

COUNCIL MEETING
MONDAY 22 JUNE 2015

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	APOLOGIES	4
2.	CONFIRMATION OF MINUTES	4
3.	MAYOR’S COMMUNICATION.....	4
4.	COUNCIL WORKSHOPS.....	4
5.	DECLARATIONS OF INTERESTS OF ALDERMAN OR CLOSE ASSOCIATE	5
6.	TABLING OF PETITIONS	6
7.	PUBLIC QUESTION TIME	7
7.1	PUBLIC QUESTIONS ON NOTICE	7
7.2	ANSWERS TO QUESTIONS ON NOTICE.....	7
7.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	7
7.4	QUESTIONS WITHOUT NOTICE	7
8.	DEPUTATIONS BY MEMBERS OF THE PUBLIC	8
9.	MOTIONS ON NOTICE	9
9.1	NOTICE OF MOTION – ALD JAMES MULTI PURPOSE PATHWAY SOUTH ARM HIGHWAY	9
10.	REPORTS FROM OUTSIDE BODIES	10
10.1	REPORTS FROM SINGLE AND JOINT AUTHORITIES.....	10
10.2	REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES ..	10
11.	REPORTS OF OFFICERS	11
11.1	WEEKLY BRIEFING REPORTS	11

11.2	DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS	12
11.2.1	PETITION – YEAR ROUND DOG BEACH ACCESS AT LAUDERDALE	12
11.2.2	PETITION - SUBDIVISION APPLICATION SD-2015/10 - 14 BAYSIDE DRIVE, LAUDERDALE - 5 LOT SUBDIVISION	17

11.3 PLANNING AUTHORITY MATTERS

11.3.1	DEVELOPMENT APPLICATION D-2015/159 - 26A ESPLANADE, LINDISFARNE – PUBLIC AMENITIES BLOCK AND STAGE	20
11.3.2	DEVELOPMENT APPLICATION D-2015/150 - 50 AND 53 MINNO STREET, HOWRAH - DWELLING	41
11.3.3	DEVELOPMENT APPLICATION D-2015/142 - 20 KANGAROO BAY DRIVE AND 20 BASTICK STREET, ROSNY PARK - RECREATIONAL SPORTING FACILITY INCLUDING PUBLIC TOILETS, CHANGEROOMS, STORES, CLUBROOMS AND CAR PARKING FACILITIES	62
11.3.4	DEVELOPMENT APPLICATION D-2015/178 - 28A HYMETTUS STREET, HOWRAH – ADDITION TO DWELLING REQUIRING DISCRETION UNDER PD4	94
11.3.5	DEVELOPMENT APPLICATION D-2015/187 - 34 OAKBANK ROAD, OTAGO – GARAGE (UNDEFINED USE)	111
11.3.6	SUBDIVISION APPLICATION SD-2015/18 - 326 PROSSERS ROAD, RICHMOND - 11 LOT SUBDIVISION	122
11.3.7	DEVELOPMENT APPLICATION D-2015/161 - 13 BRIDGE STREET, RICHMOND – TOURIST OPERATION (RICHMOND MAZE)	143

11.4 CUSTOMER SERVICE - NIL ITEMS

11.5 ASSET MANAGEMENT

11.5.1	RICHMOND BRIDGE VEGETATION MANAGEMENT PLAN	176
--------	--	-----

11.6 FINANCIAL MANAGEMENT - NIL ITEMS

11.7 GOVERNANCE

11.7.1	AMENDMENT TO CONSTITUTIONS FOR MANAGEMENT COMMITTEES	186
11.7.2	CULTURAL HISTORY ADVISORY COMMITTEE CONSTITUTION	189
11.7.3	FINANCIAL ASSISTANCE GRANTS – SUPPORT FOR RECOMMENCEMENT OF INDEXATION	200
11.7.4	RATES AND CHARGES POLICY	205

11.7.5	RATES AND CHARGES 2015-2016	217
12.	ALDERMEN’S QUESTION TIME.....	233
12.1	QUESTIONS ON NOTICE.....	233
12.2	ANSWERS TO QUESTIONS ON NOTICE.....	233
12.3	ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE.....	233
12.4	QUESTIONS WITHOUT NOTICE	233
13.	CLOSED MEETING.....	234
13.1	APPLICATIONS FOR LEAVE OF ABSENCE	
13.2	TENDER T1034-15 – BELLERIVE BLUFF – STORMWATER AND FORESHORE SEA WALL WORKS	
13.3	TENDER – CAMBRIDGE ROAD - ASPHALT RESURFACING WORKS	
13.4	TENDER T1042-15 – ROAD AND DRAINAGE WORKS – VICTORIA STREET AND GUNNING STREET, RICHMOND	
13.5	CONTRACTUAL MATTER	

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

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

(File No 10/03/01)

RECOMMENDATION:

That the Minutes of the Council Meeting held on 1 June 2015, as circulated, be taken as read and confirmed.

3. MAYOR'S COMMUNICATION

Nil

4. COUNCIL WORKSHOPS

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

PURPOSE	DATE
Bellerive Bluff	
Business East Funding	
Review of Dog Management Policy	
Hobart International Airport Presentation	
Rates Policy	9 June
Review of Dog Management Policy	
Richmond Bridge Vegetation Management Plan	
Cambridge Streetscape Master Plan	15 June

RECOMMENDATION:

That Council notes the workshops conducted.

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

In accordance with Regulation 8 of the Local Government (Meeting Procedures) Regulations 2005 and Council's adopted Code of Conduct, the Mayor requests Aldermen to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary benefits or pecuniary detriment) or conflict of interest in any item on the Agenda.

6. TABLING OF PETITIONS

(File No 10/03/12)

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

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

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

7. PUBLIC QUESTION TIME

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

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

7.1 PUBLIC QUESTIONS ON NOTICE

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

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

Nil

7.2 ANSWERS TO QUESTIONS ON NOTICE

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

Nil

7.3 ANSWERS TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

7.4 QUESTIONS WITHOUT NOTICE

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

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

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 JAMES
MULTI PURPOSE PATHWAY SOUTH ARM HIGHWAY**
(File No 10-03-05)

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

“That Clarence City Council negotiate with the Department of State Growth for a shared multi-purpose pathway on the high side of the South Arm Highway from Oakdowns to Lauderdale”.

EXPLANATORY NOTES

At the last Council meeting I gave notice I would submit a Notice of Motion for a multi-purpose pathway on the high side of South Arm Highway.

It is envisaged the multi-purpose pathway would be constructed of concrete and built to Australian Standards.

It would enable pedestrians and cyclists alike to take the route along the South Arm Highway linking Oakdowns with Lauderdale thereby affording users the shortest and safest means possible.

It is intended the Clarence City Council enter into discussions with the Dept of State Growth with a view for the parties to reach agreement on a preliminary plan for the construction of this vital pathway on what may be regarded as one of the Council’s highest priorities.

The Tasmanian State Government has already announced there is funding available for projects similar to what is being proposed so therefore it is prudent and timely for Council to put in its submission.

R H James
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

March Quarterly Report pending

Representative Reporting

- **SOUTHERN WASTE STRATEGY AUTHORITY**

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

Quarterly Reports

March Quarterly Report pending

Representative Reporting

- **TASWATER CORPORATION**

10.2 REPORTS FROM COUNCIL AND SPECIAL COMMITTEES AND OTHER REPRESENTATIVE BODIES

11. REPORTS OF OFFICERS

11.1 WEEKLY BRIEFING REPORTS

(File No. 10/02/02)

The Weekly Briefing Reports of 1, 8 and 15 June 2015 have been circulated to Aldermen.

RECOMMENDATION:

That the information contained in the Weekly Briefing Reports of 1, 8 and 15 June 2015 be noted.

11.2 DETERMINATION ON PETITIONS TABLED AT PREVIOUS COUNCIL MEETINGS**11.2.1 PETITION – YEAR ROUND DOG BEACH ACCESS AT LAUDERDALE**

(File No 05-02-10)

EXECUTIVE SUMMARY**PURPOSE**

To consider the petition presented at Council's Meeting on 1 June 2015 from 196 signatories requesting a year round dog beach access – Lauderdale (Roches Beach).

RELATION TO EXISTING POLICY/PLANS

The Dog Management Policy.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

Nil.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

- A. That Council notes the intent of the petition.
- B. That Council advises the petitioners that Council: *“Will consider the petition as part of the upcoming review of the Dog Management Policy”*.

ASSOCIATED REPORT**1. BACKGROUND**

A petition was tabled at Council's Meeting on 1 June 2015. The petition was signed by 196 people requesting:

“We, the undersigned, petition the Mayor and Aldermen of the City of Clarence to consider implementing year round dog beach access to Roches Beach from the canal entrance to the boat sheds at Lauderdale Point (Bayview Road/Bayside Drive end). This would be a designated ‘off-lead but under effective control’ area”.

2. REPORT IN DETAIL

- 2.1.** The section of beach referred to in the petition is subject to the current summer dog restrictions. Dogs are restricted from the beach between 10.00am – 6.00pm from 1 December through to 1 March each year. Outside of these times dogs need to be under effective control.
- 2.2.** There is currently an off-lead area 3km away at the northern end of the beach. The access to this area is down a track that is steep and rocky which may make it unsuitable for some dog owners.
- 2.3.** Council is about to embark on public consultations for the review of the Dog Management Policy. Following a recent stakeholder meeting a request was put forward for another all day off-lead dog beach at Lauderdale – specifically between the Canal and Mays Point. This item has been included for consideration in the review of the Dog Management Policy as part of the possible changes to Declared Areas.
- 2.4.** It is appropriate that Council should consider the petition in the review of the Dog Management Policy.

3. CONSULTATION

3.1. Community Consultation

Nil.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The Dog Management Policy.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

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

7. FINANCIAL IMPLICATIONS

Nil.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

The review of the Dog Management Policy and public consultation is due to commence in June/July and it is recommended that Council consider the petition as part of that upcoming Dog Management Policy Review.

Attachments: 1. Extract from Petition (2)

Andrew Paul
GENERAL MANAGER

Supporting statement for Lodgement form for petitions to the Mayor and Aldermen of the City of Clarence

Subject: Year-round dog beach access for Lauderdale (Roches Beach)

- **Request that the Mayor and Aldermen of the City of Clarence consider implementing year round dog beach access to Roches Beach from the Canal entrance to the boat sheds at Lauderdale Point (Bayview Road/Bayside Drive end). This would be a designated 'Off-lead but under effective control' area.**

To whom it may concern,

As a resident of Lauderdale, a dog owner, and a teacher of Health and Physical Education I urge the Mayor and Aldermen of the council to consider the following important considerations with regard to the above issue and subsequent petition.

These are in no way an exhaustive list of reasons and nor are they listed in hierarchical order.

1. **The number of beach users appears to significantly decline when the current regulations are enforced during the summer months that dogs are not allowed on the beach between 10am and 6pm.** When the weather is inclement and other beach users are not inclined to want to use the beach for recreational purposes (i.e. too cold/too windy), with the present regulations people with dogs are not allowed to walk the dog on the beach between 10am and 6pm. This severely limits the options for **safe dog walking and for family recreation with dogs during the summer months (and school holidays).**
2. **The tide height often dictates what can occur in the area proposed by the above changes,** and as such, this area is regularly unsuitable for other activities due to how high it comes up the beach. This is particularly the case at the point on Roches Beach (Bayview Road/Bayside Drive end) where the large rock formation extends down onto the beach as this becomes impassable by foot due to high tide. Therefore, fewer people would be inclined to want to use this area of the beach for general purpose anyway.
3. **The recreational opportunities for dogs are quite limited in the Lauderdale area, particularly areas with access to water.** In summertime, many pet owners wish to take their canines to the beach to cool down and to socialise with other pets 'off-lead'.
4. **There are a number of elderly people who access the beach with their dogs to gain their regular exercise.** The beach is a viable option and accessible within walking distance from their homes. It **does not require driving or transport** to another area that has dog access during these months and times.
5. **For those people who work full time and have families, the current hours for beach access with dogs during the summer months are quite restrictive.** The 6pm access time in the evening makes it particularly difficult for people wishing to access the beach with children and pets. By the time 6pm comes around, the wind has usually picked up making the beach a less

pleasant option. In addition to this, many families with young children would need to be home for dinner and bed time activities by then.

6. **With the current rate of obesity in Australia we should be encouraging people to participate in exercise, particularly during the summer months** and during the hours that many could access the beach. People are also often 'time poor' and have to combine their exercise routines with exercising 'the dog and kids'.
7. **For no other reason than it is an enjoyable activity!** People socialise more when there are dogs; conversations are sparked. The dogs learn to socialise with other animals and people. It therefore improves the general Health and Wellbeing of the community from a physical, social, emotional and spiritual perspective.
8. **It works in other places where there are designated 'Off-lead but under effective control' areas.** Kingston Beach is a prime example of this.

In a short space of time and with limited resources approximately 200 people signed the petition for this to be considered. I look forward to hearing from you regarding this issue and would be more than happy to attend the council meeting to discuss this when it is scheduled. My contact information has been included in the attached Lodgement form for Petitions.

Yours sincerely

[REDACTED]
[REDACTED]

11.2.2 PETITION - SUBDIVISION APPLICATION SD-2015/10 - 14 BAYSIDE DRIVE, LAUDERDALE - 5 LOT SUBDIVISION
(File No SD-2015/10)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider a petition received by Council on 15 May 2015, opposing an application for a 5 lot subdivision at 14 Bayside Drive, Lauderdale.

RELATION TO EXISTING POLICY/PLANS

Not applicable.

LEGISLATIVE REQUIREMENTS

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

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

RECOMMENDATION:

That Council notes the intent of the petition and that it considered the petition as a representation in relation to Subdivision Application SD-2015/10, which was determined at its Meeting of 1 June 2015.

ASSOCIATED REPORT**1. BACKGROUND**

The subject property at 14 Bayside Drive, Lauderdale was the subject of a subdivision application proposing a 5 lot subdivision. The application was advertised as required by Section 57(3) of the Land Use Planning and Approvals Act, 1993 on 28 May 2014 until 12 June 2014. In addition to the petition, 12 other representations were received.

At its Meeting on 1 June 2015, Council considered the application and granted conditional approval of the subdivision.

2. REPORT IN DETAIL

2.1. The petition was received containing 58 signatures. The petition complies with requirements of the Act and opposes the grant of a Planning permit for the proposed use/development.

2.2. The petition was received during the public advertising period undertaken as part of the consideration of the development application.

3. CONSULTATION

Not applicable.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Not applicable.

5. EXTERNAL IMPACTS

Not applicable.

6. RISK AND LEGAL IMPLICATIONS

Not applicable.

7. FINANCIAL IMPLICATIONS

Not applicable.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

The petition opposes the grant of a Planning permit for a 5 lot subdivision at 14 Bayside Drive, Lauderdale. It is recommended that Council notes that the petition has been considered as a representation in relation to Subdivision Application SD-2015/10.

Attachments: Nil.

Ross Lovell
MANAGER CITY PLANNING

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-2015/159 - 26A ESPLANADE, LINDISFARNE - PUBLIC AMENITIES BLOCK AND STAGE
(File No D-2015/159)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a public amenities block and stage at 26a Esplanade, Lindisfarne.

RELATION TO PLANNING PROVISIONS

The land is zoned Recreation and is partially covered by the Coastal Erosion Hazard 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 24 June 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received during the advertising period raising the issue of car parking.

An additional letter was received 10 days after close of the advertising period commenting on the location of the proposed amenity block.

RECOMMENDATION:

- A. That the Development Application for a public amenities block and stage at 26a Esplanade, Lindisfarne (CI Ref D-2015/159) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. GEN AM4 – CONSTRUCTION HOURS.
 3. The development must meet all required Conditions of Approval specified by TasWater notice dated 20 May 2015 (TWDA 2015/00624-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

DEVELOPMENT APPLICATION D-2015/159 - 26A ESPLANADE, LINDISFARNE - PUBLIC AMENITIES BLOCK AND STAGE /contd...

ASSOCIATED REPORT**1. BACKGROUND**

The property has been utilised for recreational purposes for most of the last century and has held events such as the annual Clarence Jazz Festival for the past 18 years.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Recreation and is also partially covered by the Coastal Erosion Hazard Overlay under the Scheme.

2.2. The proposal is a Discretionary development as all use and development within the Coastal Erosion Hazard Overlay requires a Discretionary application. The proposed public amenities block falls within this overlay.

2.3. The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 6 – Recreation zone;
- Section 7 – Coastal Erosion Hazard Overlay; and
- Section 8 – Specific Provisions (8.1 - Off-Street Parking and Loading).

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 2.18ha property extending along the eastern shore of Lindisfarne Bay and is known as Simmons Park. The site contains a recently upgraded playground, rotunda (picnic shelter) and public toilet block and various seating furniture. A number of paths traverse the property with a walking track extending along the foreshore and connecting with the Clarence Foreshore Trail.

The property is owned by the Crown and Council currently holds a 99 year lease over the land expiring in 2069 for the purposes of recreation and amusement.

3.2. The Proposal

The proposal is for the removal of the existing rotunda and toilet block and replacement with a new amenities block and dual purpose stage and barbecue facility.

The amenities block will be located in the northern portion of the site, to the west of the existing rotunda and approximately 17m from the western boundary. It will contain 2 female and 2 male toilet cubicles, 1 unisex/family cubicle, 1 baby change area/disabled access cubicle and a maintenance/store room, all with external access. A separate wash station is proposed on the eastern end of the building. The building will be clad in precast concrete panels with a colorbond roof and pressed metal doors. Artwork panels are to be included on the eastern and western elevations.

The dual purpose stage and barbecue facility is to be located just south of the existing rotunda. The building is an 8m x 9m open structure with precast concrete dividers separating the barbecue facilities with the stage area. As the structure is to be used predominantly as a picnic shelter the building has been designed to have picnic tables installed, which can be removed when an event is to take place.

It is anticipated the stage will be used annually for the Clarence Jazz Festival and may also be used on occasion by the Clarence City Band. Any proposed public events will be exempt from requiring Planning approval under the Clarence Planning Scheme 2007 and also the Draft Clarence Interim Planning Scheme. However, any public event will require an “Application for a Special Event Licence” and a “Business Permit - Event Application” to be approved by Council prior to it taking place.

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(d)(iv) – Recreational and Community Facilities. In particular, the Objectives include:

“To provide for a system of accessible recreational and community facilities to meet the needs of people from a range of ages, health, interest and socio-economic backgrounds”.

