

COUNCIL MEETING
MONDAY 16 MARCH 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

Ald Cusick (Leave of Absence)

2. CONFIRMATION OF MINUTES
(File No. 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 23 February and the Special Council (Planning Authority) Meeting held on 10 March 2015, as circulated, be taken as read and confirmed.

3. MAYOR'S COMMUNICATION

Nil

4. COUNCIL WORKSHOPS

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

PURPOSE	DATE
Dog Management Policy	
Bellerive Beach Park	
Kangaroo Bay Facilities Lease Amendment	2 March
Capital Works Program	
Howrah Men's Shed	
Land Use Planning and Approvals Act, 1993	
South Street Property Matter	
Voluntary Amalgamations/Shared Service Arrangement	
Info Book/Community Directory	10 March

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.

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 NOTICE OF MOTION – ALD HULME
REMOVAL OF TREE – CLARENDON VALE**
(File No)

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

“That the *allocasuarina* (she oak) tree located at 151 Rockingham Drive, Clarendon Vale be removed due to “nuisance caused by significant shedding material” and replaced with a suitable species of tree”.

EXPLANATORY NOTES

- An application was submitted for the removal of a she oak tree at 151 Rockingham Drive, Clarendon Vale. The reason for the removal was ‘nuisance caused by significant shedding material’.
- The application for removal of the tree was refused. The Briefing Report on the tree issued to Council on 16 October 2014 stated:
‘This tree forms a useful element in the street scape and should be retained. The tree can be pruned back from the street light to improve the street lighting. The tree has been assessed as being healthy and the report did note that the tree would drop a considerable volume of debris’.
- As there was no Motion on Notice lodged in the required 4 week period, as stipulated in the Council Policy, a work order was issued for the pruning recommended in the report. This work was then undertaken in December 2014.
- The applicant who lodged the application to remove the tree believes the debris shedded from the tree is causing a significant nuisance by covering her lawn, car and the footpath outside her house. The effect of the debris is demonstrated in the attached photographs.

D Hulme
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

Not required.

Representative Reporting

- **COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY**
Representatives: Ald Jock Campbell
(Ald Peter Cusick, Deputy Representative)

Quarterly Reports

September and December Quarterly Reports pending.

Representative Reporting

- **SOUTHERN WASTE STRATEGY AUTHORITY**
Representative: Ald Richard James
(Ald Sharyn von Bertouch, Proxy)

Quarterly Reports

December Quarterly Report pending

Representative Reporting

- **TASWATER CORPORATION**

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

(File No 07/02/12)

Chairperson's Report 35 – February-March 2015

Following on from its December 2014 meeting the Committee held a special meeting on 19 February 2015, to consider the ICT Strategic Review in more detail. As indicated in my previous report to Council it was intended that this meeting provide the Committee with the opportunity to receive further information and to be in a position to provide Council with its advice and recommendations in time for Council budget discussions and deliberations on this important strategic initiative.

I attach a copy of the Minutes of the Meeting of the Audit Committee for 19 February 2015 and for tabling at Council's Meeting (Attachment 1).

To recap on this matter, the Committee has given 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.

There are a number of key aspects that the Committee has identified (and noted in its minutes of meeting) which remain dynamic and present as variables in progressing the project as a whole and these are drawn to Council's attention. The Committee remains firmly of the view that there are now significant business risks for Council in retaining the current IT platform. There are also an increasing number of unresolved IT Action Items arising from internal audits which have proved difficult to progress and a large number of these would be addressed from implementing the recommended approach.

It is now timely that Council consider and take opportunity to leverage from contemporary technology and to move to a “software as a service” delivery model which has the potential to deliver improved business and service delivery and realise cost savings in the medium to longer term.

RECOMMENDATION:

A. That the Chairperson’s Report be received by Council; and

B. That the Council notes the recommendations of the Committee regarding vis:

- “1. That the draft IT Strategic Plan be received and recommendations be noted;*
- 2. That the key aspects (as detailed above) associated with the IT strategic Plan project be noted;*
- 3. That the Committee recognises that there are significant risks for Council in retaining the current IT systems and it is now timely that this matter be addressed;*
- 4. That Option 4 of Mr Carr’s IT strategic document titled Technology Transformation Business Case be endorsed as the Committee’s preferred recommendation to the Council for consideration in the Council’s forthcoming budget deliberations;*
- 5. That in putting forward the Committee recommendation to the Council in respect to the IT Strategic Plan the Committee has noted that there remain important factors such as the inherent risks and business opportunities associated with the project; the level of resourcing required for implementation; and the nature of service provision (cloud based; bureau services or in-house) all of which are difficult factors to quantify at this early stage of the project; and*
- 6. That the Committee further recommends that to address these important factors, the process remain open to the extent required to ensure that all options and opportunities are explored throughout the process; this should include provision of adequate budget contingency and the engagement of external expertise to advise and manage the risks and business opportunities presented”.*

Attachments: 1. Minutes of Audit Committee Meeting (5)

John Mazengarb
CHAIRPERSON

5 March 2015

There are also an increasing number of unresolved IT Action Items arising from internal audits which have proved difficult to progress and a large number of these would be addressed from implementing the recommended approach.

MINUTES OF A MEETING OF THE COUNCIL AUDIT COMMITTEE TO BE HELD IN THE COMMITTEE ROOM AT THE COUNCIL OFFICES, BLIGH STREET, ROSNY PARK, ON THURSDAY, 19 FEBRUARY 2015

HOURLY CALLED: 2.00 pm

PRESENT: The Meeting commenced at 2.02pm with Mr J Mazengarb in the Chair and Committee Members:
Mr R Hogan
Ald P Cusick
Ald H Chong, present.

IN ATTENDANCE: General Manager
(Mr A Paul)
Corporate Secretary
(Mr A van der Hek)
Corporate Treasurer
(Mr F Barta)

MINUTES

1. APOLOGIES

Alderman Kay Mc Farlane (Proxy)

2. PECUNIARY/CONFLICT OF INTEREST DECLARATIONS

The Chair asked whether there were any member declarations.

No Pecuniary/Conflicts of Interest were declared.

3. CONFIRMATION OF MINUTES

The Minutes of the Meeting of the Audit Committee dated 10 December 2014 were circulated to Committee Members.

RECOMMENDATION:

That the Minutes of the Meeting of the Audit Committee dated 10 December 2014, as circulated, be confirmed.

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

“That the Minutes of the Meeting of the Audit Committee dated 10 December 2014, as circulated, be confirmed”.

CARRIED

4. SOLUTIONS - DEVELOPMENT OF AN IT STRATEGIC PLAN

At the last Audit Committee Meeting, Peter Carr provided the Panel with an IT Strategic document titled Technology Transformation Business Case that further developed the potential 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.

In general discussions on Mr Carr’s presentation it was identified that there is need for further detailing of the options costings and Mr Carr provided further details to the Committee regarding the options and their costings. Additionally, a breakdown was provided showing market share of key IT service providers in local Councils throughout Australia.

Mr Barta gave an overview of the additional material provided and the basis of discussions which he and the Committee Chair held with Mr Carr.

Item 4 Cont/-

Item 4 Cont/-

There was an open discussion on this matter with the following key aspects noted:-

Business Environment

- Potential changes to the LG industry (mergers etc)
- LG industry trends and changes in customer expectations
- Other neighbouring Council planned changes to IT solutions (Hobart Glenorchy and Kingborough noted to be in similar position and timeframe)

Provider Opportunities

- Further NBN development
- Strong emergence of more affordable Cloud based solutions (relatively untested at large scale and noting - dependency may pose business continuity and data security risks);
- Proposed establishment of a Tas Government “Cloud” service provider.

Business Opportunities

- Exploration of joint tendering (up scaling buy power) for IT solutions;
- Explore opportunities associated with Tas Government “Cloud”;
- Explore all options including associated business risks for service delivery (eg cloud, bureau, in-house)

Operational Opportunities

- Enhance capacity and capability to deliver on customer services IT interfaces (citizen centric offerings);
- Take full advantage of field based mobility solutions for data access and data population of information systems;
- Enable Council to address numerous “audit management plan” issues that have been held over pending more capable/effective IT solutions.

Resourcing

- Ensuring adequate expertise and external support to guide and advise the implementation of the project;
- Adequacy of resourcing for implementation and development of the new IT solutions to maximise the operational opportunities;
- Adequacy of budget provision to meet the full cost of IT change over (refer to additional project costings much of which can be achieved within current budget parameters for IT)

Item 4 Cont/-

RECOMMENDATION:

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

Decision: It was **RESOLVED**

- “1. That the draft IT Strategic Plan be received and recommendations be noted;
2. That the key aspects (as detailed above) associated with the IT strategic Plan project be noted;
3. That the Committee recognises that there are significant risks for Council in retaining the current IT systems and it is now timely that this matter be addressed;
4. That Option 4 of Mr Carr’s IT strategic document titled Technology Transformation Business Case be endorsed as the Committee’s preferred recommendation to the Council for consideration in the Council’s forthcoming budget deliberations;
5. That in putting forward the Committee recommendation to the Council in respect to the IT Strategic Plan the Committee has noted that there remain important factors such as the inherent risks and business opportunities associated with the project; the level of resourcing required for implementation; and the nature of service provision (cloud based; software as a service or in-house) including specific reference sites, all of which are difficult factors to quantify at this early stage of the project; and
6. That the Committee further recommends that to address these important factors, the process remain open to the extent required to ensure that all options and opportunities are explored throughout the process; this should include provision of adequate budget contingency and the engagement of external expertise to advise and manage the risks and business opportunities presented.”

5. MANAGEMENT ACTION PLAN

In discussions on the Peter Carr report, the current status of the IT based Management Action Plan was raised. An updated IT based Management Action Plan is attached for information containing comments on the extent to which recommendations within the report are likely to resolve the proposed actions (**refer Attachment 5**).

RECOMMENDATION:

That the advice be noted

Decision: It was **RESOLVED**

“That the advice be noted and that the items not captured in the IT strategy be relisted in the main Management Action Plan”.

6. ANY FURTHER BUSINESS

The General Manager advised that the appointment process for a new independent Committee member was underway and was expected to be concluded in the near future.

The General Manager further drew to the attention of the Committee that the Auditor General’s Annual Report to Parliament had just been released and that a copy of the report would be distributed to the Committee members for information.

Decision: It was **AGREED**

“That the Auditor General’s Annual Report be listed on the next agenda for the next meeting.”

7. TIME, DATE, PLACE OF NEXT MEETING

4.00pm Wednesday, 11 March 2015
Council Chambers

Decision:

8. CLOSE

There being no further business the Chair declared the meeting **Closed** at 3.09pm.

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No. 10/02/02)

The Weekly Briefing Reports of 23 February, 2 and 9 March 2015 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 23 February, 2 and 9 March 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-2015/32 - 53 KING STREET, BELLERIVE - NEW DWELLING REQUIRING DISCRETION UNDER PD4
(File No D-2015/32)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Single Dwelling at 53 King Street, Bellerive.

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 due to a requested variation to the boundary setback, building height and privacy requirements of PD4.

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 16 March 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 2 representations were received (1 representation was received after the closure of the advertising period and is therefore non-statutory) raising the following issues:

- site coverage;
- aesthetic appeal/design of the proposed dwelling;
- impact on privacy;
- building height;
- loss of views;
- overshadowing;
- damage of surrounding property and impact on residential amenity during construction; and
- length of advertising period.

RECOMMENDATION:

A. That the Development Application for Single Dwelling requiring discretion under PD4 at 53 King Street, Bellerive (CI Ref D-2015/32) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. GEN AP3 – AMENDED PLAN [the swimming pool and deck areas a minimum of 3m from the eastern side boundary; rear setback increased to 1.546m and maximum height reduced to 8.9m]. Delete “commencement of the use/development” and replace with “commencement of works”.
 3. GEN M7 – DOMESTIC USE. Replace “building” with “Workshop and Study”.
 4. The development must meet all required Conditions of Approval specified by TasWater notice dated 4 February 2015 (Ref: TWDA 2015/00146-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 (the site is also located within the Bellerive Bluff Overlay; however, the provisions of the Overlay are overridden by PD4).
- 2.2. The proposal is a Discretionary development because it does not meet the Acceptable Solutions prescribed under Planning Directive 4 relating to the boundary setback, building height and privacy requirements.
- 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 has an area of 1110m² and a slope of approximately 16% towards the eastern corner of the lot. The property has frontage and vehicle access to King Street. The site contains an existing weatherboard dwelling.

The area surrounding the subject site is similarly zoned Residential and contains mainly single dwelling developments. The River Derwent is located approximately 65m to the east of the site.

3.2. The Proposal

The proposal is for a new Single Dwelling, which would include demolition of the existing buildings on the site. The proposed dwelling would be 3 storey with a gross floor area of 508m². The proposal also includes the construction of a double car garage and domestic workshop with a gross floor area of 68m² and a proposed study separate to the house with a gross floor area of 31m².

The dwelling would contain 4 bedrooms, 5 bathrooms, a rumpus room, a sitting room, formal living room, outdoor decks, a swimming pool and an open plan living/kitchen/dining area.

The proposed dwelling would have a height of 9m at its highest point above natural ground level and would be constructed using timber, cement sheeting, brick and corrugated iron. The applicant proposes to retain and widen the existing vehicle access to King Street. The dwelling would have setbacks of 4.632m from the frontage boundary, a minimum of 1.24m from the northern side boundary and 1.46m from the rear boundary of the site.

The proposed garage would be constructed on the southern side boundary of the site, while a corner of the proposed studio would be constructed on the rear boundary of the site.

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)**

PD4 Standards	Acceptable Solution	Proposed	Meets Acceptable Solution?
(1) Setbacks from a frontage	a minimum 4.5m from primary frontage	4.632m	complies
(2) Site Coverage; and Rear Setback	maximum of 50% of the site (555m ²) to be covered 4m rear setback	34% (386m ²) 0m (study), 1.46m (dwelling)	complies does not comply

(3) Building Envelope	all Single Dwellings must be contained within a building envelope 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:	garage – 0.0m from the southern side boundary and wall length exceeds 9m – outside building envelope (1.5m setback required)	does not comply
	i) 1.5m from a side boundary; or	study – 0.0m from rear boundary – outside building envelope (4m setback required)	does not comply
	ii) closer, provided the wall is a maximum length of 1/3 the length of the boundary or 9m, whichever is the lesser	dwelling – 9m maximum height – outside building envelope (approximately 3m of third-storey roof peak – 0.5m over height)	does not comply
		dwelling – 1.416m from the rear boundary – outside building envelope (4.9m rear setback under building envelope standard)	does not comply
(4) Frontage setback and width of garages and carports	maximum opening width of 6m or half the width of the frontage and a front setback of 4.5m	opening is 4.9m in width and frontage setback is 19.3m	complies

(5) Privacy	balconies, decks, roof gardens, parking spaces and carports with an FFL >1m above NGL require a 3m side setback and 4m rear setback	the proposed pool area, deck and terrace adjacent to the northern side boundary of the site would be within 3m of the boundary (approximately 5m ² of deck area included within 3m setback)	does not comply
	windows of habitable rooms with an FFL >1m above NGL must: a) have a 3m side setback; or b) be off-set 1.5m from windows of habitable rooms of neighbouring properties; or c) have a minimum window sill height of 1.7m	The window of the bedroom in the south-eastern corner of the dwelling would have an FFL greater than 1m above NGL and a minimum setback of 2.75m from the rear boundary but would be off-set at least 1.5m from windows on adjacent lots (lot at 4 Fort Street features a driveway adjacent to the rear boundary)	complies
(6) Frontage Fences	Maximum height of 1.2m if solid, or 1.8m if part of the fence above 1.2m is a minimum 50% transparency	no frontage fence is proposed	complies

As outlined above, the proposal fails to comply with Standard 2 (Rear Setback), Standard 3 (Building Envelope) and Standard 5 (Privacy).

Standard 2 - Rear Setback

Variations to the rear setback requirement must satisfy the following performance criteria:

- “The location of buildings in relation to the rear boundary must:*
- (a) allow for adequate visual separation between neighbouring dwellings; and*
 - (b) maximize solar access to habitable rooms; and*
 - (c) facilitate provision of private open space”.*

It is considered that the application meets the above performance criteria as the lot immediately adjacent to the rear boundary of the site, 4 Fort Street, is an internal lot, which features a driveway alongside the proposed location of the proposed dwelling and study. Given the location of the driveway, it is considered that there would be adequate visual separation between the proposed buildings and the existing dwellings at 4 and 4A Fort Street. Shadow diagrams submitted with the proposal also indicate that the proposal would allow solar access to the habitable rooms of the neighbouring dwellings for a period greater than 3 hours on 21 June. An adequate area of private open space (approximately 300m²) would be provided on the subject site.

Standard 3 – Building Envelope

Variations to the building envelope requirement must satisfy the following performance criteria:

- “The siting and scale of single dwellings must be designed to:*
- (a) ensure there is no unreasonable loss of amenity on adjoining lots by:*
 - (i) overshadowing and reduction of sunlight to habitable rooms and private open space to less than 3 hours between 9.00 am and 5.00 pm on June 21 or by increasing existing overshadowing where greater than above; and*
 - (ii) overlooking and loss of privacy; and*
 - (iii) visual impacts when viewed from adjoining lots; and*
 - (b) take into account steep slopes and other topographical constraints; and*
 - (c) have regard to streetscape qualities”.*

As identified in the table above, the proposed development would be located outside the building envelope in 4 locations; however, it is considered that the application meets the above performance criteria for the following reasons.

- The proponent has submitted shadow diagrams, which demonstrate that the building would not cause overshadowing of adjoining dwellings, which would result in a reduction of sunlight to habitable rooms and private open space to less than 3 hours between 9.00am and 5.00pm on 21 June. In particular, the shadow diagrams indicate that the building would not reduce sunlight to the dwellings at 51 King Street, 4, 4A and 6 Fort Street and 35 and 37 Victoria Esplanade to a period of less than 3 hours.
- The areas of the building located outside the building envelope would not cause a significant loss of views from adjacent properties, in particular views of the River Derwent, as the slope of the land and siting of surrounding buildings would place the building mostly below or beside the line of view from surrounding buildings.
- The proposed building variations would not have a negative impact on the existing streetscape qualities as the proposed building envelope variations relate to the side and rear boundaries of the site.
- The proposed building would not cause unreasonable overlooking and loss of privacy on the adjoining lots. It is noted that the areas of the building located outside the envelope are compliant with the privacy standard of PD4.

Standard 5 – Privacy

Variations to the privacy requirement concerning outdoor decks must satisfy the following performance criteria.

“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 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 minimized through their separation or off-set or by use of solid or translucent screening”.

Approximately 5m² floor area of the proposed swimming pool, deck and terrace areas would be located within the 3m setback from the eastern side boundary. The property adjacent the eastern side boundary of the site (37 Victoria Esplanade) contains a dwelling, which features a deck and windows of a sunroom within 5-7m of the common boundary. The proposed swimming pool, deck and terrace would overlook these areas of 37 Victoria Esplanade.

This issue has been discussed with the applicant who has advised that the proposal could be modified to increase the setback of the swimming pool, deck and terrace to a minimum of 3m to the eastern side boundary. The applicant has submitted an amended plan showing same, which would bring the proposed development into compliance with the privacy standard of PD4. A positive side effect of the increased setback is that the overall height of the dwelling would reduce from 9m to 8.9m due to the building being slightly more bunkered into the ground. It is also noted that the rear setback of the dwelling would be increased from 1.416m to 1.546m. The proposal would remain in compliance with the other standards of PD4.

A condition is recommended, which would require the amended plans showing the development modified as described above to be submitted and approved by Council. The possible requirement to submit an amended plan has been discussed with the applicant who is supportive of this approach.

4.4. External Referrals

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

5. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 2 representations were received, 1 of which was received after the closure of the advertising period. The following issues were raised by the representors.

5.1. Site Coverage

One representor has raised concern that an “exceptionally large” area of the site would be covered with the proposed buildings.

- **Comment**

As discussed, the proposed buildings would cover 34% (386m²) of the site, which meets the acceptable solution for site coverage specified in PD4 – up to 50%. The site coverage requirement is intended to ensure that useful areas of open space are provided on the site and that streetscape qualities are maintained. The proposed development is consistent with this objective.

5.2. Aesthetic Appeal/Design of the Proposed Dwelling

One representor has raised concern that the architecture of the proposed buildings is not sympathetic to the surrounding area.

- **Comment**

Council has some scope to consider building design where variations to PD4 standards are proposed – for example, impact on streetscape values where a frontage setback variation is proposed. As detailed, the proposal is consistent with the relevant performance criteria of PD4, which require Council to consider issues such as the visual bulk of a building. Otherwise PD4 does not provide for Council to consider the architectural merit/style of development.

5.3. Impact on Privacy

One representor has raised concern that the proposed dwelling would cause a loss of privacy for residents of the adjacent property at 37 Victoria Esplanade. The representor has not elaborated on how privacy would be impacted.

- **Comment**

As discussed above, the proposed swimming pool, deck and terrace areas would overlook a sun room and deck area of 37 Victoria Esplanade.

The applicant has advised that they are willing to modify the proposal to increase the boundary setbacks of the proposed swimming pool, deck and terrace to a minimum of 3m to the eastern side boundary in order to comply with PD4. A condition requiring same is recommended.

5.4. Building Height/Loss of Views

One representor has raised concern that the building would have a maximum height of 9m, which exceeds the acceptable solution of 8.5m under PD4; however, the representor has not elaborated on how they would be impacted. The other representor has raised concern that the height of the proposed building would obstruct views experienced from 10 Fort Street.

- **Comment**

As discussed above, the proposed variation to the height requirement of PD4 is consistent with the performance criteria of the building envelope standard, on the basis that the variation would not unreasonably overshadow adjacent properties, would not cause a significant loss of views for adjacent properties and would not cause unreasonable overlooking and loss of privacy on the adjoining lots. The amended plans submitted by the applicant show a reduced height, which would reduce the impact on views from that proposed in the original plan.

The property at 10 Fort Street has views overlooking parts of Bellerive Oval and the Derwent River. As described in the table above, approximately 3m of the third-storey roof pitch of the dwelling would be 0.5m over height, which is not significant given the slope of the subject site and the context provided by surrounding buildings. Although the roof peak would obstruct some view, the majority of the building would be single-storey and would meet the PD4 height requirement. This means that the majority of view from surrounding properties would be retained.

It is likely that the loss of view would be worse if the development was to fill the full extent of the permitted building envelope. However, it is noted that the amended plans submitted by the applicant show a reduced height, which would reduce the impact on views from that proposed in the original plan.

5.5. Overshadowing

One representor has raised concern that the property at 37 Victoria Esplanade would be unreasonably overshadowed.

- **Comment**

As discussed above, the proponent has submitted shadow diagrams, which demonstrate that the building would not unreasonably overshadow adjoining dwellings. The shadow diagrams are included in the attachments to this report and show that the dwelling at 37 Victoria Esplanade would be overshadowed from approximately 1.00pm onwards, meaning that direct sunlight would be available to the dwelling for the 4 hours beforehand. Given the slope and orientation of the land and the location proposed dwelling, overshadowing of 37 Victoria Esplanade is unlikely to be significantly different to shadows cast by the of the existing dwelling at 53 King Street.

5.6. Damage of Surrounding Property and Impact on Residential Amenity during Construction

One representor has raised concern that excavation of the subject site during demolition and construction works would cause damage to surrounding buildings through vibration. The representor has also raised concern that the residential amenity of the surrounding area would be negatively impacted during construction works, by way of noise and dust caused by heavy earth moving machinery.

- **Comment**

The Scheme/PD4 does not control the impacts of construction activities. Construction activities would need to be carried out in accordance with the requirements of the Building Act, 2000 and the Environmental Management and Pollution Control Act, 1994 which control matters such as noise, dust pollution and hours of operation for building activities. Any damage caused to surrounding properties by construction activities would be a civil matter for the landowners involved. Notwithstanding this, there is no evidence to suggest that the proposed works would have an unreasonable impact on residential amenity or cause damage to surrounding property.

5.7. Length of Advertising Period

One representor has queried why the application was only advertised for a period of 2 weeks and is of the opinion that adjoining owner letters should be sent to a wider area of properties surrounding the subject site.

- **Comment**

The application was advertised in accordance with the requirements of Section 57 of LUPAA.

6. STATE POLICIES AND ACT OBJECTIVES

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

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

7. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

8. CONCLUSION

The proposal seeks approval for a Single Dwelling at 53 King Street, Bellerive. The application proposes several variations to the requirements of PD4, which are consistent with the relevant performance criteria of PD4. The applicant has advised that they are willing to modify the proposal to comply with the privacy standard of PD4 and to reduce the maximum height of the building. A suitable condition requiring same is recommended.

The proposal is recommended for approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (7)
3. Shadow Diagrams (1)
4. Amended Site Plans and Elevations (2)
5. Site Photo (2)






Ross Lovell
MANAGER CITY PLANNING

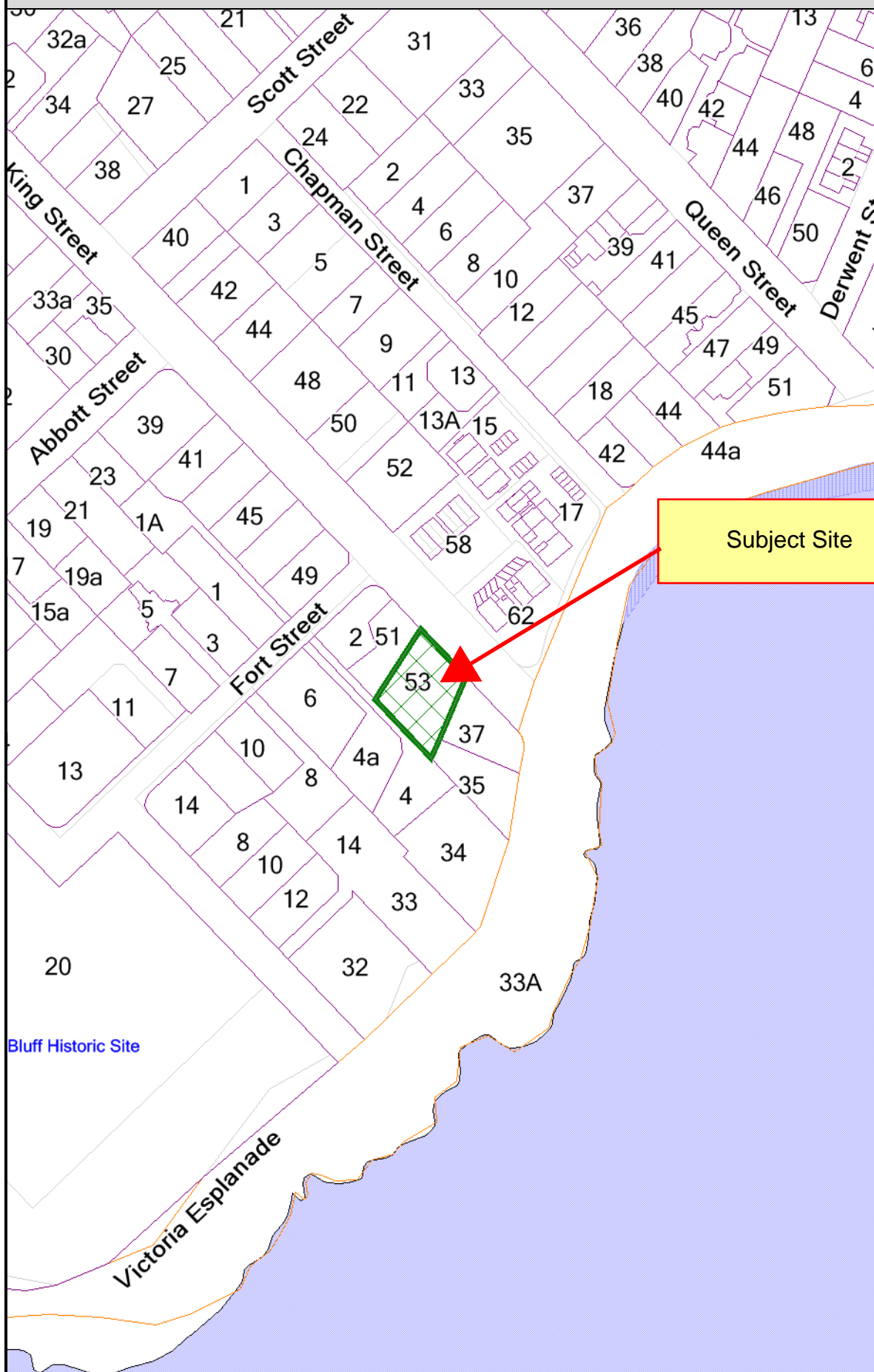
Attachment 1

Date:
Monday, 2 March 2015

Clarence City Council – GDA Datum

Legend

-  **Waterways**
-  **Property**
-  **Title**
-  **Waterbodies**
-  **Map Extents**

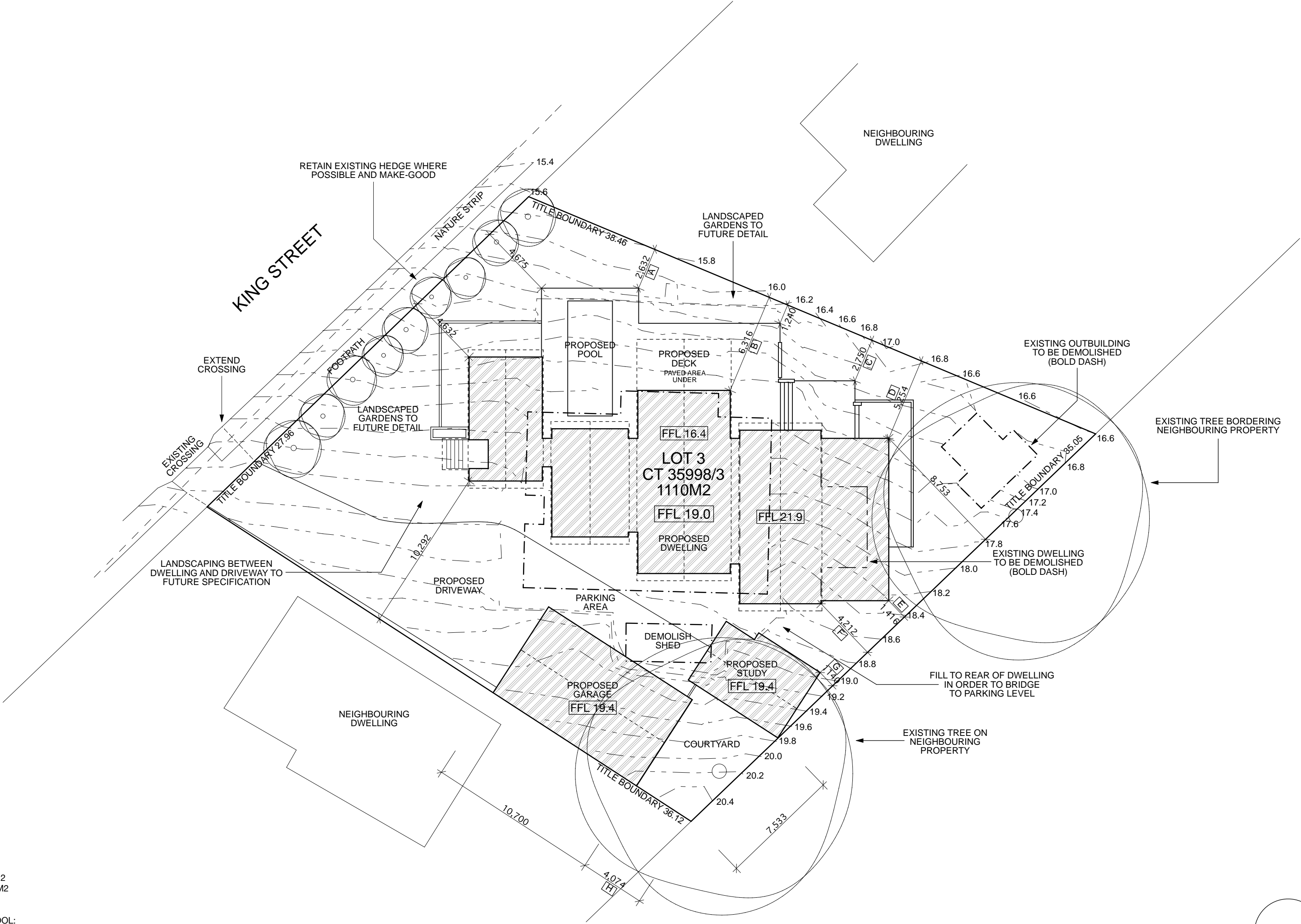
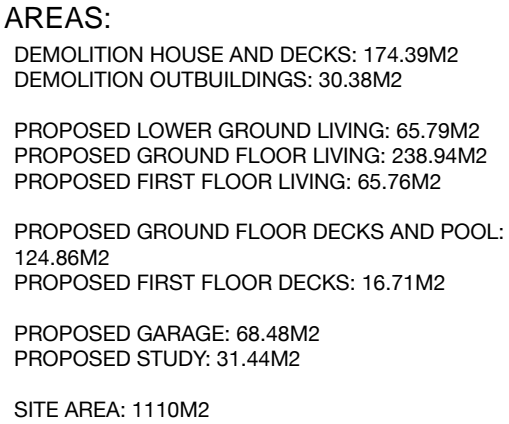


Subject Site

Disclaimer:

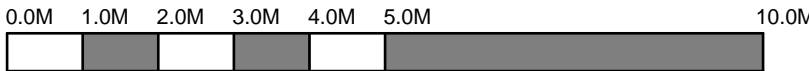
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Attachment 2



OVERALL SITE PLAN - SCALE 1:200

SCALE:



SHEET 01

PROPOSED DWELLING, 53 KING STREET, BELLERIVE

SITE PLAN

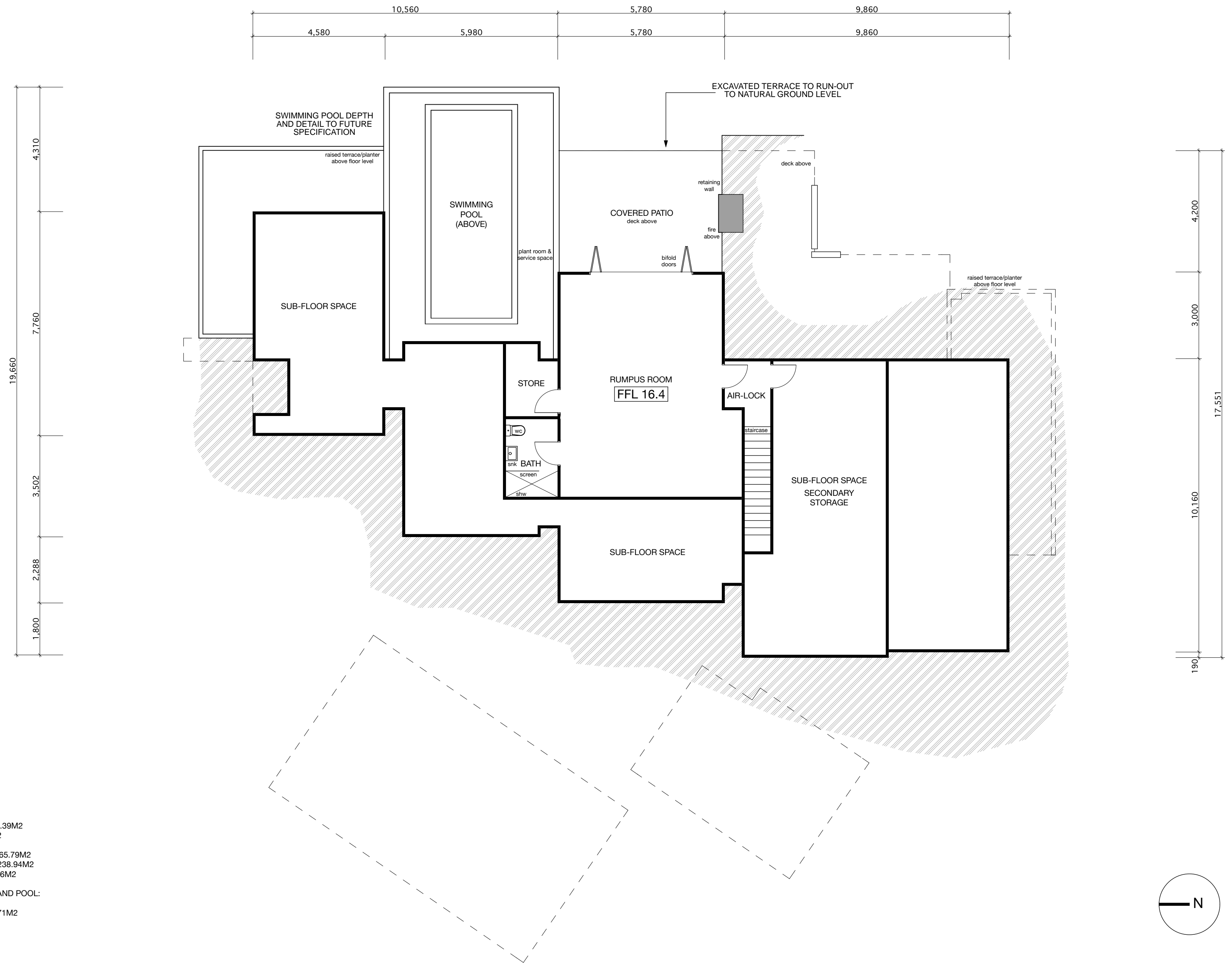
Drawn XW CC:1660

Date: OCT 2014

Checked



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Hobart, TAS 7000
P: 0362 348777 F: 0362 348988
info@dwadesign.com.au



AREAS:
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DEMOLITION OUTBUILDINGS: 30.38M2

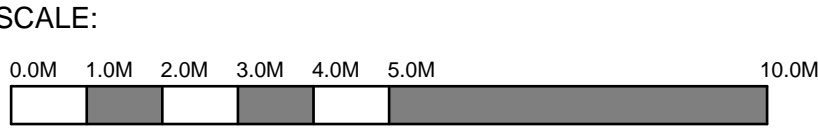
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PROPOSED GROUND FLOOR LIVING: 238.94M2
PROPOSED FIRST FLOOR LIVING: 65.76M2

PROPOSED GROUND FLOOR DECKS AND POOL: 124.86M2
PROPOSED FIRST FLOOR DECKS: 16.71M2

PROPOSED GARAGE: 68.48M2
PROPOSED STUDY: 31.44M2

SITE AREA: 1110M2

LOWER-GROUND FLOOR PLAN - SCALE 1:100



SHEET 02

PROPOSED DWELLING,
53 KING STREET, BELLERIVE

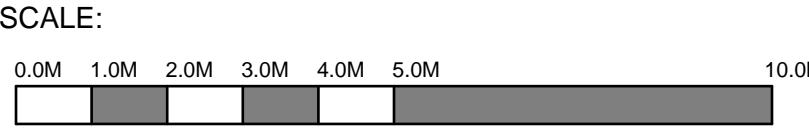
LOWER GROUND FLOOR/
BASEMENT PLAN

Drawn XW CC:1660
Date: DEC 2014

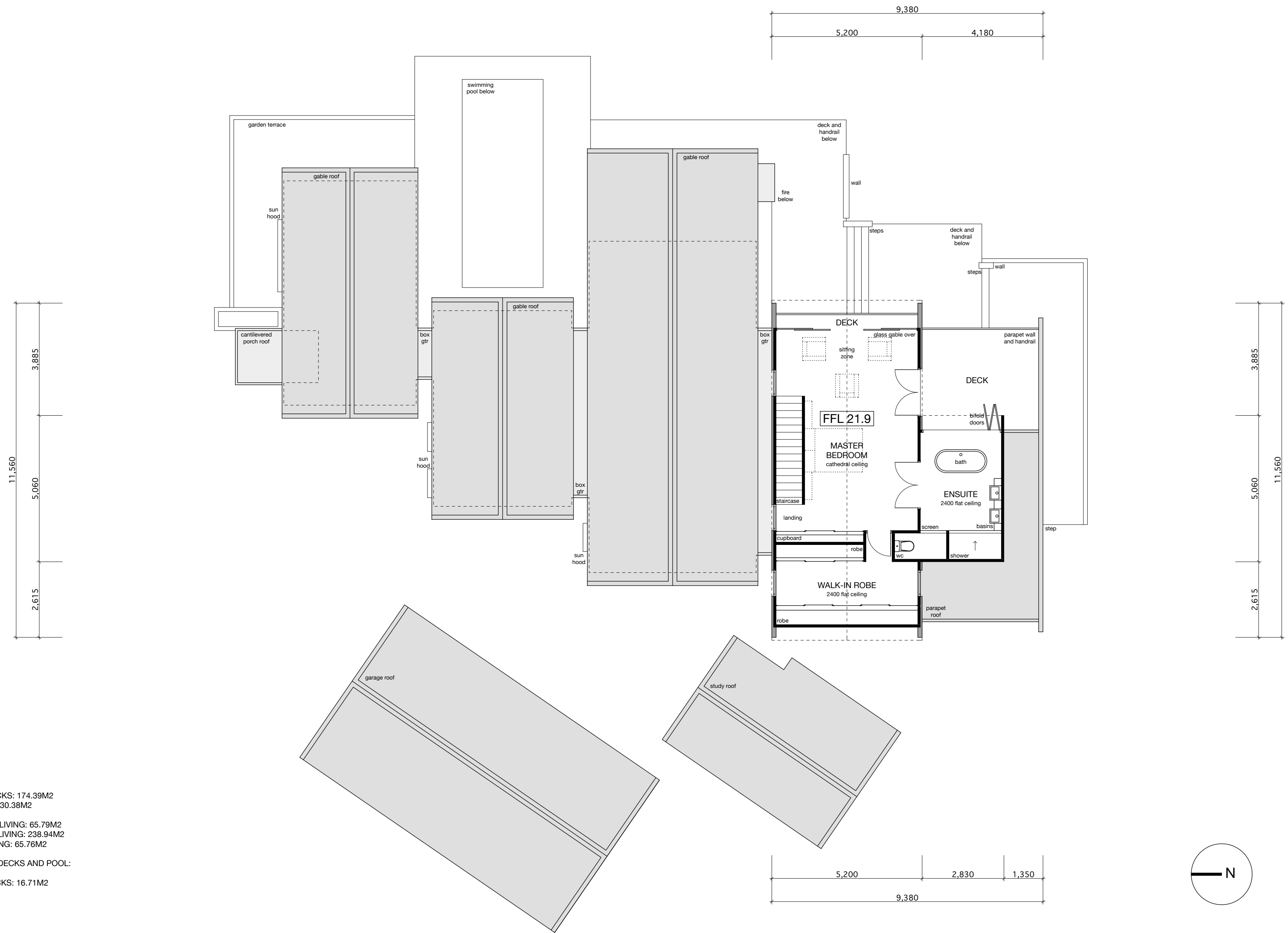
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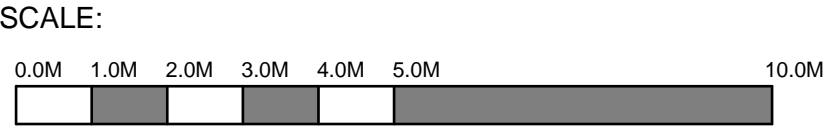


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AREAS:
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 DEMOLITION OUTBUILDINGS: 30.38M2
 PROPOSED LOWER GROUND LIVING: 65.79M2
 PROPOSED GROUND FLOOR LIVING: 238.94M2
 PROPOSED FIRST FLOOR LIVING: 65.76M2
 PROPOSED GROUND FLOOR DECKS AND POOL: 124.86M2
 PROPOSED FIRST FLOOR DECKS: 16.71M2
 PROPOSED GARAGE: 68.48M2
 PROPOSED STUDY: 31.44M2
 SITE AREA: 1110M2

