

**COUNCIL MEETING**  
**MONDAY 12 JANUARY 2015**

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

**1. APOLOGIES****2. CONFIRMATION OF MINUTES**

(File No 10/03/01)

**RECOMMENDATION:**

That the Minutes of the Council Meeting held on 1 December 2014 and the Special Council Meeting of 15 December 2014, 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**

Property Matter Rosny  
Bellerive Beach Master Plan  
Voluntary Council Amalgamations  
Telephony System

15 December

**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 2005 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 petition which complies with the Act requirements:

- from 59 signatories concerned about the use of fireworks in the Sandford district

## **7. PUBLIC QUESTION TIME**

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

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

### **7.1 PUBLIC QUESTIONS ON NOTICE**

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

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

Nil

### **7.2 ANSWERS TO QUESTIONS ON NOTICE**

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

Nil

### **7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

Nil

### **7.4 QUESTIONS WITHOUT NOTICE**

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

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

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

Questions without notice and their answers will not be recorded.

**8. DEPUTATIONS BY MEMBERS OF THE PUBLIC**

(File No.10/03/04)

(In accordance with Regulation 38 of the Local Government (Meeting Procedures) Regulations 2005 and in accordance with Council Policy, deputation requests are invited to address the Meeting and make statements or deliver reports to Council)

**9. MOTIONS ON NOTICE****9.1 MOTION ON NOTICE – ALD MCFARLANE  
MANAGEMENT OF DOMESTIC AND FERAL CATS IN CLARENCE**  
(File No 10-03-05)

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

“That Council seek a report on the scope and requirements for Council to manage both domestic and feral cats in Clarence within the context of the Cat Management Act 2009 and/or the possible introduction of a suitable Council By-law”.

**EXPLANATORY NOTES**

The Cat Legislation has been in place for some time in Tasmania. Initially there seemed no immediate hurry to rush the process; however over the past year Federal Government interest in the eradication of Feral Cats for the protection of native animals and local interest by Landcare groups has aroused increased interest here within the State and also our municipality.

The threats from feral cats have been recognise by the State Government with their Gazetting of the Cat Legislation. Now we need Council to enact it with By Laws that can create the enforcement processes necessary for management to occur.

With over breeding; urban cats when left on their own, can quickly go wild and intermix with feral cats. Disease spreads easily under these circumstances and issues in the community with Parvo that affects both cats and dogs are difficult to control when it lives in the soil in backyards for well over 6 months. They are also known for spreading other diseases i.e. *Toxoplasma* that kill sheep and can be dangerous to pregnant women.

Council has processes in place for the management of local areas of Council land. Landcare and Coastcare Groups work within Reserve Activity plans and could be interested in supporting the processes needed to manage Feral Cats.

Considering how to start implementing the Cat Legislation could put us in a good position if Federal or State funds become available for community education and implementation of micro chipping.

Council considers various issues under its Five Year Strategic plan and as the time is coming for a review it is appropriate for Council to consider the implementation of the Cat Legislation. In the past Clarence Council's well-structured strategies have been the means of gaining substantial funds for 'Shovel Ready' projects.

P K McFarlane  
**ALDERMAN**

***GENERAL MANAGER'S COMMENTS***

*A matter for Council determination*

**10. REPORTS FROM OUTSIDE BODIES**

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

**10.1 REPORTS FROM SINGLE AND JOINT AUTHORITIES**

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

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

- **SOUTHERN TASMANIAN COUNCILS AUTHORITY**

Representative: Ald Doug Chipman, Mayor or nominee

**Quarterly Reports**

September Quarterly Report pending.

**Representative Reporting**

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**

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

**Quarterly Reports**

September Quarterly Report pending

**Representative Reporting**

- **SOUTHERN WASTE STRATEGY AUTHORITY**

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

**Quarterly Reports**

The Southern Waste Strategy Authority has distributed its Quarterly Report for the period 1 July to 30 September 2014 (Attachment 1).

**RECOMMENDATION:**

That the Quarterly Report of the Southern Waste Strategy Authority for the Quarter ending 30 September 2014 be received.

**Representative Reporting**

- **TASWATER CORPORATION**



## Quarterly Report – September 2014

### 1. SUMMARY

This report on the general and financial performance of the Southern Waste Strategy Authority (SWSA) for the September 2014 quarter is provided to member councils, in accordance with Section 36B of the *Local Government Act 1993*. SWSA.

### 2. GENERAL PERFORMANCE

#### 2.1 PROJECTS

##### EDUCATION

With the reduced budget, school visits have become the main focus. Below are details of what has been occurring.

School Visit Highlights

**Bruny Island District School**

(Resulted in a press item in the Bruny Island News)

**Bowen Road Primary School**

5 x 30 minute sessions were run during the day

**Gagebrook Primary School**

2 x 30 minute sessions were run during the day

**Orford Primary School**

3 x 30 minute sessions were run during the day

**Kingston Primary School 21/08/14**

**Dodges Ferry Primary School 25/08/14**

As part of the last pre-existing obligation within the Hobart Municipality, SWSA was invited to attend a special assembly at



South Hobart Primary School to launch a new waste and recycling program at the school.

SWSA was also invited to run a recycling activity for the Tarooma Cub Scouts on Monday 4/08/14. The evening was run as a wide game where the cubs were broken into smaller groups (with each group being given a walkie talkie and instructions to:

1. Try to locate base,
2. Trying to find littered recyclables (which were each assigned a value, based on current market values), whilst avoiding being caught by the catchers, who would take what has been found, that has not been stored back at base.

It was a great night had by all and the SWSA has already had interest from other groups to repeat the activity.

### **SUSTAINABILITY CONFERENCE**

As previously advised, the SWSA is a part of the committee organising the Bi-Annual National AAEE Sustainability Conference, to be held from 2<sup>nd</sup> - 5<sup>th</sup> November 2014 at the Hobart Grand Chancellor. Titled "Sustainability – Smart Strategies for the 21 Century", the conference aims to bring some of the world's leading figures within the sustainability sector to present and debate key issues that fall under this banner. This will include waste management amongst other things. As part of the field trips being planned for the final day, a half day tour has been organised to look at both the new McRobies Gully Waste Management Centre and the Recovery Shop in Glenorchy.

### **CONTAINER DEPOSIT SCHEME**

The State Government has still not as yet released its CDS Consultant's Report.

### **WASTE ADVISORY COMMITTEE**

The Waste Advisory Committee was scheduled to meet on 18/7/14 principally to discuss the draft of the "Economic Benefits of a Waste Levy". This meeting however was deferred as the draft had not been received. SWSA is partially funding this report which is being

undertaken by Mike Ritchie and Associates. WAC will meet in early October to discuss and finalise the report.

### **MEDIA AND PUBLICITY COMMITTEE**

The Do The Right Thing media campaign operated from April until July on both TV and radio. A Keep Australia Beautiful litter index was released during this period and for the first time in a number of years. Tasmania was not last on the league table.

### **GARAGE SALE TRAIL**

The Garage Sale Trail will again be conducted in October and planning is well under way. All remaining Councils have agreed to participate and with Hobart's withdrawal all of the remaining Council will pay less than last year as Hobart will have to pay the full charge meaning all remaining Council will receive an additional reduction of about 25%.

The GST people are dealing directly with Councils this year, with a view to tailoring the program to suit each Council's needs better.

### **TYRE RECYCLING**

SWSA is continuing to monitor the tyre stewardship scheme. To date there has been no sign of its introduction to Tasmania.

## **2.2 GOVERNANCE**

### **PROGRESS OF WASTE LEVY**

As mentioned under Waste Advisory Committee, SWSA is managing a project for WAC which is looking at the economic benefits engendered by a waste levy. A draft of this report was received during September and suggestions were made to the consultant to tighten up the Executive Summary. This document will be invaluable in indicating to the Government the benefits especially in the way of job creation of a levy. It is anticipated that this report will be signed off in the next quarter. Further meetings have taken place with industry groups, the other regional waste groups and LGAT. The matter was also raised at the Premier's Local Government Council where it was agreed that the Government would further examine the proposal.

## **FUTURE OF SWSA**

Hobart's membership ceased at 30<sup>th</sup> June 2014. At the July Board Meeting, the 2014/15 budget was adopted which curtailed expenditure by reducing the hours of the CEO and moving the Authority's office to cheaper premises from 1<sup>st</sup> September 2014. The adopted budget showed a small deficit but did not increase contributions from the remaining 11 Members.

Discussions have taken place with the Southern Tasmania Councils' Association whom it is understood is preparing a proposal for an alternate Regional Waste Group from 1<sup>st</sup> July 2015.

SWSA itself is working on a number of proposals itself which will put before Members along with the STCA proposal in 2015, so that Members may determine what course of action they wish to take.

## **3. FINANCIAL PERFORMANCE**

### **3.1 PROFIT & LOSS**

The financial report attached below to 30<sup>th</sup> September 2014 indicates a surplus the year-to-date of \$79,105 compared to a budgeted surplus of \$66,281.

The improvement is a number of minor amount spread across most accounts. The only significant matter is that the audit fee which was accrued at 30/6/14 has not be paid as yet as the account has not been received.

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

# Profit & Loss [Budget Analysis]

July 2014 through September 2014

10/12/2014  
10:03:50 AM

	Selected Period	Budgeted	\$ Difference	% Difference
Income				
Member Contributions	\$111,933.00	\$111,933.00	\$0.00	0.0%
Other Income	\$10,001.00	\$10,000.00	\$1.00	0.0%
Interest Received	-\$103.50	\$500.06	-\$603.56	(120.7%)
Total Income	<u>\$121,830.50</u>	<u>\$122,433.06</u>	<u>-\$602.56</u>	<u>(0.5%)</u>
Cost of Sales				
Gross Profit	<u>\$121,830.50</u>	<u>\$122,433.06</u>	<u>-\$602.56</u>	<u>(0.5%)</u>
Expenses				
Employment Expenses				
Fringe Benefits Tax	\$901.00	\$850.00	\$51.00	6.0%
Parking - DES	\$440.00	\$450.00	-\$10.00	(2.2%)
Parking - SDC	\$440.00	\$450.00	-\$10.00	(2.2%)
Wages & Salaries	\$30,804.18	\$30,802.00	\$2.18	0.0%
Superannuation	\$3,825.54	\$3,825.00	\$0.54	0.0%
Workers' Compensation	\$0.00	\$1,250.00	-\$1,250.00	(100.0%)
Total Employment Expenses	<u>\$36,210.72</u>	<u>\$37,427.00</u>	<u>-\$1,216.28</u>	<u>(3.2%)</u>
Operating Expenses				
Audit	-\$4,160.00	\$0.00	-\$4,160.00	NA
Advertising & Promotion	\$1,550.00	\$3,750.00	-\$2,200.00	(58.7%)
Bank Charges	\$108.40	\$150.00	-\$41.60	(27.7%)
Consultants & Contractors	\$0.00	\$1,249.97	-\$1,249.97	(100.0%)
General Expenses	\$807.27	\$750.00	\$57.27	7.6%
Grants	\$2,000.00	\$3,250.03	-\$1,250.03	(38.5%)
Motor Vehicle Expenses				
MVX - DES	\$2,197.02	\$2,300.00	-\$102.98	(4.5%)
MVX - SDC	\$1,258.49	\$2,300.00	-\$1,041.51	(45.3%)
Printing Postage & Stationery	\$100.31	\$500.06	-\$399.75	(79.9%)
Rent	\$1,446.66	\$1,600.00	-\$153.34	(9.6%)
Subscriptions	\$349.00	\$1,000.00	-\$651.00	(65.1%)
Telephone	\$578.62	\$1,125.00	-\$546.38	(48.6%)
Travel & Entertainment	\$278.53	\$750.00	-\$471.47	(62.9%)
Total Expenses	<u>\$42,725.02</u>	<u>\$56,152.06</u>	<u>-\$13,427.04</u>	<u>(23.9%)</u>
Operating Profit	<u>\$79,105.48</u>	<u>\$66,281.00</u>	<u>\$12,824.48</u>	<u>19.3%</u>
Other Income				
Other Expenses				
Net Surplus / (Deficit)	<u>\$79,105.48</u>	<u>\$66,281.00</u>	<u>\$12,824.48</u>	<u>19.3%</u>

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

(File No A891309)

**Chairperson's Report – Alderman S von Bertouch**

Report to Council for the 3 month period 1 October 2014 to 31 December 2014.

**1. PRINCIPAL OBJECTIVES AND GOALS**

The Committee's prime objectives are to:

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

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

**2. CAPITAL WORKS PROJECTS****2.1. Clarence Foreshore Trail – 2 Cambridge Road Car Park**

The upgrading and resealing of the Cambridge Road car park, which includes the provision for separating the car park and the Clarence Foreshore Trail has been completed.

**2.2. Clarence Foreshore Trail – Kangaroo Bluff**

The sealing of Victoria Esplanade and the provision of an exposed aggregate concrete path and associated safety fence around the Kangaroo Bluff Construction has been completed.

**2.3. Cambridge Road – Cambridge Village to Kennedy Drive Roundabout**

Project is on hold until the completion of the Cambridge Village Master Plan.

**2.4. Works Summary for 2014**

Mr John Todd, a member of the Clarence Bicycle Steering Committee, has prepared a report of the new works undertaken by Council during 2014 and sets out in more detail a description of the projects listed above. Attachment 1 is a copy of the report and includes photographs to indicate the quality of infrastructure Council is constructing for its community, which resulted in Council receiving the Premier's Physical Activity Council's Medibank Active Tasmania Awards 2014 for the Clarence Foreshore Trail and the benefits the on-going works of the path provide in terms of recreation and community health and well-being.

**3. RECURRENT INITIATIVES**

Further locations for bike parking facilities are being investigated.

**4. DESIGN AND INVESTIGATION WORK IN PROGRESS****Clarence Street Safety Assessment Report**

The Clarence Street Collaborative Reference Group has met on the following dates 29 September and 3 December 2014. At this stage a draft report from the Clarence Street Collaborative Reference Group is due to be presented to a Council Workshop session early in 2015.

**5. GOVERNANCE MATTERS.****Committee Meeting**

The Committee held 2 General Meetings during the quarter on 6 October and 8 December 2014.

**6. EXTERNAL LIAISON**

CyclingSouth Annual General Meeting was held on 9 December 2014.

**RECOMMENDATION:**

That the Chairperson's Report be received by Council.

Attachments: 1. Report Created by John Todd on 2014 Projects (7)

Alderman Sharyn von Bertouch

**CHAIRPERSON**

## **Clarence City Council Bicycle Steering Committee**

### **New Works Completed in 2014**

December 2014

The Clarence City Council provides on-going support for cycling within the Municipality. The Council has an active program of funding to improve existing facilities and create new multi-use paths and cycleways. The Bicycle Steering Committee, chaired by Alderman Sharyn von Bertouch, provides advice to the Council on priorities for works each financial year. The Committee includes Council representatives, community representatives and cycling organisation representatives.

This is the second annual summary of completed bicycle infrastructure in Clarence (see 2013 summary). It covers works completed in the 2014 calendar year. About 1.22km of new or upgraded pathways was completed.

The map on the next page shows new sections of the network of shared pathways completed in 2013 and 2014. The works completed in 2014 include:

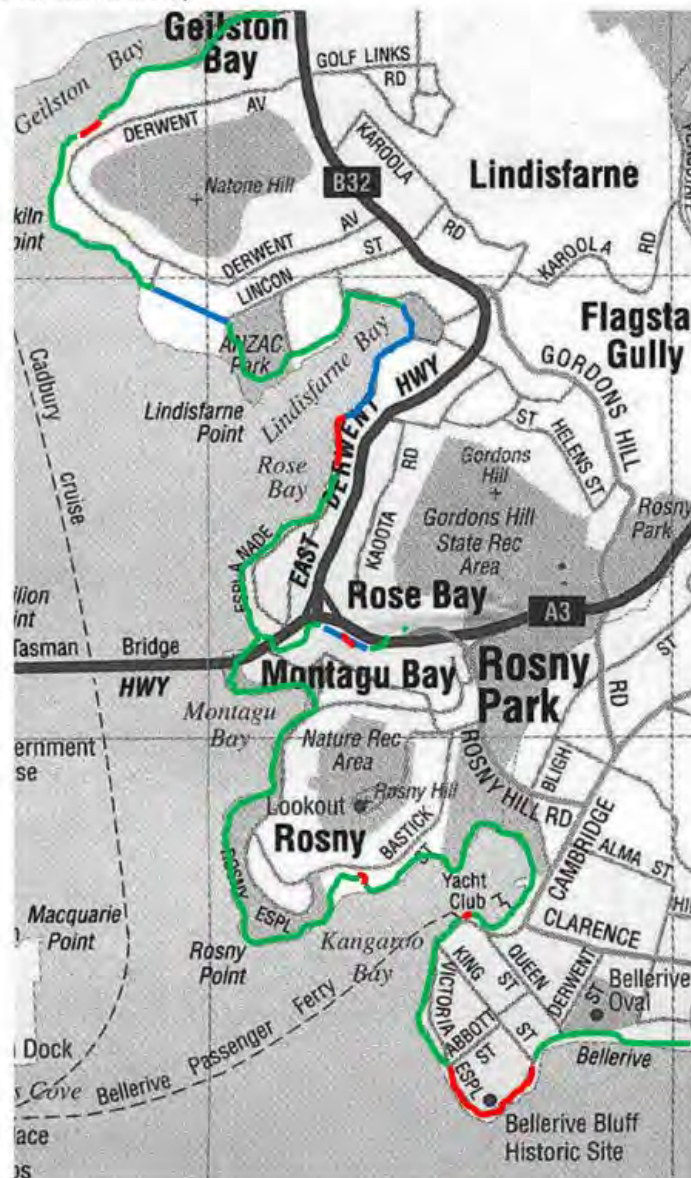
- Shore St Point to Ronnie St in Lindisfarne – this section of 300m is the final stretch of shared, off-road path between the popular Simmonds Park and the Tasman Bridge. The Shore St Point was previously a difficult section for cyclists because of the narrow road, poor road shoulder on the river side of the road and the sharp bend, the new path is a big improvement.
- Victoria Esplanade around Bellerive Bluff – this project widened and sealed about 600m of gravel path including new fencing creating an attractive section of shared pathway
- A section of the Tasman Bridge to Rose Bay pedestrian overpass – the 150m stretch of new shared path links two sections completed in 2013; combined they provide a direct link between the south eastern end of the Tasman Bridge and the pedestrian overpass near Rose Bay High School
- Realignment of steep section of path near Rosny Sewage Treatment Plant – about 90m of realigned path has been completed to avoid a short steep section of the old foreshore trail
- Geilston Bay gravel foreshore path – a short section (30m) of the path along the southern shore of Geilston Bay has been improved
- Waterfront Hotel car park, Bellerive – redevelopment of the hotel car park has provided a shared footpath of about 50m linking the Bellerive Boardwalk to the foreshore trail along Kangaroo bay

The new or upgraded sections of the foreshore trail and its linkages completed in 2014 have significantly improved the amenity of the trail between Geilston Bay and Howrah. The Foreshore Trail received the Tasmanian Premier's Award for Physical Activity in 2014, a well earned acknowledgement of the wonderful community amenity that the trail provides.



**Cycling Infrastructure Completed in 2014**

(2014 works are shown in red)



The map shows the foreshore trail from Geilston Bay to Bellerive (shown in green). The red sections were completed or upgraded in 2014 (these are discussed in the following pages). The blue sections were completed in 2013 (discussed in last year's summary of new bike infrastructure).

**Shore Street Point to Ronnie Street**

The missing link in the shared cycle/walking path between the Tasman Bridge and Simmons Park was completed in 2014. This stretch of about 300m required stabilization of the low cliff along the foreshore which had delayed its completion.



Two photos (left and below) show this section of pathway during construction.



Two photos (right and below) showing part of the completed stretch of shared path



**Victoria Esplanade: Kangaroo Bluff**

A project completed in 2014 involved the sealing of the one-way gravel road (Victoria Esplanade) around Kangaroo Bluff in Bellerive. It included sealing of the shared path on the estuary side of the road (width 1.9m), new fencing and landscaping. This path, with roll-over curb provides an excellent, scenic path for walkers and cyclists. The roll-over curb allows cyclists to move onto the road surface (with care) when passing groups of walkers.





**Short section adjacent to Tasman Highway**

The shared footpath between the Tasman Bridge (south-east corner) and the pedestrian overpass at Rose Bay High School is now complete. The final 150m section (width 2.5m) which required stabilization of a steep bank was completed in 2014. This will eventually form part of a shared path through to Eastlands Shopping Centre providing an important link in the bicycle network in Clarence.



**Realignment of shared path near Rosny sewage treatment plant**

The foreshore trail between Rosny Point and Kangaroo Bay follows the foreshore except where it has to pass inland of Rosny Sewage Treatment Plant. This meant two short, steep sections of path either side of the plant. The trail on the eastern side of the plant has been realigned over a distance of about 90m (width 2m) to avoid the steepest section of the trail. The photo below shows part of the new section with bitumen path, fencing and line markings.

**Upgrade to sections of Geilston Bay foreshore gravel path**

Walkers and cyclists travelling between Geilston Bay and Limekiln Point use an 800m stretch of gravel path created above high tide level along the southern shore of Geilston Bay. One section of this track used to drop down onto the natural rock shelf for a distance of about 30m. This was quite difficult to cross for inexperienced cyclists and was covered in water in certain weather conditions. A new rock wall and packed gravel path provide much improved conditions for walkers and cyclists.

Before improvements



After improvements



### Waterfront Hotel car park

The car park adjacent to the Waterfront Hotel and the Bellerive Ferry terminal provided poor connection between the Bellerive Boardwalk and the foreshore trail to Kangaroo Bluff. An overhaul of the car park includes improved pedestrian and cycle access through this section. The new shared path will run approximately 50m along the waterfront edge of the car park.

The photos below show the new path around the car park



### Improved signage

New signs along the Clarence Foreshore Trail provide useful information for new walkers and cyclists and remind users that this is a shared facility



**TRACKS AND TRAILS ADVISORY COMMITTEE**

(File No 07-06-09)

**Chairperson's Report – Alderman R James**

Report to Council for the 3 month period 1 Oct 2014 to 31 December 2014.

**1. PRINCIPAL OBJECTIVES AND GOALS**

The Committee's prime objectives are to:

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

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

**2. CAPITAL WORKS PROJECT****Signage**

New trail head signage has been installed in the Clarence Mountain Bike Park. Tangara Trail signage has been installed on the Dirty Bridge Creek Track in Sandford.



### **3. RECURRENT INITIATIVES – MAINTENANCE AND UPGRADES**

#### **3.1 Tracks and Trails Action Plan 2015**

A draft Action Plan has been developed and is currently being reviewed by the Tracks and Trails Advisory Committee.

#### **3.2 Draft Meehan Range Strategic Plan**

A draft strategic plan is being developed in consultation with Parks and Wildlife Service for the future development of mountain bike tracks at the Clarence Mountain Bike Park and the Meehan Range Recreation Area. A draft document is scheduled to be presented at a Council Workshop session early in 2015.

#### **3.3 Clarence Foreshore Trail**

The gravel track at Geilston Bay has been widened with additional rock walling to protect the track from erosion caused by frequent wave action.

#### **3.4 Clarence Coastal Trail – Rokeby to Lauderdale**

At Council's Workshop on 24 November 2014 there was a presentation on options for the development of this section of the Clarence Coastal Trail. Council indicated it wished to consider the matter after the following steps have been taken:

- Council officers to arrange for a survey to gain some information on existing and likely number of users of any potential Lauderdale to Rokeby track on the various proposed routes; and
- the General Manager schedule a further Council Workshop session to report back to Council on:
  - survey results for the 3 route options of coastal, north of South Arm Highway and south of South Arm Highway; and
  - costs of the various route options.

Council officers have prepared a community survey which is due for circulation in early 2015. Details of the scale, scope and timing of the survey and associated report back to Council will be provided in a future Weekly Briefing Report.



### **3.5 Tangara Trail**

- Mortimer Bay Coastal Track – An exposed tree-rooted and poorly drained section of track has been resurfaced and made safer.
- Emu Track – Remediation work has been done on a 300m low lying and poorly drained section of the trail.
- Highway Track – The poorly drained and muddy sections of this track constructed on the pipeline alongside the Tasman Highway has been resurfaced and upgraded.
- Tangara Trail map - a new map has been designed.

## **4. DESIGN AND INVESTIGATION WORK IN PROGRESS**

### **4.1 Kangaroo Bay Rivulet Track**

At its Workshop held on Monday, 24 November 2014 Council considered the Risk Assessment report on the proposed track options between Rosny Hill Road and Gordons Hill Road and indicated that the preferred option for the section of the track between the Rosny Barn and the Council building is through the Rosny Barn Precinct adjacent to the Eastlands boundary. A report back to Council on the Risk Assessment report and the proposed route is scheduled for the first Council Meeting in 2015.

### **4.2 Clarence Coastal Trail – Cremorne to Forest Hill Road**

A Reserve Activity Plan is being developed that includes a coastal track through Calverts Hill Nature Reserve.

## **5. GOVERNANCE MATTERS**

### **Committee Meeting**

The Committee held 2 General Meetings during the quarter on 9 October 2014 and 11 December 2014.

## **6. EXTERNAL LIAISON**

Nil.

**RECOMMENDATION:**

That the Chairperson's Report be received by Council.

Attachments: Nil.

Alderman R James  
**CHAIRPERSON**

**AUDIT COMMITTEE**

(File No 07/02/12)

**Chairperson's Report 34 - December 2014**

I present my first report as Chairman and thank Council for expressing their confidence in recently appointing me as Chairman of the Audit Committee. Council's Audit Committee has been in place for many years now and its operation is very much in line with the recent statutory changes in relation to appointing Audit Panels.

The Committee is working, with strong support from Council officers, to ensure fine tuning of its governance and operation to meet the new statutory requirements of Audit Panels. I am confident we are well placed for meeting these new requirements.

The Audit Committee met on 10 December 2014 and I attach a copy of the Minutes of the Meeting for tabling at Council's Meeting (refer Attachment 1).

In the commencement of the meeting proceedings I have sought the introduction of a standing agenda item to deal with members' conflict and pecuniary interest declaration being standard Council and industry practice.

The Committee gave consideration to a presentation and report from Mr Peter Carr of Peter Carr and Associates (PCA) entitled "Technology Transformation Business Case - Clarence City Council". This report builds on the original report presented by Mr Carr in February 2014 on ICT Strategic Review at Clarence City Council. This report takes the original recommendations, provides further detailed assessments of the key issues, considers business applications available in the market, considers alternative delivery options, recommends a short list of likely suitable providers and provides high level cost comparisons of the various options.

The overall theme of the report notes that it is now some 14 years since any major investment in the underlying business systems of Council and the opportunity now exists for Council to leverage from contemporary technology, the opportunity to move to a "software as a service" delivery model with the likelihood of significant cost savings in the medium term.

The Committee's consideration of Mr Carr's report was preliminary with further information to be provided to the Committee for further consideration. The Committee has scheduled an additional meeting in February 2015, to specifically deal with this important project and I anticipate the Committee will be in a position to provide Council with its advice and recommendations in time for Council's budget discussions and deliberations.

To complete the implementation of projects on the 2014-2015 Annual Audit Plan, the Committee were briefed on proposed arrangements for Project 41 - Parks and Recreation Facilities Safety and Risk Assessments, which will be conducted using Corporate Support officers in the second quarter of 2015.

In conclusion, I would like to take this opportunity to acknowledge the contribution of Mr Ron Ward as past Chairman and Committee member over a number of years. Mr Ward's stewardship of this Committee has seen its continued development and effectiveness.

**RECOMMENDATION:**

That the Chairperson's Report be received by Council.

Attachments: 1. Minutes of Audit Committee Meeting (9)

John Mazengarb  
**CHAIRPERSON**

**MINUTES OF A MEETING OF THE COUNCIL AUDIT COMMITTEE HELD IN THE COMMITTEE ROOM AT THE COUNCIL OFFICES, BLIGH STREET, ROSNY PARK, ON WEDNESDAY, 10 DECEMBER, 2014**

**HOUR CALLED:** 4.00 pm

**PRESENT:** The Meeting commenced at 4.02pm with Mr J Mazengarb in the Chair and Committee Members:  
Mr R Hogan  
Ald H Chong  
Ald K McFarlane (Proxy) present.

In opening the meeting the Chair indicated his intention to raise for further discussion later in the meeting the requirements on the Committee based on the new legislative requirements.

**PECUNIARY/CONFLICT OF INTEREST DECLARATIONS:**

The Chair further raised the need to introduce a new standing agenda item to invite the disclosure of any conflicts of interest of members regarding the matters before the meeting as is customary for committees of this nature.

The Corporate Secretary advised the meeting of the current practices that are exercised by the Council in regard to such matters and that included a Register of Interests which the General Manager is obliged to maintain under the Act and the Council Code of Conduct policy.

The Corporate Secretary advised that this declaration provision would be incorporated in future agendas.

The Chair invited member declaration.

**No Pecuniary/Conflicts of Interest were declared.**

**IN ATTENDANCE:** General Manager  
(Mr A Paul)  
Corporate Secretary  
(Mr A van der Hek)  
Corporate Treasurer  
(Mr F Barta)  
Consultant, Peter Carr of Peter Carr and Associates (PCA) for item 4.

## MINUTES

### 1. APOLOGIES

Ald P Cusick

### 2. CONFIRMATION OF MINUTES

The Minutes of the Meeting of the Audit Committee dated 17 September 2014 were circulated to Committee Members.

#### RECOMMENDATION:

That the Minutes of the Meeting of the Audit Committee dated 17 September 2014, as circulated, be confirmed.

**Decision:** **MOVED** Ald Chong **SECONDED** Mr Mazengarb

“That the Minutes of the Meeting of the Audit Committee dated 17 September 2014, as circulated, be confirmed”.

**CARRIED**

### 3. CONFIRMATION OF COMMITTEE APPOINTMENTS

#### 3.1. Committee Chair

The Audit Committee Charter has previously provided for the appointment of the Committee Chairperson from the independent members of the Committee. Due to new legislation requirements, the appointment of Audit Committee/Panel Chairperson is to be determined by the Council.

At its meeting on 1 December 2014, Council appointed Mr Mazengarb as Audit Committee/Panel Chairperson for a 1 year period concluding November 2015.

#### 3.2. Confirmation Of Aldermen Appointed To The Committee

At its meeting on 1 December 2014, Council appointed the following Aldermen to positions on the Audit Committee:

- Alderman Heather Chong
- Alderman Peter Cusick
- Alderman Kay McFarlane (Proxy)

### **3.3. Rotational Appointments For Independent Committee Members**

The Council has not renewed the appointment of Mr Ward to the Committee and as such this position will be advertised seeking expressions of interest.

The new appointment once determined by the Council will conclude in November 2017 to ensure the continuation of annual rotational appointments of independent members of the Audit Committee.

The General Manager confirmed that formal advice of the appointments would be provided to the Committee members shortly.

#### **RECOMMENDATION:**

That advice on the new appointments be noted.

**Decision:** **MOVED** Mr Hogan **SECONDED** Ald Chong

“That advice on the new appointments be noted”.

**CARRIED**

### **PROJECT 35: EFFECTIVENESS OF COUNCIL’S IT SOLUTIONS - DEVELOPMENT OF AN IT STRATEGIC PLAN**

The Audit Panel instigated a review of Council's ICT platforms and delivery during 2013. Peter Carr and Associates (PCA) was engaged to undertake the review and provided the Panel (and ultimately Council) with a report entitled “Clarence City Council ICT Strategic Review” dated 3 February 2014. This document was essentially a "point in time" assessment of Council's ICT systems, their strengths and limitations, and potential opportunities given current market offerings.

The obvious subsequent step was to build on this strategic review to develop a "road map" to implement the key recommendations of the review. PCA was again engaged for this assignment, in consultation with the Panel and Council, and this has resulted in the report accompanying this agenda item “Technology Transformation Business Case - Clarence City Council”. This report takes the original recommendations, provides further detailed assessments of the key issues, considers business applications available in the market, considers alternative delivery options, recommends a short list of likely suitable providers, and provides high level cost comparisons of the various options.

The overall theme of the report includes the opportunity for Council to leverage from contemporary technology, the opportunity to move to a "software as a service" delivery model, and the likelihood of significant cost savings in the medium term.

Cont/-

Before considering this item the Chair sought the Committee members' views of the time that the Committee needed to fully consider the content of the ICT report in order to provide its considered advice and recommendations to the Council. The General Manager responded by stating that the Committee was open to take further time in its consideration of this matter provided that this is concluded in sufficient time for the Council to consider the budget implications of report and the committee's recommendations.

Peter Carr was in attendance at the meeting to provide an overview of the report. In looking at the options available to the Council the level of integration remains a key consideration. The current system for Clarence is highly complex and requires high resources to maintain; consequently there is less resource available for support and development of the system and little integration has therefore been able to be achieved.

New buyers in the local government industry for ICT systems are now consistently buying "stack" product suites where a sound level of integration already exists between the core products required. Suppliers are clearly more responsive to client demand and requirements where volume of user and application is demonstrated. Mr Carr provided a profile of the local government industry's use of ICT products to demonstrate both the relative position of Clarence and its current system and where the strength in ICT product use exists. Clarence was now relatively isolated with its current product profile. Mr Carr further advised of where locally the choice of products is trending. Like Clarence, most major councils in Tasmania are presently in preparation or have embarked on a review and replacement of ICT systems process.

In general discussions on Mr Carr's presentation it was identified that there is need for further detailing of the options costings to provide for the following:-

- Clarification of the component costings for each option considered in the report;
- Clear indication/breakdown of internal and external resource costings for implementation;
- The extent of transition costs for data migration, data cleansing etc.; and
- Capital expenditure modelling to cover each year of the 5 year implementation timeframe to allow for full comparative analysis.

Mr Carr undertook to provide further details to the Committee regarding the options and their costings.

It was considered important that in any changeover of ICT systems the cost and resource implications and requirements should not be understated or under resourced.

The Chair thanked Mr Carr for the preparation and detailed presentation which he had provided.

Mr Carr left the meeting at this stage.

The Committee's discussions concluded on the importance that in order for the Council to proceed on any option available the modelling must be able to demonstrate a compelling case to support the need for change.

Cont/-



Going forward and should it be considered beneficial, the Chair offered to participate in any presentation to Council on the importance and need for commitment on the ICT project.

**RECOMMENDATION:**

That the draft IT Strategic Plan be received and recommendations be noted.

**Decision:** It was **RESOLVED**

“That the advice be noted and that the follow information as discussed be provided for further consideration of the committee”.

**4. ANNUAL AUDIT PLAN FOR 2014-2015**

**Project 41: Parks and Recreation Facilities Safety and Risk Assessments**

Council has established a number of standard operating procedures (SOP's) in relation to the management and maintenance of its Parks and Recreational facilities. These SOP's include both proactive and reactive safety and risk mitigation checks actions which are to be effected each time a site is visited as part of the general maintenance routines. A review would test the appropriateness of these SOP's and ensure that Council is adequately managing its responsibilities.

At the last Committee meeting the General Manager provided an update as to why this project has been temporarily placed on hold for completion at a later date. It is expected that the appointment of a Works Manager, Parks and Community Facilities will occur in early 2015. It is then planned that this review will be conducted following the appointment by Council Corporate Support staff in the second quarter of 2015.

**RECOMMENDATION:**

That the advice be noted and that the implementation of the project internally be endorsed.

**Decision:** It was **RESOLVED**

“That the advice be noted and that the implementation of the project internally be endorsed”.

**5. DRAFT FRAUD MANAGEMENT PLAN**

In 2012/13 the Auditor General undertook a special audit of a sample of Local Government authorities (including Clarence) on the subject of fraud detection, management and control.

A number of key recommendations arose from the fraud audit that have been incorporated into the Management Action Plan for follow up. In response to one of these recommendations a draft Fraud Control Policy document was submitted to the Audit Committee for consideration at its 12 March 2014 meeting prior to its subsequent adoption by the Council.

Following on from the adoption of the policy a Fraud Management Plan was to be developed. The earlier adopted policy contained some elements that were to form part of the supporting plan and accordingly both the policy and plan have been further developed now as companion documents. The draft document containing both the Policy as Part A and the supporting Plan as Part B was provided for consideration, prior to its submission to Council for formal adoption.

Discussion on this item centred on:-

- The need to introduce annual declarations for all staff regarding fraud awareness and commitment;
- How training on fraud management would be delivered to managers; and
- Training and induction on fraud management for all employees.

In response the General Manager and the Corporate Secretary advised that the question of how best to deliver on the outcomes and principles articulated in the framework will still need to be considered. Although much can be delivered through the induction programme that is in place (which is design to involve both existing and new staff). It was acknowledged, however, that the current rate of rotation of this programme may be too drawn out to achieve good coverage of staff. This matter will be given further consideration. The Draft Policy and Plan did emphasise that the need for pre-employment checks and training will be tailored to a degree and dealt with on a needs basis, taking into account the nature of employee/worker roles.

A number of edit changes to the draft were submitted for inclusion by Committee members.

**RECOMMENDATION:**

That the Committee endorses the draft entitled “Clarence City Council Draft Fraud Policy and the Fraud Management Plan.

**Decision:** It was **RESOLVED**

“That with the suggested changes and fine tuning of the document the Committee endorses the draft entitled “Clarence City Council Draft Fraud Policy and the Fraud Management Plan”.

**6. MANAGEMENT ACTION PLAN**

An updated Management Action Plan was provided.

**RECOMMENDATION:**

That the advice be noted

**Decision:** It was **RESOLVED**

“That the advice be noted”.

## **7. AUDIT COMMITTEE/AUDIT PANEL RESPONSIBILITIES PROGRAMME**

Duties of the Audit Panel are stipulated under the Act and supporting Regulations and these are presented below.

Audit Panels are to review the Council's performance in relation to:

- the Council's financial system, financial governance arrangements and financial management; and
- all plans of the Council under Part 7; namely
  - strategic plan;
  - annual plan;
  - long-term financial management plan;
  - long-term strategic asset management plan; and
- all policies, systems and controls the Council has in place to safeguard its long-term financial position; and
- any other matters specified in an order under Section 85B as matters that an audit panel is to consider in such a review; namely:
  - 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.

As reported to the last meeting, much of what is envisaged under the new provisions are matters that the Audit Committee has already covered and been in the practice of reviewing to-date. There will, however, be other aspects of the new requirements for which new reporting and referral regimes need to be put in place.

Consideration of these requirements has now been further developed with the view of creating an overall "programme/matrix" which incorporates an implementation/consideration/decision programme based on the Committee's standing meetings schedule and the relevant Council cyclical planning and review commitments.

At the last meeting it was further suggested that an "annual Attestation Report" be introduced to reflect the Committee's consideration of all the new requirements.

A forward programme/matrix for the Audit Committee/Audit Panel was provided.

Mr Hogan raised that consideration will need to be given on how in the sequence in the development and review of key plans by the Council, that the Committee also gains an understanding of and an opportunity (where appropriate or needed) in the consideration of the underlying assumptions adopted in those key “strategic” plans. This would be needed in order to give effect to the Committee’s subsequent obligation to the review of those plans.

**RECOMMENDATION:**

That the Audit Committee/Panel Plan be endorsed.

**Decision:** It was **RESOLVED**

“That with the inclusion of the annual report of the Fraud Policy Implementation the Audit Committee/Panel Plan be endorsed; noting that the Plan is a first cast of the Committee’s/Panel’s obligations which will be the subject of regular update”.

**8. SIGNIFICANT INSURANCE/LEGAL CLAIMS**

There have been no new major claim notifications since the last report to the Committee.

A copy of the schedule of outstanding matters was provided.

**RECOMMENDATION:**

That the advice be noted.

**Decision:** It was **RESOLVED**

“That the advice be noted”.

**9. ANY FURTHER BUSINESS**

The General Manager advised the Committee that in light of recently advertised audit panel positions by other Council he was undertaking a benchmark survey of the remunerations being offered for these positions.

## **10. TIME, DATE, PLACE OF NEXT MEETING**

It has become practice for this schedule to be updated by the Committee each meeting on a rolling basis to maintain an advanced schedule of meetings.

### **Draft Meeting Schedule – 2014-2015**

<b>Mtg</b>	<b>Likely Business Items</b>	<b>Scheduled time of year</b>	<b>Proposed Mtg Date</b>
1.	<ul style="list-style-type: none"><li>• Discussion with Auditor General on forthcoming annual audit (tentative)</li><li>• Consideration of audit project reports</li></ul>	Feb/March	11 March 2015
2.	<ul style="list-style-type: none"><li>• Finalisation of Audit programme for current year if required</li><li>• Identification of projects for forthcoming Audit Programme for 2015/16</li></ul>	May/June	14 May 2015
3.	<ul style="list-style-type: none"><li>• Discussion with Auditor General on annual audit and Financial Statements</li><li>• Consideration of draft project scopes and appointment of audit service providers</li></ul>	Aug/Sept May require 2 meeting times to deal with these matters and subject to Auditor General availability	23 September 2015
4.	<ul style="list-style-type: none"><li>• Confirmation of rotational appointments for independent members.</li></ul>	Nov/Dec	25 November 2015

**Note 1:** The Audit Committee has been constituted by the Council as a Special Committee under the provisions of Section 24 of the Local Government Act 1993. The Committee's charter provides for the purpose of the Committee and the manner in which it is to conduct its meetings.

**Note 2:** The above schedule has been based on the past practice of the Committee; however, ongoing meetings of the Committee (Audit Panel) are open to the Committee taking into consideration its obligations.

**Note 3:** The above meeting schedule will be modified following this meeting to take into account the Audit Committee/Panel Plan once adopted.

### **RECOMMENDATION:**

That the Committee determine on or modify the proposed schedule of Audit Committee meetings.

**Decision:** It was **RESOLVED**

“That the above schedule be adopted with the inclusion of an additional meeting of the Committee on 18 February 2015 to consider further the ITC project and the additional information sought”.

## **11. CLOSE**

There being no further business the Chair declared the meeting **Closed** at 5.57pm.

## **11. REPORTS OF OFFICERS**

### **11.1 WEEKLY BRIEFING REPORTS**

(File No. 10/02/02)

The Weekly Briefing Reports of 5, 8, 15 December 2014 and 5 January 2015 have been circulated to Aldermen.

#### **RECOMMENDATION:**

That the information contained in the Weekly Briefing Reports of 5, 8, 15 December 2014 and 5 January 2015 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 2005, 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-2014/134 - 36 LINCOLN STREET, LINDISFARNE - ALTERATIONS AND ADDITIONS TO LOCAL SHOP**  
(File No L019-36)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for additions and alterations to a Local Shop at 36 Lincoln Street, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Commercial under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2005.

