submitted with the “No” response and no address on the form. It appeared these forms were completed by the same person, due to their definite similarity. These forms were excluded from the final count.

- 2.4.** The feedback form asked the following question: “*Are you in favour of the Revised Draft South Arm Oval Master Plan?*”

Additional comments or general feedback could also be provided. It was optional for the respondent to provide their address.

- 2.5.** The below results show the proportion of Yes responses to No responses, and compares local and non-local responses. It shows that non-local respondents do not affect the overall result.

	Responses	Total number of “Yes” responses	Percentage of “Yes” responses	Total number of “No” responses	Percentage of “No” responses	Feedback only
All responses	190	143	75.3%	41	21.6%	6
Local responses	112	83	74.1%	25	22.3%	4

“Local” is defined as a response which has provided an address of being either South Arm or Opossum Bay.

A large proportion of the respondents provided comments, specifically about the skate park.

- 2.6.** Three key stakeholders provided written responses. These being Crime Stoppers Tasmania, SAPRA, and the Calverton Hall Committee.

SAPRA’s major points are highlighted below:

- full support of the skate park, requesting that construction start “as soon as possible”;
- further support of the play space, explore track, native planting, hitting wall, carpark and passive games area;
- rejection of the installation of the bollards as these are unnecessary and will make the precinct far less accessible;

- rejection of the market access/gravel road in front of the community centre, as this is not required and will create a dust bowl on the centre's doorstep. [This element has not changed from the original Master Plan and therefore it is recommended Council Officers liaise with SAPRA about this concern.]

Crime Stoppers Tasmania said they would be happy to support the community with promotional and safety materials relating to skate parks.

The Calverton Hall Committee said they do not approve the bollards and queried who would be the responsible person in charge of removing them when required for events.

There was also mention of the fitness path between the exercise equipment being unnecessary.

Calverton Hall currently has a lease agreement for part of the South Arm Oval. The lease is due for renewal. [As part of the review of the lease, the lease boundary will be adjusted to account for the location of the skate park and playground.]

2.7. The Major points which were raised from the Yes respondents included:

- a high proportion of the responses stated that the development is needed in the community as it gives the kids something to do;
- fitness for the kids;
- currently the oval is wasted space; and
- great opportunity for the South Arm Community.

The Minor points included:

- would like increased parking for market days.

2.8. The major points which were raised form the No respondents:

- increased noise levels and the close proximity to nearby residents;
- closest resident fence is 15m, from the skate park;
- how the park will be policed after daylight hours; and
- property devaluation – and how Council will remunerate for this loss.

Some nearby residents also expressed concerns:

- increased inappropriate behaviour to the area;
- lack of consultation to nearby residents;
- have other sites been considered and why are these inappropriate; and
- if it proceeds, they would like to be consulted on the type of new trees planted.

2.9. Advice provided at previous Council Workshops held 31 July 2017 and 13 November 2017, from the acoustic assessment is that dependant on the level of use there may be need to design and construct a sound attenuation wall 2.4m high to be offset from the skate park by 5m.

Estimated cost for the sound attenuation wall is to be confirmed but could be in the order of approximately \$40,000.00.

The unknown factor is the level of use of the skate park. Initially there will be a high level of use and based on other skate parks the level of use will decline over time.

2.10. The above information on the community consultation was presented at the Council Workshop session held on Monday, 22 January 2018. At the presentation Council provided direction to remove the bollards and the fitness path, plus also to provide comment on other possible locations for the skate park, including the Northern end of the oval.

It is recognised the Oval and its surrounds have a variety of uses and SAPRA and Calverton Hall Committee are concerned with how the area will maintain its functional use with vehicular restrictions on-site. Council noted the use of the area can be monitored following installation of the Master Plan elements and further options then considered.

2.11. Enquiries have been raised for potential other sites in the region, specifically for the skate park. The following are comments on these.

- (i) North area of the South Arm Oval, adjacent Harmony Lane
 - to locate the same size skate park (centrally) in the northern end of the South Arm Oval would leave approximately 20m distance to property boundaries on both sides;
 - it would also result in the oval not being suitable for ball games as the centre would be approximately 30m from the southern edge of the skate park, not including batters.
- (ii) Carpark at 2 Jetty Road
 - an east/west aligned skate park would be approximately 13m (excluding batters) from 2 property boundaries and also reduce the capacity of the carpark.
- (iii) Carpark at 3 Jetty Road
 - this area is used for parking (especially trailers), has a public toilet and fire brigade;
 - it provides access to a private residence, the area is not level and does not have enough available space.
- (iv) Council park at 169 Blessington Street
 - locating a skate park in this area would involve tree removal and possible relocation of play equipment.
 - a number of specific location options could be considered with approximate distance to property boundaries being 20m north and 10m east or west;

- this park is not centrally located to the residential region of the peninsula.

(v) South Arm Primary School at 32 Harmony Lane

- neither the school nor the Department of Education (DOE) have been approached in relation to a skate park facility on their property;
- potentially DOE will have security and liability issues with youths/adults accessing their land during and after school hours, but these issues would need to be discussed with the appropriate personnel.

3. CONSULTATION

3.1 Community consultation

Residents within the South Arm Peninsula area and special interest groups have been consulted.

3.2 State/Local Government Protocol

Nil.

3.3 Other

Nil.

4. PLAN/POLICY IMPLICATIONS

4.1. Council's Strategic Plan 2016-2026 under the Liveability has the following Strategy to: *"Enhance the liveability of activity centres, community hubs and villages through streetscape and urban design projects and local area master plans"*.

4.2. Council's Strategic Plan 2016-2026 under the Promoting Health has the following Strategy to: *"Promote active and healthy lifestyles through provision and support for active and passive recreation programs and activities"*.

- 4.3.** Council's Strategic Plan 2016-2026 under Parks and Recreation Facility:
"Planning for and providing new sporting and recreation facilities to meet community demand".

5. EXTERNAL IMPACTS

These have been mentioned in the summary of the Yes/No respondents.

6. RISK AND LEGAL IMPLICATIONS

The noise assessment report prepared by an Acoustic Engineer is available on the Clarence City Council website. This is a complex report and representations have been received asking questions regarding interpretation of different elements of the report. Council has sought a response from the Acoustic Engineer with regard to these questions so the correct interpretation is forwarded to the residents.

7. FINANCIAL IMPLICATIONS

- 7.1.** The implementation of the South Arm Oval Revised Master Plan is planned to be staged over at least 3 financial years, subject to Council approval of future Annual Plans. Council, in the 2016/2017 Annual Plan allocated \$150,000 to implement Stage 2 of the previously adopted South Arm Oval Master Plan. In addition, a grant of \$50,000 has been obtained from the Tasmanian Community Fund making a total amount of \$200,000 for Stage 1.
- 7.2.** Council, in the 2017/2018 Annual Plan allocated \$223,000 to implement Stage 3 of the South Arm Master Plan. Stage 3 includes the development of play space, explore track, basketball half court, plantings around boundaries, car parking, Harmony Lane entry improvements, community market space and landscaped entry and feature trees.
- 7.3.** Cost estimates for the construction of the revised skate park plan are \$227,000, without any sound walls. The cost estimate will be more realised when final quotations are received. In order to complete the revised skate park plan, it is likely some of the remaining components of the Master plan may have to be budget dependent on their delivery.

8. ANY OTHER UNIQUE ISSUES

- 8.1.** It is intended for a new Development Application to be submitted for Council to seek a change of the hours of use to daylight hours only. The change will result in the application being a Discretionary use and will require public advertising.
- 8.2.** In relation to the consideration of addressing potential noise levels from the skate park, there are 2 options available:
1. present a sound wall design with the Development Application; or
 2. condition a permit to monitor noise levels upon a period of pattern use and if necessary, construct sound barriers to an approved design and locate to attenuate noise impacts.