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 as follows:

- “(a) General requirements:*
 - (iv) The Purposes of the Zone.*
 - (v) The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
 - (vi) Comments of any Government Department, any other Authority or referred agency.*
 - (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) Landscaping, illumination and treatment of the site generally.*
- (c) Infrastructure requirements:*
 - (i) The availability of existing public utility services.*
 - (ii) The suitability of waste management facilities.*

- (v) *The capacity of the existing streets and roads in the locality and the effect of development on such capacity.*
- (vi) *The provision of access, loading, parking and manoeuvring of vehicles.*
- (d) *Design suitability requirements:*
 - (i) *The size and shape of the parcel of land and whether it is subject to potential hazards.*
 - (ii) *The position and scale of buildings in relation to boundaries or to other buildings, their density, character, height and harmony in design of facades.*
 - (v) *The need to avoid disability discrimination in the design of developments”.*

4.3. Zone

The purpose of the Recreation zone is to recognise public and private land which may be used for open space or recreation. There are no Use and Development Standards applicable to the proposal; therefore the development has been assessed against the Specific Decision Requirements of the zone.

“(a) A variety of styles, material and colours is encouraged for development within the zone. Architectural expression is preferred to ensure the zone reflects currency with modern design and construction techniques”.

Both the public toilet facility and stage/barbecue shelter have been designed to blend with the surrounds. The buildings will be timber and concrete in natural finishes to compliment the surroundings and steel elements will be painted in dark grey/black tone, also consistent with the waterside location. The toilet building will include artwork on the western and eastern elevations which will enhance its aesthetic appeal.

“(b) Development should be compatible with the recreation uses”.

The proposal is for a public toilets facility and dual purpose stage and barbecue shelter which are considered to compliment the recreational use of the site.

“(c) Buildings should be located in unobtrusive locations and, in particular:

- (i) be located well below the ridge line so as not to be prominent against the skyline when viewed from a public place;*
- (ii) grouped together on the site;*
- (iii) located where existing native vegetation can be retained to screen the development”.*

The location of the proposed buildings is in a natural depression, as the site slopes downwards towards Lindisfarne Bay. The dual purpose stage and barbecue shelter has been located so as to be within a natural amphitheatre, which will enhance sound from any events held on-site. Both buildings are grouped within 15m of each other and are easily accessible from the playground and foreshore walking trail. No vegetation is to be removed as part of the proposal.

“(d) The external impact of floodlighting should be minimised”.

There is no floodlighting proposed as part of the development.

“(g) Development should maintain existing significant views from the surrounding area”.

The public toilet facility and shelter have been designed to be single-storey, flat roofed buildings so as to minimise impacts on views from surrounding properties. The shelter is open on 3 sides, allowing views through the building.

“(h) Sufficient car parking is to be provided on site to meet differing levels of service and recreational needs. Safe and convenient access is to be provided to all parking areas”.

The proposal is to replace an existing toilet block and rotunda with a new amenities block and dual purpose stage and barbecue shelter, therefore not generating an increased need for car parking. Car parking is discussed in more detail below.

“(j) Development should be of a design, height, scale and siting compatible with the recreation use of the land and its surroundings”.

The design of the buildings has been kept minimal and open to maintain existing views of the bay and are within close proximity to the existing playground and foreshore walk.

4.4. Overlays

The proposed public toilet block is located within the Coastal Erosion Hazard Overlay. The purpose of the overlay is to identify areas subject to coastal processes (erosion, recession or wave run up), control impacts and promote sustainable coastal development.

The applicant has provided a report prepared by an engineer with suitable experience in coastal, civil and/or hydraulic engineering in accordance with Clause 7.4.4(a) of the Scheme. The report gives consideration to the Specific Decision Requirements of the overlay, which is in Clause 7.4.5 of the Scheme. The relevant Specific Decision Requirements are as follows.

“(a) Suitable mitigation measures are to be used dependent upon the nature and assessable risk of the hazard”.

The Report states that *“no specific hazards have been identified for the site other than the possible inundation of part of the toilet block at some stage late in this century”*. This is considered acceptable as inundation is unlikely to occur during the expected life span of the amenities block. No erosional impacts were identified.

“(b) Applications for all development within the areas shown as CEH(SLSS) must demonstrate:

(i) That any hazard risk can be mitigated through an identification of structural or siting methods to be used to avoid damage to or loss of buildings and other works”.

The Report states that *“the structure is protected by being setback from the rock face of the embankment that forms the edge of Lindisfarne Bay”*.

“(ii) That the development will not increase the level of risk of hazard for adjoining or nearby properties or public infrastructure”.

The Report states that the proposal is *“a single storey stand-alone structure in a Public Open Space”* and *“will not increase the risk of hazard for adjoining or nearby properties”*.

“(iii) That the risk of water pollution from storage or processing of effluent, dangerous goods and substances on the site can be mitigated”.

The proposal will be connected to relevant infrastructure.

“(iv) The need for future remediation works is minimised”.

The Report states that *“it is not expected any remedial works will be required”*.

“(v) That the hazard risk can be mitigated through identification of measures to be used to modify the hazard”.

The Report states that *“the hazard risk can be mitigated by the appropriate use of materials and the location of services”*. The building is to be constructed from precast concrete which will be *“durable for the life of the asset”*.

“(vi) The health and safety of individuals is not placed at risk”.

The Report states that *“the setback from the rock protection on Lindisfarne Bay, coupled with the fact that the development will comply with all necessary building and plumbing codes will ensure the health and safety of individuals is not put at risk”*.

“(vii) That the development should not prevent public access to the coast, where it is currently available”.

Access to the foreshore is currently available and a multi-user pathway runs adjacent to the foreshore for the length of the property, being part of the Clarence Foreshore Trail. The proposal will not affect access to this area of the site.

4.5. Specific Provision

Car Parking

The applicant does not propose any additional parking as part of the proposal. The proposed use is defined as “Active Recreation” for which there is no specified rate and it is therefore up to Council to determine an appropriate car parking requirement.

As the proposed toilet block and shelter are to replace existing buildings of similar use it is considered there will be no increase to existing car parking requirements and no additional spaces are required.

The main event that is held at Simmons Park is one evening for the Clarence Jazz Festival and this has been held at the site for over 18 years and there has been no issue with parking. Most people attending events are locals and walk to the event. The numbers that attend the event are approximately 200 to 250 people. The upgrading of park facilities (stage) will not alter this as it is an existing use.

4.6. External Referrals

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

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. Car Parking and Safety of Users

The representor has expressed concerns with lack of parking on-site, the number of vehicle accidents and the safety of children when travelling to and from vehicles.

- **Comment**

As discussed above, the proposed toilet block and shelter are to replace existing buildings of similar use and it is therefore considered there will be no increase to existing car parking requirements and no additional spaces are required.

Council's engineer advises that there are no traffic counts/surveys to support that parking is a problem, there is no crash/accident history or road safety audit to support a contention that it is somehow dangerous.

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.

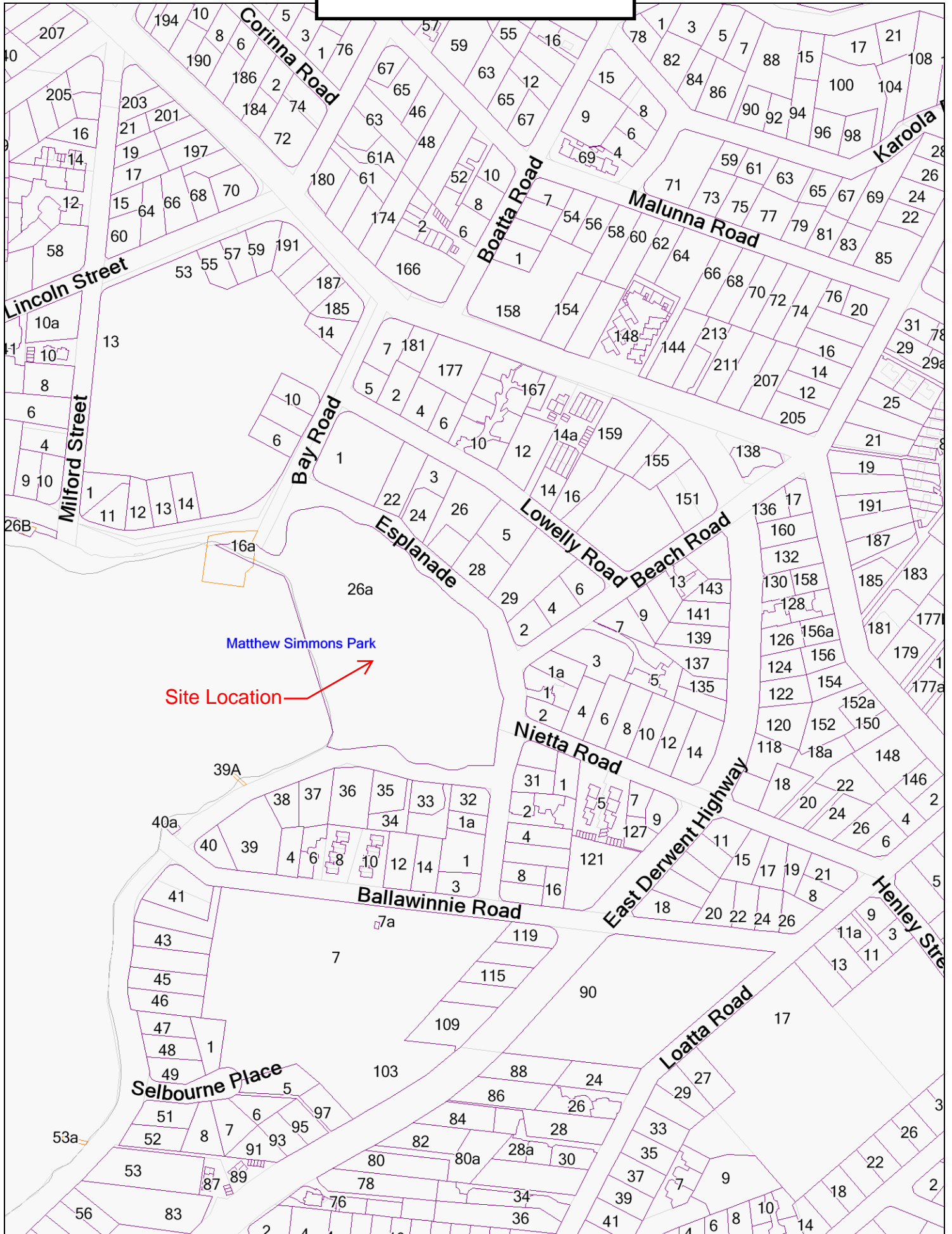
8. CONCLUSION

The proposal is for a public toilet facility and dual purpose stage and barbecue shelter at Simmons Park, 26a Esplanade, Lindisfarne. The proposal meets the relevant use and development standards and specific decision requirements of the Recreation zone and Coastal Erosion Hazard Overlay and is therefore recommended for conditional approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (9)
3. Site Photo (1)

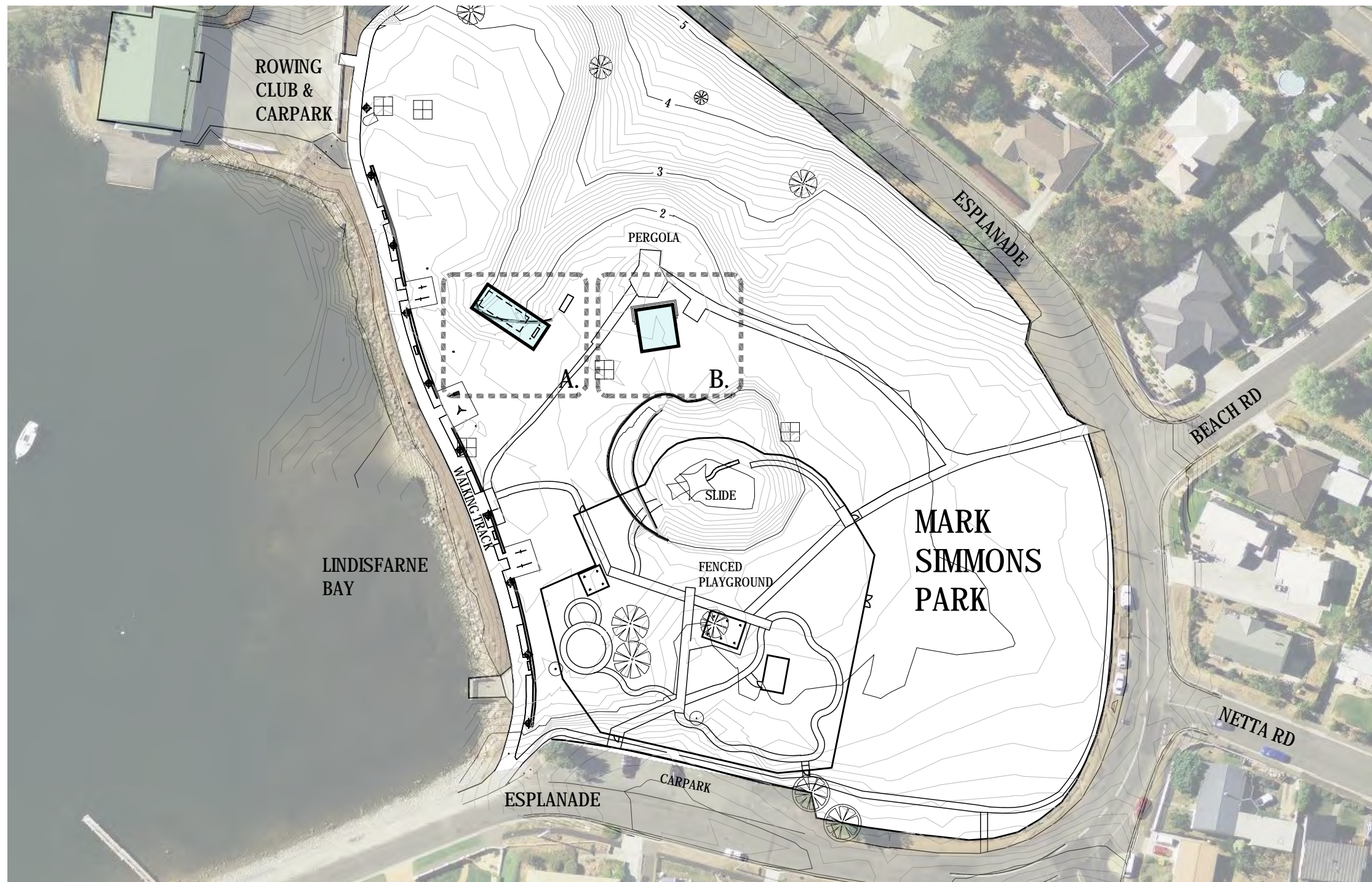
Ross Lovell
MANAGER CITY PLANNING

Attachment 1



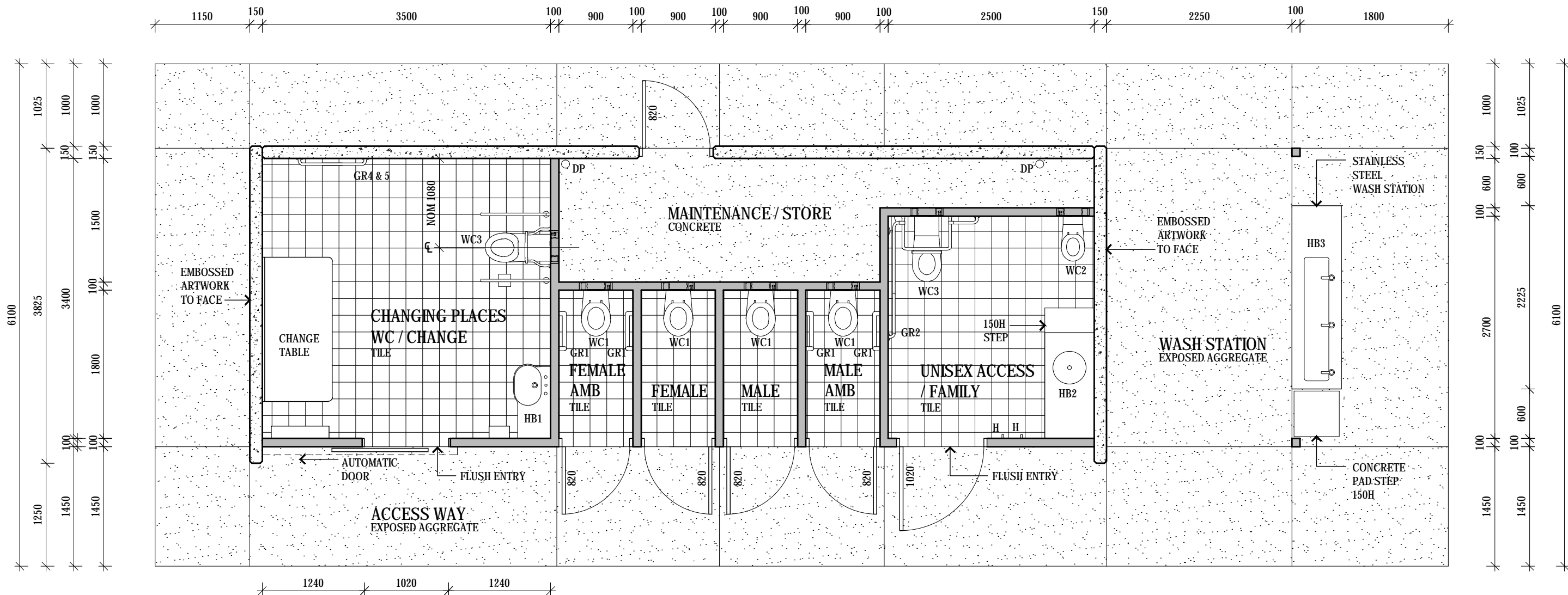
Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 12 June 2015 **Scale:** 1:3,705 @A4

Attachment 2



A PROPOSED AMENITIES

B. PROPOSED STAGE



FLOOR PLAN
1:50

FLOOR LEVEL: FL 1.500

GENERAL NOTES

EXTERNAL WALLS
INTERNAL WALLS

EXP AGG

WC1

WC2

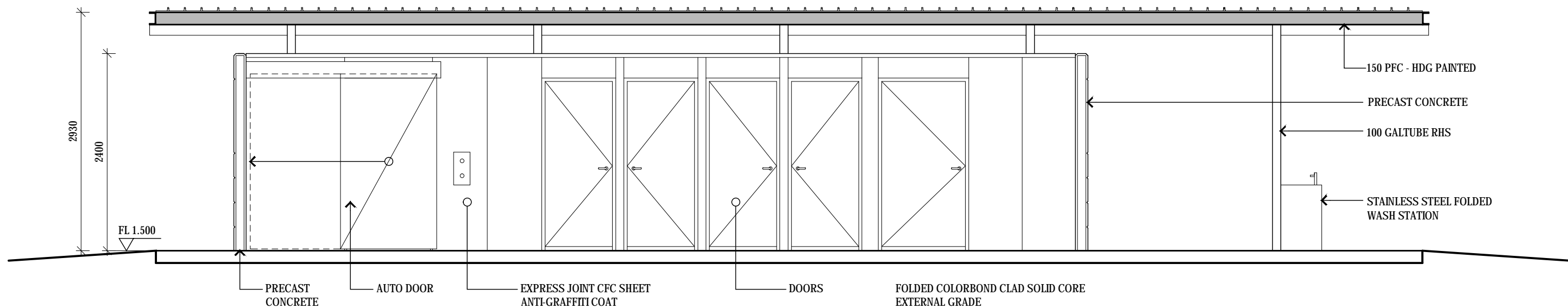
WC3

WC4

PRECAST CONCRETE PANELS
LIGHTWEIGHT TIMBER STUD FRAME
COMPRESSED CONCRETE SHEET LINING
TILES TO 2100H
FOLDED COLORBOND CAPPING TO TOP OF WALL
(NOTE: NO LININGS TO MAINTENANCE ACCESS)
CONCRETE SLAB WITH EXPOSED WASHED
AGGREGATE FINISH
STAINLESS STEEL PAN WITH IN-WALL DUAL
FLUSH CISTERN
STAINLESS STEEL CHILD PAN & IN WALL CISTERN
STAINLESS STEEL ACCESS PAN & IN WALL
CISTERN
CERAMIC ACCESS PAN & IN WALL CISTERN