Council is required to exercise a discretion within the statutory 42 day period which was extended with the consent of the applicant to 14 January 2015.

**CONSULTATION**

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

- loss of car parking spaces on-site and increased traffic congestion in the area;
- safety concerns due to the location of the delivery dock to the bus stop;
- the proximity to the bus stop is an infringement of traffic regulations;
- increase in traffic congestion caused by building works;
- possible risk of asbestos with the demolition of the existing wall;
- estimated customer numbers are arbitrary may lead to traffic and parking issues; and
- development not in keeping with the streetscape.

**RECOMMENDATION:**

A. That the Development Application for Alterations and Additions to Local Shop at 36 Lincoln Street, Lindisfarne (CI Ref D-2014/134) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN – AP3 – AMENDED PLAN [the following details]
  - the window on the Wellington Road elevation increased to double the length;
  - the signage on the elevation fronting the common property removed and replaced by 1 sign located on the wall nearest Franklin Street; and

- the wall of the elevation fronting the common property painted blue.
3. The window on the Wellington Road elevation must not be covered with advertising signage.
  4. GEN C2 – CASH-IN-LIEU [\$24 000] [3].
  5. GEN S7 - SIGN MAINTENANCE.
  6. ENG M1 – DESIGNS DA.
  7. ENG A7 – REDUNDANT CROSSOVER.
  8. The development must meet all required Conditions of Approval specified by TasWater notice dated 4 July 2014 (TWDA 2014/00311-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.

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

The site is currently used as a pharmacy which was granted a Planning permit as a Local Shop (D-2013/33) at Council’s Meeting on 15 April 2013. A subsequent application for signage was approved at Council’s Meeting on 2 December 2013 (D-2013/302).

D-1990/47 was approved by the Planning Appeal Board in 1990 for additions to the previous butchers shop for use as a Take-Away, Grocery and Mixed Business. A permit for a hardware shop (known as the Lindisfarne True Value Hardware Store) was granted (D-1990/101) at Council’s Meeting on 22 October 1990. A subsequent permit (1992/171) approved an extension of an ancillary plant nursery.

On 14 May 2007, Council refused Development Application (D-2007/90) for a 2 storey retail, restaurant and apartment building requiring variation to parking. The grounds for refusal were that the proposal was contrary to the provisions of the Eastern Shore Planning Scheme, 1963 with regard to adequate amenity, as the proposal did not provide sufficient outdoor space or parking for the apartment.

The report identified that whilst the waiving of the parking spaces for the commercial component of the proposal was consistent with the then Council's Lindisfarne Shopping Centre Car Parking Policy 2002, the proposal could not be supported as the policy did not apply to parking requirements for residential development.

On 11 September 2014, an amendment to the Clarence Planning Scheme 2007 was approved which deleted the previous Lindisfarne Shopping Centre Car Parking Policy. Consequently, the previous exemptions from cash-in-lieu payments have been removed.

## **2. STATUTORY IMPLICATIONS**

**2.1.** The land is zoned Commercial under the Scheme.

**2.2.** The application is a Discretionary development, as it is defined as a Local Shop which has a floor area greater than 100m<sup>2</sup>.

**2.3.** The proposal proposed to waive the car parking requirements under the Scheme.

**2.4.** The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 6 – Commercial zone; and
- Section 8 – Off Street Car Parking and Loading and Advertising Signage.

**2.5.** Council's assessment of this proposal should also consider the issues raised in any representations, 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 436m<sup>2</sup> irregular shaped lot located in the Lindisfarne Shopping Centre which currently supports a pharmacy. The site has frontage to Lincoln Street, Franklin Street and Wellington Road. It is surrounded by a variety of commercial businesses including the Royal Life Saving Society Australia offices to the north, the post office and telephone exchange centre to the west, a newsagent to the east and a laundromat and restaurant to the south.

Currently, the Lincoln Street and Franklin Street frontages present as the front of the building and the Wellington Road frontage as the rear of the building with no pedestrian access into the shop from Wellington Road.

#### **3.2. The Proposal**

The proposal is for an addition to the existing pharmacy and alterations. The addition is proposed to have a floor area of 137m<sup>2</sup> and is located to the north of the existing building. A new vehicle access and delivery point is proposed from Wellington Road. Alterations are proposed to the elevation fronting Wellington Street consisting of a new entrance and large window in the existing wall and 2 roller doors in the proposed addition.

The addition is proposed to be painted in colours to match the existing building.

The pharmacy currently operates between the hours of 8.00am to 7.00pm Monday to Friday, Saturday 8.00am to 6.00pm and Sunday 9.00am to 6.00pm. The current application does not propose to change the operating hours.

The applicant anticipates numbers of approximately 250 customers per day and the business would employ up to 8 people at any one time.

The proposed signage is also Discretionary as the total advertisement area of all signs exceeds 8m<sup>2</sup>. The proposed signage is as follows:

Wellington Road elevation:

- 14.22m<sup>2</sup> sign located along the parapet wall; and
- 2 x 2.6m<sup>2</sup> signs on the parapet wall.

The applicant has proposed to waive the car parking requirement for the additional space on the basis that the proposed expansion builds over an area previously used as a retail nursery area.

#### **4. PLANNING ASSESSMENT**

##### **4.1. Planning Policy Framework [Section 2]**

The relevant elements of the Planning Policy Framework are contained in Section 2.2.3 Objectives, Strategies and Implementation (c) Economic Development (i) Retail and Commerce. In particular, the Key Objectives and Strategies include:

*“The need for improved presentation of all neighbourhood and community centre.*

*To ensure the long term viability of all of the City’s retail centres.*

*Revitalisation of the Lindisfarne shopping centre through urban design initiatives”.*

Section 2.3 also provides the following relevant Clarence Planning Policies:

- The Clarence Retail Policy, which identifies the desirability of encouraging investment in retail development and the need to encourage attractive shopping venues.

The proposed development is consistent with the above provisions of the Planning Policy Framework as it is increasing the area of an existing commercial site. Reference to these principles is also contained in the discussion below.

#### **4.2. General Decision Requirements [Section 3.3.1]**

The relevant General Decision Requirements of this part are:

- “(a) *General requirements:*
  - (iii) *The Planning Policy Framework.*
  - (iv) *The Purposes of the Zone.*
  - (v) *The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
  - (vii) *Any representation made in accordance with Section 43F(5) or Section 57(5) of the Act.*
- (c) *Infrastructure requirements:*
  - (v) *The capacity of the existing streets and roads in the locality and the effect of the development on such capacity.*
  - (vi) *The provision of access, loading, parking and manoeuvring of vehicles.*
- (d) *Design suitability requirements:*
  - (iv) *The existing character of the site and the buildings and vegetation it contains”.*

#### **4.3. Commercial Zone**

The purpose of the zone is to encourage a range of business centres for retailing and other complementary commercial, entertainment and community uses. The proposed addition and alterations is considered to be consistent with this purpose.

A Local Shop is a Discretionary use in the zone as the floor area exceeds 100m<sup>2</sup>.

**Table 1: Assessment against the Zone use and Development Standards (Variation to a Permitted Standard requires Exercise of Discretion)**

	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
<b>Height</b>	15m	4m (to top of parapet)	yes

The proposal complies with all Use and Development Standards of the zone.

### **Specific Decision Requirements**

The Specific Decision Requirements for the zone are provided at Clause 6.6.4 and the relevant provisions are considered as follows.

*“(a) The streetscape values of the commercial areas should be protected with the reuse of buildings, consistency of footpaths, entrances, verandahs and awnings and the retention and enhancement of associated hard and soft landscaping encouraged”.*

The proposal includes alterations to the existing building to improve its appearance from the street. The existing building currently does not make a positive contribution to the visual amenity of the area. The proposal includes adding an entrance and windows to the western elevation of the building fronting Wellington Road, which will improve the visual amenity of the area and improve pedestrian access through the site.

The Wellington Road frontage currently appears as the rear of the building. Whilst the proposed entrance and window on this frontage does assist in improving the streetscape on Wellington Road, the proposed roller doors would have a negative impact in terms of reinforcing the back of house presentation. Additional windows would be advantageous in increasing the visual amenity of the building as part of the commercial precinct.

This issue was discussed with the applicant who has proposed to double the length of the window on the Wellington Road frontage. The applicant has also agreed to paint the rear of the building, which fronts onto the common property, blue and replace the existing parapet signs with 1 sign on the corner of the wall closest to Franklin Street. The changes proposed by the applicant will assist in improving the visual amenity of the building and provide a better pedestrian link between Franklin Street and Wellington Road. A condition should be included which requires amended plans to incorporate the above changes.

*“(b) Active frontages to pedestrian areas should be maintained”.*

As discussed above, the existing frontage to Wellington Road does not have an active frontage to the street. The proposal improves upon the current situation by providing a new entrance and window to the Wellington Road frontage.

*“(c) An integrated approach to adequate pedestrian, bicycle and car access to the site and movement within the area should be undertaken”.*

The site is a corner lot which achieves pedestrian access on 3 frontages. An additional access from Wellington Street increases the pedestrian access through the site. A new vehicular access for deliveries and loading is proposed from Wellington Road. As discussed below, there is no car parking proposed on-site.

*“(j) Sufficient car parking should be provided on site to meet differing levels of commercial and residential needs. Safe and convenient access is to be provided to all parking areas”.*

There is no car parking proposed on-site. Car parking requirements are discussed below.

*“(k) Outdoor storage should be adequately screened when viewed from a public place”.*

The proposal includes an area for waste bins which is screened from view by a roller door.

In summary, the proposal is considered consistent with the Specific Decision Requirements of the Commercial zone.

#### **4.4. Off Street Parking and Loading**

The Purpose of the Off-Street Car Parking and Loading Specific Provisions is to ensure the provision of an appropriate number of car parking spaces, having regard to the activities on the land and the nature of the locality.



The required number of spaces is to be in accordance with the Parking Spaces Table under Clause 8.1.5. The Parking Spaces Table does not specify a rate for a Local Shop and it states that all other uses not referred to require parking spaces as determined by Council. The most appropriate rate to apply is that required for the most similar use, which is a Shop.

The previous permits waived parking requirements and accepted cash-in-lieu payments as follows:

- D-1990/47 required a cash-in-lieu contribution for 1 space (Butchers Shop);
- D-1990/101 required a cash-in-lieu contribution for 3 spaces (Hardware Store); and
- D-1992/171 required a cash-in-lieu contribution for 1 space for the additional 60m<sup>2</sup> of retail space (previous Outdoor Plan Nursery).

The proposal increases the floor area by 137m<sup>2</sup>. Cash-in-lieu has already been taken for 60m<sup>2</sup> of this area (Outdoor Plant Nursery) which leaves 77m<sup>2</sup> of additional floor area. Based on the rate for a Shop of 1 space per 35m<sup>2</sup>, an additional 3 car parking spaces is required for the proposal. Car parking is not provided on-site, therefore in accordance with Council's policy, a condition should be included to require cash-in-lieu at a rate of \$8000 per space. This would be utilised in the provision of public car parking nearby.

In summary, the proposal is consistent with the Specific Provisions of Section 8.1.

#### **4.5. Advertising Signs [8.2]**

The relevant Specific Provision of the Scheme is at Section 8.2 and relates to Advertising Signs. The proposal accords with the Purpose of the specific provisions in that it would provide for orderly display of advertising signage and would not adversely affect the natural or built environments, or the safety, appearance or efficiency of a road.

Signs in the Commercial zone are to be considered in accordance with Clause 8.2.5: Class 1 (Minimum Limitation Areas). The proposed signs are Discretionary as collectively they exceed the maximum total advertisement area of 8m<sup>2</sup> under Clause 8.2.5(b).

### **Specific Decision Requirements**

The relevant Specific Decision Requirements are:

*“(a) The general amenity of the area should be maintained by avoiding visual disorder or clutter of signs”.*

The proposed signage along Wellington Road continues the existing parapet wall signage along the elevation which enhances its commercial status and is not considered to have a detrimental effect on the amenity of the area.

*“(c) Proliferation of signage should be avoided. Signage should be based on the need for identification consideration any other opportunities for adequate identification on the site and nearby, the advertising pattern and theme in the area and the number of signs of the same type”.*

The proposed signage is related to the identification of the business operations on the site and is typical of the style of signage associated with the business, which is located in a commercial precinct.

*“(d) Signs should be of compatible scale to the size of the premises on which it is to be displayed and the scale of surrounding buildings”.*

The proposed signs are considered compatible with the existing signage on the Wellington Road elevation as it continues the signage along the parapet wall of the building.

*“(e) The sign’s colour, brightness and location should not have a significant effect on the appearance and efficiency of a road, railway, waterway or other public way”.*

The proposed signs have a similar colour scheme to the existing signs and will not have a detrimental effect upon on traffic safety or the efficiency of the local road network.

*“(f) The sign should be located reasonably close to the site where the goods or services advertised, are located”.*

The signs are located on the building which contains the goods and services, which the signage relates to.

#### **4.6. External Referrals**

The proposal was referred to TasWater who have approved the development with conditions (TWDA 2014/00311-CCC).

### **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. Loss of Car Parking Spaces On-site**

The representor is concerned that the proposal will result in the loss of the existing parking spaces on-site which are currently used by business deliveries and staff.

- **Comment**

The existing development does not currently provide customer car parking on-site and previous permits have required cash-in-lieu contributions for car parking that cannot be provided. Council records indicate that the space at the rear of the building was used generally as a rear access/loading area and outdoor storage and was not approved for car parking.

As discussed, the development will generate a requirement for an additional 3 car parking spaces to be taken as cash-in-lieu. The cash-in-lieu will be used to provide further public car parking in the area.

**5.2. Safety Concerns due to the Location of the Delivery Dock close to the Bus Stop**

The representor is concerned that the proposed delivery dock in Wellington Road is in the middle of a bus stop which will result in safety concerns for Metro commuters.

- **Comment**

The existing pharmacy already has an existing loading dock on Franklin Street which is utilised for loading and deliveries. The proposal relocates the loading bay to the northern end of the building on Wellington Street. The location of bus stops in relation to accesses is not a consideration under the Scheme. Nevertheless, it is considered as the deliveries are generally once a day, the location of the delivery dock in relation to the bus stop will not have an undue significant impact on the safety of pedestrians.

**5.3. The Proximity to the Bus Stop is an Infringement of Traffic Regulations**

The representor is concerned that the location of the delivery access is an infringement of the traffic regulation which specifies that it is an infringement to stop or park within 20m before and after a bus stop.

- **Comment**

Council's engineers have advised that the location of the delivery dock is not in conflict with traffic regulations.

**5.4. Increase in Traffic Congestion caused by Building Works**

Concern was raised that the building works would impact on the vehicular and pedestrian traffic in an already congested traffic flow in one way Franklin Street.

- **Comment**

Any inconvenience caused by the building works would be of a temporary nature only and therefore would be acceptable.

**5.5. Possible Risk of Asbestos with the Demolition of the Existing Wall**

Concern was raised that development will result in the possible risk to asbestos with the demolition of the current northern wall of the building.

- **Comment**

The demolition of the northern wall and the construction of the building will require a Building Permit and will have to comply with the Building Code of Australia. Any issues with potentially hazardous materials will be adequately covered by this process. If asbestos is found, the applicant may also require approval from Workplace Standards.

**5.6. Estimated Customer Numbers are Arbitrary and may lead to Traffic and Parking Issues**

- **Comment**

The applicant has estimated customer numbers of 250 per day which are based on their current and expected turnover. The previous development application, D-2013/33, expected that the anticipated number of customers are 100 – 200 per day. The proposal increases the anticipated numbers to 250. Whether this is accurate or not, it is clear that the increased customer numbers associated with the business may impact on the existing shortage of car parking nearby. This is why a cash-in-lieu payment should be required.

**5.7. Development not in Keeping with the Streetscape**

Concern was raised that the development and its colour scheme is not in accordance with the streetscape which has recently been beautified under the Lindisfarne Streetscape project.

- **Comment**

The existing pharmacy is painted in bright yellow and blue with blue, red and yellow signs. The addition retains the same colour scheme as the existing building. It is noted that there are no controls relating to colour in the Commercial zone and therefore Council is not able to impose permit conditions relating to colour.

**6. STATE POLICIES AND ACT OBJECTIVES**

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

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

**7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy, including the following:

- Temporary Street Furniture and Policy Guidelines;
- Local Highways Standard Requirements By-law No 1 of 2004; and

Developer contributions are not required to comply with the following Council policies:

- Public Open Space Policy; and
- Headworks Levy Policy.

**8. CONCLUSION**

The proposal is for additions to a Local Shop and is recommended for approval subject to a condition requiring cash-in-lieu for car parking.

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

Ross Lovell  
**MANAGER CITY PLANNING**

Clarence City Council – GDA Datum

Legend



**Waterways**



**Property**



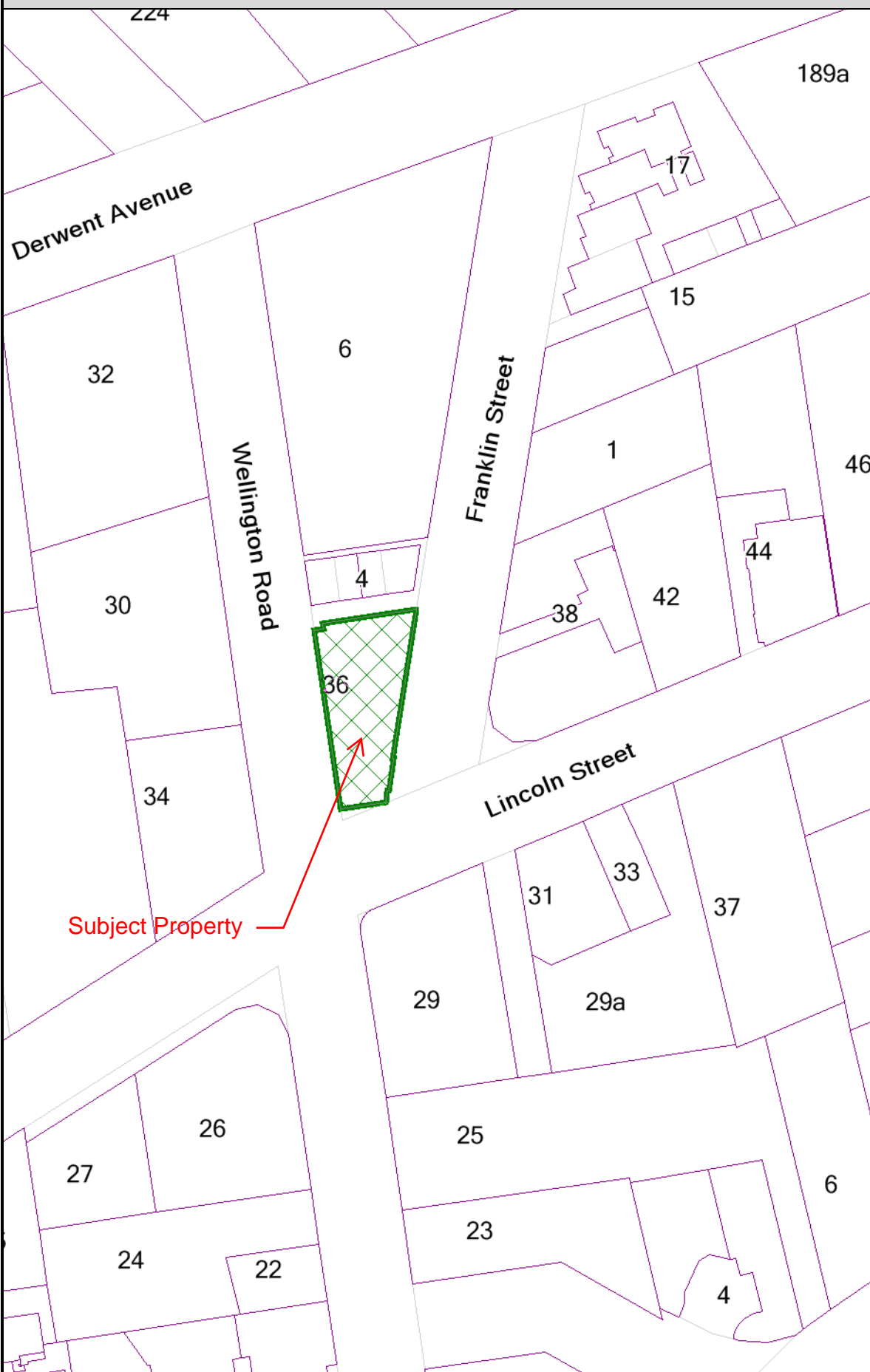
**Title**



**Waterbodies**

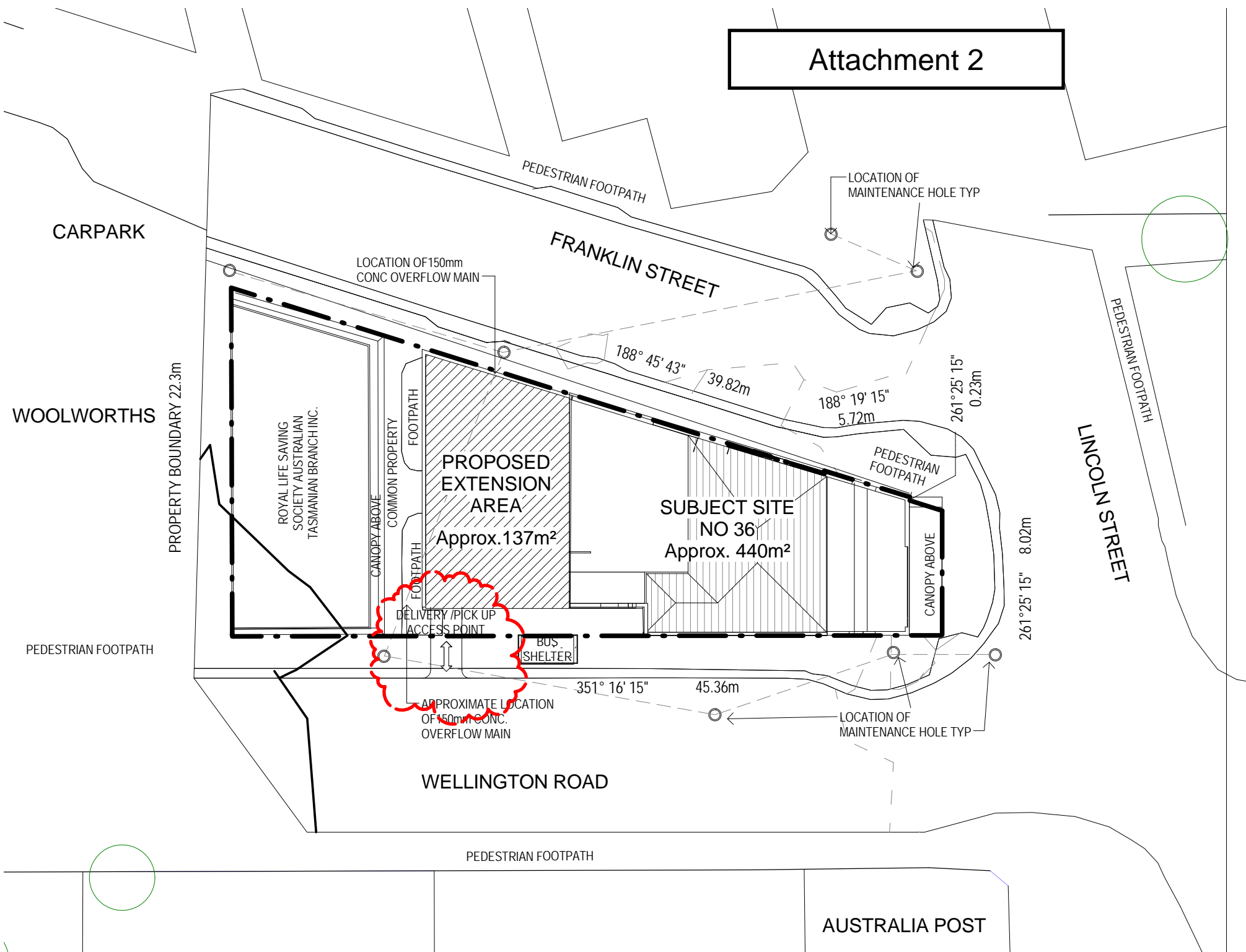


**Map Extents**






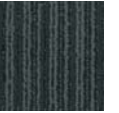



## Attachment 2



<b>NOTES:</b>	
<b>SITE AREA</b>	440m <sup>2</sup>
<b>EXISTING BUILDING</b>	
GROSS FLOOR AREA	240m <sup>2</sup>
RETAIL AREA	189.5m <sup>2</sup>
DISPENSARY	30.5m <sup>2</sup>
BOH	20m <sup>2</sup>
<b>PROPOSED EXTENSION</b>	
GROSS FLOOR AREA	440m <sup>2</sup>
RETAIL AREA	382.2m <sup>2</sup>
DISPENSARY	30.5m <sup>2</sup>
BOH	27.3m <sup>2</sup>
<b>STAFF:</b>	
STAFF NUMBERS AT ANY TIME	<10
<b>HOURS OF OPERATION</b>	
PROPOSED OPENING HOURS (MAY VARY SLIGHTLY)	
MONDAY-FRIDAY:	8AM- 7PM
SATURDAY:	8AM- 6 PM
SUNDAY:	9AM- 6PM
PUBLIC HOLIDAYS:	9AM- 6PM

### MATERIALS & COLOURS

INT. WALLS SIMILAR EXTERIOR CLADDING CWH SIGNAGE DISPENSARY FLOOR SHOWROOM	PAINT ON PLASTERBOARD OFF WHITE OR PAINTED FINISH PRE FAB CARPET TILES VINYL FLOOR TILES	LEMON YELLOW/ REFLEX BLUE AS SPECIFIED VITAL 120 ARMSTRONG FLOORING
		
LEMON YELLOW	SIGNAL RED	REFLEX BLUE
		
	AMRSTRONG	VITAL 120

1 Site Plan  
A101 1 : 300

TOWN PLANNING APPLICATION  
CLARENCE CITY COUNCIL

**MSOLUTIONS**  
Building F 44 Raglan ST Preston VIC 3072  
Phone:03 9462 9111  
Fax:03 9462 9133

No.	Description	Date
B	Rev B-Sewer Map Location	19.6.14
C	Rev C - Amendments made as per council R.F.I	20.10.14

Lindisfarne Retail Expansion  
36 Lincoln St. Lindisfarne, TAS  
Chemist Warehouse Lindisfarne



NORTH

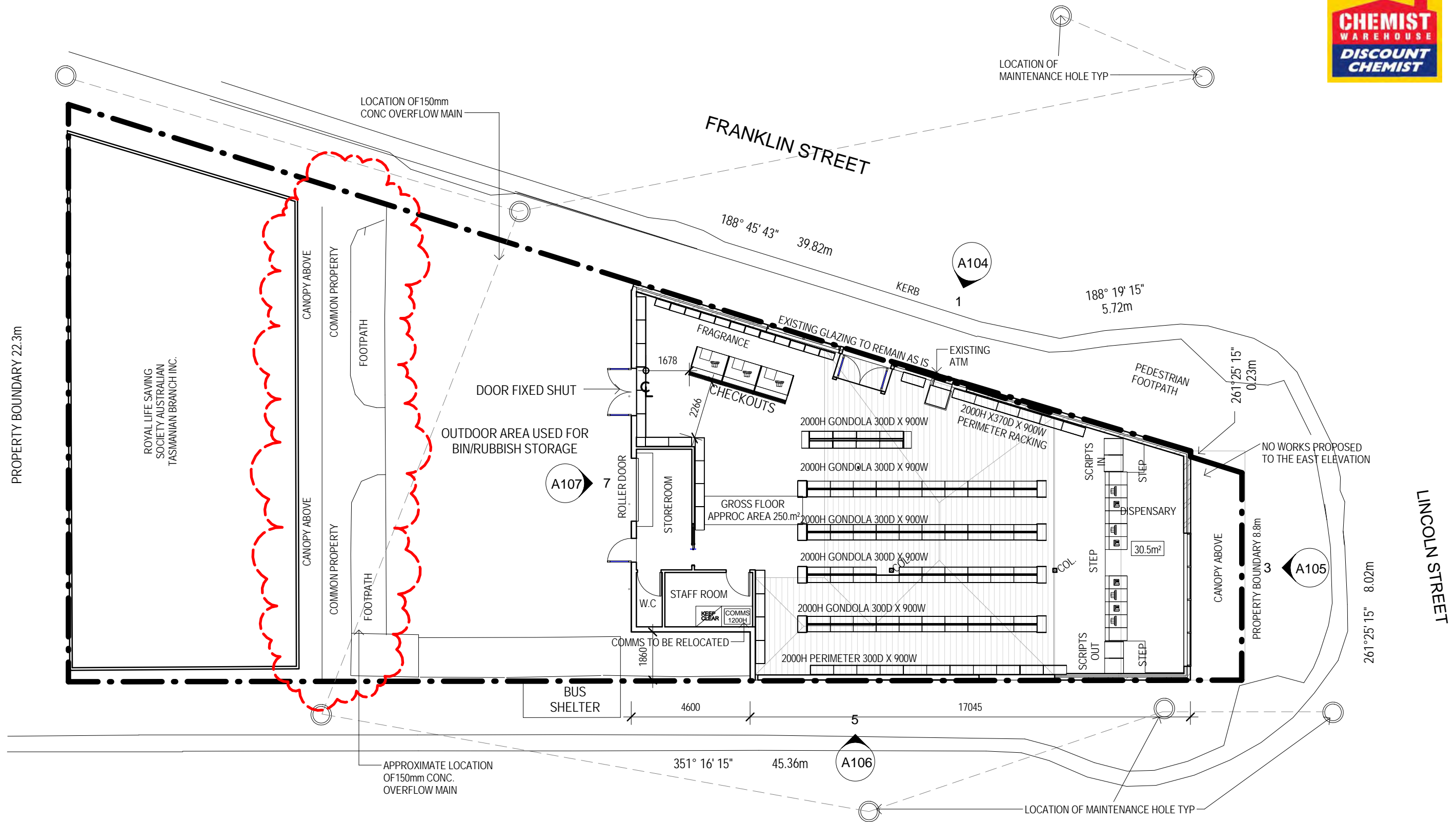
### Site Plan

Project number	AMC01.14/13
Date	21.08.14
Drawn by	P. VISELKA
Scale of map	1:300

A101

Agenda Attachments - 36 Lincoln Street, Lindisfarne - Page 2 of 11





2 Existing Floor Plan  
A102 1 : 150

WELLINGTON ROAD

TOWN PLANNING APPLICATION  
CLARENCE CITY COUNCIL

**MSOLUTIONS**

Building F 44 Raglan ST Preston VIC 3072  
Phone:03 9462 9111  
Fax:03 9462 9133

No.	Description	Date
B	Rev B-Sewer Map Location	19.6.14
C	Rev C - Amendments made as per council R.F.I	20.10.14

## Lindisfarne Retail Expansion

36 Lincoln St. Lindisfarne, TAS

Chemist Warehouse Lindisfarne



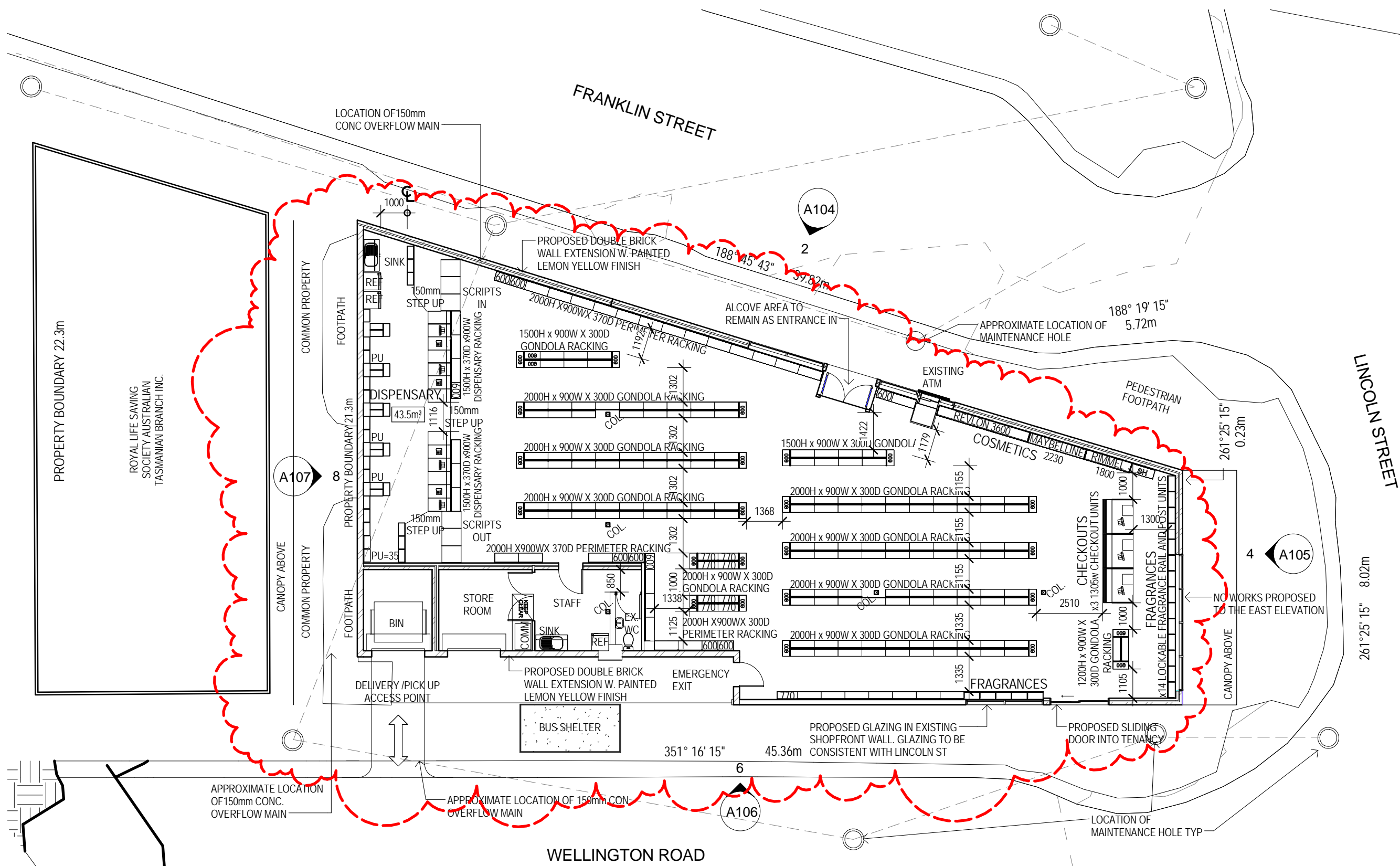
NORTH

## Existing Floor Plan

Project number	AMC01.14/13
Date	21.08.14
Drawn by	P. VISELKA
Scale of	1:150

A102

Appendix A - 36 Lincoln Street, Lindisfarne - Page 3 of 11



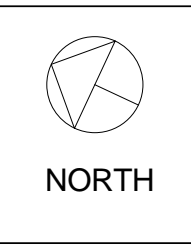
**3 Proposed Floor Plan**  
A103 1 : 150

**TOWN PLANNING APPLICATION**  
**CLARENCE CITY COUNCIL**

**ASOLUTIONS**  
Building F 44 Raglan ST Preston VIC 3072  
Phone: 03 9462 9111  
Fax: 03 9462 9133

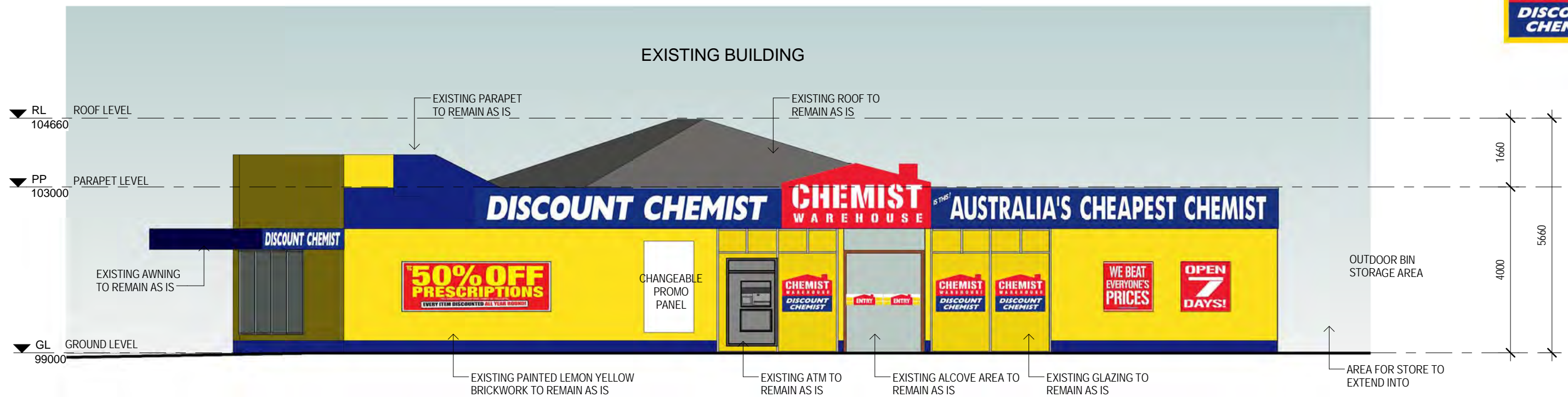
No.	Description	Date
B	Rev B-Sewer Map Location	19.6.14
C	Rev C - Amendments made as per council R.F.I	20.10.14

**Lindisfarne Retail Expansion**  
36 Lincoln St. Lindisfarne, TAS  
Chemist Warehouse Lindisfarne

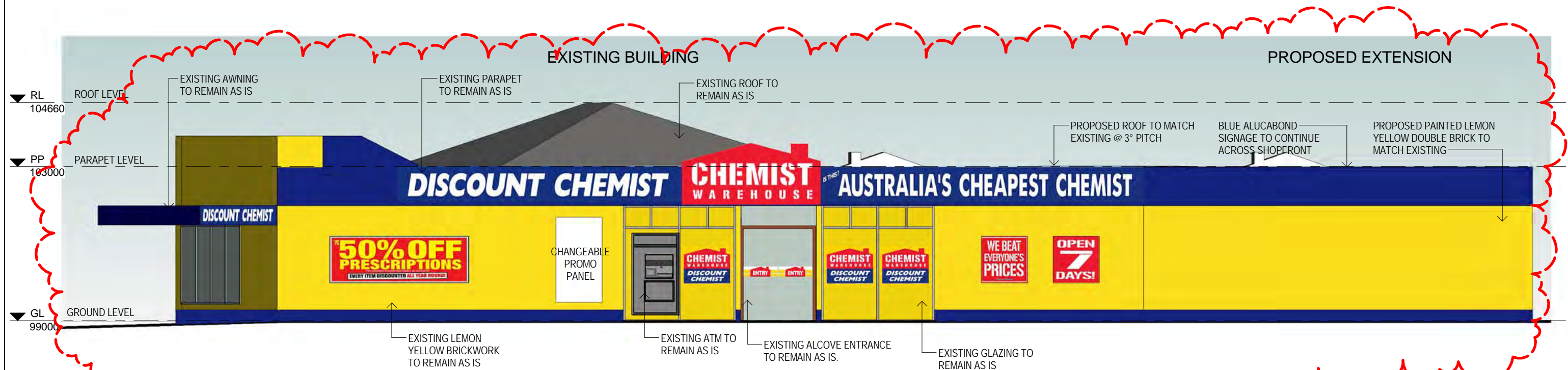


Proposed Floor Plan	
Project number	AMC01.14/13
Date	21.08.14
Drawn by	P. VISELKA
Scale of	1:150
A103	





1 Existing North Elevation  
A104 1 : 100



2 Proposed North Elevation  
A104 1 : 100

TOWN-PLANNING APPLICATION  
CLARENCE CITY COUNCIL



Building F 44 Raglan ST Preston VIC 3072  
Phone:03 9462 9111  
Fax:03 9462 9133

No.	Description	Date
B	Rev B-Sewer Map Location	19.6.14
C	Rev C - Amendments made as per council R.F.I	20.10.14

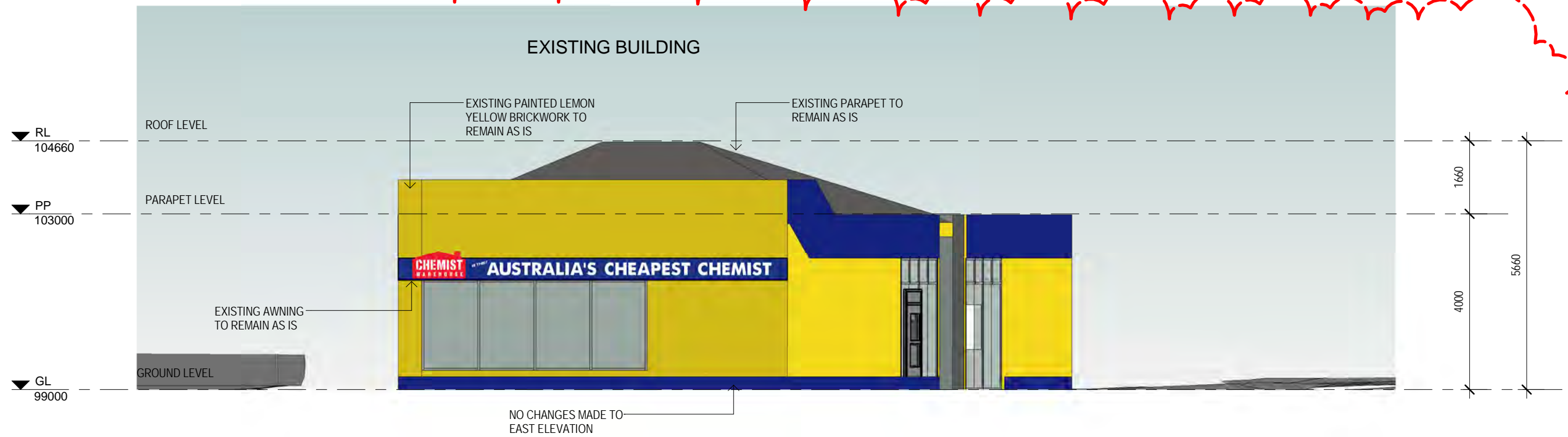
### Lindisfarne Retail Expansion

36 Lincoln St. Lindisfarne, TAS

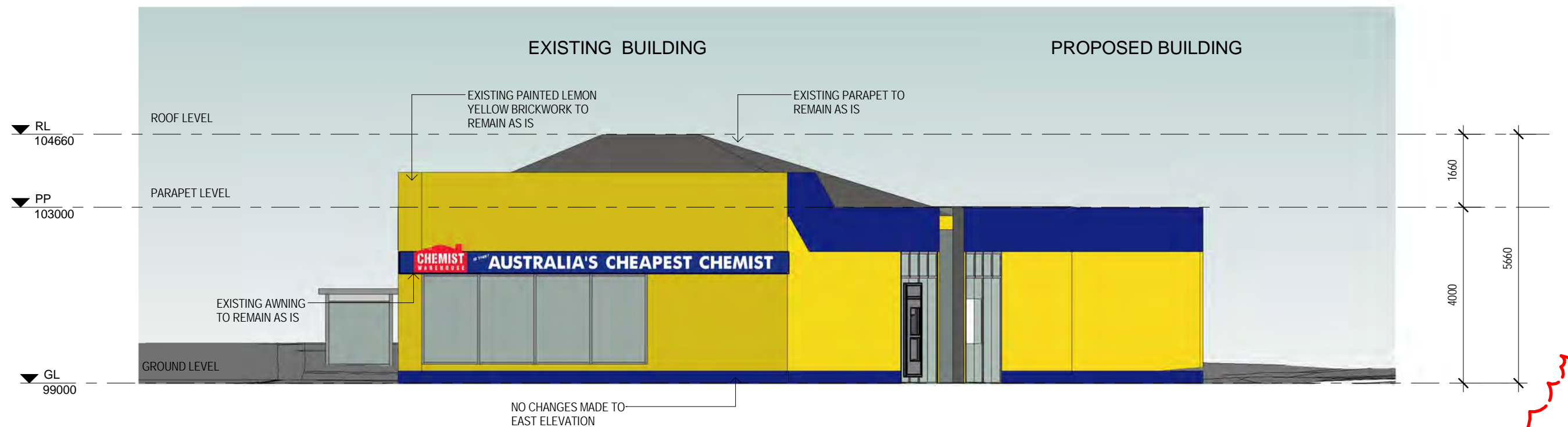
Chemist Warehouse Lindisfarne

### North Elevations

Project number	AMC01.14/13	A104
Date	21.08.14	
Drawn by	P. VISELKA	
Checked by	Agenda Attachments - 36 Lincoln Street, Lindisfarne - Page 5 of 11	
		1 : 100