9. CONCLUSION

- 9.1.** Overall a majority of the consultation feedback respondents approve of the South Arm Oval Revised Master Plan.
- 9.2.** Council has received both positive and negative representations on the proposed skate park. The positive responses being in relation to providing an alternative physical activity for the youth and the negative about potential increased noise levels and inappropriate behaviour, specifically related to the proposed skate park.
- 9.3.** It is intended a new Development Application will be submitted for Council to seek a change of the skate park hours of use to daylight hours only. This will require public advertising and therefore a statutory consultation process.

Attachments: 1. South Arm Oval Revised Master Plan (1)
2. Proposed Skate Park Plan (1)

Ross Graham
GROUP MANAGER ENGINEERING SERVICES

Attachment 1

OPPORTUNITIES MASTER PLAN

This Plan shows the future opportunities available at the South Arm Oval site for improvements to open space, aesthetics, community infrastructure and recreation facilities. It aims to provide a guide for Council in undertaking maintenance and upgrade works in the short term and a master plan for the provision of additional facilities at the site in the long term. Some of the elements shown on the plan are subject to future demand and Council budget.



- ① **MULTI-USE HARDSTAND**
Utilise existing degraded land to provide a multi-purpose hardstand. Area may include facilities for kids games such as basketball, handball and a hitting wall.
- ①a **SKATE PARK**
Overall design to consider passive surveillance, noise attenuation for adjacent properties. Layout shown indicative only.
- ② **PLAY SPACE**
Existing vegetation provides opportunity to integrate small play space including equipment for all ages and nature based play items.
- ③ **EXPLORE TRACK**
Opportunity for path through vegetation utilising the existing trees and sandy topography. Suitable for bikes and walking. Opportunity to integrate seating, art and play elements.
- ④ **NATIVE PLANTING**
Additional native planting along property boundaries to filter views into oval, improve park aesthetics and provide buffer to play spaces (in consultation with property owners).
- ⑤ **FITNESS PATH**
Gravel path with timber edging to create loop track around oval. Path will define the edge of the formal oval. Opportunity to provide in-ground distance markers for runners and walkers. Approximate length of loop - 300m.
- ⑥ **HITTING WALL**
Opportunity to provide masonry hitting wall to separate tennis court from skate and scoot space. Provides visual and noise separation and can be multi-use. Opportunity to integrate basketball hoop or various ball game line markings on wall to be used from either side.
- ⑦ **OUTDOOR FITNESS STATIONS**
Opportunity to provide separated exercise stations along fitness path that focus on various strength and stretching activities. Each station to include under-surfacing and multiple equipment items.
- ⑧ **CALVERTON HALL SURROUNDS**
Provide bollards to manage vehicle traffic onto oval. Removable bollards allow for vehicle access to be gained to oval space for use as overflow parking during events.
- ⑨ **CARPARK**
Formalise existing gravel carpark. Surrounding land remains available for future carpark extension (when required).
- ⑩ **LANDSCAPE ENTRY**
Install trees and low landscaping to formalise main entry driveway. Maintain open area adjacent carpark for informal parking.
- ⑪ **FEATURE TREES**
Opportunity to provide feature trees to surrounds of oval to provide sense of space and define edge (tree locations indicative.)
- ⑫ **HARMONY LANE PEDESTRIAN ENTRY**
Upgrade native plantings, traffic control bollards and footpaths to improve street frontage and pedestrian access to oval.
- ⑬ **EXISTING COMMUNITY GARDEN AREA**
- ⑬a **FUTURE COMMUNITY GARDEN EXPANSION AREA**
- ⑭ **PROPOSED MENS SHED - FUTURE (Shown indicative only)**
- ⑮ **PASSIVE GAMES AREA**
Opportunity to provide facilities for games such as outdoor chess or bocce.
- ⑯ **COMMUNITY MARKET SPACE + GRAVEL ACCESS ROAD**
Open area in forecourt for community market space.
- **SEATING**
Additional bench seating to oval and surrounds.



Multi-use play wall



Explore track with art



Multi-use hardstand for skating, scooting and ball games



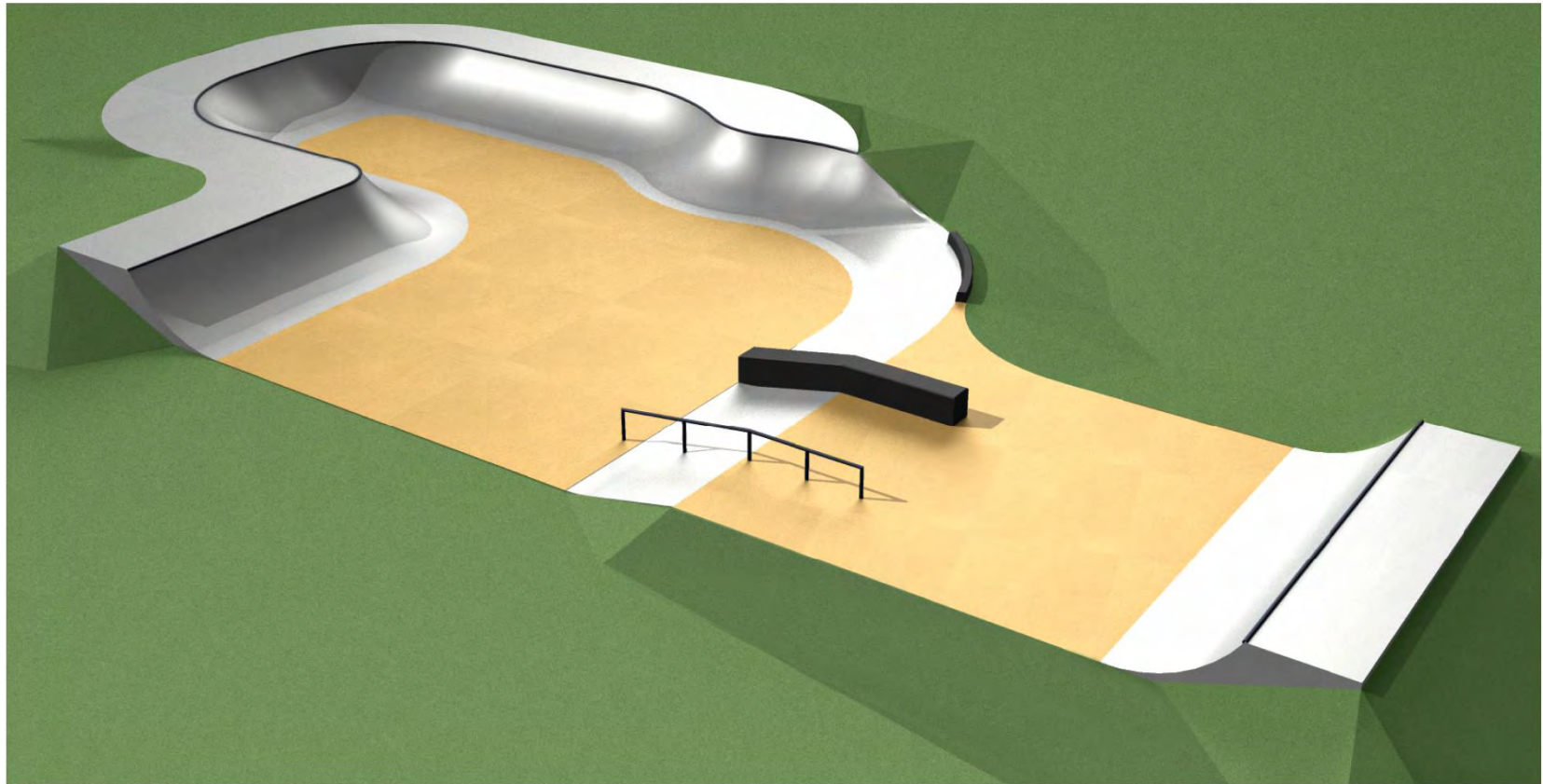
Fitness path distance markers



Outdoor fitness stations

PERSPECTIVE IMAGE

PROPOSED NEW CONCRETE SKATE PARK
SOUTH ARM - TASMANIA



SEPTEMBER 2017



PERSPECTIVE IMAGE

PROJECT
SOUTH ARM SKATEPARK
LOCATION: SOUTH ARM - TASMANIA

ISSUE: DRAFT DA
CLIENT: Concrete Dreams
DRAWN BY:
BUILDING SURVEYOR:

SCALE: N/A PAGE 02

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 REVIEW OF THE AUDIT PANEL CHARTER AND INDEPENDENT MEMBER REMUNERATION**

(File No 07-02-12)

EXECUTIVE SUMMARY**PURPOSE**

To consider recommended changes to the existing Audit Panel Charter following the review of the document recently undertaken by the Panel.