FIRST FLOOR PLAN - SCALE 1:100



SHEET 04

PROPOSED DWELLING,
 53 KING STREET, BELLERIVE

FIRST FLOOR PLAN

Drawn XW CC:1660

Scale - 1:100 (A2)

Date: DEC 2014

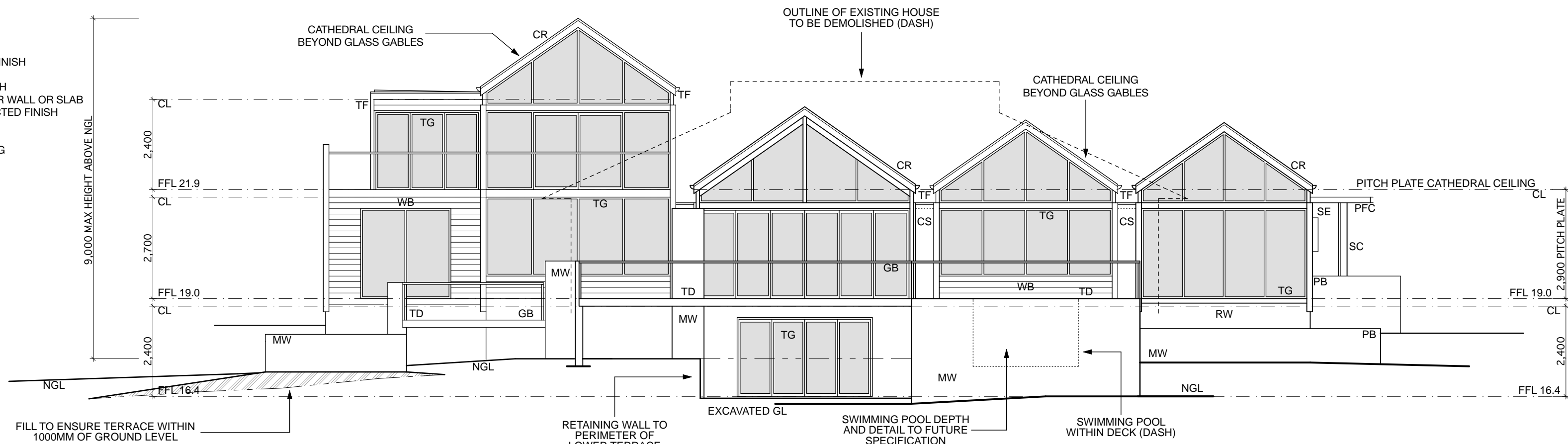
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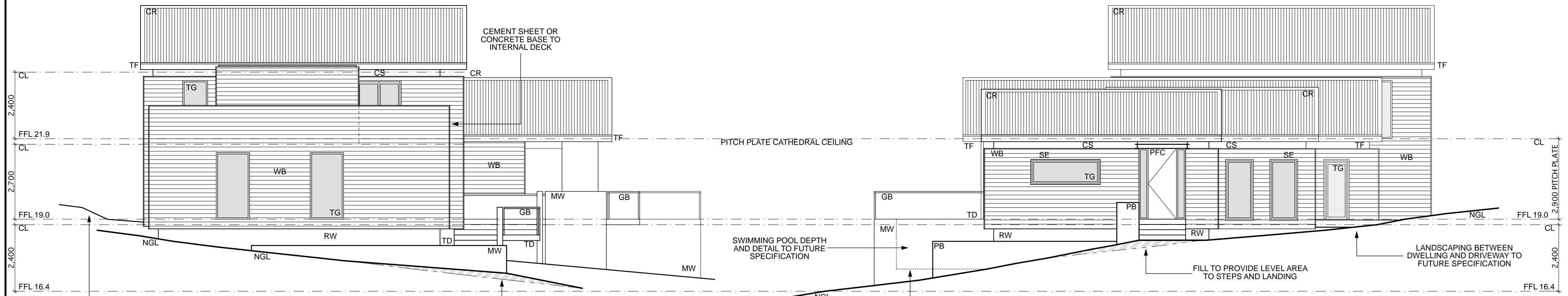
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MW: MASONRY WALL SELECTED FINISH
RW: RENDERED MASONRY SUB-FLOOR WALL OR SLAB
GD: PANEL-LIFT GARAGE DOOR SELECTED FINISH
PFC: STEEL PFC EDGE BEAM/FASCIA
SC: STEEL COLUMN
TG: TIMBER FRAMED DOUBLE GLAZING
TF: HARDWOOD TIMBER FASCIA
CR: COLORBOND ROOF SHEETING
SE: SUN EAVE/WINDOW HOOD
TD: HARDWOOD TIMBER DECK
PB: MASONRY PLANTER BOX
GB: SELECTED GLASS BALUSTRADE
NGL: NATURAL GROUND LEVEL
FFL: FINISHED FLOOR LEVEL
CL: CEILING LEVEL



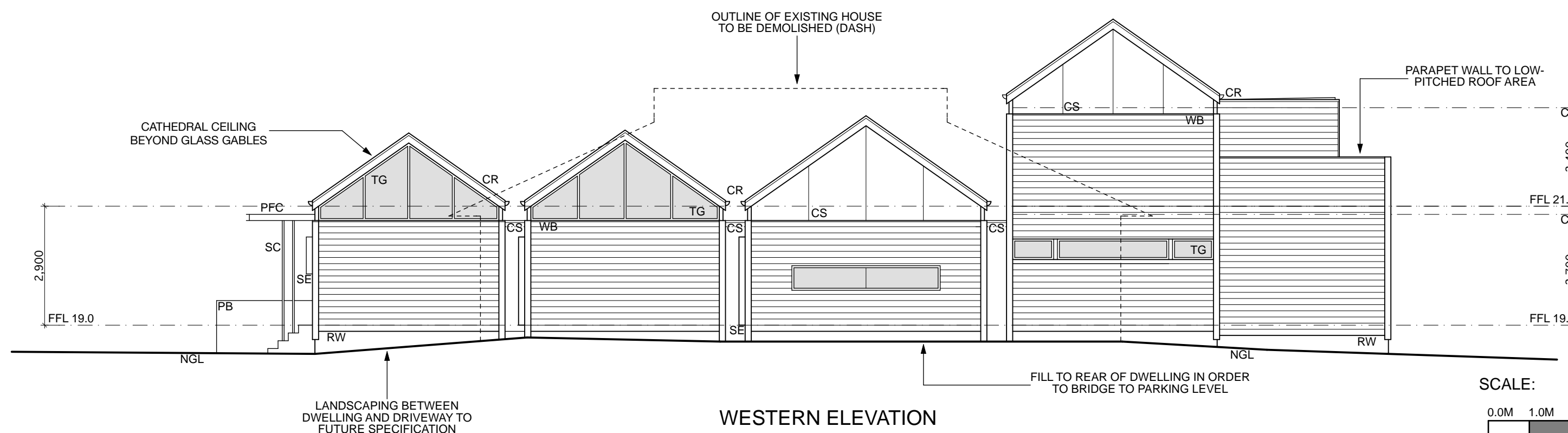
EASTERN ELEVATION

NOTE:
REFER TO SEPARATE SHEETS FOR
GARAGE AND STUDY DETAILED
DRAWINGS AND DIMENSIONS

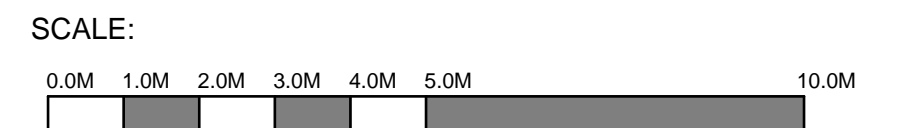


SOUTHERN ELEVATION

NORTHERN ELEVATION



WESTERN ELEVATION



SHEET 05

PROPOSED DWELLING,
53 KING STREET, BELLERIVE

DWELLING ELEVATIONS

Drawn XW CC:1660

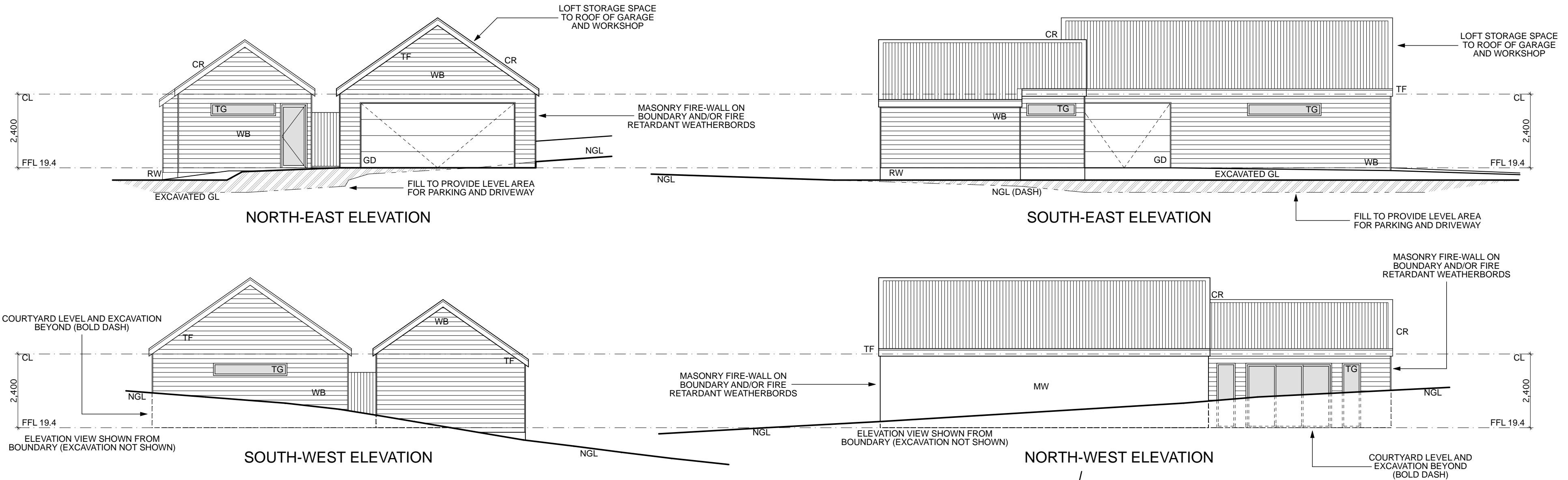
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Date: DEC 2014

Checked

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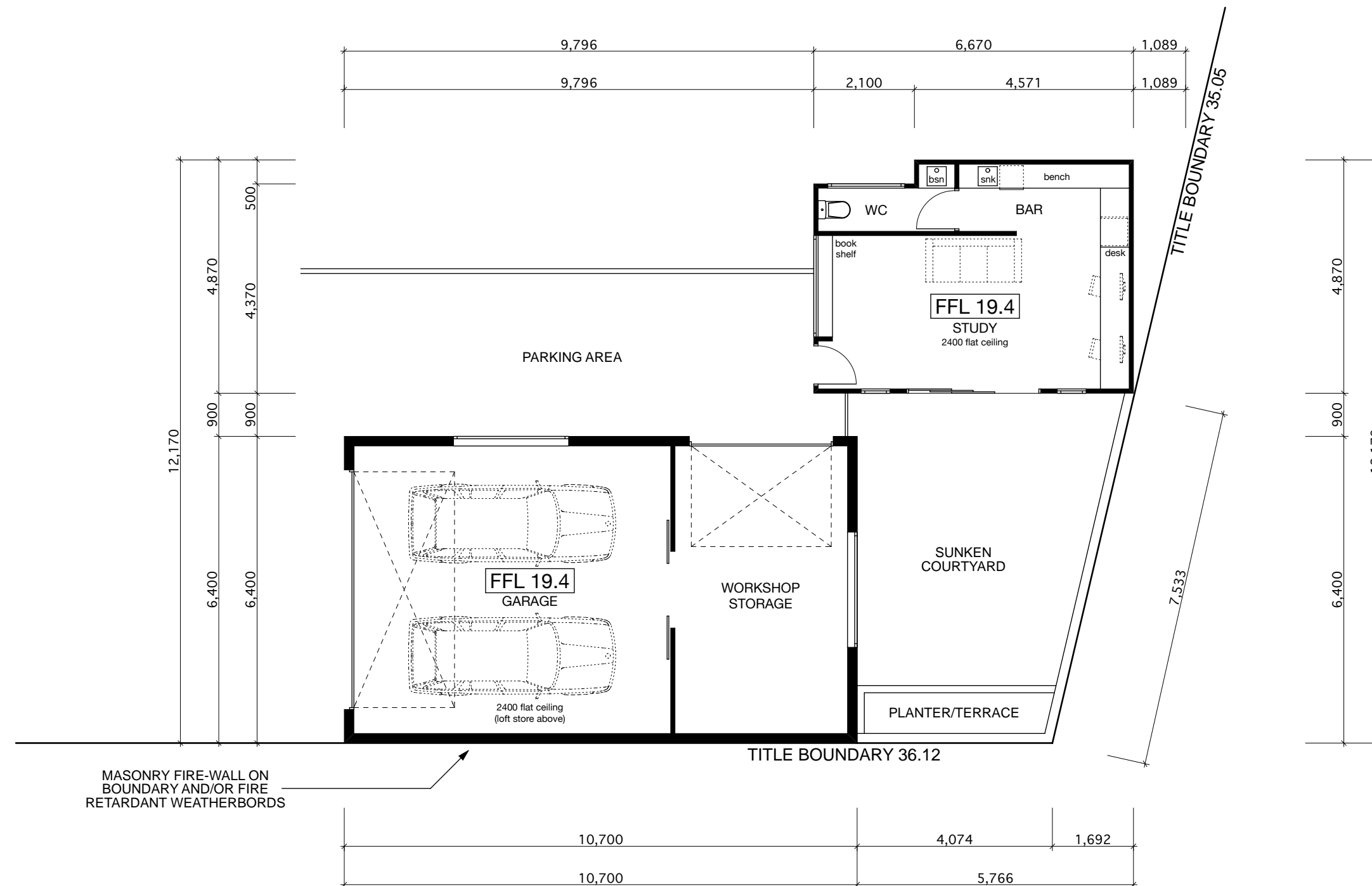


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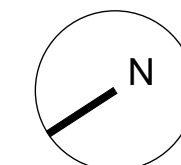
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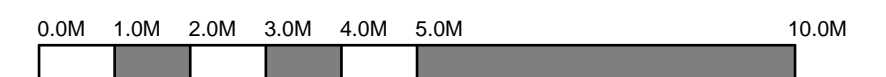
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 DEMOLITION OUTBUILDINGS: 30.38M²
 PROPOSED LOWER GROUND LIVING: 65.79M²
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 PROPOSED FIRST FLOOR DECKS: 16.71M²
 PROPOSED GARAGE: 68.48M²
 PROPOSED STUDY: 31.44M²
 SITE AREA: 1110M²



NOTE:
 REFER TO SITE PLAN AND DWELLING
 FLOOR PLANS FOR ORIENTATION AND
 LOCATION RELATIVE TO OVERALL SITE



SCALE:



SHEET 06

PROPOSED DWELLING,
 53 KING STREET, BELLERIVE

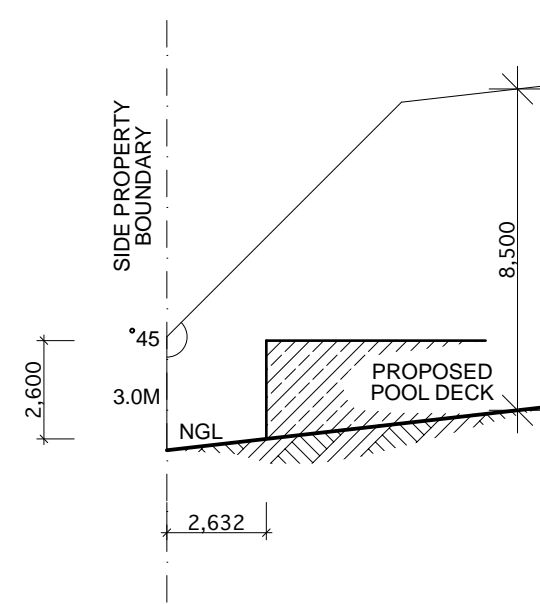
GARAGE AND STUDY
 DOCUMENTATION

Drawn XW CC:1660
 Date: DEC 2014

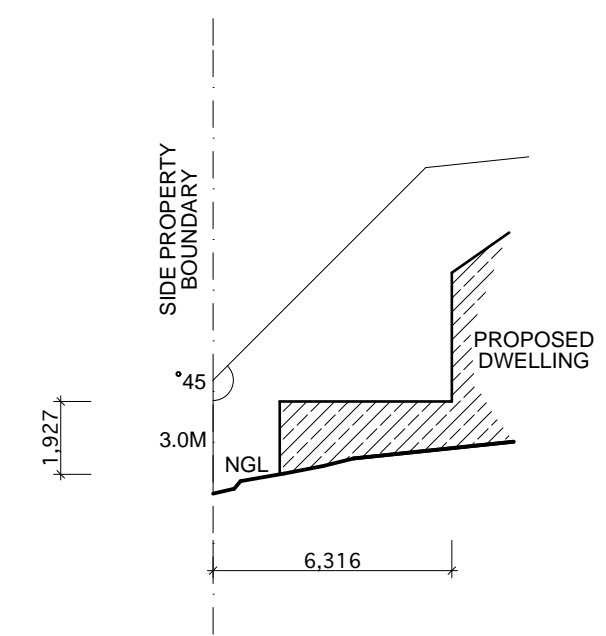
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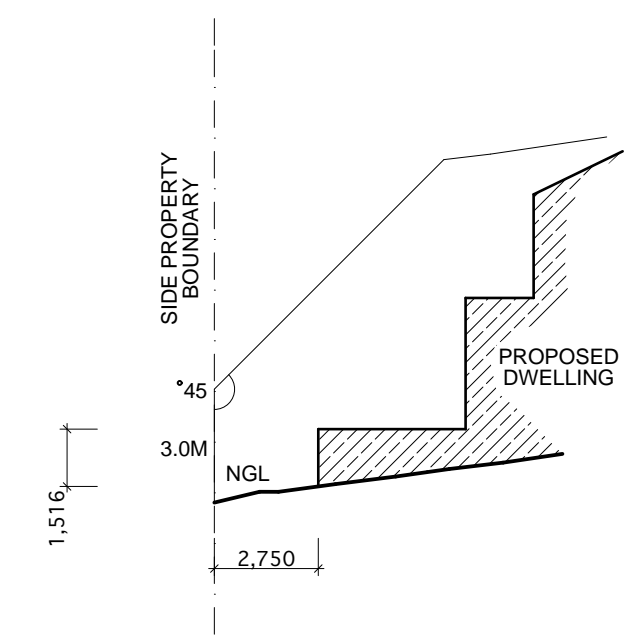
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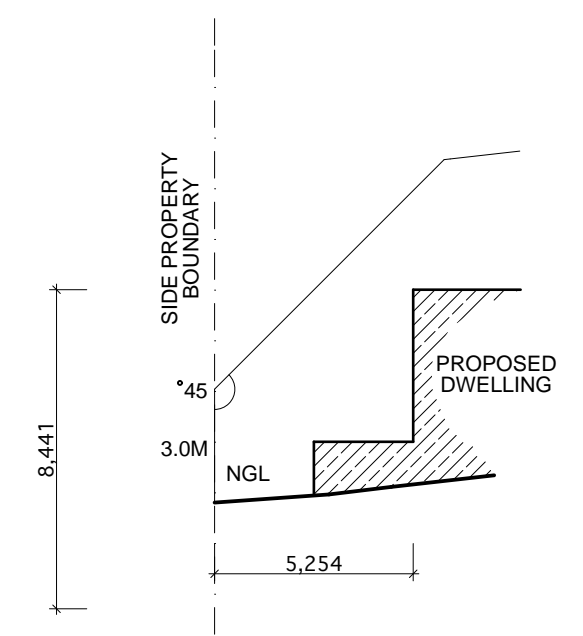
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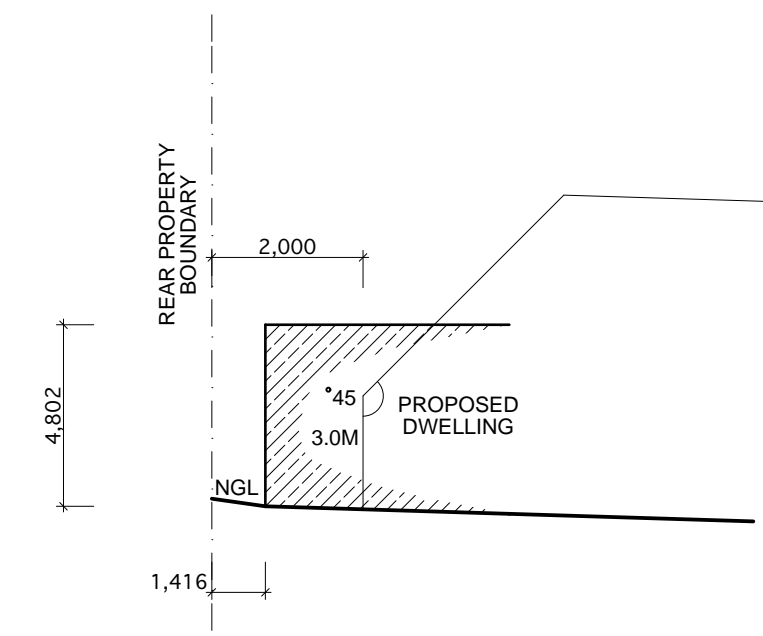
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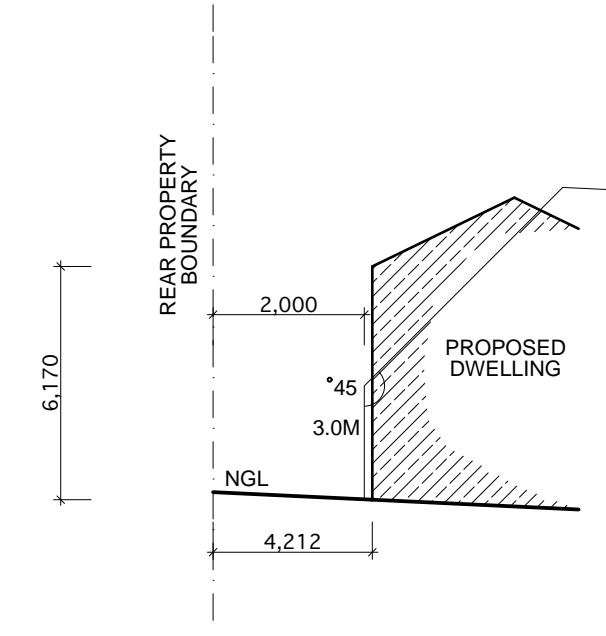
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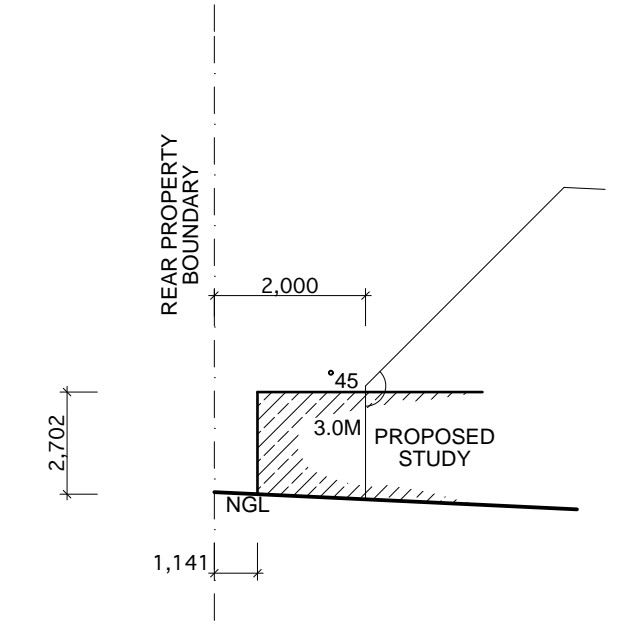
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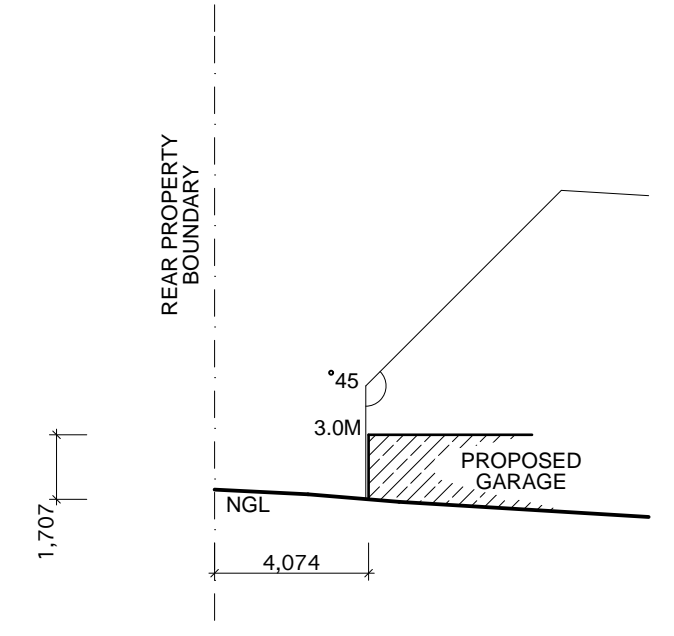
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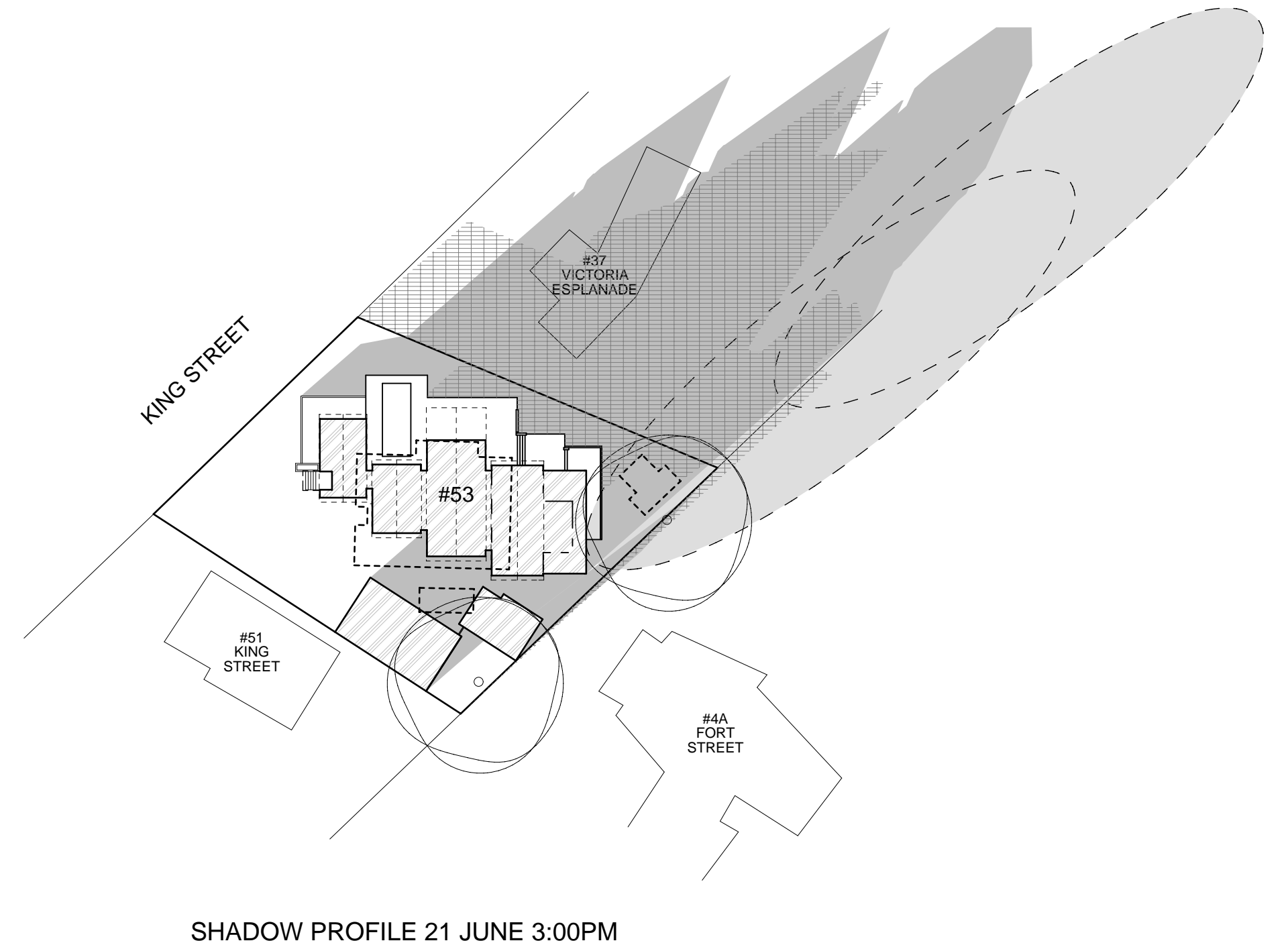
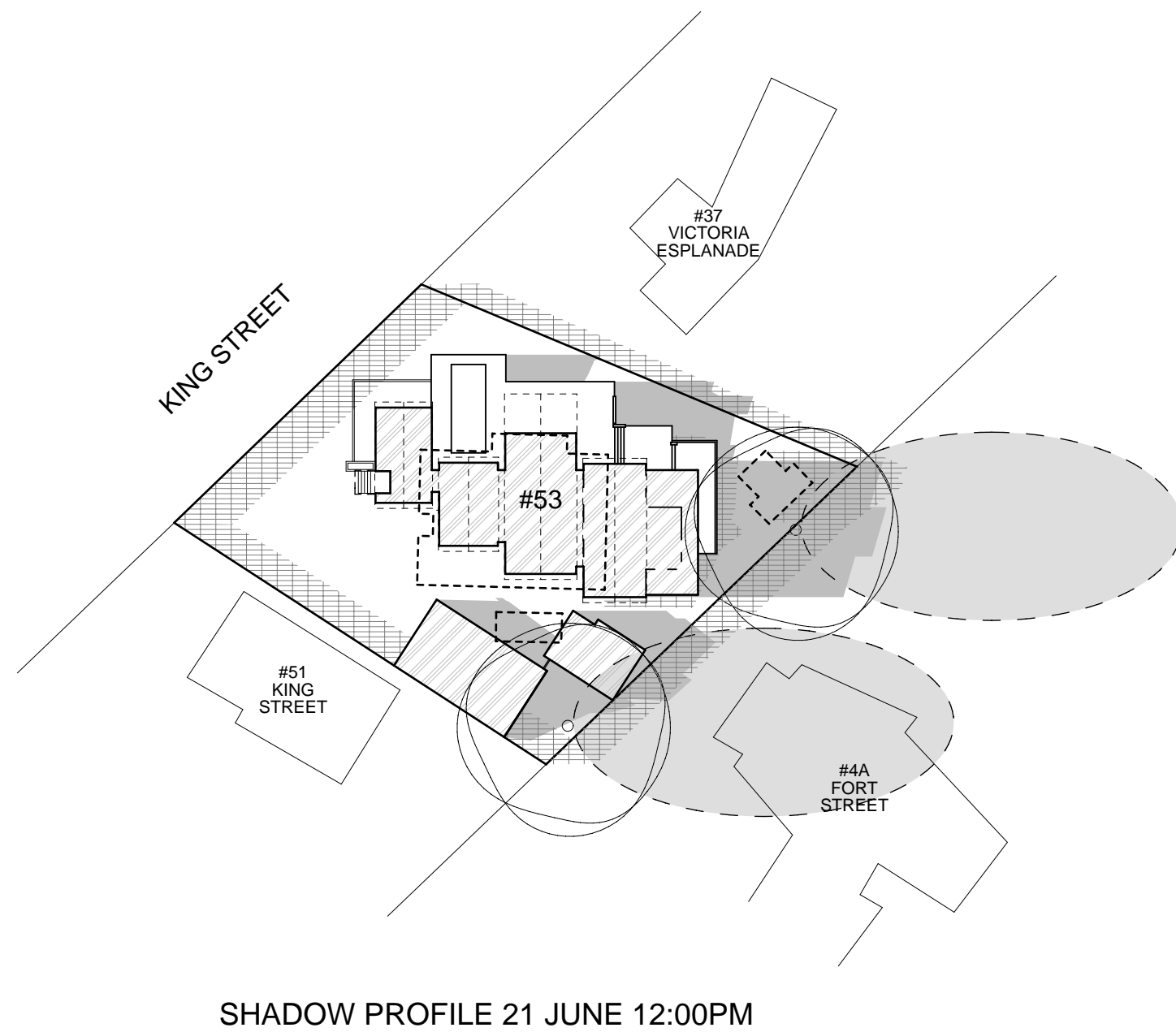
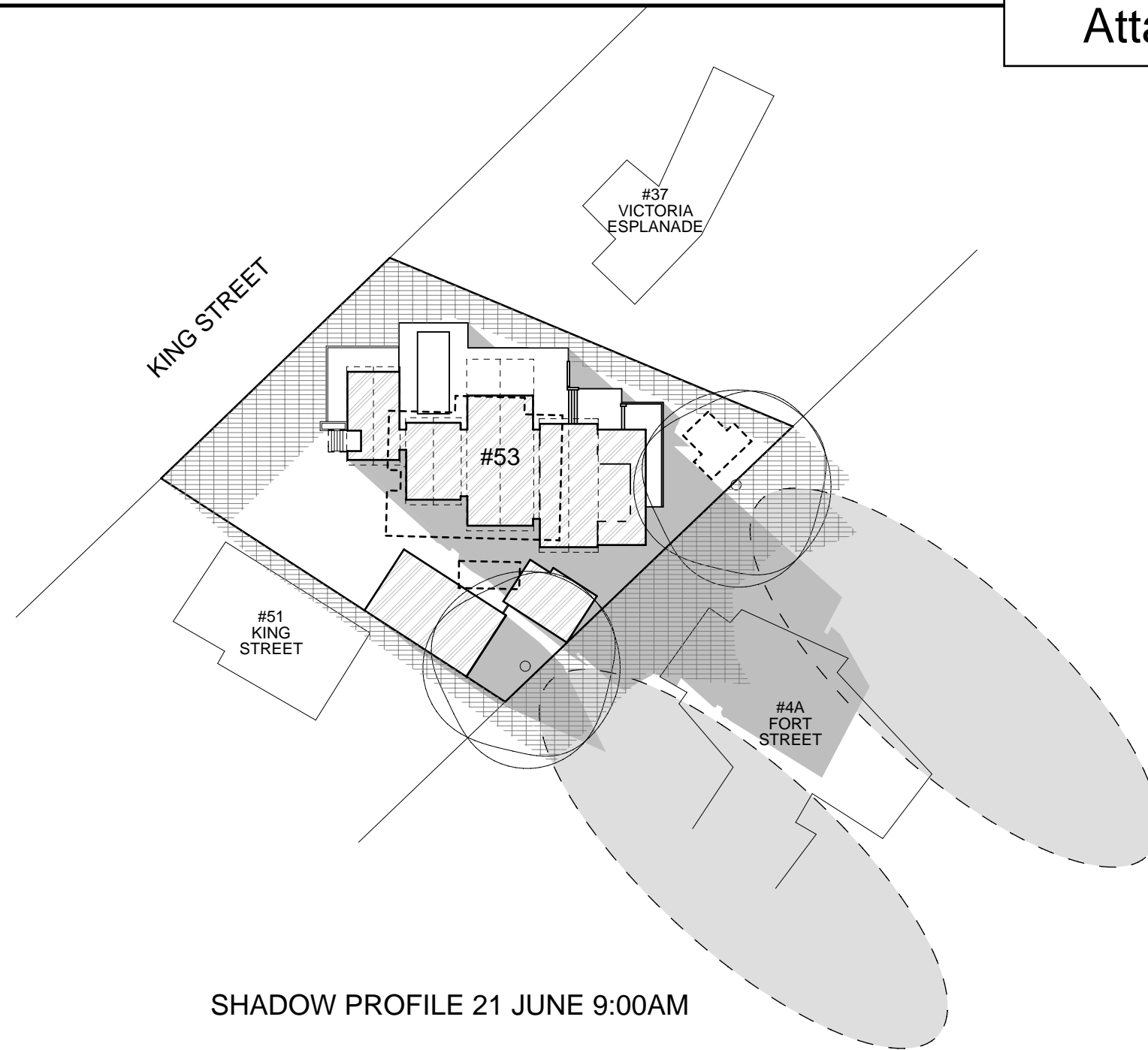


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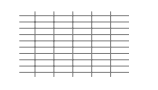
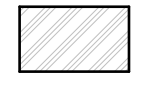

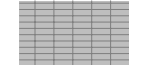


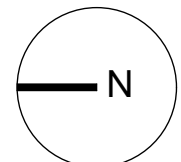
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BUILDING ENVELOPE DIAGRAMS - SCALE 1:200



LEGEND:

-  = SHADOW CAST FROM EXISTING TREE
-  = EXISTING DWELLING TO BE DEMOLISHED
-  = SHADOWS CAST FROM EXISTING DWELLING, OUTBUILDINGS AND FENCES
-  = PROPOSED DWELLING
-  = SHADOWS CAST FROM PROPOSED DWELLING
-  = OVERLAPPING SHADOWS (EXISTING AND PROPOSED)



Attachment 4

AREAS:

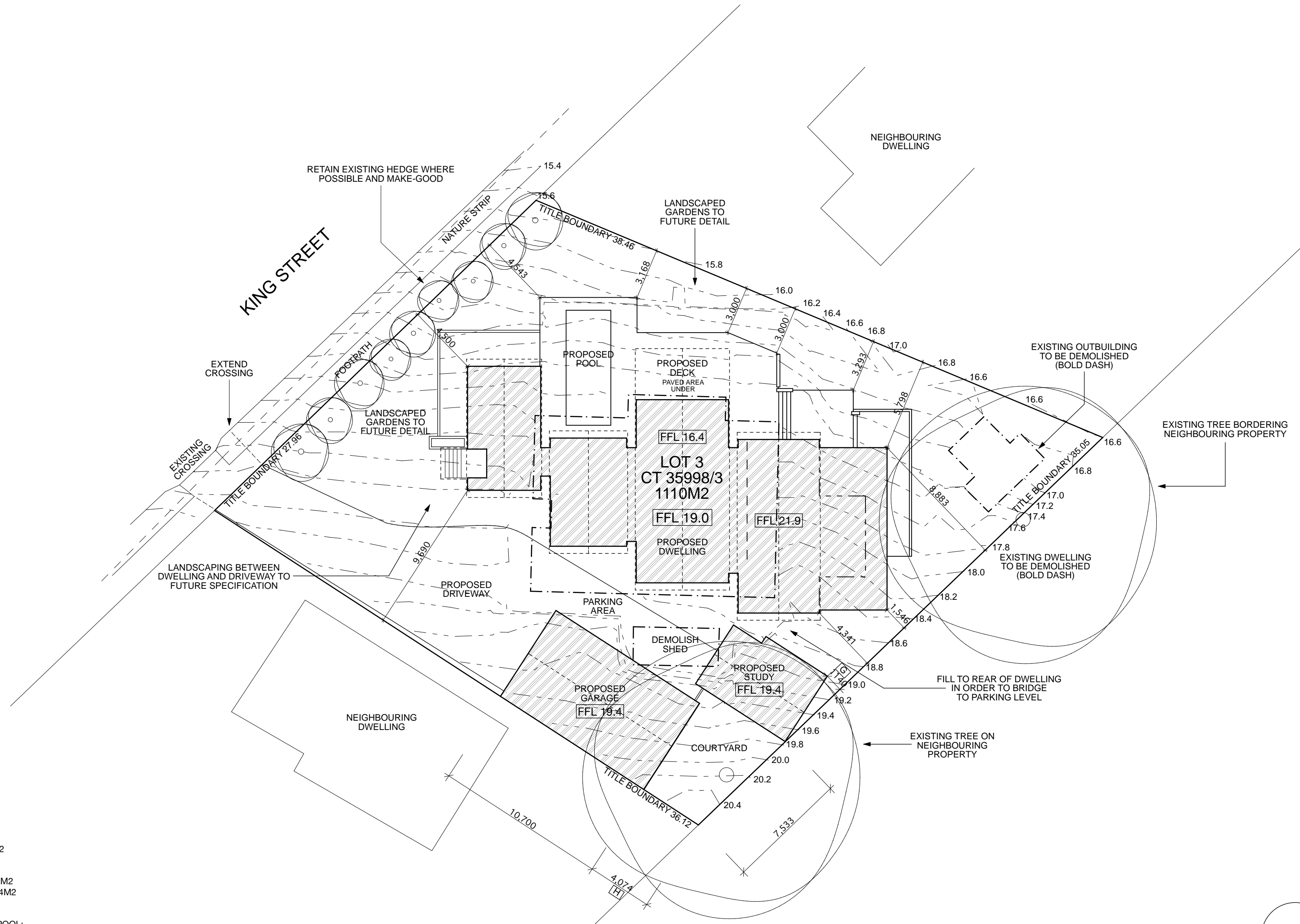
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DEMOLITION OUTBUILDINGS: 30.38M2

PROPOSED LOWER GROUND LIVING: 65.79M2
PROPOSED GROUND FLOOR LIVING: 238.94M2
PROPOSED FIRST FLOOR LIVING: 65.76M2

PROPOSED GROUND FLOOR DECKS AND POOL:
124.86M2
PROPOSED FIRST FLOOR DECKS: 16.71M2

PROPOSED GARAGE: 68.48M2
PROPOSED STUDY: 31.44M2

SITE AREA: 1110M2



OVERALL SITE PLAN - SCALE 1:200

AMENDMENT - 03/03/15 REVISED SITE POSITION AND SETBACKS

SHEET 01

PROPOSED DWELLING,
53 KING STREET, BELLERIVE

SITE PLAN

Drawn XW CC:1660

Scale - 1:200 (A2)

Date: FEB 2015

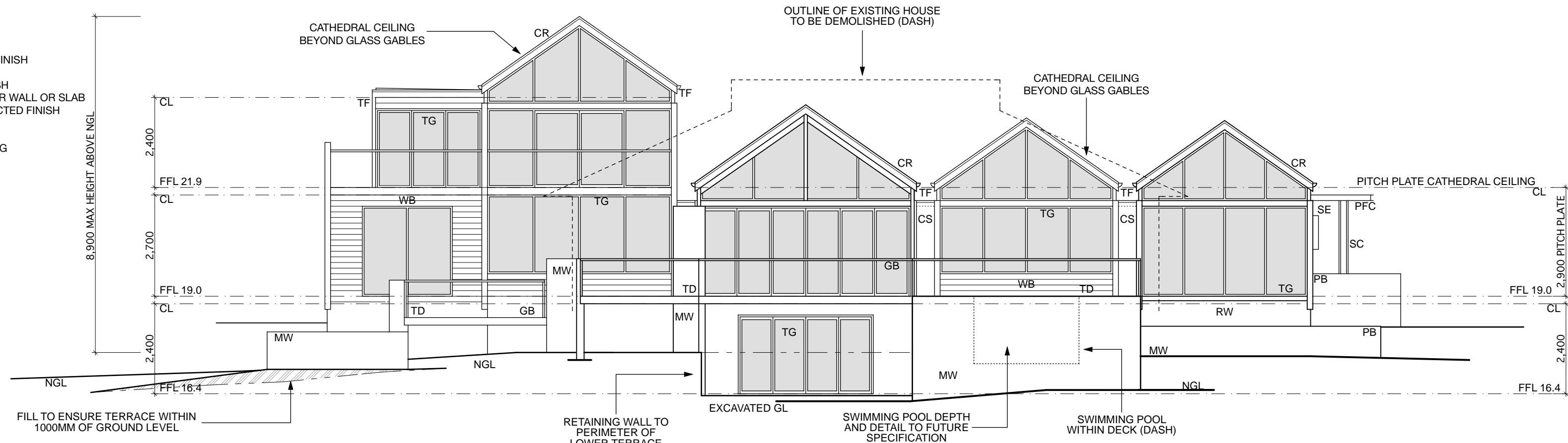
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Architectural Designers