3 Existing East Elevation  
A105 1 : 100



4 Proposed East Elevation  
A105 1 : 100

**MSOLUTIONS**

Building F 44 Raglan ST Preston VIC 3072  
Phone: 03 9462 9111  
Fax: 03 9462 9133

No.	Description	Date
C	Rev C - Amendments made as per council R.F.I	20.10.14

## Lindisfarne Retail Expansion

36 Lincoln St. Lindisfarne, TAS

Chemist Warehouse Lindisfarne

## East Elevation

Project number AMC01.14/13

Date 21.08.14

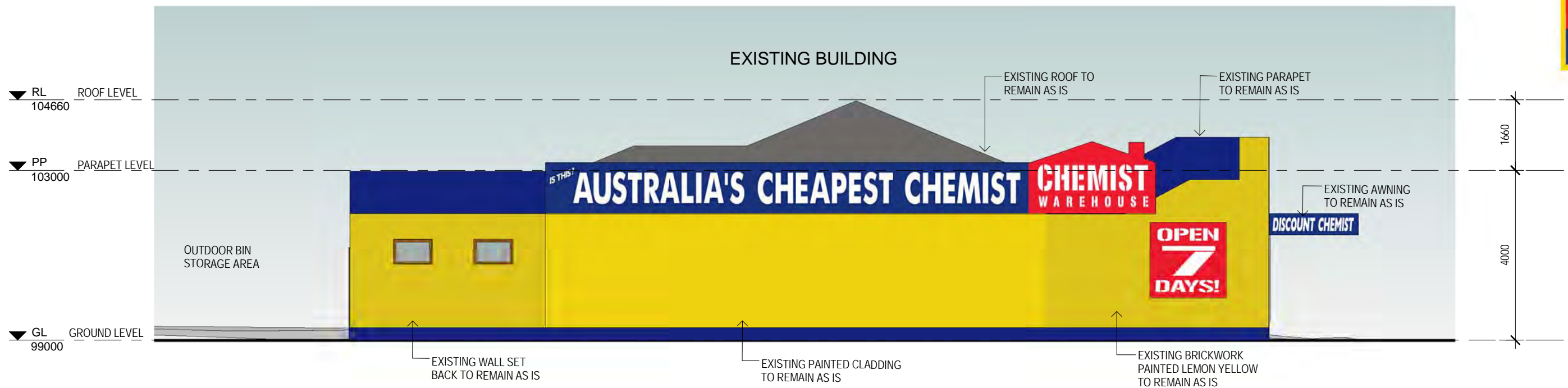
Drawn by P. VISELKA

Checked by

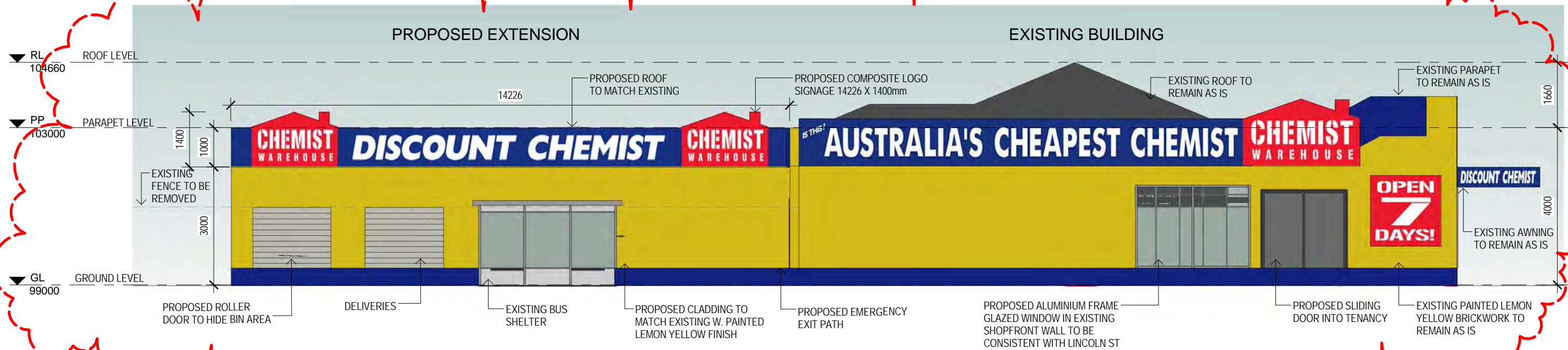
**A105**

Agenda Attachments - 36 Lincoln Street, Lindisfarne - Page 6 of 11 1 : 100





5 Existing South Elevation  
A106 1 : 100



6 Proposed South Elevation  
A106 1 : 100

TOWN PLANNING APPLICATION  
CLARENCE CITY COUNCIL



Building F 44 Raglan ST Preston VIC 3072  
Phone: 03 9462 9111  
Fax: 03 9462 9133

No.	Description	Date
B	Rev B-Sewer Map Location	19.6.14
C	Rev C - Amendments made as per council R.F.I	20.10.14

## Lindisfarne Retail Expansion

36 Lincoln St. Lindisfarne, TAS

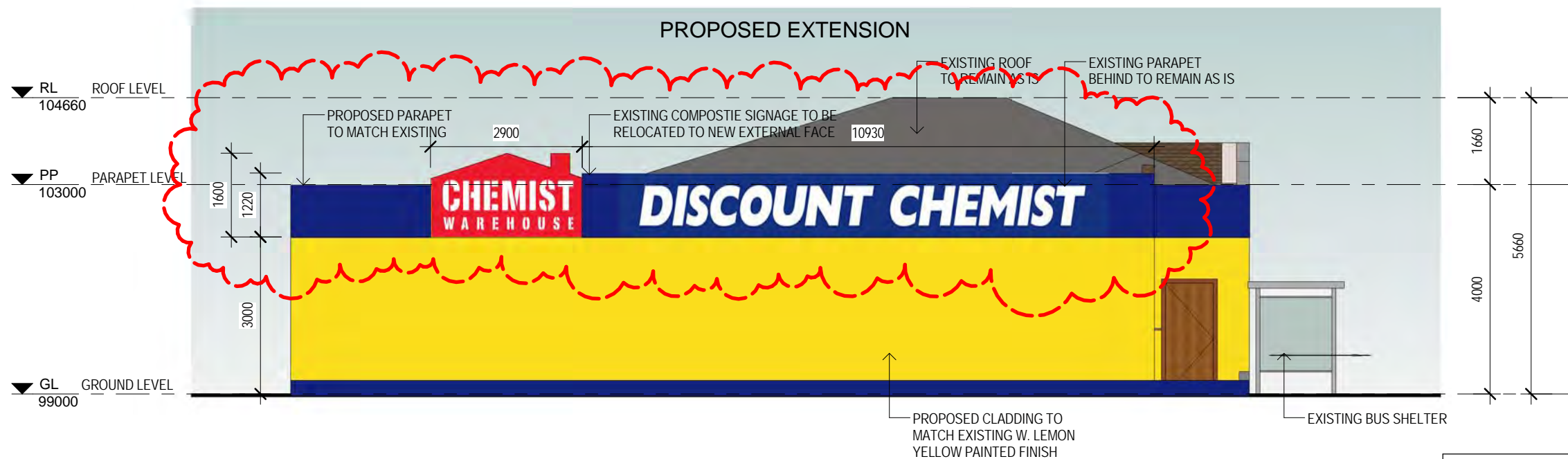
Chemist Warehouse Lindisfarne

## South Elevations

Project number	AMC01.14/13	A106
Date	21.08.14	
Drawn by	P. VISELKA	
Checked by	Agenda Attachments - 36 Lincoln Street, Lindisfarne - Page 7 of 11	
Scale	1 : 100	



7 Existing West Elevation  
A107 1 : 100



8 Proposed West Elevation  
A107 1 : 100

TOWN PLANNING APPLICATION  
CLARENCE CITY COUNCIL

No.	Description	Date
B	Rev B-Sewer Map Location	19.6.14
C	Rev C - Amendments made as per council R.F.I	20.10.14

Project number	AMC01.14/13	<b>A107</b>
Date	21.08.14	
Drawn by	P. VISELKA	
Checked by	Agenda Attachments - 36 Lincoln St. Lindisfarne - Page 8 of 11	
Scale 1 : 100		



21<sup>st</sup> October 2014



44 Reglan Street Preston  
Melbourne VIC 3072 Australia  
T: +61 3 9462 9111  
F: +61 3 9462 9138  
ABN 61 474 969 793

Dear Cassie,

**RE: DEVELOPMENT APPLICATION D-2014/134 – ALTERATIONS AND ADDITIONS  
TO LOCAL SHOP – 36 LINCOLN STREET, LINDISFARNE**

Thank you for your correspondence dated 11 September 2014, seeking further information to assist in the amendment of the Development Application D-2014/134.

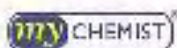
With regards to point 4 of your correspondence, we respond as follows:

- a. Business Operation Hours are to remain unchanged and are as follows:  
Monday-Friday: 8:00am to 7:00pm  
Saturday: 8:00am to 6:00pm  
Sunday: 9:00am to 6:00pm
- b. Staff and Customer Numbers  
The proposed number of staff on site is 4-8 people at any one time. Whilst it is somewhat difficult to predict customer numbers, we anticipate that we would service approx. 250 customers per day, on average.
- c. Loading and unloading arrangements  
A proposed delivery and pick-up zone is located furthest north, accessible via Wellington Road.
- d. Outdoor Storage Areas  
There is no outdoor storage area, as an indoor storage room is being proposed as part of the extension to the building.

Should you have any further enquires or require further information, do not hesitate to contact me on (03) 9462 9325.

Kind Regards,  
Paul Viselka

AUSTRALIA WIDE RETAIL PORTFOLIO INCLUDES



## Attachment 3

### 36 Lincoln Street, LINDISFARNE



View of the Wellington Road frontage.



View of the Lincoln Street frontage.





**View of the Franklin Street frontage.**



**View of the rear of the building where the additions are proposed from Franklin Street.**

**11.3.2 DEVELOPMENT APPLICATION D-2014/324 - 601 OCEANA DRIVE, HOWRAH - SWIMMING POOL DECK REQUIRING DISCRETION UNDER PD4**

(File No D-2014/324)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Swimming Pool Deck at 601 Oceana Drive, Tranmere.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Residential under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2005.

Council is required to exercise a discretion within the statutory 42 day period which expires on 12 January 2015.

**CONSULTATION**

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

- impact on views due to visual bulk of retaining wall and fence; and
- increased overshadowing to adjoining property.

**RECOMMENDATION:**

A. That the Development Application for a Swimming Pool Deck requiring Discretion under PD4 at 601 Oceana Drive, Howrah (CI Ref D-2014/324) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [a 1.8m high solid or translucent privacy fence constructed on the southern side of the swimming pool].
3. The development must meet all required Conditions of Approval specified by TasWater notice dated 27 November 2014 (TWDA 2014/00994-CCC).

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

**DEVELOPMENT APPLICATION D-2014/324 - 601 OCEANA DRIVE, HOWRAH - SWIMMING POOL DECK REQUIRING DISCRETION UNDER PD4 /contd...**

---

**ASSOCIATED REPORT****1. BACKGROUND**

No relevant background.

**2. STATUTORY IMPLICATIONS**

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

**2.2.** The proposal is a Discretionary development because it does not meet the Acceptable Solutions prescribed under Planning Directive 4.

**2.3.** The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions; and
- Section 6.1 – Residential zone (Planning Directive 4).

**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 999m<sup>2</sup> residential lot contained within CT 156295/27. The site contains a 2 storey dwelling which is accessed from Oceana Drive. The surrounding properties are residential in nature with the property to the south containing a 2 storey dwelling currently under construction.

The site slopes steeply from the east down to the west.

**3.2. The Proposal**

The proposal is for a swimming pool deck which requires a variation under Standard 5 of Planning Directive 4. The pool is in ground, however, due to the slope of the site, the deck and the retaining wall around the pool has a maximum height of 2.6m from natural ground level in the south-west corner. A 1.8m high timber privacy fence is proposed on the southern and western sides of the pool which increases the total maximum height to 4.4m. The retaining wall and privacy fence meet the building envelope requirements of PD4, however, as the structure has a deck around the pool a permit is required under Standard 5 in respect of privacy.

**4. PLANNING ASSESSMENT****4.1. Planning Policy Framework [Section 2]**

The elements of the Planning Policy Framework relevant to Single Dwellings are replaced by Planning Directive 4.

**4.2. General Decision Requirements [Section 3.3.1]**

The General Decision Requirements relevant to Single Dwellings are replaced by Planning Directive 4.

**4.3. Residential Zone (Planning Directive 4)**

Planning Directive 4 (PD4) became effective on 29 August 2011 and establishes 6 Standards by which Single Dwelling development in the Residential zone must be considered. These 6 standards replace the relevant clauses within the Scheme.

Compliance with the requirements of the 6 standards of PD4 is summarised in the following table.

**Table 1: Assessment against Planning Directive 4 – Acceptable Solutions (variation to Acceptable Solutions requires Exercise of Discretion)**

<b>PD4 Standards</b>	<b>Acceptable Solution</b>	<b>Proposed</b>	<b>Meets Acceptable Solution?</b>
<b>(1) Setbacks from a frontage</b>	a minimum 4.5m from primary frontage; and minimum 3m to a frontage other than a primary frontage....	no change to existing front setbacks	yes
<b>(2) Site Coverage; and Rear Setback</b>	maximum of 50% of the site to be covered  4m rear setback	no change to existing site coverage  11.5m	yes  yes
<b>(3) Building Envelope</b>	all Single Dwellings must be contained within 1 of the following building envelopes.  b) determined by projecting an angle of 45° from horizontal at a height of 3m above NGL at the side boundaries and 4m from the rear boundary to a maximum height of 8.5m where walls are either: i) 1.5m from a side boundary; ....	deck around pool setback 1.5m from the southern boundary	yes
<b>(4) Frontage setback and width of garages and carports</b>	maximum opening width of 6m or half the width of the frontage and front setback of 4.5m	not applicable	not applicable
<b>(5) Privacy</b>	balconies, decks, roof gardens, parking spaces and carports with an FFL >1m above NGL require a 3m side setback and 4m rear setback...	deck around swimming pool has a maximum height of 2.6m above natural ground level and is setback 1.5m	variation required
<b>(6) Frontage Fences</b>	not applicable	not applicable	not applicable

As outlined above, the proposal does not comply with the Acceptable Solutions of Standard 5 (privacy).

Variations to the privacy Standard 5 must satisfy Performance Criteria 1.

*“P1: The potential for direct overlooking from balconies, decks, roof gardens, parking spaces and carports (whether freestanding or part of the dwelling) with a finished surface or floor level of more than 1m above natural ground level on one lot to the habitable rooms and balconies, decks and roof gardens on adjacent lots must be avoided or minimised through their separation or off-set or by use of solid or translucent screening”.*

The applicant proposes a deck around a swimming pool which has a maximum floor level of 2.6m. A 1.8m high privacy fence is proposed around the deck on the southern and western sides of the pool. The pool is located adjacent to the outdoor area of the dwelling to the south.

It is considered that the proposal is consistent with Performance Criteria 5 as the 1.8m timber fence provides privacy for the property owners and reduces the overlooking into the outdoor space and downstairs living areas of the adjacent properties to the south. The property owners have indicated that although the plans submitted show a timber slat fence, they would prefer to construct an opaque glass fence on the southern boundary. To ensure that the proposal complies with PD4 it is recommended that a condition be included that requires amended plans showing a solid or translucent privacy fence along the southern boundary.

#### **4.4. External Referrals**

The application was referred to TasWater who have approved the development with conditions (TWDA 2014/00994-CCC).

## **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. Impact on Views due to Visual Bulk of Retaining Wall and Fence**

The representor is concerned that development will reduce the views from their dwelling due to the bulk of the retaining wall and fence.

- **Comment**

The proposal is for a variation to Standard 5 of PD4 which relates to privacy from decks, not views. The development complies with all other provisions of PD4, including Standard 3, which relates to protecting the residential amenity of neighbours through minimising visual bulk and overshadowing.

As the proposed retaining wall and fence complies with this part of PD4 it is considered that the objectives of PD4 in relation to preventing a loss of amenity, including views to neighbouring properties, have been met.

The adjoining property has views to the Derwent River to the west, south-west and north-west. Whilst the proposal may impact a portion of the views when looking north-west from the outdoor area and rooms on the lower floor, the development will not impact views from the upper floor of the dwelling which includes the living area, deck and master bedroom.

## **5.2. Increased Overshadowing to Adjoining Property**

The representor is concerned that the development will increase the level of overshadowing to their outdoor area, lower deck and family room.

- **Comment**

As discussed above, the proposal complies with the Acceptable Solution of Standard 3 of PD4 and therefore it is considered that the proposal is satisfactory in preventing an unreasonable level of overshadowing to adjoining properties.

## **6. STATE POLICIES AND ACT OBJECTIVES**

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

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

**7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

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

**8. CONCLUSION**

The proposal is for a Swimming Pool Deck which requires a variation of Standard 5 of PD4 in respect to privacy. It is considered that the proposal is consistent with the Performance Criteria of PD4 and is recommended for approval.

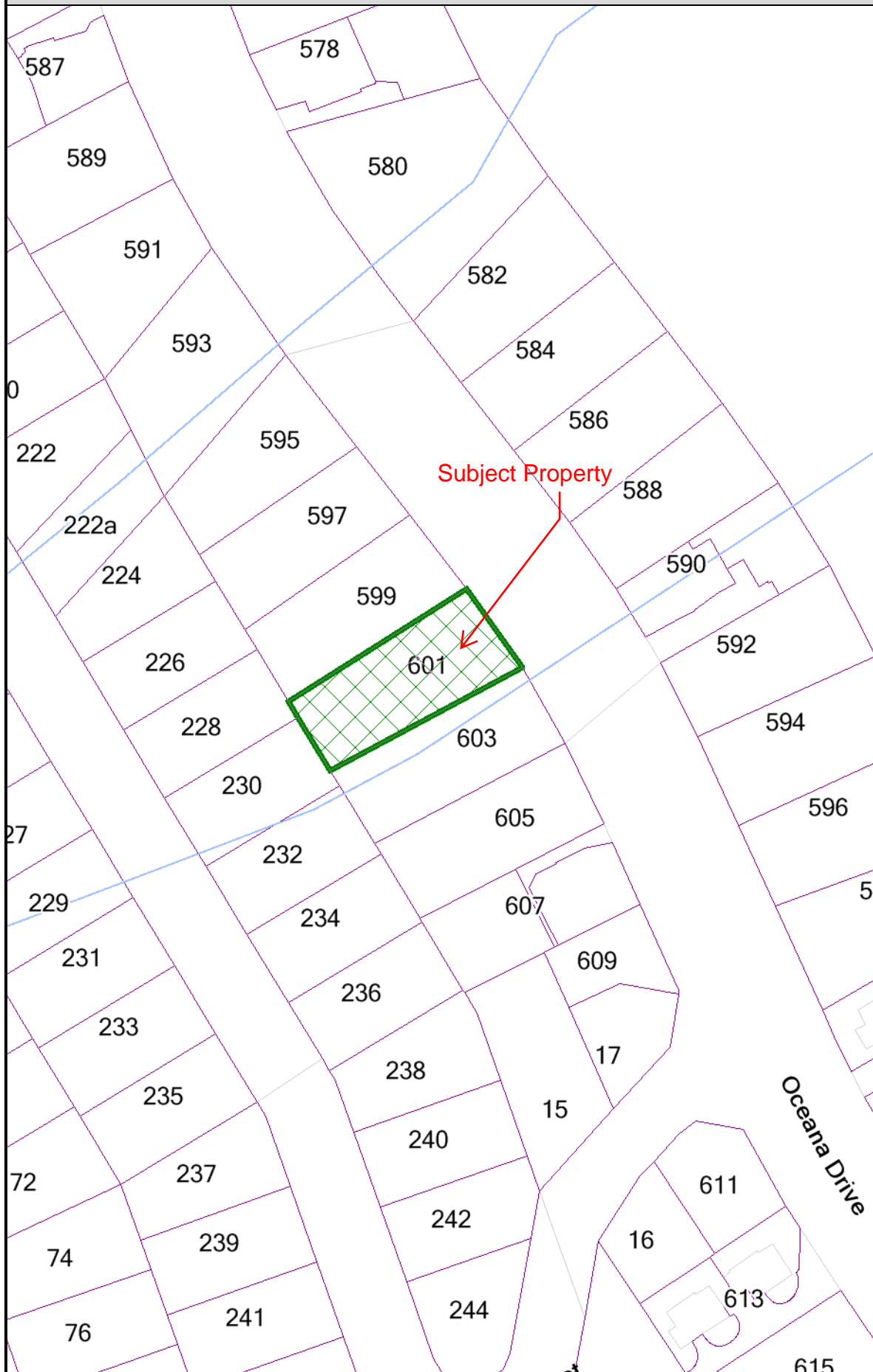
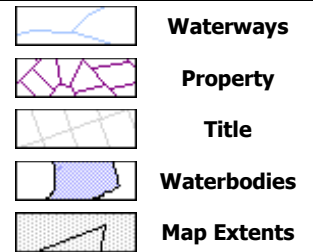
Attachments: 1. Location Plan (1)  
2. Proposal Plan (4)  
3. Site Photo (1)

Ross Lovell  
**MANAGER CITY PLANNING**



Clarence City Council – GDA Datum

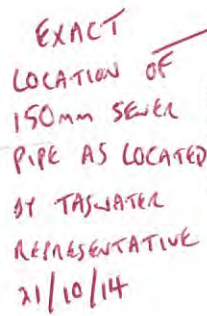
Legend



**Disclaimer:**

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## Attachment 2



PROPOSED PAVED  
AREA

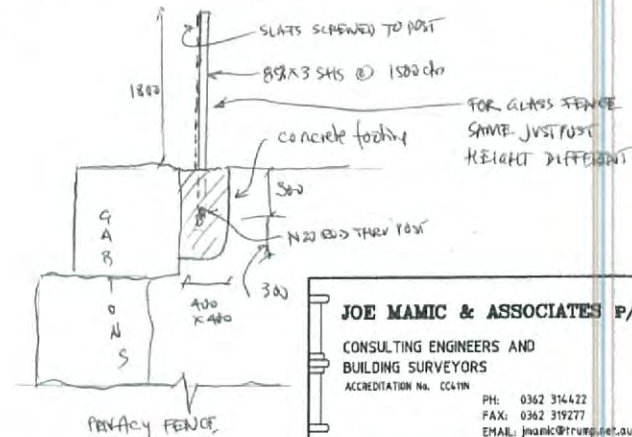
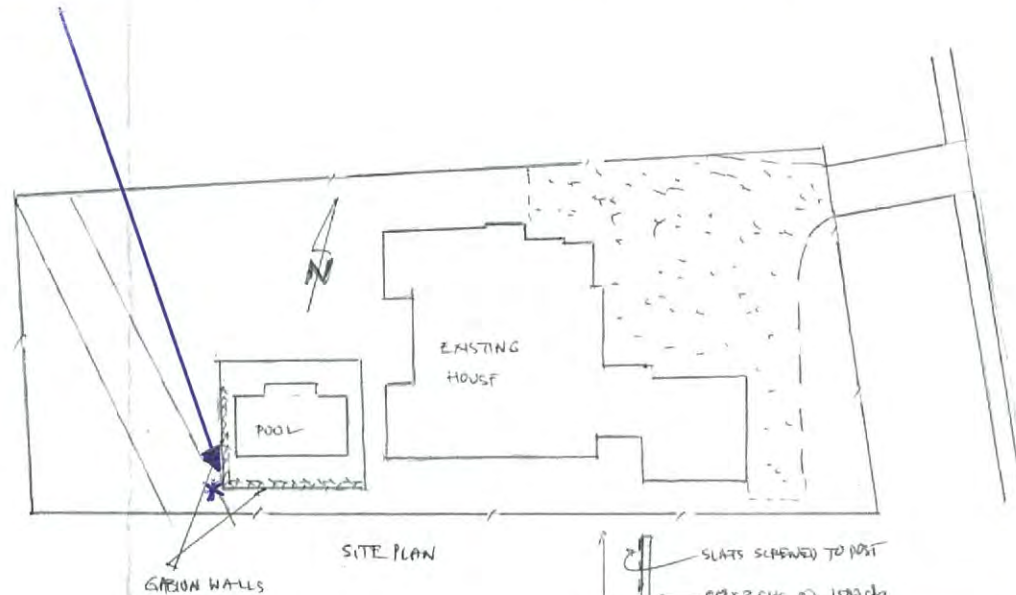
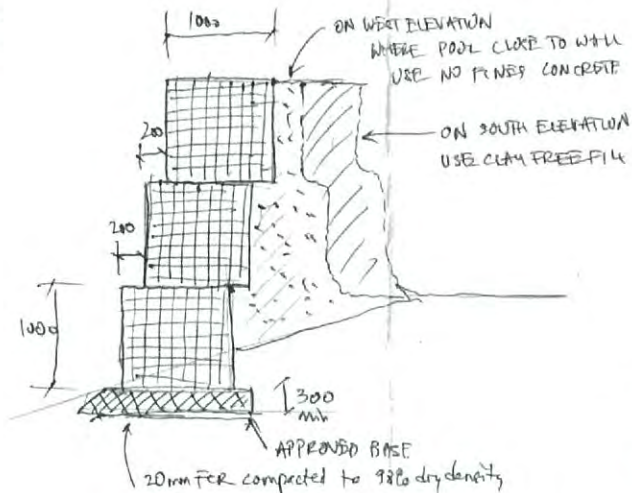
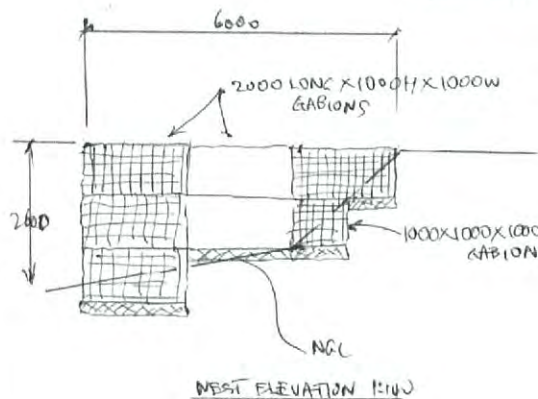
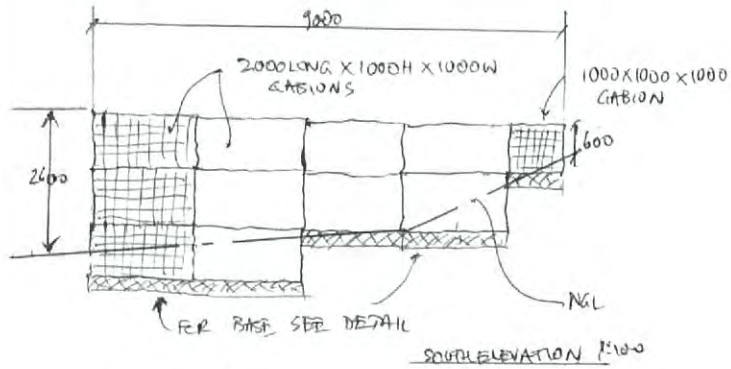
PROPOSED 7m x 4m  
IN LAWN POOL

EXISTING CONCRETE

NO 601 (LOT27)  
999m2



MAX HEIGHT OF LAGON WALL AND PRIVACY SCREEN = 4.4m



JOE MAMIC & ASSOCIATES P/L

CONSULTING ENGINEERS AND  
BUILDING SURVEYORS

ACCREDITATION No. CC411N

PH: 0362 314422

FAX: 0362 319277

EMAIL: jmanic@trump.net.au

421 ELIZABETH STREET NORTH HOBART 7002

DRAWN

DRAWN GJK

DATE 26/9/2014

SCALE 1:50000

SCALE

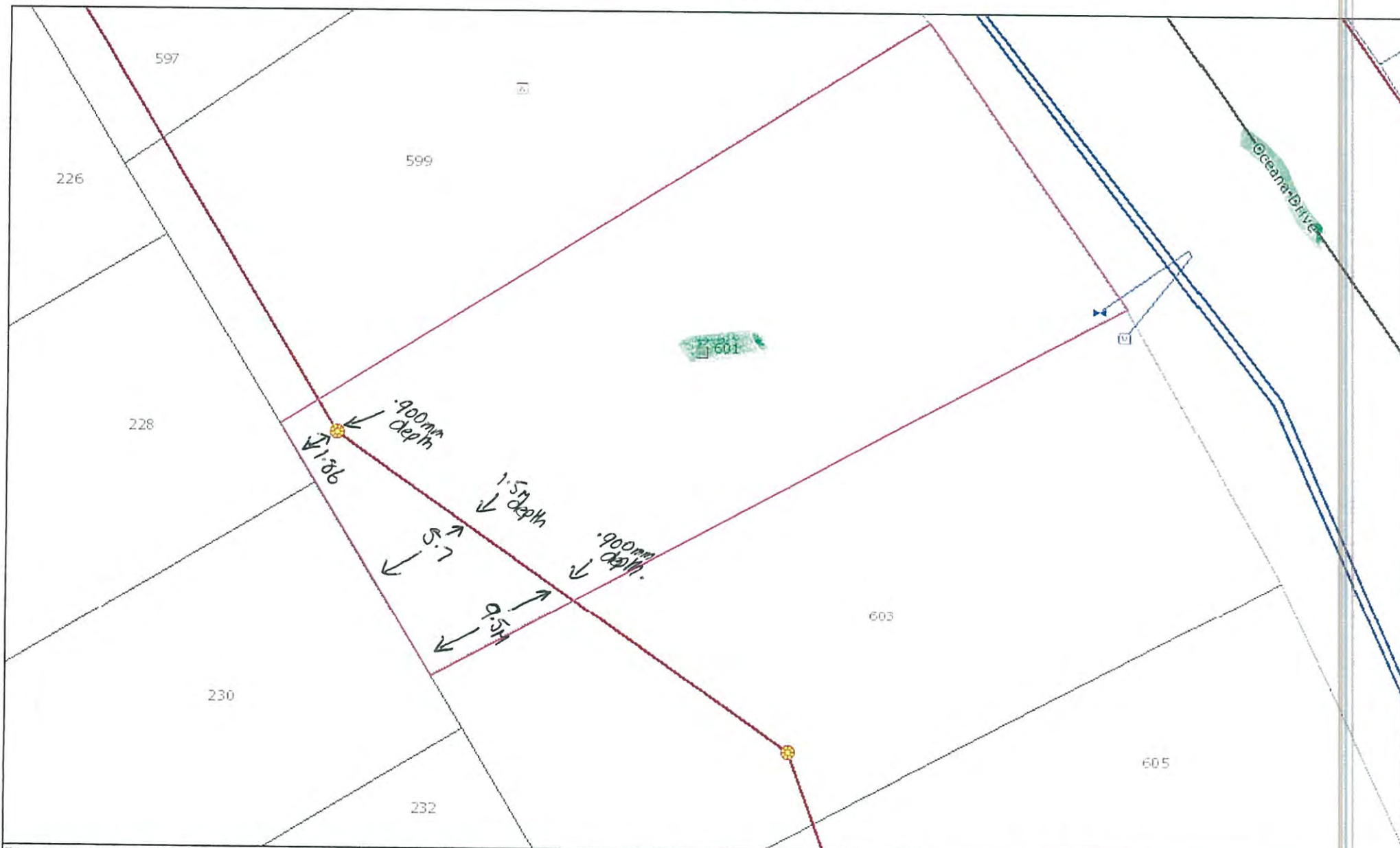
CHECKED   
DRAWING NO. 140926twj01A

CLIENT:

601 B CEANA DRIVE

CATION WALLS TO POOL

# 601 Oceana Dr.



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1:314

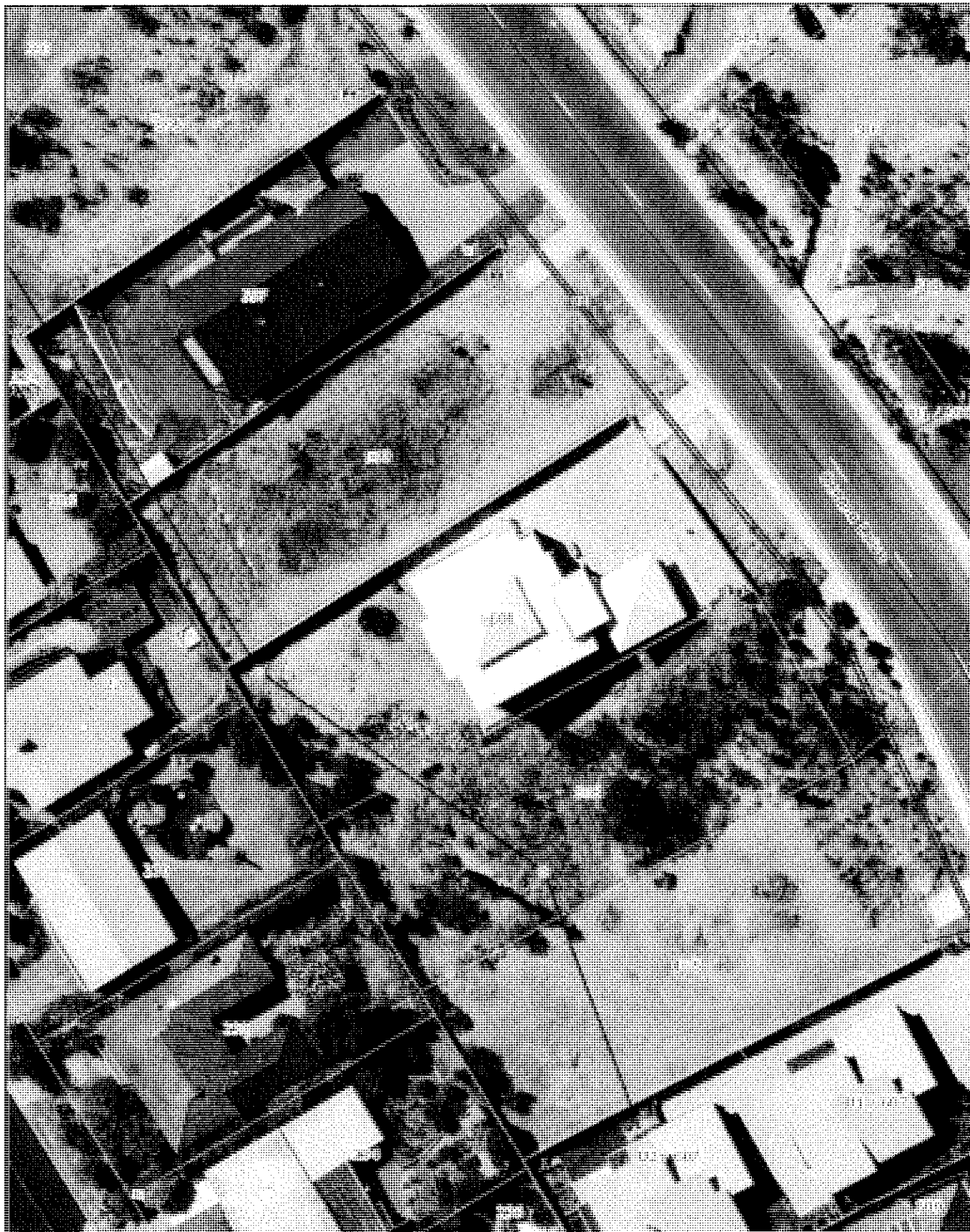
0 2 4 8 12 m



**TasWater**

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This image is a high-resolution aerial photograph of the property shown. It is not a map and should not be used for navigation or other purposes. The image is provided for informational purposes only. The image is not a map and should not be used for navigation or other purposes. The image is provided for informational purposes only.

1:500

0 325 65 130 195



**TasWater**

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14/05/2014 09:49:27 AM

## Attachment 3

### **601 Oceana Drive, HOWRAH**



**Site viewed from Oceana Drive, Howrah**



**11.3.3 SUBDIVISION APPLICATION SD-2014/35 - 2036 EAST DERWENT HIGHWAY, OTAGO - 2 LOT SUBDIVISION**  
(File No SD-2014/35)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 2 lot subdivision at 2036 East Derwent Highway, Otago.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Rural Residential and subject to the Vegetation Management Overlay under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2005.

Council is required to exercise a discretion within the statutory 42 day period, which has been extended to 14 January 2015 with the written agreement of the applicant.

**CONSULTATION**

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

- inconsistency with character of area;
- precedent for subdivision;
- adverse impact on fauna;
- increased traffic;
- future road widening; and
- lack of water pressure.

**RECOMMENDATION:**

A. That the application for a 2 lot subdivision at 2036 East Derwent Highway, Otago (CI Ref SD-2014/35) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN POS1 – POS CONTRIBUTION [Lots 2 and 3].

3. The lots must be provided with a 5.5m wide sealed access from the road carriageway to the property boundary in accordance with Standard Drawing MSD 2-02 (copy available from Council). A 5.5m wide sealed driveway must then continue for a minimum length of 7.5m then may reduce to 3.6m over the remaining length of the driveway, which may be constructed using a compacted all-weather gravel surface and appropriately drained so as to prevent run-off onto neighbouring properties.

This access must be inspected by Council prior to sealing or pouring new concrete. Following construction, the crossover must be maintained or repaired by the owner, at the owner's expense, in accordance with any directions given by Council to the owner.

4. ENG M1 – DESIGNS DA, delete “car park and driveways construction; service upgrades or relocations”.
5. GEN F2 – COVENANTS [Must not be developed except in accordance with the approved Bushfire Hazard Assessment Report by Welling Consulting dated 21 November 2014, or as certified by an accredited person as defined by the Land Use Planning and Approvals Act, 1993].
6. The development must meet all required Conditions of Approval specified by TasWater notice dated 2 December 2014 (TWDA 2014/01095-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 subject property was created by subdivision approved by Council and created in February 2001 and the site supports an existing dwelling.

### **2. STATUTORY IMPLICATIONS**

- 2.1. The land is zoned Rural Residential and partly subject to the Vegetation Management Overlay under the Scheme.
- 2.2. Subdivision is a Discretionary development under Clause 3.1.4 of the Scheme.



**2.3.** The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 6 – Rural Residential zone; and
- Section 7 – Vegetation Management Overlay.

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

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The site is a 3.44ha parcel with frontage to both Direction Drive and the East Derwent Highway. The primary (and existing) property access is via the East Derwent Highway, whilst the site also has 11m frontage to Direction Drive.

The land contains a Single Dwelling and associated outbuildings located approximately on the centre of the parcel. The land slopes gradually down to the south-east and is clear of significant vegetation, with the exception of some landscaping around the dwelling. No vegetation clearance is proposed as part of this development.

Rural Residential land use surrounds the subject property on lots that are substantially smaller than the subject lot. The adjacent lots contain residences and are similarly zoned.

Drainage and pipeline easements affect the south-eastern part of the subject property and a right-of-way 4m in width burdens part of the access strip to the site, to provide access to an adjacent dwelling.

### **3.2. The Proposal**

The proposal is for a 2 lot subdivision and balance of 2036 East Derwent Highway. Lots 1 and 3 would each be 1.0ha and Lot 2 would contain the existing dwelling and have an area of 1.44ha.

It is proposed that vehicular access to Lot 2 would remain from the East Derwent Highway. A right-of-way 7m in width would be created to provide access to the existing dwelling on Lot 2 should residents seek to use an alternative access. The same right-of-way would provide the physical access to Lots 1 and 3 of the subdivision.

## **4. PLANNING ASSESSMENT**

### **4.1. Planning Policy Framework [Section 2]**

The relevant elements of the Planning Policy Framework are contained in Section 2.2.3 (a) Settlement (iii) – Rural Residential Land Use.

#### *“Objectives*

- *To provide rural residential land as part of ensuring attractive housing choices within the City.*
- *To protect the safety and amenity of rural residential areas adjacent to conflicting or strategic land uses and environments including industrial development and extractive industry.*
- *To enhance the appearance and amenity of rural residential areas.*
- *To ensure that rural residential development is located where its impact on the natural environment and delivery of services and infrastructure is sustainable”.*

Reference to these principles is contained in the discussion below.