RELATION TO EXISTING POLICY/PLANS

The Audit Panel is consistent with the governance and leadership principles and objectives set out in Council's Strategic Plan 2016-2026.

LEGISLATIVE REQUIREMENTS

New statutory requirements have been introduced requiring all Tasmanian Councils to establish Audit Panels. The Audit Panels have a range of responsibilities outlined in the Act and Regulations to overview Council's strategic finance and asset management plans and related aspects associated with Council's overall long term financial stability and sustainability. Council has previously incorporated the new statutory requirements in the Audit Panel's Charter.

CONSULTATION

No consultation with the community is required in respect of this matter.

FINANCIAL IMPLICATIONS

None identified.

RECOMMENDATION:

- A. That Council endorse the 4 year rotational appointment model for independent members as detailed in Attachment 2 to the Associated Report.
- B. That Council adopts the revised Charter and Terms of Reference for the new Audit Panel as detailed in Attachment 1 to the Associated Report.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1. Council, at its Meeting of 23 February 2004 formally established the Clarence City Council Audit Committee as a Special Committee of Council under Section 24 of the Local Government Act, 1993 (the Act).

- 1.2.** In 2014, changes to the Act introduced a new requirement for all Tasmanian Councils to establish Audit Panels. Council incorporated the new statutory requirements, for Councils to establish Audit Panels, in the Charter by decision of 12 January 2015.

2. REPORT IN DETAIL

- 2.1.** The current Audit Panel Charter has now operated for a period of 2 years. As a matter of good governance practice, Council's Audit Panel has undertaken a periodic review of the Charter and has put forward a number of recommended changes to the Charter. The Charter has been redrafted with these recommended changes for consideration by Council (refer Attachment 1).

- 2.2.** The proposed changes are by and large relatively minor and are summarised as follows:

- removal and replacement of "Committee" term in favour of "Panel" for further consistency with legislative function and Council's preferred terminology use and practice;
- formerly fix the membership numbers and make-up of the Panel at 5 members (with 3 independent and 2 aldermen) which has been the Panel and former Committee make up since inception (a note of how this complied with the statutory requirements for Audit Panels is also included);
- provide for a maximum appointment term of 4 years for independent members (currently 3 years), plus a renewal mechanism in order to better match the maximum appointment term thresholds for independent Audit Panel members set by legislation of a maximum 8 years in total (see also additional detail provided on appointment rotations);
- include the intent of Council's decision of 12 January 2015, to have remuneration for independent Audit Panel members subject to CPI adjustment;
- have a set maximum 4 year period within which remuneration is reviewed rather than current open timeframe; and

- enhance the quorum provisions to ensure that at least 2 of the independent members must be present at a meeting to satisfy the presence of a meeting quorum.

2.3. In addition to the statutory responsibilities for Audit Panels and in the interest of sound audit and risk overview, Council's Audit Panel has been broadly focused with its activities being beyond financial activities and looked at a wide range of Council's operations and functional responsibilities. Over time this "broader" internal audit approach has been valuable for Council with considerable benefits derived from the reviews. In this context, it is not proposed to change how the Charter is to operate.

2.4. A consequence of the introduction of the Audit Panel legislation has been the inherent difficulty in dealing with the appointment terms for the independent members of the Panel. Council customary appointment terms were for 3 years as articulated in the Charter. The new legislation mandates that a person can only serve on an Audit Panel for a maximum 8 years. Three year terms do not easily match the application of rotational appointments to ensure the knowledge continuity of the Panel, whilst also being constrained to the 8 year maximum. In considering this a new appointment model has been formulated that is based on appointment for 4 year terms (refer Attachment 2).

3. CONSULTATION

3.1. Community Consultation

No consultation with the community is required in respect of this matter.

3.2. State/Local Government Protocol

No applicable.

3.3. Other

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The Audit Panel is consistent with the governance and leadership principles and objectives set out in Council's Strategic Plan 2016-2026.

5. EXTERNAL IMPACTS

None identified.

6. RISK AND LEGAL IMPLICATIONS

6.1. New statutory requirements have been introduced requiring all Tasmanian Councils to establish Audit Panels.

6.2. The Audit Panels have a range of responsibilities outlined in the Act and Regulations to overview Council's strategic and operation finance and asset management plans and related aspects associated with Council's overall long term financial stability and sustainability. Council has previously incorporated the new statutory requirements in the Audit Panel's Charter.

7. FINANCIAL IMPLICATIONS

None identified.

8. ANY OTHER UNIQUE ISSUES

None identified.

9. CONCLUSION

9.1. The current Audit Panel Charter has provided an effective framework for the broad approach to the internal audit of Council's strategic and operational functions.

9.2. The Charter combines all aspects of the former Audit Committee Charter together with the new statutory requirements for Audit Panels. The proposed changes in this review are regarded as minor refinements.

- 9.3.** A practical adjustment to the periods for independent appointments is required to best match the new statutory threshold that applies to these appointments.

Attachments: 1. Draft Audit Panel Charter (6)
2. Audit Panel Appointment Rotation Model (1)

Andrew Paul
GENERAL MANAGER

AUDIT COMMITTEE ~~CHARTER-PANEL~~ – CLARENCE CITY COUNCIL

1. Audit ~~Committee-Panel~~ Charter Objective

The Clarence City Council Audit ~~Committee-Panel~~ (formerly The Clarence City Council Audit Committee) was established in 2004 as an independent Special Council Committee to fulfil the objective and the purpose of this Charter.

The primary objective of the Audit ~~Committee-Panel~~ is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

In 2014 amendments to the Local Government Act 1993 (the Act) further mandates for all Tasmanian councils to establish and maintain an Audit Panel. These objectives ~~of the Audit Committee are to~~ fulfil the legislative requirements of the Council's Audit Panel.

2. Purpose

2.1 The Audit ~~Committee-Panel~~ is established to review the relevant activities of management, the internal audit function and the external auditor to facilitate achieving overall organizational objectives in an efficient and effective manner.

2.2 Under this Charter the Audit ~~Committee-Panel~~ is established and appointed as the Clarence City Council's Audit Panel under Section 85 of the Act and thereby responsible to perform the obligations of the Clarence City Council's Audit Panel as required by Section 85A of the Act, namely to review the Council's performance in relation to:

- (a) the council's financial system, financial governance arrangements and financial management; and
- (b) all plans of the council under Part 7; and
- (c) all policies, systems and controls the council has in place to safeguard its long-term financial position; and
- (d) any other matters specified in an order under section 85B as matters that an audit panel is to consider in such a review.

2.3 As part of Council's governance obligations to its community, the Audit ~~Committee Panel~~ is constituted to facilitate:

- the enhancement of the credibility and objectivity of internal and external financial reporting;
- effective management of financial and other risks and the protection of Council assets;
- compliance with laws and regulations as well as use of best practice guidelines; and the effectiveness of the internal audit function.