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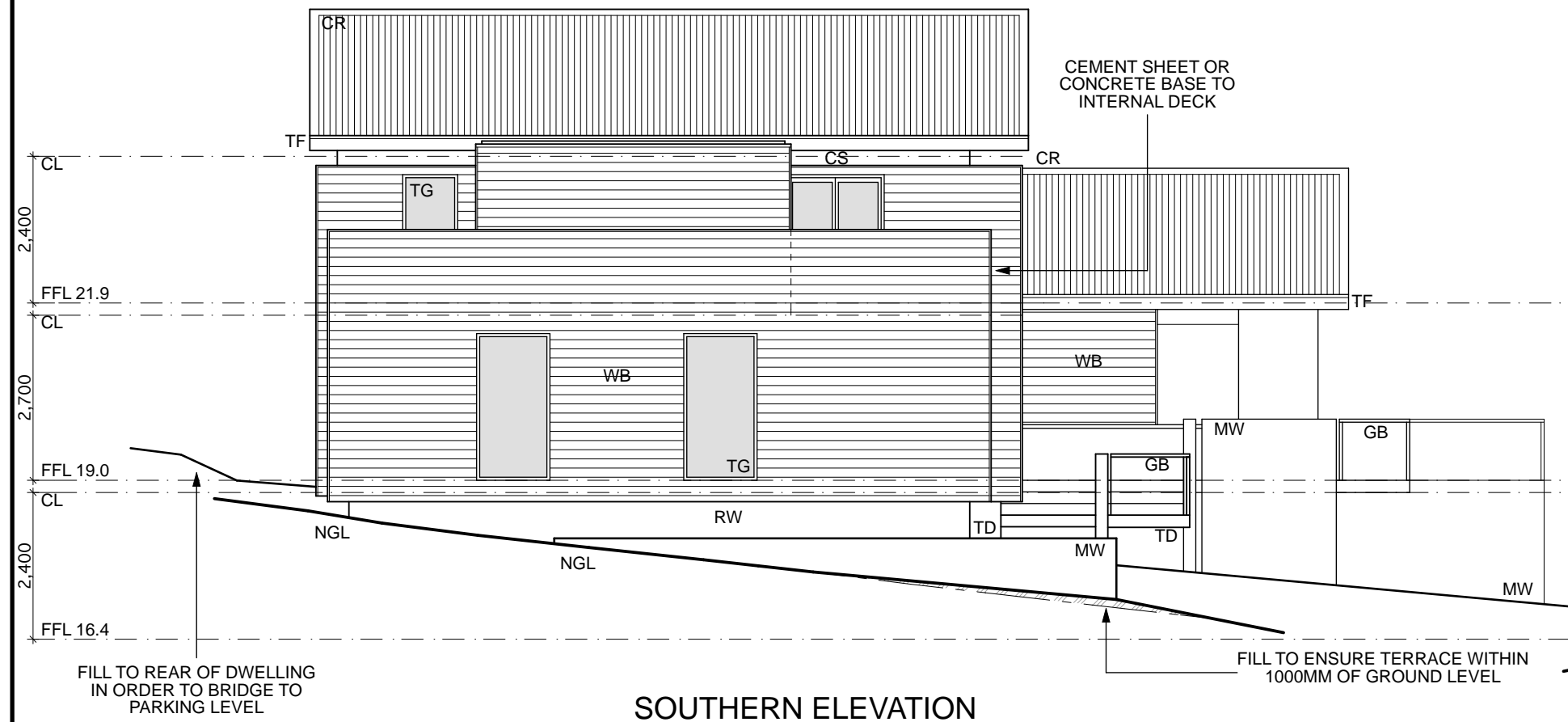
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 CS: CEMENT SHEET CLADDING
 MW: MASONRY WALL SELECTED FINISH
 RW: RENDERED MASONRY SUB-FLOOR WALL OR SLAB
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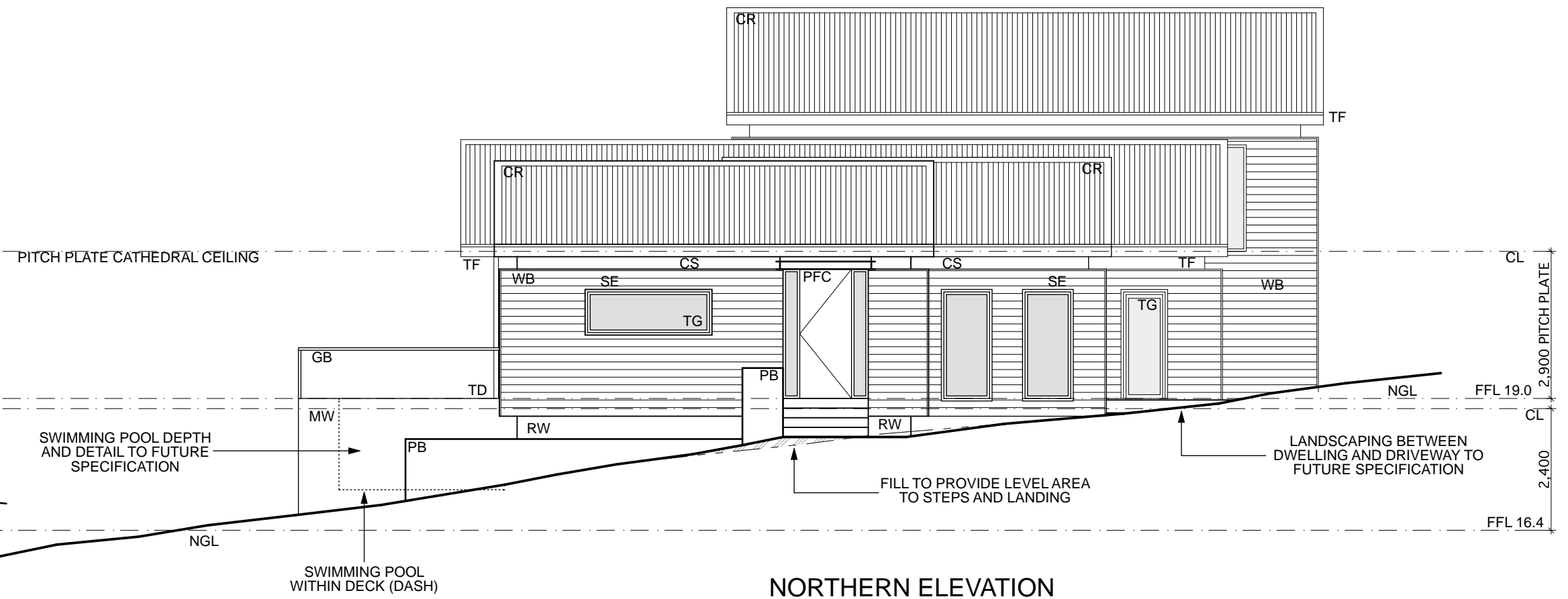


EASTERN ELEVATION

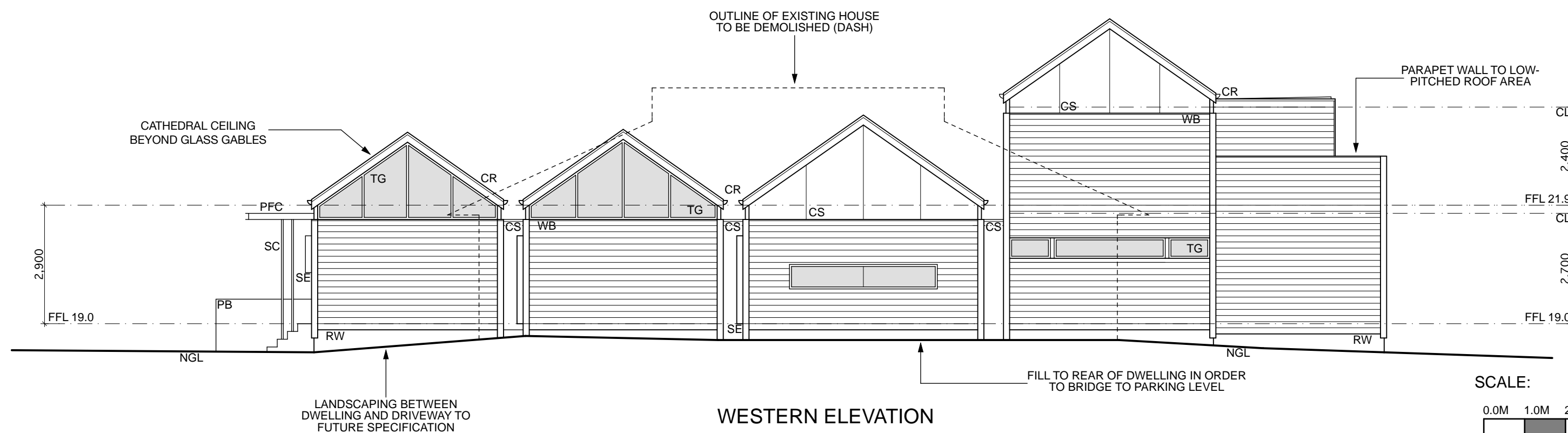
NOTE:
 REFER TO SEPARATE SHEETS FOR
 GARAGE AND STUDY DETAILED
 DRAWINGS AND DIMENSIONS



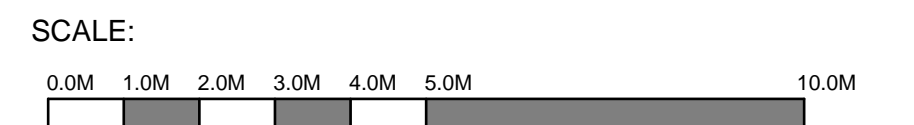
SOUTHERN ELEVATION



NORTHERN ELEVATION



WESTERN ELEVATION



AMENDMENT - 03/03/15 REVISED MAXIMUM HEIGHT

SHEET 05

PROPOSED DWELLING,
 53 KING STREET, BELLERIVE

DWELLING ELEVATIONS

Drawn XW CC:1660

Scale - 1:100 (A2)

Date: DEC 2014

Checked

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 Drawing + Inspiring
 Architectural Designs

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Attachment 5

53 King Street, BELLERIVE



Site viewed from King Street showing frontage



Site viewed from King Street Victoria Esplanade intersection showing frontage and 37 Victoria Esplanade



Site viewed from King Street showing existing dwelling

11.3.2 DEVELOPMENT APPLICATION D-2014/405 – 152 BANGALEE STREET, LAUDERDALE – DWELLING AND OUTBUILDINGS
(File No D-2014/405)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 152 Bangalee Street, Lauderdale.

RELATION TO PLANNING PROVISIONS

The land is zoned Residential and subject to the Subject to Inundation 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 expires on 13 March 2015, extended with the written consent of the applicant until 18 March 2015.

CONSULTATION

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

- noise generated by the aviary; and
- visual impact of the aviary.

RECOMMENDATION:

A. That the Development Application for addition to existing dwelling at 152 Bangalee Street, Lauderdale (CI Ref D-2014/405) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP3 – AMENDED PLAN [the increase of the setback of the aviary building from 900mm to 2.8m, the enclosure of the mesh section of the aviary building and the removal of all textual references to “temporary accommodation”].
3. GEN M9 – NONHABITABLE PURPOSES. Replace “building” with “outbuildings”.
4. The finished floor level of both the outbuilding and the aviary building must be at least 2.4m AHD.

5. ADVICE – The use is not to cause environmental nuisance to the owners or occupiers of land in the surrounding area by reason of noise, smell, fumes, dust or other pollutants emanating from the site.
 6. ADVICE - The aviary is to be constructed to be vermin proof and to prevent the harbourage of vermin.
- 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 recently created by subdivision SD-2010/14, approved by Council and sealed in October 2014. Additional development applications for the site relate to the existing dwelling on the parent Title known as 123 Terrina Street and include additions of a garage and a kitchen/bedroom extension to the dwelling (D-1998/238).

A building certificate for the aviary presently located on the subject property was refused by Council in 2003 (B-2003/3), based on the building having inappropriate stormwater drainage in place. It is noted that this application proposes to relocate the aviary building and, if approved, would rectify this issue.

2. STATUTORY IMPLICATIONS

- 2.1. The land is zoned Residential and subject to the provisions of the Subject to Inundation Overlay (2050) under the Scheme.
- 2.2. The proposal is a Discretionary development because it does not meet the Acceptable Solutions prescribed under Planning Directive 4. The proposal is a permitted development under the Subject to Inundation Overlay under 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 (Planning Directive 4); and
- Section 7.2 – Subject to Inundation 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 property is a level 952m² lot with 19.94m of frontage and vehicular access to Bangalee Street. The site has recently been connected to sewer and other service connections exist. The site is within an established residential area at Lauderdale and is surrounded by single dwellings on lots of a similar size to the site.

There is an existing building approximately in the centre of the site, used as an aviary. The bulk of the subject property is used for outdoor storage and parking associated with the dwelling at 123 Terrina Street, also in the same ownership.

3.2. The Proposal

The proposal is to construct a double-storey, 3 bedroom dwelling approximately in the centre of the lot.

The proposed dwelling would have a footprint of 293m², would be 6.5m in height above natural ground level at its highest point and would be clad using a combination of rendered brick, Colorbond and cement sheeting. The dwelling would incorporate a double car garage on the lower level, the typical amenities and an outdoor entertainment/deck area.

Two outbuildings are also proposed as part of the development, which would be located directly adjacent the rear property boundary. The larger of the buildings would be a domestic outbuilding incorporating a double car carport, would have a footprint of 78m² and would be 3.9m in height above natural ground level at its highest point. It would be clad using a combination of Colorbond, galvanised steel and shadowclad ply.

The second proposed outbuilding is the existing bird aviary on the subject property, which would be relocated to the north-western corner of the subject property. The aviary structure would be 3.0m above natural ground level, would be clad using Colorbond, would have a footprint of 39m² and would be coloured to match the proposed outbuildings.

A bushfire hazard assessment was submitted in respect of the application, confirming that the site is not bushfire prone and that there are no applicable bushfire requirements for construction.

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)

PD4 Standards	Acceptable Solution	Proposed	Meets Acceptable Solution?
(1) Setbacks from a frontage	a minimum 4.5m from primary frontage and minimum 3m to a frontage other than a primary frontage; or ...	7.5m	Yes - complies
(2) Site Coverage; and Rear Setback	maximum of 50% of the site (776m ²) to be covered 4m rear setback	425m ² 400mm	Yes - complies No – discretionary.
(3) Building Envelope	all Single Dwellings must be contained within 1 of the following building envelopes: a) ...; or 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; or ii) closer, provided the wall is a maximum length of 1/3 the length of the boundary or 9m, whichever is the lesser c)	6.5m height side setbacks of 900mm and 400mm rear setback of 400mm from outbuildings	yes - complies yes – complies no - Discretionary
(4) Frontage setback and width of garages and carports	maximum opening width of 6m or half the width of the frontage and front setback of 4.5m	5m opening Front setback of 7.5m	yes - complies yes - complies

(5) Privacy	balconies, decks, roof gardens, parking spaces and carports with an FFL >1m above NGL require a 3m side setback and 4m rear setback	setbacks in excess of 3m to decks	yes - complies
	windows of habitable rooms with an FFL >1m above NGL must: a) have a 3m side setback; or b) be off-set 1.5m from windows of habitable rooms of neighbouring properties; or c) have a minimum window sill height of 1.7m	setbacks in excess of 3m to windows of habitable rooms	yes - complies
(6) Frontage Fences	maximum height of 1.2m if solid, or 1.8m if the part of the fence above 1.2m is a minimum 50% transparency	no front fence proposed	yes - complies

The proposed development does not meet the acceptable solution to Standards 2 and 3 in respect of rear setback and building envelope, meaning that the proposal must be considered in terms of the performance criteria.

The performance criteria P2 to Standard 2 has been considered as follows.

- “The location of buildings in relation to the rear boundary must:*
- (a) allow for adequate visual separation between neighbouring dwellings; and*
 - (b) maximise solar access to habitable rooms; and*
 - (c) facilitate provision of private open space”.*

The proposal is to have a rear setback of 400mm from the proposed outbuildings to the rear property boundary, providing a separation distance of approximately 10m from the outbuildings to the neighbouring dwellings to the north/north-west of the subject property.

It is considered that this distance is sufficient to ensure visual separation.

The proposed buildings would not exceed 3m in height above natural ground level and given the separation distances from neighbouring properties and from analysis of overshadowing, it is considered that solar access would not be compromised. Open space areas of both the subject and adjacent properties would be similarly unaffected, thus ensuring consistency with the performance criteria to this standard.

The performance criteria to Standard 3 have been considered as follows.

“The siting and scale of single dwellings must be designed to:

- (a) Ensure there is no unreasonable loss of amenity on adjoining lots by:*
 - (i) Overshadowing and reduction of sunlight to habitable rooms and private open space to less than 3 hours between 9.00am and 5.00pm on 21 June or by increasing existing overshadowing where greater than above;*
 - (ii) Overlooking and loss of privacy”.*

The rear setback from the proposed outbuildings to the boundary is the part of this development requiring consideration of these performance criteria.

As noted above, the neighbouring dwellings to the north/north-west are setback by 10m from the shared property boundary and the proposed outbuildings do not have windows facing that boundary. Given the height of the garage wall adjacent the boundary and this reasonable separation distance, it is considered that overshadowing would not be significant.

The provisions of PD4 in respect of this Standard are considered to be satisfactorily addressed by the proposal, in that available sunlight would not be compromised for greater than 3 hours at Winter Solstice.

“(iii) Visual impacts when viewed from adjoining lots”.

The proposed buildings would be consistent in appearance with other more recently constructed or updated homes in the vicinity of the site and would be a combination of beige and brown/red colours.

On this basis it is considered the development would not have a negative impact upon amenity in terms of appearance when viewed from neighbouring residential properties, or from Terrina or Bangalee Streets.

“(b) Take into account steep slopes and other topographical constraints”.

The subject property is generally level and therefore has no significant topographical constraints.

“(c) Have regard to streetscape qualities or be consistent with the statements of desired future character”.

As discussed, the site is within an established residential area with a range of dwelling types. The proposed dwelling and associated outbuildings would be of a style consistent with other more recently developed dwellings in the vicinity of the site.

Based on the reasons provided above, it is considered that the proposed dwelling would satisfy the performance criteria to this relevant standard of PD4.

4.4. Subject to Inundation Overlay

The subject property is affected by the Subject to Inundation Overlay under the Scheme, the Purpose of which is:

“(a) To implement the Planning Policy Framework.

(b) To identify areas which may be subject to periodic inundation whether by rain or from the sea, and control pollution and undesirable changes in stream hydrology or coastal processes.

- (c) To preclude development that will affect flood flow or be affected by flood water, or change coastal dynamics in a way detrimental to other property.*
- (d) To promote sustainable catchment management practices.*
- (e) To promote sustainable coastal development”.*

Under this overlay the site is subject to the 2050 (Lauderdale: Roches Beach – Mays Beach) provisions, where development of a new dwelling must achieve a finished floor level (FFL) of 3.0m AHD for habitable rooms of dwellings, as provided by the Floor Level Table at Clause 7.2.4(b).

Clause 7.2.4(ii) requires that ancillary structures with an integral floor, such as the outbuilding and aviary building proposed, have an FFL of at least 2.4m AHD. The carport does not have a FFL requirement.

The FFL of the habitable parts of the proposed dwelling would be 3.0m AHD and the garage and outbuilding would have an FFL of 2.65m AHD and 2.7m AHD respectively, which are consistent with the above requirements.

No details have been provided regarding the FFL of the aviary building, but given that it would be an ancillary structure that would have an integral floor, it must have an FFL of at least 2.4m. A condition should be included on any permit granted by Council to ensure this occurs. With the inclusion of this condition, the provisions of this overlay are satisfied.

4.5. External Referrals

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

5. REPRESENTATION ISSUES

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

5.1. Noise Generated by the Aviary

The representors raised concern regarding the proximity of the proposed aviary to the property boundary and the adverse impact upon residential amenity created by noise associated with the aviary. The comment is made that the aviary in its existing location in the centre of the property creates a noise nuisance at present and would be exaggerated by the proposed location.

- **Comment**

The proposed aviary is associated with the use of the site as a Single Dwelling and the only discretion sought under PD4 is the rear setback, which requires consideration of overshadowing, visual impact and provision of outdoor space. Noise is not a relevant consideration under PD4 and as discussed above, it is considered that these issues are satisfactory in terms of the relevant performance criteria provided by PD4.

Though not relevant to the consideration of the application under PD4, the applicant has responded to the concerns raised by the representor by proposing to increase the setback of the aviary building to 2.8m from the eastern property boundary.

The applicant proposes a second change to the building, to enclose the mesh section facing east, leaving 2 windows remaining on the northern elevation of the building. It is proposed also that the building would be soundproofed by appropriate lining, to reduce the emissions from the structure associated with the domestic keeping of birds.

It is considered that these measures, having been proposed by the applicant, are reasonable and would assist in the mitigation of the concerns of the representor. A condition should be included on any approval if granted by Council requiring amended plans to show the proposed changes.

It is noted that the changes proposed do not trigger additional considerations under either the Subject to Inundation Overlay or PD4.

Also in respect of noise, the keeping of animals on residential properties (and associated noise impacts) is controlled by the Environmental Management and Pollution Control Act, 1993 (EMPCA). An advice note should therefore be included on any permit granted alerting the owner to the relevant requirements under EMPCA. This is particularly important as there is nothing in PD4 which can be used to address the potential noise issue.

It is further noted that there is no history of complaints (formal or otherwise) regarding noise generated by activities on the subject property.

5.2. Visual Impact of the Aviary

The representors raised concern regarding the appearance of the proposed aviary building and the impact on the value of residential property in the vicinity of the subject site.

- **Comment**

As discussed above, it is considered that the proposed buildings would be consistent in appearance with other more recently constructed or updated homes in the vicinity of the site and whilst colour or materials are not relevant considerations under PD4, it is considered that the colours and materials would not have a negative impact upon amenity in terms of appearance when viewed from neighbouring residential properties, or from Terrina or Bangalee Streets. It is therefore considered that this issue is not of determining weight.

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 the development of a Single Dwelling and associated domestic outbuildings that relies upon and meets the relevant performance criteria relating to the rear setback and building envelope and requires the consideration of the impact of inundation risk as part of the proposal. This assessment has given consideration to the issues raised by the representation received and it is considered that the proposal satisfies the relevant performance criteria of PD4 and is therefore recommended for approval.

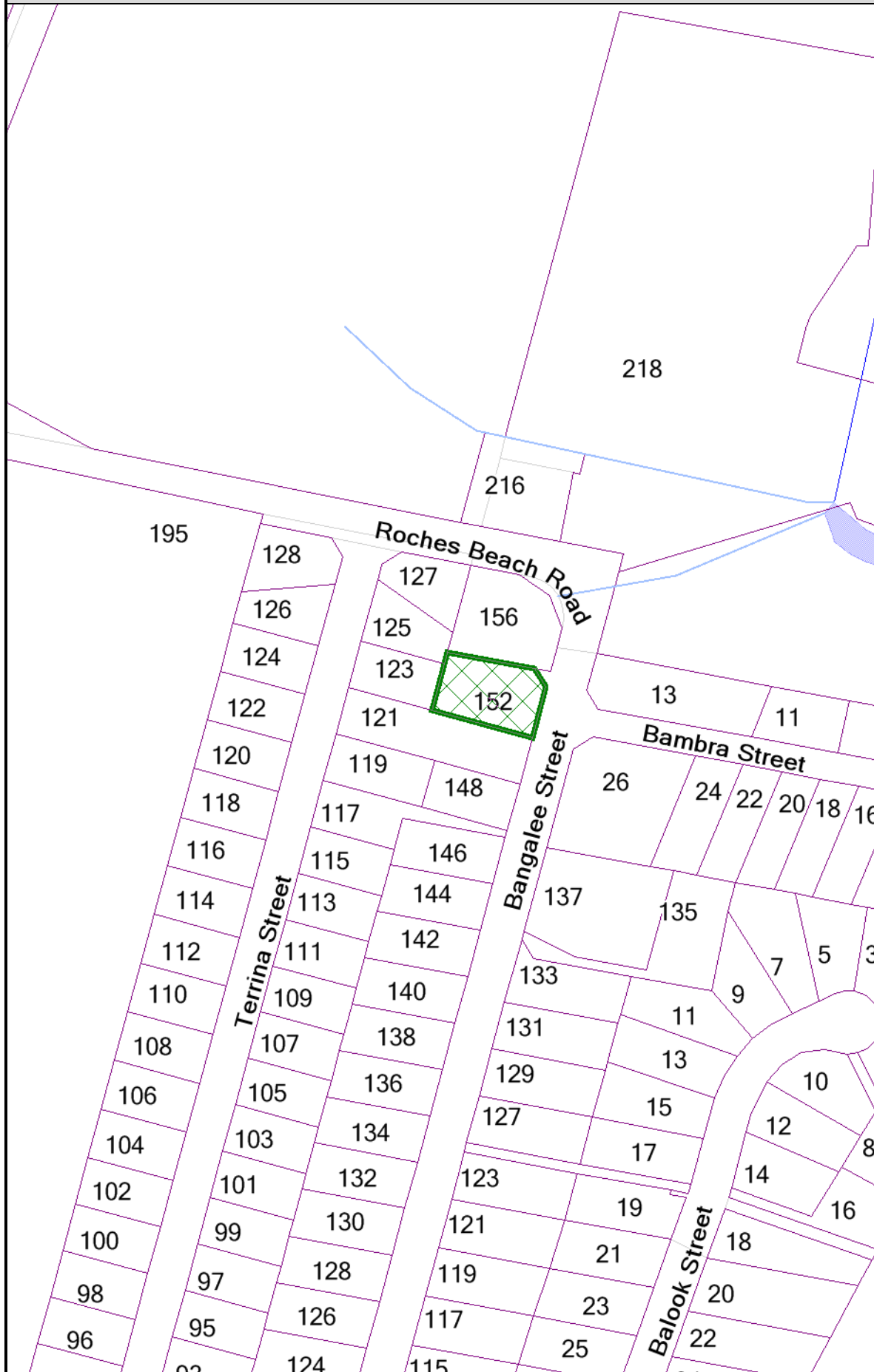
Attachments: 1. Location Plan (1)
2. Proposal Plan (2)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Clarence City Council – GDA Datum

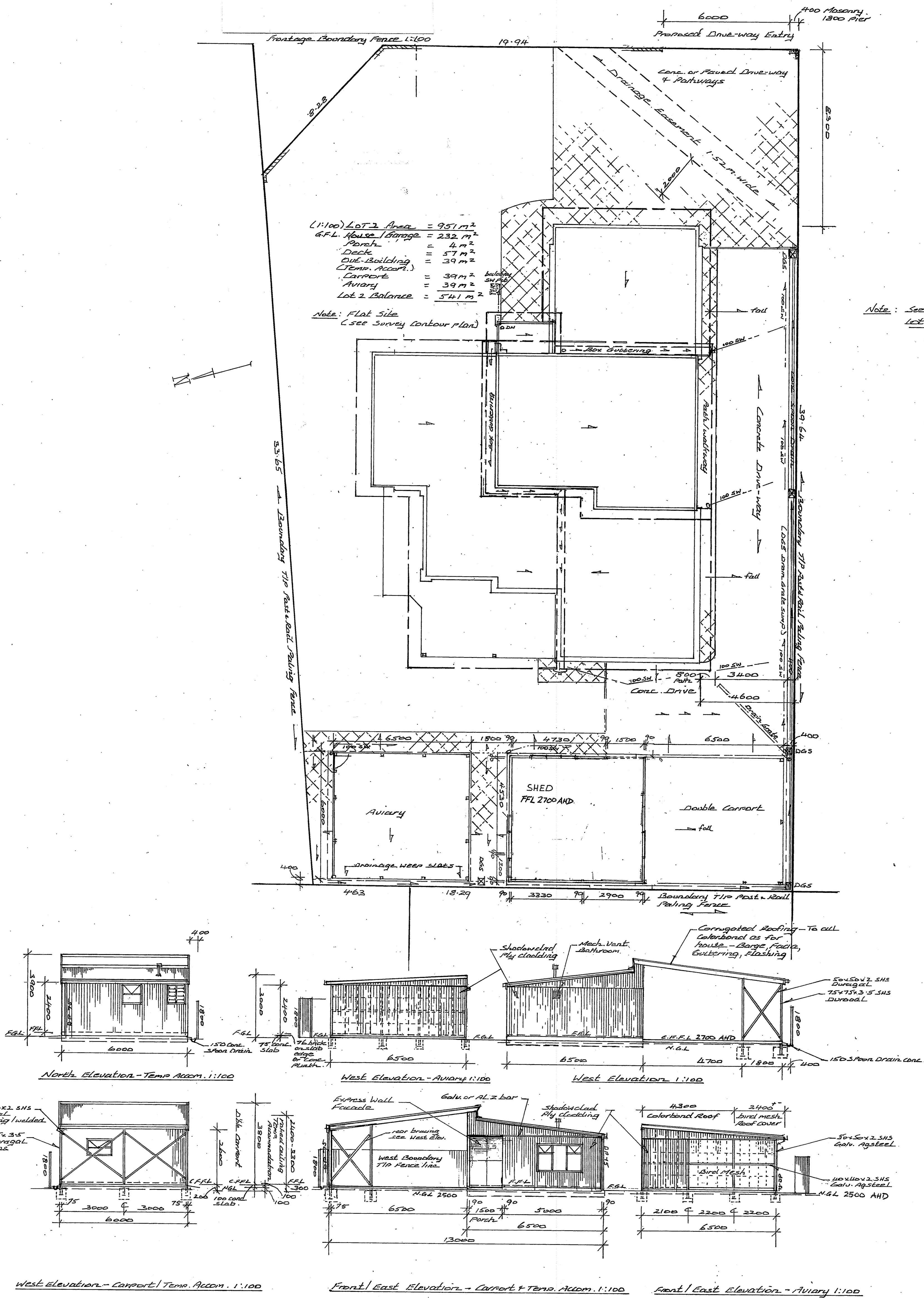
Legend

-  **Waterways**
-  **Property**
-  **Title**
-  **Waterbodies**
-  **Map Extents**



D-2014/405

Bangalee Street



Note: - Construction to comply with 2009 BCA Provisions in conjunction with Aust. Stds., Tas Building Regs & Local Govt. Authorities requirements. Includes Temp. Accommodation, Aviary to Local Govt. & Building construction requirements relating to structural integrity.

- Geotechnical Assessment - site classification class M, wind classification N2 (to incorporate W4 as std.)
- Structural Engineer to provide cert. 55 & other relevant designs as required.
- Footing & Slab design to A.S. 2870-1996
- Framing Construction to A.S. 1684.1 & 2, 2006 & A.S. 1170.1
- Energy Efficiency to BCA 2005 Provisions - min.
- Smoke Alarm to BCA Part 3.7.2 & A.S. 3786
- Special Plumbing Permit for AWTs - as per attached soil test report cert. 59
- Excavation, Drainage & Earthworks to BCA Part 3.1.1 & 3.1.2.

Proposed class 10a & 10as Dwelling including class 10as Out-Building for temporary accommodation during house construction.

For: Angelo & Manna Sacco
123 Terna Street, Lauderdale
Tas., 7021
Contact No: 62481454

Site Address: - Proposed Subdivision of 123 Terna Street, Lot 1 1551 m² into two titles consisting of:-

- Proposed dwelling Lot 2 = 951 m²
- Frontage & access from Bangalee Street
- Existing Applicants dwelling Lot 1 = 599 m²
- Frontage to Terna Street.

REV 1 - SHED FITOUT REMOVED

ISLE DRAFTING

ACCREDITATION
CC665W

Phone 62606265 Mobile 0408127406

MICHAEL WAY
196 NEBRASKA RD
DENNES POINT
TAS, 7150

Notes

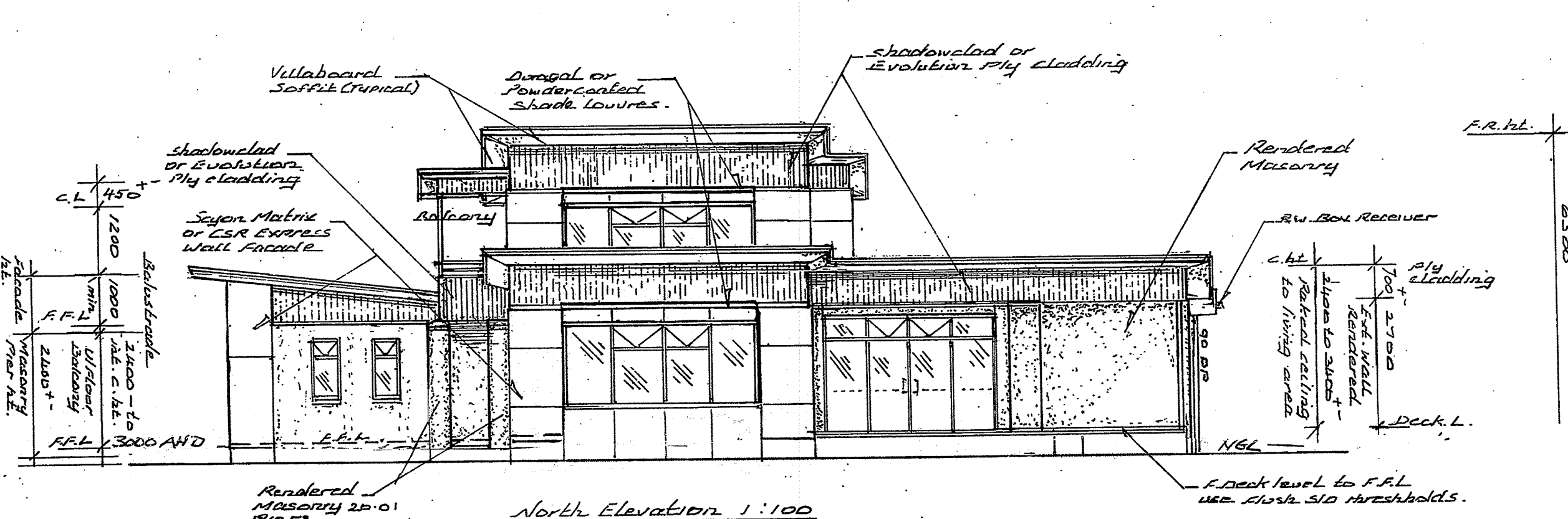
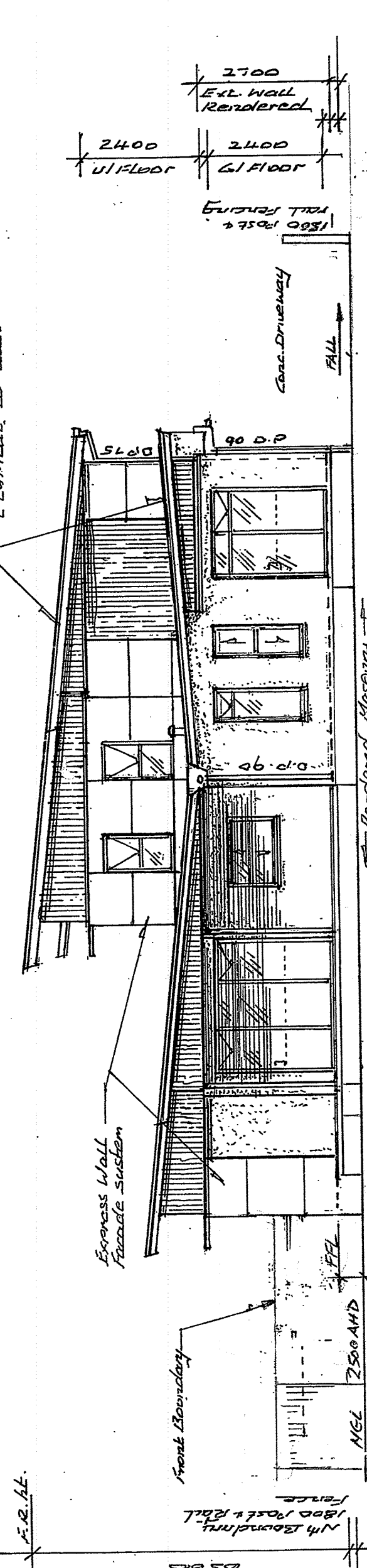
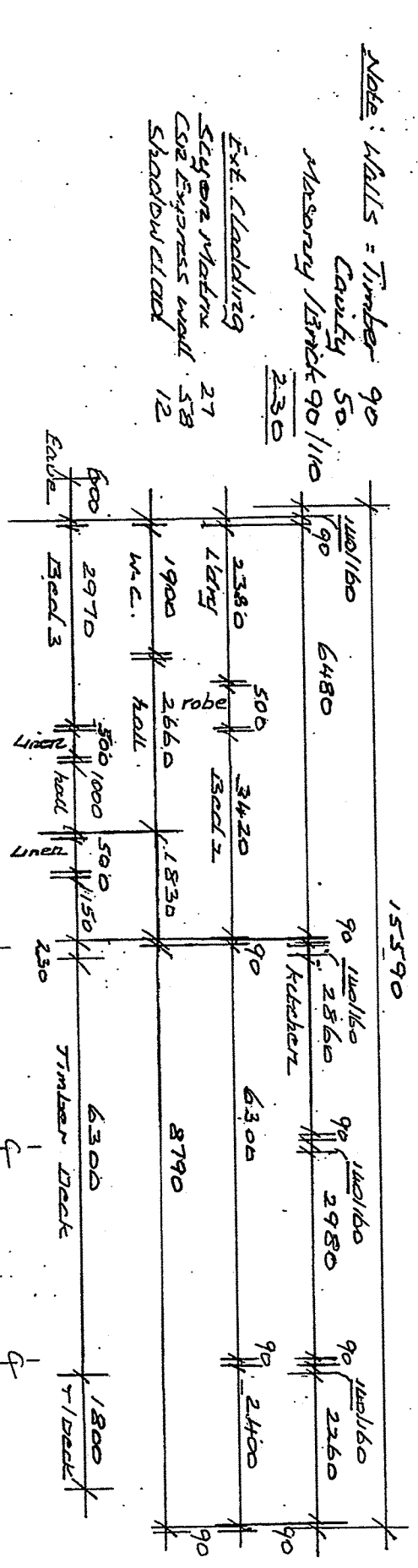
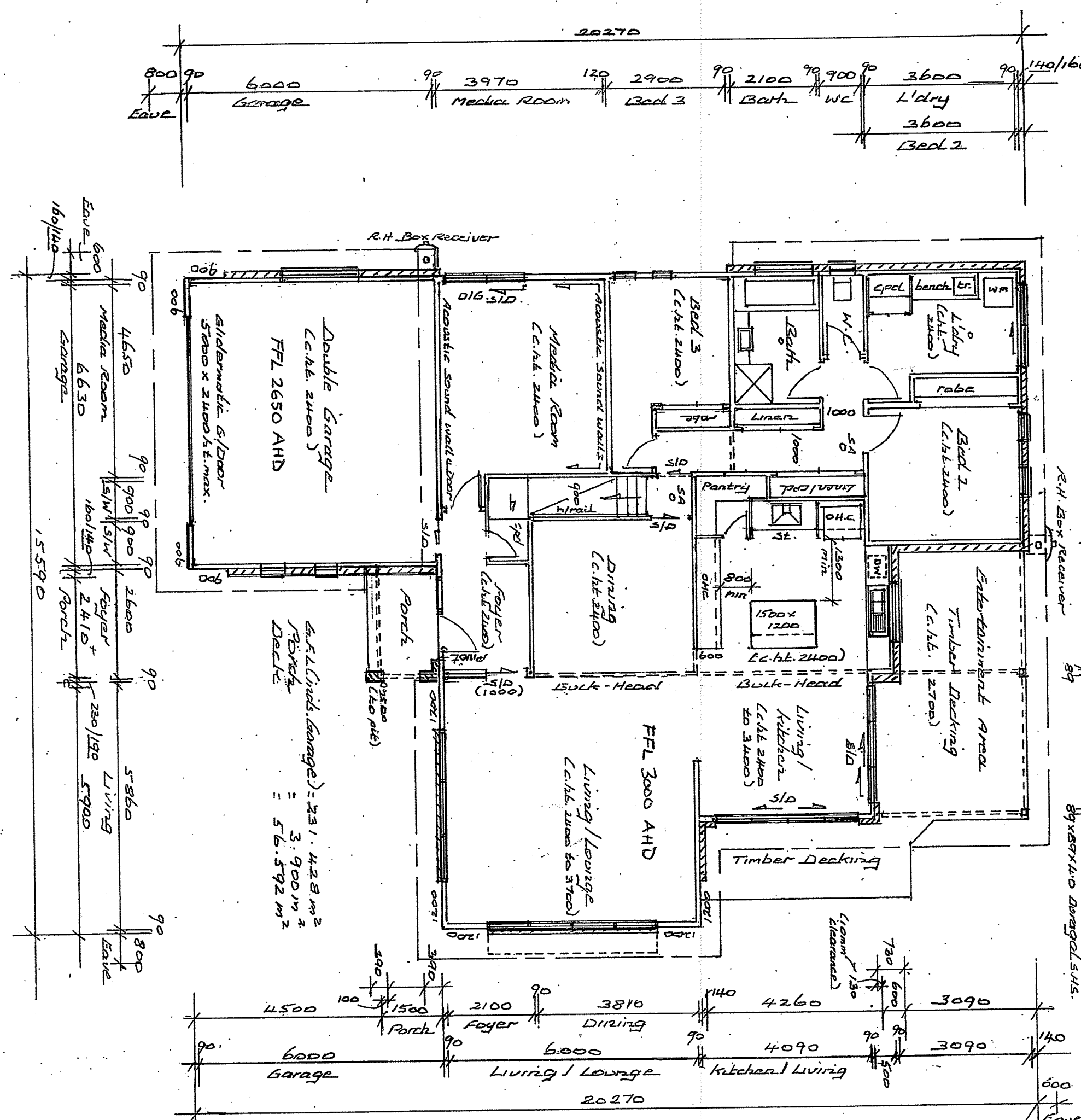
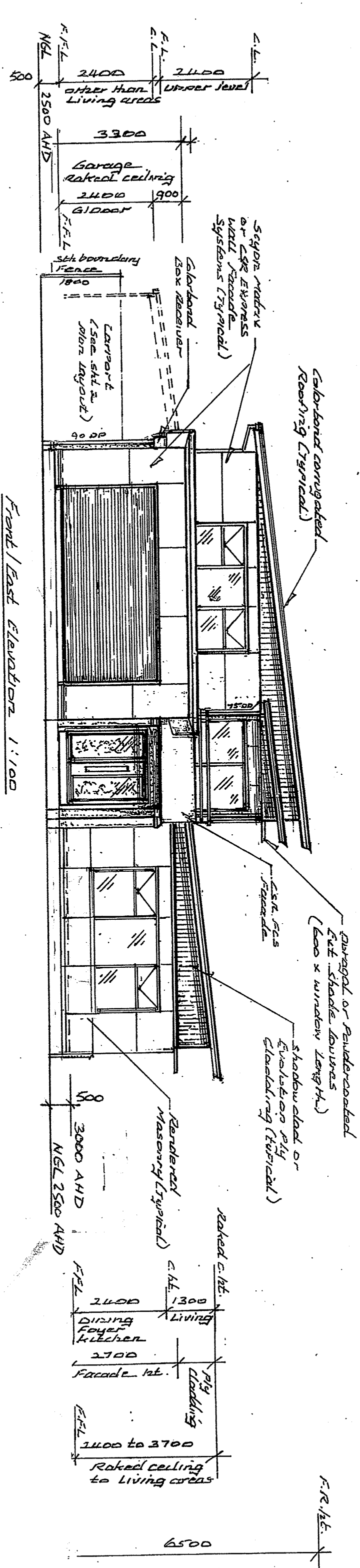
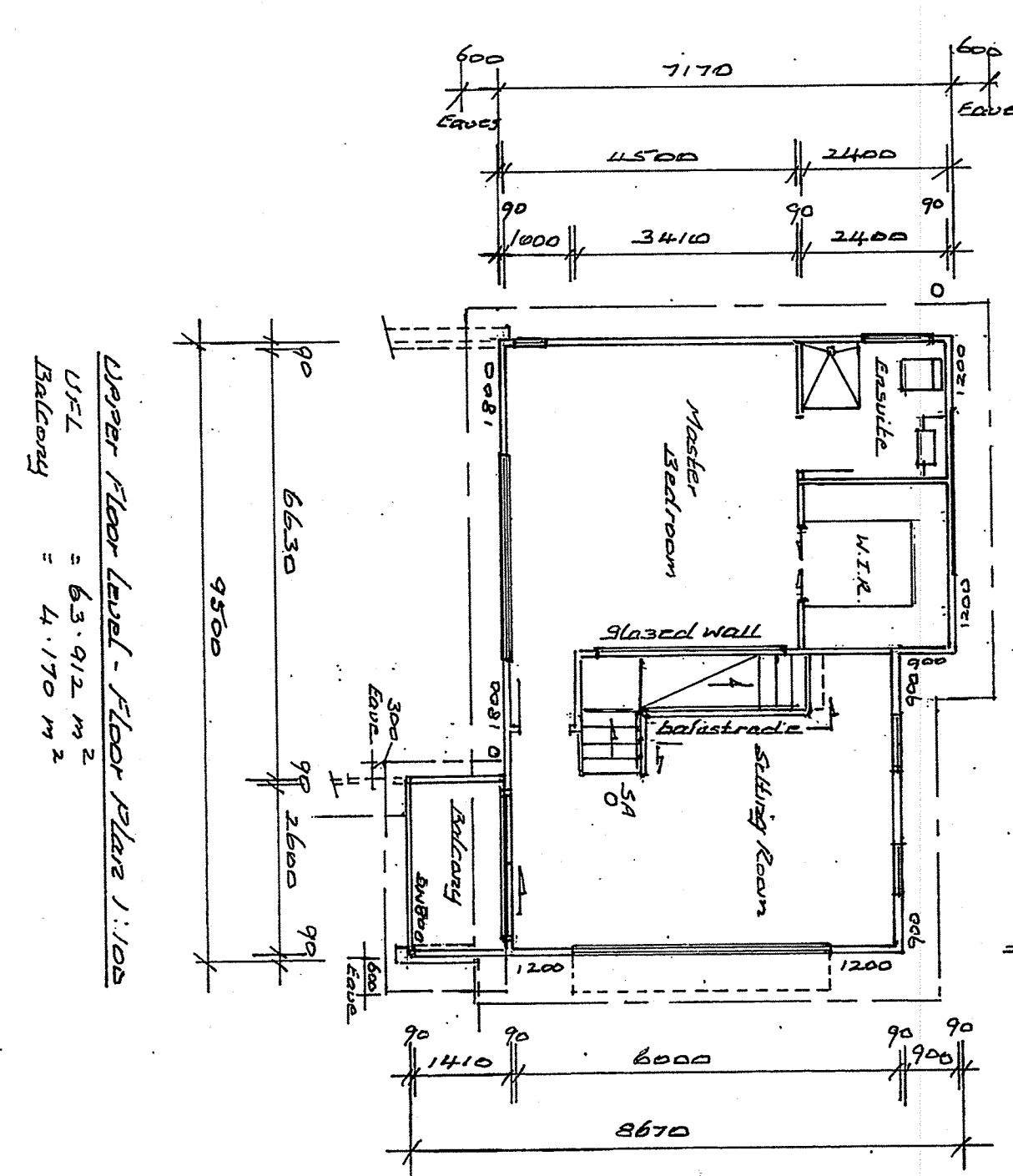
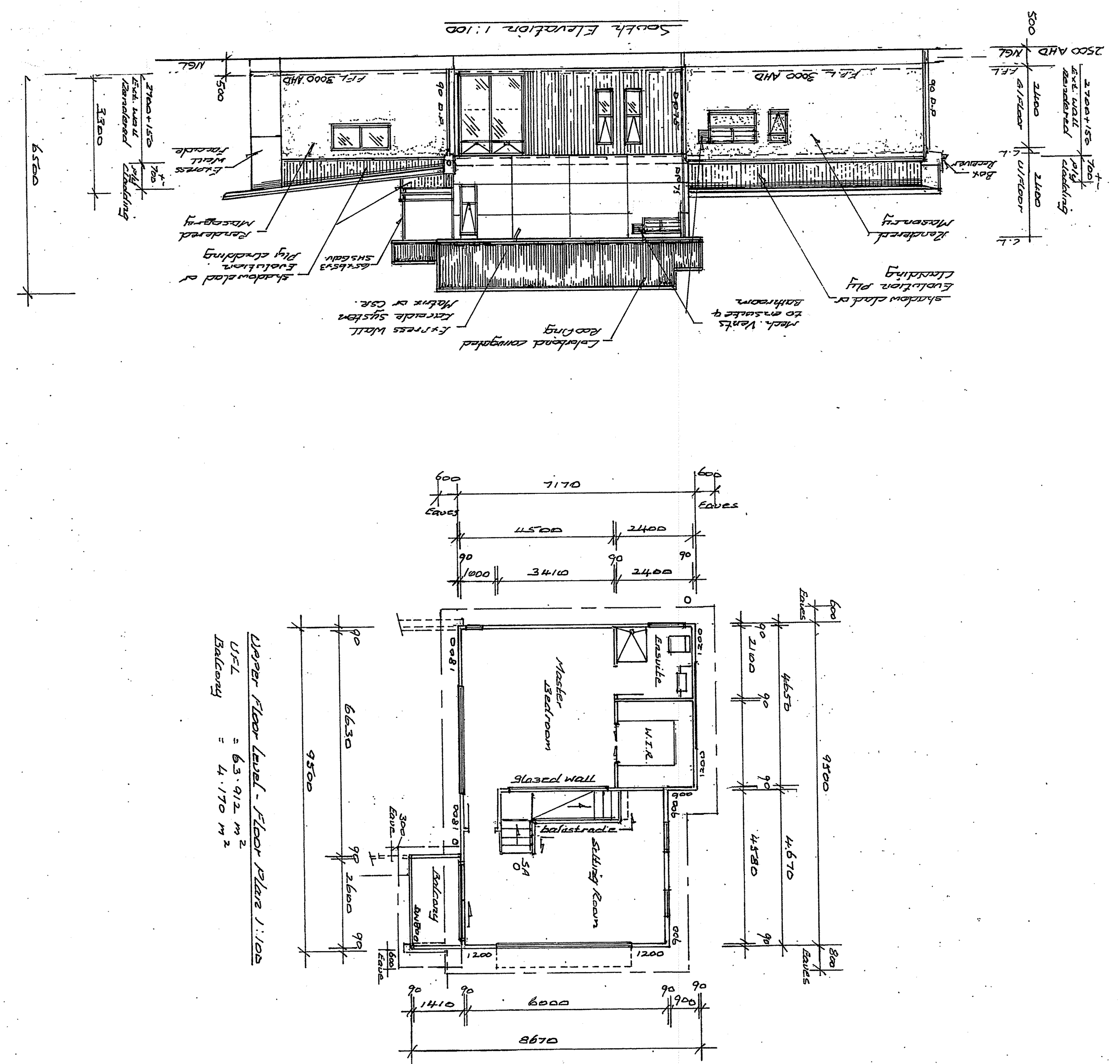
- Do not scale Drawings
- Dimensions to take perpendicular over scale.
- Structural design changes to be regarded as design amendments
- Hopeless formal Building process will apply