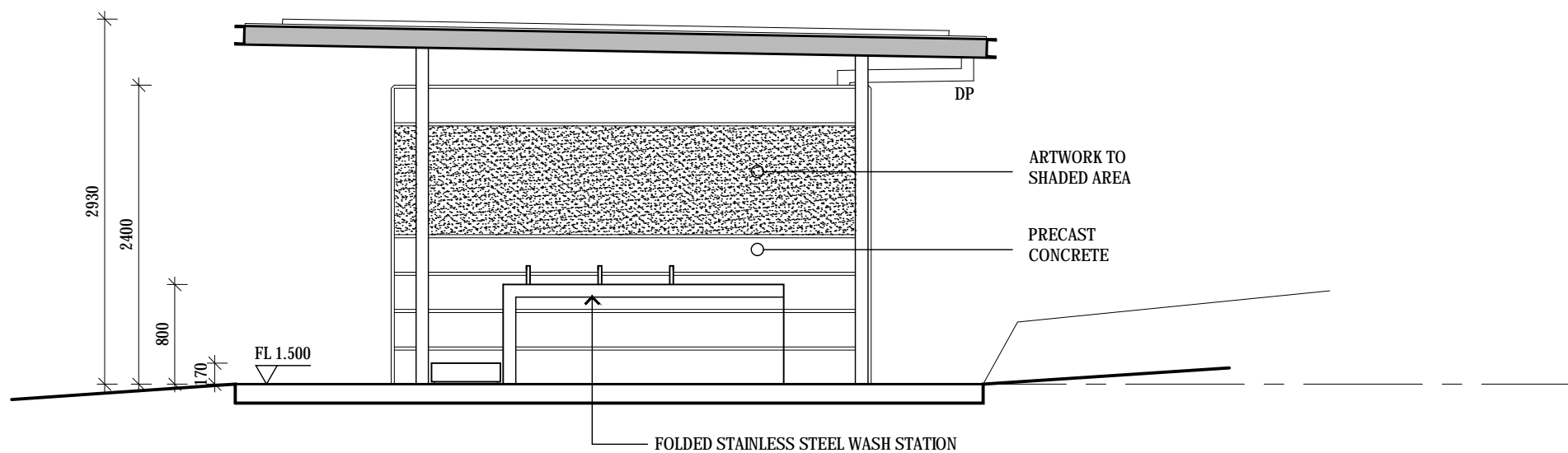
HB1 CERAMIC INTEGRATED HAND / WASHBASIN
HB2 STAINLESS STEEL INTEGRATED BASIN / CHANGE TABLE
HB3 STAINLESS STEEL INTEGRATED WASH STATION TROUGH
H WALL HOOK

- STAINLESS STEEL GRABRAILS FOR AMBULANT CUBICLES & BACK OF ACCESS / FAMILY DOOR
- STAINLESS STEEL BACKREST & GRABRAILS TO ACCESS PAN
- DOUBLE TOILET ROLL DISPENSERS TO ALL CUBICLES
- STAINLESS STEEL CLOTHES HOOK TO INSIDE FACE OF EACH TOILET DOOR
- STAINLESS STEEL CHANGE TABLE TO CHANGING PLACES CUBICLE



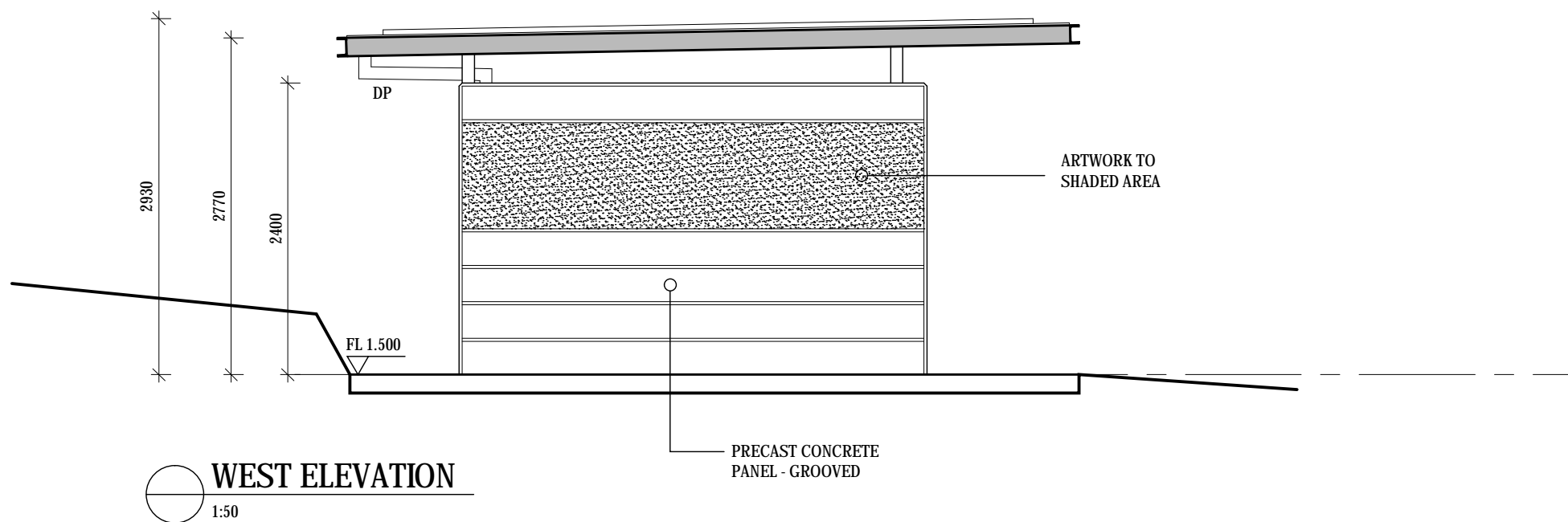
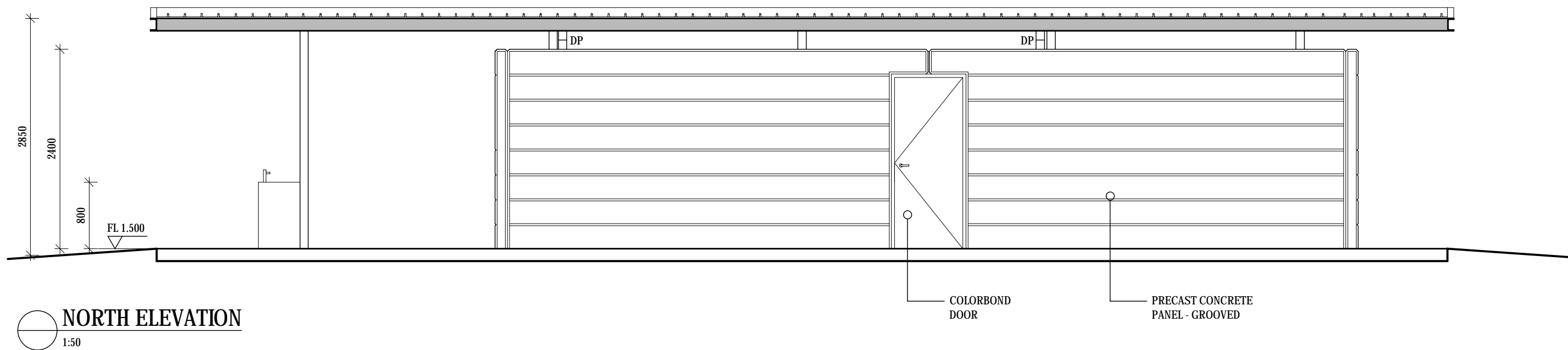
 **SOUTH ELEVATION**
1:50

- | | |
|----------------|---|
| DOORS | FOLDED COLORBOND CLAD SOLID CORE
EXTERNAL GRADE |
| DOOR FRAMES | PRESSED METAL - PAINTED |
| DOOR FURNITURE | INDICATOR BOLT; LOCK; STAINLESS STEEL
HANDLE WITH STAINLESS STEEL ROSE;
3No STAINLESS STEEL TAMPER-PROOF
HINGES; DOOR CLOSER |
| SIGNAGE | PROPRIETARY GRAFFIC TO EACH DOOR |

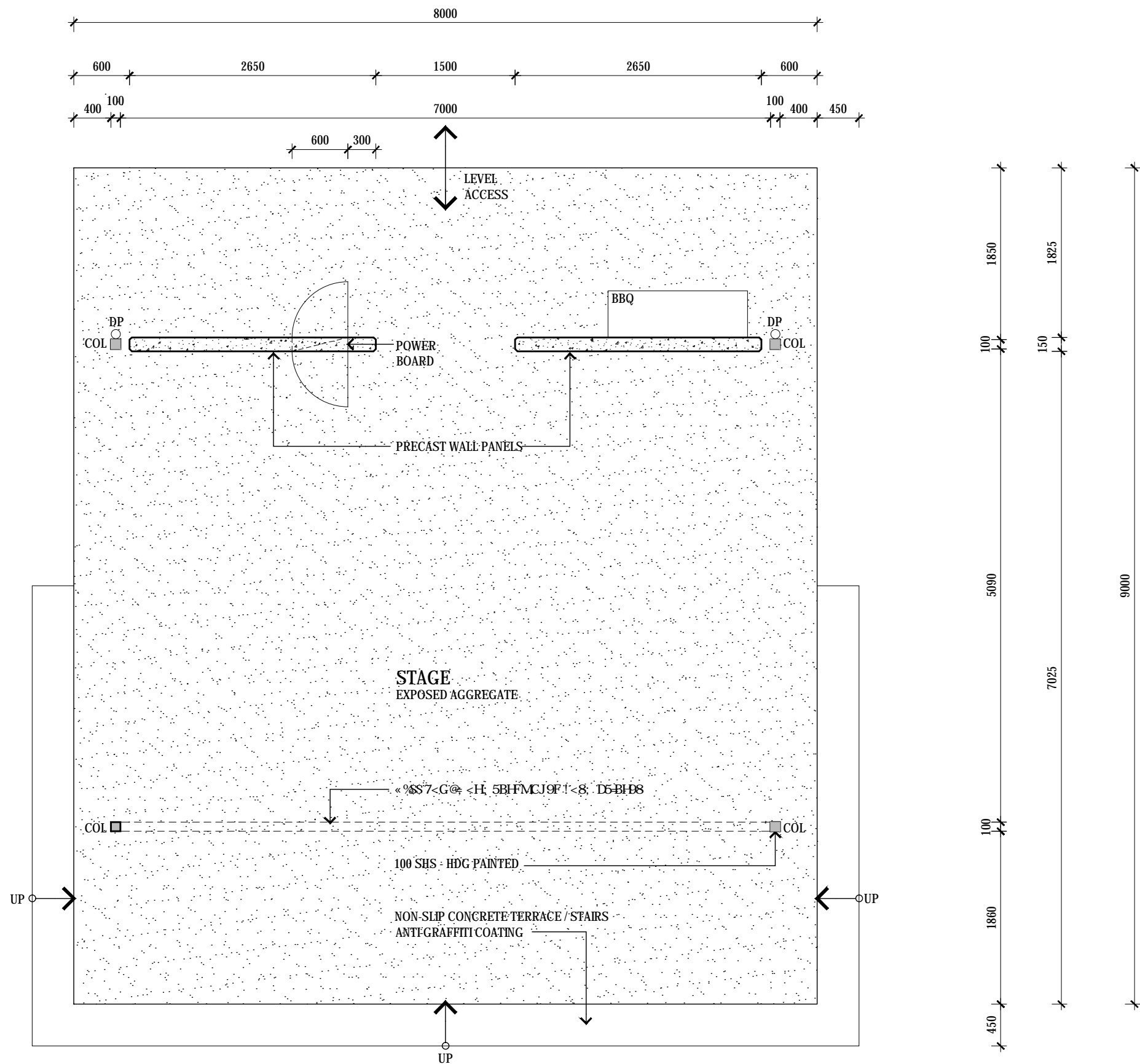


 **EAST ELEVATION**
1:50

3No ENWARE TIMEFLOW PILLAR TAPS

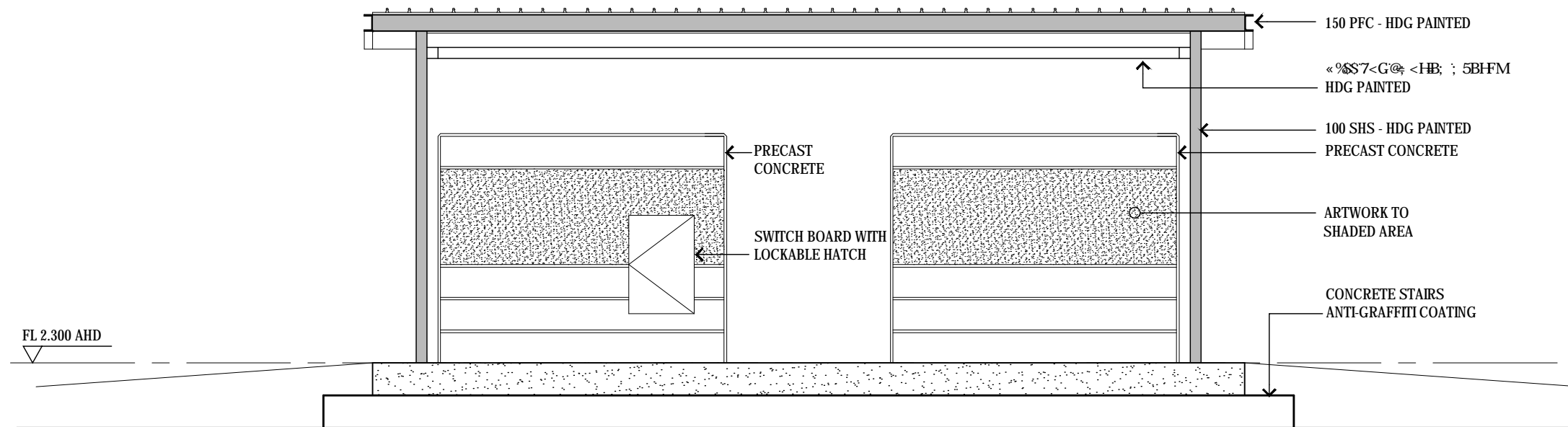


Rev No -	Revision Description -	Date -	 <p>Contractor shall verify all dimensions on site before commencing any work or shop drawings © This drawing is copyright and remains the property of Philp Lighton Architects Pty Ltd</p>	 <p>49 SANDY BAY ROAD HOBART TASMANIA 7004 T +61 (3) 6223 2333 F +61 (3) 6223 2433 hobart @philplighton.com.au</p>	<p>Date: 17.04.15</p> <p>Drawn: RH</p> <p>Checked: -</p> <p>Scale @ A3: 1:50</p>	<p>Project: CLARENCE CITY COUNCIL NEW AMENITIES FACILITY & STAGE SIMMONS PARK ESPLANADE LINDISFARNE</p> <p>Project No: 012.14140</p> <p>Attachments - D-2015/159 - 26a Esplanade, Lindisfarne, Page 3 of 1</p> <p>Title: AMENITIES - ELEVATIONS</p> <p>Rev No: -</p>	<p>Drawing No: -</p> <p>Rev No: -</p>	<p>DA06</p>
-------------	---------------------------	-----------	--	---	--	--	---	--------------------