### **4.2. General Decision Requirements [Section 3.3.1]**

The relevant General Decision Requirements of this part are:

#### *“(a) General requirements:*

- (v) The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
- (vii) Any representation made in accordance with Section 43F(5) or Section 57(5) of the Act.*

- (f) *Subdivision requirements:*
  - (i) *The suitability of the land for subdivision.*
  - (ii) *The existing use and potential for future development of the land and its surrounds.*
  - (iii) *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation, natural drainage paths and significant stormwater catchment areas.*
  - (iv) *The density of the proposed development.*
  - (v) *The size and shape of each lot in the subdivision”.*

It is considered that the proposed development satisfies the relevant requirements of this part of the Scheme.

#### **4.3. Zone**

The subject property is zoned Rural Residential. The Purpose of the zone is to implement the Planning Policy Framework and to provide for residential use in a rural environment that minimises impacts on adjoining farmland or land with important environmental values.

#### **4.4. Use and Development Standards**

The proposal satisfies the relevant Use and Development Standards for the provision of services and site coverage where relevant to the existing development on Lot 2.

The proposal complies with the lot size requirements of Clause 6.3.3(b) (i), which requires a minimum lot area of 1.0ha in Otago. Clause 6.3.3(c) requires that each lot have a minimum frontage of 6.0m. The proposed Lots 2 and 3 have frontage to the East Derwent Highway and Lot 1 also to Direction Drive, thus satisfying this requirement.

To achieve compliance with the relevant access standards, as required by Section 8.1 of the Scheme, conditions have been included above to ensure that the shared right-of-way is constructed to an appropriate width and finish, in accordance with the requirements of the applicable Municipal Standard Drawing 2-02.

#### **4.5. Specific Decision Requirements**

The following Specific Decision Requirements are relevant to the proposal.

*“(b) Areas of significant vegetation, threatened species or threatened communities should be maintained”.*

An area of 563m<sup>2</sup> at the north-western most part of the site is identified by the Natural Assets Information Manual as being significant dry eucalyptus forest and woodland, however, it is not proposed that any development or clearing of land occur in the vicinity of this section of land.

The majority of the subject property is identified as low risk, meaning that significant vegetation, species or communities would not be compromised by this development.

*“(e) Lot sizes should be sufficient to suit differing levels of rural residential, service and recreational needs”.*

The proposed subdivision would create 2 lots of 1.0ha and 1.44ha in area. This is consistent with the typical lot size of surrounding lots located within the Rural Residential zone.

*“(h) Appropriate separation should be provided between buildings and boundaries to provide adequate visual separation”.*

The proposed boundary between Lot 1 and Lot 2 would be 15m from the existing dwelling on Lot 2. This distance is in excess of the 10m boundary setback requirement of the Zone, enabling reasonable visual separation.

*“(p) Subdivision should ensure that based on a 1 in 100 year event natural drainage paths and significant stormwater catchment areas are protected from inappropriate development. This relates to development within drainage lines which may impede, restrict or adversely affect natural drainage flows”.*

The proposal plan includes contours, which demonstrate how stormwater would drain from the site. It is considered that there are appropriate dwelling sites within the boundaries of Lot 1 that could be developed without compromising natural flow paths.

#### **4.6. Vegetation Management Overlay**

The site is subject to the Vegetation Management Overlay, the Purpose of which is:

- “(a) To implement the Planning Policy Framework.*
- (b) To protect areas of significant vegetation and bushland habitat including forested skylines, prominent ridgelines and hills which contribute to important vistas and in particular those which create a natural backdrop to the urban setting for the City.*
- (c) To protect and enhance areas of high, very high, and extremely high vegetation significance and bushland habitat.*
- (d) To ensure that development is sited to minimise the loss of native vegetation.*
- (e) To maintain and enhance habitat and corridors for indigenous fauna”.*

It is noted that this overlay affects only 563m<sup>2</sup> of land at the north-western most part of the site and the clearance of vegetation within this portion of the site is not proposed nor required as part of the development.

#### **4.7. External Referrals**

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

The application was also referred to the Department of State Growth, however, no response was forthcoming.

**5. OTHER ISSUES**

A bushfire hazard assessment was undertaken and submitted by the applicant in order to demonstrate compliance with Planning Directive No 5 Bushfire-Prone Areas Code (the Code). The plan was prepared by an Accredited Bushfire Assessor in support of the application and concludes that a BAL-19 rating can be achieved for all new lots provided that certain recommendations are met for future development in terms of design and the installation of fire-fighting measures on-site. Such measures must be considered as part of a future building application by Council but it is appropriate that a covenant be included on the new Titles to alert future owners to the requirements.

**6. REPRESENTATION ISSUES**

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

**6.1. Inconsistency with Character of Area**

Concern was raised by the representor that the proposed subdivision would result in small lots, which are inconsistent with the size of lots in the area.

- **Comment**

The land is surrounded by similarly zoned lots, those immediately adjacent being in the vicinity of 1.0 - 1.5ha in area. The proposed subdivision is consistent with this size and more notably is enabled by the Scheme given that the minimum lot size in the zone is 1.0ha in Otago.

**6.2. Precedent for Subdivision**

The representor raised concern that this subdivision would establish a precedent for further subdivision of nearby land resulting in small lots.

- **Comment**

As noted, the Scheme provides for the creation of lots in the Rural Residential zone in Otago with a minimum area of 1.0ha. Future subdivision in the locality is anticipated generally, in accordance with this standard.

**6.3. Adverse Impact on Fauna**

The impact on native fauna was raised by the representor as an issue.

- **Comment**

As discussed above, the majority of the subject property is identified by Council's Natural Assets Information Manual as being low risk in terms of significant flora and fauna.

A small portion of the site is identified as high risk for flora (not fauna) but given that no works within this small portion of land are proposed, the development is consistent with the relevant requirements of the Scheme. This issue is therefore not of determining weight in respect of this proposal.

**6.4. Increased Traffic**

The representor raised the increase in traffic on the East Derwent Highway as a concern.

- **Comment**

The East Derwent Highway is a State Road and as such, this application was referred to the Department of State Growth, which made no comment in respect of the proposal. The impact of the proposal in terms of the traffic network is, however, considered reasonable, given the location of the site within an established Rural Residential area and available sight distances to the existing access to Direction Drive.

**6.5. Future Road Widening**

The representor noted that there is land identified for future widening of the East Derwent Highway. No specific concern was raised in respect of this matter.

- **Comment**

The subject property adjoins the Highway to the south and it is physically separated from the constructed section of the road by 2 portions of land also owned by the Crown and set aside for future road. This subdivision does not compromise any future widening.

**6.6. Lack of Water Pressure**

Concern was noted by the representor that there is an existing lack of water pressure in respect of the site and this proposal would compound the problem.

- **Comment**

This is for TasWater, however, it is noted that it supports the proposal subject to conditions.

**7. STATE POLICIES AND ACT OBJECTIVES**

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

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

**8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

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

**8.1. Shared Rights-of-Way**

Council's Shared Rights-of-Way Policy was established in February 1987 and states that "*where lots have frontage and/or access by way of shared rights of way with other lots, a maximum usage of four lots sharing such accesses shall be regarded as "reasonable vehicular access" for the purposes of Section 109 (1)(f) of the Local Government (Building & Miscellaneous Provisions) Act 1993*".

This proposal is consistent with this Policy, in that the result of this proposal would be 2 rights-of-way providing access to the 3 lots and an existing right-of-way to the adjacent property at 2010 East Derwent Highway.

**8.2. Public Open Space**

The primary purpose of Council's Public Open Space Policy (2013) is to ensure the delivery of adequate and appropriate Public Open Space (POS) to serve the needs of the existing and future population of Clarence.



The Policy is used to assist Council to exercise its discretion and provide a framework to deliver a consistent approach to the consideration of POS, or alternatively the payment of cash-in-lieu of it.

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

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

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

The subject site is zoned Rural Residential and will be afforded a high level of access to both local and regional recreational opportunities. The site will benefit from its proximity to Council's POS network and associated facilities and on this basis ought to contribute to it.

No POS land is proposed to be provided to Council as part of this application and nor is it considered desirable to require it on this occasion. In this instance there are no discounting factors that ought to be taken into account that would warrant a reduction of the maximum POS contribution.

While Section 117 of the LGBMP provides for a maximum of up to 5% of the value the entire site to be taken as cash-in-lieu of POS, should a permit be granted for the subdivision, it would be considered appropriate to limit the contribution only to the additional lots created (Lots 2 and 3), representing the increased demand for POS generated by the proposal and not the entire subject site.

**9. CONCLUSION**

The proposal is for a 2 lot subdivision at 2036 East Derwent Highway, Otago. The development is consistent with the relevant requirements of the Scheme in terms of frontage, lot size and access and is therefore recommended for approval subject to conditions.

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

Ross Lovell  
**MANAGER CITY PLANNING**





# Attachment 2

Staging:  
Stage 1 - Lot 1 & Balance  
Stage 2 - Lots 2 & 3



This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from the local authority and is subject to that approval. Background imagery & location plans extracted from [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au). All measurements and areas are subject to the final survey.



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

OWNER: Jamie Bruce Scott & Lisa Roberts-Scott  
TITLE REFERENCE: C.T.133495/1  
LOCATION: 2036 East Derwent Highway  
OTAGO

## Proposed Subdivision

Date: 24-11-2014	Reference: E3PLA03 8775-01
Scale: 1:1500 (A3)	Municipality: Otago - Page 2 of 3 Clarence



## Attachment 3

### 2036 East Derwent Highway, OTAGO



**Site viewed from Direction Drive, looking west**



**Site viewed looking northeast**

**11.3.4 SUBDIVISION APPLICATION SD-2014/28 - 166 BEGONIA STREET AND 162A FLAGSTAFF GULLY ROAD, LINDISFARNE - BOUNDARY ADJUSTMENT**

(File No SD-2014/28)

**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Boundary Adjustment at 166 Begonia Street and 162A Flagstaff Gully Road, Lindisfarne.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Residential and Recreation and partly subject to the Vegetation Management Overlay under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2005.

Council is required to exercise a discretion within the statutory 42 day period which has been extended to 14 January 2015 with the written agreement of the applicant.

**CONSULTATION**

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of safety of the proposed access to the subdivision.

**RECOMMENDATION:**

- A. That the application for a Boundary Adjustment at 166 Begonia Street and 162A Flagstaff Gully Road, Lindisfarne (CI Ref SD-2014/28) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
  2. GEN AP3 – AMENDED PLAN [the removal of the notation “Lot 1 is to proceed concurrent with Stage 1 of the adjoining subdivision”].
  3. GEN F5 – PART 5 AGREEMENT [Reciprocal rights between landowners to enter land for the purposes of bushfire management].
  4. EHO 4 – NO BURNING.
  5. ENG A1 – NEW CROSSOVER [TSD R-09].

6. Lots 4 and Balance must be provided with a right-of-way 6.0m in width to Flagstaff Gully Link Road.
  7. Lot 1 must be provided with a right-of-way 6.0m in width to Flagstaff Gully Road.
  8. Lot 1 and Balance must be provided with a suitable drainage easement from the lot boundary to Council's network.
  9. ENG A3 – COMBINED ACCESSES.
  10. ENG M2 – DESIGNS SD.
  11. ENG M8 – EASEMENTS.
  12. ENG S1 – INFRASTRUCTURE.
  13. ENG S2 – SERVICES.
  14. ENG S4 – STORMWATER CONNECTION.
- 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 land the subject of this application was rezoned by A-2011/8, approved by the Tasmanian Planning Commission (TPC) on 22 May 2013. The subdivision of the subject land was approved in conjunction with the amendment to the Scheme as part of SD-2011/29, with approval granted only for Stages 1, 2 and 6 of the subdivision applied for. The background to this was the prohibition of through access from Flagstaff Gully Road to Begonia Street.

The assessment of the engineering design for Stage 1 of the approved subdivision is being undertaken by Council's Engineering Officers at present and subject to the engineering design being approved, it is anticipated that works will commence for Stage 1 early in 2015.

## **2. STATUTORY IMPLICATIONS**

**2.1.** The land is zoned Residential and Recreation and subject to the Vegetation Management Overlay under the Scheme.

**2.2.** The proposal is a Discretionary development under Clause 3.1.4 of the Scheme.

**2.3.** The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 6.1 – Residential zone;
- Section 6.11 – Recreation Zone; and
- Section 7.1 – Vegetation Management Overlay.

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

## **3. PROPOSAL IN DETAIL**

### **3.1. The Site**

The subject site is approximately 17.5ha in size and comprised of 5 parcels of land located to the south of the Flagstaff Gully Road and Begonia Street intersection. The 5 parcels subject to this request are described by the following table and shown in the Attachment.

<b>Address</b>	<b>Area</b>
162A Flagstaff Gully Road	8.416
166 Begonia Street	8.164
Not addressed	1.139
Not addressed	134m <sup>2</sup>
Not addressed	2399m <sup>2</sup>



The 2 larger of the parcels, 166A Flagstaff Gully Road and 166 Begonia Street have direct road frontage. The 2 smaller parcels are associated with a previous road reservation but have not been used for such purpose and are in private ownership.

The land slopes generally down to the east towards Flagstaff Gully Road. Residential development adjoins the site to the east, bounding Flagstaff Gully Road at this location. It is comprised of dense regrowth vegetation and a series of access tracks and fire trails. A single dwelling exists on 162A Flagstaff Gully Road which includes associated domestic outbuildings.

The subject property is comprised of dense vegetation and adjoins similarly vegetated land to the west. Council owned land within the Recreation zone adjoins the subject land to the north-east of the site, adjacent to Flagstaff Gully Road. This land is unused public open space.

### **3.2. The Proposal**

The proposal is for the adjustment of boundaries between 5 existing lots to create 5 resultant lots with areas ranging from 3.3ha to 3.97ha. The purpose of this boundary adjustment is to create Lot 2 to align the lot boundaries with the approved stages of the overall subdivision and to create a further 4 lots to be developed in sequence as part of future subdivision approval.

The proposal plan includes a notation that “Lot 1 is to proceed concurrent with Stage 1 of the adjoining subdivision”. The applicant provided advice following the conclusion of advertising that the 5 lots proposed by this application would be created as a single stage. On this basis, should the proposal be approved, amended plans removing this notation must be required.

#### **4. PLANNING ASSESSMENT**

##### **4.1. Planning Policy Framework [Section 2]**

The relevant elements of the Planning Policy Framework are contained in Section 2.2.3(a)(ii) – Residential Land Use. In particular, the Objectives include:

- “• *To provide for a wide range of housing types to meet the changing housing needs of the community.*
- *To promote residential consolidation around activity centres and transport nodes to maximise accessibility to services and facilities, and the efficient use of infrastructure”.*

The development would continue the provision of the range of lot sizes and shapes that are found in the vicinity of the subject site and in turn encourage a range of housing as part of the approved subdivision and future subdivision. The existing infrastructure network has appropriate capacity to cater for the development, in the format proposed.

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

##### **4.2. General Decision Requirements [Section 3.3.1]**

The relevant General Decision Requirements of this part are:

- “(a) *General requirements:*
  - (v) *The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
  - (vii) *Any representation made in accordance with Section 43F(5) or Section 57(5) of the Act.*
- (f) *Subdivision requirements:*
  - (i) *The suitability of the land for subdivision.*
  - (ii) *The existing use and potential for future development of the land and its surrounds.*
  - (iii) *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation, natural drainage paths and significant stormwater catchment areas.*
  - (iv) *The density of the proposed development.*
  - (v) *The size and shape of each lot in the subdivision.*
  - (x) *The design and siting of existing and future buildings”.*

The proposal is consistent with the above requirements. The lot sizes are compliant with the development standards of the zone and would be sympathetic with the subdivision pattern of the surrounding area.

#### **4.3. Residential Zone**

The majority of the site is zoned Residential under the Scheme. The proposal is consistent with the Purpose of the zone, in that it would provide for a variety of residential development at a later date.

Clause 6.1.3 provides use and development standards for the Residential zone. The proposal has been assessed and is compliant with all relevant standards, as summarised in Table 1 below.

**Table 1: Assessment against the Use and Development Standards of the Zone.**

	<b>Required</b>	<b>Provided</b>	<b>Comments</b>
<b>Lot Size</b>	400m <sup>2</sup>	3.3ha – 3.97ha	complies
<b>Frontage</b>	3.6m	excess of 18m, with existing ROW to Lot 1.	complies
<b>Dimensions</b>	lots must be able to contain a circle of 18m diameter clear of any easements or any other title restrictions	plan indicates compliance	complies

Clause 6.1.3(c)(iv) provides for a boundary adjustment between 1 or more existing sub-minimum lots where certain criteria are met. The proposal satisfies the requirements of this part of the Scheme in that the lot numbers would not increase, further subdivision potential would not be facilitated in that the amended layout would be consistent with the existing approval for the subdivision of the whole of the site and the potential number of dwellings would not increase.

The proposal plan indicates that the existing dwelling would be located 16m from the proposed boundary of Lots 1 and 2, which is compliant with the relevant building setback requirements of the Scheme (PD4).

Clause 6.1.3(e) of the Scheme was modified as part of the recently approved amendment relevant to this site to prohibit the development of either a road junction or vehicular access for land fronting Begonia Street. On that basis, conditions have been included above requiring the creation of rights-of-way to Lots 1, 4 and Balance to Flagstaff Gully Road and Flagstaff Gully Link Road respectively.

Clause 6.1.5 provides the Specific Decision Requirements of the zone. The relevant requirements are addressed as follows.

*“(e) Lot sizes should be varied to suit differing levels of residential, service and recreational needs”.*

The development proposes 5 lots to reflect the approved staging of the subject land, which itself will enable the creation of a range of lot sizes and shapes that are consistent with the nature of the surrounding residential area.

*“(u) Subdivision should ensure that based on a 1 in 100 year event natural drainage paths and significant stormwater catchment areas are protected from inappropriate development. This relates to development within drainage lines which may impede, restrict or adversely affect natural drainage flows”.*

The proposal plan includes contours, which demonstrate how stormwater would drain from the site. It is considered that there are appropriate dwelling sites within the boundaries of each lot that could be developed without compromising natural flow paths, noting that the lots will each themselves be developed as a number of residential lots in the future. Council’s Development Engineer has assessed the proposal and with the inclusion of an appropriate condition requiring the creation of appropriate easements, is satisfied that stormwater would be disposed of appropriately from the site.

**4.4. Recreation Zone**

A 13804m<sup>2</sup> portion of the site is zoned Recreation under the Scheme. The proposal is consistent with the Purpose of the zone in that it would provide for recreational land use as open space in conjunction with the future residential development of the land.

The proposal is considered to be consistent with the relevant use and development standards and specific decision requirements of the zone, in that the portion of the site within the Recreation zone would not be affected and would remain set aside for recreational purposes as approved by the original subdivision.

**4.5. Vegetation Management Overlay**

A 4398m<sup>2</sup> portion of land adjacent the north-eastern boundary of the subject property is affected by the Vegetation Management Overlay. No clearance of vegetation within this area is proposed, meaning that the proposal is consistent with the purpose of the overlay to protect areas of significant vegetation.

**4.6. External Referrals**

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

**5. BUSHFIRE MANAGEMENT**

A bushfire hazard assessment was undertaken and submitted by the applicant in order to demonstrate compliance with Planning Directive No 5 Bushfire-Prone Areas Code (the Code). The plan was prepared by an Accredited Bushfire Assessor in support of the application and concludes that each of the proposed lots is capable of being developed with building areas that would not exceed BAL-19 as required by AS3959-2009 and as required by the Code.

It is noted, however, that whilst the submitted assessment considers the issues prescribed by the Code, it does not consider how bushfire management would be addressed should the proposed lots be transferred into separate ownership and independently developed.

To address this issue, it is considered reasonable to require the creation of a Part 5 Agreement between the owners of each lot to require that the owners provide each lot with reciprocal rights to enter adjoining land to undertake work for the purposes of bushfire management. An appropriate condition has been included to this effect.

## **6. REPRESENTATION ISSUES**

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

### **6.1. Safety of the Proposed Subdivision Access**

The representor expressed concern that the proposed access to the subdivision is inadequate and should be relocated to the north of the proposed access to the subdivision, closer to the intersection with the Flagstaff Gully Link Road.

- **Comment**

The approval of the access to the subdivision was granted as part of the consideration and determination of the original Scheme Amendment and Subdivision – A-2011/8 and SD-2011/29. The impact of the proposed subdivision was considered by Council at that time and given that this proposal is for a boundary adjustment to create 5 resultant lots aligning with the stages of the approved development, this issue is not relevant.

## **7. STATE POLICIES AND ACT OBJECTIVES**

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

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

## **8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

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

In respect of open space and Council's Public Open Space Policy, the proposal is for the adjustment of boundaries only and would not result in the creation of any additional lots, thus not requiring a developer contribution for open space under Council's policy.

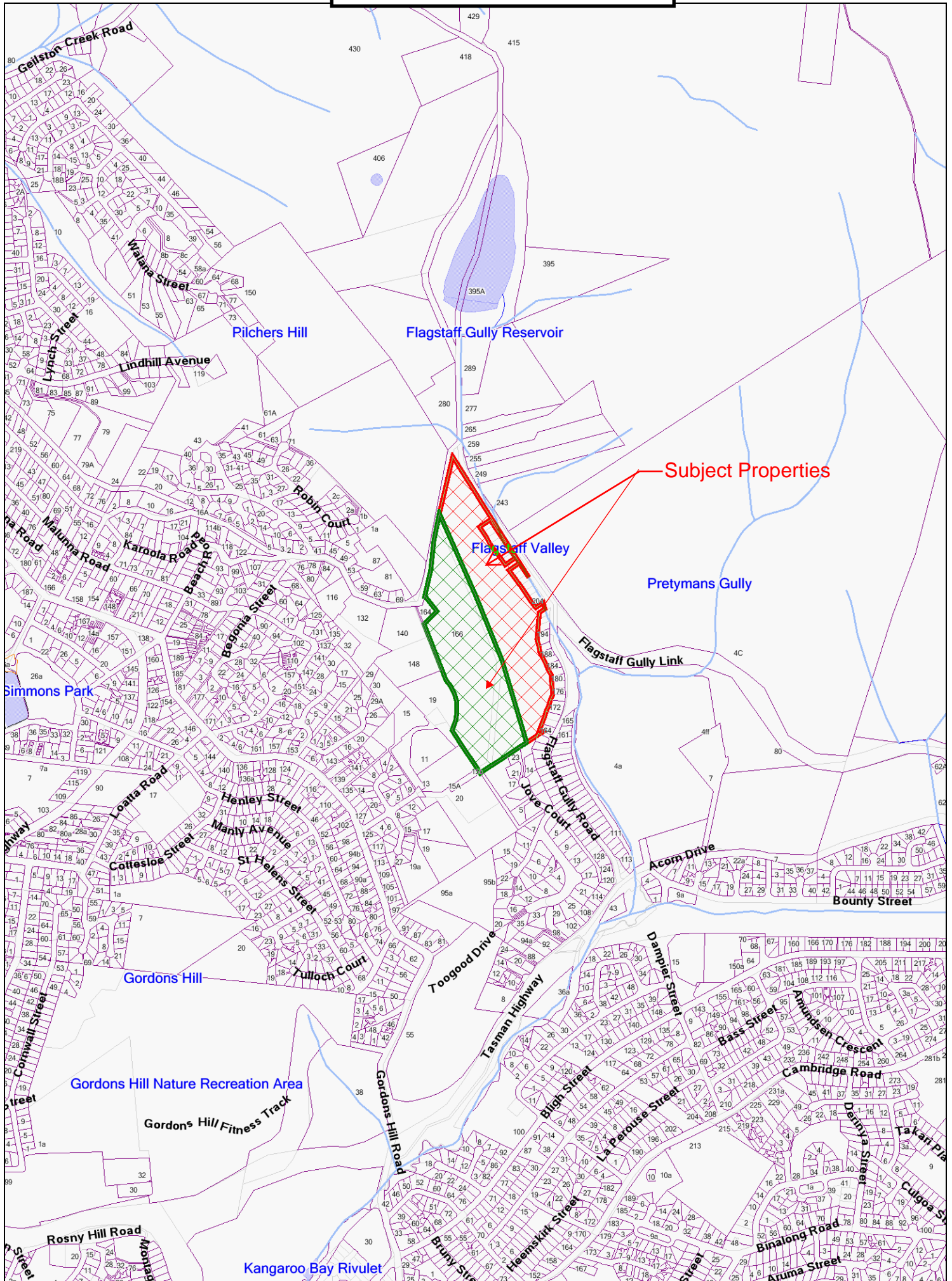
## **9. CONCLUSION**

The proposal seeks approval for the adjustment of boundaries between 5 existing lots known collectively as 166 Begonia Street and 162a Flagstaff Gully Road, Lindisfarne to create 5 resultant lots to be developed in sequence (or independently) as part of the development previously approved. The proposal is consistent with the Use and Development Standards and Specific Decision Requirements of both the Residential and Recreation zones and the relevant overlay. The proposal is therefore recommended for approval subject to conditions.

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

Ross Lovell  
**MANAGER CITY PLANNING**

# Attachment 1





**Clarence City Council – GDA Datum**

**Legend**



**Waterways**



**Property**



**Title**



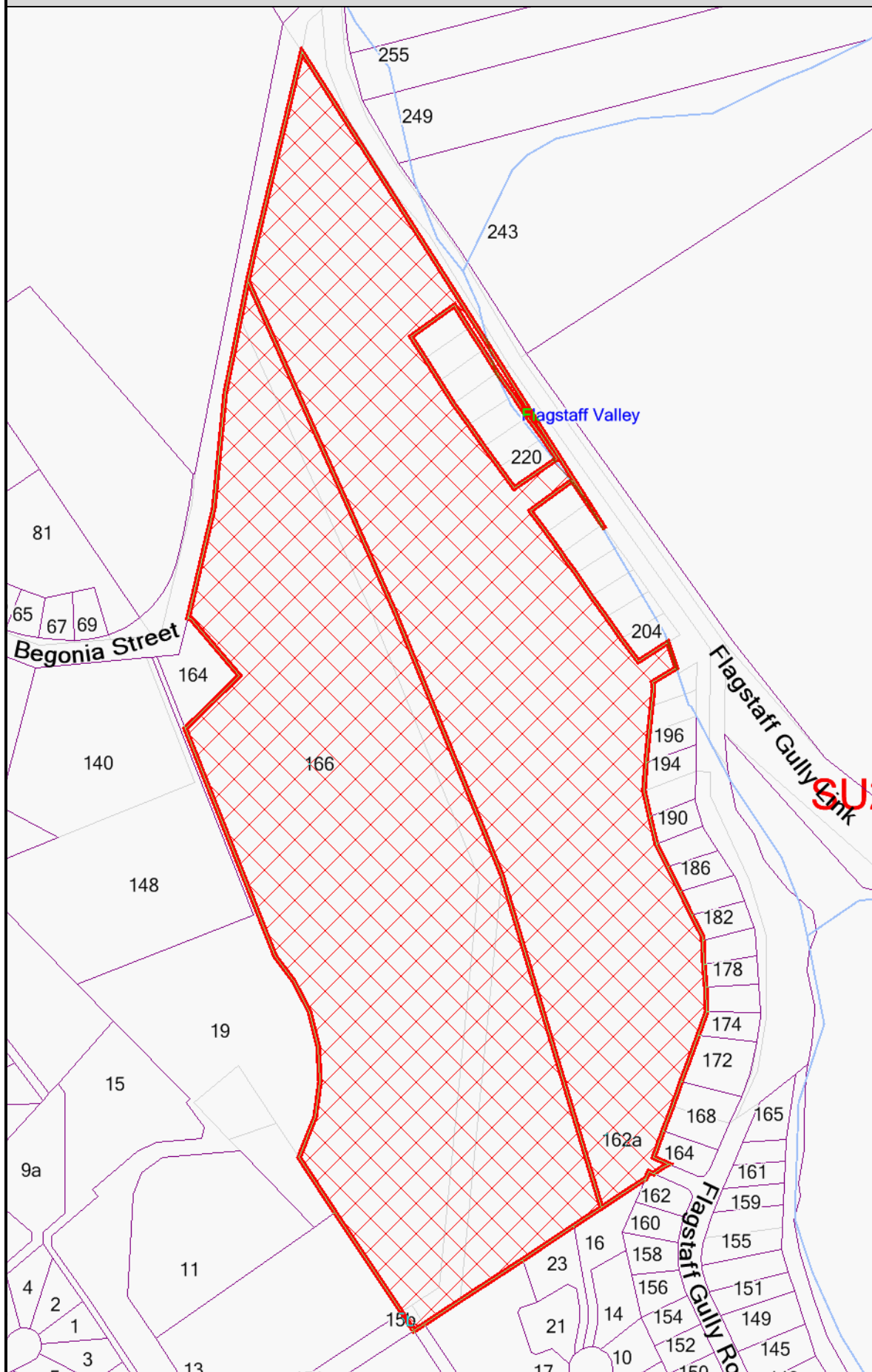
**Waterbodies**



**Planning  
Scheme  
Anotation**



**Map Extents**

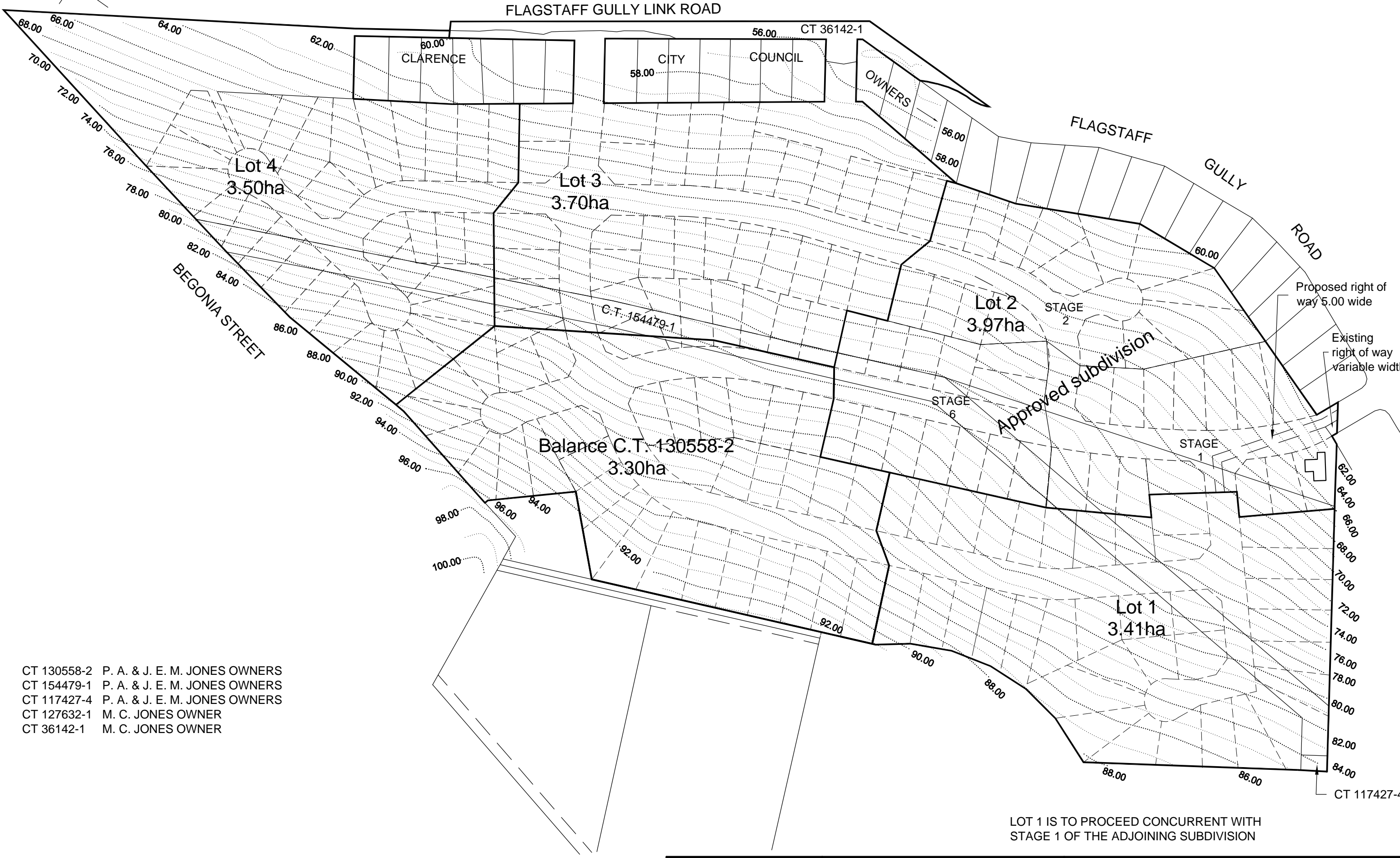


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NOTES  
1. DATUM FOR HEIGHTS IS AHD  
2. CONTOUR INTERVAL IS 1 METRE

Attachment 2



CT 130558-2 P. A. & J. E. M. JONES OWNERS  
CT 154479-1 P. A. & J. E. M. JONES OWNERS  
CT 117427-4 P. A. & J. E. M. JONES OWNERS  
CT 127632-1 M. C. JONES OWNER  
CT 36142-1 M. C. JONES OWNER

LOT 1 IS TO PROCEED CONCURRENT WITH  
STAGE 1 OF THE ADJOINING SUBDIVISION

## Attachment 3

### **162A Flagstaff Gully Road & 166 Begonia Street, LINDISFARNE**



**Site viewed from Begonia Street, looking east**



**Site viewed from Begonia Street, looking south**

**11.3.5 SUBDIVISION APPLICATION SD-2014/31 - 15 MAYS POINT ROAD, LAUDERDALE - 2 LOT SUBDIVISION AND BOUNDARY ADJUSTMENT**  
(File No SD-2014/31)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a 2 lot Subdivision and Boundary Adjustment at 15 Mays Point Road, Lauderdale.

**RELATION TO PLANNING PROVISIONS**

The land is zoned Residential under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

**LEGISLATIVE REQUIREMENTS**

The report on this item details the basis and reasons for the recommendation. Any alternative decision by Council will require a full statement of reasons in order to maintain the integrity of the Planning approval process and to comply with the requirements of the Judicial Review Act and the Local Government (Meeting Procedures) Regulations 2005.

Council is required to exercise a discretion within the statutory 42 day period which expires on 13 January 2015.

**CONSULTATION**

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

- density;
- future building works; and
- property values.

**RECOMMENDATION:**

A. That the application for 2 lot Subdivision and Boundary Adjustment at 15 Mays Point Road, Lauderdale (Cl Ref SD-2014/31) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [a shared access to Lots 2 and 3 and a passing bay within the lot boundaries provided for Lot 3].
3. ENG A1 – NEW CROSSOVER [3.6m] [TSD –R03 and TSD-R04].
4. Stormwater from each lot must be retained on-site to the satisfaction of Council's Group Manager Asset Management.
5. GEN POS1 – POS CONTRIBUTION [1 and 3].
6. EHO 4 – NO BURNING.

7. The development must meet all required Conditions of Approval specified by TasWater notice dated 12/09/2014 (TWDA 2014/00826-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

---

## **ASSOCIATED REPORT**

### **1. BACKGROUND**

No relevant background.

### **2. STATUTORY IMPLICATIONS**

- 2.1. The land is zoned Residential under the Scheme.
- 2.2. The proposal is for a 2 lot Subdivision and Boundary Adjustment, which is a Discretionary development in accordance with zone provisions.
- 2.3. The relevant parts of the Planning Scheme are:
  - Section 2 – Planning Policy Framework;
  - Section 3 – General Provisions; and
  - Section 6 – Residential zone.
- 2.4. Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the Land Use Planning and Approvals Act, 1993 (LUPAA).

### **3. PROPOSAL IN DETAIL**

#### **3.1. The Site**

The site is comprised of 2 lots, CT 44549/1 (1745m<sup>2</sup>) and CT 44549/2 (2102m<sup>2</sup>) which have been utilised as a single site for a number of years. There is an existing Single Dwelling and associated outbuildings on the site which is to be retained.

The surrounding area is generally low density residential in character. Access and frontage to the subject site is from Mays Point Road.

### **3.2. The Proposal**

The proposal is for a boundary adjustment and 2 lot subdivision, resulting in 4 lots as follows:

Lot 1: 587m<sup>2</sup> (vacant)

Lot 2 (combining Lots 2, 5 and 7): 1258m<sup>2</sup> (contains the existing dwelling)

Lot 3 (combined Lots 3 and 6): 854m<sup>2</sup> (vacant)

Lot 4: 1166m<sup>2</sup> (contains an existing shed)

Lot 3 is an internal lot access via an access strip from Mays Point Road. The existing access is proposed to be used by Lot 4 and new accesses are proposed for the other 3 lots.

## **4. PLANNING ASSESSMENT**

### **4.1. Planning Policy Framework [Section 2]**

The relevant elements of the Planning Policy Framework are contained in Section 2.2.3(a)(ii) – Residential Land Use. In particular, the Objectives include:

- “• *To provide for a wide range of housing types to meet the changing housing needs of the community.*
- *To promote residential consolidation around activity centres and transport nodes to maximise accessibility to services and facilities, and the efficient use of infrastructure”.*

The proposed subdivision would continue the provision of the range of lot sizes and shapes enhancing the options provided in the vicinity of the subject site, which would in turn encourage a range of housing. The existing infrastructure network has appropriate capacity to cater for the development.

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

#### **4.2. General Decision Requirements [Section 3.3.1]**

*“(a) General requirements:*

- (v) The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
- (vii) Any representation made in accordance with Section 43F(5) or Section 57(5) of the Act.*

*(f) Subdivision requirements:*

- (i) The suitability of the land for subdivision.*
- (ii) The existing use and potential for future development of the land and its surrounds.*
- (iii) The subdivision pattern having regard to the physical characteristics of the land including existing vegetation, natural drainage paths and significant stormwater catchment areas.*
- (iv) The density of the proposed development.*
- (v) The size and shape of each lot in the subdivision.*
- (x) The design and siting of existing and future buildings”.*

The proposal is consistent with the above requirements. The lot sizes are compliant with the development standards of the zone.

#### **4.3. Residential Zone**

The site is zoned Residential under the Scheme. The proposal is consistent with the Purpose of the zone in that it would provide for a variety of residential development.

Clause 6.1.3 provides use and development standards for the Residential zone. The proposal is compliant with all relevant standards, as summarised in Table 1 below.

**Table 1: Assessment against the Use and Development Standards of the Zone**

	<b>Required</b>	<b>Provided</b>	<b>Comments</b>
<b>Lot Size</b>	400m <sup>2</sup> 550m <sup>2</sup> (for Internal Lot 3)	Lot 1 – 587m <sup>2</sup> Lot 2 – 1258m <sup>2</sup> Lot 3 – 854m <sup>2</sup> Lot 4 – 1166m <sup>2</sup>	complies
<b>Frontage</b>	3.6m 4m (internal Lot 3)	Lot 1 – 27m Lot 2 – 29.1m Lot 3 – 4m Lot 4 – 21.6m	complies
<b>Dimensions</b>	lots of 550m <sup>2</sup> must be able to contain a circle of 18m diameter clear of any easements or any other title restrictions	plan indicates compliance	complies

The proposal plan indicates that the existing dwelling would be located 3.5m from the nearest boundary, which is compliant with the relevant building setback requirements of the Scheme (PD4).

Clause 6.1.5 provides the Specific Decision Requirements of the zone. The relevant requirements are addressed as follows.

*“(e) Lot sizes should be varied to suit differing levels of residential, service and recreational needs”.*

The development proposes varied lot sizes that are smaller than the surrounding lot sizes, which will increase the variety of options available in the area. The lot shapes are consistent with the nature of the surrounding residential area.

*“(r) An internal Lot access strip should include adequate width to accommodate a suitable passing bay and a visitor car parking space which is visible from the street”.*

The proposal plan shows that the existing access is proposed to be used for Lot 4 and new accesses are proposed for Lots 1, 2 and 3. It is considered that a combined access for Lots 2 and 3 would be preferable.



The plan does not show a passing bay for Lot 3 and after discussion with the applicant it is recommended that an amended plan be required for a combined access for Lots 2 and 3 and that Lot 3 contains a passing bay.

*“(s) An internal lot should have adequate frontage to ensure appropriate provision for wheelie bin collection, without inconvenience to neighbouring properties”.*

The development proposes 1 internal lot, with sufficient frontage to the adjacent lots that wheelie bins will not inconvenience the neighbouring properties created by the subdivision.

*“(t) An internal lot should include adequate width to provide a landscape strip between the driveway and the abutting fence lines, except where there is to be a shared driveway with the adjoining lot”.*

The development proposes 1 internal lot (Lot 3) with sufficient width for landscaping and therefore complies.

*“(u) Subdivision should ensure that based on a 1 in 100 year event natural drainage paths and significant stormwater catchment areas are protected from inappropriate development. This relates to development within drainage lines which may impede, restrict or adversely affect natural drainage flows”.*

The proposal plan includes contours, which demonstrate how water would drain from the site in the event of rain. Council’s Development Engineer has assessed the proposal and is satisfied that stormwater could be disposed of appropriately from the site, however, it is recommended that a condition included on the permit that requires stormwater to be contained on each lot.

#### **4.4. External Referrals**

The application was referred to TasWater, who have provided conditions for inclusion in the permit, should one be granted.

## **5. REPRESENTATION ISSUES**

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

**5.1. Density**

The representor is concerned that the density of the existing development in the surrounding area is not of the scale proposed. They are concerned that the proposed density is not appropriate for the location.

- **Comment**

The property is zoned Residential. As such, it is possible to create lots as small as 400m<sup>2</sup>. Accordingly, whilst the lots are smaller than those surrounding them, they comply with Scheme provisions and are therefore able to support development that can comply with PD4.

**5.2. Future Building Works**

The representor is concerned that there is no control over the future building works that can occur on the created lots in relation to building height and setbacks to boundaries.

- **Comment**

The proposal is for the subdivision of the land, not the development of the created lots. Accordingly, the time to assess the potential impacts of future building works on adjacent lots is at the time they are proposed, not through this process.

**5.3. Property Values**

The representor is concerned that the increased density will result in devaluation of the surrounding properties.

- **Comment**

Property values are not a matter for consideration under the Planning Scheme and as such cannot influence the determination of this proposal.

**6. STATE POLICIES AND ACT OBJECTIVES**

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

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

**7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS**

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy. Developer contributions are required to comply with Council's Public Open Space Policy. The subject site is zoned Residential and will form an extension of an existing urban area and will be afforded the highest level of access to both local and regional recreational opportunities. It is considered that the development resulting from an approval of this application will, or is likely to, increase residential density creating further demand on Council's POS network and associated facilities.

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

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

**8. CONCLUSION**

The proposal is for a 2 lot Subdivision and Boundary Adjustment. It meets the Use and Development Standards and the Specific Decision Requirements of the Residential zone and as such is recommended for conditional approval.