NOTES

- Energy efficiency of water heating system
- Plumbing provisions for solar panels (out-building)
- H.W. needs 18" max ic. dx above heat or steam
- 12' head of solar H.W.
- Use tank ready-made water recirculation system

External Colour Palette :-

- Coloured Roofing incl. Sutterling, Borge, Pacea and Vlasings
- 1st. Fly Cladding / Duvix 88 udu = above Damar 4/5
- Marine or Express wall cladding / Solgard = Dura 4/5
- Radiator / Solgard or similar colour = Moroccan Stone-DTB
- 2nd. Store, Louvers / Duvix 445W = Dura, Glas
- 3rd. Sunroom, Gates / Duvix 445W = Dura, Glas
- Balcony, PCs / Facade = 445W = Dura 4/5
- Windows, Sliders, Window treated Al = Glasbord-Dura or similar (sch2)
- Doors, Porch, Entrance and Living / Solgard = Tender Borge 4/5
- Outside Building colours to complement Residence Palette.




Notes:- Construction to comply with 2009 BCA Provisions in conjunction with Aust. Stds., Tas Building Regs & Local Govt. Authority requirements.

- Structural Engineer to provide Cert. 55 & other relevant certified structural drawings as required.
- Footing & slab design and construction to A.S. 2870-1996 class M site to Geotechnical Assessment.
- Framing const. to A.S. 1684.1 & 2, 2006 to NZ 1041:1997 Wind Loadings to A.S. 1684.1 & A.S. 1170.1 NB:- Load for WHI.
- Masonry const. to 2009 BCA Part 3.3.1 & Weatherproofing Part 3.3.4
- Structural Steel to BCA 2009 Part 3.4.1 & A.S. 1100. Protective Coating to BCA Part 3.4.4.4 / Table 3.4.4.2
- External Cladding to products installation specifications & BCA Part 3.5.3.4 FCS & 3.5.3.5 Eaves Linings & 3.6 Flashings
- Windows to BCA 2009 3.12.2 Energy Efficiency Provisions & A.S. 1288, 1170.1
- Energy Efficiency to BCA 2009 3.12.1.1, 3.12.3, 4, 5. Includes Garage class 10(a)
- Roof Cladding to BCA Part 3.5.1 & A.S. 1562.1. GUTTERS & DOWNPIPES Part 3.5.2.3, 4 & 5 - SAA/ISNZ HB114:1998
- Stair Construction & Balustrades to BCA Part 3.9.1 & 3.9.2
- Smoke Alarms to BCA Part 3.7.2 & A.S. 3786
- Plumbing to Local Govt. Health Auth. & Waste Pipe sizes to A.S. 3500. SPECIAL Plumbing Permit for AWTs.
- Excavation, Drainage & Earthworks to BCA Part 3.1.1 & 3.1.2
- ALL other BCA & A.S. requirements see other sheets.

Proposed class 10a) & 10xa) Dwelling
For: Angelo and Alanna Sacco
123 Terrina Street, Lavenderdale.
TGS, 7021. Contact 62481454.

Proposed Dwelling Site Address :-
Lot 1 of 1531m² proposed.
subdivision into two lots -
Proposed Dwelling lot 2 = 952m²
Frontage to Bangalore st.
Existing Applicants Dwelling Lot = 594m²
Frontage to Terrina st.


**ISLE
DRAFTING**

ACCREDITATION
CC665W

Phone 62606265 Mobile 0408127406

MICHAEL WAY
196 NEBRASKA RD
DENNES POINT
TAS, 7150

152 Bangalee Street, LAUDERDALE



Site viewed from Bangalee Street, looking southwest



Site viewed from rear of 123 Terrina Street, looking northeast towards Bangalee Street

11.3.3 DEVELOPMENT APPLICATION D-2014/422 - 400 CAMBRIDGE ROAD, MORNINGTON - GYMNASIUM
(File No D-2014/422)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Gymnasium at 400 Cambridge Road, Mornington.

RELATION TO PLANNING PROVISIONS

The land is zoned Local Business and is not subject to any overlays under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period, which has been extended to 18 March 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 traffic congestion and safety for users of right-of-way.

RECOMMENDATION:

- A. That the Development Application for a Gymnasium at 400 Cambridge Road, Mornington (Cl Ref D-2014/422) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AM5 – TRADING HOURS [Monday – Saturday 9.00am – 8.00pm].
 3. GEN S4 – FLASHING LIGHTS.
 4. GEN S7 – MAINTENANCE.
 5. The operators of the premises are to ensure that no nuisance will be caused to the surrounding neighbourhood by noise emitted from the centre through any form of public address system or music must not be audible outside the property.

In the event that Council's Senior Environmental Health Officer considers that an unreasonable level of noise being emitted from the site thereby causing a nuisance under Section 53 and Section 53A of the Environmental Management and Pollution Control Act, 1994, the operator is to provide a report prepared by a suitably qualified person demonstrating how noise impact can be reduced. Council may then require noise suppressant materials/devices to be installed, or the implementation of any other measures recommended in the report, to the satisfaction of Council's Senior Environmental Health Officer.

6. ENG A5 – SEALED CAR PARKING.
7. ENG S1 – INFRASTRUCTURE REPAIR.
8. ENG M1 – DESIGNS DA. Delete "access arrangements".
9. The development must meet all required Conditions of Approval specified by TasWater notice dated 11 February 2015 (TWDA 2014/01404-CCC).
10. ADVICE – The future car park, men's shed and playground do not form part of this approval.

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 Local Business and is not subject to any overlay under the Scheme.
- 2.2.** The proposal is Discretionary, as a gymnasium (Community Building) is a Discretionary use in the zone. The application also proposes a minor variation to the building height requirement of the Scheme. The proposed signage is also Discretionary.

2.3. The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 6 – Local Business zone;
- Section 8.1 – Off Street Car Parking and Loading; and
- Section 8.2 – Advertising Signs.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is located in Cambridge Road and is an irregular-shaped lot with an area of 1.367ha. The site has frontage and vehicle access to Cambridge Road and also abuts the Tasman Highway on its northern boundary.

The site currently contains a large existing building containing the Citywide Church. The site has an existing car park serving the church, which contains 79 spaces.

The site contains a right-of-way over the existing driveway in favour of the adjoining property at 380 Cambridge Road (National Storage), which uses the right-of-way for egress. The right-of-way extends from the western boundary of the subject site to Cambridge Road.

The surrounding area to the east and south of the site is zoned Residential and contains mainly houses. The property at 380 Cambridge Road is similarly zoned Local Business, while the land on the opposite side of the Tasman Highway is zoned Landscape and Skyline Conservation and contains bushland.

3.2. The Proposal

The proposal is for a new gymnasium to be constructed adjacent to the existing church building on the eastern side of the property. The gymnasium would have a gross floor area of approximately 867m² and would be constructed using precast concrete panels and corrugated iron sheeting. The structure would have a maximum height of 8.9m above natural ground level. The building would be connected to the existing church building via a glazed walkway, which would allow users of the gymnasium to access the toilet facilities within the church. The proposed building would be setback 13m from the southern side boundary and would be located well clear of all other boundaries. The applicant proposes 4 signs; 1 on each of the 4 elevations of the building. The total combined area of the signs would be approximately 30m².

The applicant has provided a written submission with the proposal outlining that the building is to be developed for the Clarence Gymnastics Association – a club, which is affiliated with Gymnastics Tasmania. The gymnasium would provide a facility for gymnasts to train and compete. The applicant has provided an indicative timetable for gymnasium use, which would involve classes Monday-Saturday mainly the morning and afternoon, with some classes to occur in the early evening.

The proposal involves an extension to the existing car park with a further 35 spaces.

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 (c) (i) – Retail and Commerce. In particular, the Key Issues and Objectives include:

Key Issues

The need for improved presentation of all neighbourhood and community centres.

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

4.2. General Decision Requirements [Section 3.3.1]

The relevant General Decision Requirements of this part are:

- “(a) *General Requirements:*
 - (iv) *The Purposes of the Zone.*
 - (v) *The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
 - (vii) *Any representation made in accordance with Section 43F(5) or Section 57(5) of the Act.*
- (b) *Amenity requirements:*
 - (i) *The character of the locality, the existing and future amenities of the neighbourhood.*
 - (ii) *Any pollution arising from the site in terms of noise, fumes, smell, smoke or vibration.*
 - (iii) *Landscaping, illumination and treatment of the site generally.*
 - (iv) *The need to impose limits as to the length of establishment of operation within which activities may be carried out.*
- (c) *Infrastructure requirements:*
 - (iii) *The suitability of waste management facilities.*
 - (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”.*

The applicant is proposing a gymnasium (Community Building), which is consistent with the General Decision Requirements.

4.3. Zone

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

	Required	Provided	Compliance
Setbacks			
Front	9m	62m	complies
Rear	0m	13.6m	complies
Side (s)	0m	13m	complies
Side (e)	0m	45.6m	complies
Height	8m	8.9m	does not comply

As detailed in the above table, the proposal fails to comply with the building height standard of Clause 6.7.3(h)(i) of the Scheme. The applicant proposes a variation of 0.9m, which relates to the peak of the roof. The majority of the roof structure would be compliant with the 8m requirement. A permit may be granted for a variation to the height in accordance with relevant Specific Decision Requirements of the zone. It is recommended that the variation to the height requirement be granted, as the proposed building would have significant setbacks to the boundaries of the subject site and due to the topography and location of the other buildings, so that the development would not impact on streetscape or the amenity of nearby residences.

4.4. Specific Decision Requirements

Clause 6.7.4 provides the Specific Decision Requirements of the zone. The relevant requirements are addressed as follows.

“(a) The streetscape values of the local business areas should be protected with techniques including the re-use of buildings, consistency of footpaths, entrances, verandas and awnings and the retention and enhancement of associated hard and soft landscaping encouraged”.

The applicant proposes significant building setbacks from the frontage boundaries, which are consistent with other buildings in this precinct. The building would not be highly visible from Cambridge Road as the surface of the land is well below the level of the road.

“(c) All facades of the buildings which are visible from a public place should be appropriately treated given their visibility”.

The exterior form of the building is reflective of its function. The predominant colours of the building would be light and dark grey, with the bottom of the building being formed with precast concrete panels and the upper half of the building clad with iron sheeting. These elements of the building design act to reduce the visual bulk of the building in a way that is commensurate with the design of the adjacent commercial buildings.

“(d) An integrated approach to adequate pedestrian, bicycle and car access to the site should be undertaken”.

The existing site access from Cambridge Road provides safe and appropriate access as determined by Council’s engineer.

“(e) The interfaces to surrounding Residential areas should be treated in a way to prevent significant amenity loss to the residences while maintaining commercial form and vitality”.

The proposed building would be setback a minimum of 13m from the southern boundary of the site and 45.6m from the eastern boundary of the site. These boundaries directly adjoin residential properties. Given the separation proposed, it is considered that there would be no significant loss of amenity to surrounding residences. However, a condition controlling the noise often associated with gymnasiums would be appropriate.

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

The proposal meets the car parking requirements of Section 8.1 of the Scheme.

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

No outdoor storage areas are proposed.

“(m) To provide for identification and promotion signs and signs that add vitality and colour to business areas”.

Signage is discussed below.

The application is consistent with the Specific Decision Requirements of the zone. Conditions are recommended in relation to noise emissions, hours of operation and signage to ensure that the use and development is undertaken in accordance with the Specific Decision Requirements.

The condition limiting hours of operation would encompass all classes scheduled in the proposed timetable submitted with the application.

4.5. Section 8.1 - Off-Street Parking and Loading

The Scheme requirements for car parking are detailed in the following table:

Use	Gross Floor Area	Car parking Required	Car parking Provided
Gymnasium (Community Building)	867m ²	35	35

As shown in the table, the proposal generates a requirement for an additional 35 car parking spaces to be provided on-site. The proposal meets this requirement. Council's Development Engineer has assessed the proposal and has advised that the layout of the car parking and access lanes is consistent with the relevant specific decision requirements of Section 8.1. Additionally, the Development Engineer has advised that the existing vehicle access onto Cambridge Road is of sufficient standard to cater for the new car parking spaces. The proposal is therefore consistent with the requirements of Section 8.1 of the Scheme.

4.6. Section 8.2 – Advertising Signs

The proposal includes the erection of signage. The applicant proposes 4 signs; 1 on each of the 4 elevations of the building. The total combined area of the signs would be approximately 30m².

The proposed signage is considered to be commensurate with the size and scale of the existing building signage used on other buildings in the Local Business zone in Cambridge Road. Signage would not impact on the amenity of the surrounding residential areas, particularly as no illumination is proposed.

The colours and design of the signage would also not effect on the appearance and efficiency of the adjacent road and footpaths.

4.7. External Referrals

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

Due to the location of the subject property adjacent to the Tasman Highway, the proposal was also referred to the Department of State Growth; however, no response was forthcoming.

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. Traffic Congestion and Safety for Users of Right-of-Way

The representor has raised concern that the additional parking spaces and traffic generated by the proposed development would cause delays for customers and employees exiting the National Storage facility at 380 Cambridge Road, which benefits from a right-of-way over the subject site to Cambridge Road. The representor states that the current internal driveway around the entrance to the car park and driveway into 380 Cambridge Road can also be unsafe due to lack of signage and road markings. The representor has suggested that this issue could be resolved by the developer erecting “give way” signage, line markings indicating that traffic is to give way and providing a centreline on the driveway. The representor has suggested that users of the subject site car park should give way to vehicles exiting 380 Cambridge Road.

- **Comment**

The site already contains a centreline on the existing driveway and also contains line markings indicating that vehicles coming from 380 Cambridge Road are to give way. Furthermore, a speed hump is located where the existing church car park meets the right-of-way.

According to the land Titles for the subject sites, the owner of 400 Cambridge Road is simply required to provide access to 380 Cambridge Road; but is not at liberty to ensure that priority use of the access is afforded to number 380, or that directional signage or line markings are provided. However, it is noted that the applicant has advised that the owners of each site have discussed the matter and agreed that the give way signage and line marking would be provided. While this is considered unnecessary from an engineering standpoint and need not be conditions, if the owners wish to make the arrangements then that is a matter for them to deal with.

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.

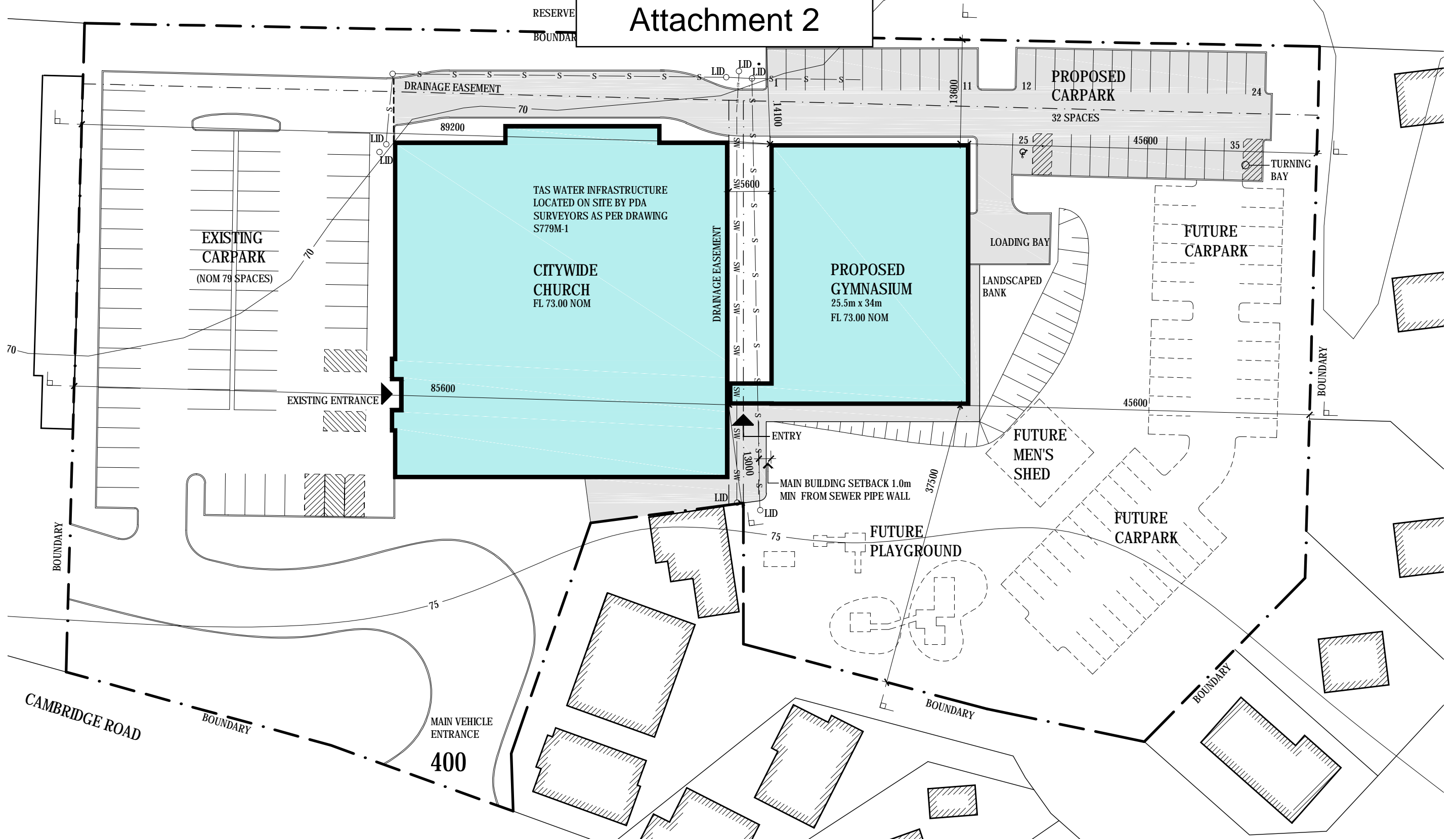
8. CONCLUSION

The proposal is for a new community gymnasium at 400 Cambridge Road, Mornington and is recommended for approval subject to conditions.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 2



SITE PLAN

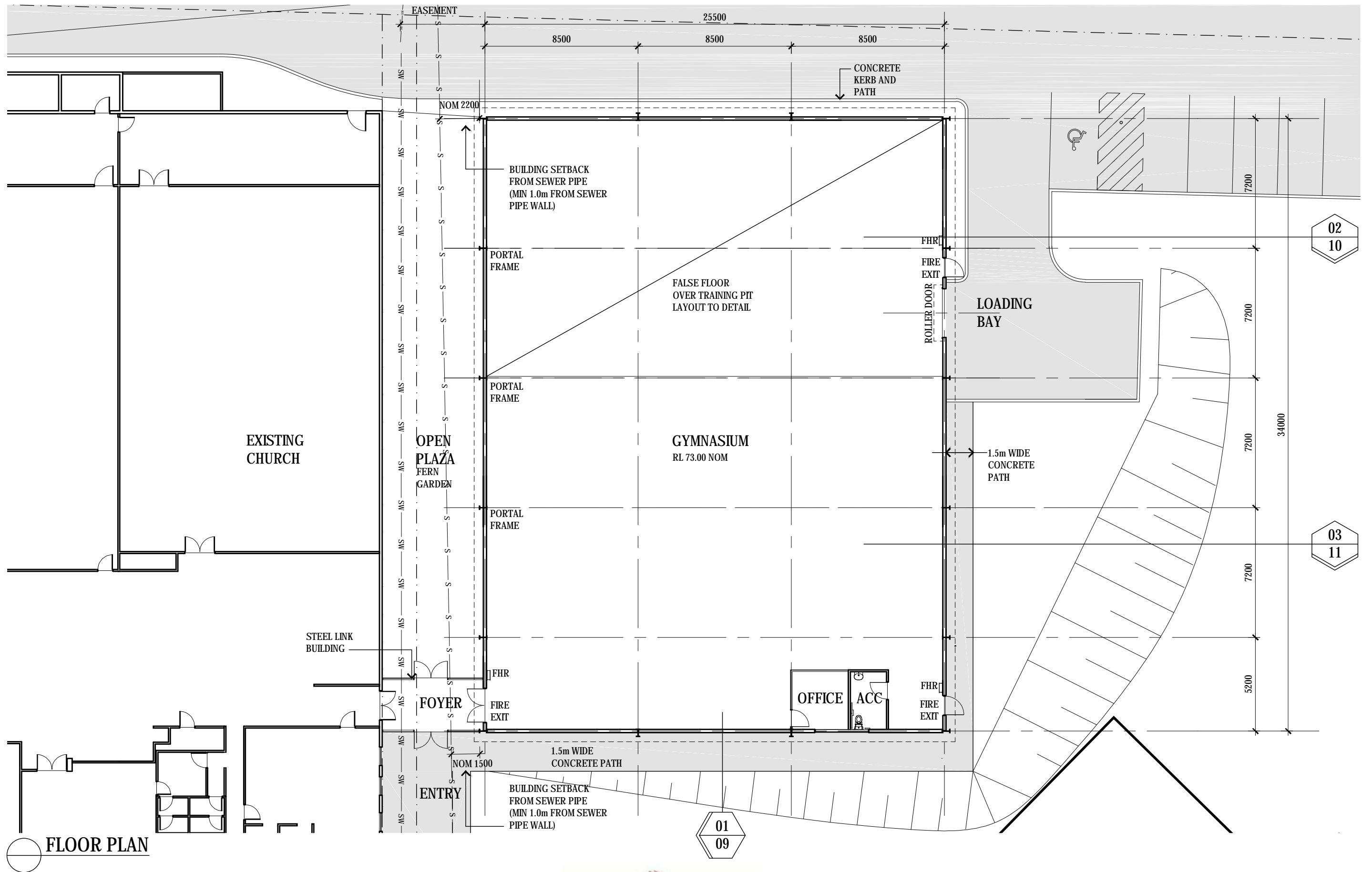


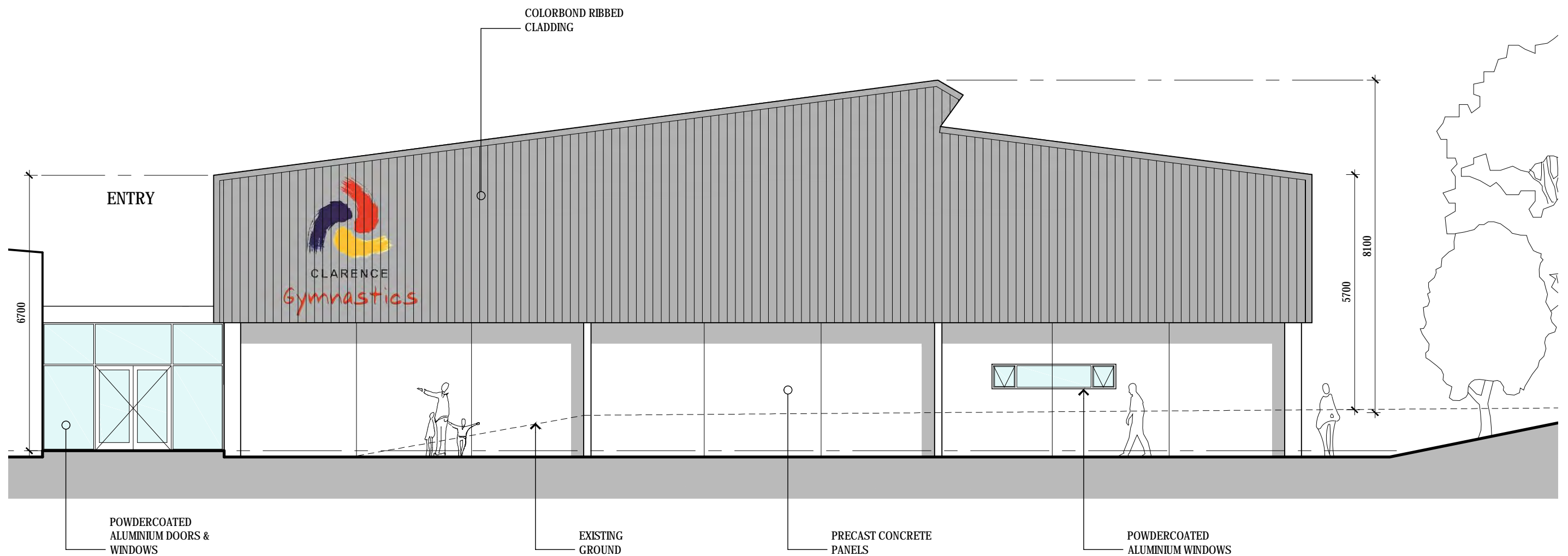
PhilpLighton Architects

CLARENCE GYMNASTICS ASSOCIATION INC
CLARENCE COMMUNITY GYMNASTICS CENTRE
400 CAMBRIDGE RD MORNINGTON
SITE PLAN

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Agenda Attachments - 400 Cambridge Road - Page 2 of 10

DA-02



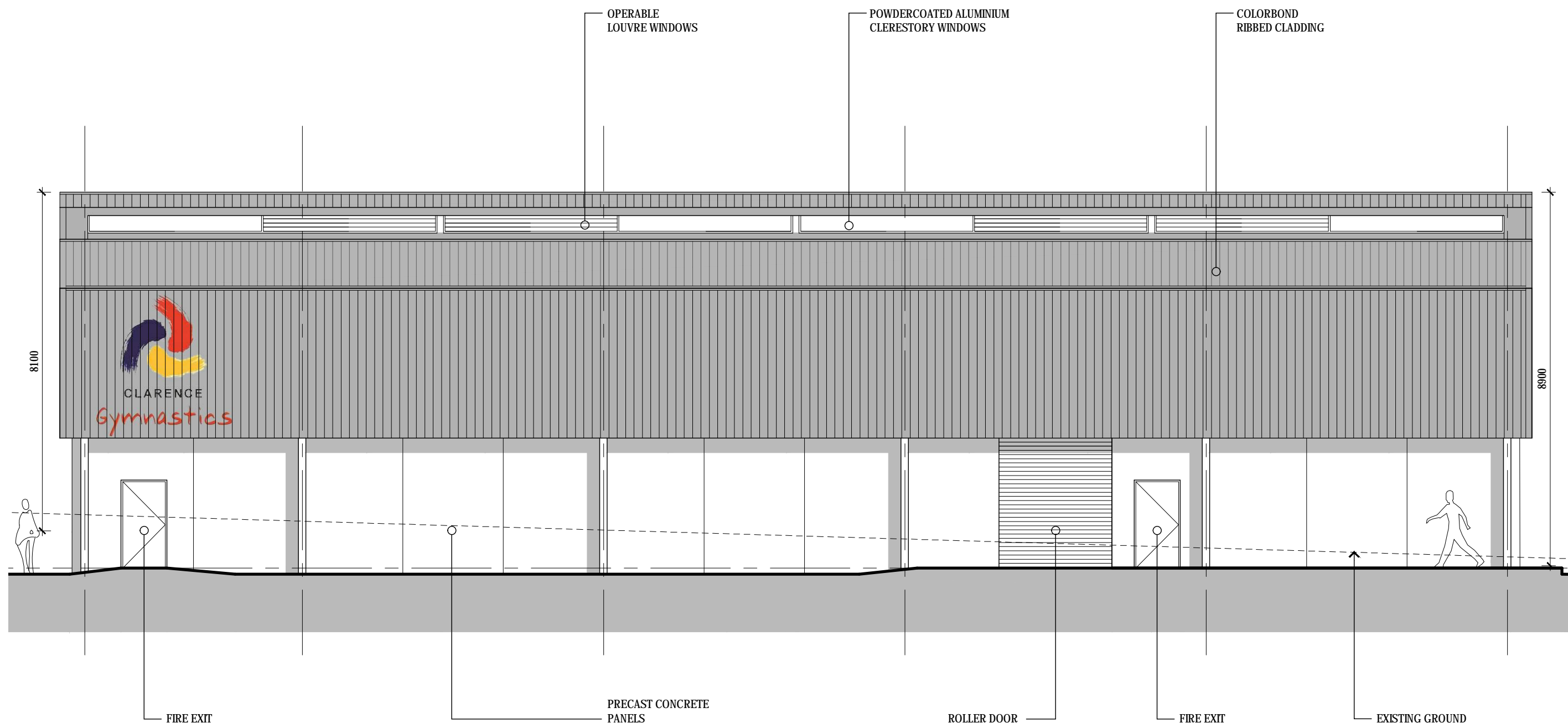


S SOUTH ELEVATION
03

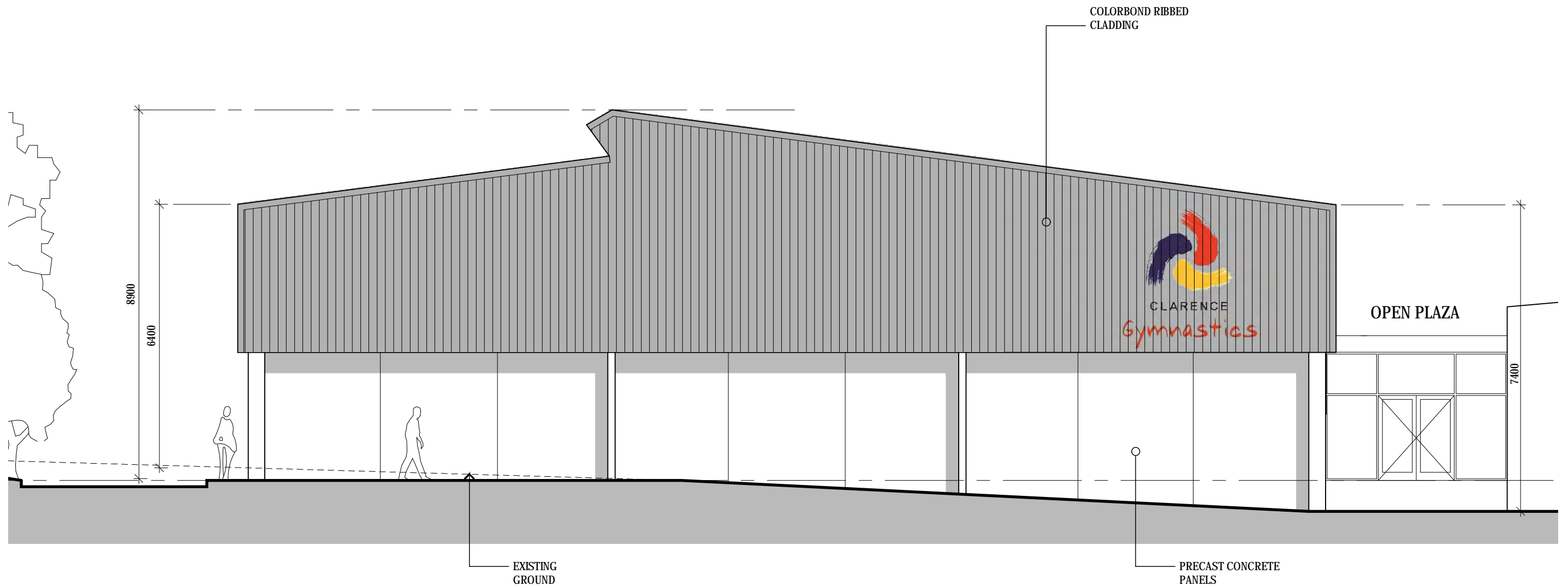


PhilpLighton Architects

CLARENCE GYMNASTICS ASSOCIATION INC
CLARENCE COMMUNITY GYMNASTICS CENTRE
400 CAMBRIDGE RD MORNINGTON
ELEVATIONS
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Agenda Attachments - 400 Cambridge Road - Page 4 of 10
DA-04



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03 EAST ELEVATION



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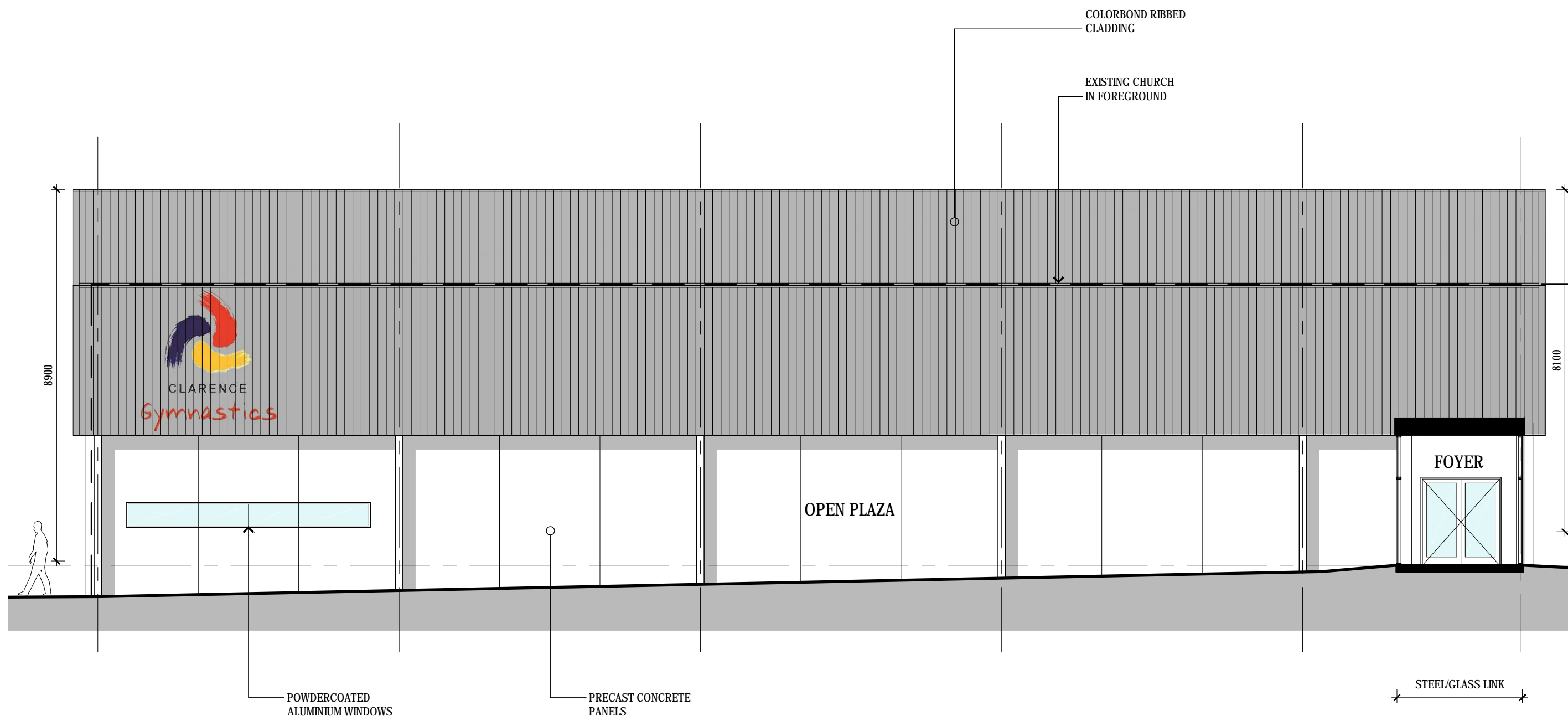


PhilpLighton Architects

CLARENCE GYMNASTICS ASSOCIATION INC
CLARENCE COMMUNITY GYMNASTICS CENTRE
400 CAMBRIDGE RD MORNINGTON
ELEVATIONS

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DA-06



W
03 WEST ELEVATION

Attachment 3

400 Cambridge Road, MORNINGTON



Site viewed from Cambridge Road showing existing vehicle access



Existing driveway containing right-of-way access to 380 Cambridge Road



Site viewed from Cambridge Road showing existing driveway line markings and speed hump



Site viewed from Tasman Highway boundary showing site for proposed gymnasium



Site viewed from Tasman Highway boundary showing site for proposed gymnasium

11.3.4 AMENDMENT APPLICATION A-2014/1 - 79 AND 110 PROSPECT ROAD, 1029, 1089 AND 1099 SOUTH ARM ROAD, 18, 63, 84, 100 AND 211 SCHOOL ROAD, 21 AND 87 DELPHIS DRIVE AND 69 GERMAIN COURT, SANDFORD - REZONE FROM RURAL TO RURAL RESIDENTIAL AND INTRODUCE A DEVELOPMENT PLAN OVERLAY

(File No. 20-24-105)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to review the Tasmanian Planning Commission (TPC) direction to modify the amendment to a substantial degree in light of representations received during public exhibition of Draft Amendments to the Clarence Planning Scheme 2007, to rezone the land from Rural to Rural Residential and to introduce the Sandford Development Plan, in accordance with the direction of the TPC dated 21 January 2015 and the requirements of Section 39 of the Land Use Planning and Approvals Act, 1993 (the Act).