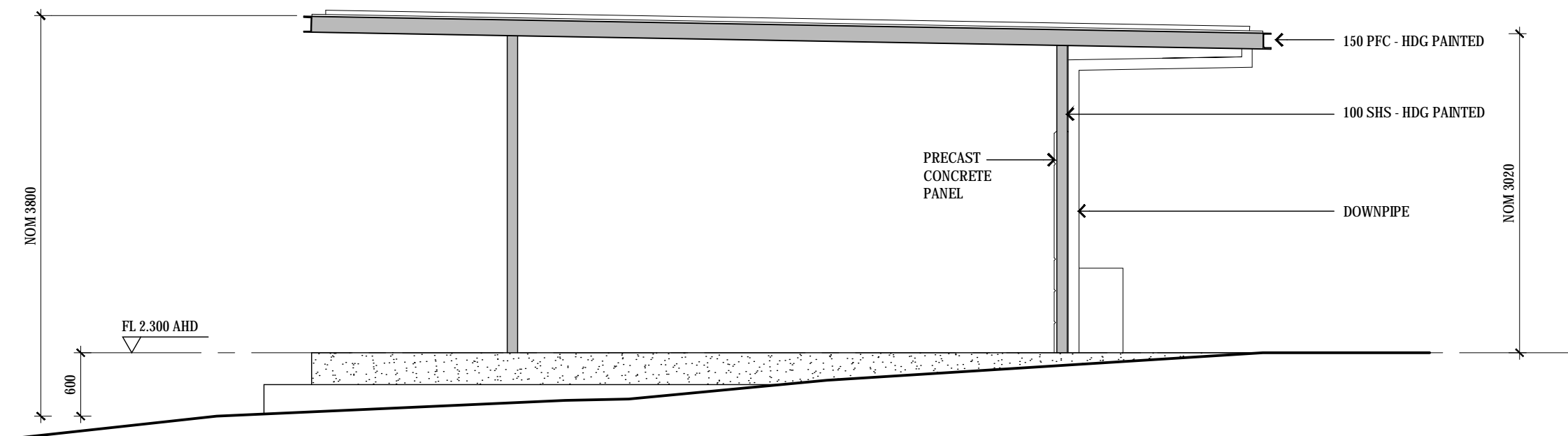


 **FLOOR PLAN**
1:50

FLOOR LEVEL: FL 0230 AHD

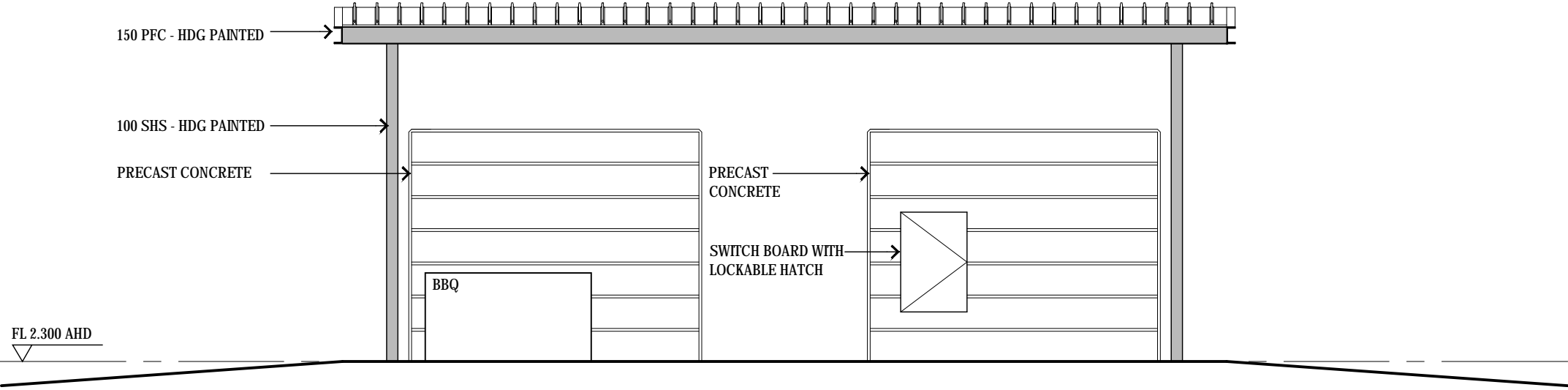


 **NORTH ELEVATION**
1:50

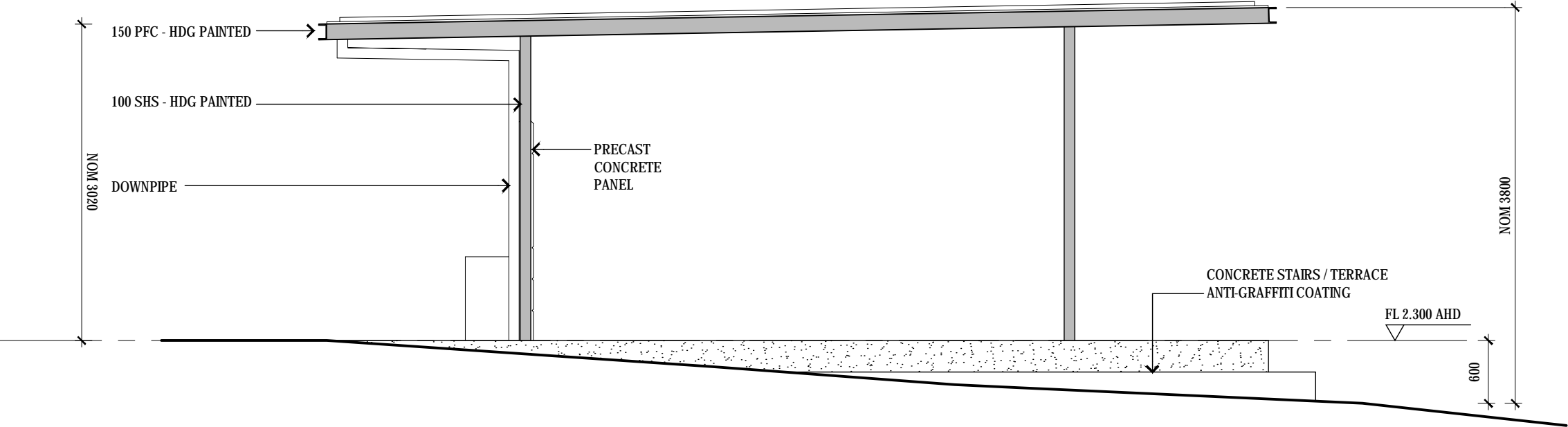


 **WEST ELEVATION**
1:50

Rev No -	Revision Description -	Date -	 <p>Contractor shall verify all dimensions on site before commencing any work or shop drawings © This drawing is copyright and remains the property of Philp Lighton Architects Pty Ltd</p>	<p>PhilpLighton Architects</p> <p>49 SANDY BAY ROAD HOBART TASMANIA 7004 T +61 (3) 6223 2333 F +61 (3) 6223 2433 hobart@philplighton.com.au</p>	<p>Date: 17.04.15</p> <p>Drawn: RH</p> <p>Checked: -</p> <p>Scale @ A3: 1:50</p>	<p>Project: CLARENCE CITY COUNCIL NEW AMENITIES FACILITY & STAGE SIMMONS PARK ESPLANADE LINDISFARNE</p> <p>Title: STAGE - ELEVATIONS</p>	<p>Project No: 012.14140</p> <p>Drawing No: A</p> <p>Rev No:</p>	<p>DA10</p>
-------------	---------------------------	-----------	---	--	--	--	---	--------------------



 **SOUTH ELEVATION**
1:50



 **EAST ELEVATION**
1:50

Rev No A	Revision Description BBQ DELETED	Date 23.04.2015		PhilpLighton Architects 49 SANDY BAY ROAD HOBART TASMANIA 7004 T +61 (3) 6223 2333 F +61 (3) 6223 2433 hobart@philplighton.com.au	Date: 17.04.15 Drawn: RH Checked: - Scale @ A3: 1:50	Project: CLARENCE CITY COUNCIL NEW AMENITIES FACILITY & STAGE SIMMONS PARK ESPLANADE LINDISFARNE Title: STAGE - ELEVATIONS	Project No: 012.14140 Drawing No: B Rev No:	DA11
-------------	-------------------------------------	--------------------	--	---	---	--	---	-------------





26A Esplanade, LINDISFARNE



Site viewed from car park at southern end of Simmons Park.



Site viewed from rowing club car park.

**11.3.2 DEVELOPMENT APPLICATION D-2015/150 - 50 AND 53 MINNO STREET,
HOWRAH - DWELLING**
(File No D-2015/150)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a dwelling at 50 Minno Street, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned Landscape and Skyline Conservation and Residential and is subject to the Vegetation Management and the Development Plan (DPO 16) 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 was extended with the consent of the applicant until 24 June 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 1 representation was received raising the issue of use of the access from Minno Street not suitable for construction vehicles.

RECOMMENDATION:

- A. That the Development Application for a Single Dwelling at 50 and 53 Minno Street, Howrah (C1 Ref D-2015/150) be approved subject to the following conditions and advice.
 - 1. GEN AP1 – ENDORSED PLANS.
 - 2. The site must be developed in accordance with the Bushfire Management Plan (JMG, 23 April 2015), or in accordance with any further assessment by an accredited person.
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council's decision in respect of this matter.

**DEVELOPMENT APPLICATION D-2015/150 - 50 AND 53 MINNO STREET,
HOWRAH – DWELLING /contd...**

ASSOCIATED REPORT**9. BACKGROUND**

No relevant background.

10. STATUTORY IMPLICATIONS

10.1. The land is zoned Landscape Skyline and Conservation and Residential and subject to the Vegetation Management and Development Plan Overlays under the Scheme.

10.2. The proposal is a Discretionary development as a Single Dwelling is a Discretionary use in the zone.

10.3. The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 6 – Landscape Skyline and Conservation zone; and
- Section 7 –Vegetation Management and Development Plan (DPO 16) Overlay.

10.4. 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).

11. PROPOSAL IN DETAIL**11.1. The Site**

The site is a 19.22ha lot contained within CT 156406/1. The lot is bound by Pass Road on the eastern and extends over the hill, to residential lots fronting Minno Street.

The property is accessed via an existing sealed driveway which is part of 53 Minno Street and has a legal right-of-way in favour of the subject property. The property is covered by the Landscape Skyline and Conservation and Residential zones, however, the dwelling site is located wholly within the Landscape Skyline and Conservation zone. An existing agricultural shed is located on the site, approximately 10m from the proposed dwelling.

11.2. The Proposal

The proposal is for a Single Dwelling to be located near the ridgeline on a previously cleared area of the site. The dwelling will be located approximately 50m to an existing dwelling located on 53 Minno Street. The dwelling is single storey, contains 4 bedrooms and has a maximum height of 4.9m from natural ground level. The dwelling is clad with a combination of medium grey blockwork and rendered walls and a dark grey Colorbond roof.

Access to the dwelling is via the existing sealed driveway and a new all-weather driveway is proposed to provide access to the dwelling. Seven large trees are proposed to be removed from the dwelling site and some vegetation trimming is required along the access to comply with the submitted Bushfire Management Plan.

12. PLANNING ASSESSMENT

12.1. Planning Policy Framework [Section 2]

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

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

Reference to these principles is contained in the discussion below.

12.2. General Decision Requirements [Section 3.3.1]

The relevant General Decision Requirements of this part are:

- “(a) *General requirements:*
 - (v) *The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
 - (vii) *Any representation made in accordance with Section 43F(5) or Section 57(5) of the Act.*
- (b) *Amenity requirements:*
 - (i) *The character of the locality, the existing and future amenities of the neighbourhood.*
 - (iii) *Landscaping, illumination and treatment of the site generally.*
- (c) *Infrastructure requirements:*
 - (vi) *The provision of access, loading, parking and manoeuvring of vehicles.*
- (d) *Design suitability requirements:*
 - (ii) *The position and scale of buildings in relation to boundaries or to other buildings, their density, character, height and harmony in design of facades.*
 - (iv) *The existing character of the site and the buildings and vegetation it contains”.*

Reference to these principles is contained in the discussion below.

12.3. Zone

The purpose of the Landscape and Skyline Conservation zone includes:

- “• *To identify and protect areas of landscape or conservation significance, including forested skylines, prominent ridgelines and hills that contribute to important vistas or provide a natural backdrop, and a contrast to the urban development in the Hobart Metropolitan area.*
- *To encourage development and the use of the land which is in accordance with sound management and land capability practices, and which takes into account the environmental sensitivity and the bio-diversity of the locality.*
- *To ensure use or development is in accordance with sound management and land capability practices and which protects the environmental sensitivity and bio-diversity of the locality.*

- *To manage areas that are unsuitable for future urban development due to inherent physical and environmental constraints and the need to avoid the inefficient provision and utilisation of urban services”.*

There are no applicable Use and Development standards in the zone, however, applications must be accompanied by a report which explains how the proposal promotes the purposes of the zone, responds to the Specific Decision Requirements for the zone and identifies the nature and reasons for site works, including clearing associated with the development.

Specific Decision Requirements

- “(a) The development should suit the capability of the land, addressing site quality attributes including soil type, soil fertility, soil structure, soil permeability, aspect, contour and drainage patterns”.*

The development is located on a part of the site that is not known to be unstable and is not considered to have a negative impact on drainage patterns of the site.

- “(b) Development should be an appropriate use, design and location so as to not fetter the agricultural use on the land or nearby properties”.*

The proposed dwelling is located approximately 60m to the south-west to the boundary of an agricultural property used for growing vines and the separation between the 2 uses is considered sufficient to protect the existing agricultural use. The area to the north and west contains native bushland and the lot directly to the south has previously been developed for rural residential purposes.

- “(c) Areas of significant vegetation, habitat, threatened species or threatened communities should be maintained where possible”.*

The proposed dwelling is located in a generally cleared area with 7 large trees being required to be removed on the dwelling site. Some vegetation trimming is also proposed along the existing access road in order to comply with requirements for bushfire protection.

Council's Natural Assets Information Manual (June 2009) has identified the bushland area on the site as "Eucalyptus pulchella forest and woodland" which has a moderate risk of threatened species being present. In this case, as the trees being removed are not within this area, there was no requirement for the applicant to undertake an assessment of the vegetation on the site.

“(d) Vegetation and fauna habitat should be retained along waterways, gullies, ridgelines and property boundaries and these areas revegetated where appropriate”.

See above comments.

“(e) The design, colours and materials of buildings, walls and fences should be of low light reflectivity and be of dark natural colours such as black, grey, brown and green so as to be unobtrusive, blend with a natural rural landscape and minimise any visual intrusion”.

The proposed dwelling is clad with a combination of medium grey blockwork and rendered walls and a dark grey Colorbond roof which is consistent with the above requirement.

“(f) Buildings should be predominantly single storey, with a low profile featuring roof lines that reflect the natural form of the land and for the mass of buildings to be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land”.

The proposed dwelling is single storey and has a roof line which generally follows the contours of the site. It is considered that the floor plan of the dwelling is not entirely sympathetic to the contours of the land as the floor extends 18.7m in width, which therefore requires some fill in the western elevation of the dwelling.

However, given the location of the dwelling partially behind the existing shed and amongst large trees, the impact is not considered unreasonable.

“(g) Retaining walls and fences should be designed to reduce their visual mass and bulk. Post and wire or other transparent fences are preferred”.

A 1.5m high “non-combustible” fence is proposed along the section of the northern boundary to comply with bushfire requirements. The applicant has stated that the fence will be located behind the existing vegetation and be coloured to blend in with the surrounding landscape. Boundary fences up to 2.1m in height are exempt from requiring a planning permit and therefore no further details of the fence are required.

“(h) Buildings should be stepped down the slope reducing the need to excavate/fill the land to:

- (i) Minimise intrusion to preserve the natural form of the land and native vegetation.*
- (ii) Reduce the visual impact of the building on the land.*
- (iii) Result in stable slopes that are capable of being landscaped”.*

The dwelling is single storey with the eastern elevation constructed on posts. The development proposes approximately 1.6m fill in the eastern side of the dwelling which results in the maximum height of 4.9m. Although some fill is proposed on the western elevation, the dwelling presents as a single storey structure and therefore is considered acceptable.

“(i) Buildings should incorporate features such as large eaves, verandahs and pergolas that are incorporated into design so as to create shadowed areas which reduce the bulky appearance of the buildings”.

The proposed dwelling includes a verandah and covered area on the western elevation and includes eaves on all elevations, which will assist in reducing the bulky appearance of the dwelling.

“(j) Driveways and access tracks should be all weather access and follow the contours of the land, reducing visual impact and erosion from water run-off and should be surfaced with dark materials”.

The proposal uses the existing constructed, sealed driveway from Minno Street to the property boundary. A new access from the right-of-way is to be constructed with an all-weather base, to the standards required for bushfire management. The applicant has indicated that in the future he wants to obtain access from Pass Road, if and when a future subdivision is approved. However, this is not part of the current application and cannot be considered as part of this application.

“(k) Buildings should be located in unobtrusive locations and, in particular:

- (i) be located well below the ridge line so as not to be prominent against the skyline when viewed from a public place;*
- (ii) setback from property boundaries and grouped together on the site;*
- (iii) set well back from roads, particularly when the land is on the high side of a road;*
- (iv) located where existing native vegetation can be retained to screen the development”.*

The proposed dwelling is located just below the ridge line, however, the dwelling has a finished floor level of 130.7 AHD and the ridgeline is located at the 130m contour. The dwelling has a maximum height of 4.9m and will therefore extend above the ridge line. However, consideration has to be given to the location of the large shed approximately 10m to the east of the dwelling and the dwelling on 53 Minno Street which is located on the ridgeline, approximately 45m south of the proposed dwelling. These structures have compromised the integrity of the ridgeline.

The shed has a maximum height of 7.84m from natural ground level to the ridge and is visible above the ridgeline when viewed from some sections of Pass Road.

The proposed dwelling is located approximately 10m to the west and further up the hill and due to the size of the shed and its location to the east, some view points along Pass Road will be almost hidden behind the existing shed. Existing large trees around the shed also partially obscure the site from view.

While an alternative location further down the hill to the west might reduce the visibility above the ridgeline, it would result a much more visually prominent building on the hillside as it would be located in cleared land use for agricultural purposes.

When viewed from Pass Road the dwelling will appear as part of a group of buildings on the site, which is desirable in the zone. Although the location of the dwelling is in close proximity to the ridgeline, the location behind the large shed and the surrounding vegetation will result in the building not being significantly prominent on the hill and therefore is consistent with the above Specific Decision Requirement.

“(l) Outdoor Space for residential development is to be located and designed to ensure reasonable access to sunlight during winter months and be of a size and shape to allow for limited recreational needs and provide space for service facilities”.

There is sufficient area on the site to provide suitable Outdoor Space.

“(p) Development is to be of domestic scale and maintain existing significant views from the surrounding area”.

The development is domestic in scale and will maintain significant views from dwellings in the surrounding area.

“(q) Sufficient car parking is to be provided on-site to meet differing levels of residential, service and recreational needs. Safe and convenient access is to be provided to all parking areas”.

A double car port attached to the dwelling is proposed which complies with the car parking requirements for a Single Dwelling under the Scheme.

12.4. Vegetation Management Overlay

The purpose of the overlay includes the need to protect areas of significant vegetation and bushland habitat including forested skylines, prominent ridgelines and hills which contribute to important vistas and in particular those which create a natural backdrop to the urban setting for the City.

Specific Decision Requirements:

“(a) Areas of significant vegetation, habitat, threatened species, threatened communities and wildlife corridors should be maintained where possible”.

The proposed dwelling is located in a generally cleared area of the site and requires the removal of 7 large trees within this area and minimal clearing of native vegetation to provide for bushfire management.

“(b) The development should generally be consistent with the findings of the report "City of Clarence Natural Assets Inventory" (Inspiring Place Pty Ltd, November 1999)”.

This issue has been discussed previously in the report by reference to the more recent Natural Assets Information Manual.

“(c) Vegetation should be retained:

- (i) Where ground slopes exceed 20 percent.*
- (ii) Within 30 metres of a waterway, natural watercourse or wetland.*
- (iii) On land where the soil or subsoil may become unstable if cleared.*
- (iv) On land subject to or which may contribute to soil erosion or slippage.*
- (v) In areas where the removal, destruction or lopping of vegetation could adversely affect the integrity or long term preservation of an identified site of scientific nature conservation or cultural significance.*
- (vi) On skylines and along natural watercourses, especially when viewed from roads and important tourist lookouts”.*

As discussed, the development requires minimal vegetation clearing consisting of removing 7 large trees from the dwelling site and some vegetation trimming along the access strip to comply with bushfire management requirements.

12.5. Development Plan Overlay (DPO 16)

DPO 16 relates to that part of the site to the east of the proposed dwelling and extends down to Pass Road. The controls in the development plan do not relate to the part of the site currently proposed to be developed for a dwelling and therefore are not relevant.

12.6. Bushfire Management

The site is considered bushfire prone and accordingly a Bushfire Hazard Management Plan was provided (JMG, 23 April 2015) which is satisfactory. A condition should be included that requires the development of the site to be in accordance with this plan.

12.7. External Referrals

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

13. REPRESENTATION ISSUES

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

13.1. Existing Access not Suitable for Construction Vehicles

The representor is concerned that the existing access is very steep and narrow and is not suitable for large or heavy construction vehicles to safely access the site. The representor has requested that the applicant gain access to the site from Pass Road.