2.4 The ~~Committee Panel~~ is not responsible for undertaking management actions and they are not a substitute for the management controls and accountability of a council.

3. Terms of Reference

3.1 General

a) The Audit ~~Committee Panel~~ is a formally appointed Special Committee of the Council and is responsible to that body. The Audit ~~Committee Panel~~ does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Audit ~~Committee Panel~~ does not have any management functions and is therefore independent of management.

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3.2 Membership

The Audit ~~Committee Panel~~ will comprise ~~a minimum~~ of five members – two Aldermen and three external independent persons. ~~The make up of the Audit Committee Panel membership achieves compliance with the requirements of Local Government Act 1993 and Section 5 of the Audit Panel Order of a minimum of five Audit Panel members – two Aldermen and three external independent persons.~~ All members shall have full voting rights.

Note: The make-up of the Audit Panel membership achieves compliance with the requirements of Local Government Act 1993 and Section 5 of the Local Government (Audit Panels) Order 2014 of a minimum of three members (with one independent member) or four members or a maximum of five members (with two independent members).

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a) External independent persons will have relevant senior governance; risk; business; industry; financial; management/reporting, or audit knowledge and experience, and be conversant with financial and other reporting requirements. The evaluation of potential external independent members will be undertaken by the Mayor and General Manager, taking account of the experience of candidates and their likely ability to apply appropriate analytical and strategic management skills, and a recommendation for appointment put to Council. Appointments of external persons shall be made by Council by way of a public advertisement ~~and be for a maximum term of three years.~~ The terms of the appointment will be for a maximum term of four years and are arranged to ensure an orderly rotation and continuity of independent membership despite changes to Council's elected representatives. The Council may renew the appointment ~~terms for of~~ independent members of the ~~Committee Panel~~ for further terms; provided that each independent member appointee can only serve on the Audit Panel for a maximum cumulative period of eight years.

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b) Remuneration will be paid to the Chairperson and each independent member of the ~~Committee Panel~~. Such remuneration shall be set and subject to annual CPI adjustment. The remuneration can be and reviewed by the Council ~~from time to time~~ at any time or at least every four years.

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- c) The Chairperson shall be appointed from the external members of the ~~Committee Panel~~ by the Council. In the absence of the appointed Chairperson from a meeting, those ~~Committee-Panel~~ members present at the meeting will appoint a member to act as Chairperson for the meeting from the external members present.
- d) A quorum will be a majority of the ~~Committee-Panel~~ membership and provided that at least two of the independent Panel members are present.
- e) The General Manager and ~~internal auditor~~ Corporate Secretary should attend all meetings. Other members of Council or Council staff may be invited to attend at the discretion of the ~~Committee-Panel~~ to advise and provide information when required, and to provide executive support for the ~~Committee~~ Panel.
- f) Representatives of the external auditor should be invited to attend at the discretion of the ~~Committee-Panel~~ but **must** attend meetings relating to the annual financial report and results of the external audit.
- g) Council shall provide secretarial and administrative support to the ~~Committee~~ Panel.

3.3 Meetings

- a) The Audit Panel is required to develop a forward Audit ~~Committee-Panel~~ Plan that includes, but is not limited to, a schedule of meetings and known business and objectives and obligations to be dealt with for each meeting. This will assist the Audit Panel to perform its functions efficiently and effectively.
- a)b) As part of the Audit ~~Committee-Panel~~ Plan, the Audit ~~Committee is~~ Panel is to prepare on an annual basis an internal audit programme for consideration and adoption by the Council.
- b)c) The Panel shall meet normally four times per year, or additionally as required.

A schedule of meetings will be developed and agreed to by the members.

Additional meetings shall be convened at the discretion of the Chairperson or at the written request of any member of the ~~Committee~~ Panel, an appointed internal provider or the external auditor.

3.4 Reporting

- a) The Chairperson of the Audit ~~Committee-Panel~~ should forward a report to Council at the Council meeting following each Audit ~~Committee-Panel~~ meeting providing a summary of the ~~Committee's-Panel's~~ work and deliberations. The report structure should cover at least the following:
 - ~~Committee's-Panel's~~ minutes;
 - information about the audit process and the results of any of the internal or external audits undertaken;

- the communication of the ~~Committee's~~ Panel's recommendations arising from its deliberations and its obligations as the Council's appointed Audit Panel and
 - other major issues of which the ~~Committee~~ Panel believes Council should be informed.
- b) The ~~Committee~~ Panel shall report annually to the Council summarising the activities for the ~~Committee~~ Panel during the previous financial year. Such report should be received by Council no later than 30 September each year.

3.5 Duties and Responsibilities

The following are the duties and responsibilities of the Audit ~~Committee~~ Panel in pursuing its Charter.

- a) To prepare and recommend to Council for consideration an Annual Audit Plan.
- b) For the purposes of section 85A(1)(d) of the Act, the following matters are specified as the matters that an Audit Panel is to consider in a review of the relevant council's performance:
- whether the annual financial statements of the council accurately represent the state of affairs of the council;
 - whether and how the Part 7 plans are integrated and the processes by which, and assumptions under which, those plans were prepared;
 - the accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the council has in relation to safeguarding its long-term financial position;
 - whether the council is complying with the provisions of the Act and any other relevant legislation;
 - whether the council has taken any action in relation to previous recommendations provided by the audit panel to the council and, if it has so taken action, what that action was and its effectiveness.
- c) To review the scope of the internal audit plan and programme and the effectiveness of the function. This review should consider whether, over a period of years the internal audit plan systematically addresses:
- internal controls over significant areas of risk, including non-financial management control systems;
 - internal controls over revenue, expenditure, assets and liability processes;
 - the efficiency, effectiveness and economy of significant Council programmes; and
 - compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.

- d) Review as required the appropriateness of Special internal audit assignments undertaken by internal audit at the request of Council or the General Manager.
- e) Review as required the level of resources allocated to internal audit and the scope of its activities.
- f) Review reports of internal audit and the extent to which Council and management react to matters raised by internal audit, by monitoring the implementation of recommendations made by internal audit.
- g) Facilitate liaison where required between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programmes.
- h) Critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues, and any other matters relevant under the ~~Committee's~~ Panel's terms of reference. Review management's response to, and actions taken as a result of the issues raised.
- i) Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems.
- j) Monitor ethical standards and related party transactions by determining whether the systems of identification and control are adequate.
- k) Review Council's annual financial report, focusing on:
 - accounting policies and practices;
 - changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;
 - compliance with accounting standards and other reporting requirements; and
 - significant variances from prior years.
- l) Discuss with the external auditor the scope of the audit and the planning of the audit.
- m) Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.
- n) Review tendering arrangements and provide recommendations to Council.
- o) Review issues relating to national competition policy.

- p) Identify and refer specific projects or investigations deemed necessary through the General Manager, the internal auditor and the Council if appropriate.
- q) Monitor the process of any major lawsuits facing the Council.
- r) Address issues brought to the attention of the ~~Committee~~Panel, including responding to requests from Council for advice that are within the parameters of the ~~Committee's~~Panel's terms of reference.
- s) The Audit ~~Committee~~Panel, through the General Manager and following authorisation from the Council, and within the scope of its responsibilities, may seek information or obtain expert advice on matters of concern.

ATTACHMENT 2

Audit Panel Appointments Rotation Model

Legislative Constraints

- Council must appoint independent and Council Panel members
- Chair of Panel must be one of the independent appointees
- Independent Panel Members can be appointed for a maximum period of 8 years
- There must be at least 1 independent member for a 3 person Audit Panel or at least 2 for a 4-5 member Panel

Current arrangements

- Council has a 5 member Audit Panel (formerly Audit Committee since 2004)
- The Audit Panel has 3 independent members
- The make-up of the Panel has remained unchanged from that of the former Committee
- Rotational appointments of independent members has been conducted on annual basis on a 3 year staggered terms basis
- The 3 yearly appoint model currently used does not match the legislative framework that was introduced in 2014.