RELATION TO PLANNING PROVISIONS

The land is zoned Rural and subject to the Vegetation Management and Subject to Inundation Overlays under the Clarence Planning Scheme 2007 (the Scheme).

LEGISLATIVE REQUIREMENTS

The proposal was submitted to Council in accordance with Section 33 of LUPAA seeking amendments to the Scheme at 79 and 110 Prospect Road, 1029, 1089 and 1099 South Arm Road, 18, 63, 84, 100 and 211 School Road, 21 and 87 Delphis Drive and 69 Germain Court, Sandford. It was modified by Council in accordance with Section 35 (b) of LUPAA then initiated and certified by Council.

The certified Amendments were advertised in accordance with the statutory requirements. Pursuant to Section 39 of LUPAA, Council resolved to continue to support the proposal subject to modification as detailed in the report considered at its Meeting of 26 May 2014.

Hearings were held into the matter at the Tasmanian Planning Commission on 15 August and 5 November 2014 and the Amendment was approved subject to modification to a substantial degree and readvertising, as detailed in the TPC letters of 16 December 2014 and 21 January 2015 (refer attached). Following exhibition of the modified Amendment, pursuant to Section 39, Council is again required to consider the representations received.

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.

CONSULTATION

The draft Amendment as modified to a substantial degree was advertised in accordance with statutory requirements and 3 representations were received raising the following issues:

- street lighting;
- reflective glass;
- weed management;
- character of area;
- traffic safety;
- pedestrian safety;
- residential amenity;
- location of road in 21 Delphis Drive;
- land values;
- existing use of 100 School Road;
- attenuation distances from 100 School Road; and
- consistency with RMPS.

FINANCIAL IMPLICATIONS

There are no significant financial implications relating to this proposal.

RECOMMENDATION:

- A. That Council resolves, under Section 39(2)(b) of the Land Use Planning and Approvals Act, 1993 to advise the Tasmanian Planning Commission that it considers the merits of the representations do not warrant further modification to Draft Amendment A-2014/1 as modified to a substantial degree.
- 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**

- 1.1.** The relevant background to this Amendment is documented in the report considered by Council at its Meeting of 17 March and 26 May 2014.
- 1.2.** Hearings were held into the matter at the Tasmanian Planning Commission on 15 August and 5 November 2014 and the Amendment was approved subject to modification to a substantial degree and readvertising, as detailed in the TPC letters of 16 December 2014 and 21 January 2015 (refer attached).

2. STATUTORY IMPLICATIONS

Pursuant to Section 39(2)(b) of the Land Use Planning and Approvals Act, 1993 (LUPAA), Council is required to consider the merits of any representation received and provide the Tasmanian Planning Commission (TPC) with:

- (a) a copy of each representation received; and
- (b) a statement of its opinion as to the merit of each such representation, including, in particular, its views as to:
 - (i) the need for modification of the draft amendment in the light of that representation; and
 - (ii) the impact of that representation on the draft amendment as a whole; and
- (c) such recommendations in relation to the draft amendment as the authority considers necessary.

3. PROPOSAL IN DETAIL

The proposal comprises of amendments to the Clarence Planning Scheme 2007 Zone Maps, Overlay Maps and Ordinance, as well as the introduction of a new Development Plan.

It is proposed to introduce a Development Plan (DP) which provides varied controls for the use and development of the subject land.

The development plan has been modified by the TPC to a substantial degree following the hearing process as follows:

- various formatting changes to bring the DP into consistency with others recently adopted;
- introduction of a specific purpose “To enable the continued operation of the existing Sandford Quarry consistent with its Environmental Protection Notice (EPN) permit conditions”;
- introduction of operational clauses, consistent with previous Development Plans, to ensure that the Development Plan can have effect; and
- various modifications to the wording of the Acceptable Solutions and Performance Criteria, without modifying the intent of the clauses.

4. CONSULTATION

The draft Amendment as modified to a substantial degree was advertised in accordance with statutory requirements and 3 representations were received.

The following issues were raised in representation:

4.1. Street Lighting

One representor has requested that there be little or no street lighting provided for the new roads.

- **Comment**

Street lighting will be a matter for consideration at the time of any future subdivision application, although typically it is likely to be provided at least at street corners. However, this is not a matter that is relevant to the consideration of the modifications made to the development plan.

4.2. Reflective Glass

One representor has requested that controls be included reducing the reflectivity of glass in any future residences so that there is no sun glare to nearby properties.

- **Comment**

The TPC have already considered the appropriateness of the rezoning and in so doing have considered that no additional building controls are required as part of the development plan relating to windows for future dwellings. Accordingly, no additional controls are considered necessary as a result of this representation.

4.3. Weed Management

One representor is concerned that serrated tussock and white weed are prevalent in the area. They have requested that any development of the land consider these weeds and be accompanied by suitable management measures to ensure that it is controlled.

- **Comment**

In areas affected by serrated tussock, it is Council's practice to require weed management plans to be provided and implemented for all subdivisions and works.

As such, this is a matter more appropriately considered at the time of any subdivision application and not at the time of the Planning Scheme Amendment.

4.4. Character of Area

One representor is concerned that the development of the land will result in a change from the "semi-rural/coastal feel" currently enjoyed by residents of nearby neighbourhoods (such as Cremorne) when viewing the hill. They have requested that this be given consideration in the development of the area.

- **Comment**

The TPC have already considered the appropriateness of the rezoning and in so doing have considered the increased density that will, in time, result from the Scheme Amendment. Accordingly, the TPC have considered the potential for change to the character of the area and the views enjoyed from surrounding suburbs as being appropriate. As such, no additional controls are considered necessary as a result of this representation.

4.5. Traffic Safety

One representor is concerned that the potential increase in residences resulting from this Amendment will cause an increase in traffic utilising the Delphis Drive – South Arm Road intersection beyond the safe capacity of the intersection. The representor has indicated that there are a number of *Eucalyptus morrisbyi* (Morrisby's Gum) trees obscuring sight distances at the intersection. As they are an endangered species, DIER has allegedly said they cannot be removed to facilitate improved sight distances. Accordingly, the representor has indicated that the increase in the number of dwellings facilitated will result in an increase in vehicles utilising an already unsafe access.

- **Comment**

This issue was considered in the previous report. Briefly, it was determined by Council Engineers that the potential increase in traffic will not alter the safety of the intersection and on this basis the representor's concern does not warrant further modification of the Amendment.

4.6. Pedestrian Safety

One representor is concerned that no provision has been made for a formalised pedestrian walkway on Delphis Drive. They have indicated their belief that this will result in a lack of safety for school children walking along the road.

- **Comment**

The current proposal is for a Planning Scheme Amendment and not for the subdivision of the land. At the time that any subdivision is proposed pedestrian safety will be considered and any works (such as footpaths) deemed necessary will be conditions of approval at that time. There is no need for the additional detail in the DP at this time.

4.7. Location of Road on 21 Delphis Drive

One representor is concerned that the road location detailed in the DP will result in the property at 39 Delphis Drive having roads for 2 of its 3 boundaries. They feel that this is an unfair situation and that the road would be better located elsewhere.

- **Comment**

The road layout plan is indicative and is subject to final design modifications, which can result in an alternate alignment when subdivision is applied for. As such it is not considered that this representation warrants modification of the development plan.

4.8. Residential Amenity

One representor is concerned that the proposed road configuration and associated gradients will result in increased noise from traffic, such as garbage and water trucks, associated with the additional new properties.

- **Comment**

The proposal is for an amendment to the Planning Scheme, not for subdivision. In any event, as detailed above, the road alignment is indicative only and subject to change in any future application, so this issue is more appropriately considered at a later date when subdivision approval is sought.

4.9. Land Values

One representor is concerned that the location of the road, as indicated in the DP, through 21 Delphis Drive will devalue the property at 39 Delphis Drive.

- **Comment**

As stated above, the road location is not finalised through the DP. As such, there is no guarantee of the final road location until the time of a future subdivision application. In any event, property values are not a matter for consideration under the Planning Scheme and as such, not relevant to the determination of this Scheme Amendment Application.

4.10. Existing use of 100 School Road

One representor has indicated that the applicant's submissions regarding the quarry operation have been misleading in regard to the potential life of the operation. They have indicated that the life of the extraction on-site may be significantly greater than that alleged by the applicant and that this will have an impact on the way the site should be viewed with regard to land use conflict and the status of Extractive Industry as a use for this site.

- **Comment**

This issue has already been fully considered through the TPC hearing process. This has resulted in part of the TPC direction to Council being to include provision within the development plan to retain the discretionary use right for extractive industry at 100 School Road, ensuring the ability to assess any application to expand the operation on its merits, rather than any applications being limited by the existing non-conforming development provisions of the Scheme.

No new information has been provided in this submission and therefore the representor's concern does not warrant further modification to the Amendment.

4.11. Attenuation Distances from 100 School Road

The representor has indicated that the Amendment will result in the potential for a significant increase in the number of dwellings within the accepted attenuation distances for the site.

They have indicated that this will result in increased potential for land use conflict and have made reference to existing complaints which they have indicated demonstrate an existing conflict. They suggest that the increased number of potential dwellings will result in inconsistency with both the Regional Land Use Strategy and with the current Planning Scheme, as it will increase the potential for land use conflict.

- **Comment**

This issue has already been fully considered both in previous reports to Council and through the TPC hearing process. No new information has been provided in this submission and therefore the representor's concern does not warrant further modification to the Amendment.

4.12. Consistency with RMPS

One representor expresses their belief that the Amendment is generally inconsistent with the Resource Management and Planning System (RMPS) due to the current and future use of the land at 100 School Road and therefore must not be supported. They have indicated that the potential for land use conflict and the change in status of the use of extractive industry from Permitted to Discretionary is the basis of this opinion.

- **Comment**

This issue has already been fully considered through the TPC hearing process. No new information has been provided in this submission and therefore the representor's concern does not warrant further modification to the Amendment.

Further, it is noted that extractive industry is currently a Discretionary use in the Rural zone and as such, the above-mentioned instruction to retain this use status within the development plan will ensure that there is no change to the status of the use.

The Minister has advised that declaration of the Interim Planning Scheme will not take place until this Amendment is resolved. The TPC has therefore advised that in order to avoid undue delay it has already commenced preparations for a panel hearing into this matter.

5. STRATEGIC PLAN/POLICY IMPLICATIONS

The strategic implications for this Draft Amendment were outlined in Council's Initiation and Certification Report and Associated Minutes dated 17 March 2014.

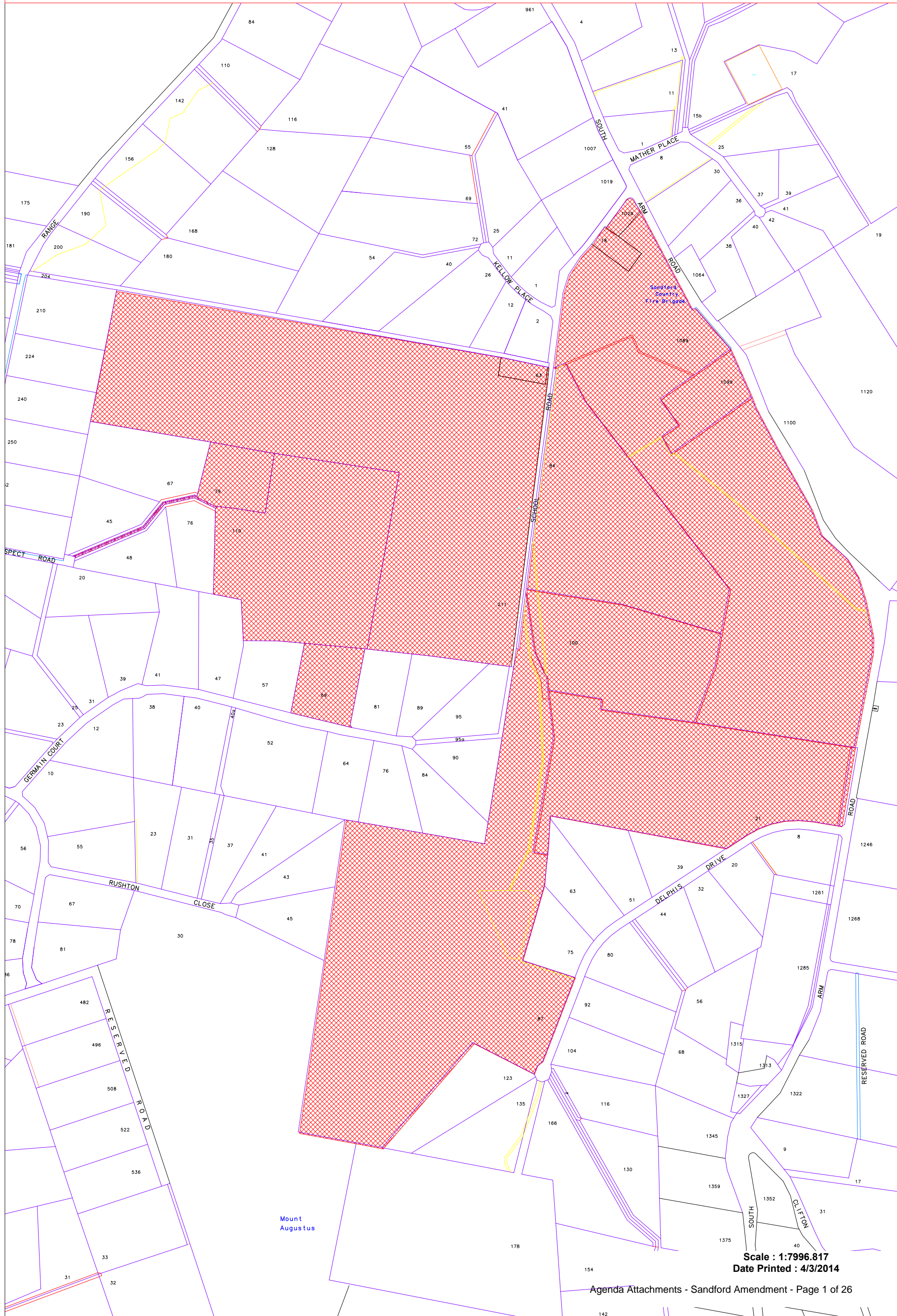
6. CONCLUSION

In accordance with the requirements of Section 39 of LUPAA, Council is required to review the TPC's decision of 16 December 2014 to modify the Amendment to a substantial degree in light of the representations received during the public exhibition period. The representations received have been reviewed and it is considered that no changes to the Draft Amendment are warranted as a result of the representations received.

Attachments: 1. Location Plan (1)
2. Modified Sandford Development Plan (8)
3. TPC Direction to Modify and Advertise (17)

Ross Lovell
MANAGER CITY PLANNING

Location Plan - A-2014/1 - Sandford Amendment





SANDFORD DEVELOPMENT PLAN
DPO 19

1. PURPOSE OF DPO19

1.1 The Sandford Development Plan (DPO19) applies to the Rural Residential land surrounding School Road in Sanford. The objectives of the Development Plan are:

- (a) To guide subdivision and development to ensure an efficient road layout providing a high level of connectivity, safety and amenity for this expanding rural residential community; and
- (b) To provide for the infill or consolidation of an existing rural residential community, in accordance with the Southern Tasmania Regional Land Use Strategy 2010 -2035 (1 October 2013), ensuring in particular that each of the tests of the Regional Strategy's Policy SRD 1.3 (p 95) are met.
- (c) To enable the continued operation of the existing Sandford Quarry consistent with its Environmental Protection Notice (EPN) permit conditions.

2. APPLICATION

Development within the application area is to be consistent with DPO19 and DPO19 requirements override the requirements of the Clarence Planning Scheme 2007 to the extent of any inconsistency.

2.1 DPO19 applies to land shown in light blue in Figure 1 below.

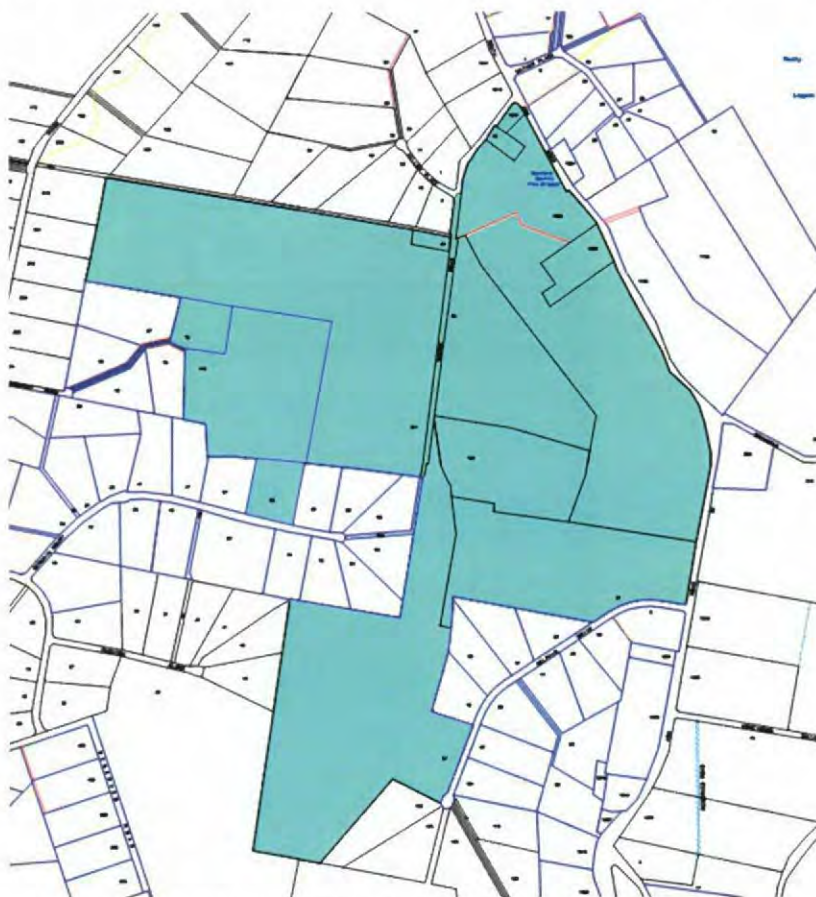


Figure 1 – Development Plan Application Area

- 2.2 Development that complies with each applicable standard and does not rely on a performance criterion to do so is "Permitted" development and is to be assessed under Section 58 of the *Land Use Planning and Approvals Act 1993* (subject to the provisions of any other Overlay provision or Specific Provisions).
- 2.3 Development that complies with each applicable standard but relies on one or more performance criterion to do so is "Discretionary" development and is to be assessed under Section 57 of the *Land Use Planning and Approvals Act 1993* (subject to the provisions of any other Overlay provision or Specific Provisions).
- 2.4 Development which does not comply with an applicable standard, either through an acceptable solution or performance criterion, is "Prohibited" development and must be refused.

3. PERMIT REQUIREMENT

3.1 A Permit is required for all use and development under this DPO.

3.2 The Permit requirement does not apply to:

- (a) Changes of use;
- (b) Development within the curtilage of an existing dwelling at Scheme Date;
- (c) Development on land that is permitted as of right for future road and trail connections in accordance with Section 5.1.1 of the Scheme and shown in Figure 2.; and
- (d) Development exempted from the Scheme in accordance with Section 5.1.2.

3.3 Notwithstanding the Table of Uses in the Rural Residential Zone at 6.4.2, Extractive Industry is a discretionary use on the property at 100 School Road Sandford comprised in folio of the register Volume 135274 Folio 3.

DEVELOPMENT STANDARDS

4. FUTURE ROAD CONNECTIONS

Objective	
To ensure the subdivision layout provides for a design, that is integrated with the adjacent existing rural residential area by providing connections for vehicular movement.	
Acceptable Solution	Performance Criteria
AS 4.1	PC 4.1

The lot layout must provide for the construction of a road from Germain Court extending to School Road generally in accordance with the Road Layout Plan shown in Figure 2.	Roads must be generally in accordance with the Road Layout Plan in Figure 2, but may be realigned, or additional roads included provided that the objective of this clause is met, including the construction of a road connecting Germain Court to School Road.
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5. FUTURE PUBLIC OPEN SPACE CONNECTIONS

Objective	
To ensure the subdivision layout provides for a design, that is integrated with the adjacent existing rural residential area by providing connections for pedestrian movement and other recreational use.	
Acceptable Solution	Performance Criteria
AS 5.1 Nil	PC 5.1 (a) The subdivision must provide for a public open space lot connecting the existing public open space lot between Germain Court and School Road to Delphis Drive, generally in accordance with the future trail connection shown in Figure 2. (b) The subdivision must provide for a public open space lot along the western side of School Road, generally in accordance with the future trail connection shown in Figure 2.
As 5.2 Nil	PC 5.2 Additional public open space may be provided, if it does not conflict with the links required in AS4.1 and PC5.1 above.

6. STAGING

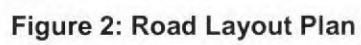
Objective
To secure the construction and transfer of future roads and trail connections at an early stage

of subdivision	
Acceptable Solution	Performance Criteria
<p>AS 6.1</p> <p>Nil</p>	<p>PC 6.1</p> <p>Subdivision of the area may be staged, provided that all of the following are satisfied:</p> <ul style="list-style-type: none"> (a) A suitable staging plan is provided ensuring timely provision of road and trail connections and payment of any public open space requirements. (b) Staging must be logical and sequential, commencing from existing road infrastructure. (c) The only subdivision that can occur to the west of the school road alignment, prior to the construction of the road and trail connections to Germain Court, generally in accordance with Figure 2 is no more than 12 lots, within the hatched portion of Figure 2. (d) Any subdivision to the west of the School Road alignment which includes the land contained in CT 30596/4 must provide for construction of the road and trail connections to Germain Court, generally in accordance with Figure 2 before the sealing of any non-road lots. (e) The first stage of any subdivision at the southern end of Delphis Drive must include the trail connection to Germain Court generally in accordance with Figure 2.

7. DEVELOPMENT

Objective

<p>(a) To ensure the use of the land for rural residential purposes will not increase the potential for land use conflict with other uses; and</p> <p>(b) To ensure the management of risks and values on the land is consistent with the provision of connections to adjacent rural residential areas for vehicular and pedestrian movement.</p> <p>(c) To protect the Sandford Quarry from potential land use conflict arising from the development of dwellings in proximity to it.</p>	
Acceptable Solution	Performance Criteria
<p>AS 7.1</p> <p>Development not associated with road construction must be outside the future road alignments shown in Figure 2.</p>	<p>PC 7.1</p> <p>Development within the road alignments shown in Figure 2 must demonstrate that it will not prevent a suitable alternative road connection from being constructed.</p>
<p>AS 7.2</p> <p>A single dwelling, provided that the quarry at 100 School Road has ceased to operate.</p>	<p>PC 7.2</p> <p>Development for a single dwelling is to take into account potential impacts from the quarry including noise, dust and visual amenity and be designed, sited or screened accordingly.</p>
<p>AS 7.3</p> <p>A single dwelling is setback from any future road or future trail connection shown in Figure 2 in accordance with the setback required for an existing road pursuant to the provisions of the Rural Residential zone.</p>	<p>PC 7.3</p> <p>Nil</p>



TASMANIAN PLANNING COMMISSION

Our ref: DOC/14/101889
Officer: Mary Bessell
Phone: 03 6165 6808
Email: enquiry@planning.tas.gov.au

16 December 2014

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

Attention: Helen Ayers

Dear Mr Paul

INCOMING MAIL - Received by Records

Date Processed: 17 DEC 2014

Date Received: 17 DEC 2014

Correspondence Officer: MOP

Doc ID:

File

20-24-105

MF

Draft amendment A-2014/1 Clarence Planning Scheme 2007

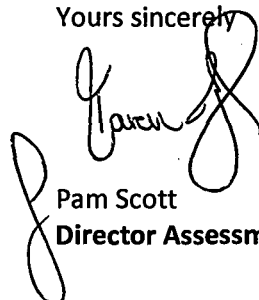
Further to the hearing of this matter held on 15 August and 5 November 2014, the Delegates have decided, pursuant to section 41(a) of the *Land Use Planning and Approvals Act 1993* (the Act), that this draft amendment should be altered to a substantial degree and direct pursuant to section 41A of the Act:

- (a) that the alterations listed in Annexure A of the attached decision be made; and
- (b) that four (4) copies of the altered amendment be returned to the Commission for certification within the 28 days from receipt of this decision. There is no need for Council's seal or signatures to be attached to the altered amendment.

Upon receipt and certification of the altered amendment, the Commission will provide you with a notice directing that it be publicly exhibited.

If you wish to seek any further clarification of this decision, please do not hesitate to make contact.

Yours sincerely



Pam Scott
Director Assessments

Attachment 4

TASMANIAN PLANNING COMMISSION

DECISION AND REASONS FOR DECISION

Amendment	A-2014/1
Planning instrument	Clarence Planning Scheme 2007
Planning Authority	Clarence City Council
Applicant	Clarence City Council
Owner of land	Refer to Table 1. Property Information
Date of decision	10 December 2014
Delegates	John Ramsay and Marietta Wong
Date of Commission's delegation	7 July 2014

Description of draft amendment

Draft amendment A-2014/1 to amend the Clarence Planning Scheme 2007 (the Scheme) affects land at Sandford consisting of the following thirteen lots:

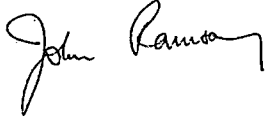
- CT 135274/4 at 21 Delphis Drive
- CT 135274/5 at 87 Delphis Drive
- CT 159889/2 at 69 Germain Court
- CT 125338/1 at 18 School Road
- CT 130809/1 at 63 School Road
- CT 135274/2 at 84 School Road
- CT 135274/3 at 100 School Road
- CT 228249/1 at (211) School Road
- CT 125342/1 at 1029 South Arm Road
- CT 135274/1 at 1089 South Arm Road
- CT 43064/1 at 1099 South Arm Road
- CT 30596/3 at 79 (69) Prospect Road
- CT 30596/4 at 110 Prospect Road

The draft amendment proposes to:

1. Rezone the land from Rural to Rural Residential.
2. Amend the Strategic Land Use Framework Plan – Settlement by extending the Rural Residential Growth Boundary under clause 2.2.2 to include the properties listed above.
3. To insert at clause 7.12.3, a new Development Plan Overlay (DPO) 19 – the Sandford Development Plan, which applies to the properties listed above.

Decision

Pursuant to section 41(a) of the *Land Use Planning and Approvals Act 1993* the Commission requires the Planning Authority to alter the draft amendment to a substantial degree taking into account the matters contained in Annexure A, and to submit the altered amendment to the Commission for certification within 28 days from the receipt of this decision.



John Ramsay
Chair



Marietta Wong
Delegate

REASONS FOR DECISION

Amendment

The draft amendment proposes to amend the Clarence Planning Scheme 2007 (the Scheme) by:

- (a) Rezoning the properties listed at Table 1 from Rural to Rural Residential;
- (b) Amend the Strategic Land Use Framework Plan – Settlement by extending the Rural Residential Growth Boundary under clause 2.2.2 to include the properties listed at Table 1;
- (c) To insert at clause 7.12.3, a new Development Plan Overlay (DPO) 19 – the Sandford Development Plan, which applies to the properties listed at Table 1.

Property Information (Table 1.)

110 Prospect Road	Mr B J and Ms L J Duggan	PID 7394567	CT 30596/4	14.09ha
1089 South Arm Road	Mrs G D Morrisby	PID 2053704	CT 135274/1	35.00ha
1099 South Arm Road	Mr C G and Mrs K A Morrisby	PID 7622013	CT 43064/1	2.348ha
84 School Road	Ms D M Morrisby	PID 2053747	CT 135274/2	13.95ha
100 School Road	Mr T H Jenkins and Mrs S Jenkins	PID 2053755	CT 135274/3	9.131ha
21 Delphis Drive	Ms C J Marsh	PID 2053739	CT 135274/4	17.13ha
87 Delphis Drive	Ms D M Morrisby	PID 2053763	CT 135274/5	35.35ha
(211) School Road	Mr S A and Ms A Ward	PID 1920626	CT 228249/1	42.8ha
1029 South Arm Road	The Trustees of the Diocese of Tasmania	PID 5231967	CT 125342/1	0.3012ha
18 School Road	The Trustees of the Diocese of Tasmania	PID 5231975	CT 125338/1	0.4806ha
63 School Road	Mr M B Muldoon	PID 5231991	CT 130809/1	3.949ha
79 (69) Prospect Road	Ms E P M Blackwell	PID 7394575	CT 30596/3	2.243ha
69 Germain Court	Mr B J and Ms L J Duggan	PID 3043428	CT 159889/2	2.364ha

Background

The Commission has previously considered a draft amendment with permit for this site (file reference A-2012-2).

A large proportion of the documentation provided as part of the previous application (including consultant reports) has been re-submitted in support of this current draft amendment.

After holding a hearing, the Commission rejected draft amendment A-2012-2 as it was not considered to represent sustainable development and not based on sound strategic planning principles.

The decision listed the following reasons for refusal:

1. *The draft amendment proposes the conversion of agricultural land to rural residential use outside of the rural residential growth boundary in circumstances where adequate medium term rural residential land supply exists; and*
2. *That the potential for sensitive uses to be impacted by and impact upon extractive industries is inconsistent with the objectives and strategies of the scheme.*

On 13 February 2014 an application under s.33 of the *Land Use Planning and Approvals Act 1993* (the Act) was made by Neil Shephard on behalf of the owners¹.

The Planning Authority considered that the draft amendment did not meet section 32 of the Act. On 17 March 2014 it resolved to initiate the draft amendment under section 34 and modified the draft amendment under section 35(b).

The Planning Authority's draft amendment includes additional properties (79 Prospect Road, 18 and 63 School Road, 1029 South Arm Road) and supersedes the DPO with its own version which includes public open space and road layout requirements.

In the interests of natural justice, additional owner notification was undertaken by the Commission to ensure all affected owners were aware of the application and invited to the hearing.

Representations

The draft amendment was exhibited for three weeks from 26 March to 14 April 2014 in accordance with section 38(b) of the Act and regulation 6 of the *Land Use Planning Regulations 2004*.

Two representations were received during the public notification period.

Representations were received from the following:

1. Neil Shephard and Associates, obo LJ and BJ Duggan, CG and KA Morrisby, GD Morrisby, DM Morrisby, CJ Marsh, S & A Ward
2. Brian & Jean Lewis, Sandford

¹ Land owner consent from the owners of 110 Prospect Road, 1089 and 1099 South Arm Road, 84, 100 and 211 School Road, 21 and 87 Delphis Drive and 69 Germain Court was originally provided by relying on the consents given for the previous combined amendment and permit application. Consent was later obtained for all the land owners except for Mr Jenkins of 100 School Road. Mr Shephard recommended excluding 100 School Road from the draft Amendment but the Planning Authority in pursuing the amendment included 100 School Road, along with several other properties.

Issues raised in the representations

The representors raised the following issues.

- Unsuitability of the land for residential development due to dam safety
- Traffic safety at the Delphis Drive / South Arm Road intersection
- The inclusion of 100 School Road due to lack of owner authorisation
- Opposition to road connection between School Road and Germain Court
- Insufficient detail in the Council Planner's section 35 report

Planning Authority's response to the representations

The Planning Authority's report pursuant to s.39 of the Act considered the representations received in relation to the draft amendment.

The Planning Authority resolved on 26 May 2014 that it considers the merits of the representations warrant the following modification to draft amendment A-2014/1:

1. *Request that the Tasmanian Planning Commission include 100 School Road as part of the land subject to the amendment.*
2. *That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.*

Date and place of hearing

The hearing was held on Friday 15 August 2014 in the Commission's Hearing Room, Level 3, Tasmanian Planning Commission, 144 Macquarie Street, Hobart.

An unaccompanied inspection of the site and the locality was carried out by the Delegates before the hearing.

The hearing was later reconvened on Tuesday 5 November 2014 in the Commission's Hearing Room, Level 6, Tasmanian Planning Commission, 144 Macquarie Street, Hobart.

Attendance at the hearing

Planning Authority: Mr Andrew Walker of M+K Dobson Mitchell Allport Lawyers represented the Planning Authority and called evidence from Ms Helen Ayers (planning)

Representors: Mr Neil Shephard of Neil Shephard and Associates (Planning Consultant) represented the owners of 110 Prospect Road, 1089 and 1099 South Arm Road, 84 and 211 School Road, 21 and 87 Delphis Drive and 69 Germain Court with Messrs Steven Ward and Phillip Morrisby in attendance

Other: Mr Tim Jenkins of 100 School Road
Mr Michael Muldoon of 63 School Road

At the reconvened hearing of 5 November 2014, the above attended and were joined by:

Ms Emma Riley of ER Associates (Planning Consultant) represented Tim Jenkins
Mr Brian Lewis of 63 Delphis Drive

Other: Messrs Clint Siggins and Damien Blackwell of Mineral Resources Tasmania (MRT) appeared at the request of the Commission

Mr Michael Figg representing Advance Lauderdale Association
attended as an interested party

Commission's assessment of the draft amendment

Site and locality

The draft amendment affects 13 properties over a site approximately 179 ha in area.

The site is irregular in shape with the southern forested portion of the site falling northwesterly and steeply in the south. The remainder of the site generally slopes northward towards Lauderdale and eastward towards Cremorne.

Rushy Lagoon adjoins the site to the east (separated by the South Arm Highway), with Pipe Clay Lagoon located some 600m to the east (also separated by the South Arm Highway).

The site is located adjacent to the Rural Residential zoned and developed areas of Sandford in the vicinity of Rifle Range Road to the west, Delphis Drive to the south and east. Mather Place and Kellow Place are located to the north.

Cremorne is located approximately 1.5 km to the east and Clifton Beach approximately 3.5 km to the southeast. Lauderdale's retail centre is approximately 4.5 km to the north.

The site comprises lots of <0.5 ha to 43 ha that are rural in character. It also includes a church and quarry. The wider locality has been incrementally developed for rural residential living extending from the intersection of Rifle Range Road with the South Arm Highway, along Gellibrand Drive on the South Arm peninsula to South Arm Neck.

Planning Scheme Provisions

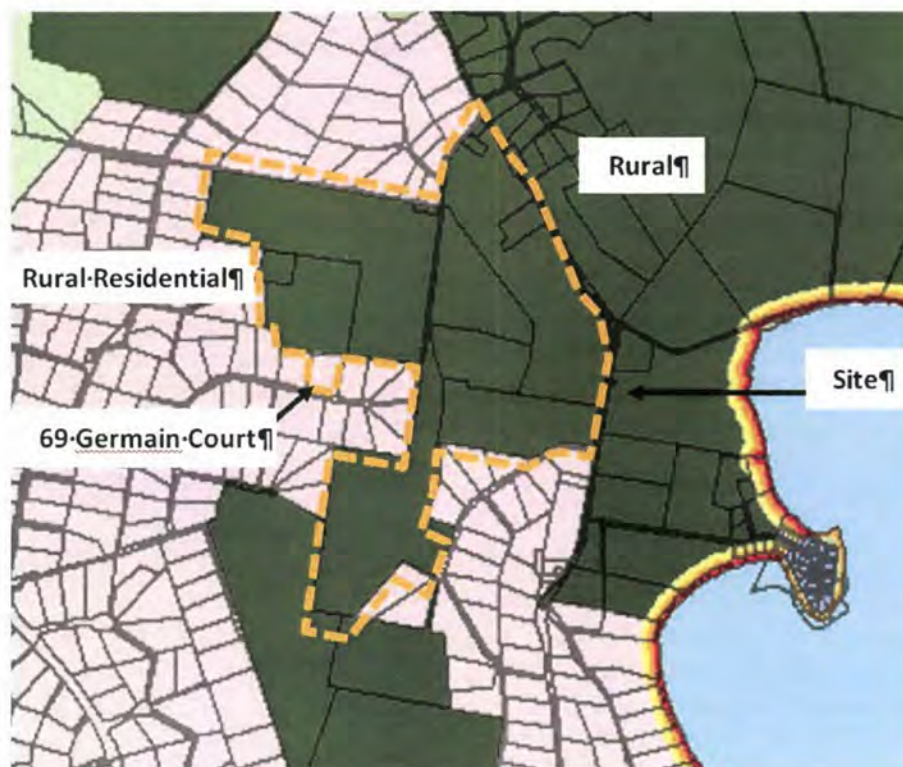


Figure 1 - Zoning Plan (source TPC ArcGIS)

The site is zoned rural (with the exception of 69 Germain Court (CT 159889/2) which is Rural Residential) as shown in figure 1, above.

The purpose of the Rural Zone, clause 6.8.1, emphasises compatibility of residential living with rural land uses, ensuring that rural activities have priority over residential activities.

Extractive Industry and Single Dwelling are both discretionary uses within the Rural Zone.

The minimum lot size for subdivision is 20 ha.

The draft amendment proposes to rezone the site to Rural Residential.

The purpose of the Rural Residential Zone, clause 6.3.1, is to provide for residential use in a rural environment, ensuring that development minimises impacts on adjacent farmland, marine farms or land with important environmental values.

An Extractive Industry is prohibited in the Rural Residential Zone and a Single Dwelling is permitted. The minimum lot size for subdivision is 2 ha.

Within the Planning Scheme's Policy Framework, Strategic Land Use Framework Plans are provided for in Clause 2.2(e), including identification of a growth boundary for rural residential areas.

The site is outside the indicative Rural Residential Urban Growth Boundary depicted in the planning scheme (with the exception of 69 Germain Court (CT 159889/2)).

The draft amendment proposes to extend the urban growth boundary.

Small areas of the site are also subject to the Vegetation Management Overlay and the Inundation Overlay.

Under the planning scheme a development plan overlay can be applied for the purpose of:

- implementing the Planning Policy Framework.
- providing for use or development which is generally in accordance with an approved development plan.

Under 7.12.2 "The provisions of the development plans override any other development or use standard of the scheme to the extent of any inconsistency. They may also allow for the status of a use to be changed irrespective of the underlying zone."

The proposed development plan introduces specific additional standards for open space links, road layout, connections, staging and the mitigation of potential impacts on amenity.

The Strategic Directions that form part of the Planning Policy Framework recognise extractive industry and the need to balance local values with the value of extractive resources (p.7). It includes the strategy: "support soil removal and extractive industries, in locations which are environmentally sustainable and where their activities do not unreasonably impact on the amenity of surrounding land uses". (p.31)

Strategic Planning

The Minister for Planning declared the Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS) in October 2011 and subsequently amended it October 2013.

While there is no statutory requirement for the draft amendment to be consistent with the STRLUS, the Commission has consistently considered it relevant in the consideration of draft amendments, finding it to be a comprehensive and contemporary planning strategy that all Councils in the Southern Region have adopted.

The Panel Delegates consider that the STRLUS is relevant to the draft amendment, particularly the policies that relate to settlement and residential development. These policies have been amended since the previous amendment and permit application for the subject site.

The amended SRD1.3 now establishes three 'tests' for land that is not currently zoned for rural or environmental living. These allow for recognition of existing rural living or environmental living communities; replacement of undeveloped land currently zoned for rural living purposes for alternate land better suited for rural living; and for areas that provide for the infill or consolidation of existing rural living communities.

SRD 1.3 (c) states that "Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:

- (i) the land must predominantly share common boundaries with:
 - Existing Rural Living zoned land; or
 - Rural living communities which comply with SRD 1.3(a);
- (ii) the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;
- (iii) development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;
- (iv) such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrated with the established Rural Living area;
- (v) the land rezoned to rural living use is not designated as Significant Agricultural Land;
- (vi) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and
- (vii) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this strategy."

With reference to SRD 1.3 (c) the Panel Delegates heard evidence from the Planning Authority and the Applicant that the draft amendment complies with SRD 1.3 (c) of the STRLUS. Ms Riley questioned whether SRD 1.3 (c)(ii) which precludes a significant increase in the land zoned to rural living and SRD 1.3 (c)(iii) which requires that potential for increased land conflict will not be increased, are satisfied.

The site the subject of the draft amendment is 179 ha in area. Mr Shephard indicates in his submission that this would result in approximately 170 lots @ 1ha or 85 lots @ 2ha. He concedes that "this is not an insignificant increase in the immediate locality however it will take a considerable number of years for subdivision proposals to 'come on line' " for a number of reasons.

Mr Shephard also relied upon a Supply and Demand Analysis by Opteon. The analysis was prepared in February 2012 in support of the earlier combined amendment and permit application and is not specifically helpful to substantiating the supply of lots in the locality as the numbers relied upon date back to 1 January 2012, nearly three years ago. However, the Opteon report confirms that rural residential lot supply in Clarence had been falling in the previous three years by 4.25% annually.

In conclusion, the Delegate Panel acknowledges that the rezoning is a medium to long term strategic decision, and consider that the draft amendment is not inconsistent with SRD1.3 (c)(ii).

The issue of potential for land use conflict in SRD 1.3 (c)(iii) is discussed in more detail in the following part.

Quarry, 100 School Road, Sandford

The quarry at 100 School Road is a red gravel resource owned and operated by Tim Jenkins of Jenkins Hire Pty Ltd. The quarry operates under mining lease 1511P/M and an Environment Protection Notice (EPN) Permit No. 5932. The mining lease includes the entire site being 9.131 ha.

Extraction of 20 000 m³ of product per annum is allowed under the EPN, primarily through ripping with a dozer and storing in stock piles. Blasting has not occurred in the last 10 years and although it could occur, would be subject to a further approval process.

The lease expires in 2017 and it is understood that the lessee may seek a renewal on its expiry. The term of the renewal would depend on the extent of resource remaining and is ultimately a decision for the Minister of Resources.

The Decommissioning and Rehabilitation Plan appended to the lease indicates some impacts can be mitigated with management measures, eg stockpiling to buffer noise. Operations take place behind the ridgeline to Delphis Drive and the quarry is not readily viewed. Also, excavation over time has resulted in operations occurring at a lower level, making them less visible.

It was submitted by Mr Walker for the Planning Authority that the quarry is not a regionally significant resource. Mr Siggins from MRT stated in his evidence that the gravel resource was "not a strategic resource for the State" but was "the only red gravel resource in the South Arm area and in this context an important asset for local building and construction activities."