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

Ross Lovell  
**MANAGER CITY PLANNING**

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

# Attachment 1

Map Scale:

1:2,394 @A4

Date:

Tuesday, 6 January 2015

Clarence City Council – GDA Datum

Legend



Waterways



Property



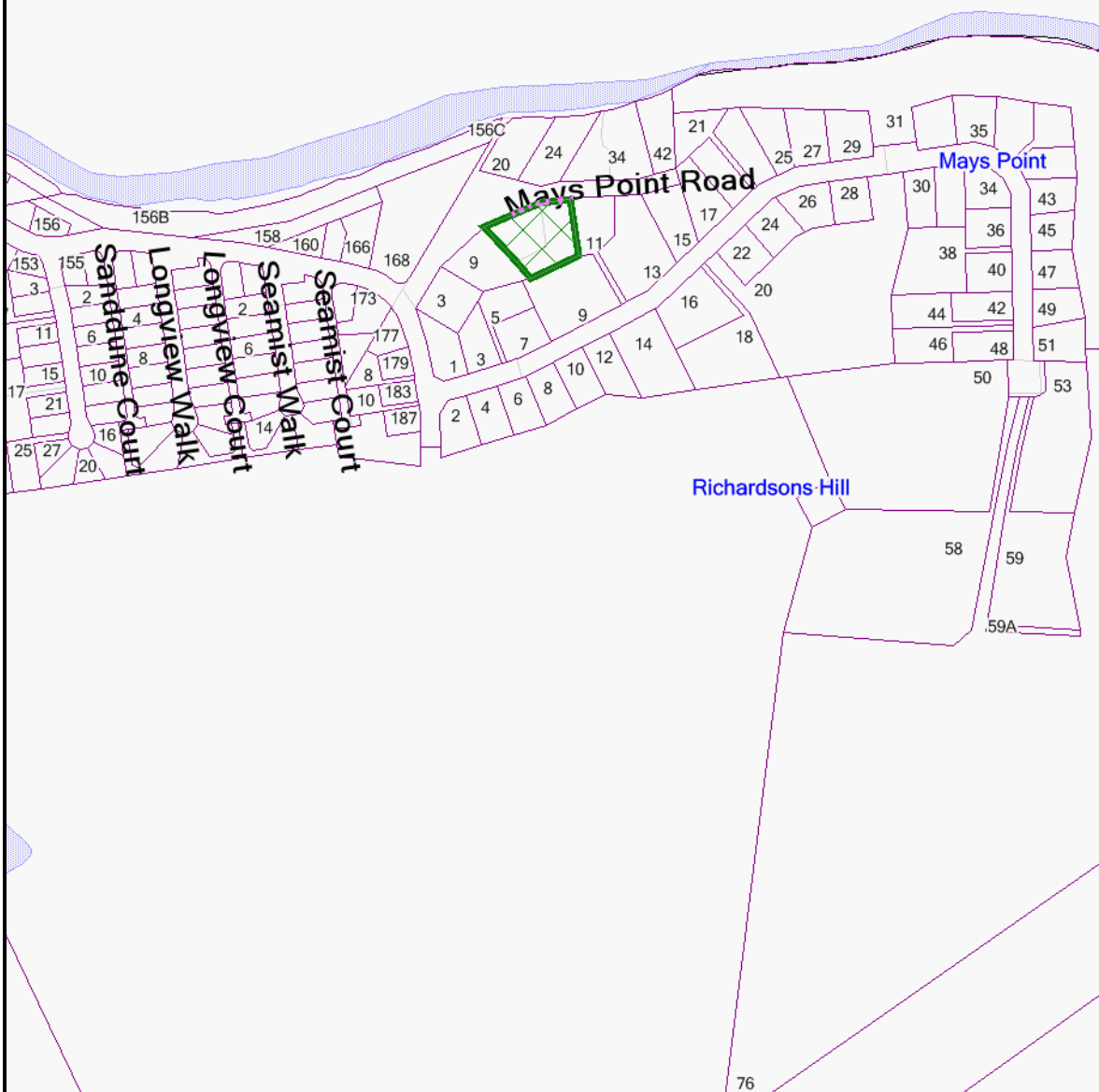
Title



Waterbodies



Map Extents



**Disclaimer:**

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OWNER K.R & P.M CHAPMAN

TITLE REFERENCE C.T.44549/1 & C.T.44549/2

PROPOSED EASEMENTS AS REQUIRED

LOCATION No.15 MAYS POINT ROAD  
LAUDERDALE

GRANTEE SEE TITLE

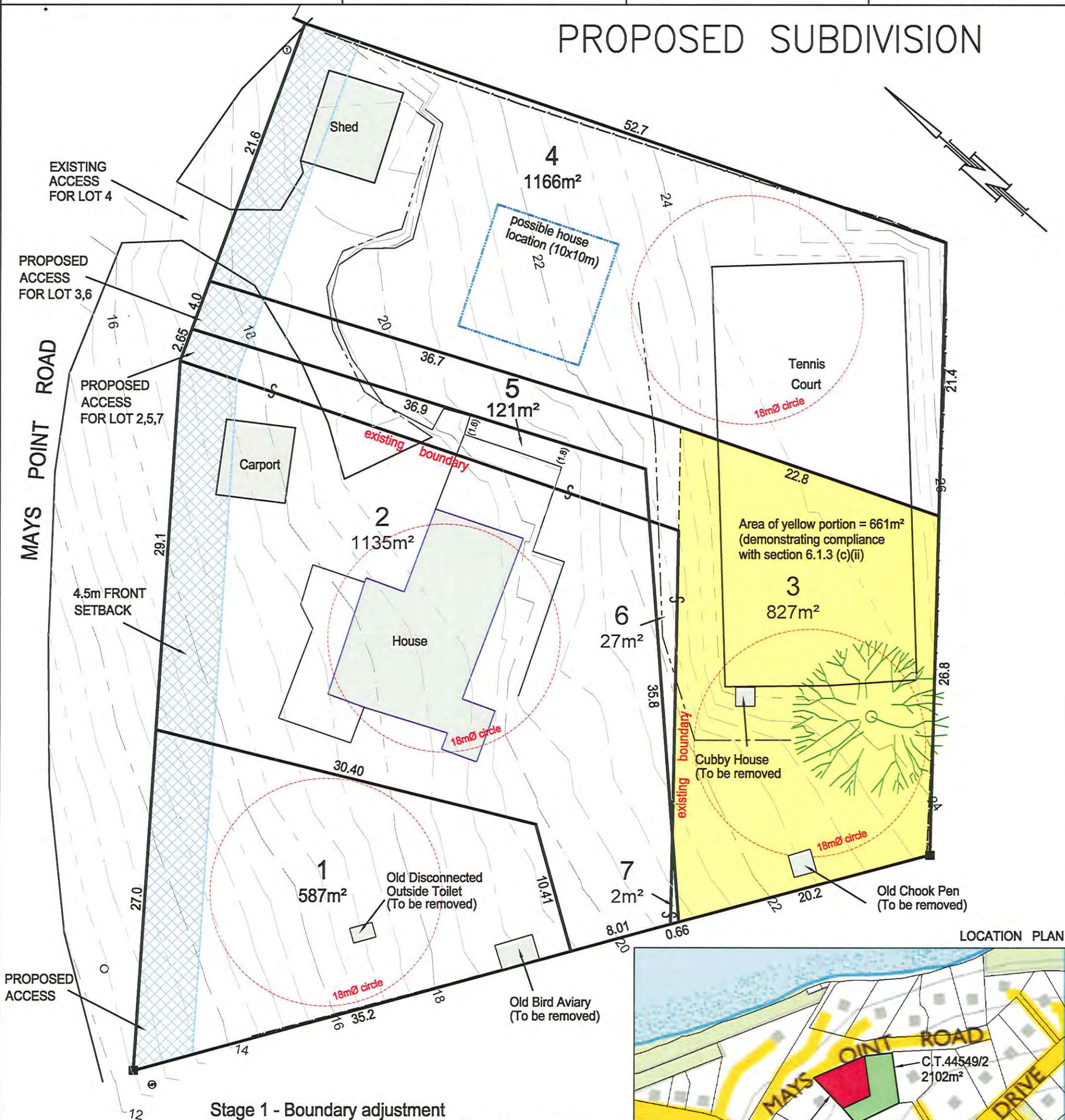
SCALE 1:300

DATE 01-12-2014

MUNICIPALITY CLARENCE

REF. NO. CHAPK02  
864704

## PROPOSED SUBDIVISION

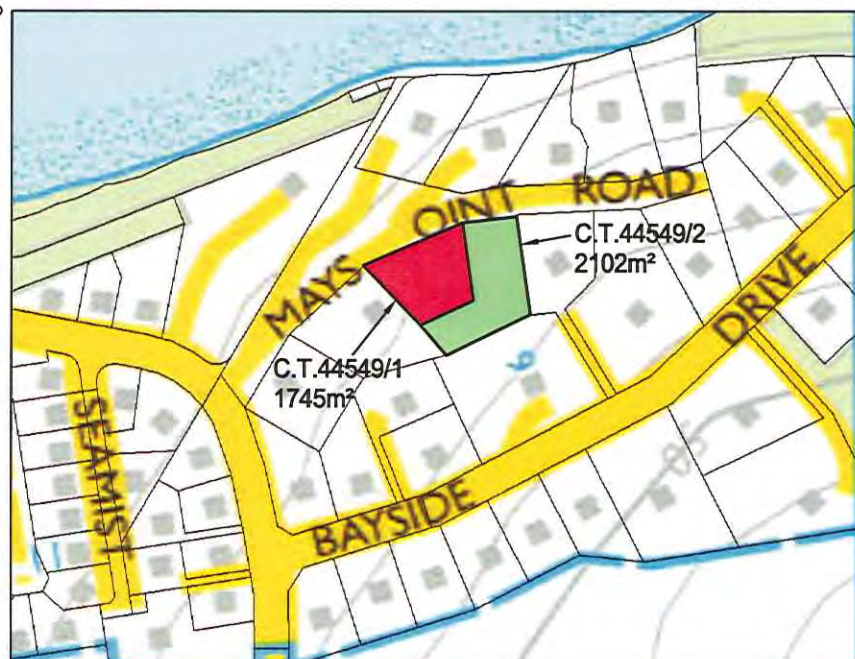


LOCATION PLAN

- Stage 1 - Boundary adjustment
- Lots 5 & 7 to be added to C.T. 44549/1
  - Lot 6 to be added to C.T. 44549/2

Stage 2 - Subdivision of Lots 1 & 2

Stage 3 - Subdivision of Lots 3 & 4





## Attachment 3

### **15 Mays Point Road, LAUDERDALE**



**Site viewed from adjacent southwestern boundary, looking northeast**



**Site viewed from Mays Point Road, looking southeast**

<b>11.4 CUSTOMER SERVICE</b>
------------------------------

Nil Items.

**11.5 ASSET MANAGEMENT****11.5.1 KANGAROO BAY RIVULET**

(File No 04-04-03)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the Risk Management Assessment report on the proposed Kangaroo Bay Rivulet track and form a view on the route options for the section of the track between Kangaroo Bay and Gordons Hill Road.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2010-2015, Clarence Bicycle Strategy and Action Plan 2012 and the Department of State Growth's Principal Urban Cycling Network (PUCN) 2012 are relevant.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

No formal consultation process has been undertaken.

**FINANCIAL IMPLICATIONS**

Council has allocated \$90,000 as part of its 2014-2015 Capital Works program to commence construction of the Kangaroo Bay Rivulet Track section between Kangaroo Bay and Gordons Hill Road.

**RECOMMENDATION:**

That Council notes the report attached to the Associated Report on the issues associated with development of the Kangaroo Bay Rivulet Track and adopts 1 of the following recommendations:

- A. Priority 1 - Construct the western route from the Council Building to Gordons Hill Road in early 2015 at an estimated cost of \$65,900.
- B. Priority 2 - Construct the connection from the Council Building to Rosny Hill Road adjacent to Eastlands through the Rosny Barn Precinct at an estimated cost of \$53,500.
- C. Priority 3 - Undertake both A and B above to construct a track from Rosny Hill Road to Gordons Hill Road this financial year; with the consequent \$29,500 additional funding being made by way of a reallocation of capital funds from other approved tracks and trails projects. Such reallocation is to be recommended by Council's Group Manager Asset Management and approved by the General Manager.



- D. Priority 4 – Upgrade DDA compliance within the existing urban infrastructure between Gordons Hill Road and Rosny Hill Road and develop a track connection from Gordons Hill Road to Edgeworth Street at an estimated cost of \$63,000.

---

## **ASSOCIATED REPORT**

### **1. BACKGROUND**

**1.1.** As part of the approved 2014-2015 Annual Plan, Council allocated funds for the development of the first stage of the Kangaroo Bay Rivulet Track which is proposed to run alongside Rosny Golf Course between Rosny Hill Road and Gordons Hill Road. As part of the discussion associated with the draft Capital Works Program, at Council's Workshop on 11 March 2014 Aldermen indicated that while the project would be included in the Capital Works Program, it was necessary for a risk assessment to be undertaken and the outcomes reported back to Aldermen prior to undertaking any works.

**1.2.** A Weekly Briefing Report was forwarded to all Aldermen which included:

- a summary of the background to the history of the pathway;
- a copy of the Risk Assessment undertaken by Council's insurers; and
- a copy of a recommended route report from an independent track consultant.

This information formed the basis for the walk along the proposed route of the Kangaroo Bay Rivulet Track and the discussion at Council's Workshop session on Monday, 24 November 2014.

### **2. REPORT IN DETAIL**

**2.1.** The suggested need for a track dates back to 2005 when the Seniors Action Group Eastern Shore (SAGES) requested a track along the Rivulet. In March 2009, the Principal of Rosny College wrote to Council requesting the development of a safe, off-road walking and cycling route for students travelling between Rosny College and the Clarence Polytechnic on Dampier Street.

It was about at this time the project was included in the preliminary listing of Council's 5 Year Capital Works Program.

**2.2.** The Tracks and Trails Committee (which is made up of community representatives as well as members of Council's Positive Ageing Committee and Clarence Access and Facilities Committee) identified the section of the Kangaroo Bay Rivulet Track alongside Rosny Golf Course as a high priority at its Meeting of 13 February 2014 and recommended it be included in the 2014-2015 Annual Plan.

**2.3.** There are a number of options for Council to consider for the route of this section of track; the 3 obvious options are:

- on the eastern (CR Barnard Drive) side of the Rivulet;
- on the western (golf course) side of the Rivulet; and
- no specific route – use existing urban access infrastructure.

Within the above options there were alternatives associated with:

- access through the Rosny Barn Precinct adjacent to the Eastlands' boundary; or
- relocation of the first tee on the golf course to provide access entirely through the golf course land rather than through the Rosny Barn Precinct.

**2.4.** Council, at its Workshop on Monday, 24 November 2014 indicated the following:

- the preferred option for the section of the track between Rosny Hill Road and the Council building is through the Rosny Barn Precinct adjacent to the Eastlands boundary;
- Council wanted assurance that the land access across Eastlands property for the section of the track between Rosny Hill Road and the Council building is permitted and endorsed by the managers of Eastlands;

- Council wanted Council's Landscape Architect and Design Officer to be involved in the landscape treatment of the track; and
- Council wanted assurances that communication and consultation occurred between Council's Asset Management Group and Council's officers involved with the management and operation of the Rosny Barn Precinct.

## **2.5. Eastlands Consent**

A site meeting was held with the Operations Manager of Eastlands on 5 December 2014 to review the route. Eastlands had the property boundary surveyed prior to the installation of the fence and the survey pegs are still in place. Based on the survey information the proposed track does not encroach on Eastlands' property and they have no objections to a track alongside their fence. If Council were to construct a connecting path to the existing concrete footpath that runs between the Council Building and Eastlands across the triangular piece of land between Eastlands and the rear of the Council Building which belongs to Eastlands; Eastlands management have indicated they have no objection to such a connection and would maintain it as long as it was constructed in concrete.

## **2.6. Council's Landscape Architect Involvement**

Council's Landscape Architect and Design Officer will be involved in the landscape treatment of any track construction.

## **2.7. Officer Communication and Consultation**

Informal discussions were held with Rosny Barn staff about the concept of a track. The idea was supported with understanding the track would go past the first Tee. Subsequent assessments by a track consultant and a risk assessor recommended realigning the track through the back of the barn. Staff were informed of the results of the independent assessments.

- 2.8.** Any consideration of the options should take into account the evidence of need, the functional requirements that the evidence suggests needs to be met and whether the solution is an optimal use of scarce resources. On that basis it is important to look at what is actually required and to distinguish between the various needs that have presented themselves in the development of the argument for the pathway.

**2.9. Evidence of Need**

The Kangaroo Bay Rivulet Track is identified in the Clarence Tracks and Trails Action Plan Trails Register 2009 and is clearly a recreational need associated with the broad thrust of Council's Track and Trails Plan. This is currently an unmet need in terms of the adopted plan.

Another request that has emerged is for urban interconnectivity between areas of interest such as the LINC, Service Tas and the Rosny CBD. This urban interconnectivity is already provided for and served by a number of urban pathways and footpaths such as those on Gordons Hill Road and Bligh Street, through Council's car park and via CR Barnard Drive. The urban interconnectivity also is the reason that no real need exists for the development of a track on the eastern route as it is essentially a duplication of existing urban infrastructure on the other side of C R Barnard Drive.

Similarly, as the needs for a recreational track are separate from the existing urban infrastructure there is no need to supply a connecting bridge between the western and eastern options as this is already provided at both ends of the proposed Kangaroo Bay to Gordons Hill Road section of the Kangaroo Bay Rivulet Track.

On that basis the consideration should centre on the functional requirements associated with the Clarence Tracks and Trails Action Plan and in particular the western route.

### **2.10. Functional Requirements**

The Clarence Tracks and Trails Action Plan has accepted standards associated with the various functions the track or trail plays in the network. The Kangaroo Bay Rivulet Track is identified as a Secondary Trail in the Tracks and Trails Action Plan. A Secondary Trail is defined as providing “*an important connection between the Clarence Foreshore Trail and Significant Trails or create a linear reserve that links public open space*”. The proposed Kangaroo Bay Rivulet Track does both.

Austrroads Guide to Road Design Part 6A Pedestrian and Cyclist Paths recommends a minimum width of 2.0m with a desired width of 2.5m for a shared use path. This provides adequate width for mobility scooters and walking 2 abreast while limiting the incidence of conflict by allowing for overtaking.

For level of service, comfort and safety of track users there are a number of guidelines that are incorporated into the planning and development of tracks and trails in urban areas:

- accessible to the broadest range of community members including children, elderly and disabled (where DDA compliant gradients are possible) and accommodating multiple wheeled devices including bicycles, prams and scooters;
- provide separation from motor vehicles including minimising road crossings;
- prioritise waterways, open space and bushland for trail alignments in order to offer aesthetic and scenic environments that are attractive and inviting; and
- where possible provide continuous and uninterrupted trails free from obstacles, diversions and hazards.

These functional requirements were applied to the recently constructed Clarence Foreshore Trail in Lindisfarne. Although an existing footpath is on the opposite side of the road it was less scenic, narrow, exposed users to cars using driveways and required 2 crossings of the Esplanade. The new shared path alignment along the coast has attracted much higher use due to the higher level of service it offers.

### **2.11. Optimal Use of Resources**

The optimal use of resources depends on the attitude and perspective that Council wishes to adopt.

#### **Recreational Track**

If Council considers the matter as a recreational/tracks and trail issue as opposed to an access issue then the evidence of need, associated functional requirements and the adopted approach for the Clarence Tracks and Trails Action Plan indicates that the western route provides the best outcome. Given the current budget and leveraging off the TasNetworks synergy the best outcome would be as follows:

Rear of Council Building to Gordons Hill Road	\$28,800
Safety netting	\$25,100
Ford crossing	<u>\$12,000</u>
<b>TOTAL</b>	<b>\$65,900</b>

The estimate for the western route will escalate early in 2015 and Council would pay a further premium in the order of \$40,000 to develop that option later, as the current costing assumes taking advantage of the TasNetworks work along that western route.

If Council wishes to pursue the connection from Council Building to Rosny Hill Road adjacent to Eastlands through the Rosny Barn Precinct the costs are estimated as follows:

Rear of Council Building to Rosny Hill Road	\$37,500
Track raising near headwall	\$12,000
Fence at barn	<u>\$ 4,000</u>
<b>TOTAL</b>	<b>\$53,500</b>

If Council wish to implement both these options so there is a continuous track from Rosny Hill Road to Gordons Hill Road additional funds of approximately \$29,500 will need to be allocated and budgeted for. This funding could be made available from internal reallocations of capital funds for tracks and trails projects.

### **Urban Interconnectivity**

If Council wishes to consider the matter as an access issue as opposed to a recreational/tracks and trail issue, then the existing urban infrastructure provides a number of access options available to the community to access from Gordons Hill Road to Rosny Hill Road for only a minor cost to upgrade to DDA compliant standard without the need to develop a recreational track.

If Council adopts this approach and decides that there is no requirement for a track in this urban area then the question arises as to what becomes of the \$90,000 funds allocation. On the basis that Council originally allocated these funds for tracks and trails on the Kangaroo Bay Rivulet Track it follows that funds should be spent on developing track connections in other sections of the Kangaroo Bay Rivulet Track remote from urban infrastructure, such as sections along the Tasman Highway where there is no footpath and a need for walking and alternate transport infrastructure. Given the current budget the best outcome would be as follows:

Upgrade DDA access between Gordons Hill Road and Rosny Hill Road along CR Barnard Drive:	\$12,500
Track from Gordons Hill Road to Edgeworth Street:	\$35,500
Track connection to Council's Edgeworth Street carpark:	<u>\$14,000</u>
<b>Total</b>	<b>\$63,000</b>



- 2.12.** Given Council's original budget allocation was to develop the Kangaroo Bay Rivulet Track and the cost savings that can be achieved by leveraging off the TasNetworks project the following development priorities are recommended for this project.

**Priority 1**

Construct the western route from the Council Building to Gordons Hill Road in early 2015 at an estimated cost of \$65,900. This is optimum in terms of the efficient use of funds.

**Priority 2**

Construct the connection from the Council Building to Rosny Hill Road adjacent to Eastlands through the Rosny Barn Precinct at an estimated cost of \$53,500. This is optimal in terms of the effectiveness of access for the most people.

**Priority 3**

Undertake both the above to construct a track from Rosny Hill Road to Gordons Hill Road this financial year; with the first section from the rear of the Council Building to Gordons Hill Road to be undertaken in early 2015, to take advantage of the TasNetworks work. Recognising the savings in undertaking this work early in 2015, this would still require Council to internally reallocate the additional \$29,500 in capital funds for tracks and trails projects.

**Priority 4**

Upgrade DDA compliance within the existing urban infrastructure between Gordons Hill Road and Rosny Hill Road and develop track connections in other sections of the Kangaroo Bay Rivulet Track remote from urban infrastructure such as sections along the Tasman Highway where there is no footpath and a clear need for walking and alternate transport infrastructure. The best option given the current TasNetworks project would be a path Track from Gordons Hill Road to Edgeworth Street plus urban infrastructure DDA Access upgrades at an estimated cost of \$63,000.

**3. CONSULTATION****3.1. Community Consultation**

Not applicable.

**3.2. State/Local Government Protocol**

Not applicable.

**3.3. Other**

Nil.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

**4.1.** Council's Strategic Plan 2010-2015 within the Goal Area Social Inclusion includes the following Access and Social Inclusion to: *“Work constructively with community groups and other organisations on areas of mutual interest”*,

**4.2.** Council's Strategic Plan 2010-2015 within the Goal Area Social Inclusion includes the following Community Safety and Well-being Strategy to: *“Provide essential infrastructure to support, sustain and enhance community safety and social well-being”*.

**4.3.** Council's Strategic Plan 2010-2015 within the Goal Area Prosperity contains the following Economic Development Strategy to: *“Provide and plan for essential infrastructure to support economic development”*.

**5. EXTERNAL IMPACTS**

Nil.

**6. RISK AND LEGAL IMPLICATIONS**

**6.1.** Senior Risk Assessor, Daniel Brooks, from Jardine Lloyd Thompson acting for Council's Insurers carried out a risk assessment of the proposed route in conjunction with the Manager of the YMCA Rosny Golf Course. The report made the following recommendations.

- Barrier fencing or netting is required in 2 locations where there is no tree cover until further plantings can be established. A 15m long section of netting needs to be installed near Hole 1. If the western side of the creek is the chosen alignment at the Gordons Hill end, a 60m long section of netting is required near the seventh tee although the report recommends constructing the track on the eastern side of the creek to avoid the need for netting.
- The remainder of the proposed track either has adequate protection from errant golf balls due to the existing trees or the track alignment is not in an area at risk from golf balls.
- Warning signage needs to be installed at the entrances to the track which says “*Warning: Area may be subject to errant golf balls. Use pathway at own risk*”.

A copy of the Risk Assessment Report is Attachment 1.

- 6.2.** The property at 18 Bligh Street, known as the Rosny Barn is listed on the Tasmanian Heritage Register. This requires Council to seek approval for any work under the Historic Cultural Heritage Act, 1995.

The Heritage Tasmania, Regional Heritage Advisor (South) has been sent details of the path and fencing requirements through Rosny Barn and has issued an Exemption Permit Number 00337 under delegation of the Tasmanian Heritage Council. The conditions on the permit restrict excavation to a depth of 300mm and the fence is to match the existing fence and be no more than 1.8m in height.

**7. FINANCIAL IMPLICATIONS**

**7.1.** If a Council wishes to pursue the Kangaroo Bay Rivulet Track in accordance with Council's adopted Clarence Tracks and Trails Action Plan and the existing budget allocation, then the implementation of Stage 1 of the western route from the Council Building to Gordons Hill Road can be constructed in early 2015 at an estimated cost of \$65,900. This is within the current budget of \$90,000.

**7.2.** If a Council wishes to pursue the connection from Council Building to Rosny Hill Road (Rosny Barn) the costs are estimated as \$53,500. This is within the current budget of \$90,000.

If a Council wishes to pursue the Kangaroo Bay Rivulet Track in accordance with Council's adopted Clarence Tracks and Trails Action Plan and undertake both the above options to construct a track from Rosny Hill Road to Gordons Hill Road this financial year the costs are estimated at \$119,400, compared with the current budget of \$90,000. Council could internally reallocate \$29,500 in capital funds from other tracks and trails projects to meet this shortfall.

If Council wishes to undertake minor DDA Access upgrades in the existing urban section and develop track connections in other sections remote from urban infrastructure, such as sections along the Tasman Highway where there is no footpath and a clear need for walking and alternate transport infrastructure it could consider the reallocation of funds for that purpose. The best option given the current TasNetworks project would be a path Track from Gordons Hill Road to Edgeworth Street plus urban infrastructure DDA Access upgrades at an estimated cost of \$63,000.

**8. ANY OTHER UNIQUE ISSUES**

Nil.

**9. CONCLUSION**

Given Council's original budget allocation was to develop the Kangaroo Bay Rivulet Track and the cost savings that can be achieving by leveraging off the TasNetworks project the following development priorities are recommended for this project.

**Priority 1**

Construct the western route from the Council Building to Gordons Hill Road in early 2015 at an estimated cost of \$65,900.

**Priority 2**

Construct the connection from the Council Building to Rosny Hill Road (Rosny Barn) at an estimated cost of \$53,500.

**Priority 3**

Undertake both the above to construct a track from Rosny Hill Road to Gordons Hill Road this financial year; this would require Council to internally reallocate the additional \$29,500 in capital funds for tracks and trails projects.

**Priority 4**

Upgrade DDA compliance within the existing urban infrastructure between Gordons Hill Road and Rosny Hill Road and develop track connections in other sections of the Kangaroo Bay Rivulet Track remote from urban infrastructure such as sections along the Tasman Highway where there is no footpath and a clear need for walking and alternate transport infrastructure. The best option given the current TasNetworks project would be a path Track from Gordons Hill Road to Edgeworth Street plus urban infrastructure DDA Access upgrades at an estimated cost of \$63,000.

Attachments: 1. Rosny Park Golf Course Trail Risk Assessment Report (27)

John Stevens

**GROUP MANAGER ASSET MANAGEMENT**

# **Rosny Park Golf Course Trail Risk Assessment Report – FINAL**

September 2014

**Clarence City Council**



## **Distinctive. Choice.**

Echelon is a wholly owned subsidiary of JLT, an international group of Risk Specialists and Employee Benefits Consultants and one of the largest companies of its type in the world. We offer a distinctive choice to our clients and partners through our combination of independence, scale and specialism.

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## Executive Summary

### Objectives and scope

Clarence City Council ("Council") requested Echelon conduct a site inspection along the route proposed for a shared pedestrian / bicycle pathway which, given its close proximity to Rosny Park Public Golf Course, may expose users to the risk of errant balls.

Rosny Park Public Golf Course is bordered to the North by the Tasman Highway, to the West by Rosny Hill Road, and most of the East by Gordon's Hill Road and Cr. Barnard Drive. On all of these sides the risk of errant balls is largely reduced by distance, thick bushland/tree planting, or through the orientation of the adjacent golf holes.

Council is proposing to install a pathway essentially running along the Eastern boundary of the golf course, which runs mainly in a North Easterly direction from Rosny Hill Rd, between the golf course and the adjacent shopping centre car park, Council offices, Regional Library and Mineral Resources Tasmania Offices, before meeting with Gordon's Hill Rd. Along this route there are a number of locations where users of the path may be exposed to errant balls.

Council has reported there is a need to provide a pathway through this route due to:

- Increased development to the North East of this area, and enabling a safer, more direct pedestrian route from Gordon's Hill Rd through to the main shopping district, Rosny Hill Rd and the coastal paths to the South West. This currently requires pedestrians to either meander through the car parking area for the Council Offices, Police Station, etc. where the pedestrian routes are somewhat disjointed and unclear.
- Some of the development occurring is to include Retirement Villages, and residents are likely to use mobility devices and the like. Such pathway users are not really catered for and as such it would be difficult for them to access the main shopping district and the other coastal reserves.
- Such a pathway will also act as an inviting route for workers of businesses wishing to access the coastal reserves to engage in exercise activities such as running, cycling, using outdoor exercise equipment, etc. without having to detour through the main shopping district.
- Some pedestrians, dog walkers and school children are known to be already using this route, despite there being no formally established paths of travel. It is also known that – given the lack of a formalised pathway – a number of these are travelling through the shopping centre car-park where they are particularly exposed to vehicular traffic, with a number of reported *near-misses*. As such providing a formalised pathway route for pedestrians will reduce this risk to pedestrian safety.

Council requested Echelon to review the current proposed alignment, identify and recommend alternative pathway alignments which may better protect users of the path, and make recommendations regarding where protective netting should be installed to protect against errant balls.



### Methodology

A site inspection was conducted on June 13<sup>th</sup>, 2014 by Echelon Senior Risk Consultant Daniel Brooks. During this site inspection, Daniel Brooks met with representatives of the YMCA – who are responsible for operation of the Golf Course – and Council's Recreational Planning Officer Mary McParland.

The site inspection consisted of walking the length of the proposed route, starting at the Southern boundary of the Golf Course where the club house is located.

Given the proposal is at a very early stage, Council have been able to provide little documentation other than a very simple overview of the route proposed for the pathway, shown over an image taken from Council's GIS system, and a short description of the overall route.

It is noted that there is reportedly a current Tenancy/Lease Agreement between the Council (who own the Golf Course) and the YMCA who are responsible for the management/operation of the Golf Course. This lease agreement has not been reviewed for the purposes of this Risk Appraisal, however it is reported that certain aspects of this will require modification, due to some sections of the pathway proposed will be located within the Golf Course property boundary.

While there is no known Australian or International Standard specifically applicable to the design or layout of golf courses to accommodate the potential for errant balls, there are a number of resources available that have been developed by Golf Course Architects and/or developers that can be used as reasonable guidance.

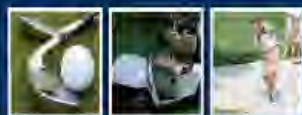
In many of these they utilise what is known as a Safety Cone (or similar) which encompasses 150 feet (46 metres) either side of the centre line of the fairway, and an angle of 18° either side of this line from the tee, and a maximum distance of 250 yards (229 metres). This is indicated in the diagram below.



*Diagram illustrating the Safety Cone concept*

For the purposes of this appraisal, in consideration that the Rosny Park Public Golf Course is often played by very low skilled players, the angle shown above has been increased to approximately 30°.





### Key Findings

Several specific recommendations are provided throughout the report in relation to realignment of the proposed pathway in order to prevent users from passing through areas where errant balls are likely to fall. In summary, these recommended alignments are as follows:

- Realign proposed segment adjacent to Hole 1 to remain on the Eastern side of the creek until safely away from longer tee shots.
- Ensuring pathway in area nearby the green on Hole 1 remains as close to creek line as possible / practical, to take advantage of existing, sufficient tree cover in this area.
- Realign much of the Northern half of the proposed pathway to follow the Eastern side of the creek, as detailed through Option 1 for Section 3. This not only increases the distance from any errant tee shots from Hole 7, but also takes advantage of the existing, sufficient tree cover in this area.
- If – as reported by Council – it is preferred that 'Option 2' for Section 3 be used (to reduce the number of creek crossings required), installation of artificial barriers/netting will be highly important for risk mitigation in this area, at least until much more significant, effective plantings can be established. This is increasingly apparent the closer the path is to the 7<sup>th</sup> tee.

If the above alignment recommendations are followed, only a relatively small segment of the pathway will require the installation of netting / barriers. This section – at the Southern end of the proposed pathway adjacent to Hole 1 – is detailed in the final section of this document **Recommended location and dimensions for netting/barriers**.



## Site Inspection



The left image shows the general route of the proposed pathway (red line) in relation to the adjacent Golf Course, Eastlands Shopping Centre, Rosny Hill Rd and Tasman Highway. Council Offices are located at the approximate half-way point, with the Regional Library and offices of Mineral Resources Tasmania located further North.

For the purposes of identifying particular hazards and recommending specific alignments for the pathway, the overall site has been dividing into three separate sections:

- Section 1 [S1] – Rosny Hill Rd to Council offices; primarily exposed to tee shots from the 1<sup>st</sup> hole, miss hits to right of intended shot direction.
- Section 2 [S2] – Council offices to North end of Weir; some minor exposure to approach shots toward the green on the 1<sup>st</sup> hole, miss hits to right of intended shot direction.
- Section 3 [S3] – Weir to Gordon's Hill Rd; primarily exposed to tee shots from the 7<sup>th</sup> hole, miss hits to left of intended shot direction. Also some potential for exposure to tee shots from 2<sup>nd</sup> hole however this is considered very low likelihood.



## Section 1 [S1] – Rosny Hill to Council offices.



Fig. 1.1 – Google Maps image showing Section 1

Within this section, the key exposure is that of errant tee shots from the 1<sup>st</sup> hole. The proposed pathway will pass through a significant area of risk in this section, however it is noted that much of this higher risk area is already quite well protected by existing trees. There remain some exposed areas – particularly towards the southern end of this section – that will require netting/barriers at least until further plantings can be established and allowed to grow into thicker protection.

This section 1 has been proposed by Council to be established first as a trial segment to enable Council to evaluate feasibility of remaining 2 sections.



Area most likely exposed to errant tee shots from Hole 1

Location of images and respective field of view

Recommended pathway alignment

Pathway alignment initially proposed by Council





Fig. 1.2 – Southern end of section 1, looking North towards Council Offices.

Comments: Existing trees provide effective protection for a large portion of this section, however there remains approximately 10 meters where pathway users would be significantly exposed to errant tee shots from hole 1.

It was reported by Council that cars parked in this shopping centre car park were quite frequently damaged by errant balls which prompted the shopping centre owners to install the barriers seen in this image.

Recommendations: Council should consider installing barriers/netting along this section, at least until such time that substantial plantings can be established. Barriers should extend to a point close to where this photo was taken – i.e. approximately 10 meters from existing trees.

Council should also consider extending the earth mound / landscaping to further protect pathway users from low, bouncing balls.



*Fig. 1.3 – Northern end of section 1, looking North towards Council Offices*

**Comments:** The original alignment proposed by Council included a segment of the pathway which the creek on this (Western) side. This alignment would however bring users into an area where errant tee shots are known to fall, and is totally unprotected by trees or otherwise.

**Recommendations:** Council should consider changing the proposed pathway alignment to continue adjacent to the car park structure, at least until it reaches the corner of this structure, before changing the direction towards the creek.

Increased plantings in this area – or potentially declaring the area officially 'Out of Bounds' – will also contribute to players actually aiming further left off the tee to avoid this area, and once the trees are mature will provide added protection to the users of the pathway.

It is noted however that if the pathway alignment remains close to the car park, users would very rarely be exposed to an errant ball.





*Fig. 1.4 – Northern end of section 1, looking at start of section 2*

Comments: Recommended location of first creek crossing to begin section 2.

Council's initial proposal was for the path to already be on this (Western) side of the creek and continue along this side until the next ford point.

Recommendations: It is recommended that the alignment be modified so that the pathway actually crosses from right (East) to left (West) at this point and follows close to the creek line to start section 2.

Existing trees should be sufficient to protect users against the very low likelihood of errant approach shots toward the green of Hole 1.



## Section 2 [S2] – Council offices to North end of Weir

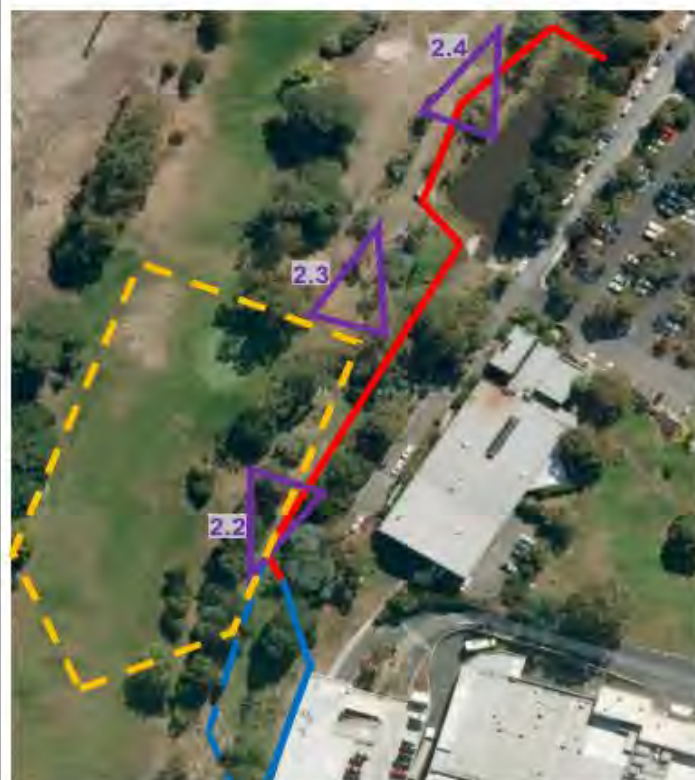





Fig. 2.1 – Google Maps image showing section 2

Within this section, the key exposure is that of errant approach shots to the green on Hole 1, however given the presence of trees and the relatively short length of these shots the likelihood of errant balls impacting with path users in this section is seen as rare to unlikely.

Section 2 has been proposed by Council for future years following the construction and evaluation of section 1.

The initially proposed alignment followed the left (Western) side of the creek all the way from the end of section 1 through to section 3 with crossings provided at various points allowing access to the right (Eastern) side.

-  Section 1 recommended alignment
-  Section 1 alignment initially proposed by Council
-  Section 2 recommended alignment





*Fig. 2.2 – Start (Southern end) of section 2 where it is recommended the path first crosses from right (Eastern) side to left (Western Side)*

Comments: Recommended location of first creek crossing to begin section 2.

Council's initial proposal was for the path to already be on this (Western) side of the creek and continue along this side until the next ford point.

Recommendations: It is recommended that the alignment be modified so that the pathway actually crosses from right (East) to left (West) at this point and follows close to the creek line to start section 2.

Existing trees should be sufficient to protect users against the very low likelihood of errant approach shots toward the green of Hole 1.



Fig. 2.3 – Green for Hole 1 to right (West) and creek to left (East)

**Comments:** While there is some potential for errant approach shots intended for the green on Hole 1 to land in this area, this is seen as very unlikely due to the presence of extensive trees.

**Recommendations:** It is recommended that Council ensure the alignment of the pathway in this area remains as close to the creek line as possible, to further reduce the likelihood of errant balls effecting pathway users.



Fig. 2.4 – Further North along section 2, looking South

**Comments:** The proposed alignment for this segment of section 2 follows this existing cart path, and is not exposed to errant shots at all.

Just North (behind) of where this photo was taken however, pathway users begin to come into range of errant tee shots from Hole 7.

**Recommendations:** Council should consider modifying the alignment of the pathway so that it crosses back over to the left (Eastern) side of the creek almost immediately North of this deeper section of creek.





### Section 3 [S3] – North end of Weir to Gordon's Hill Rd



Fig. 3.1 – Google Maps image showing section 3

Within this section, the key exposure is that of errant shots from the tee of Hole 7. While pathway users are unlikely to be exposed to such while travelling on Southern sections of the path, their exposure increases significantly the further they travel Northwards. Very little effective tree cover is present in this section which would adequately protect pathway users, particularly as users get closer to the tee (Northern end).

This section 3 has been proposed by Council for future years following the construction and evaluation of sections 1 and 2.

The initially proposed alignment followed the left (Western) side of the creek all the way from the end of section 2 through to Gordon's Hill Rd, however this brings users within an area that is highly exposed to errant tee shots. As such, it is recommended that the pathway alignment in this section be entirely on the right (Eastern) side of the creek as indicated in Fig. 3.1.

Section 2 recommended alignment

Section 3 recommended alignment (Option 1)

Section 3 alignment initially proposed by Council (Option 2)



*Fig. 3.2 – Approximate start of alignment initially proposed by Council for section 3, looking North.*

Comments: The alignment initially proposed by Council for Section 3 was for the pathway to follow this (Western) side of the creek. While at this point there is essentially no exposure to errant balls, the further North users travel, the closer they will be to the tee for Hole 7 and exposure to errant balls increases considerably.

Recommendations: Council should consider changing the alignment proposed for section 3 so that this entire section remains on the right (Eastern) side of the creek.

If – as reported by Council – it is preferred that 'Option 2' be used (to reduce the number of creek crossings required), installation of artificial barriers/netting will be highly important for risk mitigation in this area, at least until much more significant, effective plantings can be established. This is increasingly apparent the closer the path is to the 7<sup>th</sup> tee.





Fig. 3.3 – Tee for 7<sup>th</sup> hole looking South.

**Comments:** The alignment initially proposed by Council for Section 3 was for the pathway to follow this (Western) side of the creek.