Proposed Rotation/Appointment Details

- That the terms used by Council for appointment terms be realigned to the 8 year legislative threshold (using 4 year terms plus 4 year renewal)
- That appointment terms for independent members be adjusted to align with the 4 year terms of appointment whilst maintaining intended staggering of those appointment terms. The following table presents how this can be achieved.

Rotation	Name	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
1	Chair																	
2	Member																	
3	New member																	

Legend:

- Dark Blue depicts current appointment terms and light blue the balance term available (subject to Council determination)
- Red/pale red depicts future “new” appointee 4 year terms and renewal times (i.e. not current incumbents)

Notes:

- Next renewal due for Rotation 1 would be for a 3 year term concluding in November 2021,
- Initial appointment for Rotation 2 was a balance term and is now due for renewal. The renewal would be for 2 years concluding November 2019 (i.e. “half way” point of that rotation)
- The new appointment for Rotation 3 would be for a full 4 year term.

11.7.2 CONSTITUTION FOR ALMA'S ACTIVITIES CENTRE MANAGEMENT COMMITTEE
(File No H023-11)**EXECUTIVE SUMMARY****PURPOSE**

To consider a revised Constitution for Alma's Activities Centre Management Committee (formerly Clarence Seniors' and Citizens' Centre).

RELATION TO EXISTING POLICY/PLANS

The operations of the facility align with Council's Strategic Plan 2016-2026 goals and strategies to provide for "...a people city and...a well-planned liveable city...".

LEGISLATIVE REQUIREMENTS

Council has established a number of Management Committees as Special Committees under the provisions of Section 24 of the Local Government Act, 1993 including a Committee to manage the Alma's Activities Centre.

CONSULTATION

Consultation has occurred between the appointed Representatives, Council officers and the Management Committee in respect to the newly drafted Constitution.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

That the revised Committee Constitution for the Alma's Activities Centre be adopted.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Alma's Activities Centre was established in the 1970's and has been managed by a special Council committee under an established constitution.
- 1.2.** The Committee has operated under this arrangement since that time subject to a number of revisions of its Constitution.

2. REPORT IN DETAIL

- 2.1.** The Management Committee has recently prepared a Strategic Plan which has been formally received by Council in 2017. Key objectives in the Strategic Plan focus on the redevelopment of the Centre and the encouragement of its use as a multi-user group facility for the broader Clarence community.
- 2.2.** Like the Howrah Community Centre, the Constitution facilitates the unique basis on which the Centre operates, covering aspects associated with a member organisation that operates a centralised club facility. Broader use is now envisaged, thus necessitating a review of the constitution. Operational practicalities and consistency with aspects of other Council constitutions have also been considered.
- 2.3.** The Council Alderman representative and officers have worked with the Committee and reviewed the Constitution to reflect its current arrangements and to create a more practical document for the Committee and Council to operate within. The revised Constitution also reflects the current objectives and policies of Council. A copy of the revised Constitution proposed for Council adoption is attached (refer Attachment 1).
- 2.4.** The following highlights the proposed changes to the Constitution.
- **Name and Purpose of Committee**

It is proposed that the name of the Committee be changed to Centre Committee to reflect more clearly its primary function and responsibility to be a collective representative body, with a focus on strategic outcomes, advancement of the Centre, enhanced use, activities and promotion.

Aspects of day to day operations and centre management have been removed from the Constitution, as these activities are in practice being effected by Centre staff.

- **Size of and Representation on the Committee**

The current size of the Committee is 11 members and it has been argued that it is too large for its effective operation. The number of members is proposed to be reduced to 9 members.

- **Treasurer and Secretarial Responsibilities**

As the Committee's deliberations are at a strategic, policy and budgetary overview level, the function/role of "Treasurer" does not need to be undertaken by a Committee member. The Treasurer responsibilities are proposed to be removed from the Committee Constitution in favour of administrative reporting arrangements.

The secretarial responsibilities are undertaken by a Council staff member for the Committee rather than previously undertaken by one of the appointed/elected Committee members.

- **Centre Management**

The treatment and articulation of the responsibilities of the Committee have been reframed in the Constitution and a number of day to day operational matters removed, as these are the operational responsibilities of the Centre Manager. Importantly, there needs to be a clear separation between the functions of the Committee and the operational responsibilities of the Centre in day to day management matters.

- **Financial Responsibilities and Reporting**

A standing administrative reporting arrangement, whereby the Office Administrator routinely provides financial and Office Administrator's reporting to each meeting, will sufficiently cover off on the former Treasurer role.

The Office Administrator, as is currently the case, also prepares all the financial records and end of year reporting, so this responsibility is fairly clear cut already. A protocol for transaction authorisation is established through the President or Vice President.

- **User Group Management**

Importantly the critical role of the Committee in the management of the user group relationships within the Centre has and remains a key responsibility requirement of the Centre Committee in the Constitution.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

Nil.

3.3. Other

The current Constitution has been reviewed by Committee Members, Alderman and Council officers. The Committee supports the changes made to the Constitution.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The operations of the facility align with the Council's Strategic Plan 2016-2026 goals and strategies to provide for "...a people city and...a well-planned liveable city...".

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

Council has established a number of Management Committees as Committees of Council under the provisions of Section 24 of the Local Government Act, 1993.

7. FINANCIAL IMPLICATIONS

Nil.

8. ANY OTHER UNIQUE ISSUES

None identified.

9. CONCLUSION

The Committee has been closely involved in the development of the revised Constitution and it is now recommended that it be adopted.

Attachments: 1. Revised Constitution (19)

Andrew Paul
GENERAL MANAGER



CONSTITUTION OF THE ALMA'S ACTIVITIES CENTRE COMMITTEE

REVISED ON 5 MARCH 25 JULY 2016 2018

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The Centre Committee has been established as a Special Committee by the Clarence City Council under the provisions of Section 24 of the Local Government Act 1993 to assist and advise the Council in the use and operations of the Alma's Activities Centre Clarence and to develop strategies for its on-going development.

1. INTERPRETATION

Unless the contrary intention indicates otherwise, in this Constitution the following words and expressions have the following meanings:

“**Alderman**” means an elected member of the Clarence City Council.

“**Annual Financial Statement**” means a statement of revenue and expenditure, and a balance sheet which gives a true and fair view of the revenue and expenditure of the Alma's Activities Centre Clarence during the immediately preceding financial year and the financial position of the Alma's Activities Centre Clarence at the end of that financial year.

“**Centre**” means the Alma's Activities Centre Clarence Premises including all common areas that form part of 17 Alma Street, Bellerive.

“**Centre Committee Member**” means a person duly appointed to the Centre Committee under the provisions of this constitution.

| **“Centre Report”** means a report provided by the Centre Committee to the Council every year which includes:-

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- A report on the achievements of the Centre Committee against its adopted Strategic Plan;
- A plan for the achievements of the Strategic Plan Objectives for the year(s) ahead; and
- Annual Financial Statements for the previous financial year.

“Close Associate” means in relation to a Member who has or may have an Interest, a body corporate or company of which a Member is a director, shareholder or member of a Board of the body corporate (as the case may be), a partner or spouse of the Member, the children or relations of a Member, an employer or employee of the Member, a person from which a Member may reasonably expect to receive a financial reward or gain from the provision of services or for some other reason, or any other person who may reasonably be considered because of the relationship of the Member to that person to give rise to an Interest.

“Council” means the elected Council of the City of Clarence.

“Council’s Finance and Accounting Instructions” means those Finance and Accounting Instructions adopted by the Council and in use by the Council from time to time.