- **Comment**

Council's engineers have advised that the proposed access meets Council's requirements and have no concerns with safety of the driveway. The suitability for vehicles used in the construction of the dwelling is not a relevant Planning consideration. An alternative access to the site has not been proposed as part of this application.

14. STATE POLICIES AND ACT OBJECTIVES

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

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

15. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

16. CONCLUSION

The proposal for a dwelling at 50 Minno Street is recommended for approval.

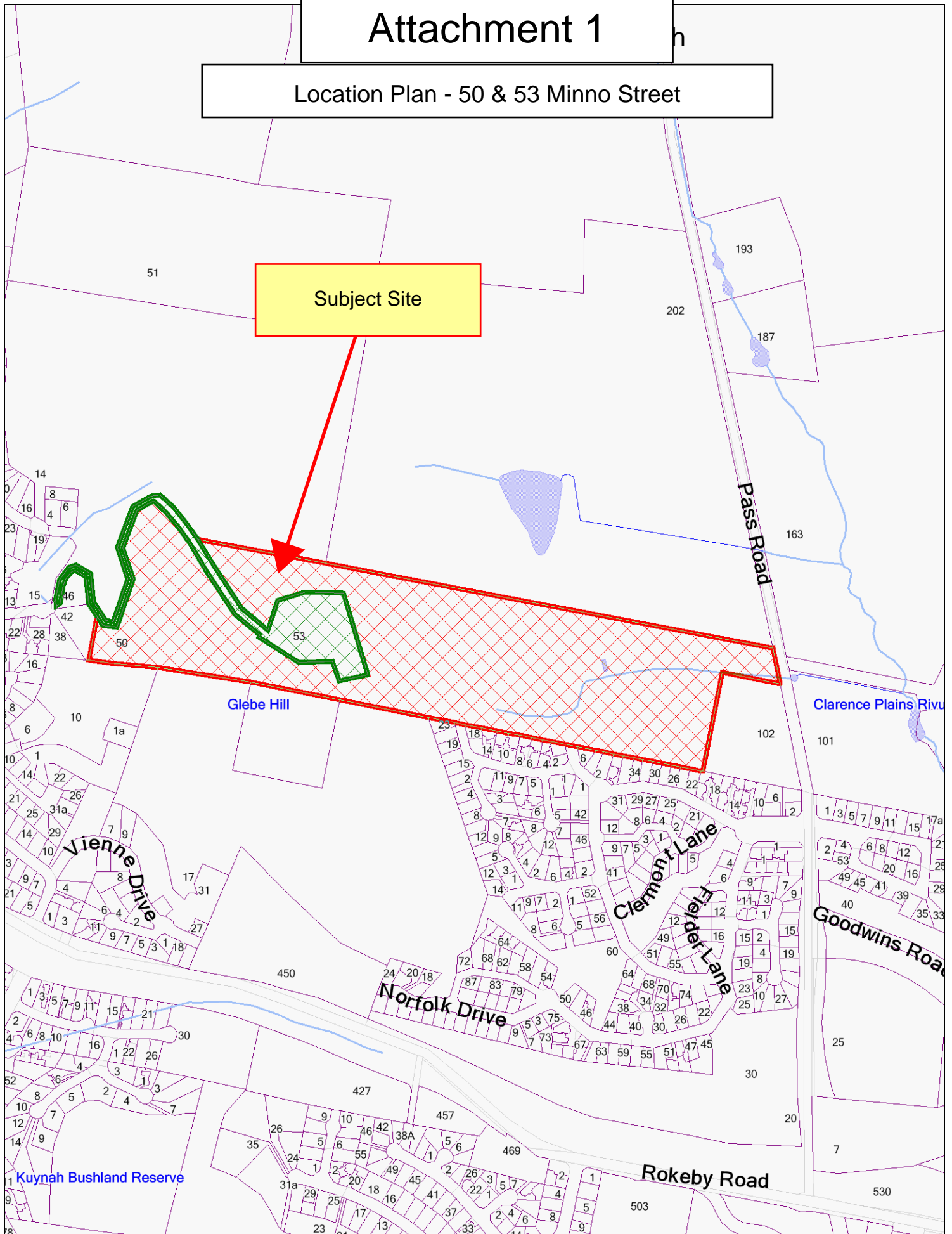
Attachments: 1. Location Plan (1)
2. Proposal Plan (6)
3. Site Photo (2)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan - 50 & 53 Minno Street

Subject Site



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 12 June 2015 **Scale:** 1:7,614 @A4

Project and Address:

Proposed Dwelling at 50 Minno St., Howrah

Client:

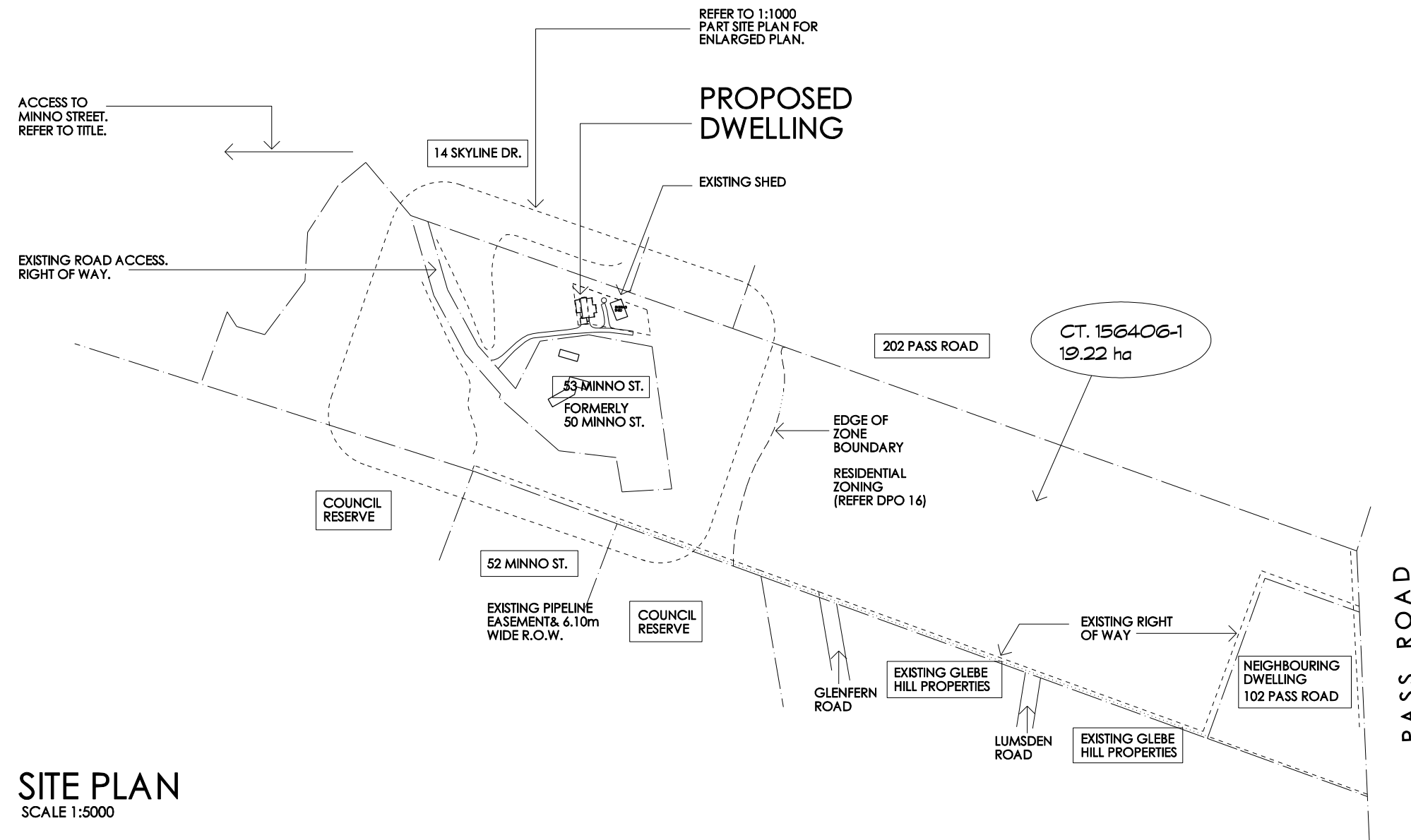
Roberts Residence

Date:

April 2015

© COPYRIGHT

This document is the property of Kevin Roberts (designer).
Any reproduction without permission of design and drawings is
strictly prohibited.



creative practical design solutions

TASMANIAN BUILDING DESIGN

Kevin J. Roberts

m. 0408 882283
a. p.o.box 2018
howrah 7018
e. tas.buildingdesign@bigpond.com

cc 652

residential
commercial

Drawing Title:

Cover Page/Site Plan

Please note: - Verify all dimensions on site. Figured
dimensions take precedence over scale readings.

Plot Date: 22/04/2015

Drawn: KJR

Approval: preliminary

Scale: 1:5000 @ A3



NORTH

Project No.:

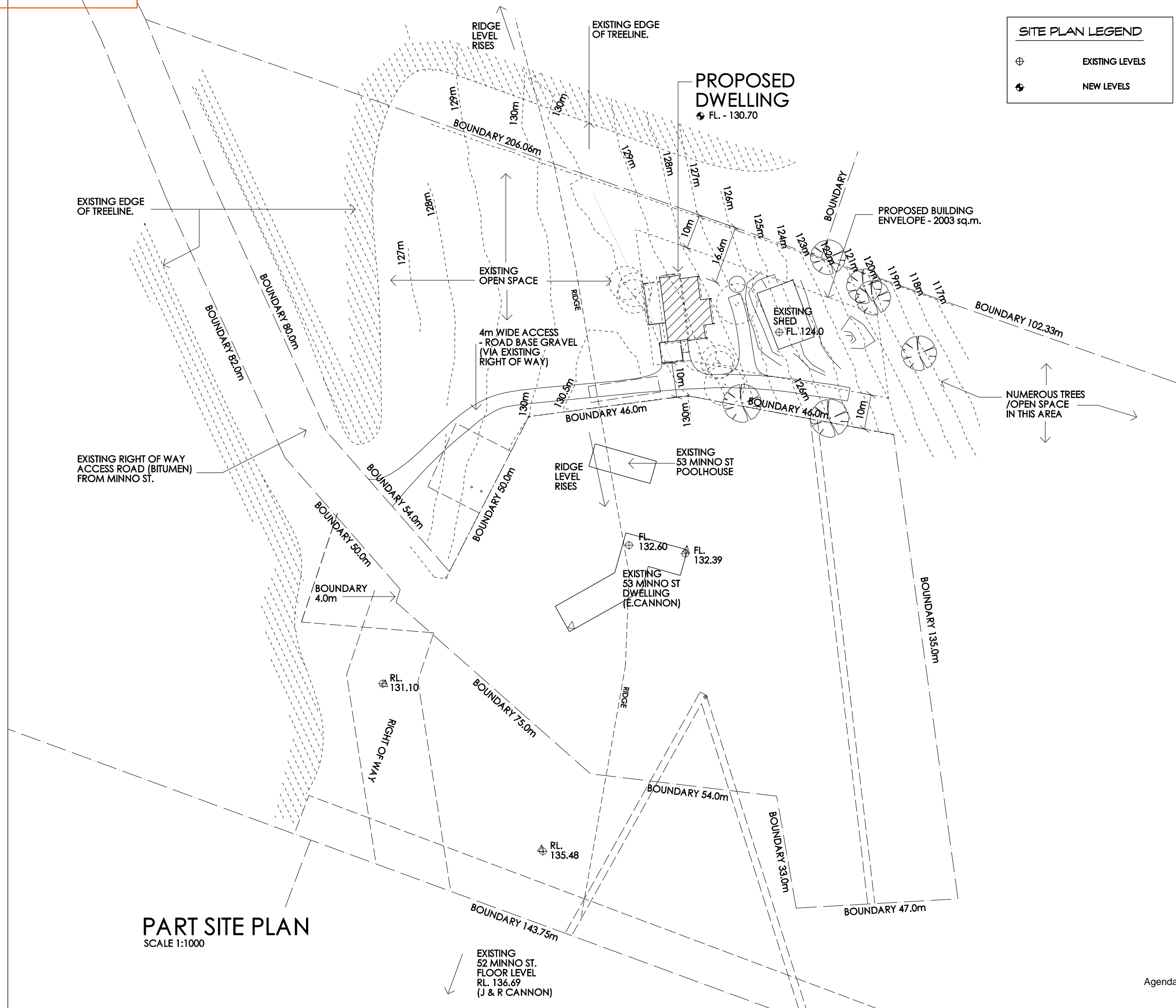
15.06

Drawing No.:

sk01

Rev

-



© COPYRIGHT

This document is the property of Kevin Roberts (designer).
Any reproduction without permission of design and drawings is
strictly prohibited.

Project and Address:

Proposed Dwelling at
50 Minno St., Howrah

Client:

Roberts Residence

Drawing Title:

Part Site Plan (1:1000)

Please note: - Verify all dimensions on site. Figured dimensions take precedence over scale readings.

Plot Date: 22/04/2015

Drawn: KJR

Approval: preliminary

Scale: 1:1000 @ A3

Project No.:	
--------------	--

15.06

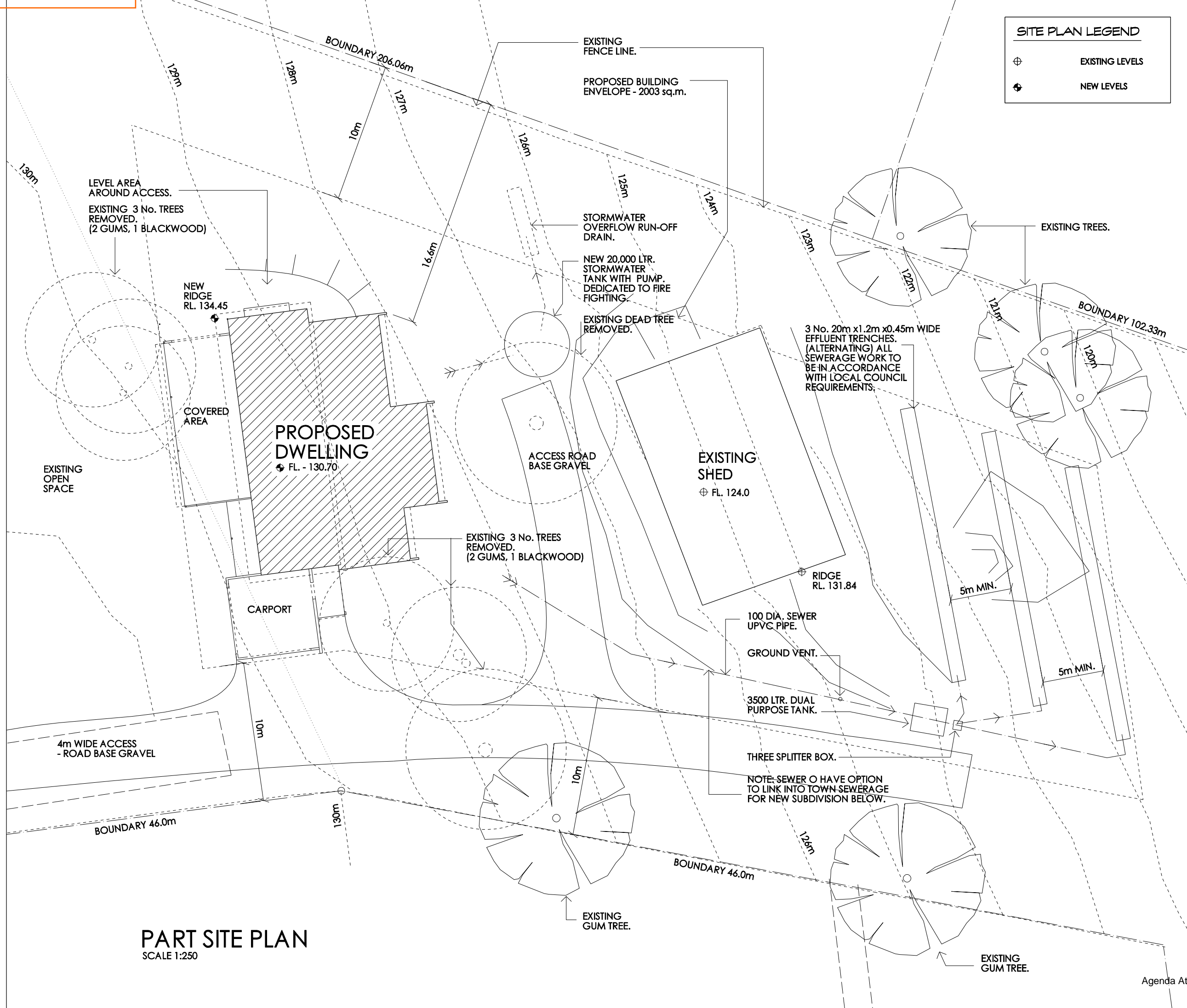
Drawing No. : Rev

sk02

Rev
4 of 9

Agenda Attachments - 50 & 53 Minno Street - Page 4 of 9

NORTH



PART SITE PLAN
SCALE 1:250

SITE PLAN LEGEND

- ⊕ EXISTING LEVELS
- ⊕ NEW LEVELS

© COPYRIGHT
This document is the property of Kevin Roberts (designer). Any reproduction without permission of design and drawings is strictly prohibited.