While it is previously recommended that the Option 1 – changing the alignment of the proposed pathway to following the Eastern side of the creek – would be the lower risk option, it is reported by Council that having the pathway on this side of the creek would be the preferred option (Option 2).

Council propose that extra trees will be planted in this area (left side of this photo) in the immediate future and given some years to become established. If required further artificial barriers / netting will be installed.

**Recommendations:** If – as reported by Council – it is preferred that 'Option 2' be used (to reduce the number of creek crossings required), the following will be highly important considerations for Council:

- Ensuring the pathway alignment follows as closely as possibly the line of the creek,
- Planting and establishing more significant, effective plantings between the creek-line and this tee,
- Installation of artificial barriers/netting (as indicated by the red lines in this photo), at least until proposed plantings can become established and deemed effective. This is increasingly apparent the closer the path is to the 7<sup>th</sup> tee.





*Fig. 3.4 – Eastern side of creek bed, North of the deep section of the creek, looking South toward Council offices*

**Comments:** Along much of the Eastern side of the creek – North of the deep section of the creek – there is more than sufficient room to allow for the pathway to be constructed. With the pathway alignment on this side of the creek, users are adequately protected from any errant balls from the significant existing plantings / trees.

**Recommendations:** Council should consider modifying the alignment of the pathway so that – North of the deep section of the creek – it remains on this Eastern side of the creek all the way to Gordon's Hill Rd.

An appropriate crossing point may be adjacent to these below signs.





*Fig. 3.5 – Final crossing point initially proposed by Council to bring the pathway back to the footpath at the corner of Gordon's Hill Rd and Cr Barnard Drive*

**Comments:** If the pathway was to access the golf course side of the creek at this point, pathway users would be quickly exposed to errant balls from the tee on Hole 7. Given there is very little significant tree coverage for much of this section, extensive netting would need to be installed to adequately protect pathway users.

**Recommendations:** Council should consider modifying the alignment of the pathway so that it remains on this Eastern side of the creek all the way until meeting with section 2 at the Northern end of the deep section of the creek.

While a small portion of this eastern side is relatively limited in space – as indicated by the image below – it is likely that any necessary construction costs would be less than the expense of installing the netting that would be required for the pathway alignment to be on the other side.







### Recommended location and dimensions for netting/barriers

A series of changes have been recommended in relation to the alignment proposed for the pathway, and if the recommended alignments are followed very minimal netting/barriers will be necessary.

It is noted that no actual measurements were taken during the site inspection, and it was reported that Council have no accurate site survey information available. As such it will be necessary for Council to organise an accurate site survey to establish the exact dimensions needed for netting/barriers.

Council should ensure that netting is located as close to the edge of the pathway as possible. This will not only limit the necessary height of said netting/barriers, but also prevent any potential for any errant balls to pass over the top and still impact users.

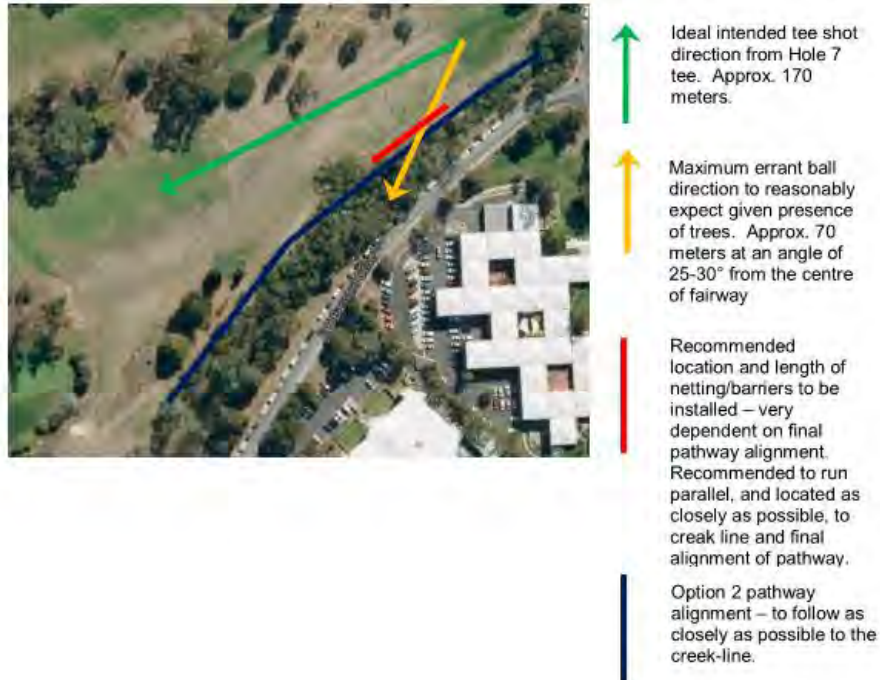
It is also noted that netting/barriers may be able to be removed if Council implements significant planting of trees in the area and these trees develop into adequate cover similar to those existing.

The image provided shows the Southern portion of section 1, and is not to scale.





The image provided below shows the Northern portion of section 3, and is not to scale. Council has proposed to plant additional trees in this area and allow them to establish over a number of years prior to building this section. Also, if this Option 2 alignment is used (pathway to follow the Western/Golf Course side of the creek), it will be highly important that it follows as closely as possible to the creek line ensuring the protection provided by tree cover is as effective as possible.



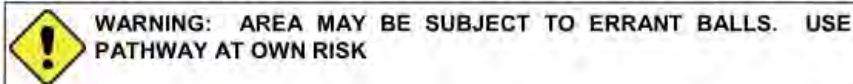


### Signage recommendations

The scope of this site inspection and risk appraisal report was limited solely to the risk of errant balls, and providing recommendations in regards to minimising this risk through realigning the pathway route, and installing barriers/netting where the risk is high and otherwise unavoidable. It is noted however that, while these measures will of course significantly reduce the level of risk, some small potential will remain for a pathway user to be injured by an errant ball.

As such, it is recommended that, at each location where the pathway crosses the creek and provides access to the golf course (Western) side, signage be installed to provide warning of this risk.

There is no known Australian or International Standard warning symbol for the risk of errant balls, however Echelon recommends the below as suitable for this purpose.



Council should also consider other risks – not specifically covered by the scope of this report – that may be raised through the construction / provision of this pathway and may also require warning signage. These may include, but are not limited to, the following:

- Risks related to the aquatic environment, such as flooding, drowning, etc.
- Risks related to flora / fauna such as falling trees / limbs, swooping birds, any poisonous flora / fauna that may be present, etc.
- Risk associated with using the pathway at night, particularly if lighting is not provided.

Any prohibitions (such as no motorised vehicles) or regulations (such as picking up dog litter) should also be included in signage, along with any required directional and/or information signage at these locations.





## Appendix A – Risk Assessment Table example \*

ACTIVITY	HAZARD IDENTIFICATION	LIKELIHOOD	CONSQ	RISK LEVEL	ACTIONS TO CONTROL HAZARD Hierarchy of Control – eliminate, substitute, isolation, engineering, administrative or PPE	Evaluate Risk Level after Controls	CONSEQUENCE
Failure to provide a safe environment to pathway users.	Injury to pathway users due to being struck by errant balls from adjacent golf course.	Possible (Pathway provided as per initially proposed alignment with no mitigation measures)	Major	E	Ensuring pathway alignment minimises exposure to errant balls as recommended in report.  Installation of barriers from within existing trees to a distance of approximately 25m parallel to pathway alignment.  Installation of signage at each end of the pathway warning users of potential risk of errant balls when using pathway.  Regular inspections of trees, barriers and signage to ensure mitigation measures continue to be effective.	Rare (with all controls in place)  X  Major  =  High	<p><b>1 – Insignificant</b> No injuries, no financial loss.</p> <p><b>2 – Minor</b> First aid treatment, medium financial loss.</p> <p><b>3 – Moderate</b> Medical treatment required, high financial loss.</p> <p><b>4 – Major</b> Extensive injuries, loss of production capability, major financial loss.</p> <p><b>5 – Catastrophic</b> Death, huge financial loss.</p> <p><b>LIKELIHOOD</b></p> <p><b>A – Almost Certain</b> Has a 90% chance of occurring in a given year.</p> <p><b>B – Likely</b> Has ~50/50 chance of occurring in a given year.</p> <p><b>C – Possible</b> About 50/50 chance of occurring in a given year.</p> <p><b>D – Unlikely</b> About 1:10 chance of occurring in a given year.</p> <p><b>E – Rare</b> May occur only in exceptional circumstances.</p>

\* Risk level is for illustrative purposes only and should not be interpreted as a formal assessment rating of risk.





LIKELIHOOD	CONSEQUENCE					LEGEND
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5	
A (Almost Certain)	H	H	E	E	E	<b>E:</b> extreme risk, immediate action required <b>H:</b> high risk, senior management attention needed <b>M:</b> moderate risk; management responsibility must be specified <b>L:</b> low risk; manage by routine procedures.
B (Likely)	M	M	H	E	E	
C (Possible)	L	M	H	E	E	
D (Unlikely)	L	L	M	H	E	
E (Rare)	L	L	M	H	H	



## References

AS/NZS ISO 31000:2009, Risk management – Principles and guidelines, Standards Australia, 2009

HB 327:2010, Communicating and consulting about risk (Companion to AS/NZS ISO 31000), Standards Australia, 2010

Forensic Architect's Investigation of Golf Course Safety, Michael S. Johnstone, AIA.

**Proprietary Nature of Report**

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**11.5.2 BELLERIVE BEACH PARK - ADOPTION OF REVISED MASTER PLAN**

(File No D006-3)

**EXECUTIVE SUMMARY****PURPOSE**

To consider the adoption of the revised Bellerive Beach Park Master Plan following risk assessment and consideration of the Bellerive Beach Park Master Plan by Council's Clarence Access and Facilities Committee.

**RELATION TO EXISTING POLICY/PLANS**

Council's Strategic Plan 2010-2015 is relevant.

**LEGISLATIVE REQUIREMENTS**

Nil.

**CONSULTATION**

The original concept layout was based on consultation with the community. The revised Bellerive Beach Park Master Plan contains the same scale and scope as the original with an altered layout to address risk and hazard issues to the community. The proposal is to undertake a community information program on the revised Bellerive Beach Park Master Plan.

**FINANCIAL IMPLICATIONS**

The adoption of the revised Bellerive Beach Park Master Plan has no direct financial impact. The associated community information program utilising the same scale and scope of strategies as undertaken for the 2012 consultation program for the original Bellerive Beach Park Master Plan is estimated to cost approximately \$20,000 in terms of staff time, consumables and postage costs. The implementation of the revised Bellerive Beach Park Master Plan is planned to be staged over 3 financial years, subject to Council approval of future Annual Plans.

**RECOMMENDATION:**

- A. That Council adopts the revised Bellerive Beach Park Master Plan, as set out in Attachments 5 and 6 of the Associated Report, that provides for the same scale and scope as the original Bellerive Beach Park Master Plan and has the following elements:
- exercise equipment grouped in a single location;
  - open kick about lawn;
  - beachfront promenade;
  - picnic plaza;
  - eastern end playground;
  - all-abilities play space; and
  - the western end car park maintaining the existing number of parking spaces but relocated to Derwent Street to improve safety outcomes for children and other park users.

- B. Following its review of the Bellerive Beach Park Master Plan, Council agrees to remove the sea-walk promenade extension past the existing toilet block with it not being proposed under the revised Bellerive Beach Park Master Plan.
- C. Council authorises the General Manager:
- to prepare and implement a community information program to explain the revised layout and rationale for the revised Bellerive Beach Park Master Plan for dissemination to the local and broader community utilising the same scale and scope of strategies as undertaken for the 2012 consultation program for the original Bellerive Beach Park Master Plan;
  - to invite comment on the revised elements of the Bellerive Beach Park Master Plan in terms of potential enhancements; and
  - to report back to a future Council Meeting on the results of the community information program on the revised Bellerive Beach Park Master Plan.
- D. That implementation of the Bellerive Beach Park Master Plan be staged over 3 financial years subject to Council approval as part of future Annual Plans;
- E. That Stage 1 be listed for consideration as part of Council's 2015-2016 Capital Works Program.
- F. That Council actively seek external funding to assist with the development of the Bellerive Beach Park Master Plan.

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## ASSOCIATED REPORT

### 1. BACKGROUND

1.1. Council, at its Meeting held 14 May 2012 approved the following:

*“a That Council authorises the General Manager to undertake a community consultation program based on the Draft Bellerive Beach Park Master Plan concept as set out in Attachment 3.*

*b That once the community consultation is complete a further report be presented to Council on the results of the consultation program”.*

1.2. Consultation was undertaken in accordance with Council's Community Participation Policy, to maximise the capture of stakeholders in the Bellerive Beach Park the following strategies were used:



- mail out to all households within the 7018 postcode area to ensure local users were covered;
- newspaper advertisement to capture occasional non local users;
- a copy of the Draft Master Plan and letter used in the mail out be attached to a sign in the Bellerive Beach Park, or within a local business to capture frequent users of the Bellerive Beach Park;
- a copy of the Draft Master Plan and letter used in the mail out be included on Council's website; and
- a copy of the Draft Master Plan and letter used in the mail out displayed in the Council Offices.

**1.3.** Following the consultation program and a Workshop held on 23 July 2012, Council at its Meeting held 6 August 2012 resolved the following:

*“A. That Council incorporates the following modifications to the Bellerive Beach Park Master Plan:*

- *The exercise equipment be grouped in a single location;*
- *Rationalisation of paths by removing the concrete entrance and associated steps in the north west corner of the Park and the “upper” path adjacent to the Bellerive Oval boundary;*
- *Maintain the existing number of parking spaces at the western end car park;*
- *Reduce the parking spaces at the eastern end car park from 44 to 22;*
- *The sea-walk promenade to end at existing toilet block and further extension to be considered once dune restoration works are completed; and*
- *Crime Prevention Through Environmental Design principles be incorporated in the landscape design for the Bellerive Beach Park Master Plan;*

*B. That Council adopts the Bellerive Beach Park Master Plan based on the Master Plan as set out in Attachment 1 and modified by the requirements of ‘A’ above;*

*C. That the Bellerive Beach Park Master Plan be staged over 5 financial years subject to Council approval as part of future Annual Operating Plans;*

- D. That Council actively seek external funding to assist with the development of the Bellerive Beach Park Master Plan; and*
- E. Council authorises the General Manager to write to all respondents to the public consultation of the adopted Bellerive Beach Park Master Plan informing them of Council's decision”.*

**1.4.** At Council's Meeting of 16 June 2014, a question was asked about the progress and staging of the Bellerive Beach Park Master Plan. A memo was sent to all Aldermen which provided advice on the initial staging for the implementation of Bellerive Beach Park Master Plan and raised the matter of Council considering options, at a future Council Workshop, to reduce the risks posed by the playground area being separated from Bellerive Beach by a large car park prior to the implementation of any further works in the western area of the Bellerive Beach Park.

**1.5.** At Council's Workshop held on 21 July 2014, it considered:

- the staging process; and
- the hazard assessment and risk management issues.

Council indicated it would like to see the following approach adopted:

- Council officers prepare a design for the eastern car park based on the original design concept of catering for 44 car parks; and
- the design options that dealt with the hazard assessment and risk management issues be forwarded to Council's Clarence Access and Facilities Committee and that the Committee's findings be reported back to a future Council Workshop.

**1.6.** The eastern car park has now been constructed. At Council's Workshop held on 15 December 2014, it considered the risk assessment and consideration of the Bellerive Beach Park Master Plan by Council's Clarence Access and Facilities Committee and this Agenda Item reports on the findings and views from Council's Workshop.

## 2. REPORT IN DETAIL

- 2.1.** The Bellerive Beach Park Master Plan adopted by Council at its Meeting held Monday, 6 August 2012 included the retention of the existing car parking spaces at the western end of the car park and the construction of an all-abilities play space and promenade. As the play space is to be an all-abilities facility, attracting people from across Clarence and greater Hobart, it will be designed to cater for all age groups as well as people with potential hearing, vision, mobility, intellectual and development impairments.
- 2.2.** A major design principle for all-abilities play spaces is to provide easy, hazard free access for all users and all areas of the play space. Positioning the car park as a barrier between the formal play space and the informal play space of the beach creates a major hazard for all users, particularly the very young and those with disabilities. Desire lines and hazard conflict areas are shown on Attachment 1. Consideration should be given to design out the hazard.
- 2.3.** The current design layout could address the hazards by the installation of fencing to make the play space safe and to define the edge between the play space and vehicle zones. Fencing of play spaces should be a last resort and only used when it is impossible to remove all hazards. To intentionally separate and restrict a child's movement between the beach and the formal play space would be a great loss to the unique play experience at the Bellerive Beach Park.

However, there are other alternatives that take into account the guiding principles and objectives of Australian Standards AS/NZS 4486.1.1997 – Playground Inspection and Maintenance which states:

- “• *the best way to minimise risk to the children using a playground is to not include hazards in the first place.*” and
- “• *a playground should always be located a safe distance, or well separated, from hazards from neighbouring sites (eg roads, carparks)*”.

- 2.4.** It is important that Council considers these issues at the design phase as the probability of a car versus child incident should the current design be installed would be high.
- 2.5.** On that basis, Council officers prepared 2 options that dealt with mitigating the hazards associated with design layout of the original Bellerive Beach Park Master Plan. The designs were based on the following design principles:
- the all-abilities facility will attract people from across Clarence and greater Hobart; this will be a Regional Park;
  - park to be designed to cater for all age groups as well as people with potential hearing, vision, mobility, intellectual and development impairments;
  - maximising on the opportunity to develop valuable foreshore land for use as public open space rather than car parking;
  - design layout to conform to desire lines;
  - design layout to eliminate hazard conflict areas; and
  - capture the content of the original Bellerive Beach Park Master Plan intent but rearrange the elements to improve safety outcomes for children and other park users.
- 2.6.** As part of its Workshop held on 21 July 2014, Council officers presented the 2 options that dealt with mitigating the hazards associated with design layout of the original Bellerive Beach Park Master Plan. The alternate designs capture the content of the original Master Plan intent but rearrange the elements to improve safety outcomes for children and other park users. Attachments 2 and 3 are conceptual layouts of the 2 alternate design layouts that were presented to the Workshop and subsequently to Council's Clarence Access and Facilities Committee.
- 2.7.** At its Meeting on 16 September 2014, Council's Clarence Access and Facilities Committee resolved to support Option 1 (Attachment 2 in this report) as its preferred design outcome.

**2.8.** The rationale for Council's Clarence Access and Facilities Committee support is based on the design:

- offering the ability to prioritise the southern section of the car park (closest to the facilities) for disability parking, parents with prams and seniors with DDA compliant footpath connections to the promenade and the Bellerive Beach Park;
- providing a continuum of flow of open space and movement from the lawn through the play space and picnic area to the promenade and the beach;
- reinforcing the prioritisation of public open space and allows strong visual oversight and surveillance across the entire Bellerive Beach Park; and
- Option 1 removes all car parking from the foreshore area which offers improved safety for all park users.

**2.9.** The revised Bellerive Beach Park Master Plan layout is the same in scale and scope as the original Master Plan with changes in the car parking arrangement to improve safety outcomes for children and other park users. The similarity in terms of the concept content and arrangement can be seen in Attachment 4 which lays the 2 plans side by side and identifies the major elements within the Bellerive Beach Park.

**2.10.** Taking into account the design principles set out in Section 2.5 of this report and the recommendation from Council's Clarence Access and Facilities Committee, Council's Design Officer, Landscape Architect fleshed out the Option 1 concept with more detail which shows the functionality and detailed design aspects of the proposed redevelopment of the western end of the Bellerive Beach Park. Attachments 5 and 6 show the proposed Revised Bellerive Beach Park Master Plan Design and the details of the all-abilities play space respectively.

- 2.11.** Council's decision of 6 August 2012, resolved that 1 of the elements of the original Bellerive Beach Park Master Plan Council wished to review was:  
*“The sea-walk promenade to end at existing toilet block and further extension to be considered once dune restoration works are completed”.*

Given the community concern and the consistency of message Council is trying to send about dune protection being vital for Council's coastal reserves, it is appropriate to delete any proposal associated with development encroachment onto the dunes. On that basis the revised Bellerive Beach Park Master Plan will recommend the sea-walk promenade extension past the existing toilet block be deleted from the revised Bellerive Beach Park Master Plan.

- 2.12.** At Council's Workshop on 15 December 2014, sought 2 indications from Council; firstly that the revised Bellerive Beach Park Master Plan be adopted and released for community information and secondly, what community information process Council wishes to undertake.

- 2.13.** The general view was that the revised Bellerive Beach Park Master Plan should be adopted and released for community information and that the community processes involve:

- explaining the altered layout and rationale for the revised Bellerive Beach Park Master Plan;
- a short and sharp process during February;
- inviting comment on potential enhancements to the final elements of the Bellerive Beach Park Master Plan; and
- using the same scale and scope of strategies as used in the original Bellerive Beach Park Master Plan process.

### **3. CONSULTATION**

#### **3.1. Community Consultation**

The original Bellerive Beach Park Master Plan concept involved the following strategies:



- mail out to all households within the 7018 postcode area to ensure local users are covered;
- newspaper advertisement to capture occasional non-local users;
- a copy of the Draft Master Plan and letter used in the mail out be attached to a sign in the Bellerive Beach Park or within a local business to capture frequent users of the Bellerive Beach Park;
- a copy of the Draft Master Plan and letter used in the mail out be included on Council's website; and
- a copy of the Draft Master Plan and letter used in the mail out be displayed in the Council Offices.

It is proposed that:

- the community information process explain the altered layout and rationale for the revised Bellerive Beach Park Master Plan;
- the above methodologies be used again to ensure consistency of the process for the dissemination of information about the revised Bellerive Beach Park Master Plan; and
- community members views on any enhancements to the revised Bellerive Beach Park Master Plan be reported back to Council for consideration.

### **3.2. State/Local Government Protocol**

Nil.

### **3.3. Other**

Council's Clarence Access and Facilities Committee has considered the revised Master Plan in accordance with its constitution to advise on Access and Facilities matters.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

- 4.1.** Council's Strategic Plan 2010-2015 under the Goal Area Social Inclusion has the following Access and Social Inclusion Strategies to:

*“Facilitate the provision of needed public facilities”; and*

*“Provide a range of family, youth and age-friendly programs and facilities including child care services, playgrounds, youth services, senior citizens' centres and community volunteer program”.*

- 4.2.** Council's Strategic Plan 2010-2015 under the Goal Area Social Inclusion has the following Public Spaces and Amenity Strategy to:

*“Develop plans to improve the amenity of public spaces, including:*

- Future needs for public open space and recreational facilities”.*

- 4.3.** Council's Strategic Plan 2010-2015 within the Goal Area Social Inclusion contains the following Community Safety and Well-being Strategy to:  
*“Provide essential infrastructure to support, sustain and enhance community safety and social well-being”.*

- 4.4.** Council's Strategic Plan 2010-2015 within the Goal Area Governance contains the following Internal Operating Systems Strategy to: *“Ensure appropriate management of risk associated with Council's operations and activities”.*

**5. EXTERNAL IMPACTS**

Nil.

**6. RISK AND LEGAL IMPLICATIONS**

- 6.1.** The development of the revised Bellerive Beach Park Master Plan took into account the guiding principles and objectives of Australian Standards AS/NZS 4486.1.1997 – Playground Inspection and Maintenance which states:

- “• the best way to minimise risk to the children using a playground is to not include hazards in the first place”.*

- “• *a playground should always be located a safe distance, or well separated, from hazards from neighbouring sites (eg roads, carparks)”.*

**6.2.** At its Workshop held on 15 December 2014, Council indicated it would like a further safety assessment in terms of the traffic and vulnerable pedestrian conflict for the original and revised concept designs. As a result, Council officers engaged consultants Pitt and Sherry to undertake the safety assessment; a copy of that report is Attachment 7. In summary, Pitt and Sherry found that the revised design is intrinsically safer and is likely to result in fewer injuries than the original design concept. While that is the case the report also makes some recommendations that will improve the safety outcomes of the revised design, these include:

- provide pathways to ensure interconnectivity of the various uses of the site;
- install Tactile Ground Surface Indicators (TGSIs);
- adopt mitigation measures such as warning signage, pavement markings and surface treatments to indicate dedicated pedestrian crossing points;
- set back trees, shelters and other promenade structures from the path to provide adequate sight distance;
- use the Austroads Guide to Road Design Part 6A: Pedestrian and Cyclist Paths as a guide for path widths;
- pathway design must ensure the edges of pathways do not have a drop off that may cause a pedestrian to slip or trip or cause a wheelchair to overturn; and
- provide wheel stops in Derwent Street car park.

It is proposed that the above recommendations will be incorporated into the detailed design development plans and the associated tender documentation for the implementation of the project.

**7. FINANCIAL IMPLICATIONS**

- 7.1.** The estimated total cost for the associated community information program utilising the same scale and scope of strategies as undertaken for the 2012 consultation program for the original Bellerive Beach Park Master Plan is estimated to cost approximately \$20,000 in terms of staff time, consumables and postage costs.
- 7.2.** The estimated total cost for the revised Bellerive Beach Park Master Plan is \$2.152M of which existing funding approval by Council totals \$830,000 leaving future funding requirement of \$1,322,000 to complete the total development.
- 7.3.** It is proposed that the development of Bellerive Beach Park Master Plan will be staged over 3 financial years, subject to Council approval as part of future Annual Plans.

**8. ANY OTHER UNIQUE ISSUES**

Nil.

**9. CONCLUSION**

- 9.1.** The response to the original Bellerive Beach Park Master Plan indicates that the community values this park and has indicated strong views for its development. In response to Council's funding allocation, Council officers commenced the detailed design process to flesh out the concept plan into a design development plan suitable to call tenders for construction. As part of that process it became evident that the original layout design has inherent hazards and associated risks which needed to be addressed.
- 9.2.** Both Council and its Clarence Access and Facilities Committee have now had presentations on the revised Bellerive Beach Park Master Plan which incorporates best practice safety for playground/traffic interaction as well as providing for a continuum of public open space in the park.

- 9.3.** The adoption of the revised Bellerive Beach Park Master Plan, as the final design document, should incorporate a community information program to explain the revised layout and rationale for the revised Bellerive Beach Park Master Plan for dissemination to the local and broader community utilising the same scale and scope of strategies as undertaken for the 2012 consultation program for the original Bellerive Beach Park Master Plan

Attachments:

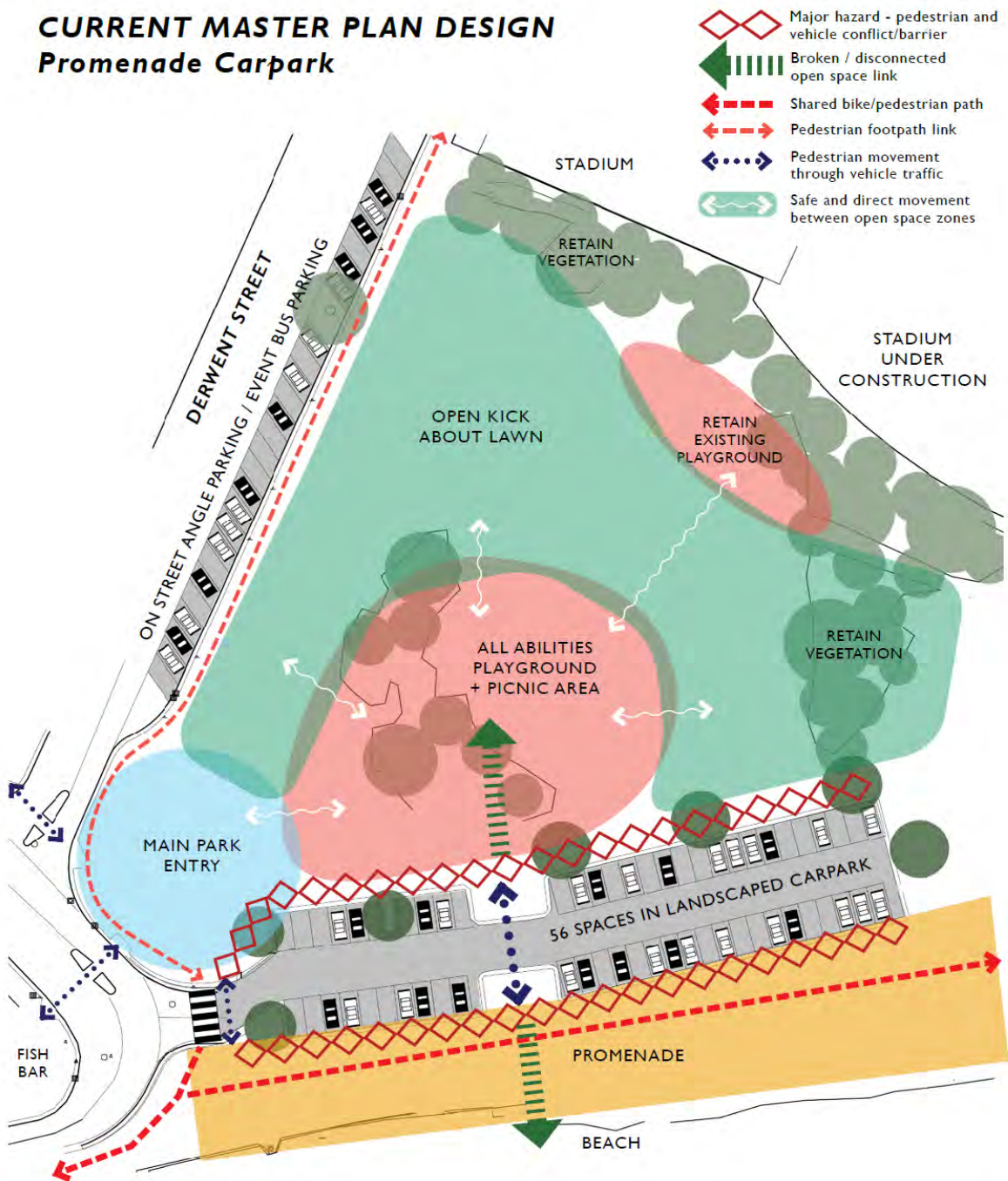
1. Current Bellerive Beach Park Master Plan - Hazard Analysis (1)
2. Alternate Bellerive Beach Park Master Plan – Option 1 (1)
3. Alternate Bellerive Beach Park Master Plan – Option 2 (1)
4. Comparison of Master Plan Design Elements (1)
5. Revised Bellerive Beach Park Master Plan Design (1)
6. All Abilities Playspace Design Details (1)
7. Pitt & Sherry Safety Assessment Report (6)

John Stevens

**GROUP MANAGER ASSET MANAGEMENT**

## Attachment 1

### CURRENT MASTER PLAN DESIGN Promenade Carpark



#### PROS

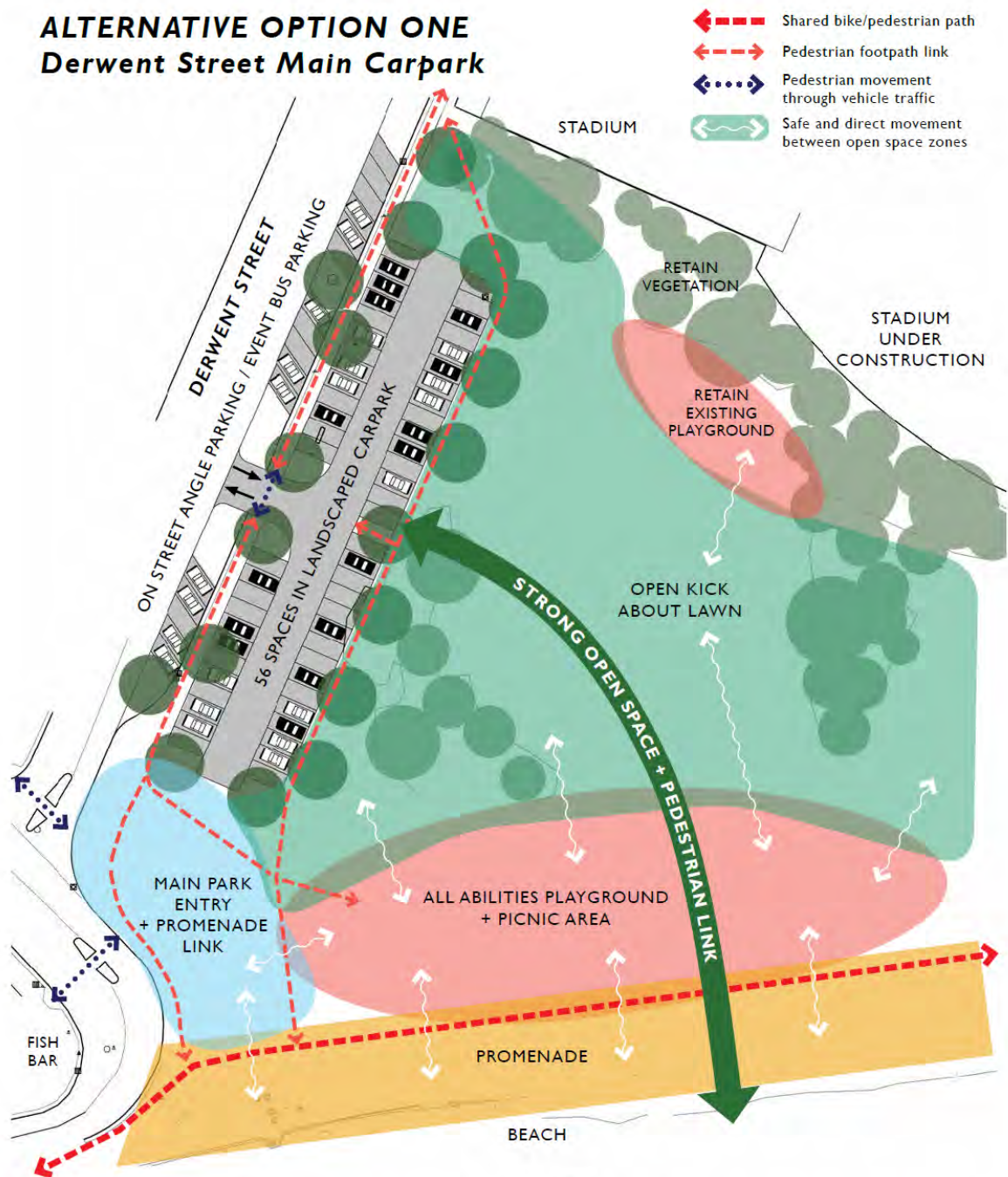
- 56 centralised, beach-front parking spaces available.
- Close proximity between parking spaces and picnic/beach facilities.

#### CONS

- Carpark continues to sever the open space connection between the beach and promenade zone and the park and playground zone.
- Priority is clearly placed on car parking to the detriment of the provision of connected and functional open space.
- Carpark presents a major safety conflict by separating the beach zone from the playground zone with a road (children ideally would freely run between these two 'play spaces'). The current design forces children to navigate a road crossing or forces a far higher level of parental supervision than required in other design options.
- Prime, beach-front land with the potential to become significant public open space is retained as carpark.



## ALTERNATIVE OPTION ONE Derwent Street Main Carpark



### PROS

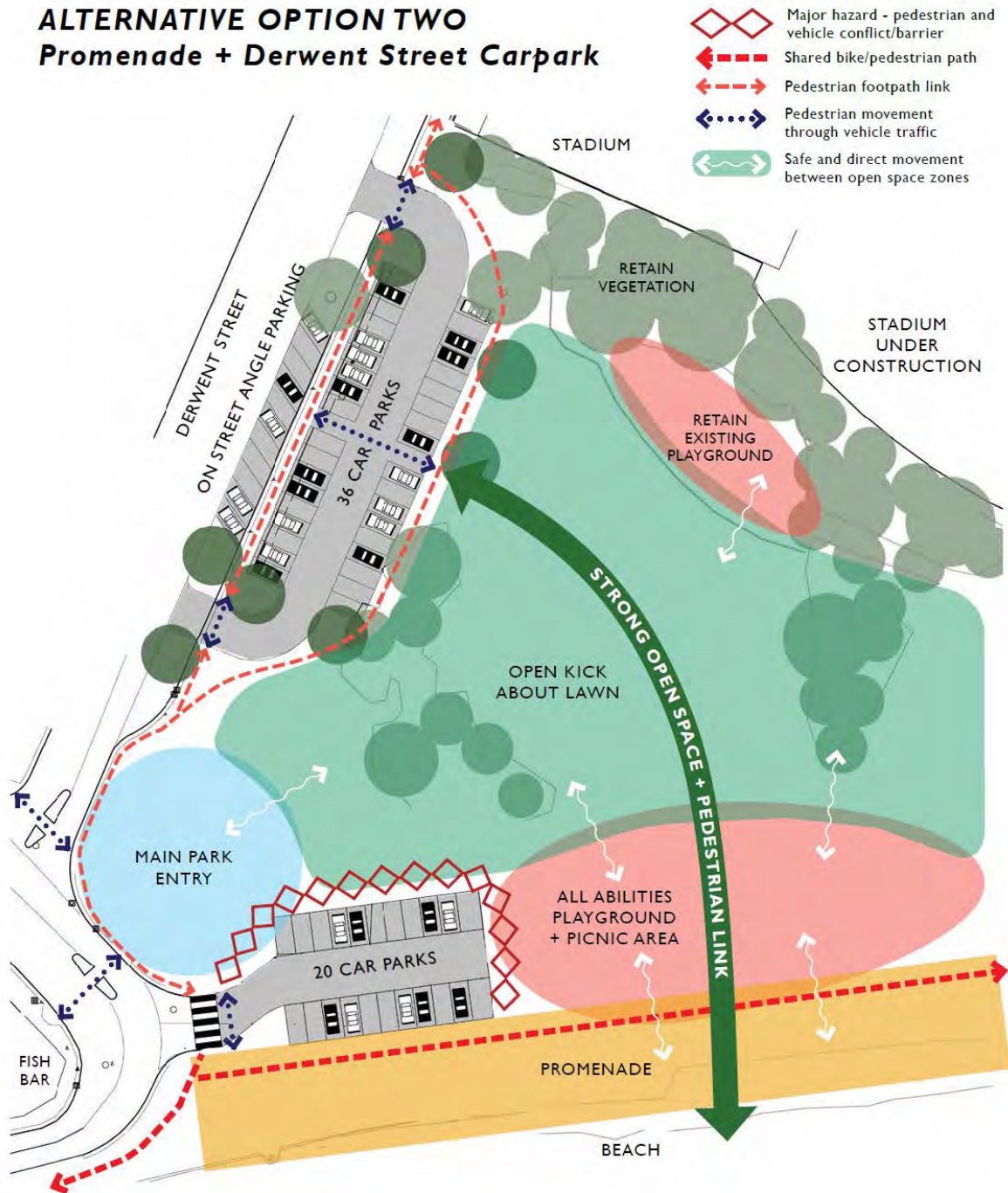
- Continual flow of open space and movement from kick-about lawn, through playground and picnic area to promenade and beach.
- Design reinforces the prioritisation of public open space and enables strong visual surveillance links across the entire park.
- Best practice location of carpark with minimal pedestrian conflict with vehicles. Priority is clearly placed on pedestrians and open space users.
- Locating main parking area on Derwent Street frees up prime beach front land for public open space and promenade.
- Opportunity to emphasise main park entry/forecourt zone.
- Design offers the ability to prioritise the southern section of carpark (closest to facilities) for disability parking, parents with prams, seniors etc with DDA compliant footpath connections to promenade and park.
- Retains existing vegetation and playground at foot of stadium.

### CONS

- New carpark requires some grading and fill works.
- Views across park from Derwent Street will be filtered through new carpark (opportunity to soften with landscaping).
- New carpark design may require removal of some existing vegetation.
- New driveway on Derwent Street requires pedestrian crossing safety measures (avoided by pulling main footpath into park).
- Approximately 110m from furthest new carpark bay to promenade.
- Reduction in number of angle parking spaces available along Derwent Street.

## ALTERNATIVE OPTION TWO

### Promenade + Derwent Street Carpark



#### PROS

- Free movement and strong visual link from open kick-about lawn, through playground and picnic area to promenade and beach.
- Minimal pedestrian conflict with cars. Priority is clearly placed on pedestrians and park users.
- Main parking bay location on Derwent Street frees up prime beach front land for public open space and promenade.
- Small 20 space carpark at promenade retains some beach front parking and provides for disability parking and kayak launching.
- Retains existing vegetation and playground at foot of stadium.

#### CONS

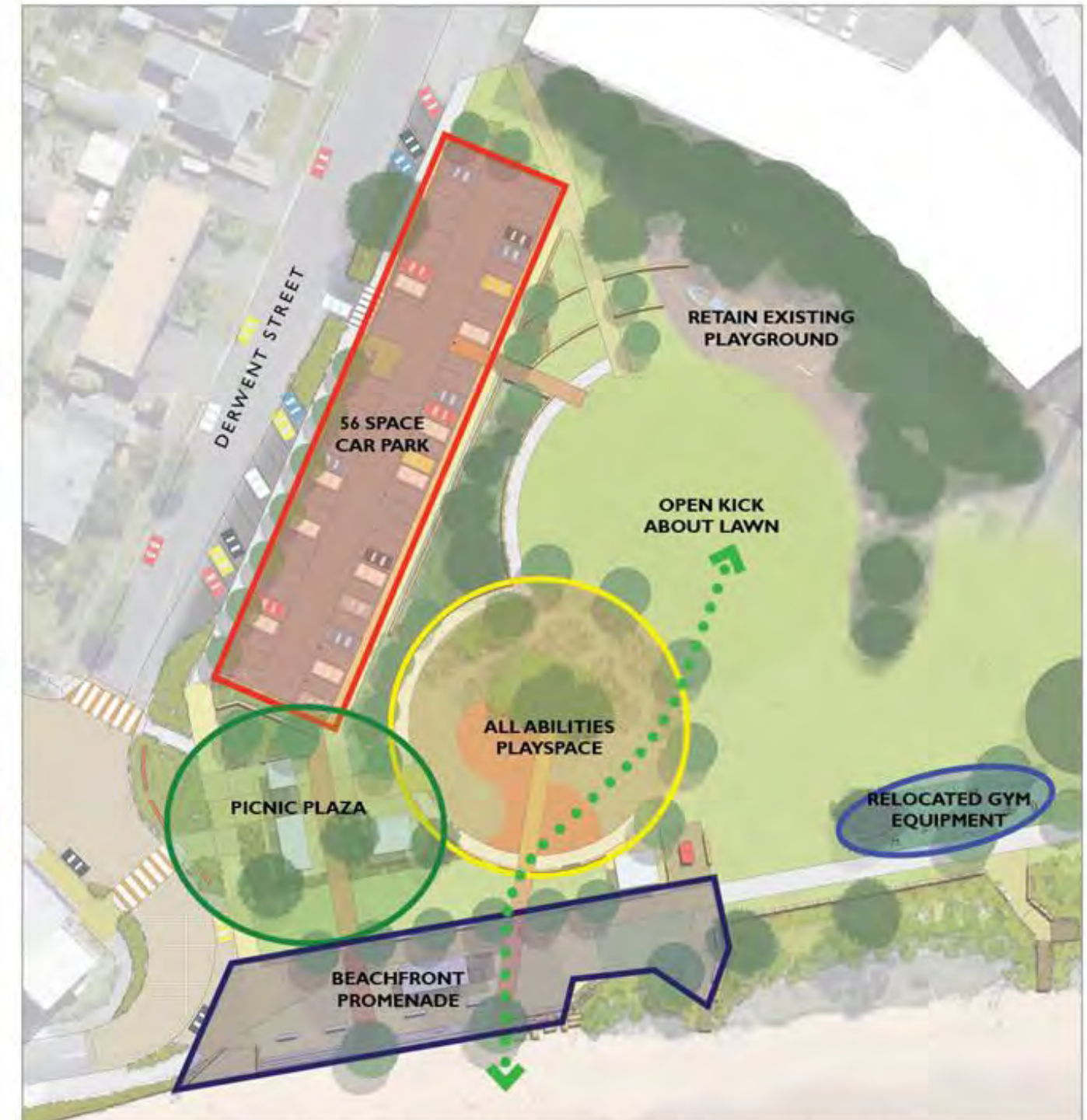
- New carpark requires some grading and retaining.
- Views across park from Derwent Street will be filtered through new carpark.
- New carpark design may require removal of a few existing trees.
- Additional driveway crossing points are required along Derwent Avenue (avoided by pulling main footpath into park).
- Conflict with vehicle entry/exit point to Derwent Street carpark and main pedestrian exit point of stadium.
- Approximately 105m from furthest new carpark bay to promenade.
- Reduced angle parking spaces available along Derwent Street.