PR 3.1 of the STRLUS states:

Ensure existing regionally significant extractive industry sites are either zoned General Industry or Rural Resource and are protected by appropriate attenuation areas in which the establishment of new sensitive uses, such as dwellings, is restricted.

The Delegated Panel considers that the quarry is not regionally significant and while sound strategic planning should ensure that potential for land use conflict is managed, PR 3.1 is not directly relevant in so far as it directs that the zoning should be General Industrial or Rural Resource for a regionally significant resource.

The quarry is of a scale and nature that it is not subject to the Environmental Buffer Overlay. The standards applied in the Environmental Buffer Overlay for managing impact rely on the Planning Authority's assessment and are not as onerous as proposed in the DPO.

Increased Potential for Impact

The Delegated Panel heard evidence from Mr Shephard that there are already 24 dwellings within 750m of the quarry. From the evidence and inspection of the site, the Delegate Panel concurs that there are quite a number of houses on recently developed rural living lots that are close to the quarry.

On exploring whether the quarry had been the source of land use conflict during the term of its operation, the Delegate Panel heard from Mr Muldoon a resident at 63 School Road. Mr Muldoon raised issues in relation to traffic and dust on School Road, which is unsealed. The Delegate Panel considers that these issues are of a nature that can be considered at the time of any future subdivision and can be managed through the conditions on the Environment Protection Notice (EPN) for the quarry.

While MRT is currently investigating a compliance matter in relation to the quarry, there was no evidence to suggest that there have been numbers of complaints (if any) in relation to impacts on nearby residences as a result of the quarry's operation.

It should be acknowledged that complaints in respect to environmental nuisance are made to the EPA and the EPA was not represented at the hearing. However, the Delegated Panel is satisfied by the evidence provided by several parties at the hearing that the incidence of complaint is low.

Lease and licence documents provided by Mr Siggins also confirm that the terms of the mineral lease and the environmental licence require that potential impacts are managed by the quarry operator, including addressing matters such as noise and dust.

Mr Siggins of MRT confirmed that the Standard Recommended Attenuation Distance (SRAD) considered appropriate to the quarry's operation would be 500m unless there were to be blasting which would require a 1000m SRAD. In relation to blasting, it was noted that although the lease/licence allows for blasting to occur, this would require a further and separate approval which is determined on a case by case basis. It was Mr Jenkins evidence that blasting has not (to date) proved necessary to extract material (save for an initial blast event at the time he took over the quarry).

The Delegate Panel considers that so far as potential for conflict with near-by land uses, which are predominantly rural and rural living in nature, that the 'horse has bolted'. That is, houses are already constructed without any specific consideration of potential impacts from the quarry within immediate proximity to the quarry and there are no signs of conflict.

The Delegate Panel does not consider that there will necessarily be any increased potential for conflict based on the evidence before it.

Mitigation of Impacts

The quarry at 100 School Road is not currently subject to the Environmental Buffer Overlay, nor is it proposed to be included in the (equivalent) Code in the draft interim planning scheme, the Attenuation Code. Both the current overlay and proposed Code apply to a small number of sites that include a quarry (at Flagstaff Gully).

The Environmental Buffer Overlay "... applies to areas within which Standard Recommended Attenuation Distances (SRAD) might arise from the conduct of an activity, which has the potential to be an environmental nuisance or cause environmental harm."

Use and development within the overlay is discretionary unless for use and development within the curtilage of an existing building or exempt from the scheme. Specific decision requirements apply under Clause 7.13.4 as follows:

- (a) Developments should be designed to adequately mitigate against the impacts from the to the (sic) environmental impact source.
- (b) The mitigation measures should have regard to the SRAD and the findings of any site specific technical investigation which provides for a reduction of the attenuation distance.
- (c) Uses should be compatible with the activity for which the overlay applies and are not to present a source of conflict.

In the draft interim planning scheme the provisions for the Attenuation Code are drawn from Region-wide provisions. Use subject to the Code is discretionary and is assessed against the Performance Criteria that are broad in nature with a similar aim to the current overlay.

The Delegate Panel considers it too onerous to apply the standards proposed in the DPO that require applicants for dwellings to seek expert acoustic advice and to build to particular standards. The quarry is already operating without particular conflict with dwellings in proximity, it is not regionally significant and neither the Environmental Buffer Overlay nor future code provisions apply such stringent standards, (noting that the quarry is currently subject to neither the overlay or code).

The Delegate Panel would support provisions of a more general nature to manage the potential for conflict resulting from future dwellings within the SRAD of the quarry. These could be similar in scope to the matters for consideration in the Environmental Buffer Overlay or Attenuation Code in the draft interim planning scheme, having the effect of making use and development for a sensitive use 'discretionary' and addressing matters such as the siting of dwellings as measures to mitigate potential impacts. That is, the standards would allow the Planning Authority to impose conditions if considered appropriate.

Non-Conforming Use

If the draft amendment were supported in its current form it would have the effect of rendering the quarry a non-conforming use. While the Act makes provision for the continuation of non-conforming uses where lawfully existing, Ms Riley raised concerns that this may affect any future application to renew the mining lease.

The Delegate Panel agrees that the quarry resource is not yet fully exploited and that there is potential that the operator may wish to renew the lease beyond the current term.

The Delegate Panel is cognisant that to zone the quarry Rural Residential would render it 'non-conforming' and may restrict the full exploitation of the resource. It is considered that this issue can be managed by amending the ordinance to confirm the continued use status of the quarry as discretionary is recommended to maintain the opportunity for the resource to be fully exploited. A note in the Use Table for the Rural Residential Zone is proposed with specific reference to the site or a specific provision regarding the status of use for the quarry within the provisions of the DPO.

Infrastructure

Traffic

A Traffic Impact Assessment of the draft amendment submitted with the application found that the proposal is not expected to have detrimental impacts on the surrounding road network in terms of traffic efficiency or road safety.

However, the draft amendment was subsequently modified and initiated by the Planning Authority on 17 March 2014 and includes in the DPO a proposal for a link road between Germain Court and School Road. Mr Shephard made a representation to the draft amendment stating that he did not consider the link road necessary because:

- The sharp bend in the road would result in poor road alignment and potential sight distance issues;
- Existing road networks have sufficient spare capacity to deal with additional traffic generated;
- There would be minimal difference in travel time comparing the existing route to the new route.
- A 'rat run' via School Road may result.

The Planning Authority maintained in its section 39 report that the link road should be retained to provide connectivity within the community and increase safety in the event of a bushfire.

At the hearing, Mr Shephard aired concerns regarding the design, location and necessity for the road with reference to a letter dated 11 August 2014 from Mr Keith Midson who was formerly engaged with GHD when the original Traffic Impact Assessment was prepared.

The Planning Authority responded to Mr Shephard's concerns but no traffic experts were in attendance.

On balance, the Delegate Panel accepts the Council's position but it considers that the DPO should incorporate a measure of flexibility regarding the alignment and design of the road.

Other Infrastructure

No potable water or sewerage infrastructure is connected to the site however Site Suitability Assessments by SEAM identify the land as being suitable for onsite wastewater disposal.

No major electricity transmission lines cross the site.

Kerbside rubbish collection is provided to the Sandford area and a regular bus service by Metro Tasmania operates on South Arm and Rifle Range Roads.

The Delegate Panel considers that there are no infrastructure impediments to the draft amendment and that more specific requirements can be addressed at the permit stage.

Environmental impact of the draft amendments

Vegetation Management Overlay

87 Delphis Drive (CT 132574/5) contains approximately 9 ha of the threatened community dry *Eucalyptus tenuiramis* forest and woodland on sediments. This area is subject to the scheme's Vegetation Management Overlay.

Approximately 6.5 ha of this threatened community primarily located on the slopes of Mount Augustus, is reported to be in good condition. A consultant report prepared North Barker Ecosystem Services for the land owners recommends that this area be protected from clearing or conversion.

The Delegate Panel considers that the Vegetation Management Overlay provides controls on development of land and vegetation clearing can be considered within the assessment of a permit application.

Subject to Inundation Overlay

The site is subject to the inundation overlay, specifically SI(r) and SI(2100).

Approximately 1.5 ha of the northeast corner of 211 School Road is subject to SI(r), while an approximate 2.0 ha portion of 1089 and 1099 South Arm Highway containing a dam and drainage line are subject to SI(2100).

The Delegate Panel considers that there is only a limited extent of land subject to inundation and that the provisions of the Inundation Overlay provide controls on development of land, enabling the issue to be addressed at the time of a future permit application.

Development Plan

Section 2.4 of the scheme identifies that the Planning Authority may adopt a development plan to be incorporated into the scheme before rezoning land within the rural residential growth boundary.

Endorsed development plans are given effect under 7.12 Development Plan Overlay in the planning scheme. The proposed development plan introduces specific additional standards for open space links, road layout, connections, staging and the mitigation of potential impacts on amenity.

During the hearing submissions were made regarding the drafting of the DPO and Mr Walker submitted an amended version for each party to comment upon.

It was submitted by Ms Riley that the standards proposed for development of dwellings are not capable of assessment. Specifically, PC7.2 relies upon an assessment by a suitably qualified person that development for a single dwelling will comply with the *Tasmanian Environment*

Protection Policy (Noise) 2009. Ms Riley submitted that the Noise Policy is merely a framework and does not include procedures or standards against which a suitably qualified expert could provide an assessment.

Notwithstanding that the Delegate Panel agrees with Ms Riley regarding the ability to give effect to the proposed standard, the Panel considers that a standard that would require any applicant for a single dwelling to engage an acoustic expert at considerable cost is not consistent with the standards that prevail for other activities, including quarries that have potentially greater impacts.

The Delegate Panel considers that PC 7.2 should be revised to apply much broader assessment to the potential for impacts akin to the standards contained in the Environmental Buffer Overlay or the draft interim planning scheme. This gives scope to give consideration to matters beyond acoustic impacts from within dwellings and for the Planning Authority to impose conditions if these are appropriate, such as to influence the siting or screening of dwellings.

Application of State Policies

State Policies are made under the *State Policies and Projects Act 1993*. Under section 32 of the *Land Use Planning and Approvals Act 1993* planning scheme amendments must be prepared in accordance with State Policies.

The Delegate Panel considers that neither the *State Policy on Water Quality Management 1997* or *National Environment Protection Measures* are specifically relevant to the draft amendment but the *State Policy on the Protection of Agricultural Land 2009* and *State Coastal Policy 1996* are considered as follows:

State Policy on the Protection of Agricultural Land 2009

Class 4, 5 and 6 agricultural land can be found on the site but does not contain prime agricultural land.

The Delegate Panel agrees with the evidence of Mr Shephard and the Planning Authority that the agricultural potential of the land is limited by land capability; the area of adjacent land available for agricultural uses; the declining availability of water and fragmentation into small property titles. The site of the draft amendment is outside the strategic land use framework plan that identifies agricultural land. Consequently, the site was considered to have no local or regional significance for agricultural use.

While the PAL Policy is applicable, the Delegate Panel considers that the draft amendment is in accordance with it.

State Coastal Policy 1996

The *Tasmanian State Coastal Policy 1996* is applicable as the site is located within 1 km of the coast. On giving consideration to principles of the coastal policy that refer to natural values and hazards as above the Delegate Panel considers the draft amendment to be generally in accordance with the Coastal Policy.

The Delegate Panel is satisfied that the draft amendment has been prepared in accordance with the applicable State Policies.

Objectives of the Resource Management and Planning System

Schedule 1 of the Land Use Planning and Approvals Act 1993

Part 1

- a) *To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;*

The site of the draft amendments is developed and modified from its natural state. The draft amendment does not affect ecological processes and genetic diversity.

- b) *To provide for the fair, orderly and sustainable use and development of air, land and water;*

The draft amendment allows for the rezoning of the balance of rural land at Sandford, which is now surrounded by rural residential development. It reflects a medium to long term strategic decision to provide further rural living opportunities in the locality and is consistent with recent amendments to the STRLUS.

- c) *To encourage public involvement in resource management and planning;*

Public involvement has been achieved through the exhibition process of the draft amendment.

The draft amendment was exhibited and representations invited. The Delegate Panel took a further initiative to ensure that land owners, particularly the owner/operator of the quarry at 100 School Road, were engaged.

- d) *To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);*

The economic benefits of the quarry operation can be maintained under the amendment subject to making provision to retain the conforming status of the use.

- e) *To promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

Responsibility for resource management and planning has been shared between the local authority, the Tasmanian Planning Commission, the community and industry.

Part 2

The Part 2 objectives are furthered particularly in terms of (a), (d) and (f) which refer to sound strategic planning, integration of planning and policy and securing a pleasant, efficient and safe working, living and recreational environment.

Conclusion on draft amendment

The draft amendment will rezone land from Rural to Rural Residential and allow for rural residential subdivision in proximity to the Sandford Quarry. After taking into account the representations and evidence from Council, the Delegate Panel considers that making further rural residential land available with Sandford can be supported strategically.

In relation to the quarry, the Delegate Panel considers that the presence of such a significant number of dwellings close to the quarry, without apparent impact to date does not support the suggestion that land use conflict will be increased by the zoning change. However, the Panel accepts that some further consideration to the siting and design of future dwellings is appropriate.

In relation to the resource value of the quarry, the Delegate Panel considers it appropriate to enable the quarry to continue until the resource is fully exploited and accordingly supports specific provision to ensure the use remains conforming.

The Delegate Panel must be satisfied that the requirements for a draft amendment set out under section 32 of the Act are satisfied. Section 32 includes furthering the Objectives of the Act; being

in accordance with State Policies, as far as is practicable – avoiding potential for land use conflicts, and having regard to the impact the amendment will have on the wider region provided the amendment is modified in terms directed.

The Delegate Panel finds that the draft Amendment can accord with Section 32 provided it is modified. Under section 41 of the Act which allows for the draft amendment to be modified, the Delegate Panel directs that the Planning Authority modifies the draft amendment as follows:

1. Amend 6.4.2 Table of Uses (for the Rural Residential Zone) to make Extractive Industry a discretionary use in respect of 100 School Road, Sandford (CT 135274/3) or alternatively make provision for in the DPO for 100 School Road, Sandford to be a discretionary use;
2. Amend DPO 19 to:
 - a. Provide for greater flexibility in relation to the alignment of the road connecting Germain Court to School Road in PC4.1;
 - b. Delete PC7.2 and replace it a requirement that development for single dwellings take into account potential impacts from the quarry, including noise, dust and visual amenity and be designed, sited or screened accordingly.

The amendments above constitute modifications to a substantial degree and will require the re-exhibition of the draft amendment once the Delegate Panel is satisfied that the draft Amendment has been appropriately modified.

Attachments

Annexure A- Section 41A direction to alter to a substantial degree

Annexure A

TASMANIAN PLANNING COMMISSION

Clarence Planning Scheme 2007

Amendment A-2014/1

Direction to alter to a substantial degree pursuant to s.41A of the Act as follows:

1. Amend 6.4.2 Table of Uses (for the Rural Residential Zone) to make Extractive Industry a discretionary use in respect of 100 School Road, Sandford (CT 135274/3) or alternatively make a similar provision in the DPO;
2. Amend DPO 19 to:
 - a. Provide for greater flexibility in relation to the alignment of the road connecting Germain Court to School Road in PC4.1;
 - b. Delete PC7.2 and replace it a requirement that development for single dwellings take into account potential impacts from the quarry, including noise, dust and visual amenity and be designed, sited or screened accordingly.

TASMANIAN PLANNING COMMISSION

Our ref: DOC/15/5060
Officer: Marietta Wong
Phone: (03) 6165 6810
Email: enquiry@planning.tas.gov.au

21 January 2015

Ms Helen Ayers
Planner
Clarence City Council
PO Box 96
ROSNY PARK TAS 7018

INCOMING MAIL – Received by Records	
Date Processed:	23 JAN 2015
Date Received:	23 JAN 2015
Correspondence Officer:	MCP
Doc ID:	File 20-24-105

Dear Ms Ayers

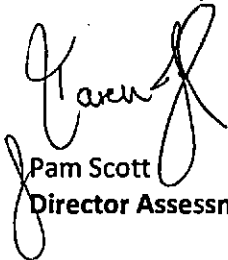
Draft amendment A-2014/1 Clarence Planning Scheme 2007

The Commission has certified this draft amendment as suitable for exhibition pursuant to section 41B(1)(a) of the *Land Use Planning and Approvals Act 1993* (the Act).

Please publicly exhibit the draft amendment for twenty one (21) days in accordance with the provisions of section 41B(1)(b) of the Act.

Enclosed is a certified copy of the draft amendment. Please return this copy when you respond pursuant to section 39(2) of the Act.

Yours sincerely



Pam Scott
Director Assessments

cc Andrew Walker, M+K Dobson Mitchell Allport Lawyers
Neil Shephard, Neil Shephard & Associates
Emma Riley, Emma Riley & Associates

11.3.5 DRAFT CLARENCE INTERIM PLANNING SCHEME - MINISTERS DIRECTIONS NOTICE

(File No 20-10-21)

EXECUTIVE SUMMARY**PURPOSE**

To consider the Minister for Planning's Directions Notice setting out those matters requiring modification to Draft Clarence Interim Planning Scheme 2014 (CIPS).

RELATION TO EXISTING POLICY/PLANS

The modifications are required before the CIPS will be declared an interim scheme. The changes are largely consistent with Council's adopted Policies and Plans.

LEGISLATIVE REQUIREMENTS

Section 30D(6) of the Land Use Planning and Approvals Act, 1993 (LUPAA) provides that the Minister may request a Planning Authority to amend a draft Interim Planning Scheme through serving a Directions Notice.

CONSULTATION

The CIPS was informally exhibited in June and July 2013. Following a review of the submissions received, in March 2014, Council submitted a modified CIPS to the Minister for Planning for declaration. No further public consultation has occurred since the informal exhibition in 2013.

FINANCIAL IMPLICATIONS

No significant implications.

RECOMMENDATION:

- A. That Council undertakes the prescribed modifications to the Draft Clarence Interim Planning Scheme 2014, set out in the Minister's Directions Notice and that once completed submits the amended Scheme to the Minister for declaration.
- 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.

**DRAFT CLARENCE INTERIM PLANNING SCHEME - MINISTERS DIRECTIONS
NOTICE /contd...****ASSOCIATED REPORT****1. BACKGROUND**

1.1 In late 2008, Council endorsed the Southern Tasmanian Regional Planning Initiative as outlined in the proposed Memorandum of Understanding between the Southern Tasmanian Councils, Southern Tasmanian Councils Authority and the State Government, signed in December 2008. One of the key outcomes was the development of co-ordinated, consistent and contemporary planning schemes for all southern Councils.

1.2 To assist in the early stages in the preparation of a new Planning Scheme, on 10 March 2012, Council invited submissions from individuals or groups on matters that they would like to see addressed in the new Scheme. As a result of this invitation 51 submissions were received outlining issues/concerns that they felt ought to be addressed.

Following a Council Workshop, at its Meeting on 18 March 2013 Council considered a report detailing the merits of each of the submissions received. At that meeting Council resolved to proceed with the preparation of the new Interim Planning Scheme including several modifications, notably including that the majority of the Rural Residential land in Lauderdale being zoned General Residential.

1.3 At its Meeting of 27 May 2013, Council endorsed the release of the Clarence Draft Interim Planning Scheme 2013 (CIPS2013) for informal public consultation as part of a co-ordinated exhibition process of draft Interim Planning Schemes with the 12 Councils in the Southern Region. The informal public consultation took place from 1 June to 12 July 2013.

- 1.4** The June/July 2013 informal public consultation resulted in representations on both regional and local issues. In response to the regional submissions, planners on behalf of the STCA made in the order of 1500 regional modifications ranging from incidental typos through to new provisions and substantial changes.
- 1.5** At its Meeting on 17 March 2014, Council endorsed the CIPS and submitted it to the Minister for declaration. The Minister has now provided Council with the statutory Directions Notice prescribing the required changes that must be made prior to it being declared.

2. STATUTORY IMPLICATIONS

Section 30D(6) of the Land Use Planning and Approvals Act, 1993 (LUPAA) provides that the Minister may request a Planning Authority to amend a draft Interim Planning Scheme in accordance with a Directions Notice. The Directions Notice may require the removal or amendment of any local provision that is inconsistent with another provision or necessary to ensure that the draft Interim Planning Scheme complies with the respective sections of LUPAA, which includes consistency with the Southern Tasmanian Regional Land Use Strategy.

Section 30D(7) provides that a Planning Authority may provide the Minister with an amended draft Interim Planning Scheme in accordance with the Directions Notice. In the event that this does not occur, Section 30D(8) of LUPAA specifies that the Minister may direct the TPC to amend a draft Interim Planning Scheme.

It follows then, that in the event that Council does not make, or refuses to make, the modifications outlined in the Minister's Directions Notice the Minister could direct the TPC to make the required changes.

Section 30F of LUPAA provides that the Minister may only declare a draft Interim Planning Scheme to be an interim planning scheme if it complies with the respective sections of the Act. Accordingly, the CIPS will not be declared unless, or until the required modifications have been made.

3. REPORT IN DETAIL

The Minister's Directions Notice (refer attached) prescribes many changes with implications ranging from minor administrative modifications through to significant changes. Whilst the changes are mostly in accordance with previous indications from the TPC, the following are highlighted for information:

- the proposed Glebe Hill commercial rezoning and associated Specific Area Plan has been included;
- all Planning controls associated with the Commonwealth land containing the Hobart International Airport are required to be removed from the scheme, as proposed by Council;
- the proposed Lauderdale rezoning to General Residential has been rejected and the land is to be shown as the Rural Living zone;
- Council's local lighting controls in the Commercial zone accepted;
- Council's local Hotels Industries Code accepted;
- for regional consistency Council's local subdivision controls have been rejected in the Significant Agriculture zone where by no subdivision will be allowed; and
- to correct a deficiency in the State's PD1 template, a local provision is required to be inserted to recognise permits granted under a previous scheme.

As a general observation, the Minister has not accepted local variations introduced through alterations to regional optional provisions based on a desire for consistency across the region. An example are the setback standards in the Significant Agriculture zone, whereby Council's proposed local thresholds were not accepted and Council is directed to increase the minimum standards to the default regional (optional) standards.

While the modifications outlined in the Minister's Directions Notice must be made in order to progress the CIPS, it should be noted that the next phase of the process to convert the interim scheme to a final scheme will provide opportunities for Councils and the public to make submissions seeking changes to the declared interim scheme.

In a letter dated 3 March 2015, the TPC outlined the process to declaration, a copy of which is attached.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015, however, there are inconsistencies with the adopted draft Clarence Interim Scheme, most notably in relation to the zoning of the Lauderdale area.

5. EXTERNAL IMPACTS

While the development of a new Planning Scheme can have significant external implications, there are no significant impacts directly associated with making the modifications outlined in the Minister's Direction Notice.

6. FINANCIAL IMPLICATIONS

No significant implications.

7. CONCLUSION

It is recommended that Council undertake the modifications to the CIPS as outlined in the attached Minister's Direction Notice.

Attachments: 1 Ministers Directions Notice (42)
2 TPC Letter dated 3 March 2015 – Process to Declaration (4)

Ross Lovell
MANAGER CITY PLANNING

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

Treasurer
Minister for Planning and Local Government

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

COPY



16 FEB 2015

Mayor Doug Chipman
Clarence City Council
PO Box 96
ROSNY PARK TAS 7018

Dear Mayor

Directions Notice - Draft Clarence Interim Planning Scheme 2014

In accordance with section 30D (6) of the *Land Use Planning and Approvals Act 1993* (Act) I attach a notice setting out the matters to be modified in Council's draft interim planning scheme to bring it into conformity with the requirements of the Act. I request that Council makes the amendments described in the notice and re-submit the modified scheme to me for declaration as soon as practicable.

I have finalised the notice after considering qualified planning and legal advice provided by Council. I also requested and considered advice prepared by an Interim Planning Scheme Advisory Committee appointed for this purpose by the Tasmanian Planning Commission.

I also note from your correspondence dated 11 December 2014 and subsequent consultations between the Commission and Council's General Manager and senior planning staff that there are four major issues of concern to Council. These relate to Glebe Hill, central Lauderdale, Hobart airport and lighting controls in the Commercial zone.

I have decided not to accept the Advisory Committee's advice in relation to Glebe Hill, Hobart airport and lighting controls in the Commercial zone. However, while I am sympathetic to Council's desire to rezone central Lauderdale to General Residential, the proposal is not supported in Council's Lauderdale Structure Plan and the Southern Tasmania Regional Land Use Strategy.

I advise Council to undertake the necessary planning and infrastructure studies and consultations to update the Lauderdale Structure Plan and initiate appropriate amendments to the Interim Scheme. I would also invite Council to submit any consequential amendments to the Southern Tasmania Regional Land Use Strategy 2013 to me for consideration.

DOC/15/5222

The notice also includes 2 additional modifications. The first is to ensure that existing planning permits validly issued under Council's superseded planning scheme continue to have effect after declaration of an interim scheme (see 24 in Part B). The second is to enable Council to implement amendments to the Parking and Access Code as requested in your correspondence dated 10 September 2014.

I think all those engaged in the interim planning scheme reform will acknowledge it has been a protracted process. The Government has recently made amendments to the *Land Use Planning and Approvals Act 1993* to bring the interim planning scheme process to a conclusion, making way for the introduction of a single planning scheme for the State.

The legislative amendments include shortening the exhibition period for a declared interim planning scheme and providing an alternate process for dealing with matters raised in representations and reported in Council's section 30J report. In addition, a new process for amendments to interim planning schemes replaces the less certain arrangements that existed previously for dispensations.

I look forward to receiving your final Interim Scheme and declaring it as soon as possible after the Commission finalises its decision on a planning scheme amendment for land at Sandford.

I have asked the Commission to write to Council setting out the practical requirements for declaration. I intend to declare each amended planning scheme as it is presented to me, without expecting Councils to wait on others to complete their amendments.

If there are any matters that require clarification, please contact the Executive Commissioner of the Tasmanian Planning Commission.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'P. Gutwein', with a long horizontal flourish extending to the right.

Peter Gutwein MP
Minister for Planning and Local Government

cc: Andrew Paul, General Manager, Clarence City Council, PO Box 96, Rosny Park - Tas - 7018

Notice in accordance with Section 30D(6) of the *Land Use Planning and Approvals Act 1993*

The Draft Clarence Interim Planning Scheme 2014 is to be amended in accordance with the following directions:

Part A

The following provisions contained in the Draft Clarence Interim Planning Scheme 2014 either originate from the Southern Regional Model Planning Scheme or are relevant to each of the Region's draft interim planning schemes and require amendment as follows:

1. TERMS AND DEFINITIONS

1.1	Planning Terms and Definitions 4.1.3	<p>Delete the definitions for 'holiday cabin', 'holiday unit', 'landscaping', 'local environmental weeds' and 'residential zones' and make any necessary changes to the relevant provisions to deliver the intended outcomes without the defined terms.</p> <p><i>Reason: The terms and definitions have not been endorsed by the Tasmanian Planning Commission in accordance with clause 6.1 of Planning Directive No. 1.</i></p>
1.2	Planning Terms and Definitions 4.1.3	<p>Replace the definition for 'adult entertainment venue' with the following:</p> <p>means the use of land for the purpose of providing sexually explicit entertainment for adults only, and may include provision of food and drink.</p> <p><i>Reason: The revised definition has been endorsed by the Tasmanian Planning Commission in accordance with clause 6.1 of the Planning Directive No. 1.</i></p>
1.3	Planning Terms and Definitions 4.1.3	<p>Replace the term and definition for 'forest operations' with the following:</p> <p>forestry operations means as defined in the Act.</p> <p><i>Reason: The term and definition is not consistent with the section 20(7) of the Act.</i></p>

1.4	Planning Terms and Definitions 4.1.3	<p>Replace the term and definition for 'hours of operation' with the following and make any necessary changes to the relevant provisions to deliver the intended outcomes with the amended definition:</p> <p>means the hours that a business is open to the public or conducting activities related to the business, not including routine activities normally associated with opening and closing for business.</p> <p><i>Reason: The revised definition has been endorsed by the Tasmanian Planning Commission in accordance with clause 6.1 of the Planning Directive No. 1.</i></p>
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2. SPECIAL PROVISIONS

2.1	9.8 Construction Management	<p>Delete clause 9.8 and redraft as additional matters that may be imposed as conditions and restrictions under clause 8.11.2.</p> <p><i>Reason: To ensure the provisions are consistent with the structure of Planning Directive No. 1</i></p>
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3. ZONE PROVISIONS

3.1	12.0 Low Density Residential Zone 12.2 Use Table	<p>Revise the Use Table to include regional optional text that provides for multiple dwellings as an allowable use (e.g. permitted or discretionary) within the Residential use class.</p> <p>(Note: councils may choose not to allow for multiple dwellings in this zone)</p> <p><i>Reason: To ensure the planning scheme is accurately drafted and the provisions are able to be given effect in the manner intended.</i></p>
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3.2	16.0 Village Zone 16.5.4 Services	Revise the standard to allow for the subdivision of lots in areas where no reticulated sewer is available. <i>Reason: To ensure the provisions can be given effect in the manner intended by allowing for subdivision in settlements where no reticulated sewer is available</i>
3.3	20.0 Local Business Zone 20.1.1.4 Zone Purpose Statements	Revise this Zone Purpose to ensure it is consistent with the Use Table which allows for residential use other than above ground floor. <i>Reason: To ensure the planning scheme is accurately drafted and the provisions can be given effect in the manner intended.</i>
3.4	20.0 Local Business Zone 20.2 Use Table	Revise the permitted qualification for the General Retail and Hire use class to make a supermarket discretionary in the Local Business Zone. <i>Reason: The Use Table in the Zone is:</i> <ul style="list-style-type: none"> • <i>not consistent with the use tables for the General Business Zone and Central Business Zone; and</i> • <i>not consistent with the activity centre network established under the regional policies of the STRLUS.</i>
3.5	23.2 Commercial Zone 23.2 Use Table	Revise the use table to make the Community Meeting and Entertainment use class discretionary in the zone. <i>Reason: The Use Table in the Zone is not consistent with the zone purpose for the Commercial Zone under Planning Directive No. 1.</i>

3.6	24.0 Light Industrial Zone 24.2 Use Table	<p>Revise the Use Table to prohibit the General Retail and Hire use class unless it is for an existing use.</p> <p><i>Reason: The Use Table in the Zone is:</i></p> <ul style="list-style-type: none"> • <i>not consistent with the zone purpose for the Light Industrial Zone under Planning Directive No. 1; and</i> • <i>not consistent with regional policies AC 1.1 and AC 1.4 of the STRLUS and the implementation of the Activity Centre Network.</i>
3.7	24.0 Light Industrial Zone 24.2 Use Table	<p>Revise the Use Table to prohibit the Business and Professional Services use class.</p> <p><i>Reason: The Use Table in the Zone is:</i></p> <ul style="list-style-type: none"> • <i>not consistent with the zone purpose for the Light Industrial Zone under Planning Directive No. 1; and</i> • <i>not consistent with regional policies AC 1.1 and AC 1.4 of the STRLUS and the implementation of the Activity Centre Network.</i>
3.8	26.0 Rural Resource Zone	<p>Revise the provisions in the Rural Resource Zone to ensure that non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land on the site. This should at least apply to all discretionary uses in the Rural Resource Zone.</p> <p><i>Reason: The proposed provisions are not consistent with Principle 1 of the State Policy on the Protection of Agricultural Land 2009 that seeks to protect agricultural land from being "unreasonably confined or restrained by non-agricultural use or development".</i></p>

3.9	26.0 Rural Resource Zone	<p>Revise the provisions in the Rural Resource Zone to require the following for residential use in the zone:</p> <ul style="list-style-type: none"> • be necessary as part of an agricultural use; or • does not unreasonably convert agricultural land and does not confine or restrain agricultural use on the land or that in vicinity of the land. <p><i>Reason: The proposed provisions are not consistent with Principle 5 of the State Policy on the Protection of Agricultural Land 2009.</i></p>
3.10	26.0 Rural Resource Zone 26.2 Use Table 27.0 Significant Agriculture Zone 27.2 Use Table	<p>Revise the discretionary qualification for the Food Services use class to read "Only if for the serving of agricultural produce primarily from the region."</p> <p><i>Reason: To ensure the planning scheme is accurately drafted and the provisions can be given effect in the manner intended.</i></p>
3.11	26.0 Rural Resource Zone 26.4.4 A1 Plantation Forestry 27.0 Significant Agriculture Zone 27.4.4 A1 Plantation Forestry	<p>Replace the requirement for compliance with the Forest Practices Code with a requirement to be in accordance with a certified Forest Practices Plan.</p> <p><i>Reason: To ensure the planning scheme is accurately drafted and the provisions can be given effect in the manner intended.</i></p>
3.12	27.0 Significant Agriculture Zone	<p>Revise provisions in the Significant Agriculture Zone to ensure that non-agricultural uses do not unreasonably confine or restrain agricultural use of agricultural land on the site. This should at least apply to all discretionary uses in the Significant Agriculture Zone.</p> <p><i>Reason: The proposed provisions are not consistent with Principle 1 of the State Policy on the Protection of Agricultural Land 2009 that seeks to protect agricultural land from being "unreasonably confined or restrained by non-agricultural use or development."</i></p>

3.13	27.0 Significant Agriculture Zone 27.5.2 P1(f)	<p>Revise by deleting the requirement for vacant lots to contain a building area capable of accommodating a residential development.</p> <p><i>Reason: The provision is not consistent with Principle 5 of the State Policy on the Protection of Agricultural Land 2009.</i></p>
3.14	27.0 Significant Agriculture Zone 27.2 Use Table	<p>Revise the qualifications for the Resource Development use class so that controlled environment agriculture dependent on the soil as a growth medium is either no permit required or permitted.</p> <p><i>Reason: The Use Table in the zone is not consistent with Principle 9 of the State Policy on the Protection of Agricultural Land 2009.</i></p>
3.15	29.0 Environmental Management Zone 29.3.1 Use Standards for Reserved Land	<p>Revise the provisions so that the Acceptable Solution is measureable or objectively quantifiable e.g. make A1 (a) a Performance Criteria or delete A1 (a) if No Performance Criteria is intended.</p> <p><i>Reason: to ensure the planning scheme is accurately drafted and the provisions are able to be given effect in the manner intended by Planning Directive No. 1</i></p>
3.16	29.0 Environmental Management Zone 29.4.2 P2(c) Setback	<p>Revise the building setback provision to allow for circumstances where a building is not dependent upon a coastal location.</p> <p><i>Reason: The provision is:</i></p> <ul style="list-style-type: none"> • <i>not consistent with Zone Purpose Statements under Planning Directive No. 1; and</i> • <i>not consistent with the application of this Zone to sites that are inland within the region.</i>

3.17	13.0 Rural Living Zone 13.4.2 Setback 14.0 Environmental Living Zone 14.4.2 Setback 26.0 Rural Resource Zone 26.4.2 Setback 27.0 Significant Agriculture Zone 27.4.2 Setback 29.0 Environmental Management Zone 29.4.2 Setback	<p>Revise all performance criteria that include an absolute minimum distance for setback or separation to allow for additions or alterations to existing buildings for circumstances where the setback or separation distance is not further reduced.</p> <p><i>Reason: The performance criteria have altered the application of some zones in a manner that is not consistent with Planning Directive No. 1 and the STRLUS.</i></p>
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4. CODE PROVISIONS

4.1	E1.0 Bushfire Prone Areas Code	<p>Revise E1.0 Bushfire Prone Areas Code to be consistent with Planning Directive No. 5.</p> <p><i>Reason: The Bushfire Prone Areas Code E1.0 is not consistent with Planning Directive No. 5</i></p>
4.2	Potentially Contaminated Land Code	<p>Insert the Potentially Contaminated Land Code in accordance with:</p> <ul style="list-style-type: none"> • Attachment B, or • if a planning directive has been issued for this Code, in accordance with that planning directive. <p><i>Reason: To ensure the interim planning scheme is in accordance with section 6(5) of the National Environment Protection (Assessment of Site Contamination) Measure 1999.</i></p>

4.3	E5.0 State Road and Rail Asset Code	<p>Replace the State Road and Rail Asset Code with the Road and Railway Assets Code in accordance with:</p> <ul style="list-style-type: none"> • Attachment C, or • if a planning directive has been issued for this Code, in accordance with that planning directive. <p><i>Reason: To ensure the interim planning scheme furthers the Schedule 1 objectives of the Act, specifically Part 2(h).</i></p>
4.4	E6.0 Parking and Access Code E6.7.12 Siting of Car Parking	<p>Revise the provisions relating to the location of garages and carports to ensure they do not apply to dwellings in the General Residential Zone.</p> <p><i>Reason: The provision is not consistent with clause 3.2(a) of Planning Directive No. 4.1.</i></p>
4.5	E8.0 Electricity Transmission Infrastructure Protection Code	<p>Revise the Code in accordance with one of the following options:</p> <ul style="list-style-type: none"> (i) Delete E8.0 Electricity Transmission Infrastructure Protection Code and include any infrastructure corridors or sites that are within the associated overlay in the Utilities Zone; or (ii) Revise the Code to remove references to any third parties without statutory approval powers. <p><i>Reason: The Code is not consistent with the operation of Planning Directive No. 1 as it divests assessment of use and development to a third party without statutory approval powers.</i></p>
4.7	E15.0 Inundation Prone Areas Code E15.3 Definition of Terms	<p>Delete the reference to "food services facilities serving users of coastal areas" from the definition for 'buildings and works dependent on a coastal location' in clause E15.3.1.</p> <p><i>Reason: The definition is not consistent with the purpose of the Code.</i></p>

4.8	E16.0 Coastal Erosion Hazard Code	<p>Revise the provisions in the E16.0 Coastal Erosion Hazard Code to ensure development is prohibited on actively mobile landforms in accordance with Outcome 1.4.2 of the State Coastal Policy 1996.</p> <p><i>Reason: The draft interim planning schemes are not consistent with outcome 1.4.2 of the State Coastal Policy 1996.</i></p>
4.9	E16.0 Coastal Erosion Hazard Code E16.3 Definition of Terms	<p>Delete the reference to "food services facilities serving users of coastal areas" from the definition for 'buildings and works dependent on a coastal location' in clause E16.3.1.</p> <p><i>Reason: The definition is not consistent with the purpose of the Code.</i></p>
4.10	E17.0 Signs Codes Table E17.3	<p>Revise this Table to provide individual sign status for the Particular Purpose Zone 1 and Particular Purpose Zone 2.</p> <p><i>Reason: To ensure the Signs Code is given effect in a manner consistent with the Regional Model, furthering section 30A of the Act.</i></p>
4.11	E18.0 Wind and Solar Energy Code E18.6.1 Amenity	<p>Redraft clause E18.6.1 as a development standard under clause E18.7.</p> <p><i>Reason: To ensure the planning scheme is accurately drafted and the provisions can be given effect in the manner intended.</i></p>

4.12	<p>E3.0 Landslide Code E3.8.1 Subdivision</p> <p>E10.0 Biodiversity Code E10.8.1 Subdivision</p> <p>E11.0 Waterway and Coastal Protection Code E11.8.1 Subdivision</p> <p>E15.0 Inundation Prone Areas Code E15.8.1 Medium and High Inundation Hazard Areas E15.8.2 Subdivision Dependent on a Coastal Location</p> <p>E16.0 Coastal Erosion Hazard Code E16.8.1 Subdivision in Coastal Erosion Hazard Areas E16.8.2 Subdivision Dependent on a Coastal Location</p> <p>E23.0 On-Site Wastewater Management Code E23.9.1 Development Standards for New Lots</p>	<p>Revise the subdivision standards in the codes to ensure they do not allow for subdivision otherwise prohibited in the Zone.</p> <p><i>Reason: To ensure the:</i></p> <ul style="list-style-type: none"> • <i>Code provisions do not weaken the underlying Zone provisions; and</i> • <i>planning schemes are accurately drafted and the provisions are able to be given effect in the manner intended.</i>
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5. CONSEQUENTIAL CHANGES AND MINOR DRAFTING MATTERS

6.1	<p>Revise the drafting to provisions to:</p> <ul style="list-style-type: none">• make consequential changes required to accommodate the amendments described above;• clarify or simplify, without changing the meaning;• remove any inconsistency with an Act, State Policy or Planning Directive;• use defined terms, where appropriate;• ensure all acceptable solutions are measurable or objectively quantifiable; and• correct errors, anomalies, and omissions. <p><i>Reason: To ensure the planning scheme is accurately drafted and the provisions can be given effect in the manner intended.</i></p>
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Part B

The following provisions are specific to the Draft Clarence Interim Planning Scheme 2014 and require amendment as follows:

1. TERMS AND DEFINITIONS

1.1	4.1 Planning Terms and Definitions	<p>Delete the definitions "Direct factory outlet" and "Campus style office complex" and make any necessary revisions to the provisions to deliver the intended outcome.</p> <p><i>Reason: The proposed term and definition has not been endorsed by the Tasmanian Planning Commission in accordance with clause 6.1 of Planning Directive No. 1.</i></p>
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2. ZONE PROVISIONS

2.1	<p>10.0 General Residential Zone</p> <p>10.3.1 Non-Residential Use,- A6 and P6;</p> <p>Local Business Zone, 20.3.2 Noise, A2 and P2; and</p> <p>General Business Zone, 21.3.2 Noise, A2 and P2.</p>	<p>Delete all these provisions.</p> <p><i>Reason: The proposed provisions duplicate Regional Model provisions at 10.3.1 A2/P2, 20.3.2 A1/P1 and 21.3.2 A1/P2.</i></p>
2.2	<p>11.0 Inner Residential Zone</p> <p>11.2 Use Table</p>	<p>Revise the discretionary qualification of the Educational and occasional care use class to be consistent with the Regional Model.</p> <p><i>Reason: To be consistent with the Regional Model and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i></p>

2.3	12.0 Low Density Residential Zone 12.4 Development Standards for Building and Works 12.4.1 through to 12.4.6 (inclusive)	Revise these standards to insert the Regional Model Standards 12.4.1 through to 12.4.7 (inclusive) and remove any duplication with these Regional Model provisions. <i>Reason: To be consistent with the Regional Model and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i>
2.4	12.0 Low Density Residential Zone 12.5.2 Roads	Delete 12.5.2 P1(k). <i>Reason: To ensure the provisions are able to be given effect in the manner intended by Planning Directive No. 1.</i>
2.5	13.0 Rural Living Zone 13.4.2 Setback	Delete 13.4.2 P2(d). <i>Reason: The proposed provision duplicates the Regional Model provision at 13.4.2 P2 (c).</i>
2.6	13.0 Rural Living Zone 13.4.4 Outbuildings	Delete 13.4.4 P1(d). <i>Reason: The proposed provision duplicates the regional model planning scheme provisions at 13.4.2 and is inconsistent with 13.4.4 A1.</i>
2.7	18.0 Recreation Zone 18.4.3 Design	Delete 18.4.3 A3 and P3. <i>Reason: The proposed standard is not consistent with 18.4.3 A1 and P1 of the Regional Model.</i>
2.8	22.0 Central Business Zone 22.4.3 Design	Delete 22.4.3 A1 (j). <i>Reason: The proposed provision is not consistent with the Regional Model provision at 22.4.3 (d) and (e).</i>
2.9	22.0 Central Business Zone 22.4.4 Passive Surveillance	Delete 22.4.4 P1 (h) and revise 22.4.3 P1 to include this provision. <i>Reason: The proposed provision is not consistent with the objective of standard 22.4.4.</i>