creative practical design solutions

TASMANIAN BUILDING DESIGN

Kevin J. Roberts

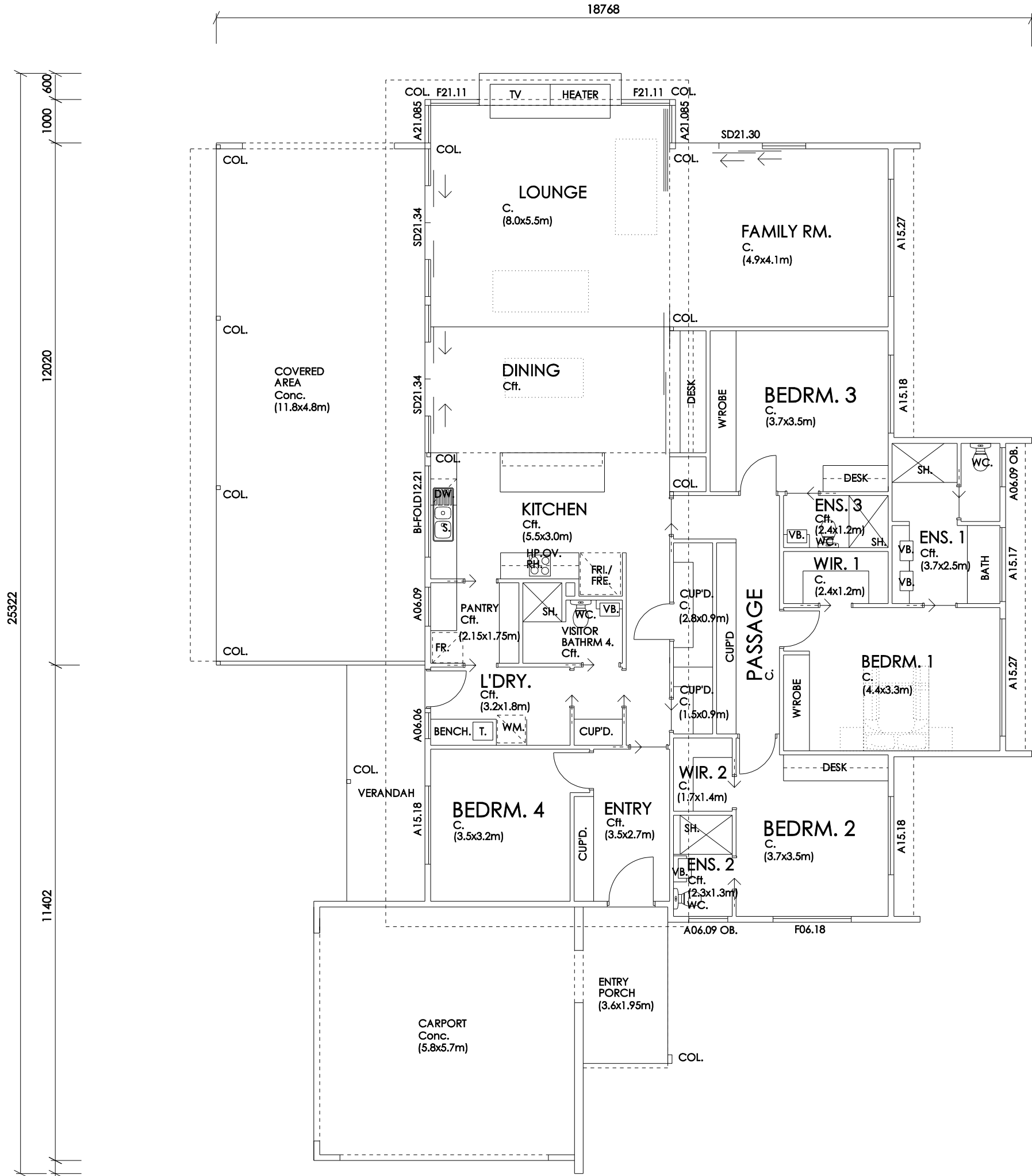
m. 0408 882283
a. p.o.box 2018 howrah 7018
e. tas.buildingdesign@bigpond.com

cc 652

residential commercial

Project and Address: Proposed Dwelling at 50 Minno St., Howrah	
Client: Roberts Residence	
Drawing Title: Part Site Plan (1:250)	
Please note: - Verify all dimensions on site. Figured dimensions take precedence over scale readings.	
Plot Date: 22/04/2015	Drawn: KJR
Approval: preliminary	Scale: 1:250 @ A3
Project No.: 15.06	Drawing No.: sk03
	Rev: -





FLOOR PLAN
SCALE 1:100

FLOOR AREA:- 216 sq.m, 23.2 sq.
COVERED AREA:- 57 sq.m, 6.1 sq.
CARPORT/ENTRY AREA:- 43 sq.m, 4.6 sq.

© COPYRIGHT
This document is the property of Kevin Roberts (designer).
Any reproduction without permission of design and drawings is strictly prohibited.

creative practical design solutions

TASMANIAN BUILDING DESIGN

Kevin J. Roberts

m. 0408 882283
a. p.o.box 2018 howrah 7018
e. tas.buildingdesign@bigpond.com

cc 652

residential commercial

Project and Address:
**Proposed Dwelling at
50 Minno St., Howrah**

Client:
Roberts Residence

Drawing Title:
Floor Plan

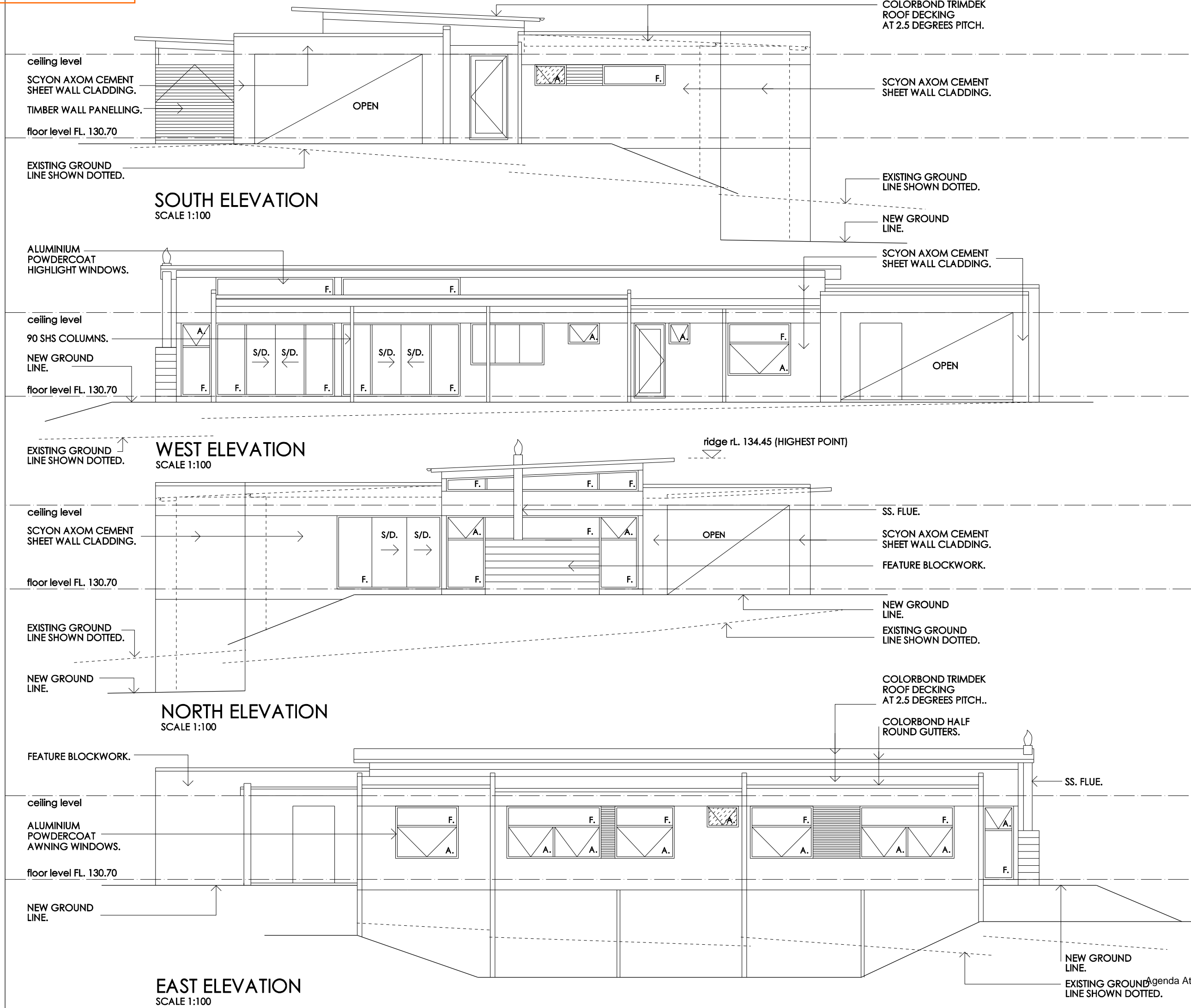
Please note: - Verify all dimensions on site. Figured dimensions take precedence over scale readings.

Plot Date: 22/04/2015 Drawn: KJR
Approval: preliminary Scale: 1:100 @ A3

Project No.:
15.06
Drawing No.:
sk04
Rev: -

FLOOR PLAN LEGEND	
	134mm HWD. INSULATED STUD WALLS WITH BATTEN & EXTERNAL CLADDING.
	90mm HWD. STUD WALLS.
C.	CARPET
Cft.	CERAMIC FLOOR TILES
Conc.	CONCRETE FLOOR FINISH.





© COPYRIGHT
This document is the property of Kevin Roberts (designer). Any reproduction without permission of design and drawings is strictly prohibited.

COLOUR SCHEDULE	
NOTE: GENERALLY COLORBOND CHART COLOURS	
MAIN WALLS -	WALLABY
CARPORT/COVERED AREA WALLS -	BASALT
FEATURE BLOCKWORK - ISLAND BLOCK & PAVING	CHARCOAL
ROOF -	WOODLAND GREY
FLASHING -	WINDSPRAY
WINDOW FRAME -	WINDSPRAY

creative practical design solutions

TASMANIAN BUILDING DESIGN

Kevin J. Roberts

m. 0408 882283

a. p.o.box 2018 howrah 7018

e. tas.buildingdesign@bigpond.com

cc 652

residential commercial

Project and Address: Proposed Dwelling at 50 Minno St., Howrah	
Client: Roberts Residence	
Drawing Title: Elevations	
Please note: - Verify all dimensions on site. Figured dimensions take precedence over scale readings.	
Plot Date: 22/04/2015	Drawn: KJR
Approval: preliminary	Scale: 1:100 @ A3
Project No.: 15.06	
Drawing No.: sk05	
Agenda Attachments - 50 & 53 Minno Street - Page 7 of 9	

Attachment 3

50 and 53 Minno Street, HOWRAH



View of the dwelling site from the proposed access via the right of way from Minno Street with the roof of the existing shed visible in the background.



View of the development site and existing shed which shows the large trees to be removed as part of the development.



Site viewed from Pass Road which shows the shed and dwelling at 53 Minno Street visible above the ridgeline.



View of the site from Glenfern Street in which the dwelling at 53 Minno Street is visible above the ridgeline.

11.3.3 DEVELOPMENT APPLICATION D-2015/142 - 20 KANGAROO BAY DRIVE AND 20 BASTICK STREET, ROSNY PARK - RECREATIONAL SPORTING FACILITY INCLUDING PUBLIC TOILETS, CHANGEROOMS, STORES, CLUBROOMS AND CAR PARKING FACILITIES

(File No D-2015/142)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for a Community Building (recreational sporting facility) at 20 Kangaroo Bay Drive and 20 Bastick Street, Rosny Park.

RELATION TO PLANNING PROVISIONS

The land is zoned Recreation as well as Special Use 7 (Educational or Cultural Centre) and subject to the Inundation (2050 and 2100) and Coastal Erosion Hazard 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 expires on 24 June 2015.

CONSULTATION

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

- access and parking;
- size of complex; and
- cost of the proposal.

RECOMMENDATION:

A. That the Development Application for recreational sporting facility including public toilets, changerooms, stores, clubrooms and car parking facilities at 20 Kangaroo Bay Drive and 20 Bastick Street, Rosny Park (Cl Ref D-2015/142) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. Prior to the commencement of the hereby approved use, the Titles for 20 Bastick Street (Lot 1 on SP130620) and 20 Kangaroo Bay Drive (currently unalienated Crown Land PID2066142) must be amended to ensure that the building is wholly sited on the latter with vehicular rights of access secured over the former to the approved car parking and service areas. The titles must be amended to the satisfaction of Council's Manager City Planning. In the alternative, appropriate assurances should be obtained that the necessary title amendment will be achieved and that, pending the same, there is no objection to the building being constructed.
 3. All social functions at the facility are to cease no later than 10pm Sunday-Thursday and 12am Friday and Saturday. The use is not to cause a noise nuisance to the owners or occupiers of land in the surrounding area.
 4. GEN C1 – ON-SITE CAR PARKING [26] [delete last 2 sentences].
 5. ENG A5 – SEALED CAR PARKING.
 6. ENG S1 – INFRASTRUCTURE REPAIR.
 7. ENG M1 – DESIGNS DA.
 8. ENG M5 – EROSION CONTROL.
 9. ENG M6 – CONSTRUCTION FENCING.
 10. The development must meet all required Conditions of Approval specified by TasWater notice dated 12 May 2015 (TWDA 2015/00576-CCC).
 11. ADVICE 5 – FOOD SPECIFICATIONS ADVICE.
- 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

17. BACKGROUND

The site has had a long association with organised sporting activities and therefore the subject application is concerned with the use of the proposed building only.

18. STATUTORY IMPLICATIONS

18.1. The land is zoned Recreation as well as Special Use 7 (Educational or Cultural Centre) and subject to the Inundation (2050 and 2100) and Coastal Erosion Hazard Overlays under the Scheme.

18.2. The proposal for a Community Building (recreational sporting facility) is Discretionary for the following reasons:

- use in the Special Use zone;
- use in the Recreation zone;
- part of the building is situated within the Coastal Erosion Hazard Overlay; and
- a car parking variation is required.

18.3. The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 6 – Recreation and Special Use Zones;
- Section 7 – Inundation (2050 and 2100) and Coastal Erosion Hazard Overlays; and
- Section 8 – Off-Street Car Parking Specific Provisions.

18.4. 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).

19. PROPOSAL IN DETAIL

19.1. The Site

The site is to the east of Rosny College on the Kangaroo Bay oval fringe and currently contains some picnic tables used by students of the College during breaks. Council is redeveloping the oval for grade standard cricket and a component of this is the re-alignment of the swale drain running through the site. The swale drain forms the eastern boundary of this development.

The site comprises land at 20 Bastick Street and 20 Kangaroo Bay Drive. The latter is currently unalienated Crown Land (meaning a title has not yet been created) maintained by Council. The former comprises the Rosny College Title over which vehicular access is required and a further small area (containing the proposed building) to be adhered to 20 Kangaroo Bay Drive.

19.2. The Proposal

Council proposes to develop the land to the immediate east of Rosny College for a new recreational sporting facility incorporating public toilets, sport club change rooms, curator facilities and a clubrooms pavilion. A total of 26 car parking spaces will be provided to service the new facility and provide additional daytime parking for the College.

The facility will be owned by Council with the top floor proposed to be leased to the Clarence District Cricket Club (CCDC) and the rest of the building available for Council to hire to individual groups.

The development is a component of the Kangaroo Bay Master Plan for the redevelopment of the area and will accommodate the relocated CDCC and junior soccer.

In detail, the building comprises:

Lower Level - Floor Area: 418m²

- 4 x change rooms;
- 1 x umpire's change room/office;
- 1 x unisex DDA change room;

- public toilets and wash station – open at all times (the public toilets are designed to similar characteristics and design as for the recent Bellerive Boardwalk toilets to allow for casual observation and to minimise anti-social activities);
- storage areas;
- kiosk.

Upper Level - Floor Area: 444m²

- function room with seated accommodation for up to 150 persons and access to external deck;
- bar and storage;
- kitchen and stores;
- scorers rooms x 2;
- club offices x 2;
- toilets;
- internal lift.

Club cricket is played over the summer months, with training commencing from September through to March. Clarence District Cricket Club runs 23 teams from U13 to seniors. Only senior turf wicket matches will be played on the weekend, usually from 11.00am until 6.00pm and possibly T20 games in a twilight (after work) competition. On average up to 30 spectators will watch the games, based on current attendances.

Junior cricket matches will be played elsewhere on composite (concrete) pitches. Club training commences in September and is conducted from 4.00pm until dusk on selected weekdays.

Interstate games are played over the summer months, generally in January and would involve 4-6 match days of cricket.

It is envisaged the Function Room to the facility will be used throughout the year and also made available for CDCC member functions at night. The Function Room is designed to cater for 150 guests. No staff are proposed to be employed at the facility, the kiosk, bar and kitchen being staffed by volunteers.

Junior football is played on weekend mornings over the winter months from March until September. All players are brought to the ground by parents, with up to 13 players involved per team plus coaches.

From 9.00am onwards there will be 2 teams arriving and preparing to play, 2 teams playing and up to 2 teams departing, but with minimal overlap between the arriving and departing (if any). No junior football training is anticipated or intended at the ground.

As previously discussed, the site has had a long association with organised sporting activities and therefore the subject application is concerned with the use of the proposed building only.

The proposed identification signage is exempt under Section 5.1.2(j)(vii) of the Scheme.

20. PLANNING ASSESSMENT

20.1. Planning Policy Framework

The relevant elements of the Planning Policy Framework are contained in Section 2.2.3(iv) Recreational and Community Facilities. In particular, the Key Issues include:

- “• *the need to provide adequate and appropriate recreational and community facilities to serve the existing and future populations; and*
- *the need to provide for a hierarchy of recreational and community facilities, incorporating a vast range of opportunities”.*

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

20.2. General Decision Requirements

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.*
- (c) Infrastructure requirements:*
 - (v) The capacity of the existing streets and roads in the locality and the effect of the development on such capacity.*
 - (vi) The provision of access, loading, parking and manoeuvring of vehicles”.*

The above issues will be considered further below. Notwithstanding this, the amenity impacts of functions have been discussed with Council’s Environmental Health Officers. The separation distances from the proposal to surrounding residences is significant and therefore it is not considered that social functions at the facility will have a detrimental impact on amenity.

20.3. Zone

The land is zoned both Recreation and Special Use (7).

Recreation

The purpose of the zone is to provide for uses which support recreational activities. There are no applicable development standards other than maximum height, which must be assessed in accordance with specific decision requirements (below).

- “(a) A variety of styles, material and colours is encouraged for development within the zone. Architectural expression is preferred to ensure the zone reflects currency with modern design and construction techniques”.*

A variety of materials and finishes is employed in the building to reflect currency with modern design and construction techniques, whilst echoing the architectural language of the adjacent Rosny College in a contemporary manner.

“(b) Development should be compatible with the recreation uses”.

The proposal is for a recreational sporting club.

“(c) Buildings should be located in unobtrusive locations”.

The location, adjacent to Rosny College, is considered to be unobtrusive.

“(d) The external impact of floodlighting should be minimised”.

No flood lighting is proposed.

“(g) Development should maintain existing significant views from the surrounding area”.

No significant views will be compromised by the proposal.

“(h) Sufficient car parking is to be provided on site to meet differing levels of service and recreational needs. Safe and convenient access is to be provided to all parking areas”.

Car parking is discussed in more detail at Section 3.5 of this report.

“(j) Development should be of a design, height, scale and siting compatible with the recreation use of the land and its surroundings”.

The proposal, with a maximum height of 8.4m above natural ground level, is significantly below the height of the adjacent Rosny College and compatible with surrounding land uses.

Special Use

The purpose of the zone is to recognise or provide for the use and development of land for (SU7) Educational or Cultural Centre. There are no applicable development standards and the relevant Specific Decision Requirements are discussed below.

“(a) A variety of styles, material and colours is encouraged for development within the zone. Architectural expression is preferred to ensure the zone reflects currency with modern design and construction techniques”.

Discussed above.

“(b) Development should be compatible with the existing uses on site and not cause unreasonable impacts on the adjacent land uses”.

Discussed above.

“(e) Sufficient car parking is to be provided on site to meet the needs of the use. Safe and convenient access is to be provided to all parking areas”.