### CURRENT MASTER PLAN DESIGN

Current carpark location severs the connection between the open space, playground and picnic area and the beach and causes safety conflicts between park users and vehicles.



### PROPOSED ALTERNATIVE DESIGN

Retains all key elements of the approved Master Plan and reconfigures their layout on the site to:

- maximise playground and user safety by moving the carpark from the centre of the site to the edge
- creates strong connections between open space and the beach promenade
- connections and overlaps between the main active spaces - the promenade, picnic plaza, play and open spaces and beach.





Stone terraces for alternate textures    Terrace steps to beach edge



Open plaza and promenade spaces    Integrated terraces, access and lighting



Feature seating and urban furniture



Custom picnic shelters with wind screens

- **PASSIVE LAWN**  
Existing lawn area to be improved through irrigation.
- Current location of cycle path
- **RELOCATED GYM EQUIPMENT**  
Relocate and improve positioning of outdoor gym equipment.

All works to the rest of Bellverre Beach Park to be in accordance with original Master Plan proposal

— **VIEWING DECK**  
Provide new, fully accessible viewing deck above existing dune.

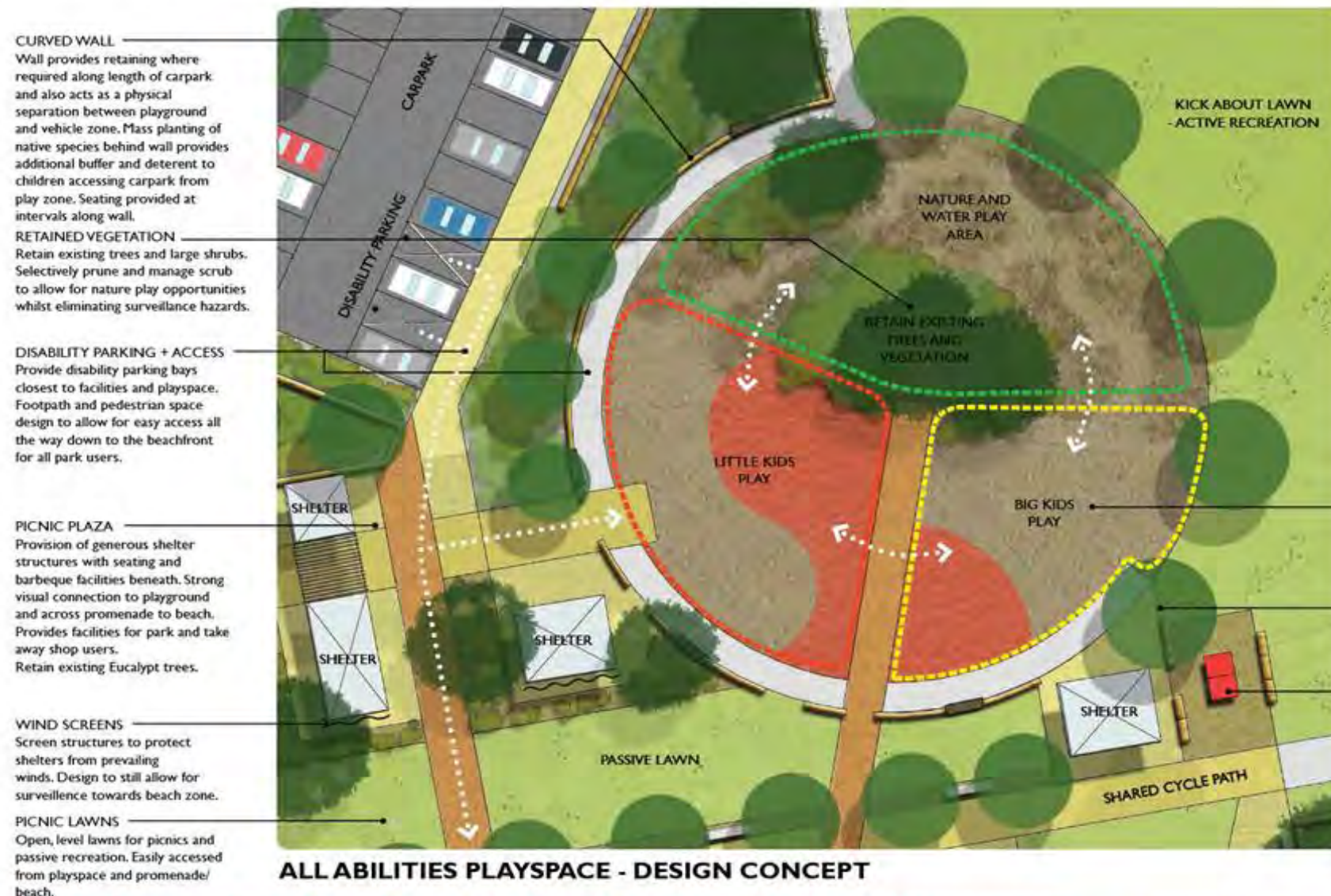
- **BEACH ACCESS** — Improve and upgrade beach access points
- **LAWNS** — Provide open, level lawn areas for beach users along promenade. Connects green open space directly onto the foreshore.

## BELLERIVE BEACH PARK MASTER PLAN

Revised Design Concept - Western End  
Clarence City Council  
November 2014







### NATURE AND WATER PLAY

Area to provide water play facilities such as a water pump, runnels, creek line, dam equipment and a lower drainage point. Water will run through site to lowest drainage point rather than pool or pond. Other nature play elements may include timber climbing and balance structures, dry creek bed, boulders and rope elements.



Water wheels and play elements



Equipment for damming of creeks



Creek lines for water play



Mixed water and sand play



Surfaces and manipulation tools



Pumps and water points

### LITTLE KIDS PLAY - Up to 6 years

Play equipment in this area to specifically cater to younger children. This zone is closest to the picnic plaza for maximum parental surveillance and well connected to the nature and water play zone. Equipment should be multi-use and designed

to cater to children of all abilities. Equipment should encourage group play, challenge, exploration and imagination. Design may incorporate theming through shapes and materiality and should appeal to all the senses.

#### POSSIBLE EQUIPMENT OPTIONS:



Spinning equipment - all abilities design



Sand play (elevated for access)



Integration of ramps and access



Hammocks and swings for little kids



Themed, custom designed equipment for wide range of ages



Swings for toddlers



Integration of various play elements

### BIG KIDS PLAY - 6 years and older

Play equipment to cater to older children and provide a diverse range of play opportunities including elements of challenge, risk, elevation and group play. Equipment may be themed to reference the unique qualities of the site and to provide a diverse range of play elements such as climbing, swinging, sliding,

balancing, hiding etc.

All play equipment is to include elements for **all abilities play**, provide for access and encourage interaction between all park users.

#### POSSIBLE EQUIPMENT OPTIONS:



Custom play design - climbing, slide, elevation



Custom designs for playground favourites



Outdoor table tennis tables



'Hang-out' opportunities

## BELLERIVE BEACH PARK MASTER PLAN

Clarence City Council  
November 2014





## Attachment 7

19 December 2014

John Stevens  
Group Manager Asset Management  
Clarence City Council  
38 Bligh Street  
ROSNY TAS 7018

Dear Mr Stevens

### **Bellerive Beach Park Master Plan – Traffic Safety Review**

#### **1. Background:**

The Bellerive Beach Park Master Plan (See attachment) prepared by Clarence City Council in November 2014 identifies a current Master Plan design option and an alternate Master Plan concept design option. The fundamental difference between the proposed Master Plans (current and alternate) is that the alternate concept design proposes to relocate the existing off-street car park between the Beachfront Promenade and the picnic / playspace area to north of the picnic/ play plaza while the current Master Plan retains the existing location of the car park. The alternate concept plan is shown in Figure 1. In both design options the existing playground in the Bellerive will be upgraded to accommodate all abilities which will attract people with disabilities including hearing, visually, mobility and intellectually impaired.

At the Council Workshop session on 15 December 2014 Council indicated that it would like a safety assessment review undertaken of the original and revised Bellerive Beach Park Master Plans to ensure that any identified hazards will be addressed. The major concerns related to the interactions between traffic and vulnerable pedestrians but the review should seek to identify any safety implications to all users of the Bellerive Beach Park. This would include road users, pedestrians, cyclists and people recreating in the park.

Clarence City Council has engaged **pitt&sherry** to undertake a safety review of the alternate design concept outlined in the Master Plan with particular emphasis on the implications of the car park relocation.



**Hobart**  
GF Surrey House  
199 Macquarie Street  
Hobart 7000  
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**Offices in:**  
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E [info@pittsh.com.au](mailto:info@pittsh.com.au)  
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Incorporated as  
Pitt & Sherry  
(Operations) Pty Ltd  
ABN 67 140 184 509

Incorporating  
**RARE**







The Clarence Foreshore Trail runs east west of the site and is located north of the existing car park. Currently there is no direct connection between the foreshore trail (approaching from Howrah) and the foreshore trail on Victoria Esplanade and as a result many cyclists utilise the existing Bellerive car park to get from one path to the other. Motorists reversing out of parking spaces have restricted vision, reducing their ability to identify cyclists and pedestrians moving behind their vehicle. As motorists reversing out of car parks will have restricted vision this creates a potential risk for a collision between reversing drivers and cyclists.

There is currently a high level of pedestrian activity at the Bellerive playground and beachfront, particularly in the summer months. The most common pedestrian link has been observed from the existing car park and picnic / playspace area to the beachfront and vice versa. While most pedestrians use the one crossing at the entrance of the car park, during busy periods pedestrians tend to cross the car park at a variety of locations to access the beach from the playground / picnic area. When the car park is full pedestrians may be hidden behind parked vehicles restricting the ability of motorists to identify them when manoeuvring in and out of car spaces. This results in the potential for a collision between motorists and pedestrians. There is an even greater risk for people that are hearing, visually or intellectually impaired who may be unaware of approaching motorists.

The alternate layout reduces the interaction of pedestrians and cyclists with motorists by minimising the likelihood of cyclists riding through the car park and by enabling pedestrians travelling between Victoria Esplanade and the area immediately behind the sand dunes to avoid passing through the car park. It is therefore considered that the relocation of the car park minimises the risk of collisions between vulnerable road users and motor vehicles.

The alternate design concept indicates pathways from the proposed car park to the picnic area and Beachfront and from the beach front to the all abilities playspace. It is recommended the pathways be provided to ensure interconnectivity of the various uses within the site. In addition TGSI's (Tactile Ground Surface Indicators) be provided to guide people with disabilities to the various uses within the area.

### 3. Interaction of pedestrians and cyclists on the proposed cycle path / walkway

While the alternate design concept layout removes the interaction between motor vehicles and vulnerable road users (pedestrians and cyclists), there is expected to be a high level of interaction between pedestrians and cyclists on the proposed pathway located where the existing car park is situated. Pedestrians wanting to move between the picnic/playspace area and beachfront, or vice versa will need to cross the shared cycle path / walkway and cyclists wanting to continue along the pathway will create a series of potential conflict points along the pathway. To minimise the potential for conflict between pedestrians and cyclists it is recommended that a mitigation measure is adopted such as warning signage, pavement markings or surfaced treatments to indicate dedicated pedestrian crossing points.

The alternate design concept indicates that trees, the promenade shelter and other structures are within close proximity of the shared pedestrian and cycle path. Pedestrians (including children or people with disabilities) could emerge from behind a tree or shelter and cross the road. There could be a risk of cyclists not identifying the pedestrian in time and potentially colliding with the pedestrian. To enable sufficient sight distance on the shared pedestrian and cycle path it is recommended that trees, promenade shelters and other structures be set back from the path.

Compared to the existing situation where there is only a single crossing point located close to the car park entry, the alternate layout arrangement provides multiple crossing points for pedestrians and in particular people with disabilities which will enable them to efficiently to move from the picnic / playspace area to the beachfront. The multiple crossing points will minimise the potential for pedestrian congestion during peak summer periods and provide adequate space for people with wheelchairs.

### 4. Cyclist and Pedestrian Interaction & Segregation

The alternate concept layout provides better connectivity of walkways from the proposed car park to picnic plaza, playground, beachfront and fish shop which enables people with disabilities (particularly in wheel chairs or visibly impaired) to move between each activity area with ease and convenience.

Pedestrians and cyclists will also be using the Clarence Foreshore Trail and it is recommended that measures be taken to provide separation on the pathway. The recommended minimum widths indicated in the *Austrroads Guide to Road Design Part 6A: Pedestrian and Cyclist Paths* for shared paths for recreational use is 3.0m – 4.0m. The recommended desirable width is 4.5m. The Guide indicates that greater widths may be required where the number of cyclists and pedestrians are very high or there is a high probability of conflict between users. Considering the level of pedestrian activity is high particularly during summer months and a considerable contingent of people with disabilities will be attracted to the area, it is recommended that a width of 4.5m is adopted.

The *Australian Standards for Access and Mobility* indicates that the primary footprint for a person in a wheelchair (which should be adopted as the maximum footprint for pedestrians in this situation) is 1.2m wide. It is recommended that this width should be taken into consideration when designing walkways for the car park site to enable safe and efficient movement of people within the playground, picnic area, car park and beach front.



*Austrorads Guide to Road Design Part 6A: Pedestrian and Cyclist Paths* also outlines the importance of ensuring that edges of pathways do not have a drop off that may cause a pedestrian to slip or trip or cause a wheelchair to overturn.

### 5. Gradients

The site currently has a gradual slope from Derwent Street towards the water. *AS1428.1 Australian Standards for Access and Mobility* indicates that walkways should be provided with gradients of less than 1 in 33 for 25m length or 1 in 20 for 15m length. It is expected that the placement of fill will be required to provide suitable grades.

### 6. Queen Street and Victoria Esplanade

The proposed raised section of Queen Street and Victoria Esplanade connects with the pathways leading into the park at grade and provides a smooth transition which indicates a shared environment between pedestrians and motorists. This ensures a safer environment for pedestrians and provides convenience people with disabilities to access the fish shop from the play ground or the Victoria Esplanade walkway or vice versa.

### 7. Proposed Car Park Access onto Derwent Street

Derwent Street has similar traffic characteristics as Queen Street in terms of traffic volumes and functionality. The sight distance from the proposed access appears to be adequate in both directions. To the north of the proposed car park Derwent Street provides access to existing residential developments and to the east of the proposed car park the Street provides access to Bellerive Oval. Parallel car park spaces are provided on the northern side of Derwent Street and angled car parks (45 degrees) on the southern side. There is a risk that motorists reversing from the car park may collide with vehicles exiting the access. Due to the car parks being angled there is a greater risk especially on the western side of the access of reversing vehicles to collide with vehicles. This risk of collision is addressed in the concept design drawings of the alternate option by providing adequate distance between angled car parks and the access. In addition, low shrubs are proposed between the access and the car parking area to enable adequate sight distance of reversing cars from on-street car parks.

Cars parked on the angled car parks along Derwent Street currently overhang onto the footpath. It is recommended that some type of separation is provided at the car parking spaces such as wheel stops.

### 8. Summary and Recommendations

A safety review of the current and alternative concept design has been undertaken. The potential safety risks to road users at the site and corresponding risk measure associated with both concept design options are summarised in Table 1. A risk scale from 1 to 5 has been used to measure the level of risk for each individual safety risk factor with level 1 being very minimal risk of injuries and level 5 being a high risk of injuries to road users.

Table 1 – Potential safety risks for each option

Safety Risk Factor	Current Concept Design	Alternate Concept Design
Interaction between motorists with other road users	5	3
Interaction between pedestrians and cyclists	4	4
Connectivity of pathways to various uses within the site	3	1
Potential collision with motor vehicles and pedestrians due to structures close to pathways and inadequate sight distance	2	5
Congestion on pathways during peak summer periods	4	1
Acceptable gradients	5	1
Crossing Queen Street and Victoria Esplanade	1	1
<b>Tally of Risks</b>	<b>24</b>	<b>17</b>

Table 1 indicates that the current concept design provides a higher risk to road users than the alternate concept design.

**In summary, given the likely risks the alternate design is intrinsically safer and is likely to result in fewer injuries.**

The following improvements are recommended to provide additional safety to road users.

- It is recommended that pathways are provided to ensure interconnectivity of the various uses within the site.
- Tactile Ground Surface Indicators (TGSIs) are recommended to guide people with disabilities.
- There is expected to be a high level of interaction between pedestrians and cyclists on the proposed pathway located where the existing car park is situated. It is recommended that mitigation measures is adopted such as warning signage, pavement markings or surfaced treatments to indicate dedicated pedestrian crossing points.
- To enable sufficient sight distance on the shared pedestrian and cycle path it is recommended that trees, promenade shelter and other structures be set back from the path.
- It is recommended that a desirable width indicated in the Austroads Guide to Road Design Part 6A: Pedestrian and Cyclist Paths for shared paths for recreational use is 4.5m.
- It is recommended that this width should be taken into consideration when designing walkways for the car park site to enable safe and efficient movement of people within the playground, picnic area, car park and beach front.
- The design of pathways must ensure that edges of pathways do not have a drop off that may cause a pedestrian to slip or trip or cause wheelchairs to overturn.
- To prevent cars parked on the angled car spaces along Derwent Street overhanging onto the footpath it is recommended that some type of separation be provided such as wheel stops.

## Attachment 7

sustainable<sup>®</sup>thinking

If you have any queries regarding or require further clarification regarding the review that has been undertaken please contact me on 6210 1402.

Yours sincerely



Shivani Jordan  
**Traffic Engineer**

Enc. Bellerive Beach Park Master Plan

**11.6 FINANCIAL MANAGEMENT****11.6.1 REQUEST FOR LOAN GUARANTEE – HOWRAH BOWLS CLUB INC**

(File No H023-11B)

**EXECUTIVE SUMMARY****PURPOSE**

To consider a request for Council to guarantee borrowings of \$300,000 in respect of construction of indoor bowls facilities proposed by the Howrah Bowls Club.

**RELATION TO EXISTING POLICY/PLANS**

Consistent with past policy of Council to assist Clubs constructing assets on Council land where capacity to service the debt is demonstrated.

**LEGISLATIVE REQUIREMENTS**

No issues to be addressed.

**CONSULTATION**

No issues to be addressed.

**FINANCIAL IMPLICATIONS**

No direct issues to be addressed, however, providing a loan guarantee would create a contingent liability in that Council could be called on to pay up to the guarantee amount in the event of the Club defaulting on its borrowings.

**RECOMMENDATION:**

- A. That Council provide a guarantee on borrowings of up to \$300,000 to be taken out by the Howrah Bowls Club Inc to assist in the construction of an indoor bowls facility at 11 Howrah Road, Howrah, subject to:
  - i. the Howrah Bowls Club Inc providing full details of loan offers, construction contracts and any further supporting information requested by the General Manager;
  - ii. Council's existing guarantee to the Howrah Bowls Club Inc in the amount of \$150,000 being cancelled;
  - iii. evidence provided to the satisfaction of the General Manager that the proposed project will be completed within the available level of funding.
- B. That Council authorises the General Manager to submit a fresh application under the Sport and Recreation Tasmania Major Grants Program for funding of \$80,000 towards the Howrah Bowls Club Indoor Bowls Facility.



**REQUEST FOR LOAN GUARANTEE – HOWRAH BOWLS CLUB INC /contd...**

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**ASSOCIATED REPORT****1. BACKGROUND**

- 1.1.** The Howrah Bowls Club (“the Club”) proposes to construct an indoor bowls facility (“the facility”) on Council land at 11 Howrah Road, Howrah. The proposal has been in the planning stages for some years.
- 1.2.** Council briefly considered the matter at a wWorkshop on 25 November 2013; as a result of this discussion the Club was advised that Council could not consider providing a guarantee until it had first considered funding as part of the 2014-2015 budget process. Council subsequently allocated a further \$570,000 in the current budget in addition to \$372,000 previously appropriated for construction.

**2. REPORT IN DETAIL**

- 2.1.** The Club has requested Council provide a guarantee to secure borrowings for construction of the facility in a letter dated 23 December 2014 (refer Attachment 1). The proposed loan amount is \$300,000.
- 2.2.** Council has previously considered the detail of the facility in its budget deliberations. Total allocations towards the facility available in the current budget are \$959,000, with expenditure (detailed planning) of \$27,000, leaving \$932,000 available.
- 2.3.** The Club has set a budget for the project of \$1.452 million which includes the above amount, \$210,000 of savings held by the Club and the proposed loan of \$300,000. Audited financial statements to 31 March 2014 include cash and investments in excess of \$210,000.

- 2.4.** Early indications are that the Club's budget is below the amount required to construct the full facility as proposed by the Club and Council officers are working with the Club to address this issue. Based on this consideration, provision of a guarantee should be on the basis of it being evident that the facility, in its final form, can be constructed for the amount available to the Club.
- 2.5.** Council officers have reviewed the past 4 years' audited financial statements provided by the Club, as well as forward projections.
- 2.6.** The Club is clearly in a very sound financial position. It has consistently generated net surpluses of between \$28,000 and \$40,000 (4 year average of \$34,000), it has no debt and at 31 March 2014 held \$262,900 in cash and investments, an increase of \$49,000 on the prior year and an increase of \$144,800 against funds held on 31 March 2011.
- 2.7.** Around 1998, Council guaranteed borrowings of \$150,000 for the Club and it is evident from the audited statements that this debt has long been repaid without any reference to Council. This guarantee will now be cancelled.
- 2.8.** Forward financial projections were provided by the Club in late 2013, however, these have not been updated. Analysis of the forward financial position has been based on these figures which are not in current dollars, potentially have higher depreciation charges and potentially have higher interest rates. They are therefore assumed to now be conservative. It is proposed to request updated projections as part of additional information required of the Club.
- 2.9.** Net future cash flows, including repayment of the proposed borrowings, are projected to be between \$6,000 and \$28,000 per annum over the first 5 years, with accounting surpluses being between \$2,800 and \$26,000.

- 2.10.** These figures are below current results. This is due to projections for the new facility consistently running at a loss (\$22,000 in year 1 and \$14,000 in year 5). Council therefore needs to be conscious that the Club is apparently adopting the strategy of having its current operations subsidising the additional facility's operations.
- 2.11.** As above, however, the aggregate financial projections (supported by past performance of existing activities) suggest that the additional cost to the Club, including debt servicing, will be financially sustainable.
- 2.12.** Based on the information available and having consideration to the high level of commitment Council has already made to the proposed facility, the financials suggest the provision of a guarantee would be a reasonable action.
- 2.13.** As a related matter, Council has previously successfully applied for a grant of \$80,000 through the Sport and Recreation Tasmania Major Grants Programme, following approval by Council to make such an application in December 2013. That grant funding subsequently lapsed since the project was not sufficiently advanced to meet the conditions of the grant.
- 2.14.** The additional funding, if available, would clearly assist in meeting the total cost of the scale and scope of the project envisaged by the Club. Given that Council has previously identified this project as a priority project for this grant programme and given that it is Council (not the Club) which is able to apply for the grant, it is recommended that Council re-apply for the previously approved grant of \$80,000 towards this project.

### **3. CONSULTATION**

#### **3.1. Community Consultation**

No issues to be addressed.

#### **3.2. State/Local Government Protocol**

No issues to be addressed.

**3.3. Other**

No issues to be addressed.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

**4.1.** The request is consistent with Council's Policy on this matter, demonstrated by Council committing funds towards the project in a number of budgets.

**4.2.** Council has also provided a number of guarantees to similar organisations as security for borrowings used to construct facilities on Council land.

**5. EXTERNAL IMPACTS**

No issues to be addressed.

**6. RISK AND LEGAL IMPLICATIONS**

**6.1.** Clearly, provision of a guarantee to secure borrowings carries the risk that the borrower will default on the loan. Council could therefore be in a position where it needs to respond to a guarantee call at a future time, this being up to the amount of the guarantee.

**6.2.** While the Club appears to be well managed in a financial sense at present, Council has little control over the future management and affairs of the Club.

**7. FINANCIAL IMPLICATIONS**

There are no direct issues to be addressed, however, providing a loan guarantee would create a contingent liability in that (as above) Council could be called on to pay up to the guarantee amount in the event of the Club defaulting on its borrowings.

**8. ANY OTHER UNIQUE ISSUES**

No issues to be addressed.

**9. CONCLUSION**

**9.1.** The Club has requested Council provide a bank guarantee in the amount of \$300,000 to support borrowings in respect of a proposed indoor bowls facility at 11 Howrah Road, Howrah.

- 9.2.** The financial position and performance of the Club is such that such a guarantee is supported, particularly given Council's demonstrable support of the project to date.

Attachments: 1. Letter from Howrah Bowls Club Inc Requesting Loan Guarantee (2)

Frank Barta

**ACTING GENERAL MANAGER**





ATTACHMENT 1  
**Howrah Bowls Club Inc**

11Howrah Road, Howrah, TAS 7018

A.B.N. 26 028 130 734

President: Dennis Lourey  
Secretary: Michael Matthews  
Treasurer: Charon Foster

Men's Vice President: Col Hewlett

Ladies Vice President: Mary Rappi

Mr A Paul  
General Manager  
Clarence City Council  
38 Bligh Street  
Rosny Park TAS 7018

Dear Sir

INCOMING MAIL - Received by Records	
Date Received	24 DEC 2014
Date	23 DEC 2014
Received	
Correspondence Officer	Frank Barta
Doc ID	H023-11B

**Loan Guarantee – Indoor Bowls Centre**

The Howrah Bowls Club formally request that the Clarence City Council acts as guarantor for the loan required by the Club to assist with the construction of the Indoor Bowls Centre.

The Club is seeking a loan of \$300,000.00 over a 15 year period from Social Enterprise Finance Australia Ltd. The Committee of Management approved the borrowing of the loan at its meeting on 8<sup>th</sup> October 2013.

The Council has previously guaranteed a loan from the ANZ for the replacement of the mat on the synthetic green. During the period of 1998-2002 the Howrah Bowls Club serviced two loans – one with the ANZ bank and one with the Clarence City Council, with all payments made on time and in full. The club has been debt-free since 2012.

We have previously provided the Council with the following documentation: -

- Past 3 year's audited statement;
- Business plan includes 5 year forward financial projections;
- Copy of club constitution permitting to take out loans, and
- Copy of letter of offer from SEFA.
- Extract from the AGM minutes.

The Development Application D-2011/161 for the project was approved on 8<sup>th</sup> March 2013. The Council has provided funding for the development of the engineering drawings. Mr Ross Graham is the Project Manager for the project.

The estimated cost of the project is \$1,452,000.00. Funding is being sourced as follows; -

Clarence City Council	\$942, 000	Clarence City Council
Howrah Bowls Club	\$300,000	loan
	\$210,000	Club savings
<hr/>		
Total	\$1,452, 000	

All correspondence to  
Secretary, Michael Matthews  
PO Box 2026, Howrah, TAS 7018  
Phone /Fax (03) 6247 3209



## **Howrah Bowls Club Inc**

11Howrah Road, Howrah, TAS 7018

A.B.N. 26 028 130 734

The Council is re-applying for an \$80,000 grant from Sport and Recreation Tasmania with the support of the Premier, The Hon Will Hodgeman. The Club will continue to fund raise and seek sponsorships and member donations over the coming months. The Council is undertaking the construction of the project and issues around the final project plans will be known once the engineering drawings are finalised.

The \$300,000 loan from SEFA is the final large scale loan required for the project to proceed and Council acting as Guarantor over this loan is a prerequisite for loan approval. Council approval to this request is required to finalise documentation with SEFA before this matter can be progressed further. This has been discussed with the General Manager, Mr Andrew Paul, who has been supportive of this application.

Yours Faithfully

Mick Matthews  
Secretary

13 December 2014

**11.7 GOVERNANCE****11.7.1 REVIEW OF AUDIT COMMITTEE/AUDIT PANEL CHARTER AND INDEPENDENT MEMBER REMUNERATION**

(File No 07-02-12)

**EXECUTIVE SUMMARY****PURPOSE**

To consider a redraft of the existing Audit Committee Charter covering its governance structure, practices and procedures to incorporate the new statutory requirements for Councils to establish Audit Panels and to review the remuneration paid to the independent members of the Audit Committee/Audit Panel.

**RELATION TO EXISTING POLICY/PLANS**

The Audit Committee/Audit Panel is consistent with Council's Strategic Plan which includes: "*Continuously monitor and improve policies on probity, decision making, ethics and code of conduct*".

**LEGISLATIVE REQUIREMENTS**

New statutory requirements have been introduced requiring all Tasmanian Council 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.

**CONSULTATION**

No consultation with the community is required in respect of this matter.

**FINANCIAL IMPLICATIONS**

A variation in costs for additional remuneration for independent Audit Committee/Panel members is proposed, which is expected to be met from existing budget provisions.

**RECOMMENDATION:**

- A. That Council appoints the existing Audit Committee to be Council's new Audit Committee/Audit Panel (established as a Special Council Committee under Section 24 and for the purpose of Audit Panel under Section 85 of the Local Government Act, 1993).
- B. That Council adopts the revised Charter and Terms of Reference for the new Audit Committee/Audit Panel as detailed in Attachment 1 to the Associated Report.

C.	That in consideration of the increased responsibility of Council's Audit Committee/Audit Panel the annual remuneration for independent members be revised (effective 1 December 2014) with on-going annual CPI adjustments to be made:		
	Chairperson	\$8,000pa	
	Member	\$4,000pa	

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## **ASSOCIATED REPORT**

### **1. BACKGROUND**

- 1.1.** Council, at its Meeting of 23 February 2004 formally established the Clarence City Council Audit Committee as 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.
- 1.3.** Council, at its Meeting of 1 December 2014, as is now required, determined the position of Chair for Council's Audit Committee/Audit Panel (a process previously conducted by Audit Committee determination).

### **2. REPORT IN DETAIL**

- 2.1.** Council's Audit Committee has been operating under a Council approved Charter for a period of 10 years. This Charter has remained essentially unchanged over that period of time.
- 2.2.** There was previously no statutory requirement for Councils to have audit committees; however, a number of Tasmanian Councils have previously established these voluntarily in the interest of good corporate governance.
- 2.3.** New requirements have now been introduced for all Councils to establish Audit Panels. There is no specific timeframe for these new requirements, however, there would be an expectation that Council move to establish these within the current financial year.

The new requirements are specified in both the Act and supporting Regulations and the following provides a summary of these requirements.

**2.4.** Audit Panels are to review Council's performance in relation to:

- Council's financial system, financial governance arrangements and financial management; and
- all plans of Council under Part 7; namely
  - strategic plan;
  - annual plan;
  - long-term financial management plan;
  - long-term strategic asset management plan; and
- all policies, systems and controls Council has in place to safeguard its long-term financial position; and
- any other matters specified in an order under Section 85B as matters that an Audit Panel is to consider in such a review; namely:
  - whether the annual financial statements of Council accurately represent the state of affairs of 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 Council has in relation to safeguarding its long-term financial position;
  - whether Council is complying with the provisions of the Act and any other relevant legislation; and
  - whether Council has taken any action in relation to previous recommendations provided by the Audit Panel to Council and, if it has so taken action, what that action was and its effectiveness.

**2.5.** Evident in the new provisions is that the new requirements are primarily focused on Council's financial management and financial risks at both a strategic and operational level. There is a particular emphasis on the importance of asset management in this context.

However, there also appears to be an implied reference to the broader risks of a Council's operations in the area of risk management and legislative compliance. Importantly, these aspects have long been key elements of Council's strategic risk management policy and implementation framework which considers all risks in the context of the key risk test elements of financial, reputational, business continuity, loss of life and statutory compliance.

- 2.6.** As provided for under its initial charter, Council's Audit Committee has had 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.
- 2.7.** It is considered that this broad approach is not inconsistent with the new legislative requirements. With this in mind it has been possible to incorporate the above requirements for Audit Panels into the existing broad objects of the initial Audit Committee Charter. The Charter has been redrafted for consideration by Council (refer Attachment 1). Much of what is envisaged under the new provisions are matters that the Audit Committee has already covered and been in the practice of reviewing to date. There are, nonetheless, a range of new requirements for which new referral regimes, reporting, consideration and recommendation processes need to be put in place.
- 2.8.** The term of the new Council commenced in November 2014, with new elected member appointees to the Committee being appointed at Council's Meeting of 1 December 2014. As this term commencement also marks the commencement of the new appointment terms for the Audit Committee/Audit Panel independent members, it is appropriate as part of this review to also consider the remuneration levels that will apply to the Audit Panel/Committee independent members.



**2.9.** Council's current remuneration level for these roles has been set at \$3,000 for Chairperson and \$2,000 for independent member. It should be recognised that the appointees will now be asked to meet the additional statutory requirements for Audit Panels, particularly those set out in Section 2.4 of this report.

This will certainly increase the workload and responsibilities for the independent members on the Audit Committee/Audit Panel.

**2.10.** All Tasmanian Councils are currently or will shortly be in the market place to fill their Audit Committee/Audit Panel positions so some market forces are playing out. This is relevant in being able to give this matter contextual consideration. To this end a survey has been undertaken to gauge what other Councils are or are proposing by way of remuneration (refer Attachment 2).

**2.11.** Based on the survey the following remuneration levels are considered appropriate:

- Chairperson \$8,000 per annum; and
- Independent Member \$4,000 per annum.

It is further considered that instead of Council revisiting remuneration at the time of appointment/renewal of independent members, it would be more appropriate that there be an automatic review mechanism introduced based on the Hobart CPI. Council would only then need to review remuneration levels should there be further substantial changes in responsibilities or market remuneration.

### **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 Committee/Audit Panel is consistent with Council's Strategic Plan which includes: "Continuously monitor and improve policies on probity, decision making, ethics and code of conduct".

**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.

**7. FINANCIAL IMPLICATIONS**

Currently, there is no provision in the Annual Plan for funding any additional remuneration for the independent Audit Committee/Audit Panel members. However, it is likely that the proposed increases can be contained within the existing Governance recurrent budget for 2014-2015 and therefore, no amendment to the Estimates is proposed at this stage. The matter will be reviewed in subsequent Quarterly Reports should this prove necessary.

**8. ANY OTHER UNIQUE ISSUES**

None identified.

**9. CONCLUSION**

**9.1.** The current Audit Committee Charter has provided an effective framework for the broad approach to the internal audit of Council's strategic and operational functions.

**9.2.** The revised new Charter combines all aspects of the former Charter with the new statutory requirements for Audit Panels.

**9.3.** An adjusted level of remuneration for independent members is proposed based on increased workloads and responsibilities arising from legislative amendments and having regard to current market rates.

Attachments: 1. Draft Audit Committee/Audit Panel Charter (7)  
2. Comparative Survey of Audit Committee/Audit Panel Remuneration (1)

Frank Barta  
**ACTING GENERAL MANAGER**

## **AUDIT COMMITTEE CHARTER – CLARENCE CITY COUNCIL**

### **1. Audit Committee Charter Objective**

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 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. The objectives of the Audit Committee are to fulfil the legislative requirements of the Council's Audit Panel.

### **2. Purpose**

2.1 The Audit Committee 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 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 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 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 is a formally appointed Special Committee of the Council and is responsible to that body. The Audit Committee 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 does not have any management functions and is therefore independent of management.

#### **3.2 Membership**

The Audit Committee will comprise a minimum of five members – two Aldermen and three external independent persons. The make-up of the Audit Committee 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.

- d) c) 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 are arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives. The Council may renew appointment terms for independent members of the Committee.
- e) Remuneration will be paid to the Chairperson and each independent member of the Committee. Such remuneration shall be set and reviewed by the Council from time to time.
- f) The Chairperson shall be appointed from the external members of the Committee by the Council. In the absence of the appointed Chairperson from a meeting, those Committee members present at the meeting will appoint a member to act as Chairperson for the meeting from the external members present.
- g) A quorum will be a majority of the Committee membership.

- h) The General Manager and internal auditor should attend all meetings. Other members of Council or Council staff may be invited to attend at the discretion of the Committee to advise and provide information when required, and to provide executive support for the Committee.
- i) Representatives of the external auditor should be invited to attend at the discretion of the Committee but **must** attend meetings relating to the annual financial report and results of the external audit.
- j) Council shall provide secretarial and administrative support to the Committee.

### **3.3 Meetings**

- k) The Audit Panel is required to develop a forward Audit Committee 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.
- l) As part of the Audit Committee Plan the Audit Committee is to prepare on an annual basis an internal audit programme for consideration and adoption by the Council.
- m) 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, an appointed internal provider or the external auditor.

### **3.4 Reporting**

- l) The Chairperson of the Audit Committee should forward a report to Council at the Council meeting following each Audit Committee meeting providing a summary of the Committee's work and deliberations. The report structure should cover at least the following:
  - Committee'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 recommendations arising from its deliberations and its obligations as the Council's appointed Audit Panel and
  - other major issues of which the Committee believes Council should be informed.
- m) The Committee shall report annually to the Council summarising the activities for the Committee 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 in pursuing its Charter.

- i) To prepare and recommend to Council for consideration an Annual Audit Plan.
- ii) (2) 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:
  - (a) whether the annual financial statements of the council accurately represent the state of affairs of the council;
  - (b) whether and how the Part 7 plans are integrated and the processes by which, and assumptions under which, those plans were prepared;
  - (c) 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;
  - (d) whether the council is complying with the provisions of the Act and any other relevant legislation;
  - (e) 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.
- iii) 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.

- iv) Review the appropriateness of Special internal audit assignments undertaken by internal audit at the request of Council or the General Manager.
- v) Review the level of resources allocated to internal audit and the scope of its activities.
- vi) 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.
- vii) Facilitate liaison where required between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programmes.
- viii) 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 terms of reference. Review management's response to, and actions taken as a result of the issues raised.
- ix) Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems.
- x) Monitor ethical standards and related party transactions by determining whether the systems of identification and control are adequate.
- xi) 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.
- xii) Discuss with the external auditor the scope of the audit and the planning of the audit.
- xiii) Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.
- xiv) Review tendering arrangements and provide recommendations to Council.

- xv) Review issues relating to national competition policy.
- xvi) Identify and refer specific projects or investigations deemed necessary through the General Manager, the internal auditor and the Council if appropriate.
- xvii) Monitor the process of any major lawsuits facing the Council.
- xviii) Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's terms of reference.
- o) The Audit Committee, 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

**COMPARATIVE REMUNERATION OF AUDIT COMMITTEE/PANEL MEMBERS**

<b>COUNCIL</b>	<b>CHAIR</b>	<b>INDEPENDENT MEMBER</b>
Clarence	\$3000	\$2000
Hobart City Council	\$7500	\$5000
Kingborough	\$4000	\$2000
Devonport	\$2400	\$2400
Burnie	\$5000	\$2500
Launceston	\$15000	\$5000
Glenorchy	\$9400	\$4400
Huon Valley	Audit Panel not yet established	
Derwent Valley	Audit Panel not yet established	
Brighton, Sorell, Tasman, Spring Bay and Southern Midlands	These five Councils operate a shared arrangement whereby they have Councillors, staff and independent members performing the Committee/Panel function in various combinations.	The shared arrangement performs at a nil sitting fees cost to these Councils.

**11.7.2 FRAUD POLICY AND FRAUD MANAGEMENT PLAN**

(File No 15-22-01)

**EXECUTIVE SUMMARY****PURPOSE**

To consider a revised Fraud Policy and adoption of a Fraud Management Plan.

**RELATION TO EXISTING POLICY/PLANS**

Consistent with Council's Strategic Plan which includes: "*Continuously monitor and improve policies on probity, decision making, ethics and code of conduct*".

**LEGISLATIVE REQUIREMENTS**

No issues to be addressed.

**CONSULTATION**

This draft has been presented for discussion and comment to Council's Audit Committee at its Meeting of 10 December 2014.

**FINANCIAL IMPLICATIONS**

No issues to be addressed.

**RECOMMENDATION:**

That Council adopts the revised Fraud Policy and Fraud Management Plan as per Attachment 1 to the Associated Report.

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**ASSOCIATED REPORT****1. BACKGROUND**

- 1.1.** The Auditor General undertook an industry review of fraud control practices in Local Government, with his report tabled in Parliament in August 2013. The review included a range of recommendations which were subsequently considered by Council's Audit Committee.
- 1.2.** Arising from this a Fraud Policy was prepared and reviewed by the Audit Committee and was formally adopted by Council in May 2014, noting the need to further develop a Fraud Management Plan.



- 1.3.** The Fraud Management Plan has been reviewed and revised to accommodate areas of overlap and the revised policy document has been presented as a combined Fraud Policy and Management Plan to Council's Audit Committee for its comment. As such it is intended to replace the Fraud Control Policy.