“Interest” means in relation to a Member any direct or indirect conflict of interest, or having a pecuniary interest, or having received or likely to receive a pecuniary benefit or detriment, or having any other type of interest that a Member has which conflicts with a Member’s responsibilities under the Constitution or the Legislation and includes any Interest a:

- Member or a Close Associate has in any contract or understanding involving the Centre Committee;
- Close Associate of the Member has involving the Centre Committee or a Member

“Legislation” means all applicable legislation, planning schemes, codes, standards, codes of conduct or other statutory requirements that apply to the responsibilities of the Centre Committee or the Centre and its operations and includes the Local Government Act 1993.

“Life Membership” means a person who has served as a Member upon whom Life Membership of the Centre has been conferred by the Centre Committee in recognition of the person’s outstanding service to the Centre.

“Centre Committee” means the special committee established by the Council as the Alma’s Activities Centre Clarence Committee.

| **“Members”** means all current paid-up members of the Centre..

“Notice” means a notice of meeting.

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“Objectives” of the Centre Committee are those objectives set out in Clause 2.

“Office Bearers” means the President and two Vice Presidents of the Centre Committee.

“Premises” means the Council property known as the Alma’s Activities Centre Clarence, situated at 17 Alma Street, Bellerive.

“Procurement, Tender and Procurement, Tender and Contract Management Requirements” means those Procurement, Tender and Procurement, Tender and Contract Management Requirements adopted by the Council and in use by the Council from time to time.

“Rule” means a rule made in accordance with the Constitution.

“Annual General Meeting and “Centre Committee Meeting” have the meanings set out in the Constitution.

2. OBJECTIVES

2.1 THE OBJECTIVES OF THE CENTRE COMMITTEE ARE:

- to progress the Strategic Plan Key Objectives;
- to develop in conjunction with the Office Administrator the strategic directions for the development, enhancement and upgrading of the Premises for the benefit and needs of its users and the wider community;
- to actively encourage diversity of use of the Centre and its facilities;
- to foster integral recreational services at the Centre and means of social companionship and entertainment for Members and the wider community; and
- to provide assistance and support to the Office Administrator in the management of the Centre and the licensed premises on behalf of the Council;

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3. FUNCTIONS AND OBLIGATIONS

Acting on behalf of the Council, the Centre Committee has the following functions and obligations. These are to be exercised in accordance with the Objectives and those requirements that the Council has advised the Centre Committee to use or adopt

3.1 FUNCTIONS

The Centre Committee is to:-

- in conjunction with the Office Administrator, manage and overview the business affairs and business outcomes of the Centre; this is to include:
 - undertaking activities that it considers necessary for the benefit of the Centre in order to carry out its Objectives, provided this is consistent with Council policy requirements and any requirements of applicable Legislation;
 - appointing such working parties that the Centre Committee considers appropriate and necessary to assist the Centre Committee in the exercise of its obligations and the conduct of activities; such working parties are to be reviewed at each subsequent Annual General Meeting;
 - considering and establishing the resourcing requirements necessary for the effective operation of the Centre;
 - the receiving, considering and making recommendations on the monthly financial and operational reports provided by the Office Administrator;
- establish, amend and repeal policies for the Centre and the agreements and rules for its users which are to be reasonable and consistent with the objectives of the Constitution; all policies and rules so established are to be published and readily available to users of the Centre;
- uphold Council's Codes of Conduct; policy directions and procedural requirements;
- administer, set policies and make decisions in relation to the membership of the Centre; this to include determining:
 - rules for membership of the Centre;
 - a code of conduct for members of the Centre;
 - the levels of service and hours of operation for the Club facilities provided at the Centre; and
 - the procedures for processing and assessment of reasonable grounds in respect to incidents of inappropriate behaviour and exercising the right to refuse admission to, or have members removed from the Premises in respect to conduct issues;

- establish and overview any Memoranda of Understanding between any regular users of the Centre and the Centre Committee as required in respect to their use and utilisation of the Centre and its facilities; including (but not limited to) applicable fees and charges; user obligations; user entitlements; procedures and protocols; etc; such Memoranda of Understanding are to be prepared in consultation with and signed off by the Council's Corporate Secretary;
- establish fees and charges for membership subscriptions;
- recommend fees and charges for the hire and use of the Premises and any other matter relating to the Premises; (note: all fees and charges must be included in Council's Fees and Charges Schedule adopted by Council annually and the application of those fees and charges is to be consistently applied based on that Schedule);
- assist the Office Administrator in the active raising of funds for the operation and enhancement of the Centre including organising fundraising functions and activities in the interests of the Centre;
- endorse all ~~the non-operational~~ purchase of goods and engage contractors for the purpose of providing goods and services to the Centre and the disposal of surplus assets in accordance with the Council's Finance and Accounting Instructions and Procurement; ~~Tender and Contract Management R~~ requirements.

3.2 OBLIGATIONS

Property

- To ensure that the Premises are well maintained and in good repair at all times in respect to those matters indicated below as being the Centre's maintenance responsibilities and through the Office Administrator liaise with Council's Building Maintenance Officer in respect to addressing these undertakings.
- The Centre's maintenance responsibilities include:
 - the day to day maintenance of the internal fabric of the Premises;
 - the security, cleaning and caretaking of the Premises;
 - the replacement and repairs to internal plumbing;
 - undertaking resurfacing treatment to the dance floor as required;
 - internal painting; and
 - replacement and repairs to electrical appliances, equipment and furniture, furnishings (including carpet), plant and equipment etc. used in the day to day activities of the Premises.
- Council is responsible for:

- -the structure and external fabric of the Premises including roof, guttering, external cladding and glass etc;
- repair and replacement of sanitation fixtures;
- ;
- Building Code of Australia inspections;
- repair and maintain DDA fixtures and fittings;
- car parks, pathways, access road and nature strip;
- maintaining the planted areas (including trees), grassed areas and the surrounds of the building on the Premises in accordance with an agreed maintenance program approved by the Council.

Financial Management

- Where necessary establish appropriate reserves to ensure adequate funding for replacement of essential equipment and fittings for the Centre.
- Present to Council by 15 July every year (or by an alternative time required by the Council's Corporate Treasurer) the appropriate financial records of the Centre for inclusion in Council's Annual Financial Statement.
- Following auditing, present the Centre's Annual Financial Statements to its next Annual General Meeting.
- Invest any monies not immediately required in such a manner as may from time to time be determined by the Centre Committee on the basis of investment placement advised by the Council's Corporate Treasurer.
- Make provision for and reimburse the Council for the employment of any personnel at the Premises and any other overhead costs or expenses incurred by the Council in relation to the day to day operation and maintenance of the Premises.
- Ensure that no payments for donation, gift, dividend, fee, allowance or remuneration or similar are paid to any person directly or indirectly unless such payment is authorised by a decision of the Centre Committee and is in accordance with the Constitution, Council's requirements and legislation.

4. CENTRE COMMITTEE and CENTRE COMMITTEE elections

4.1 CENTRE COMMITTEE COMPOSITION

The Centre Committee is to be comprised of the following Centre Committee Members:

- President;
- Senior Vice President

- Junior Vice President;
- Four General Committee Members;
- One Committee Member appointed by the Council who is to be an elected Alderman;
- One Committee Member appointed by the General Manager of the Council who is to be a Council Officer;

The Council and the General Manager have a right to change nominees on the Centre Committee at any time by appointing an alternative Alderman and/or Council officer to be the Council's representative.

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4.2 ELECTION OF OFFICE BEARERS

At the commencement of each Annual General Meeting the Centre Committee is to elect from its membership the following Office Bearers:

- President;
- Vice President (x2); and
-

Four General Committee Members.

The Council's appointed Alderman and the General Manager's appointed Centre Committee Member are not eligible as Office Bearers on the Committee.

Only persons who have been a Member of the Centre Committee for twelve (12) months or more immediately prior to the Annual General Meeting are eligible for election as President of the Centre Committee.