Car parking is discussed in more detail at Section 3.5 of this report.

20.4. Overlays

The proposal is subject to the following overlays.

Subject to Inundation

The purpose of the overlay is 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. The proposal meets the minimum High 2100 finished floor level of 2.7m AHD and the development is therefore permitted.

Coastal Erosion Hazard Overlay

A small portion of the structure is located within the overlay. The purpose of the overlay is to identify areas which may be subject to erosion, recession or wave run-up related to coastal processes, control impacts on coastal infrastructure and development from coastal hazards and promote sustainable coastal development.

A report from an engineer with suitable experience in coastal, civil and/or hydraulic engineering demonstrating that the Specific Decisions Requirements of this overlay have been satisfied has been provided, which notes:

- no specific hazards have been identified for the site other than the possible inundation of part of the recreational sporting facility at some stage late in this century. No erosional impacts have been identified;
- the structure is protected by being setback from the rock face of the embankment that forms the edge of Kangaroo Bay;
- the structure will be made from off-form precast concrete which will be durable for the life of the asset. The structure is located above the Subject to Inundation Overlay and the robust nature of the construction materials will not increase the level of risk from any occasional sea water inundation impacts;
- as a stand-alone structure in Public Open Space the development will not increase the level of risk of hazard for adjoining or nearby properties or public infrastructure;
- it is not expected that any remediation works will be required to the building in the event of inundation late in this century. No erosional impacts are expected;
- there are no natural features to be protected;
- the site is located within a Council Public Open Space area and set back 60m from the rock wall edge of Kangaroo Bay. Adjacent to the rock protection is a multi-user pathway forming part of the Clarence Foreshore Trail. As such public access to the foreshore that is currently available will be maintained;

- the site is located within a Council Public Open Space area and set back 60m from the rock wall edge of Kangaroo Bay, which has a multi-user pathway adjacent to it forming part of the Clarence Foreshore Trail. The site is on the edge of the CEH(2050) zone and has access to it from the remainder of the Public Open Space which is outside the CEH(2050) zone;
- the set back from the rock protection on Kangaroo Bay, coupled with the fact that the development as a public sporting facility will comply with all necessary building and plumbing codes, will ensure the health and safety of individuals is not put at risk.

20.5. Specific Provision

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

The site has a long history of being utilised for organised sports (most recently “Little Athletics”) and comprised changing rooms which were recently demolished to facilitate the wider master planning of Kangaroo Bay. As such, this component of the use of the land “Active Recreation” is considered to have an existing use right and therefore a commensurate credit for car parking.

The use of the site is proposed to be intensified to include a function facility for 150 patrons which may be hired independently to the normal activities of the CDCC. As such, this use is considered to be a “Community Building” for which there is a Scheme requirement of 0.2 spaces per seat (patron) and this generates a total requirement of 30 spaces (there will be no permanent staff and therefore this component cannot be considered). The proponent has applied for 26 car parks, which is a total deficit of 4 spaces.

Given the 50 new car parking spaces proposed as part of the redevelopment of Kangaroo Bay, the 120 space Council car park at the boat ramp, the availability of car parking in the area generally and the fact that functions are likely to occur outside of the operating hours of Rosny College, the proximity of the bus mall and Eastlands taxi rank, it is considered that a waiver of 4 car parking spaces is justifiable.

20.6. External Referrals

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

21. REPRESENTATION ISSUES

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

21.1. Access and Car Parking

The representor is concerned that the access route is via a single road which services Rosny College, Rosny Bowls Club, the boat ramp, tennis courts, as well as recreational walkers and cyclists. The plan indicates an allotment of 25 car spaces. A facility of this size would require much more parking than proposed.

- **Comment**

The plans show a total of 26 car parking spaces. The cricket matches held at Kangaroo Bay Oval will not generate a large amount of vehicles. When cricket is played there will only be 2 teams of 12 players plus officials and some spectators. Therefore an estimate of around 30-35 vehicles would be expected which would not create significant movements along the access roads. Cricket training during the week will be after Rosny College has finished for the day and matches played on a weekend are also outside of College hours. Therefore the Council car park opposite the College should be almost free of cars on these occasions. The Bowls Club has its own car parking associated with its operations. Notwithstanding this, there will be significant parking availability in the vicinity of the Kangaroo Bay Oval, particularly along the newly constructed Kangaroo Bay Drive.

21.2. Size of the Complex

The representor has questioned whether the size of the facility is appropriate for local games. In particular, the function room appears appropriate for much larger games.

- **Comment**

The design of this facility is based on the previous facility CDCC sub-leased at Bellerive Oval for its members and the requirements of Cricket Tasmania for first grade and potentially junior interstate matches for players. There is a requirement to provide player change rooms, umpire change rooms, scorers rooms as part of this facility. Council requires facilities for the curator and public toilets.

21.3. Cost of the Project

The representor questions who is paying for the project. Why would Council spend such a large amount of money on a complex which only provides for a small number of people and not maintain the Rosny Hill crown land for which it has an obligation and would have a wider benefit?

- **Comment**

Rosny Hill has no relevance to this project which must be assessed under the Scheme.

22. STATE POLICIES AND ACT OBJECTIVES

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

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

23. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

24. CONCLUSION

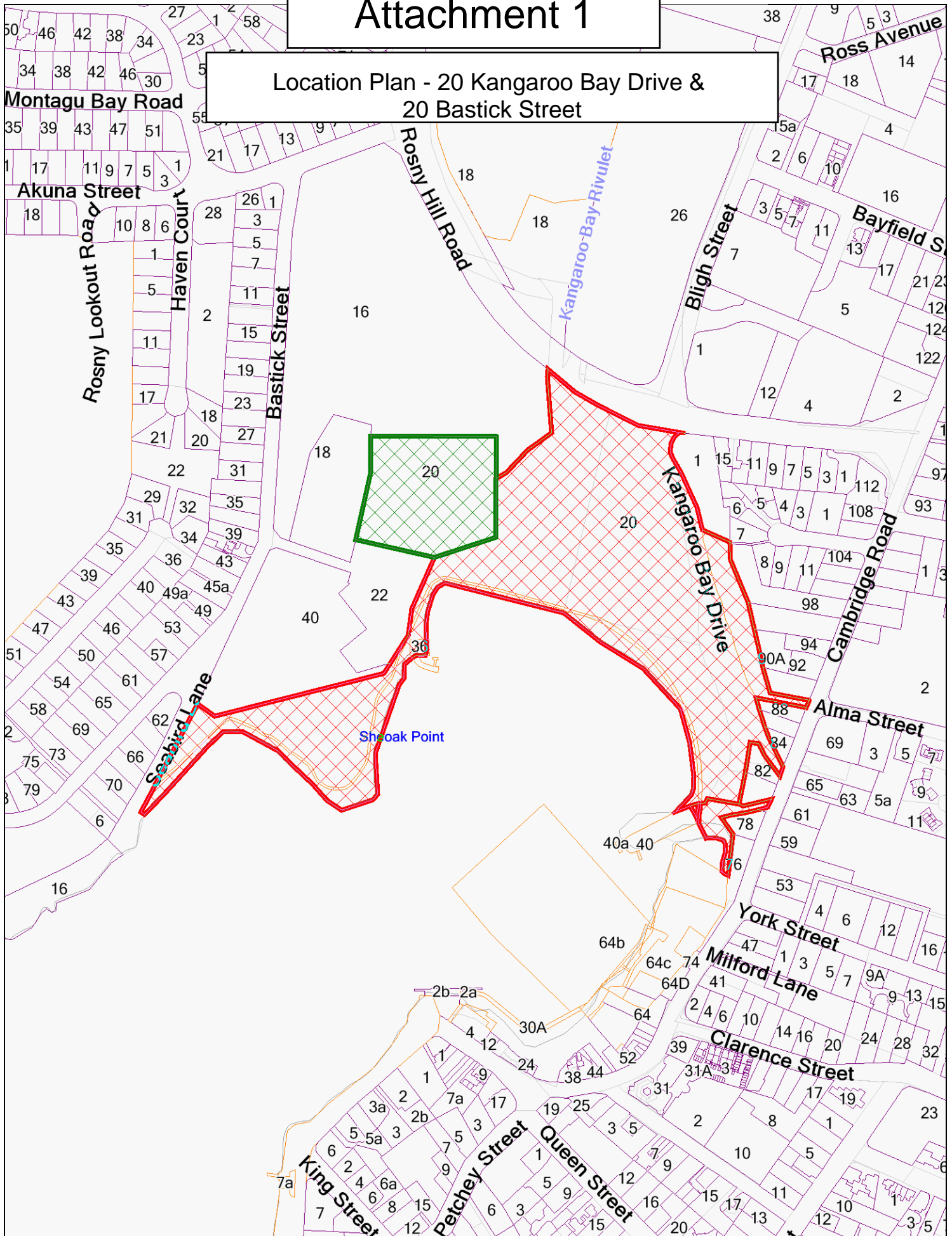
The proposal is for a Community Building (recreational sporting facility) at 20 Kangaroo Bay Drive and 20 Bastick Street, Rosny Park. The facility is considered to comply with the relevant provisions of the Scheme and is recommended for approval subject to reasonable and relevant conditions.

Attachments: 1. Location Plan (1)
2. Proposal Plan (16)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

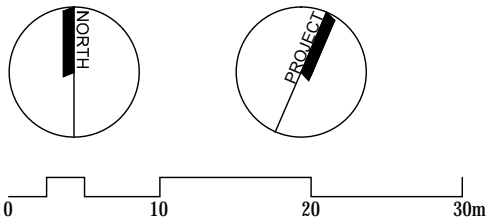
Location Plan - 20 Kangaroo Bay Drive & 20 Bastick Street



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Monday, 15 June 2015 **Scale:** 1:5,000 @A4



SITE PLAN



PhilPlighton Architects

49 SANDY BAY ROAD, TASMANIA 7004
T +61 (3) 6223 2333 F +61 (3) 6223 2433
hobart@philplighton.com.au
HOBART / LAUNCESTON / BURNIE

© THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF PHILP LIGHTON ARCHITECTS PTY LTD

CLARENCE CITY COUNCIL
KANGAROO BAY OVAL
RECREATIONAL SPORTING FACILITY
KANGAROO BAY TASMANIA

SITE PLAN

Scale 1:500@ A3 Date 08.04.15 Project 012.14121

Drawing No **DA02** Rev **J**

ROSNY COLLEGE

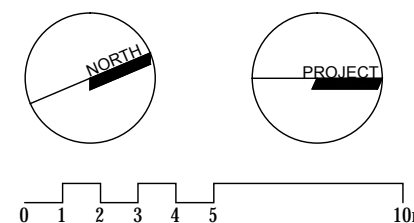
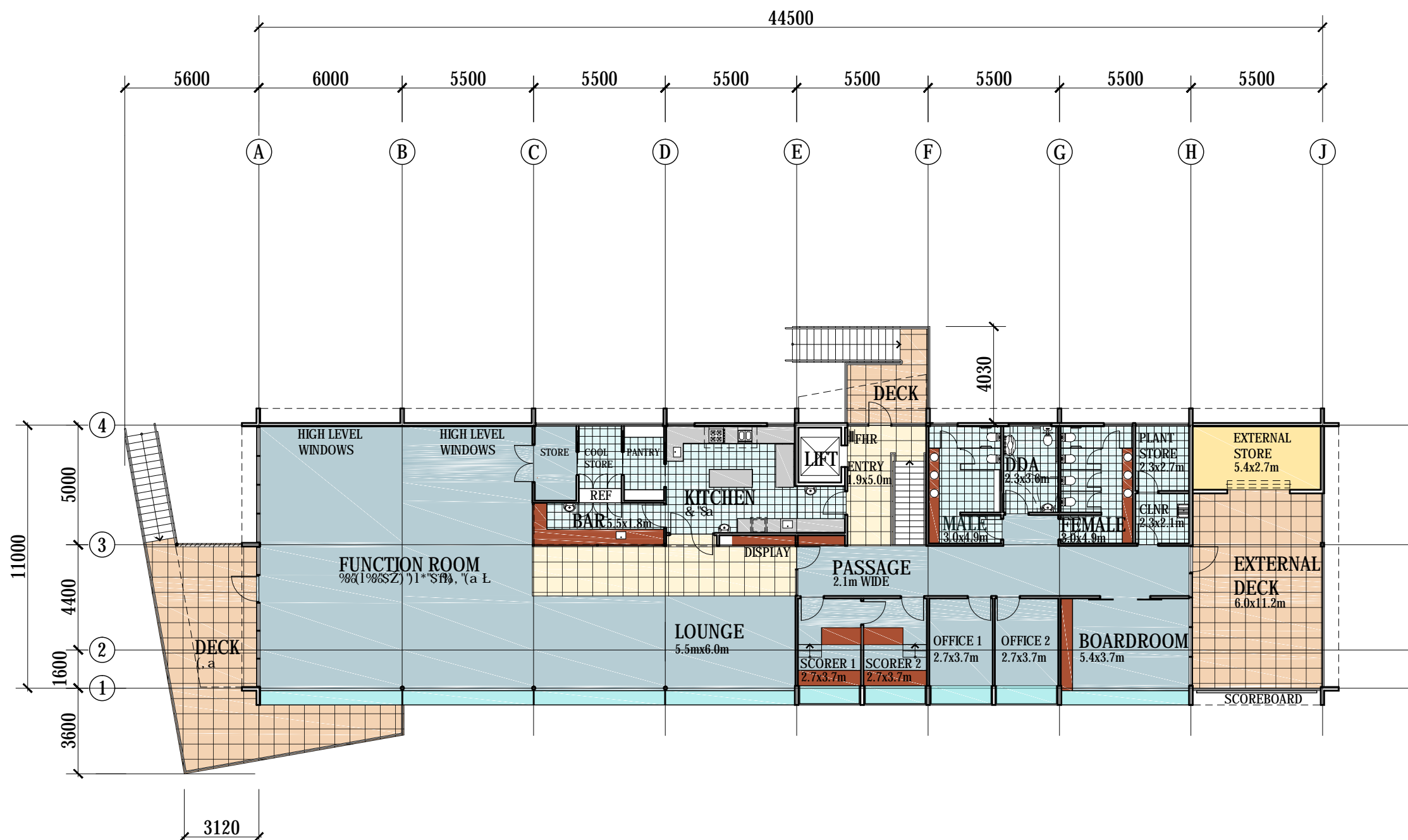
Site Plan Details:

- Grid System:** Horizontal grid lines A-J (distances: 6000, 5500, 5500, 5500, 5500, 5500, 5500) and vertical grid lines 1-4 (distances: 1600, 4400, 5000, 5600).
- Building Footprint:** A long, rectangular building with various rooms including:
 - DDA:** 2.8x4.2m
 - BATH:** 4.0x4.8m (multiple)
 - PHYSIO:** 2.7x3.1m (multiple)
 - STORE:** 5.4x9.2m (multiple)
 - KIOSK:** 5.8x3.1m
 - 1, 2, 3, 4:** 5.4x4.2m (multiple)
 - CURATOR:** 5.4x9.2m
 - LOBBY:** 2.0x3.7m
 - LIFT:** 2.7x5.5m
 - UMPIRE:** 2.7x5.5m
 - MAINTENANCE:** Multiple small rooms.
 - FWC:** Multiple small rooms.
 - MWC:** Multiple small rooms.
- Outdoor Areas:**
 - FORECOURT:** Large open area in front of the building.
 - CRICKET OVAL:** Located at the bottom of the plan, featuring a **CRICKET OVAL BOUNDARY**, **PATH**, **CONCRETE STEPS**, **SWALE**, and **TEAM DUGOUT**.
 - OUTDOOR TERRACE:** Located at the top right.
- Access and Infrastructure:**
 - EXG COLLEGE ROAD ACCESS:** Located at the top left.
 - DDA CARPARK:** Located near the top center.
 - VEHICLE TRAVEL PATH:** Dashed line indicating a path through the site.
 - COLOURED CONCRETE:** Areas designated for colored concrete paving.
 - WASH STATION:** Located on the left side.
 - DECK OVER:** Located on the left side.
 - UP:** Multiple staircases indicated throughout the plan.