## **2. REPORT IN DETAIL**

- 2.1.** Following the adoption of the Policy a Fraud Management Plan was to be developed. The earlier adopted Policy contained some elements that were to form part of the supporting plan. Accordingly, the existing Fraud Control Policy document has now been reviewed to accommodate the areas of overlap.
- 2.2.** The new Draft Fraud Policy and Fraud Management Plan is now submitted (refer Attachment 1). It contains both the Policy as Part A and the supporting Plan as Part B. The draft Fraud Policy is a high level document aimed at stating Council's policy position on the risk of fraud in the organisation. It is supported by a Fraud Management Plan which carries specific operational detail documenting how each key element of the Fraud Policy and Plan is to be implemented.
- 2.3.** Key elements of the Fraud Policy and Fraud Management Plan include:
- high level policy statement;
  - key responsibilities;
  - fraud prevention strategies;
  - reporting;
  - investigation; and
  - review correction and mitigation.
- 2.4.** The revised combined Fraud Policy and Fraud Management Plan document has been presented to Council's Audit Committee. The Committee has provided its input and given its endorsement to the revised document. As such it is now presented to replace the Fraud Policy formally adopted by Council in May 2014.

- 2.5.** Required reporting on implementation of the Plan and incidents will be provided to the Audit Committee/Audit Panel.

**3. CONSULTATION**

**3.1. Community Consultation**

No issues to be addressed.

**3.2. State/Local Government Protocol**

No issues to be addressed.

**3.3. Other**

Council's Audit Committee/Audit Panel has been closely involved in the preparation and review of the Policy and Plan.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

Consistent with Council's Strategic Plan which includes: "*Continuously monitor and improve policies on probity, decision making, ethics and code of conduct*".

**5. EXTERNAL IMPACTS**

No issues to be addressed.

**6. RISK AND LEGAL IMPLICATIONS**

No specific issues to be addressed, however, adoption of the policy will further add to Council's management of risk.

**7. FINANCIAL IMPLICATIONS**

No issues to address.

**8. ANY OTHER UNIQUE ISSUES**

No issues to address.

**9. CONCLUSION**

**9.1.** Adoption of a Fraud Policy is not mandatory; however, it has been identified by the Auditor General as being best practice.

**9.2.** A draft Fraud Policy and Fraud Management Plan has been considered by Council's Audit Committee and is now provided to Council for consideration.

Attachments: 1. Draft Fraud Policy and Fraud Management Plan (16)  
2. Draft Fraud Policy formally adopted by Council at its Meeting 5 May 2014 (7)

Frank Barta  
**ACTING GENERAL MANAGER**



## CLARENCE CITY COUNCIL

### FRAUD CONTROL POLICY AND FRAUD CONTROL PLAN

#### PART A – FRAUD POLICY

##### 1. Policy Objective

The objectives of this policy are to:

- detail Council's position on fraud control and the requirement for a fraud prevention management system within Council's operations;
- direct the development of controls which will aid in the prevention and detection of fraud against Clarence City Council (Council); and
- establish a culture that is fraud adverse and an understanding that fraud will not be tolerated.

##### 2. Introduction

Council is committed to acting in the best interests of the community and to upholding the principles of honesty, integrity and transparency, which are all key components of good governance. This is supported by the organisation's values of integrity and ethics as stated in Codes of Conduct.

##### 3. Scope

This policy applies to the risk of fraudulent conduct by Aldermen, Workers (as defined in Council's Human Resources policies), volunteers, committee members, contractors and customers. It complements the Council's Risk Management Policy and is supported by the Fraud Control Plan.

##### 4. Policy Statement

Council policy is to establish and maintain an organisational culture in which fraud or theft is not tolerated. Council's organisational environment promotes a culture where any fraudulent activities, once noticed or legitimately suspected, are reported to the appropriate level of management, investigated and resolved in a timely and fair manner.

The Council will not tolerate fraudulent or corrupt activity and is committed to its identification, control and prevention by:

- establishing and maintaining an effective system of internal controls;
- regularly undertaking risk assessments to identify circumstances in which fraud could potentially occur;
- implementing fraud prevention and mitigation strategies in its day to day operations;
- ensuring all Council employees and Council members are aware of their obligations by way of the inclusion of preliminary education in an induction process;
- active participation in education and evaluation of practices relevant to fraud;
- fostering an environment in which honesty and ethical behaviour are actively encouraged;

## **PART B - FRAUD CONTROL PLAN**

### **1. PURPOSE**

The purpose of this Fraud Control Plan is to clearly document Council's approach to managing fraud at both strategic and operational levels and the actions and responsibilities for implementation and monitoring of key fraud control measures.

### **2. AUDIENCE**

The Fraud Control Plan applies to the Council, Aldermen, its management and Workers.

### **3. DEFINITION OF FRAUD**

Fraud is the crime of obtaining financial or other benefit by deception. In some instances it can have varying impacts on Council and the community, potentially reducing the quality of services delivered and adversely affecting Council's ability to achieve its objectives as set out in the Council Plan. In addition, Council's financial sustainability may be threatened and its reputation damaged.

Australian Standard 8001–2003 defines fraud as:

*'dishonest activity causing actual or potential financial loss to any persons or entity including theft of moneys or other property by employees or persons external to the entity and whether or not deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or for improper use of information or position.'*

Council is the custodian of significant public funds and assets therefore it is important that the community has assurance that these are adequately protected from fraud. Whilst trust is an essential component of Clarence City Council, this may not be sufficient as incidents of fraud may still arise.

Some potential examples of fraud in the context of the Council's operations include:

- unauthorised use of Council plant and equipment,
- theft of money or goods from Council or its customers,
- deliberately falsifying timesheets,
- obtaining benefits by use of a false identity or false qualifications, and
- falsification of expense claims

Other activities involving corrupt conduct may also have fraudulent basis, including:-

- obtaining a benefit by giving preferential treatment to a supplier of services/goods or a receiver of services,
- providing confidential Council information for the benefit of unauthorised people or organisations, and
- inappropriate use of position to obtain goods and services.

#### **4. STATEMENT OF COUNCIL ATTITUDE TO FRAUD**

Clarence City Council will not tolerate fraud by its employees, officers, volunteers, contractors, committees or elected members.

Furthermore, Council is committed to minimising opportunities where the incidence of fraud can occur. This will be achieved using a risk management approach which employs appropriate procedures to minimise the likelihood or scope for fraudulent activity within the Council's operations.

Council is committed to fostering an organisational culture which supports these outcomes.

The exercise of reprisals against those who come forward to disclose such conduct or intend to give evidence or information will not be tolerated.

Complaints which are vexatious frivolous or otherwise not made in good faith will be regarded as not in the interest or spirit of this policy and plan.

#### **5. RELATIONSHIP WITH OTHER POLICIES AND LEGISLATION**

This Fraud Control Plan forms part of the Risk Management Responsibilities Framework and is to be read in conjunction with Council's Risk Management Policy. Other policies also have direct relevance to the Council's Fraud Control Plan strategies, including:

- Clarence City Council Procedures – Public Interest Disclosures Act 2002
- Code for Tendering and Contracts
- Procurement Policy
- Aldermen's Code of Conduct
- Operation's Group Code of Conduct
- Workplace Behavior Policy
- Local Government Act 1993
- Integrity Commission Act 2009

#### **6. ROLES AND RESPONSIBILITIES**

Aldermen shall be aware of and comply with the Council's Fraud Policy. Council will support all policies and reasonable measures taken to prevent, deter and resolve suspected instances of fraud.

Specific fraud control responsibilities for Workers, management, the General Manager and the Corporate Executive are clearly defined and outlined in Appendix A of this Plan and other related policies.

The fraud control responsibilities form part of the fraud prevention strategies exercised by the Council.



## **Fraud Control Officer**

The Corporate Secretary (Manager Corporate Support) is the designated Fraud Control Officer and is responsible in general terms for ensuring the implementation of the Fraud Control Plan; that fraud control measures are properly implemented; that fraud control responsibilities are being exercised by the relevant responsible persons; and will oversee the response to any detected incidence of fraud. More details of these responsibilities are outlined in Appendix A.

## **External Assistance for the Fraud Control Officer**

The Fraud Control Officer may seek external assistance in the execution of the fraud control responsibilities provided that it has first been agreed with the General Manager

## **7. FRAUD CONTROL STRATEGIES**

Council has over a number of years built up comprehensive prevention processes to manage its fraud risks across key areas of Council operations where there are opportunities for fraud to occur. These processes will be the subject of regular risk assessment and testing or alternatively, reviewed through external audit programmes and the internal audit programmes as directed by the Council's Audit Committee/Audit Panel.

It is clearly the responsibility of both managers and Workers to be vigilant to the possibility of fraud occurring and to report suspected instances to their immediate managers, the Fraud Control Officer or the General Manager.

The Fraud Control Officer is responsible for ensuring the review of the fraud control strategies is undertaken.

### **7.1 FRAUD AWARENESS**

The Fraud Control Policy, Fraud Control Plan employees guidance and awareness training on conduct will be included in the induction programme that all existing and new employees are required to attend on commencing employment with the Council and refresher training during their employment..

The Alderman Code of Conduct forms an integral part of the Alderman Induction programme, to be carried out following each election.

Council recognises that the most effective form of fraud prevention is the establishment of an organisational culture that rejects fraudulent conduct and promotes honesty and ethical behaviour. Commitment from Aldermen and managers is essential in the provision of leadership to all Workers in this area.

Fraud Awareness Training and ongoing advice are Council's primary methods for ensuring that all employees, contractors and volunteers are aware of their responsibilities for fraud control and of the expectations for ethical behaviour in the workplace.

Fraud Management Training will be provided to all managers to ensure that they are aware of their ongoing management responsibility with regards to fraud control.

## **7.2 FRAUD DETECTION**

It is recognised that although the Council may have implemented comprehensive fraud control measures, it is possible that fraud may occur from time to time.

Detection of fraud is achieved through:

- effective procedures and control mechanisms being in place for the management of relevant work processes that have the potential for fraud activity;
- vigilance on the part of management and operational staff, who are aware of their responsibility to identify and report fraud or suspected fraudulent activity;
- strategic use of the internal audit function,
- the development of specific detection strategies that are actioned by management and staff,
- periodic review instigated by management or the Council's Audit Committee/Panel.

Whilst mechanisms for fraud detection can be used it is recognised that some detection may still arise through the identification and investigation of unusual transactions, where the origins/source is unknown at that initial stage.

In the event that preventative/detection systems fail, remedial procedures to deal with fraud as soon as possible after it has occurred will need to be implemented.

## **7.3 FRAUD INVESTIGATION**

In the event that fraud is disclosed, suspected or detected then a comprehensive approach is to be taken to the investigation, reporting, disciplinary proceedings, and prosecution or recovery action.

## **7.4 INTERNAL AUDIT PROGRAM**

The internal audit function is an effective way of assisting the prevention and detection of fraud and corruption. The Audit Committee/Audit Panel will, as part of its approved internal audit programmes, incorporate reviews of adherence to internal controls designed to prevent and manage risks including fraud risk.

The assessment of controls will have regard to the likelihood of the incidence of fraud.

The Audit Committee/Audit Panel will overview the periodic review of Council operations and the assessment of the Council's exposure to the risk of fraud and will maintain a strong internal audit presence through regular internal audit reviews which are undertaken through the Audit Committee/Audit Panel.

## **7.5 INTERNAL CONTROL REVIEW AFTER DISCOVERY OF FRAUD AND CORRECTION**

It is important that the effectiveness of the Council's fraud control procedures are maintained to a high level.

Where fraud is detected, a review of the adequacy of the internal control environment, particularly those controls that directly impacted on the fraud incident and potentially allowed it to occur, will be undertaken by or on behalf of the relevant Manager for the work area concerned.

The review will involve consideration of the most recent fraud risk assessment as well as a review of all changes in operational procedures and the environment. Consideration will be given to whether improvements are required and where necessary and any identified shortcomings in the existing procedures will be rectified as soon as practicable.

The Audit Committee/Audit Panel will overview any reassessment of the internal control environment that is undertaken and also ensure recommendations arising out of the assessment are implemented through the Management Action Plan process.

## **7.6 FRAUD RISK MANAGEMENT**

### **Regular program for fraud risk assessment**

The Fraud Control Officer is responsible for ensuring that fraud risk assessment of the overall internal control environment is undertaken and that recommendations arising from any reassessment are implemented.

Assessment of fraud risk is to be conducted based on the frequency for process reviews identified in the Risk Register for the relevant business activity and more frequently if required by changes to business processes or changing business conditions e.g. Legislative requirements, incidents etc.

### **Ongoing review of the fraud control strategies**

A review of the effectiveness of the fraud control strategies developed for each functional area is to be undertaken periodically. The strategies for fraud control are to be amended as necessary.

### **Internal control review following discovery of fraud**

The standard risk management approach is to be undertaken following the discovery of fraud with a review of the internal controls directly impacting on the fraudulent incident undertaken. Additionally, the

adequacy of the internal control environment will be considered. This may be undertaken independently of the specific work area response.

## **7.7 EMPLOYMENT AND CONTRACTUAL RELATIONS**

Workers have a duty to act honestly and comply with the content of the policy and this Fraud Management Plan, their employment/service contracts and the law. For the purpose of this policy and plan Workers include – employees, contractors, subcontractors, employees of contractors and sub-contractors, volunteers, employees of labour hire companies, apprentices, trainees and work experience placements.

Council will promote a fraud resistant culture through its recruitment; and Worker engagement processes by:

- emphasis on fostering ethical behaviours;
- issuing clear standards and procedures to encourage the minimisation and deterrence of fraud;
- ensuring managers understand what behaviour constitutes fraudulent conduct;
- making provision in position descriptions as to the responsibility that each role has in the prevention of fraud;
- promoting awareness within the organisation as to the commitment Council has to the prevention of fraud;
- the inclusion of ethical conduct requirements in all position descriptions; and
- ensuring that all Workers are aware of their responsibilities in relation to fraud through the provision of appropriate and regular training.

There will be compliance with defined recruitment practices, including the confirmation of all relevant employee details via reference checks, verification of qualifications and police checks as deemed necessary (**refer Appendix A**).

All employees (or other Workers where appropriate) will be required to sign a Statement of Compliance with the responsibilities in their respective conditions of employment/engagement and position description.

## **8. PROCEDURES FOR REPORTING INCIDENTS OF FRAUD AND CORRUPTION**

The reporting of fraudulent activities generally involves making an allegation against a colleague, manager, senior management or an Alderman. Accordingly, maintaining the confidentiality of the reported information is paramount.

Mechanisms for reporting suspicious or known illegal or unethical conduct are available to all Aldermen and Workers (**refer Appendix B for incident reporting proforma**).

## **8.1 INTERNAL REPORTING OF INCIDENTS**

All reported or suspected instances of fraudulent misconduct are to be reported to the General Manager or the Fraud Control Officer as appropriate by any person within the Council receiving the reported information.

The Fraud Control Officer is authorised to undertake discussions with the General Manager, Corporate Executive and employees in relation to suspected fraud and may also advise and assist management where a fraud control concern has arisen.

The Fraud Control Officer is also responsible for maintaining an appropriate recording, reporting and analysis system to ensure that all instances of suspected fraud are satisfactorily resolved.

## **8.2 REPORTS BY WORKERS**

All Workers and Aldermen of the Council have a duty to advise management of any concerns that they may have regarding the conduct of Council affairs or the use of Council assets and resources. Any issues raised will be investigated promptly and in a confidential manner.

Any suspicion of suspected fraud is to be reported to the Worker's immediate supervisor or Manager. If he/she is uncomfortable reporting their suspicions through this avenue, the matter may be reported directly to either the Fraud Control Officer or the Manager Human Resources. Once satisfied as to the basis of such fraud instances the relevant manager is then to report the matter to the General Manager or the Fraud Control Officer (as appropriate) as provided for in clause 8.1.

## **8.3 REPORTS REGARDING ALDERMEN GENERAL MANAGER OR COMMITTEE MEMBER**

Any person who has reason to suspect that a fraud has occurred involving an Alderman, the General Manager or Committee Member should immediately notify the General Manager or the Fraud Control Officer (as appropriate). Such notifications and associated information shall be kept confidential.

The General Manager (in the case of any fraud matters concerning Aldermen) or the Fraud Control Officer (in the case of any fraud matters concerning the General Manager) is to communicate with the Mayor on such matters.

## **8.4 REPORTS TO THE POLICE**

The General Manager will consider and determine whether the scale of any fraud incident warrants reporting to the police.

## **8.5 REPORTS TO THE INTEGRITY COMMISSION**

The Tasmanian Integrity Commission is an independent body enacted to deal with allegations and complaints of misconduct. [www.integrity.tas.gov.au](http://www.integrity.tas.gov.au) This disclosure option is to be used in the instance where lodging a report within the organisation is not appropriate.

## **9. PROCEDURES FOR INVESTIGATING INCIDENTS OF FRAUD AND CORRUPTION**

Any investigations must be conducted in a manner which does not lead to a denial of natural justice, defamation, or to the inadmissibility or destruction of evidence. Additionally, investigations must comply with all relevant legislation and adopted policies. The Fraud Control Officer may consult with the General Manager, Manager Human Resources or other appropriate officers regarding the approach to the investigation of a matter and is to ensure that an appropriately experienced person, sufficiently independent of the functional area or matter under investigation, will undertake the investigation.

This independent party may be an external law enforcement agency, a manager or other senior person currently employed by Council or an external consultant operating under the direction of the Fraud Control Officer or General Manager within Council. The nature and source for such appointment will be considered based on the severity and type of fraud incident.

The involvement of external law enforcement or other agencies may be necessary in cases where the inquiry and investigative powers and discretions available to the Council and its officers are limited.

Adequate records of fraud investigations must be made and kept in accordance with legal, best practice or privacy management guidelines.

Any information arising from, or relevant to, an investigation into allegations of misconduct must not be disseminated to any person who is not required to receive the information.

Actions to be taken in the event of suspected fraud, theft or irregularity are detailed in **Appendix C**.

## **10. POST INVESTIGATION ACTION**

### **10.1 DOCUMENTATION OF THE RESULTS OF THE INVESTIGATION**

The investigator, in conjunction with the Fraud Control Officer will provide a written report detailing the results of the investigation and recommendations of corrective action. The report is provided to the General Manager (or Mayor if appropriate).



A record of the alleged fraud is to be recorded in the Fraud Register which is managed by the Fraud Control Officer. **(refer Appendix D for Fraud Register pro forma)**

The information to be provided to the Fraud Control Officer is:

- date and time of report;
- date and time of incident detection;
- how the incident was reported to management (anonymous report, line management etc);
- nature of the incident;
- value of the loss to the entity (if any); and
- action taken following detection.

## **10.2 DISCIPLINARY PROCEEDINGS**

The General Manager may instigate disciplinary action based on existing disciplinary policies or as provided for under legislation within the context of the Fraud Control Plan.

The ultimate outcome of disciplinary proceedings may include the issue of a formal warning or, for cases of serious misconduct, termination of employment without notice or payment in lieu of notice. Serious matters may also be reported to the Police or other enforcement agencies as appropriately determined by the General Manager.

## **10.3 PROSECUTION**

If the initial investigation reveals evidence of fraud or corruption the allegation may be reported to the police or other appropriate law enforcement agency. In the event that a matter is referred to a law enforcement agency all reasonable assistance will be provided to that agency in the proper investigation of the matter.

## **10.4 RECOVERY ACTION**

Wherever possible, Council will recover all property that has been dishonestly appropriated. Where this is not possible appropriate recompense will be sought.

## **11. REVIEW AND REPORTING REQUIREMENTS**

Annually in December, 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.

## **APPENDIX A - FRAUD CONTROL RESPONSIBILITIES**

### **Mayor**

- managing media interest in any event involving fraud or improper conduct of Aldermen or General Manager,

### **General Manager**

- overall responsibility for day to day prevention and detection of fraud and corruption.
- managing media interest in any event involving fraud or improper conduct of Workers,

### **Corporate Executive**

- implementing fraud control strategies developed as a result of the fraud risk assessment,
- identifying potential risks of fraud or theft to systems and implementing controls to prevent and detect instances of fraud, theft or irregularity for functions under their control.

### **Fraud Control Officer**

- has overall responsibility for ensuring that the objectives and requirements of the Fraud Control Plan are implemented,
- is to ensure that the objectives of the Fraud Control Plan are communicated to staff;
- is responsible in consultation with the Manager Human Resources to arrange for the delivery of fraud training to appropriate workers.
- provides a central referral point for allegations of incidents of fraud, ensures that they are appropriately investigated and reported in accordance with the Fraud Control Plan. This is to include where appropriate the referral of any incident involving fraud, theft or irregularity to the police or to take appropriate civil action for recovery,
- undertakes investigation of the internal control weaknesses and other relevant factors in response to a fraud incident,
- ensures that findings and the revision of fraud controls arising from incidents and investigations are implemented;
- provides advice on risk and internal control issues,
- Co-ordinates the periodic conduct of the fraud risk assessment in relevant business process reviews.

### **Management Responsibilities**

Each work group manager is responsible to:-

- Provide leadership to raise organisation wide culture that discourages fraud;
- Model positive behaviour;
- Reasonably promote this policy and plan within area of responsibility; and
- Take reasonable steps to ensure that any potential breaches of this policy are identified taken seriously and acted upon.

Further the work group manager is responsible to ensure that appropriate processes are in place to manage and minimise the potential for fraud and corruption in respect of their work group management activities which include (but are not limited to) the application of the following methods:

- The full documentation of those processes which may be affected by the potential for fraud (including the method by which fraud risks are being managed within those processes);
- Adequate segregation of duties and use of verification procedures;
- Use of exception reports and the authorisation processes with respect to the maintenance, adding to or deletion from master files such as clients, suppliers, data, etc;
- All supporting transaction documentation is appropriately captured and filed (audit trails);
- Regular systems and process reviews by appropriate staff members;
- Having appropriate channels for employees to report possible non-compliance or system errors;
- Conduct of internal reviews of work group activities as required; and
- Compliance with relevant Council adopted policies.

### **Officers undertaking employment process**

Pre-employment screening and background investigations are to be undertaken on all applicants short-listed for positions with Council where considered appropriate to the position description. Pre-employment screening is to consider (but is not limited to) the following:

- Verification of identity;
- Previous criminal history;
- Reference check with at least the two most recent employers (this will normally require telephone contact);
- A consideration of any gaps in employment history and reasons for those gaps;
- Verification of formal qualifications claimed; and
- A more thorough screening process for employees applying for particularly sensitive positions.

This approach is to extend to volunteer engagement screening where appropriate.

### **All Workers**

- Must comply with this policy and plan;
- Where possible report breaches of this policy; and
- Assist in the implementation of the Fraud Control Plan and in reporting all instances of fraud or potential fraud to line management or through such alternative channels as may be provided.

## **APPENDIX B - FRAUD/IRREGULARITY INCIDENT REPORT**

<b>Clarence City Council</b> <b>Work Area: .....</b>	
<b>Report Date:</b>  <b>Date Discovered:</b> How was it reported? (e.g. anonymous, line manager, General Manager etc)  <b>If issue identified by a third party, provide details:</b>	<b>Estimated or Potential Loss: \$</b>  <b>Contingency/Provision/Expense</b> [delete as appropriate]  <b>Incident Category:</b>
<b>Summary of Incident:</b>  <b>Investigation Details:</b>  <b>Investigation Findings:</b>  <b>Failed Controls Identified:</b>  <b>Recommended Actions:</b>  <b>Management Comments:</b>	
<b>Management Action Plan:</b>	
<b>Estimated completion date:</b>	
<b>Fraud Register Incident Number:</b>	

## **APPENDIX C - ACTIONS TO BE TAKEN IN THE EVENT OF SUSPECTED FRAUD, THEFT OR IRREGULARITY**

1. Staff members identifying suspected fraud, commercial irregularity or unethical conduct are to notify their immediate manager, the Fraud Control Officer, the Manager Human Resources, the General Manager or the external nominated party depending upon the circumstances.
2. The manager or other person is to immediately notify the General Manager, the Fraud Control Officer or Manager Human Resources as appropriate to enable the matter to be properly documented.
3. The manager to whom the report is first made or the Fraud Control Officer is to secure all relevant documentation and records, or in the case of electronic systems, secure source documents, printouts and relevant reports.
4. The Fraud Control Officer will provide a "Fraud Incident Report" to the Council via the General Manager and Audit Panel as appropriate.
5. The Fraud Control Officer will conduct or co-ordinate an investigation into the alleged fraudulent conduct.
6. Investigation of an employee suspected of fraud will be conducted consistent with the organisations adopted issues resolution and disciplinary policies.
7. The Fraud Control Officer is to submit a written report, containing details of the circumstances and recommendations to the General Manager.
8. The General Manager may refer the matter to a law enforcement agency.
9. The Fraud Control Officer will maintain a register of all fraud, theft and irregular losses reported.
10. The Fraud Control Officer will be responsible for arranging for the recovering any funds owing as a result of court orders or private treaties with persons found to have been involved in fraudulent conduct or negotiated settlements.
11. The Fraud Control Officer will ensure that a report on the circumstances and recommended action is submitted to the General Manager, Council and the Audit Panel as appropriate.
12. The Fraud Control Officer will maintain files of all reports and working papers relating to investigations of fraud, theft and irregular practices.
13. Provide contact details??



## **APPENDIX D - FRAUD REGISTER**

*In accordance with the Australian Standard AS 8001-2008 Fraud and Corruption Control*

*To be maintained by the Fraud Control Officer Forms part of the Fraud Control Plan*

*To be reported to the Audit Panel annually*

Register Number	Date and time of report	How was report received	Nature of the incident	Value of the loss ( if any)	Action taken following detection	Fraud incident report completed
Example only	21 April 2015 9.15am	Anonymous phone message to Manager Human Resources	Petty cash tin stolen from site	\$100	Refer fraud incident report	Yes
1						

Register Number	Date and time of report	How was report received	Nature of the incident	Value of the loss ( if any)	Action taken following detection	Fraud incident report completed
Example only	21 April 2015 9.15am	Anonymous phone message to Manager Human Resources	Petty cash tin stolen from site	\$100	Refer fraud incident report	Yes

### Clarence City Council Draft Fraud Control Policy

#### Policy Objective

The prime objectives of this policy are to:

1. Facilitate the development of controls which will aid in the prevention and detection of fraud against Clarence City Council (Council).
2. Create a culture of awareness that fraud will not be tolerated.

#### Introduction

Council is committed to acting in the best interest of the community and to upholding the principles of honesty, integrity and transparency, which are all key components of good governance. This is supported by the organisation's values of integrity and ethics as stated in the Code of Conduct.

#### Scope

This policy applies to the risk of fraudulent conduct by Councillors, staff, volunteers, committee members, contractors and customers. It complements the Council's Risk Management Policy and is supported by the Fraud Control Plan.

#### Policy Statement

Council policy is to establish and maintain an organisational culture in which fraud or theft is not tolerated. CCC's organisational environment will promote a culture where all fraudulent activities, once noticed or legitimately suspected, are reported to the appropriate level of management, investigated and resolved in a timely and fair manner.

The Council will not tolerate fraudulent or corrupt activity and is committed to its control and prevention by:

- Establishing and maintaining an effective system of internal controls,
- Regularly undertaking risk assessments to identify circumstances in which fraud could potentially occur,
- Implementing fraud prevention and mitigation strategies in its day to day operations,
- Ensuring all council employees and council members are aware of their obligations by way of the inclusion of preliminary education in an induction process,
- Active participation in education and evaluation of practices relevant to fraud ,
- Fostering an ethical environment in which dishonest and fraudulent behaviour is actively discouraged, and
- Generating community awareness of the Council's commitment to the prevention of fraud.

## What is Fraud?

Fraud is defined as:

*A false representation of a matter of fact—whether by words or by conduct, by false or misleading allegations, or by concealment of what should have been disclosed—that deceives and is intended to deceive another so that the individual will act upon it to her or his legal injury.*

Source West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.

Some examples of fraud include:

- Unauthorised use of Council plant and equipment,
- Theft of money or goods from Council or its customers,
- Deliberately falsifying timesheets,
- Providing confidential Council information for the benefit of unauthorised people or organisations,
- Obtaining benefits by use of a false identity or false qualifications,
- Falsification of expense claims,
- Inappropriate use of positions to obtain goods and services.

## Responsibilities

Responsibility for fraud prevention rests with all levels of management, Councillors, employees, volunteers, contractors and those who represent CCC. This also includes the responsibility to report fraud or suspected fraudulent activity in accordance with the notification guidelines detailed below.

### General Manager

The General Manager has principal responsibility for fraud control to ensure compliance with the Policy and the appropriate governance mechanisms that are in place.

### Corporate Executive and Senior Managers

Have the responsibility to:

- Identify fraud risk within their areas of responsibility
- Establish controls and procedures for the prevention and detection of fraud
- Provide guidance and instruction to all staff relating to responsibilities and fraud reporting requirements
- Maintain effective internal controls and auditing around key financial systems
- Undertake risk assessments on fraud control in accordance with the Risk Management Policy
- Implement action plans identified through risk assessments and the Fraud Control Plan
- Foster and develop in their areas the highest standards of ethical behaviour and commitment to promoting an ethical workforce culture

All suspected cases or incidents of fraud reported to a senior manager or member of the Corporate Executive are to be reported immediately to the General Manager.

### Councillors

Councillors shall be aware of and comply with this policy. Council will support all policies and reasonable measures taken to prevent, deter and resolve suspected instances of fraud.

### Employees, Contractors, Consultants and Volunteers

Have a duty to act honestly and comply with the content of this policy, employment/service contracts and the law.

All employees, contractors, volunteers and representatives of the Council have a duty to advise management of any concerns that they may have regarding the conduct of Council affairs or the use of Council assets and resources. Any issues raised will be investigated promptly and in a confidential manner.

### Fraud Control Officer

- overall responsibility for ensuring implementation of the Fraud Control Plan and communication of the procedures to staff
- provide a central referral point for allegations of incidents of fraud, inclusive of ensuring that all matters are appropriately recorded, and reported in accordance with the Fraud Control Plan
- co-ordinate the follow-up of fraud risk assessments
- advise on risk and internal control issues
- co-ordinate the periodic conduct of the fraud risk assessment.

## **Fraud Prevention**

Council's fraud prevention strategy includes:

### Organisational Culture

Council recognises that the most effective form of fraud prevention is the establishment of an organisational culture that rejects fraudulent conduct. Commitment from Councillors and managers is essential in the provision of leadership to all staff, contractors and volunteers in this area.

Supported by the Code of Conduct Council will establish and maintain a fraud resistant culture by:

- Adopting and enforcing policies that emphasise ethical behaviour
- Issuing clear standards and procedures to encourage the minimisation and deterrence of fraud
- Ensuring managers understand what behaviour constitutes fraudulent conduct
- Making provision in position descriptions as to the responsibility that each role has in the prevention of fraud
- Promoting awareness within the organisation as to the commitment Council has to the prevention of fraud
- The inclusion of ethical conduct requirements for potential job applicants and in all position descriptions
- Ensuring that all employees are aware of their responsibilities in relation to fraud through the provision of appropriate and regular training.

### Internal Control Mechanisms

Assessing the risk of fraudulent conduct is a major step towards preventing its occurrence. Accordingly there will be a continuing annual program of risk and internal control review through the Audit Panel, Corporate Executive, Fraud Control Officer, internal auditor(s) and external audit. This is supported by the Fraud Control Plan and the Risk Management Strategy/Policy.

Outcomes of the risk assessment and policy and procedure reviews will be documented and managed through the Audit Panel.

Fraud minimisation procedures are to include but are not limited to:

- Accountability of the General Manager and the Corporate Executive for the financial results and budget variances in the monthly and quarterly reporting for each Program and Responsibility Centre.
- Periodic review of Council operations and an assessment of the Council's exposure to the risk of fraud.
- A strong internal audit presence through regular internal audit reviews, undertaken through the Audit Panel,
- External audit reviews will focus on accountability, integrity of financial systems and ensuring that Council complies with legislative financial reporting requirements.

- Compliance with defined recruitment practices, including the confirmation of all relevant employee details via reference checks, verification of qualifications and police checks as deemed necessary,
- All employees will be required to sign a Statement of Compliance with the Code of Conduct as part of their induction.

## **Reporting Fraud**

The Code of Conduct provides guidance in this area as to how to report any matters of concern.

Instances of suspected fraud should be reported promptly. If a staff member, contractor or consultant suspects or is advised by a third party of evidence of fraudulent activity then he/she shall notify their Senior Manager immediately. The staff member, contractor or consultant shall keep this information confidential.

Where he/she does not feel comfortable reporting a matter to their manager they should report such matters to their respective member of the Corporate Executive.

If neither of the above options is appropriate, then he/she should report such matters to the Manager Human Resources.

In the instance where lodging a report within the organisation is not an option the Tasmanian Integrity Commission is an independent body enacted to deal with allegations and complaints of misconduct. [www.integrity.tas.gov.au](http://www.integrity.tas.gov.au)

Any Councillor or Committee Member who has reason to suspect that a fraud has occurred shall immediately notify the General Manager. The Councillor/Committee member shall keep this information confidential.

All reported or suspected instances of fraudulent conduct will be reported to the General Manager and the Fraud Control Officer by the manager receiving the reported information.

A record of the alleged fraud is to be recorded in the Fraud Register which is managed by the Fraud Control Officer. The information to be provided to the Fraud Control Officer is:

- date and time of report;
- date and time of incident detection;
- how the incident was reported to management (anonymous report, line management etc);
- nature of the incident;
- value of the loss to the entity (if any); and
- action taken following detection.



## **Fraud Investigation**

In the event that a fraud is detected, reported or suspected an investigation will be conducted by appropriately skilled and experienced personnel who are independent of the section in which the fraud has occurred.

The independent party may include:

- An external law enforcement agency
- A manager or other senior person within the organisation
- An external consultant operating under the direction of an independent senior person within the organisation.

The General Manager shall determine the appropriate course the investigation should take and will ensure that the investigation will adhere to natural justice principals, confidentiality, rules of evidence and standards of proof, legal and policy compliance and health and safety regulations.

## **Fraud Correction**

Strategies will be implemented to ensure that any instance of fraudulent activity will not be repeated. These may include:

- Disciplinary action and/or legal action in respect of the party involved in the fraudulent misconduct,
- Review and alteration of internal controls,
- Review and alteration of operating procedures,
- Additional training and raising awareness on the matter.

## **Review**

This policy shall be reviewed bi-annually to ensure that it meets the requirements of legislation and the need of Council.

## **Ownership**

This policy comes under the auspice of the General Manager and therefore will be managed by the Corporate Secretary.

## **Associated Policies and Documents**

Fraud Control Plan

Code of Conduct

Risk Management Policy

Integrity Commission Act

Local Government Act

DRAFT

**11.7.3 INFRASTRUCTURE PROTECTION BONDS – HIGH ACTIVITY BUILDERS**

(File No 03-08-07)

**EXECUTIVE SUMMARY****PURPOSE**

To consider a proposal to reduce costs and administrative effort by high activity builders by holding a single infrastructure protection bond to cover all projects undertaken in Clarence by an individual builder at any one time.

**RELATION TO EXISTING POLICY/PLANS**

Infrastructure protection bonds are currently required for building applications under Council's List of Fees.

**LEGISLATIVE REQUIREMENTS**

No issues to be addressed.

**CONSULTATION**

No issues to be addressed.

**FINANCIAL IMPLICATIONS**

The proposal carries a small increase in financial risk for Council, however, this risk is partially off-set through a higher bond amount being available across a range of projects.

**RECOMMENDATION:**

That the following items be included in Council's List of Fees:

1. Infrastructure Protection Bond (covering only all Single Dwelling building projects undertaken by a single builder) \$10,000; and
2. Infrastructure Protection Bond (covering all building projects undertaken by a single builder) \$15,000.

---

**ASSOCIATED REPORT****1. BACKGROUND**

- 1.1.** Council currently requires lodgement of an infrastructure protection bond for building works in urban areas of the City. The bond amount is \$900 per residential project and \$1,800 for Multiple Dwelling and commercial projects. Separate bonds apply in respect of skip bins.

- 1.2.** The purpose of the bonds is to meet the cost of damage which may be done to Council's infrastructure (typically kerb, pits, etc) in the course of building works, should this damage not be repaired by the builder. Council would have a significant cost exposure without these bonds being in place.

## **2. REPORT IN DETAIL**

- 2.1.** A proposal has been received from Wilson Homes to reduce the amount lodged in respect of infrastructure protection bonds through the lodgement of a single sum covering all projects undertaken in the City. The proposal seeks to reduce the aggregate amount deposited with Council as security for damage to Council infrastructure.
- 2.2.** While such a proposal necessarily increases Council's exposure to risk of meeting the cost of infrastructure damage, it is worthy of consideration. If implemented, the revised option would be offered to all builders.
- 2.3.** Holding a single bond would suit only "high activity" builders who typically have many projects being undertaken in the City at any point in time. It would therefore be restricted to a small number of builders (estimated in the order of 6). It is logically in the interests of those builders to meet their repair obligations since their business needs to consider future, as well as current projects.
- 2.4.** Reducing the amount held by Council may assist those builders reduce costs, and holding a single bond (in-lieu of multiple, small bonds with high turnover) would reduce administrative costs for both the builders and Council.
- 2.5.** In considering the additional risk of holding a reduced amount, Council would be limiting its ability to recover costs should a builder fail to rectify damage to Council infrastructure across multiple projects. However, should a higher bond be held which may be applied to all projects undertaken by a builder, Council would have access to a larger amount should significant damage occur in respect of a single project.

- 2.6.** The proposal refers to a sum of \$4,500 being agreed with Sorell Council. This is considered inadequate in respect of Clarence since it represents only 5 dwelling projects or 2.5 multiple dwelling/commercial projects. It is also less than 10% of the amount currently on deposit from Wilson Homes.
- 2.7.** In this context, an amount representing 10 projects would be more appropriate. At current rates, this would be \$9,000 if based on single dwelling bonds, or \$18,000 if based on multiple dwellings/commercial bonds. Clearly, the mix of projects will vary from time to time for individual builders.
- 2.8.** Based on this level of bond, builders could be offered the option of a \$10,000 bond if it covered only dwellings or \$15,000 if it covered both dwellings and multiple dwellings/commercial.
- 2.9.** Annually, any builder taking this approach could be given the option to revert back to individual bonds, however, the sum of each individual bond would need to be retained.
- 2.10.** Such a system should be subject to a simple agreement with each builder and include the ability for Council to cancel the arrangement at any time should it be abused (including if multiple calls are required on the bond amount) and the ability for Council to apply the full amount held to defects resulting from any or all projects undertaken by the builder. The agreement could also take into account deposits relating to skip bins on streets should these form part of a building project.

### **3. CONSULTATION**

#### **3.1. Community Consultation**

No issues to be addressed.

#### **3.2. State/Local Government Protocol**

No issues to be addressed.

**3.3. Other**

No issues to be addressed.

**4. STRATEGIC PLAN/POLICY IMPLICATIONS**

The proposal requires a change to existing policy, however, is consistent with Council policy to facilitate business growth.

**5. EXTERNAL IMPACTS**

No issues to be addressed beyond the potential benefit to high activity builders operating in the City.

**6. RISK AND LEGAL IMPLICATIONS**

A small increase in the risk of Council having to meet the cost of repairs to its infrastructure is associated with the proposal, however, this is partially off-set by the ability to access a larger deposit amount in respect of any defect arising.

**7. FINANCIAL IMPLICATIONS**

No direct financial implications, however, some minor financial risk as noted above.

**8. ANY OTHER UNIQUE ISSUES**

No issues to be addressed.

**9. CONCLUSION**

**9.1.** A proposal has been received to allow individual high activity builders to lodge a single, large, infrastructure renewal bond in respect of all projects they undertake in the City.

**9.2.** This proposal has merit, however, the amount needs to be of an appropriate quantum.

Attachments: 1. Letter from Wilson Homes dated 12 December 2014 (1)

Frank Barta  
**ACTING GENERAL MANAGER**



12<sup>th</sup> December 2014

# WILSON HOMES

MULTI AWARD WINNING BUILDERS

A Division of Wilson Homes Tasmania Pty Ltd

ABN 96 126 636 897



Andrew Paul  
General Manager  
Clarence City Council  
PO Box 96  
Rosny Park Tas 7018

**INCOMING MAIL - Received by Records**Date Processed: 15 DEC 2014Date Received: 15 DEC 2014Correspondence Officer: GMDoc ID: \_\_\_\_\_ File 03-08-07

Dear Andrew,

**RE : HOLDING OF INFRASTRUCTURE BONDS**

Our Account Manager, Lyn Page, has recently discussed the holding of bonds by Clarence City Council with Rudi Brennan.

Wilson Homes has increased the amount of dwellings being built markedly in the last two years. We have a policy of always repaying any damage to crossovers etc. when each job is completed and have always had our bonds paid back once Completion certificates have been issued.

Currently we have over \$50,000 being held by Clarence City Council for new dwellings and with the amount of sales on our books for the next year in your area, this amount will continue to grow.

After discussion this week with Sorell Council due to the same concern, they are now going to hold an annual sum of \$4,500 for dwellings that we build within their municipality.

We are requesting that your council also look at holding an annual sum for infrastructure bonds.

Looking forward to hearing from you soon in regard to this issue.

Yours Sincerely

Wilson Homes

  
BEN WILSON  
Managing Director

**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****12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

The Acting General Manager provides the following answers to Questions taken on Notice at previous Council Meetings.

**MAINTENANCE OF ROAD VERGES ON STATE GOVERNMENT ROADS**

At Council's Meeting of 1 December 2014 Ald Thurley sought whether there have been discussions with State Government representatives on the possibility for Council to undertake maintenance on behalf of the State Government of the road verges for State roads in the City of Clarence and the further, clarification as to what stage these discussions have advanced and the details of the scope and terms of the possible undertakings that have been considered.

**ANSWER**

Initial discussions with the Department of State Growth (DSG) arose from requests from residents and visitors to the City about the state of the Tasman Highway as the gateway to Hobart from the Airport. In particular, there was concern expressed about the untidy nature of the road reserve and the amount of litter on the road side.

DSG indicated that as a result of an agreement with Brighton Council, it was in a position to reassign specified activities within the overall maintenance contract that might be better applied to other areas of the network, such as landscape maintenance and litter control along the Tasman Highway. Council officers acknowledged that this would address the issue in the short term but also sought further information from DSG on what responsibilities could transfer from DSG to Council for state road verge maintenance and under what conditions. At this stage there is no response back from DSG but Council officers will pursue the matter so that an informed discussion can take place as part of the budget process for the 2015-2016 Annual Plan.

## **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 2005 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 2005.

**13.1 APPLICATIONS FOR LEAVE OF ABSENCE****13.2 PROPERTY MATTER - ROSNY**

The grounds for listing these reports in Closed Meeting are that the detail covered in the reports relates to:

- proposals for the acquisition of land or an interest in the land or for the disposal of land;
- applications by Aldermen for 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”.