2.10	23.0 Commercial Zone 23.2 Use Table	Revise the General retail and hire use class (and qualifications) to be both permitted and discretionary, consistent with the Regional Model. <i>Reason: To be consistent with the Regional Model and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i>
2.11	23.0 Commercial Zone 23.3.3 External Lighting	Advisory Committee's Recommendation: Delete 23.3.3 A2 and P2. <i>Reason: The proposed provisions are not consistent with the objective of standard 23.3.3.</i> Minister's Decision: Recommendation not accepted based on qualified planning and legal advice provided by Council.
2.12	23.0 Commercial Zone 23.4.3 Design	Revise 23.4.3 in accordance with the Regional Model. <i>Reason: The proposed standard is not consistent with Planning Directive No. 1 or Zone Purpose Statement 23.1.1.1, as it makes all development discretionary.</i>
2.13	24.0 Light Industrial Zone 24.2 Use Table	Delete the discretionary use classes of Community meeting and entertainment, Domestic dog breeding, boarding and training, Tourist operation and General retail and hire and associated qualifications. <i>Reason: The proposed use table change is not consistent with the Planning Directive No. 1 or Zone Purpose Statement.</i>
2.14	24.0 Light Industrial Zone 24.4.2 Setback	Delete 24.4.2 A3 and P3. <i>Reason: The proposed provisions duplicates the Regional Model provisions at 24.4.2 A1 and P1.</i>

2.15	24.0 Light Industrial Zone 24.4.5 Landscaping	Revise 24.4.5 P1 (e) to ensure the provisions are able to be given effect where the setback is less than 4.5m. <i>Reason: To ensure the planning scheme is accurately drafted and the provisions can be given effect in the manner intended by Planning Directive No. 1.</i>
2.16	27.0 Significant Agriculture Zone 27.4.2 Setback 27.5.1 New Lots	Revise 27.4.2 P2(b) and P3(b) in accordance with the Regional Model and delete 27.5.1 A2 and P2. <i>Reason: The proposed provisions are not consistent with regional policy PR 1.1 of the STRLUS, to manage significant agricultural land consistently across the region.</i>
2.17	28.0 Utilities Zone 28.2 Use Table	Delete the discretionary use class of General retail and hire and its associated qualification. <i>Reason: To be consistent with the Regional Model and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i>
2.18	35.0 Particular Purpose Zone 4 Kangaroo Bay 35.3 Application Guidelines	Delete 35.3 and where appropriate, incorporate requirements into relevant standards (if any). <i>Reason: To ensure the planning scheme can be given effect in the manner intended by Planning Directive No. 1.</i>

3. CODE PROVISIONS

3.1	E6.0 Parking and Access Code E6.7.6 Surface Treatment of Parking Areas	<p>Revise E6.7.6 A1 in accordance with the Regional Model, deleting the words "provided that the standard of paving and drainage complies with the adopted standards of the Council".</p> <p><i>Reason: To ensure the planning scheme can be given effect in the manner intended by Planning Directive No. 1.</i></p> <p>Minister's Decision:</p> <p>Also make modifications noted in Council's correspondence to the Executive Commissioner of the Tasmanian Planning Commission dated 10 September 2014.</p>
3.2	E17.0 Signs Code Table E17.3	<p>Revise the table to provide individual sign status for each Particular Purpose Zone.</p> <p><i>Reason: To ensure the Signs Code is given effect in a manner consistent with the Regional Model, furthering section 30A of the Act.</i></p>
3.3	E27.0 Natural Assets Code E27.3 Definition of Terms	<p>Delete the definition "Threatened Community" and revise the Code to use the defined term of threatened vegetation.</p> <p><i>Reason: The proposed definition duplicates the definition of "threatened vegetation" under Planning Directive No. 1.</i></p>

4. SPECIFIC AREA PLANS (SAPS)

4.1	<p>F1.0 Clarence Heights Specific Area Plan;</p> <p>F2.0 Lauderdale Neighbourhood Centre Specific Area Plan;</p> <p>F3.0 Single Hill Specific Area Plan;</p> <p>F4.0 Paranville Specific Area Plan;</p> <p>F5.0 Olive Grove Specific Area Plan;</p> <p>F6.0 74 Sugarloaf Road Specific Area Plan;</p> <p>F7.0 North East Droughty Specific Area Plan;</p> <p>F8.0 East Glebe Hill Specific Area Plan;</p> <p>F9.0 Cranston Parade Specific Area Plan;</p> <p>F10.0 North Glebe Hill Specific Area Plan; and</p> <p>F14.0 Oceana Drive Residential and Bushland Specific Area Plan.</p>	<p>All these Specific Area Plans are to be revised so that:</p> <ul style="list-style-type: none"> i). the Acceptable Solutions are measureable or objectively quantifiable and Performance Criteria are clear in meaning or outcome; ii). the Acceptable Solutions and Performance Criteria relate to the objective and are a means of achieving the objective; iii). references to zones not included in Planning Directive No 1 are removed; iv). alternative terms that have the same intent as defined terms are removed, for example, "dwelling or tourist operation" should be used instead of "house or tourism operation"; v). plans/diagrams/figures referenced in the Specific Area Plans are included, are clear, legible and relate to the relevant Specific Area Plan; vi). delete the provisions that duplicate the operational provisions of PD1; vii). Use and Development is not assessed in the same standard; viii). standards do not refer to external documents, if appropriate, incorporate those requirements into relevant standards (if any); and ix). provisions that divests assessment of use or development to a third party without a statutory approval power are removed. <p><i>Reason: To ensure the planning scheme is accurately drafted and the provisions can be given effect in the manner intended by Planning Directive No. 1.</i></p>
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4.2	<p>F1.0 Clarence Heights Specific Area Plan, F1.4.6 Precincts, P2;</p> <p>F4.0 Paranville Specific Area Plan, F4.4.2 Residential Precinct, F4.4.3.1 qualification for the Discretionary Use Class of Residential;</p> <p>F6.0 74 Sugarloaf Road Specific Area Plan , F6.4.4 Natural Surveillance;</p> <p>F7.0 North East Droughty Specific Area Plan , F7.4.1 Scenic and Urban Character Amenity, A5; and</p> <p>F8.0 East Glebe Hill Specific Area Plan, F8.5.1 A1; and</p> <p>F8.5.2 A1.</p>	<p>Revise these standards or provisions to be consistent with the requirements of Planning Directive No. 4.1.</p> <p><i>Reason: The proposed standards or provisions are not consistent with Planning Directive No. 4.1.</i></p>
4.3	<p>The following standards or provisions in Specific Area Plans:</p> <p>F3.4.5 A2;</p> <p>F4.3 (b);</p> <p>F4.4.1 A2 and P2;</p> <p>F6.4.2;</p> <p>F14.5.3.1;</p> <p>F14.5.3.2</p>	<p>All these standards or provisions are to be revised (or where appropriate, deleted) so that they are not inconsistent with Planning Directive No 5.</p> <p><i>Reason: The proposed standard or provision is directly or indirectly inconsistent with Planning Directive No. 5.</i></p>
4.4	<p>F4.0 Paranville Specific Area Plan F4.4.3</p>	<p>Revise the standard to delete references to strata division (community development scheme).</p> <p><i>Reason: The proposed standard is not consistent with clause 5.8 of Planning Directive No. 1 that sets out the strata subdivision exemption.</i></p>

4.5	F4.0 Paranville Specific Area Plan F4.4.4.1 Local Business Precinct – Use Table	<p>i). Insert the General retail and hire use class as permitted and insert a qualification consistent with the Clarence Planning Scheme 2007; and</p> <p>ii). Delete the proposed use class of amusement parlour and motor vehicle, boat or caravan sales and make consequential changes to include these uses in a Planning Directive No. 1 use class.</p> <p><i>Reason: The proposed use table change and qualifications:</i></p> <ul style="list-style-type: none"> • <i>does not reflect the current use table and there is insufficient evidence that it is consistent with the STRLUS; and</i> • <i>is not consistent with clause 8.2 of Planning Directive No. 1, that sets out use class names and descriptions.</i>
4.6	F4.0 Paranville Specific Area Plan F4.4.5.1 Education Precinct – Use Table	<p>Revise the use table to provide for the purpose of the precinct by allowing for residential college and language school.</p> <p><i>Reason: The proposed use table is not consistent with the purpose of the precinct.</i></p>
4.7	F4.0 Paranville Specific Area Plan F4.4.6 Open Space Precinct – Use Table	<p>Delete the proposed use class of Camping and caravan park and make consequential changes to include Camping and caravan park in the Visitor accommodation use class' qualification.</p> <p><i>Reason: The proposed use table is not consistent with clause 8.2 of Planning Directive No. 1, that sets out use class names and descriptions.</i></p>

4.8	F7.5 North East Droughty Outline Development Plan	<p>Revise this Specific Area Plan to delete use or development provisions on the outline development plan (F7.5) and incorporate them into relevant Acceptable Solutions and Performance Criteria (if any).</p> <p><i>Reason: To ensure the planning scheme is accurately drafted and the provisions can be given effect in the manner intended by Planning Directive No. 1.</i></p>
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5. QUOIN RIDGE CODE

5.1	<p>Insert the Quoin Ridge Code (from the current Clarence Planning Scheme 2007) and:</p> <ul style="list-style-type: none"> i). map an overlay for this code that is the same extent as the Quoin Ridge Overlay in the current Clarence Planning Scheme 2007; and ii). Populate the provisions of this code as a translation of the provisions at 7.10 Quoin Ridge Overlay in the Clarence Planning Scheme 2007; consist with the requirements of Planning Directive No. 1. <p><i>Reason: The exclusion of this Code is not consistent with Section 21 of the Act.</i></p>
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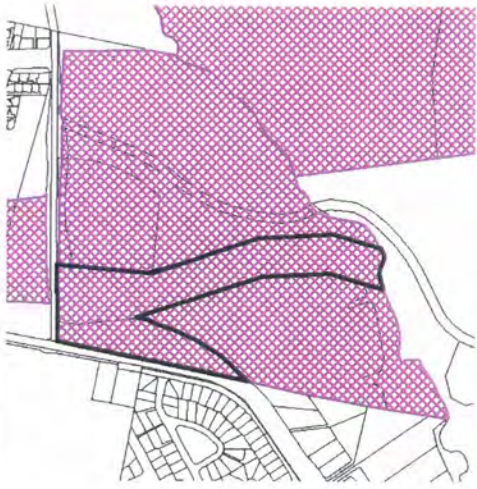
6. PARTICULAR PURPOSE ZONE 4 – KANGAROO BAY

6.1	<p>Revise either; the boundary of Particular Purpose Zone 4 – Kangaroo Bay or the boundaries of Diagram 1 and Diagram 2, so that the boundaries of the Zone and Diagrams are consistent.</p> <p><i>Reason: To ensure the planning scheme is accurately drafted and the provisions can be given effect in the manner intended by Planning Directive No. 1.</i></p>
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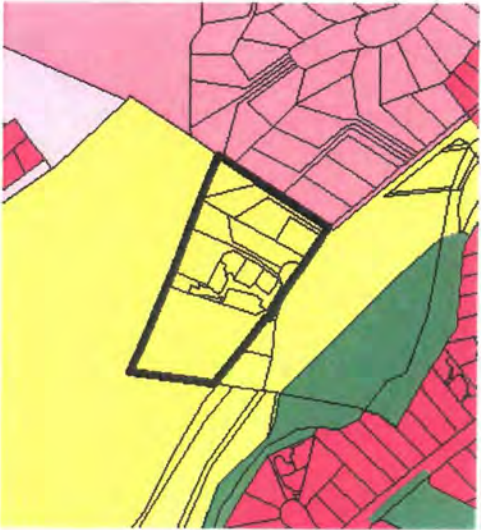
7. SPECIFIC AREA PLANS F5.0 AND F6.0

7.1	<p>Revise the mapped locations of F5.0 Olive Grove Specific Area Plan and F6.0 74 Sugarloaf Road Specific Area Plan so that they apply to the relevant Specific Area Plan.</p> <p><i>Reason: The proposed Specific Area Plan locations do not reflect the locations of the Development Plan Overlays in the current scheme and there is insufficient evidence that it is consistent with the STRLUS.</i></p>
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8. F8.0 GLEBE HILL SPECIFIC AREA PLAN

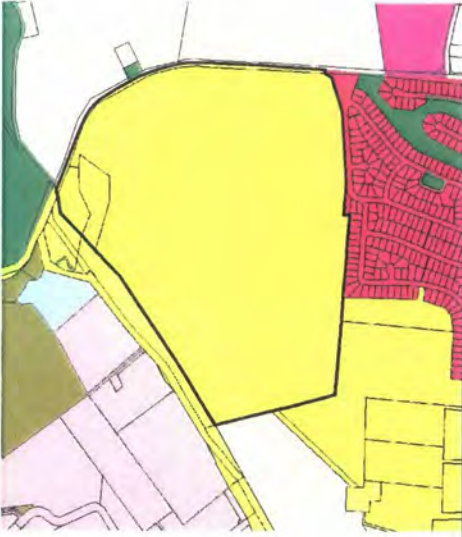

8.1	<p>The properties shown as F8.0 Glebe Hill Specific Area Plan outlined in black, Rokeby.</p> 	<p>Delete all these properties from the Specific Area Plan.</p> <p><i>Reason: The proposed Specific Area Plan boundary changes do not reflect the current Development Plan Overlay boundaries in the current scheme and there is insufficient evidence that it is consistent with the STRLUS.</i></p>
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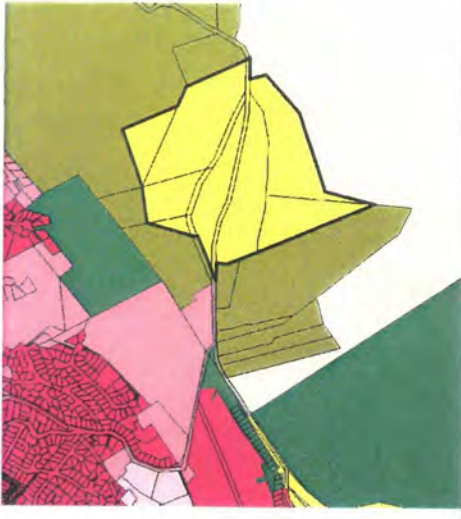

9. PARTICULAR PURPOSE ZONE 3 – GORDONS HILL PRECINCT


9.1	<p>The properties shown as Particular Purpose Zone 3 – Gordons Hill Precinct outlined in black, Lindisfarne.</p> 	<p>Revise these properties to the General Residential Zone to reflect the current zoning.</p> <p><i>Reason: The proposed zone change does not reflect the current zoning and there is insufficient evidence that it is consistent with the STRLUS.</i></p>
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10. PARTICULAR PURPOSE ZONE 5 – PUBLIC PURPOSE AND INFRASTRUCTURE


10.1	36.0 Particular Purpose Zone 5 - Public Purpose and Infrastructure.	<p>Delete Particular Purpose Zone 5 - Public Purpose and Infrastructure.</p> <p><i>Reason: The proposed Particular Purpose Zone does not provide for a particular purpose and is not consistent with Planning Directive No. 1.</i></p>
10.2	<p>The Police Academy shown as Particular Purpose Zone 5 – Public Purpose and Infrastructure outlined in black.</p> 	<p>Revise the Police Academy to the Community Purpose Zone.</p> <p><i>Reason: To ensure the current zoning is reflected with a Planning Directive No. 1 compliant zone and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i></p>
10.3	<p>Rosny College shown as Particular Purpose Zone 5 – Public Purpose and Infrastructure, outlined in black.</p> 	<p>Revise the Rosny College to the Community Purpose Zone.</p> <p><i>Reason: To ensure the current zoning is reflected with a Planning Directive No. 1 compliant zone and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i></p>

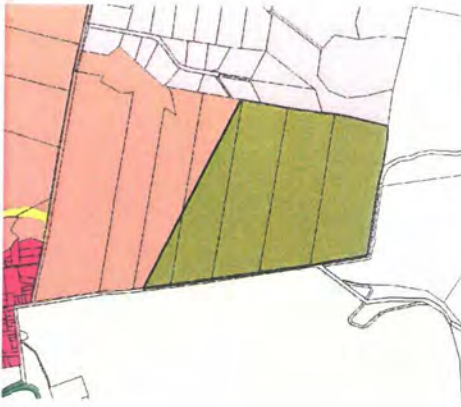
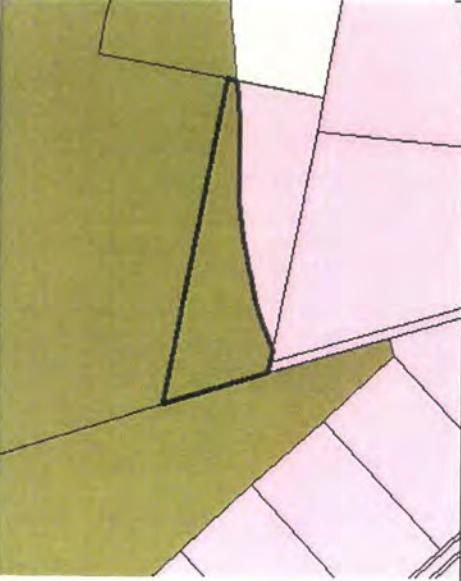
<p>10.4</p>	<p>Risdon Prison shown as Particular Purpose Zone 5 – Public Purpose and Infrastructure, outlined in black.</p> 	<p>Revise the Risdon Prison to the Community Purpose Zone.</p> <p><i>Reason: To ensure the current zoning is reflected with a Planning Directive No. 1 compliant zone and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i></p>
<p>10.5</p>	<p>The property shown as Particular Purpose Zone 5 – Public Purpose and Infrastructure, outlined in black, Warrane.</p> 	<p>Revise this property to the Community Purpose Zone.</p> <p><i>Reason: To ensure the current zoning is reflected with a Planning Directive No. 1 compliant zone and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i></p>


10.6	<p>The properties shown as Particular Purpose Zone 5 – Public Purpose and Infrastructure, outlined in black, Lindisfarne.</p> 	<p>Revise these properties to the Utilities Zone.</p> <p><i>Reason: To ensure the current zoning is reflected with a Planning Directive No. 1 compliant zone and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i></p>
10.7	<p>The Cambridge Aerodrome shown as Particular Purpose Zone 5 – Public Purpose and Infrastructure, outlined in black.</p> 	<p>Revise the Cambridge Aerodrome to the Utilities Zone.</p> <p><i>Reason: To ensure the current zoning is reflected with a Planning Directive No. 1 compliant zone and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i></p>

10.8	<p>Fort Direction shown as Particular Purpose Zone 5 – Public Purpose and Infrastructure, outlined in black.</p> 	<p>Revise Fort Direction to the Rural Resource Zone.</p> <p><i>Reason: To ensure the current zoning is reflected with a Planning Directive No. 1 compliant zone and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i></p>
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11. ENVIRONMENTAL LIVING



11.1	<p>The properties or parts of properties shown as Environmental Living Zone outlined in red and black, Campania.</p> 	<p>Revise the parts of these properties outlined in red to the Significant Agriculture Zone and the parts of these properties outlined in black to the Rural Resource Zone.</p> <p><i>Reason: The proposed zone changes are not consistent with regional policy SRD 1.3 of the STRLUS, as the area is:</i></p> <ul style="list-style-type: none"> <i>• is not considered to be an existing rural living community that is either substantial in size or adjoining a settlement;</i> <i>• is not an appropriate replacement for land currently zoned for rural living purposes; or</i> <i>• is not considered to provide for infill or consolidation of an existing rural living community.</i>
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11.2	<p>The properties or parts of properties shown as Environmental Living Zone outlined in black, Richmond.</p> 	<p>Revise the properties or parts of properties to the Significant Agriculture Zone.</p> <p><i>Reason: The proposed zone changes are not consistent with regional policy SRD 1.3 of the STRLUS, as the area is:</i></p> <ul style="list-style-type: none"> • <i>is not considered to be an existing rural living community that is either substantial in size or adjoining a settlement;</i> • <i>is not an appropriate replacement for land currently zoned for rural living purposes; or</i> • <i>is not considered to provide for infill or consolidation of an existing rural living community.</i>
11.3	<p>Part of one property shown as Environmental Living Zone outlined in black, Sandford.</p> 	<p>Revise this part of the property to the Rural Living Zone to reflect the current zoning.</p> <p><i>Reason: The proposed zone change does not reflect the current zoning and there is insufficient evidence that it is consistent with the STRLUS.</i></p>



11.4	<p>The properties shown as Environmental Living Zone outlined in black, Risdon Vale.</p> 	<p>Revise these properties to the Particular Purpose Zone 1 – Urban Growth Zone.</p> <p><i>Reason: The proposed zone change is not consistent with regional policy SRD 1.1, 2.1 and 2.2 and 2.3 of the STRLUS, as the land is identified as a greenfield development precinct.</i></p>
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12. RURAL LIVING AND RURAL RESOURCE

12.1	<p>Part of one property shown as Rural Living Zone outlined in black and red, Richmond.</p> 	<p>Revise the part of the property outlined in red to the Significant Agriculture Zone and the part of the property outlined in black to the Rural Resource Zone to reflect the current zoning.</p> <p><i>Reason: The proposed zone change is not consistent with regional policy SRD 1.3 of the STRLUS as the area is:</i></p> <ul style="list-style-type: none"> <i>• is not considered to be an existing rural living community that is either substantial in size or adjoining a settlement;</i> <i>• is not an appropriate replacement for land currently zoned for rural living purposes; or</i> <i>• is not considered to provide for infill or consolidation of an existing rural living community.</i>
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12.2	<p>The properties shown as Rural Living Zone outlined in black, Sandford.</p> 	<p>Revise these properties to the Rural Resource Zone.</p> <p><i>Reason: The proposed zone changes are not consistent with regional policy MRH 2.1 of the STRLUS, to provide for the mitigation of flood risk at the earliest possible stage of the planning process.</i></p>
12.3	<p>The property shown as Rural Resource Zone outlined in black, Risdon Vale.</p> 	<p>Revise the property to the Environmental Living Zone.</p> <p><i>Reason: The proposed zone change does not reflect the current zoning and there is insufficient evidence that it is consistent with the STRLUS.</i></p>

13. OPEN SPACE



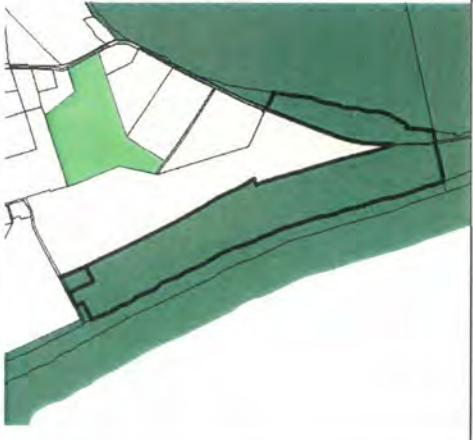
13.1	<p>The properties shown as Open Space Zone outlined in black, Richmond.</p> 	<p>Revise these properties to the Recreation Zone.</p> <p><i>Reason: To be consistent with the Regional Model and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i></p>
13.2	<p>The part of one property shown as Open Space Zone outlined in black, Rosny.</p> 	<p>Revise this part of the property to the Recreation Zone.</p> <p><i>Reason: To be consistent with the Regional Model and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i></p>
13.3	<p>Revise all properties or parts of properties that form riparian or coastal land not adjoining an established settlement (i.e. urban zoned land) or not identified as a formalised open space corridor to the Environmental Management Zone, excepting as otherwise specified in this notice.</p> <p><i>Reason: To be consistent with the Regional Model and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i></p>	

14. AIRPORT


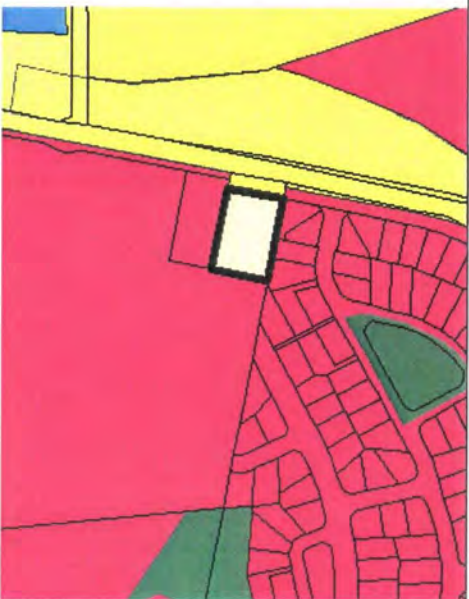
14.1	<p>The Hobart International Airport shown as no zone outlined in black.</p> 	<p>IPS Advisory Committee Recommendation:</p> <p>Revise the Hobart International Airport to the Utilities Zone.</p> <p><i>Reason: To ensure consistency with Planning Directive No. 1.</i></p> <p>Minister's Decision:</p> <p>Recommendation not accepted based on qualified planning advice provided by Council.</p>
14.2	<p>Revise the Mapping of the Airport Buffer Overlay so that the overlay does not extend outside the boundary of the planning scheme or into adjoining Local Government Areas.</p> <p><i>Reason: To ensure the planning scheme is accurately drafted and the provisions are able to be given effect in the manner intended by Planning Directive No. 1.</i></p>	


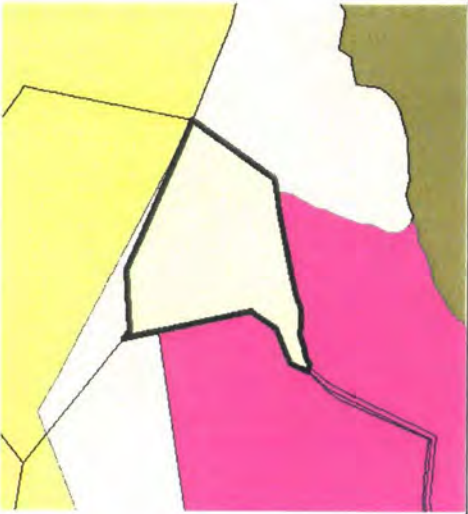
15. EXTRACTIVE INDUSTRIES

15.1	<p>19.0 Open Space Zone 19.2 Use Table</p>	<p>Delete the discretionary use class of Extractive industry and the associated qualification.</p> <p><i>Reason: The proposed use table change is not consistent with regional policy PR 3.1 of the STRLUS, to ensure regionally significant extractive industry sites are zoned either General Industrial or Rural Resource.</i></p>
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<p>15.2</p>	<p>The parts of properties shown as Open Space Zone outlined in black, Seven Mile Beach.</p> 	<p>Revise these parts of properties that are subject to a Lease under the <i>Mineral Resource Development Act 1995</i> to the Rural Resource Zone.</p> <p><i>Reason: The proposed zone change is not consistent with regional policy PR 3.1 of the STRLUS, to ensure regionally significant extractive industry sites are zoned either General Industrial or Rural Resource.</i></p>
<p>15.3</p>	<p>The parts of properties shown as Open Space Zone outlined in black, South Arm.</p> 	<p>Revise these parts of properties that are subject to a Lease under the <i>Mineral Resource Development Act 1995</i> to the Rural Resource Zone.</p> <p><i>Reason: The proposed zone change is not consistent with regional policy PR 3.1 of the STRLUS, to ensure regionally significant extractive industry sites are zoned either General Industrial or Rural Resource.</i></p>
<p>15.4</p>	<p>The parts of properties shown as Open Space Zone outlined in black, South Arm.</p> 	<p>Revise these parts of properties that are subject to a Lease under the <i>Mineral Resource Development Act 1995</i> to the Rural Resource Zone.</p> <p><i>Reason: The proposed zone change is not consistent with regional policy PR 3.1 of the STRLUS, to ensure regionally significant extractive industry sites are zoned either General Industrial or Rural Resource.</i></p>

16. UTILITIES AND COMMUNITY PURPOSE


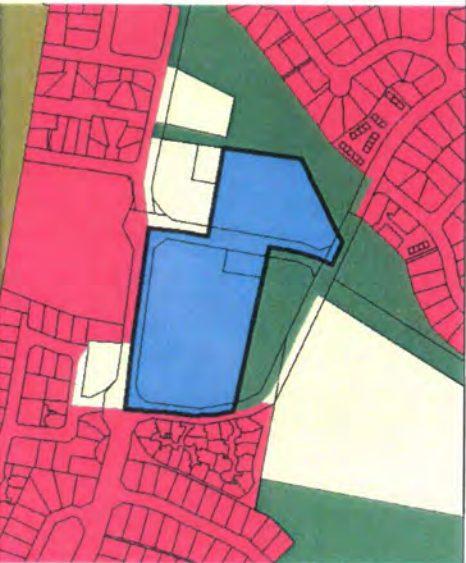
<p>16.1</p>	<p>The property shown as Utilities Zone outlined in black, Seven Mile Beach.</p> 	<p>Revise the property to the Community Purpose Zone.</p> <p><i>Reason: The proposed zone change is not consistent with regional policy SI 1.4 of the STRLUS, to identify and protect sites for social infrastructure.</i></p>
<p>16.2</p>	<p>The property shown as Community Purpose Zone outlined in black, Rokeby.</p> 	<p>Revise the property to the Utilities Zone to reflect the current zoning.</p> <p><i>Reason: The proposed zone change is not consistent with regional policy PI 2.3 of the STRLUS, to identify, protect and manage existing and future infrastructure corridors and sites.</i></p>


16.3	<p>The property shown as Community Purpose Zone outlined in black, Mornington.</p> 	<p>Revise the property to the General Residential Zone to reflect the current zoning.</p> <p><i>Reason: The proposed zone change does not reflect the current zoning and there is insufficient evidence that it is consistent with the STRLUS.</i></p>
16.4	<p>The property shown as Community Purpose Zone outlined in black, Risdon Vale.</p> 	<p>Revise the property to the Rural Resource Zone to reflect the predominant current zoning.</p> <p><i>Reason: The proposed zone change does not reflect the current zoning and there is insufficient evidence that it is consistent with the STRLUS.</i></p>

17. GENERAL RESIDENTIAL

17.1	<p>The properties or parts of properties shown as General Residential Zone outlined in black, Lauderdale.</p> 	<p>Revise all these properties or parts of properties to the Rural Living Zone.</p> <p><i>Reason: The proposed zone changes are:</i></p> <ul style="list-style-type: none"> • not consistent with regional policy SRD 1 and 2 of the STRLUS and particularly SRD 1.1 and implementation of the settlement growth strategy and growth scenario for Greater Hobart; and • not consistent with regional policy MRH 2.1 of the STRLUS, to provide for the mitigation of flood risk at the earliest possible stage of the planning process.
17.2	<p>The parts of one property shown as General Residential Zone outlined in black, Rokeby.</p> 	<p>Revise all of this part of the property to the Rural Resource Zone to reflect the current zoning.</p> <p><i>Reason: The proposed zone change does not reflect the recent amendment A-2009-18 zoning and there is insufficient evidence that it is consistent with the STRLUS.</i></p>

18. LOCAL AND GENERAL BUSINESS

18.1	<p>The parts of one property shown as Local Business Zone outlined in black, Rokeby (Paranville).</p> 	<p>Revise all of this part of the property to the General Residential Zone to reflect the current zoning.</p> <p><i>Reason: The proposed zone change does not reflect the recent amendment A-2009-18 zoning and there is insufficient evidence that it is consistent with the STRLUS.</i></p>
18.2	<p>The properties shown as General Business Zone outlined in black, Rokeby.</p> 	<p>Revise all of these properties to the Local Business Zone.</p> <p><i>Reason: The proposed zone changes are not consistent with regional policy AC 1.2 of the STRLUS, to deliver the activity centre network and the Clarence Activity Centre Strategy (December 2013).</i></p>

18.3	<p>The property or parts of properties shown as General Business Zone outlined in black and yellow, Rokeby.</p> 	<p>IPS Advisory Committee Recommendation:</p> <ul style="list-style-type: none"> i). Revise the property outlined in black to the Particular Purpose Zone 1 – Urban Growth Zone and the part of the property outlined in yellow to the General Residential Zone; and ii). Delete F13.0 Glebe Hill Specific Area Plan from the Maps and the Ordinance; and iii). Delete the Desired Future Character Statement 21.1.3 (e). <p><i>Reason: The proposed zone change does not reflect the current zoning and there is insufficient evidence that it is consistent with the STRLUS.</i></p> <p>Minister’s Decision:</p> <p>Recommendation not accepted based on qualified planning and legal advice provided by Council.</p>
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19. MAJOR ROADS AND RAILWAYS

19.1	<p>Revise all major roads and railways to the Utilities Zone (split zone properties where applicable so that the zone applies to the entire length of the road or railway corridor).</p> <p><i>Reason: To be consistent with the Regional Model Planning Scheme and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i></p>
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20. RESERVED LAND AND WORKING FORESTS

20.1	<p>Revise all public land Reserved under the <i>Nature Conservation Act 2002</i>, within the Tasmanian Wilderness World Heritage Area and any RAMSAR sites to the Environmental Management Zone, except as otherwise specified in this notice.</p> <p><i>Reason: To be consistent with the Regional Model and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.</i></p>
20.2	<p>Revise all Permanent Timber Production Zone Land (State Forest) declared under the <i>Forest Management Act 2013</i> to the Rural Resource Zone, or Environmental Management Zone if the land is also within a reserve Dedicated by Regulation or</p>

	<p>Legislation and more appropriate to that zone.</p> <p><i>Reason: To be consistent with:</i></p> <ul style="list-style-type: none"> • regional policy PR 5.1 of the STRLUS, to ensure working forests are zoned Rural Resource; and • the Regional Model and to ensure greater consistency between planning schemes in the region, furthering section 30A of the Act.
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21. AMENDMENTS TO CURRENT PLANNING SCHEMES

21.1	<p>Revise the draft interim planning scheme to:</p> <ul style="list-style-type: none"> • incorporate any amendments to the current planning scheme that have been subsequently approved by the Commission since the submission of the draft interim planning scheme to the Minister for declaration; and • delete or revise any zoning or other provisions that relate to a draft amendment that has been subsequently refused or remains undetermined by the Commission. <p><i>Reason: To reflect the provisions of the current planning scheme which have changed as a result of the determination of an amendment since the draft interim planning scheme was provided to the Minister.</i></p>
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22. CONSEQUENTIAL CHANGES AND MINOR DRAFTING MATTERS

22.1	<p>Revise the drafting of provisions to:</p> <ul style="list-style-type: none"> • make consequential changes required to accommodate the amendments described above; • clarify or simplify, without changing the meaning; • remove any inconsistency with an Act, State Policy or Planning Directive; • use defined terms, where appropriate; • ensure all acceptable solutions are measurable or objectively quantifiable; • ensure Zone Objectives and Local Area Objectives relate to either the entire zone or a local application of the zone as appropriate; • ensure any provisions left blank by the Regional Model have been populated
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	<p>accordingly;</p> <ul style="list-style-type: none"> • ensure any optional text in the Regional Model has been selected accordingly (e.g. selecting one option only where multiple options are available); and • correct errors, anomalies, and omissions. <p><i>Reason: To ensure the planning scheme is accurately drafted and the provisions can be given effect in the manner intended.</i></p>
22.2	<p>Revise the presentation of the maps to:</p> <ul style="list-style-type: none"> • make consequential changes required to accommodate the amendments described above; and • correct errors and omissions; <p><i>Reason: To ensure the planning scheme provisions can be given effect in the manner intended.</i></p>

23. MAPPING

23.1	<p>Mapping is to be presented in PDF format and include the following:</p> <ul style="list-style-type: none"> • planning scheme title and date; • numbered map index, if more than one map sheet is created; • index sheet number, if more than one map sheet is created; • PDF maps are to be of a quality/resolution or scale to provide detail adequate to identify individual property boundaries; • a map legend on each map sheet identifying the zones, overlays, cadastre boundaries, any other relevant features, citation of data sources (including the date of the cadastre used), the map projection, scale/scale bar and north point; • feature names, such as roads, rivers and lakes, appropriate to aid interpretation of the maps; • Specific Area Plan overlays identified in the legend by lettering/numbering or other reference consistent with the ordinance; • Code overlays identified in the legend consistent with the reference in the ordinance, e.g. Biodiversity Protection Area;
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	<ul style="list-style-type: none"> • other spatially differentiated areas identified in the legend consistent with the reference in the ordinance e.g. Area A within the Central Business Zone; • features that determine zone boundaries (other than the cadastre) identified on the maps and legend and labelled with identification of the relevant feature (including split zoning translated from the current planning scheme); • the boundary of the planning scheme on the maps and legend; and • adequate area for the Minister's electronic stamp to be inserted. <p><i>Reason: To comply with Planning Directive No. 1 and to ensure the interim planning scheme can be clearly interpreted.</i></p>
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24. EXISTING PERMITS UNDER PREVIOUS PLANNING SCHEME

24.1	<p>Insert the following clause at the end of clause 7 as follows:</p> <p>7.6 Existing permits</p> <p>7.6.1. Existing permits, validly issued under a planning scheme in operation prior to the making of this planning scheme, continue to have effect provided the permit has not expired in accordance with section 53(5) or (7) of the Act.</p> <p><i>Reason: To confirm that permits issued under the previous planning scheme remain valid.</i></p>
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TASMANIAN PLANNING COMMISSION

Our ref: FOL/12/335
Officer: Greg Alomes
Phone: 6165 6823
Email: Greg.Alomes@planning.tas.gov.au

3 March 2015

Mr Andrew Paul
General Manager
Clarence City Council
PO Box 96
ROSNY PARK TAS 7018

INCOMING MAIL - Received by Records	
Date Processed:	- 4 MAR 2015
Date Received:	- 4 MAR 2015
Correspondence Officer:	MCP
Doc ID:	File 20-10-21

Dear Mr Paul

DRAFT CLARENCE INTERIM PLANNING SCHEME

I refer to correspondence from the Minister for Planning to the Mayor dated 16 February 2015 advising of the matters identified for modification in your draft Interim Planning Scheme. The purpose of this correspondence is to clarify the practical arrangements for declaration.

The Minister has confirmed that each interim planning scheme will be declared without delay once he receives the necessary documentation and current scheme amendments are either finalised or agreed to lapse by Council. Therefore, all of the southern schemes need not be declared at the same time.

I am pleased to advise that the Commission intends for the declaration of the interim planning schemes to be a paperless process. This will mark a significant milestone for the implementation of Tasmania's digital planning system, and is recognition of your Council's engagement with the system.

The following actions are required to enable declaration:

- Notification to the Commission that the required amendments to the scheme ordinance have been completed in the iplan content management system. This will enable the scheme content to be secured.
- Submission to the Commission of the planning scheme maps in PDF format and in GIS format which comply with the technical specifications for publication on the LIST system.
- Correspondence from the Mayor to the Minister confirming that all the required amendments to the scheme have been made in accordance with the Minister's direction notice (see Attachment A for a proforma statement).

The Commission will then prepare the necessary supporting documentation for the Minister's declaration. A Planning Purposes Notice (PPN) will be issued by the Minister to ensure that regional and local provisions that override a mandatory common provision will operate as intended. The Minister may issue a PPN on the recommendation of the Commission.

Upon declaration of the interim planning scheme, the Minister must place a notice in the *Government Gazette* and notify relevant State Agencies and other councils in the region. The gazettal notice will include a date on which your Interim Scheme will become operational and replace your existing planning scheme.

Council is responsible for a newspaper notice for the public exhibition of the interim planning scheme and the exhibition of the scheme at its offices. The public exhibition must either commence on a date specified by the Minister or within three weeks after declaration. A proforma exhibition notice is at Attachment B.

The scheme will be displayed through the iplan system for the purposes of the public exhibition. The exhibition of the scheme at Council offices could be satisfied by providing a computer with access to the internet or a PDF version of the ordinance and maps.

The iplan system will also enable the public to lodge online representations on the scheme which can then be reviewed by authorised Council officers. It is recommended that Council's website provide a link to the iplan website for the purposes of public exhibition.

Commission staff will liaise with Council planning officers on the preferred date for your Interim Scheme to become operational. This will assist in managing any scheme amendment applications that have been received but not yet at the public hearing stage, as well as any current amendments with the Commission and yet to be finalised by the Commission.

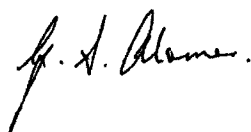
As you may be aware, the Commission has provided authorised Council staff with access to the iplan system so they can make the necessary amendments to the planning scheme ordinance. Stephen Waight is the iplan System Administrator and can be contacted on 6165 6803.

Council staff have been liaising with the Commission in relation to the preparation of amended planning scheme maps in GIS format suitable for publication on the LIST. The Commission may be able to assist with the preparation of PDF maps from the LIST for the purpose of declaration. Tony Davidson is the Commission's GIS manager, and can be contacted on 6165 6836.

If you have any queries regarding the declaration process, please contact Marietta Wong, Senior Planning Consultant on 6165 6810.

I encourage Council and Commission staff to continue to work closely together during the preparations for scheme declaration to ensure that the declaration and exhibition processes proceed smoothly. Please contact me on 0417 108 744 if you require any further clarification or information.

Yours sincerely



Greg Alomes
Executive Commissioner

Attachment A – proforma statement to Minister

To the Minister of Planning and Local Government

Draft (insert the name) Interim Planning Scheme

I refer to your letter dated (insert the date of the Minister's letter) and confirm that Council has made the amendments required to the ordinance in the iplan content management system and maps to be published in the Land Information System Tasmania, explicitly in accordance with your directions.

The amended planning scheme has been endorsed by Council at its meeting of (insert the date).

I look forward to your declaration of the interim planning scheme.

Yours sincerely

(Insert Name)
Mayor

Attachment B – proforma public exhibition notice

Declaration of the (insert the name) Interim Planning Scheme 2015

The interim planning scheme was declared by the Minister for Planning on (insert date) under section 30F of the *Land Use Planning and Approvals Act 1993* and comes into operation on (insert date).

The interim planning scheme relates to all of the (insert name) local government area. It comprises the ordinance and plans which describe in detail the area to which the interim planning scheme applies.

The interim planning scheme replaces the (insert the name/s of former schemes) which will cease to have effect on (insert date).

A copy of the interim planning scheme will be on public exhibition until (insert date – 42 days hence) at:

- (insert name) Council offices, (insert address)
- Tasmanian Planning Commission offices, 144 Macquarie Street, Hobart

The interim planning scheme is also available for viewing at www.iplan.tas.gov.au

Representations in relation to the interim planning scheme can be made online at www.iplan.tas.gov.au, or in writing to (insert name) Council, (insert address) during the public exhibition period.

Enquiries can be directed to the (insert name) Council on (insert phone number/email address).

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 BELLERIVE BEACH PARK – COMMUNITY INFORMATION PROGRAM RESPONSE AND ADOPTION OF REVISED MASTER PLAN**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To consider the adoption of the Revised Bellerive Beach Park Master Plan following the completion of the community information program to explain the revised layout and rationale for the Revised Bellerive Beach Park Master Plan.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 is relevant.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

The Revised Bellerive Beach Park Master Plan used the same scale and scope of community consultation processes as the original Bellerive Beach Park Master Plan.

FINANCIAL IMPLICATIONS

The adoption of the Revised Bellerive Beach Park Master Plan has no direct financial impact. 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 confirms the adoption of the revised Bellerive Beach Park Master Plan as resolved at its Meeting of 12 January 2015, with the addition of the following enhancements:
- further review kayak drop off facility required to enhance safety;
 - further review DDA parking closer to beach;
 - consider bus parking for small buses eg Southern Support School; and
 - develop the recommendations from the Pitt & Sherry safety assessment into the final detailed design.
- B. Council authorises the General Manager to advise the community members who provided feedback to the community information process of Council's decision.
- C. 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.
- D. That Stage 1 be listed for consideration as part of Council's 2015-2016 Capital Works Program.

- E. That Council actively seek external funding to assist with the development of the Bellerive Beach Park Master Plan.