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4.3 TERM OF OFFICE

- The term of office for Centre Committee Members is for a period of one year commencing at the Annual General Meeting immediately following their nomination or appointment.
- The term of office for Office Bearers is for a period of one year commencing at the Annual General Meeting at which they are appointed.
- In the event of a casual vacancy occurring in the position of an ordinary Centre Committee Member, the Centre Committee may appoint a replacement Centre Committee Member until the next Annual General Meeting.
- In the event the casual vacancy arises in relation to the President or a Vice President then the remaining Centre Committee Members are to make a decision at the next Centre Committee Meeting as to thereplacement Office Bearer until the next Annual General Meeting.
- Any Centre Committee Member may resign from the Centre Committee. Such resignations must be in writing and addressed to the President.
- Membership of the Centre Committee is vacated or terminated from the date the person:
 - dies;
 - is declared bankrupt;
 - is convicted of an offence of dishonesty;
 - resigns from the Centre Committee;
 - ceases to be a Member;
 -
 - is declared by a Medical Practitioner to be of unsound mind;
 - fails to pay a membership subscription where applicable that was due for payment;
 - is advised by the Council or the Centre Committee that the person is no longer a Member appointed to the Centre Committee; or
 - fails to attend three consecutive Centre Committee Meetings without leave of absence approved by the Centre Committee.

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4.5 CENTRE COMMITTEE APPOINTMENTS AND ELECTIONS

- In order to be elected as a Centre Committee Member, the nominee must not be ineligible to hold office on grounds stated in Term of Office clause 4.3.

- In the event that no nominations are received for any of the Centre Committee Member office positions the elected and appointed members of the Centre Committee are to make every endeavour to fill vacancies on the Centre Committee by administrative appointment.

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5. OFFICE BEARERS

5.1 EXECUTIVE

- The Executive is made up of:
 - The President
 - Senior Vice President
 - Junior Vice President; and
 - Council's appointed Alderman Committee Member.
- Meetings of the Executive are to be held as determined by the President or in the absence of the President by the Senior Vice President.
- The normal day to day functions of the Centre are the responsibility of the Office Administrator. The Executive has the power, in consultation with the Office Administrator, to make any administrative decisions necessary to maintain the operations of the Centre between normal Centre Committee Meetings. Any such decisions or actions taken by the Executive are to be reported to the next meeting of the Centre Committee, provided always that any major decisions must be referred to the full Centre Committee.
- A quorum for decisions made by the Executive is to comprise at least two members of the Executive.

5.2 DUTIES OF OFFICE BEARERS

President

The President is responsible for:

- chairing all meetings of the Executive, the Centre Committee and other meetings;
- acting as the point of liaison between the Council, Office Administrator and the Centre Committee on the efficient management of the Centre having regard for the decisions and requirements of the Centre Committee, Council's policies, procedures and other legislative requirements and the capacity of resources available at the Centre;

- providing an update report to the Centre Committee of any determinations and actions that have been taken by the Executive between Centre Committee Meetings;
- issuing public statements on behalf of the Centre that relate to the management and operation of the Centre in accordance with Council's "*C1.60 - Media Communication By Council Special Committees - Policy and Operational Framework*" policy;
- ensuring that a Centre Report is prepared annually and for it to be provided to the Centre users and the Council; the Report is to include:-
 - reporting on the achievements of the Centre Committee against its Strategic Plan;
 - a plan for the achievements of the Strategic Plan Objectives for the year(s) ahead; and
 - annual financial statements for the previous financial year;
- in consultation with the Office Administrator ensuring that a building maintenance report for the Centre is provided to Council's Building Maintenance Officer by the end of January each year; the report is to include recommendations on the maintenance needs of the Premises (i.e. external structural maintenance, general maintenance and grounds maintenance) and if required by the Council, include a risk management report in relation to the Premises

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Senior Vice President

The Senior Vice President is to assist the President with his/her duties and is to:

- chair meetings of the Executive, the Centre Committee and other meetings in the absence of the President should the President not be available to chair a meeting;
- in the absence of the President, carry out the duties of the President during the period of absence of the President;
- undertake such other duties appropriate to the office as the Centre Committee requires or delegates in writing.

Junior Vice President

The Junior Vice President is to assist the Senior Vice President with his/her duties and is to, in the absence of the Senior Vice President, carry out the duties of the Senior Vice President; including the duties of the President during any simultaneous period of absence of the President;

~~6. APPOINTMENT OF AND RESPONSIBILITIES OF THE SECRETARY~~

~~The Centre Management is to appoint a suitable person who is to carry out the responsibilities of Secretary for the Centre.~~

~~The Secretary is responsible for the administration of the Centre Committee's formal decision-making process and is to:~~

- ~~• undertake when necessary the conduct of elections at the Annual General Meeting to determine the appointment of Office Bearers and Centre Committee Members.;~~

76. MEETINGS

76.1 CENTRE COMMITTEE MEETINGS

The meetings of the Centre Committee are to be conducted in accordance with Schedule 1 and any agreed procedures determined by the Centre Committee.

76.2 ANNUAL GENERAL MEETING

- The Annual General Meeting is to be held between the 1st day of September and the 15th day of December each year on a date decided by the Centre Committee.
- The Secretary is to notify members and the public by an advertisement in “The Mercury” newspaper of the date, time and venue of the Annual General Meeting at least fourteen (14) days prior to the Annual General Meeting.
- Notice of any motion proposed to be put to the Annual General Meeting is to be shown in a prominent place at the Centre and made available to members who seek a copy.
- Any Member is entitled to attend and to vote at the Annual General Meeting.
- A quorum of the Annual General Meeting is to comprise of at least 8 members four (4) of which are to be Centre Committee Members.

- In addition to any other agenda items, the Annual General Meeting is to deal with the following items of business:
 - Minutes of previous Annual General Meeting.
 - the receipt of the annual Centre Report presented by the President;
 - the receipt of the Annual Financial Statement prepared for the Centre for the previous financial year and an overview report on the financial position of the Centre presented by the Office Administrator;
 - the appointment of the representatives of the new Centre Committee and the new Office Bearers;
 - conferment of Life Membership if applicable; and
 - any other business.
- If at any Annual General Meeting there is no quorum within thirty minutes of the appointed time then the business of the meeting is to be deferred to the next available Centre Committee meeting.

87. MEMBERSHIP ISSUES

87.1 MEMBERSHIP CONDUCT

The Centre Committee must publish rules dealing with the conduct of a member of the Centre. The application of such rules and any disciplinary measures associated with the rules for members, including termination of membership, are at the discretion of the Centre Committee and this discretion is to be applied based on procedural fairness principles.

87.2 MEMBERSHIP FEES

Unless otherwise provided for in the Rules, the annual membership subscription is due and payable on the first day of each financial year.

87.3 CANCELLATION OF MEMBERSHIP

Membership of the Centre is deemed to have lapsed and membership rights and entitlements terminated in the event that a Member has not paid a membership subscription to the Centre due at the commencement of each financial year and which has remained outstanding until 31 October of that year.

87.4 MEMBERSHIP DISPUTES

If there is a dispute in relation to any matter arising out of action taken by the Centre Committee pursuant to this clause it is to be determined in accordance with the dispute resolution process set out in the Constitution.