ASSOCIATED REPORT

1. BACKGROUND

1.1. Council, at its Meeting held on 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”.*

1.2. 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.

1.3. 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.

1.4. 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. Council at its Meeting held 12 January 2015 resolved the following:

"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:*
- a. 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;*
 - b. to invite comment on the revised elements of the Bellerive Beach Park Master Plan in terms of potential enhancements; and*
 - c. 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".*

2. REPORT IN DETAIL

2.1. In accordance with Council's resolution, the community information program for the Revised 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; letters were sent to 10,982 properties;
- newspaper advertisement to capture occasional non-local users;

- a copy of the Revised Master Plan and letter used in the mail out be included on Council’s website; and
- a copy of the Revised Master Plan and letter used in the mail out be displayed in the Council Offices along with feedback forms for the public to respond.

2.2. The letter invited residents/respondents to provide suggestions to further enhance the facilities contained in the revised Master Plan; 7 key elements were identified:

- picnic plaza;
- all abilities play space;
- beachfront promenade;
- gym equipment and bike path;
- car park and drop off zone;
- open “Kick About” lawn; and
- all abilities design/universal access.

2.3. By the closing date of 20 February, 259 responses were received representing a response rate of 2.35%. The response represents approximately 0.5% of the population of the City. Meta data summary of all responses is contained in the table below.

Description	Number	Percentage
Fully supported	45	17.4
Enhancement suggestions	105	40.5
Outright opposition	65	25.1
Other – unrelated to Master Plan	44	17
Total	259	100

To gain an understanding of the nature of the feedback the enhancements suggested have been split into the 7 key areas as stated in Section 2.2 of this report. Each area will be dealt with separately.

2.4. Picnic Plaza

Ninety eight respondents provided 27 enhancement suggestions. Many suggestions provided are currently included in the Master Plan, such as shade facilities, wind breaks, more BBQ's, bottle filler stations, more rubbish bins and bike parking.

Enhancement Suggestion	Comment
Varying sized picnic tables to cater for large and small.	Will be included in detailed design.
Washing up facilities.	Will be included in detailed design.
Rotunda/gazebo.	Shade and shelter adequately provided.
Provision for Coffee/food van nearby.	Commercial activity not Council's core business.

2.5. All Abilities Play Space

Eighty four respondents provided 25 enhancement suggestions. Many suggestions provided are currently included in the Master Plan such as, broad age range of play equipment, view lines (CPTED), unique play equipment and wheel chair facilities.

Enhancement Suggestion	Comment
Seating for parents, grandparents with room for prams.	Will be included in detailed design.
Shade sail coverage.	Will be included in detailed design.
Remove existing playground.	Can be considered once redevelopment is complete.
Fence toddler play area.	Can be considered as part of key stakeholder design consultation with Southern Support School.
Children's learn to ride area.	Not included as covered by Council decision to develop educational bike track at Wentworth Park.

2.6. Beachfront Promenade

Seventy three respondents provided 26 enhancement suggestions. Many suggestions provided are currently included in the Master Plan such as, wheel chair accessible, shower facilities, rubbish bins and more seating.

Enhancement Suggestion	Comment
Concrete pad at end of ramp for wheelchairs.	Will be included in detailed design.
Improve kayak drop off facility – safety.	Further review required to enhance safety.
Kayak wash down and secure locking facility.	Allow space and monitor use prior to inclusion.
DDA parking provisions close to beach.	Will be included in detailed design with advice from Council’s DDA consultant.

2.7. Gym Equipment and Bike Path

Sixty one respondents provided 18 enhancement suggestions. Many suggestions provided are currently included in the Master Plan such as, ensure layout does not pre-empt the school triathlon event, water bottle filling station and widen the shared path and bike path signage.

Enhancement Suggestion	Comment
Bike parking racks.	Will be included in detailed design.
Address risk of cyclist/pedestrian collisions.	Will be included in detailed design – signage.
Re-locate gym equipment for ease of supervision across playground.	Will be included in detailed design.

2.8. Carpark and Drop Off Zone

Seventy nine respondents provided 20 enhancement suggestions. Many suggestions provided are currently included in the Master Plan such as; provide shade in car park, facilities to launch small craft, level access from car park for prams and potential zebra crossings for safety.

Enhancement Suggestion	Comment
Provide more disability parking bays.	Will examine DDA parking closer to beach as part of detailed design with advice from Council's DDA consultant.
Design car park to have entry one end and exit the other.	Will examine option as part of detailed design.
Manage car park when events are held at Bellerive Oval.	BOTP time limit parking will continue during events at Bellerive Oval.
Consider bus parking for school groups.	Can consider in detailed design.

2.9. Open "Kick About" Lawn

Seventy one respondents provided 17 enhancement suggestions. Many suggestions provided are currently included in the Master Plan such as, plantings for wind breaks, well maintained quality lawn and lighting.

Enhancement Suggestion	Comment
Sporting facilities – basketball, soccer, football and cricket pitch.	Passive parkland – other areas met this need.
Stage for Jazz Festival.	Passive parkland – other areas met this need.
Seating, tables and BBQ's around edge of lawn area.	Will be included in detailed design.
Provide plenty of shade to edge of lawn area.	Will be included in detailed design.

2.10. All Abilities Design/Universal Access.

Sixty respondents provided 20 enhancement suggestions. Many suggestions provided are currently included in the Master Plan such as, design for wheelchair and disability access, picnic settings that allow for wheelchair access, lighting for night time safety and drinking water.

Enhancement Suggestion	Comment
Need new, more accessible toilet closer to playground.	Not included in Master Plan, can be considered when existing toilet block is upgraded in future.
Plenty of seating throughout the park.	Will be included in detailed design.

2.11. As indicated in the analysis of the Meta data in Section 2.3, community members also made other suggestions. The majority of these were unrelated to the functional requirements associated with the Master Plan and included such comments as “*when are you going to redevelop Wentworth Park*”, “*fix Binalong Road*”, “*Fix up the Fish Bar*” etc. However, there were a few comments that did relate to the design of the Bellerive Beach Park and how it functions in terms of the overall recreational amenity needs of the community. The table below summarises the key elements identified by the community.

Enhancement Suggestion	Comment
Life guard provisions.	Not included in Master Plan as Bellerive Beach is not a surfing beach.
Boat ramp and jetty.	Not included in Master Plan as boat ramp currently provided at Rosny, jetty considered as part of original Master Plan and not included.
Dog management/facilities.	Controlled under Council’s Dog Management Policy which is to be reviewed later this year.

2.12. Council, at its Workshop held on 2 March 2015 considered the results from the community information program. The general view was that the Revised Bellerive Beach Park Master Plan previously adopted be confirmed subject to the inclusion of the following enhancements:

- further review kayak drop off facility required to enhance safety;
- further review DDA parking closer to beach; and
- consider bus parking for small buses eg Southern Support School.

3. CONSULTATION

3.1. Community Consultation

The Revised 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 Revised Master Plan and letter used in the mail out included on Council's website; and
- a copy of the Revised Master Plan and letter used in the mail out displayed in the Council Offices.

The community members' views on any enhancements to the Revised Bellerive Beach Park Master Plan were to be reported back to Council for consideration.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

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. The Pitt and Sherry safety assessment made recommendations that will improve the safety outcomes of the revised design. It is proposed that the recommendations be incorporated into the detailed design development plans and the associated tender documentation for the implementation of the project; 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;
- setback 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.

7. FINANCIAL IMPLICATIONS

7.1. 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.

7.2. 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 community information program to explain the revised layout and rationale for the Revised Bellerive Beach Park Master Plan, the community made a number of enhancement suggestions.

9.2. The adoption of the Revised Bellerive Beach Park Master Plan, as the final design document, should incorporate the following enhancements, which are additional to the current design provisions:

- further review kayak drop off facility required to enhance safety;
- further review DDA parking closer to beach;
- consider bus parking for small buses eg Southern Support School; and
- develop the recommendations from the Pitt & Sherry safety assessment into the final detailed design.

Attachments: 1. Revised Bellerive Beach Park Master Plan Design (1)

John Stevens

GROUP MANAGER ASSET MANAGEMENT



BELLERIVE BEACH PARK MASTER PLAN
Revised Design - Western End
Clarence City Council
March 2015



11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 CREATION OF EASEMENT AT SHORELINE PARK**

(File No S022-20)

EXECUTIVE SUMMARY**PURPOSE**

To consider the creation of an easement in favour of TasNetworks at Shoreline and Carmont Parks for the installation of street lighting.

RELATION TO EXISTING POLICY/PLANS

Nil.

LEGISLATIVE REQUIREMENTS

TasNetworks has a statutory obligation to maintain a register of its easements and agreements and has in more recent times sought to formalise these arrangements for the creation of easements over public land. The Electricity Supply Act, 1995 provides TasNetworks with a head of power to establish electricity infrastructure in or over public land subject to the agreement with the relevant land management authority. Any disputes on such agreement may be the subject of appeal to the Energy Regulator.

As the proposed creation of an easement represents a transaction of an interest in Council land, this decision is required to be dealt with under the Local Government Act 1993 and requires the support of an Absolute Majority decision of Council.

CONSULTATION

Council officers have discussed the design with TasNetworks representatives regarding the location of the easement.

FINANCIAL IMPLICATIONS

Costs associated with the establishment of the easement will not impact on Council's Annual Plan.

RECOMMENDATION:

- A. That Council endorses the proposed creation of an easement in favour of TasNetworks on Council land at Shoreline and Carmont Parks to accommodate the installation of street lighting for pedestrians.
- B. That the creation of the easement is to benefit Council's utilisation and management of the Parks.
- C. That Council pays all legal costs associated with the formal creation of the easement.

NB: An Absolute Majority is required for a decision on this matter.

CREATION OF EASEMENT AT SHORELINE PARK /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council applied to TasNetworks for the installation of street lighting in Shoreline and Carmont Parks at Howrah.
- 1.2.** TasNetworks has advised that as the street lighting is being constructed in a Park and not a road it will require the creation of an easement on Council's title to the Parks.

2. REPORT IN DETAIL

- 2.1.** Council approved funding for the installation of street lighting in Shoreline and Carmont Parks for the safety of residents.
- 2.2.** The lighting will involve the installation of underground cabling and streetlight columns with lanterns and lamps.
- 2.3.** TasNetworks advised that as the street lighting is being constructed in an area that is not a public road the creation of an easement will be required on the title to the land.
- 2.4.** As the creation of the easement is for the benefit of the community and is for work to be done at Council's request, Council is to meet the legal costs associated with the creation of the easement on Title.

3. CONSULTATION**3.1. Community Consultation**

Not applicable.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Council officers have liaised with TasNetworks representatives regarding the proposal.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Nil.

5. EXTERNAL IMPACTS

None identified.

6. RISK AND LEGAL IMPLICATIONS

6.1. TasNetworks has a statutory obligation to maintain a register of its easements and agreements and has in more recent times sought to formalise these arrangements for the creation of easements over public land. The Electricity Supply Act, 1995 provides TasNetworks with a head of power to establish electricity infrastructure in or over public land, subject to the agreement with the relevant land management authority. Any disputes on such agreement may be the subject of appeal to the Energy Regulator.

6.2. As the proposed creation of an easement represents a transaction of an interest in Council land, this decision is required to be dealt with under the Local Government Act, 1993 and requires the support of an Absolute Majority decision of Council.

7. FINANCIAL IMPLICATIONS

Costs associated with the establishment of the easement will be borne by Council and will not impact on Council's Annual Plan.

8. ANY OTHER UNIQUE ISSUES

None identified.

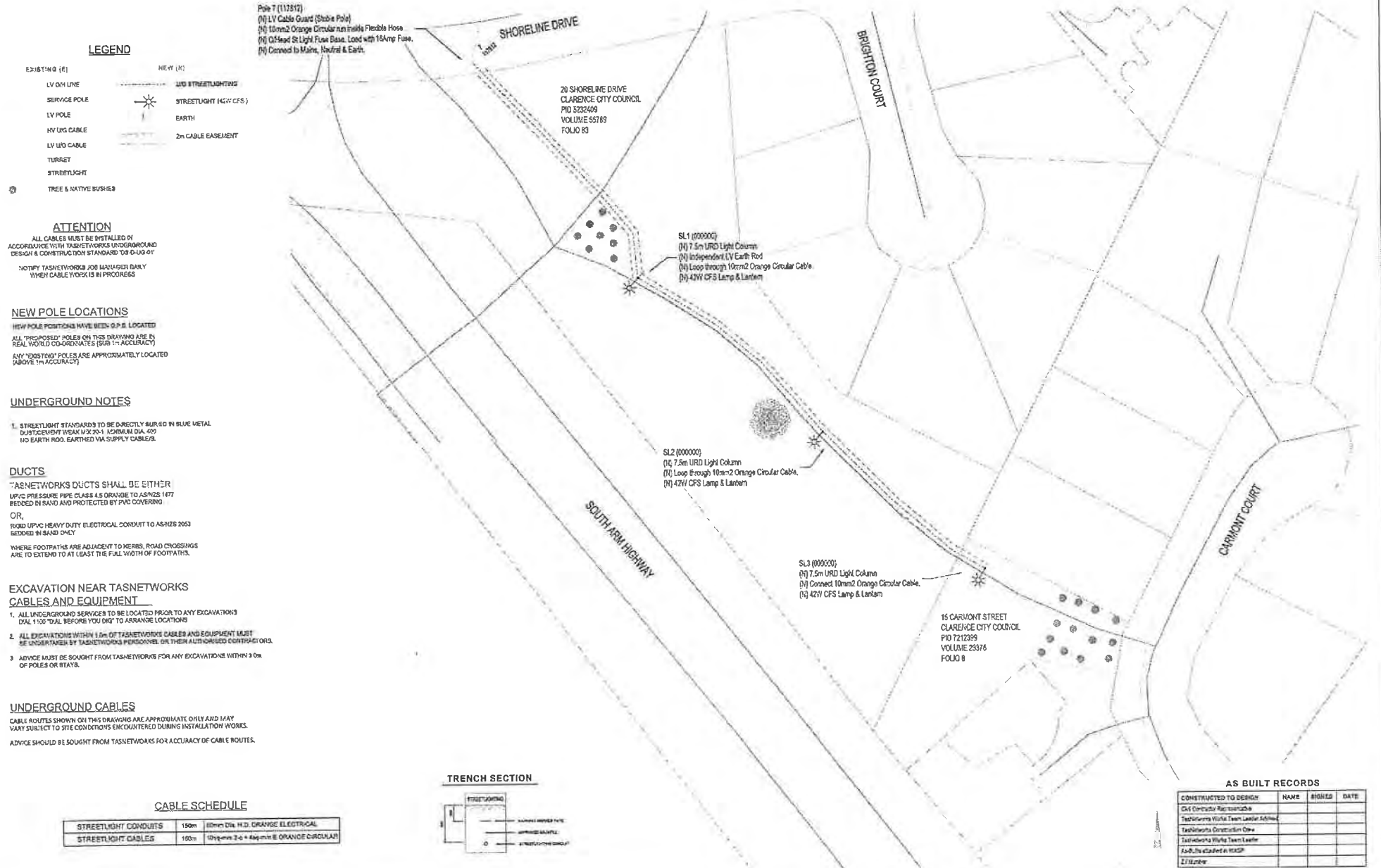
9. CONCLUSION

It is not considered that the proposed creation of the easement will have any adverse impact on Council's public land holdings in this location and as such the request is supported.

Attachments: 1. TasNetworks Proposal Plan (1)

Andrew Paul
GENERAL MANAGER

ATTACHMENT 1



								<p>COPYRIGHT © TasNetworks NO PART OF THIS DRAWING MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM IN ANY FORM OR TRANSMITTED BY ANY MEANS WITHOUT THE PRIOR PERMISSION OF TasNetworks</p> <p>AS/NZS 1171:2019</p>		<table><tr><td>Designed</td><td>W.Saen</td><td>Date</td><td>21.11.14</td></tr><tr><td>Drawn</td><td>W.Saen</td><td>Date</td><td>21.11.14</td></tr><tr><td>Checked</td><td>G.Holmes</td><td>Date</td><td>01.12.14</td></tr><tr><td>Approved</td><td>G.Holmes</td><td>Date</td><td>01.12.14</td></tr><tr><td>File</td><td colspan="3">WASP_0176072-as-23343.dgn</td></tr></table>	Designed	W.Saen	Date	21.11.14	Drawn	W.Saen	Date	21.11.14	Checked	G.Holmes	Date	01.12.14	Approved	G.Holmes	Date	01.12.14	File	WASP_0176072-as-23343.dgn			<table><tr><td colspan="2">TasNetworks PTY. LTD.</td></tr><tr><td>Title</td><td>HOWRAH - SHORELINE DRIVE CIMIX INSTALL P4 LIGHTING LV U/G MAINS PLAN</td></tr><tr><td>Drawing No.</td><td>AS-23343</td></tr><tr><td>Sheet No.</td><td>1 of 1</td></tr><tr><td>Size</td><td>A2</td></tr><tr><td>Scale</td><td>1:500</td></tr><tr><td>Project</td><td>178572</td></tr><tr><td>Revision</td><td></td></tr></table>				TasNetworks PTY. LTD.		Title	HOWRAH - SHORELINE DRIVE CIMIX INSTALL P4 LIGHTING LV U/G MAINS PLAN	Drawing No.	AS-23343	Sheet No.	1 of 1	Size	A2	Scale	1:500	Project	178572	Revision	
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11.7.2 VOLUNTARY AMALGAMATIONS AND SHARED SERVICES

(File No 10-13-01)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to facilitate Council's consideration of correspondence received from the Minister for Local Government seeking to initiate a conversation around voluntary amalgamation and shared services arrangements.

RELATION TO EXISTING POLICY/PLANS

- Council's Strategies Plan provides as follows (in part):
 - Consider Council's strategic directive in relation to our neighbouring Councils, including resource sharing, opportunities for joint tenders...and other opportunities for mutual benefit.
- Council has previously resolved to engage in discussions with Sorell Council in regard to a possible merger. This matter was most recently resolved to: "*Lay on the table*".

LEGISLATIVE REQUIREMENTS

Nil at this time.

CONSULTATION

- **Community Consultation**
Prior to undertaking any community consultation, it is appropriate to have detailed data available to enable informed community debate to occur.
- **State/Local Government Protocol**
Not applicable.
- **Other**
Some consultation in respect of a possible merger occurred between Clarence and Sorell Councils in late 2012 through to early 2013.

Other than discussions with the Minister at a Southern Councils forum no other consultation has occurred at this time.

FINANCIAL IMPLICATIONS

In the initial phase should Council resolve to engage in a feasibility study, there would be a \$ for \$ cost of up to \$50,000.00. These funds could be provided for through the Council budget.

RECOMMENDATION:

- A. That Clarence City Council advises the Minister that Council are willing to explore the option of voluntary mergers and/or shared services to determine if such arrangements are in the best interests of Clarence ratepayers.

- B. That Clarence City Council advises the Minister that Council would consider exploring such options with those neighbouring municipalities, which have expressed interest in participating in such a feasibility study.
- C. That a copy of the letter to the Minister be forwarded to neighbouring Councils.

ASSOCIATED REPORT

1. BACKGROUND

- 1.1. In September 2012, Clarence Council in conjunction with Sorell Council resolved to investigate the benefits or otherwise that may arise from a merger of the 2 municipalities.
- 1.2. This investigation was never brought to a resolution by Council, with Sorell Council in May 2013 advising of the withdrawal of their support for further exploration of the possible merger.
- 1.3. Council, at their Meeting of 27 May 2013, in relation to a report recommending Council undertake consultation with our community in regard to the potential merger following the advice from Sorell resolved that: *“The matter lay on the table”*.
- 1.4. In November 2014, the Minister for Planning and Local Government wrote to all Councils in Tasmania seeking to initiate a conversation around voluntary amalgamations and resource sharing.
- 1.5. In his letter the Minister noted (in part):

“The Government is not advocating a wholesale reduction of Councils in order to achieve a pre-determined number. I have some very clear principles that must be met before I will consider on amalgamation proposal. Amalgamations must:

- be in the interest of ratepayers;*
- improve the level of services for communities;*
- preserve and maintain local representation; and*
- ensure the financial status of the entities is strengthened”.*

1.6. In January 2015, the Minister again wrote inviting the Mayor, Deputy Mayor and General Manager to a forum as a starting point for the conversations.

1.7. The forum was convened by the Minister in February 2015.

2. REPORT IN DETAIL

2.1. The presentation by the Minister to the forum delivered the following key messages.

- There are a number of key issues confronting Councils, including:
 - a significant number running unsustainable budgets;
 - nearly half;
 - lack of adequate investment in asset maintenance and renewal;
 - nearly two thirds are not adequately maintaining assets;
 - rate increases in many exceeding CPI;
 - ageing populations;
 - falling populations;
 - economic, social and environmental challenges.
- Options to address some of these issues include:
 - shared services; and
 - voluntary mergers;
- Local Government is best placed to lead change:
 - Council's know where improvements are needed; and
 - know their committees.
- Compulsory or forced amalgamations are **not** on the agenda.
- Financial assistance will be provided to undertake feasibility studies and/or professional facilitation.

2.2. Subsequent to the meetings, the Minister again wrote to Councils outlining the State Governments offer to fund in partnership with the Councils the development of models that will answer the question:

Is a shared services model/or a voluntary amalgamation model going to improve the benefits that ratepayers receive from Local Government?

- 2.3.** Councils are requested to advise the Minister by the end of March indicating their willingness (or otherwise) to explore the option of voluntary amalgamations and/or shared services models. The Minister notes his preference is an examination of the amalgamation option.
- 2.4.** Subsequent to the regional forum, the Minister again wrote to Council confirming his earlier advice provided at the forum that:
- The Government is prepared to fund in partnership, with Councils, the development of models to address the question of potential improved benefits to ratepayers from shared services or voluntary merger arrangements.
 - The Government will support Councils to undertake feasibility studies of proposed shared services/amalgamations up to \$25,000 on a matched base for feasibility studies involving 2 Councils and up to \$50,000 on a matched basis for 3 or more Councils.
 - The feasibility studies should involve detailed modelling of options and could provide a basis for subsequent community consultation.
 - Up to \$5,000 can be provided to Councils to facilitate discussions with another participating Council.
- 2.5.** The Minister has established timelines in respect of the initiative as follows.
- Councils to indicate their willingness (or otherwise) to explore the option of voluntary amalgamations and/or shared service model – End March 2015.
 - More detailed consideration of amalgamation proposal with and between Councils. Councils advise Minister of intention to proceed to feasibility study and community consultation – April/May 2015.
 - Undertake feasibility study and consider community consultations – June/September 2015.
 - Participating Councils consider outcomes and report to local community – October/December 2015.
 - Do not proceed further or request Local Government Board (LGB) to conduct formal review – January/March 2016.

- Following request and advice, Minister requests LGB to conduct a review of amalgamation proposals. Board reviews conducted as required under the Local Government Act, 1993 – March/September 2016.
- If positive recommendation is received from LGB, discussion of transitional funding, if required, and timing of amalgamations – September/December 2016.
- Executive Orders to implement changes – as required.

2.6. Fundamentally the only question Council is being asked at this point in time is whether or not we are prepared to explore the options of shared services or voluntary amalgamations.

2.7. Should the answer be no, then the Minister would be advised accordingly.

2.8. Should the answer be yes, then the Minister should be advised as such by the end of March.

2.9. Should Council respond to the Minister in the affirmative then a number of matters would need to be resolved prior to the commencement of Step 2, which is:

“the detailed consideration of amalgamation proposal within and between Councils. Councils advise Minister of intention to proceed to feasibility study and community consultation”.

2.10. Such matters would include (not exhaustive):

- Is Council prepared to commit funds on a \$ for \$ basis to a feasibility study?
- Which Council/s should Council seek to undertake a study/ies with?
- What should the scope of the study be?
- Who, as an independent party, should undertake the feasibility study?
- What governance arrangements should be in place to oversee the study?

2.11. Responses to the above are as follows.

- Council could allocate funds for a project such as this as part of the 2015-2016 budget.
- Whilst Council has previously resolved to investigate the benefits of merging with Sorell Council, should Council decide to explore the option of voluntary amalgamation and/or shared services, it may be appropriate to consider the question in relation to any or all neighbouring Councils, which include Sorell, Southern Midlands, Brighton and possibly Hobart and Glenorchy. If Council is to undertake a feasibility study to explore if a voluntary merger would provide benefit to ratepayers, then all potential and practical options should be considered.
- In relation to the scope of such study, the Local Government Division (LGD) is drafting protocols and a terms of reference template for Councils to use. This could act as an appropriate starting point for the preparation of a study scope.
- In relation to who would undertake such a study, the Minister has indicated that the LGD will establish a panel of preferred providers. Without knowing who the preferred providers are, how selected and the precise terms of reference, Council should not commit to any provider. Council should reserve the right to appoint their own selected independent provider.
- In relation to governance arrangements this could be determined at a later time.

2.12. It is difficult to make a judgement in regard to whether or not any voluntary merger of shared services proposal is in the best interests of Clarence ratepayers without detailed modelling and the assembling of detailed data. Such data should include appropriate benchmarks to enable Council and the community to make meaningful judgements.

3. CONSULTATION

3.1. Community Consultation

Prior to undertaking any community consultation, it is appropriate to have detailed data available to enable informed community debate to occur.

3.2. State/Local Government Protocol

Not applicable.

3.3. Other

Some consultation in respect of a possible merger occurred between Clarence and Sorell Councils in late 2012 through to early 2013. Other than discussions with the Minister at a Southern Councils forum no other consultation has occurred at this time.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

4.1. Council's Strategies Plan provides as follows (in part):

- Consider Councils strategic directive in relation to our neighbouring Councils, including resource sharing, opportunities for joint tenders...and other opportunities for mutual benefit.

4.2. Council has previously resolved to engage in discussions with Sorell Council in regard to a possible merger. This matter was most recently resolved to: *"Lay on the table".*

5. EXTERNAL IMPACTS

There are no significant external impacts at this time.

6. RISK AND LEGAL IMPLICATIONS

None at this time.

7. FINANCIAL IMPLICATIONS

In the initial phase should Council resolve to engage in a feasibility study, there would be a \$ for \$ cost of up to \$50,000.00. These funds could be provided for through the Council budget.

8. ANY OTHER UNIQUE ISSUES

None apparent.

9. CONCLUSION

9.1. Council has been requested by the Minister to indicate their willingness to explore the option of a voluntary merger or shared service arrangements with our neighbours.

9.2. In order to fully inform Council and our ratepayers, it is appropriate to participate in the initial stage of the Minister's proposal.

Attachments: 1. Letters Received from the Minister (17)

Andrew Paul
GENERAL MANAGER

As register as Mayoral

ATTACHMENT 1

**Treasurer
Minister for Planning and Local Government**

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



**Tasmanian
Government**

26 NOV 2014

MAYORAL

Ald Doug Chipman
Mayor
Clarence City Council
PO Box 96
ROSNY TAS 7018

INCOMING MAIL - Received by Records	
Date Processed:	
Date Received:	27 NOV 2014
Correspondence Officer:	CM
20012	File 10-13-01
	Wf

Dear Mayor *Doug*

First I would like to congratulate you on your election to the position of Mayor in your Council. This will be a challenging and exciting time for all mayors, both incumbent and newly elected, to be leading a council. As this will be first time mayors will be appointed for a four year term, your role in leading your communities and developing a strategic vision for your Council has become even more important.

As you will be aware, I made an announcement on 5 November 2014 regarding my intention to encourage all councils to commence a process of investigating voluntary amalgamations.

The State government wants to develop a relationship with local government that will assist in making Tasmania the most competitive and attractive jurisdiction in the country to live, work, visit and invest. A conversation around voluntary amalgamations and resource sharing is a good starting point in pursuing that objective.

I know from my discussions with elected members there are many within the local government sector who see a need for structural reform in order to deliver improved services to local communities. I believe it is time for all councils to take the initiative and seriously consider how they can improve their strategic capacity, financial sustainability, and service delivery. I am aware of the initiatives some councils have taken in relation to resource sharing but this can often take place in response to staff shortages or emergencies rather than as a consequence of long term strategic decision-making.

I recognise that considering amalgamations is a big step for councils to take and there is a need for a careful and considered approach to developing options. The evidence in other states suggests that some of the successful factors include developing a comprehensive business case and building support within merging councils and communities for change.

The first step in this process is to bring all councils together on a regional basis so we can have a conversation about amalgamation opportunities that may benefit your communities. This meeting will also provide me with the opportunity to outline the process we recommend and discuss timeframes. I recognise councils will be required to commit a considerable outlay to conduct feasibility studies into mergers and I will be discussing the level of support the Government will provide at the three regional meetings.

In order to contain the numbers attending the regional meetings, I have decided to restrict the invitation to mayors, deputy mayors and general managers. As the key leaders of your Council you are best placed to have this initial conversation and will have the opportunity to canvas the views of your Council members prior to the meeting.

The Government is not advocating a wholesale reduction of councils in order to achieve a pre-determined number. As I have stated previously, I have some very clear principles that must be met before I will consider an amalgamation proposal. Amalgamations must:

- be in the interest of rate payers;
- improve the level of services for communities;
- preserve and maintain local representation; and
- ensure that the financial status of the entities is strengthened.

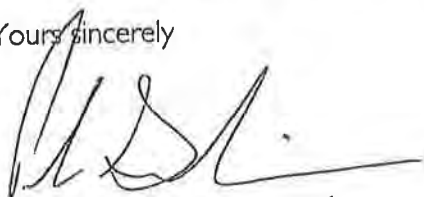
I would welcome your views on these guiding principles at our regional meetings.

I intend to hold the meetings in early February which will provide you with plenty of time to consult not only with your own Council but colleagues across the sector. The Local Government Division of the Department of Premier and Cabinet will contact you with details about the regional meetings.

To assist councils undertake initial discussions, the Division will also send out a package of information before the meetings are held. This will include the latest population forecasts, information from the Auditor General and the Local Government Board's report *Principles for Voluntary Mergers*.

I look forward to meeting with you and having this important first discussion about how we can work together to build a strong and resilient local government sector and improve service delivery outcomes for Tasmanian communities.

Yours sincerely



Peter Gutwein MP

Minister for Planning and Local Government

MAYORAL
Treasurer

Minister for Planning and Local Government

Level 9 15 Murray Street HOBART TAS 7000 Australia

GPO Box 123 HOBART TAS 7001 Australia

Ph: +61 3 6165 7670

Email: Peter.gutwein@dpac.tas.gov.au

Emailed to Ald - 9/1/15

Pls register

as Mayoral

NERA



Tasmanian
Government

INCOMING MAIL - Received by Records

Date Processed: 12 JAN 2015

Date Received: - 9 JAN 2015

Correspondence Officer: Frank.

Doc ID: File 10-13-01

07 JAN 2015

Ald Doug Chipman

Mayor

Clarence City Council

PO Box 96

ROSNY PARK TAS 7018

Please circulate to aldermen

9/1

Dear Mayor *Doug*

Thank you for your letter of 4 December 2014 regarding the regional meetings scheduled for February 2015.

As I understand that there will be a range of views on this issue both among and within individual councils my intention at the regional meetings is only to begin the conversation around the process for voluntary amalgamations.

The meetings will be an opportunity to discuss broadly the level and type of resourcing and timeframes needed to ensure that appropriate support for the process is available to any council that wishes to take part.

As it is expected that all councils will be in attendance it is not my intention nor do I believe that it would be in any ones interests to discuss matters pertinent to the circumstances of any individual council at these forums.

The forums will be a starting point for the conversation and any material that I present will be able to be circulated to other elected representatives after the meeting.

I will also be available to meet with individual councils in the coming weeks and months to further discuss any issues that need clarification.

Furthermore inviting all 261 local government representatives to regional forums to express their views would be logistically unwieldy and therefore it is my preference that the attendance at these initial regional meetings remain as previously advised

In relation to the information packs, the Local Government Division is currently preparing these for distribution to all councils in the next few weeks.

Once again thank you for your correspondence and I hope to see you at the Southern regional meeting on 11 February 2015.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Gutwein', with a long horizontal stroke extending to the right.

Peter Gutwein MP
Minister for Planning and Local Government

**Treasurer
Minister for Planning and Local Government**

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



19 February 2015

Ald Doug Chipman
Mayor
Clarence City Council
PO Box 96
ROSNY TAS 7018

Dear Mayor

Thank you for attending the recent regional meetings. I am pleased that all councils were represented, and I appreciated the open-minded attitude that local government representatives brought to the meetings.

The State Government has a vision of ensuring that Tasmania is the most competitive and attractive place in the country to live, work and invest.

I was very encouraged with the level of good will and open dialogue that occurred in relation to the matters discussed and I know that all of you came to these meetings with the best interests of ratepayers foremost in your thinking.

As I explained, the State Government is prepared to fund in partnership with councils the development of models that will answer the question: Is a shared services model/or a voluntary amalgamation model going to improve the benefits that ratepayers receive from local government?

I would encourage you to now lead a similar discussion around your council table and I am writing to reiterate the timeframe and process I discussed in my presentation for delivering on better outcomes for our local communities.

I am asking all councils to get back to me by the end of March, indicating their willingness to explore the option of voluntary amalgamations and/or shared service models. I appreciate that a significant number of councils wish to explore a shared services option; while I am open to this, my preference would be an examination of the amalgamation option at the same time in order to see which option delivers optimum outcomes for the community.

Once we have an indication of which councils are prepared to participate, I would expect local government would require some time for more detailed consideration of amalgamation/shared services proposals, within and between councils. By the end of May I would like councils to advise me of their intention to proceed to the feasibility study and community consultation stage of the process.

As I indicated, I will support councils to undertake feasibility studies of proposed amalgamations/shared services by providing up to \$25 000 for a feasibility study involving two councils, or up to \$50 000 for three or more councils. It is my expectation that participating councils will match State Government funding but I am happy to discuss this on an individual basis. As we discussed at the regional meetings, the feasibility studies should involve detailed modelling of options and could provide a basis for community consultation.

I will also support those councils who wish to enter into discussions with other councils by providing up to \$5000 for professional facilitation to guide discussion and decision making between participating councils.

During our discussions a number of councils raised important issues over administrative aspects of the process I outlined. I have asked the Local government Division to draft protocols for the implementation of the program as well as develop a Terms of Reference template for any feasibility study that may occur.

These documents will be circulated for discussion so that we are all in agreement on the protocols and Terms of Reference prior to the modelling taking place.

Please advise me whether your council intends to conduct modelling on an amalgamation and/or shared services model by Tuesday 31 March 2015. Once I have received your advice, I will ask the Local Government Division to work with participating councils to develop terms of reference for the feasibility studies.

A copy of the full timetable and process is attached. If you would like further information, or you have any questions about the process or the feasibility studies, please contact Phillip Hoysted, Director, Local Government Division, by phone on 6232 7014 or by email at Phillip.Hoysted@dpac.tas.gov.au

Yours sincerely



Peter Gutwein MP
Minister for Planning and Local Government

Attachment - Voluntary Amalgamations Program

Process	Timeframe
Councils indicate interest in understanding what benefits voluntary amalgamations could provide for Ratepayers.	March 2015
More detailed consideration of amalgamation proposal within and between councils. Councils advise Minister of intention to proceed to feasibility study and community consultation.	April/May 2015
Undertake feasibility study and conduct community consultations.	June-September 2015
Participating councils consider outcomes and report back to local community.	October-December 2015
Next Steps: Don't proceed further or request Local Government Board (LGB) to conduct Formal Review	January-March 2016
Following advice, Minister requests LGB to conduct a review of amalgamation proposals; Board reviews conducted as required under Local Government Act 1993.	March – September 2016
If positive recommendation is received from LGB, discussion on transitional funding – if required – and timing of amalgamation.	September-December 2016
Executive Orders are made to implement any amalgamation changes.	As required

WELCOME

LOCAL GOVERNMENT REGIONAL MEETINGS

MINISTER FOR PLANNING AND LOCAL GOVERNMENT
PETER GUTWEIN MP



WHERE DO WE WANT TASMANIA TO BE?

THE MOST COMPETITIVE AND ATTRACTIVE
PLACE TO LIVE, WORK AND INVEST IN THE
ENTIRE COUNTRY

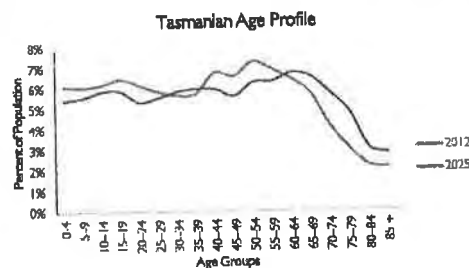
ISSUES CONFRONTING LOCAL GOVERNMENT

- 14 councils have had an average operating deficit for the 7-year period between 2007-08 and 2013-14 ranging up to \$4.6 million.
- Over two thirds of councils are not investing enough in maintaining their assets.
- Nearly half of all councils are not adequately maintaining their road system.
- Councils' net financial assets have declined over the last 3 years by 27% or \$45.5 million.
- In the last 5 years rate increases across Tasmania have well and truly exceeded CPI increases (by approx 110%) and have been significantly above the Tasmanian Council Cost index (by approx 35%).
- Tasmanian councils have the second lowest average population per municipal area of all Australian states.

3

DEMOGRAPHIC ISSUES CONFRONTING LOCAL GOVERNMENT

- Under medium series Treasury projections, Tasmania's population is forecast to rise by almost 40,000 (~7%) to just over 550,000 people by 2025.
- Significantly more of the population will be 65 years of age or older – 23% (17% in 2012)
- Significantly less of the population will be younger than 30 years of age.
- Small and medium sized rural agricultural communities will be affected most.



4

ISSUES CONFRONTING LOCAL GOVERNMENT

Demographic Challenges

By the year 2025:

- A fifth of councils will have at least 30% or more of their population aged 65 years or above;
- A third of councils will experience population decline, with some experiencing a 10% total population decline ;
- A clear majority of councils will experience a decline in population of 20-40 year olds and three quarters of councils will have a decline in population of 40-65 year olds;
- Six councils will have a median age of above 50 years with the State average being 42.4.
- Major cities represent 43% of the total population responsible for 3% of the State's areas; 13 smaller councils' combined population is 13% but responsible for 60% of the State's area.

5

ISSUES CONFRONTING LOCAL GOVERNMENT

Economic, Social and Environmental Challenges:

- Contracting /expanding populations.
- Ageing Population, Health and aged services.
- Transport.
- Compliance and Regulation.
- Adequate investment in infrastructure and existing assets.
- Attracting qualified personnel.
- Climate Change: hazards and environmental management on a regional scale.

6

WHAT ARE THE OPTIONS AVAILABLE TO
IMPROVE OUTCOMES FOR RATEPAYERS
AND MEET THE CHALLENGES OF THE
FUTURE?

7

SHARED SERVICES

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CURRENT SHARED SERVICES

- Driven by crisis not strategy (or political opportunity).
- Poor understanding of the benefits to ratepayers.
- Lack of empirical data regarding financial service delivery outcomes.
- Lots of promises but incremental progress in reality.
- Little understanding of what is "best practice" and what it would deliver.

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CURRENT SHARED SERVICES

Analysis of shared service arrangements in Tasmania*:

- 154 shared service arrangements;
- over half have no formal governance structure or had an informal management arrangement;
- only 13% had been subject to cost-benefit analysis;
- often rely on relationships rather than sound business cases; and,
- most are inadequately evaluated.

Responding councils identified a lack of political and management support and leadership in driving efficiencies and cooperation.

* Collaborative councils: a survey of shared services in Tasmania 2015, Draft Report

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VOLUNTARY AMALGAMATIONS

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PRINCIPLES FOR AMALGAMATIONS

Any voluntary amalgamation proposal must:

- be in the best interests of ratepayers;
- improve the level of services for communities;
- preserve and maintain local representation; and
- ensure the financial status of the entities is strengthened.

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VOLUNTARY AMALGAMATIONS

Recent Data on proposed Amalgamations:

- **STCA (Munro Report, 2011)**
- Question "My council should consider amalgamating with one or more of its neighbouring councils", with **68% of Hobart residents, 59% of Clarence residents, and 58% of Glenorchy residents strongly or very strongly in favour of the proposition;**
- Single Southern Council option: savings achieved would more likely be in the order of up to **15%** of the 12 councils' combined expenditure.
- **Deloitte Access Economics (2011):** suggested the savings would be **35%.**
- There is no current modelling at a State Government level of what amalgamations would achieve in respect of price (rates) or service improvements.

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THE CASE FOR CHANGE

The "Right" Amalgamations have the potential to deliver:

- improved service delivery;
- greater opportunity to attract and retain skilled staff;
- increased capacity to comply with legislative requirements;
- improved risk management;
- improve the capacity of councils to respond to future major challenges; and
- better regional planning.

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SNAPSHOT LOCAL GOVERNMENT REFORM

- South Australia (1997) – from 119 to 68 councils. Recurrent savings estimated at \$19.4m per year.
- Victoria (1990s) – from 210 to 78 councils. Savings of approximately 10% of costs.
- Tasmania (1993) – from 46 to 29 councils. Significant reduction in administrative costs.
- Qld (2008) – from 157 to 73.
- NSW (2015) – Currently 152 with combined deficit of \$280 million. Incentives for voluntary amalgamations being offered.

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VOLUNTARY AMALGAMATIONS - LESSONS LEARNT

Local government is best placed to lead change:

- councils know where improvements are needed;
- councils know where the best opportunities are;
- councils are tuned in to communities' needs.

Research suggests that amalgamations are more successful when:

- local councils are actively engaged;
- sufficient resources and time are allocated, particularly for transitional arrangements;
- the community is encouraged to actively participate in the process; and,
- priority is given to 'communities of interest' in developing options.

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PROCESS AND TIMEFRAMES

Process	Timeframe
Councils indicate interest in understanding what benefits voluntary amalgamations could provide for Ratepayers.	March 2015
More detailed consideration of amalgamation proposal within and between councils. Councils advise Minister of intention to proceed to feasibility study and community consultation.	April/May 2015
Undertake feasibility study and conduct community consultations.	June-September 2015
Participating councils consider outcomes and report to Ratepayers.	October-December 2015

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PROCESS AND TIMEFRAMES

Process	Timeframe
Next Steps: Don't proceed further or request Local Government Board (LGB) to conduct Formal Review	January-March 2016
Following advice, Minister requests LGB to conduct a review of amalgamation proposals. Board reviews conducted as required under <i>Local Government Act 1993</i> .	March – September 2016
If positive recommendation is received from LGB, discussion on transitional funding – if required – and timing of amalgamation.	September-December 2016
Executive Orders are made to implement any amalgamation changes.	As Required

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STATE GOVERNMENT ASSISTANCE

Feasibility Studies

- Up to \$25 000 for an amalgamation proposal involving two councils
- Up to \$50 000 for a proposal involving three or more councils.
- State Government funding provided on a matching basis with participating councils on other modelling as agreed.

Professional Facilitation

- On a case by case basis up to \$5,000

Local Government Division/Treasury/Independent

- Financial modelling of proposals.

Local Government Board Reviews

- Funded by the State Government as required under Act.

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END OF PRESENTATION

Questions?

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12. ALDERMEN'S QUESTION TIME

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

12.1 QUESTIONS ON NOTICE

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

Nil

12.2 ANSWERS TO QUESTIONS ON NOTICE

Nil

12.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

12.4 QUESTIONS WITHOUT NOTICE

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

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

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

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

13. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 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 FINANCIAL ARRANGEMENT – SPORTING FACILITY

The grounds for listing these reports in Closed Meeting are that the detail covered in the reports relates to:

- information provided to the Council on the condition it is kept confidential;
- 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”.