98. TERMINATION OF OFFICE BEARERS AND/OR CENTRE COMMITTEE MEMBERS

- 98.1** Provided the Centre Committee has followed due process, exercised procedural fairness, given the opportunity to be heard and has issued to the person appropriate notice of the proposed action, the Centre Committee or Council may take action to expel any Office Bearer or Centre Committee Member whose conduct, in the opinion of the Centre Committee or the Council, is, or has been unreasonable or contrary to the interests of the Centre, the Centre Committee, and/or the Council; and/or who, in the opinion of the Centre Committee or the Council has failed to comply with the Centre's Constitution and rules and Council's Codes of Conduct, policy directions and procedural requirements.
- 98.2** If the Centre Committee proposes to take action in accordance with clause 9.1, it is to notify the Council in writing of the proposed expulsion of the Office Bearer on a confidential basis. The Council is to within 10 working days (or such other period of time needed by the Council) of receipt of the Centre Committee's written advice to advise the Centre Committee whether or not it proposes to become involved in the process of expulsion of the Office Bearer. If the Council does not advise the Centre Committee that it proposes to become involved in the process then, it has no further role in the decision making process to expel the Office Bearer, however, the Centre Committee is to advise the Council of the outcome of the expulsion process.
- 98.3** If, on receipt of the written advice from the Centre Committee in relation to proposed action to be taken under clause 9.1, the Council confirms it proposes to become involved in the expulsion process then, the Council and the Centre Committee are to meet and agree on a suitable process in proceeding to deal with the proposed action. The Council and the Centre Committee's views on the merits of the proposed expulsion of the Office Bearer are to be taken into account in the decision-making process. Where the Council elects to become involved in the expulsion process, the Council has the final decision in relation to whether the person is to be expelled or not expelled from the Centre Committee and the Council may make arrangements for this purpose.
- 98.4** The Council may on its own decision suspend or terminate a person's membership of the Centre Committee in circumstances considered appropriate by the Council provided reasonable notice of the proposed suspension or termination is provided, it has consulted with the Centre Committee in relation to the matter and due process requirements are followed. The suspension or termination is to be effective from a date nominated by the Council.

- 98.5** If there is a dispute in relation to any matter arising out of action taken by the Centre Committee pursuant to this clause it is to be determined in accordance with the dispute resolution process set out in the Constitution.

109. DISPUTE RESOLUTION

- 109.1** Disputes recognised by this Constitution involve any one or more of the following:
- Centre Committee;
 - Centre Committee Member;
 - Member of the Centre; or
 - User of the Centre
- 109.2** Any substantial difference or dispute arising out of, or in relation to any matter referred to in this Constitution, or the Premises, or any action or decision taken by the Centre Committee in relation to a person's membership of the Premises must be referred to dispute resolution in accordance with this clause.
- 109.3** The parties are where possible to attempt to settle any differences or disputes by conciliation and prior to giving the other party a notice setting out the nature of the dispute.
- 109.4** All parties involved in the dispute must take all reasonable steps to attempt to resolve any difference or dispute within a reasonable time and attempt to agree upon a process for resolving the dispute or difference.
- 109.5** If the parties are not able to resolve the matter in dispute within a reasonable time then the issue giving rise to the dispute is to be referred in writing to the Centre Committee. This notice outlining the dispute is to include:
- the cause and nature of the dispute;
 - the clause of the Constitution or the Rule that the dispute relates to (if applicable);
 - the manner proposed to settle the dispute; and
 - any other information relevant to the dispute.
- 109.6** As soon as practicable following the receipt of the notice outlining the dispute, the Executive and the person who has provided the dispute notice, must meet and undertake genuine negotiations to resolve the dispute or difference. Alternatively, if the dispute or difference cannot be resolved the parties are to attempt to agree upon a process for resolving the dispute or difference and may be referred by the Centre Committee to the Council's Corporate Secretary for consideration, resolution and a final decision.

- 109.7** Notwithstanding any other provision of this clause, the Council may always at its discretion act at any time to facilitate the resolution of a dispute or to make a decision in relation to any dispute concerning any matter arising out of or in relation to the Constitution or the Rules, or in relation to any dispute between any Centre Committee Members, or a Member or user of the Premises and the Centre Committee.
- 109.8** If the Council makes a decision in accordance with this clause, then the Centre Committee and the person(s) involved in the dispute are required to adopt and follow that decision and the requirements of that decision.

110. THE CONSTITUTION

- 110.1** The Council may replace or amend the Constitution at any time.
- 110.2** The Centre Committee may make recommendations to Council on the review of the Committee's responsibilities and this constitutional framework.
- 110.3** Any proposal by the Centre Committee which seeks to amend the Constitution must be provided to the Council's Corporate Secretary in writing for initial consideration prior to being publicised and discussed at a meeting of the Centre Committee.
- 110.4** Recommendations from the Centre Committee for amendments to the constitutional framework can be made at any time provided that suggested changes are noted on the Agenda for the Centre Committee (as per the framework), a quorum is present at the meeting, and two-thirds of those present and entitled to vote support the recommendations.
- 110.5** Amendments to this Constitution must be approved by Council.
- 101.6** As a minimum timeframe the Constitution is to be reviewed by the Centre Committee every 4 years and in so doing is to make recommendations on the outcome of its review by report to the Council.

Schedule 1

MEETINGS

1 MEETING PROCEDURE

- Decisions of the Centre Committee arising at a meeting are to be determined by consensus wherever possible or by a show of hands if a vote is called for.
- A Centre Committee Member must disclose any Interest that they have in any matter to be considered by a meeting at which they are attending. This declaration is to occur either at the commencement of the meeting or immediately prior to the debate and resolution being made in relation to the matter. A Centre Committee Member with an Interest in a matter to be

considered before the meeting must not participate in discussions or vote on the matter and must leave the Meeting while the matter in which the person has an Interest is being considered and/or voted on. Any non-disclosure of an interest that is subsequently identified may give rise to a misconduct review of that member.

- Only those Centre Committee Members present at a Meeting (which includes the Member who is presiding at the Meeting) are entitled to one vote only.
- In the event of a tied vote at a Meeting the matter is to be resolved in the negative. The President of the Centre Committee or other person presiding at a Centre Committee Meeting does not have a second or casting vote.

2. CENTRE COMMITTEE MEETINGS

- The Centre Committee is to meet on a monthly basis or at such other times considered appropriate by the Centre Committee.
- All Members of the Centre Committee may vote at a Centre Committee Meeting.
- The following matters are to be dealt with at an ordinary Centre Committee Meeting:
 - Apologies
 - Declarations of Interest
 - Confirmation of previous Meeting Minutes
 - Reports from the Executive
 - Office Administrator's monthly report
 - Office Administrator's Financial Report and Schedule of Payments
 - Reports on Clarence City Council matters
 - Reports from any Working Parties
 - Strategic Plan matters
 - Correspondence
 - New members' applications
 - General Business.

- The number of Centre Committee Members that are required to constitute a quorum at any meeting of the Centre Committee is half the total number of Centre Committee Members plus one. No business is to be transacted unless a quorum is present at the Centre Committee Meeting.
- The Centre Committee has the power to adjourn and otherwise regulate its meetings as it deems fit.
- All Notices of Centre Committee Meetings, unless extreme urgency arises, are to be provided to Centre Committee Members in writing at least seven (7) days prior to the date of such meeting. The Notices are to include an agenda and notices of motion where necessary.
- In the event that an urgent matter for consideration, decision and/or action on a matter is necessary, five Centre Committee Members may on the written request require the Secretary to call an extraordinary meeting of the Centre Committee for a specified purpose stated in the meeting request. The President or in his or her absence, the Vice President, is to attend that extraordinary meeting and only the business stated in the meeting request can be conducted at that meeting.
- If there is no quorum present for a scheduled Centre Committee Meeting it may be adjourned by the President to another time and place.
- If the Centre Committee makes a decision in circumstances where a Centre Committee Member has an undisclosed Interest and may have voted in the meeting, the fact that the Interest was not disclosed to the meeting does not affect the validity of any decision of the Centre Committee Meeting on that matter. If, however, the Centre Committee becomes aware at a later time of the existence of the Interest it is to take appropriate action in the circumstances to address the issues giving rise to the Interest.

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 APPOINTMENT OF COMMITTEE MEMBER

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:

- personnel matters,
- 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”.