Scale 1:200@ A3 **Date** 08.04.15 **Project** 012.14121

G:\000\CAD\012.14121 KANGAROO BAY\CURRENT\PLOT 012.14121_DA03_GROUND FLOOR PLAN 06.05.2015 11:25 AM



PhilpLighton Architects

49 SANDY BAY ROAD, TASMANIA 7004
T +61 (3) 6223 2333 F +61 (3) 6223 2433
hobart @philplighton.com.au

HOBART / LAUNCESTON / BURNIE

© THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF PHILP LIGHTON ARCHITECTS PTY LTD

CLARENCE CITY COUNCIL
KANGAROO BAY OVAL
RECREATIONAL SPORTING FACILITY
KANGAROO BAY TASMANIA

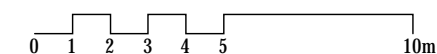
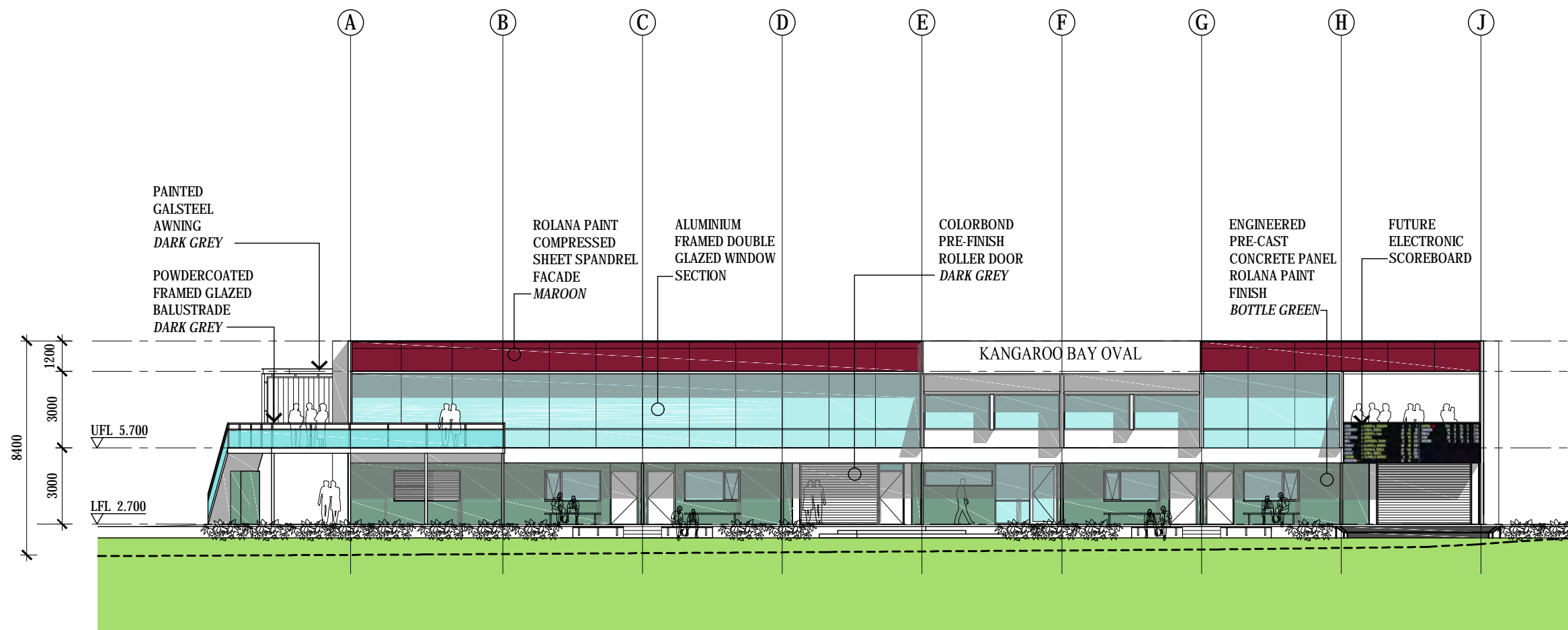
UPPER LEVEL PLAN

Scale 1:200@ A3 Date 08.04.15 Project 012.14121

Drawing No **DA04** Rev **K**

UPPER LEVEL PLAN

UFL 5.700 AHD



PhilpLighton Architects

49 SANDY BAY ROAD, TASMANIA 7004
T +61 (3) 6223 2333 F +61 (3) 6223 2433
hobart @philplighton.com.au

HOBART / LAUNCESTON / BURNIE

© THIS DRAWING IS COPYRIGHT AND REMAINS THE
PROPERTY OF PHILP LIGHTON ARCHITECTS PTY LTD

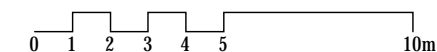
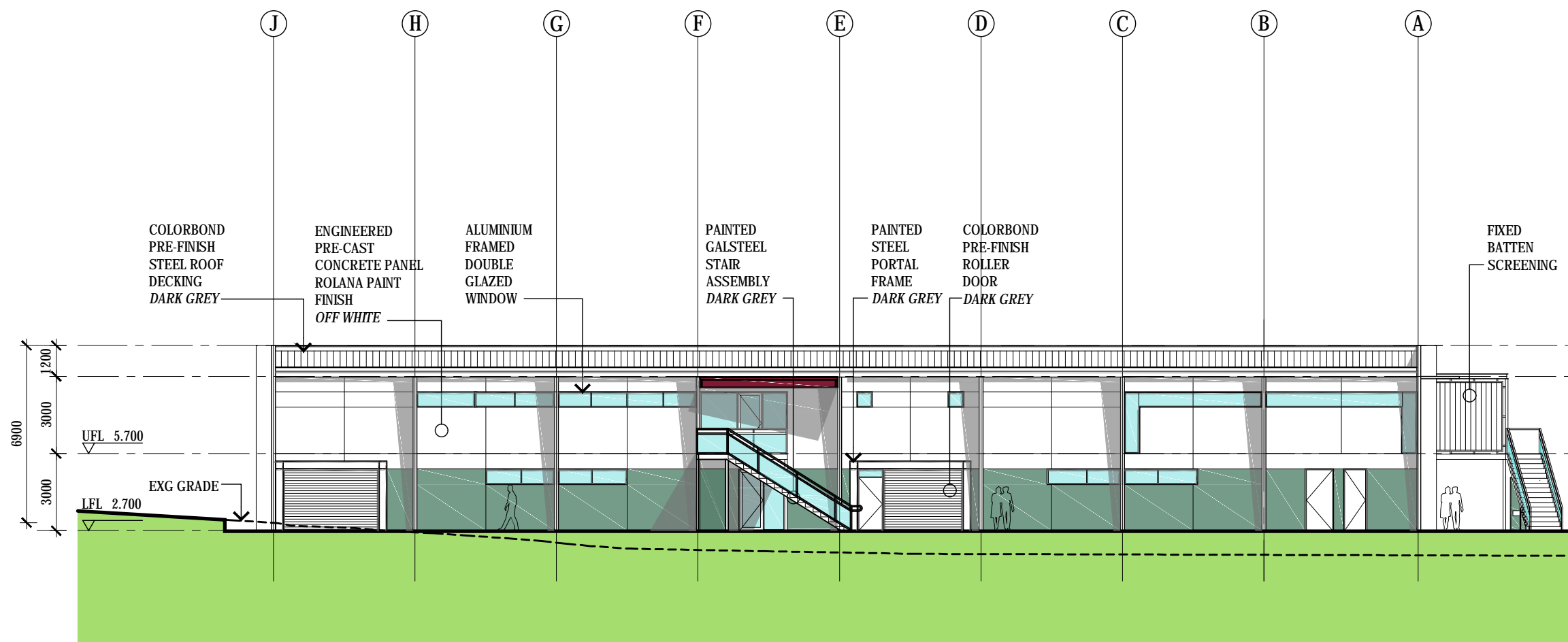
CLARENCE CITY COUNCIL
KANGAROO BAY OVAL
RECREATIONAL SPORTING FACILITY
KANGAROO BAY TASMANIA

EAST ELEVATION

Scale 1:200 @ A3 Date 08.04.15 Project 012.14121

Drawing No **DA05** Rev **K**

EAST ELEVATION



PhilpLighton Architects

49 SANDY BAY ROAD, TASMANIA 7004
T +61 (3) 6223 2333 F +61 (3) 6223 2433
hobart@philplighton.com.au

HOBART / LAUNCESTON / BURNIE

© THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF PHILP LIGHTON ARCHITECTS PTY LTD

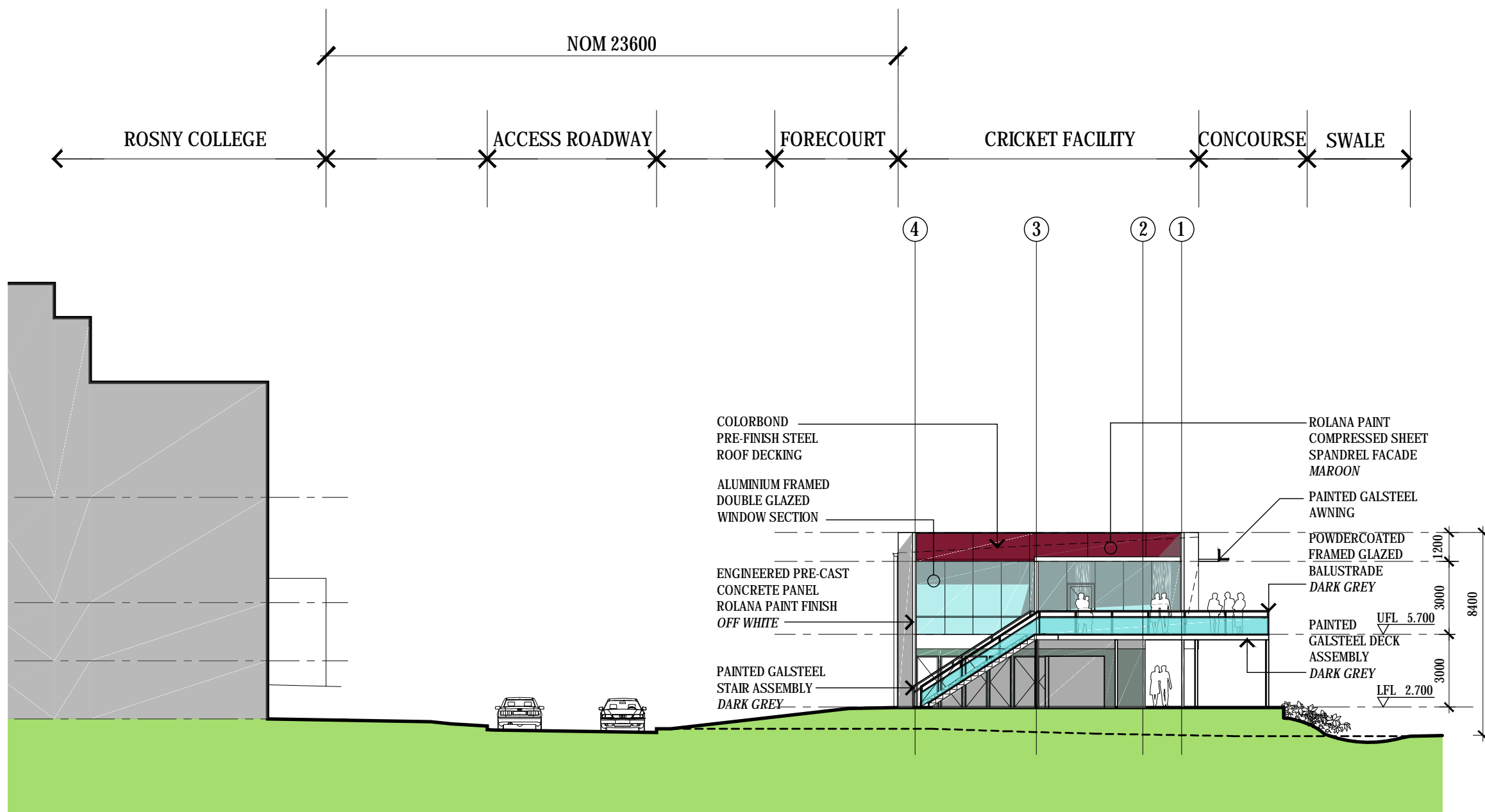
CLARENCE CITY COUNCIL
KANGAROO BAY OVAL
RECREATIONAL SPORTING FACILITY
KANGAROO BAY TASMANIA

WEST ELEVATION

Scale 1:200 @ A3 Date 08.04.15 Project 012.14121

Drawing No **DA07** Rev **K**

WEST ELEVATION



PhilpLighton Architects

49 SANDY BAY ROAD, TASMANIA 7004
T +61 (3) 6223 2333 F +61 (3) 6223 2433
hobart @philplighton.com.au

HOBART / LAUNCESTON / BURNIE

© THIS DRAWING IS COPYRIGHT AND REMAINS THE
PROPERTY OF PHILP LIGHTON ARCHITECTS PTY LTD

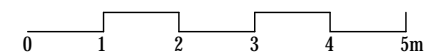
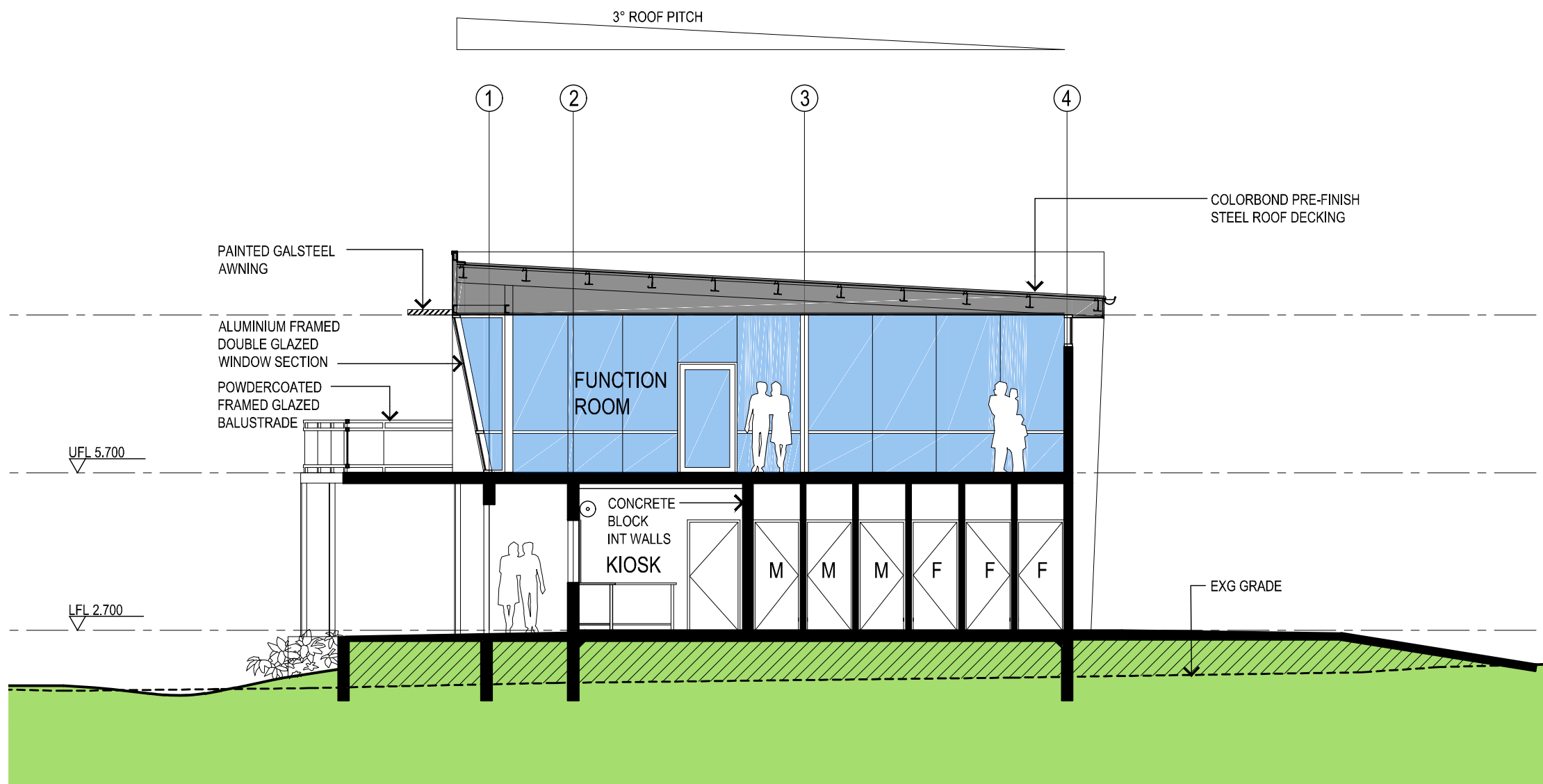
CLARENCE CITY COUNCIL
KANGAROO BAY OVAL
RECREATIONAL SPORTING FACILITY
KANGAROO BAY TASMANIA

SOUTH ELEVATION

Scale 1:200@ A3 Date 08.04.15 Project 012.14121

Drawing No DA08 Rev K

SOUTH ELEVATION



PhilpLighton Architects

49 SANDY BAY ROAD, TASMANIA 7004
T +61 (3) 6223 2333 F +61 (3) 6223 2433
hobart @philplighton.com.au

HOBART / LAUNCESTON / BURNIE

© THIS DRAWING IS COPYRIGHT AND REMAINS THE
PROPERTY OF PHILP LIGHTON ARCHITECTS PTY LTD

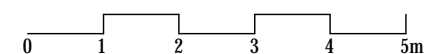
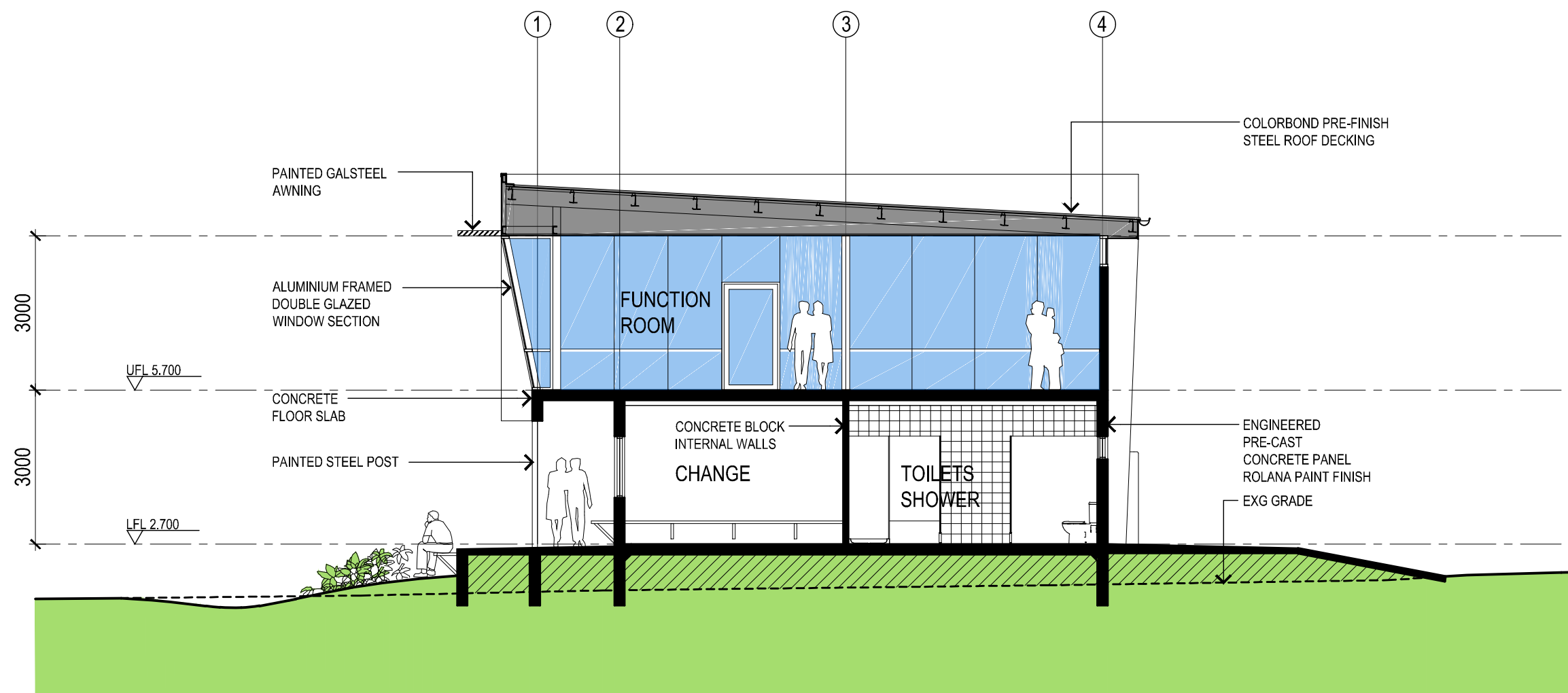
CLARENCE CITY COUNCIL
KANGAROO BAY OVAL
RECREATIONAL SPORTING FACILITY
KANGAROO BAY TASMANIA

SECTION 01

Scale 1:100@ A3 Date 08.04.15 Project 012.14121

Drawing No **DA09** Rev **K**

SECTION 01



PhilpLighton Architects

49 SANDY BAY ROAD, TASMANIA 7004
T +61 (3) 6223 2333 F +61 (3) 6223 2433
hobart @philplighton.com.au

HOBART / LAUNCESTON / BURNIE

© THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF PHILP LIGHTON ARCHITECTS PTY LTD

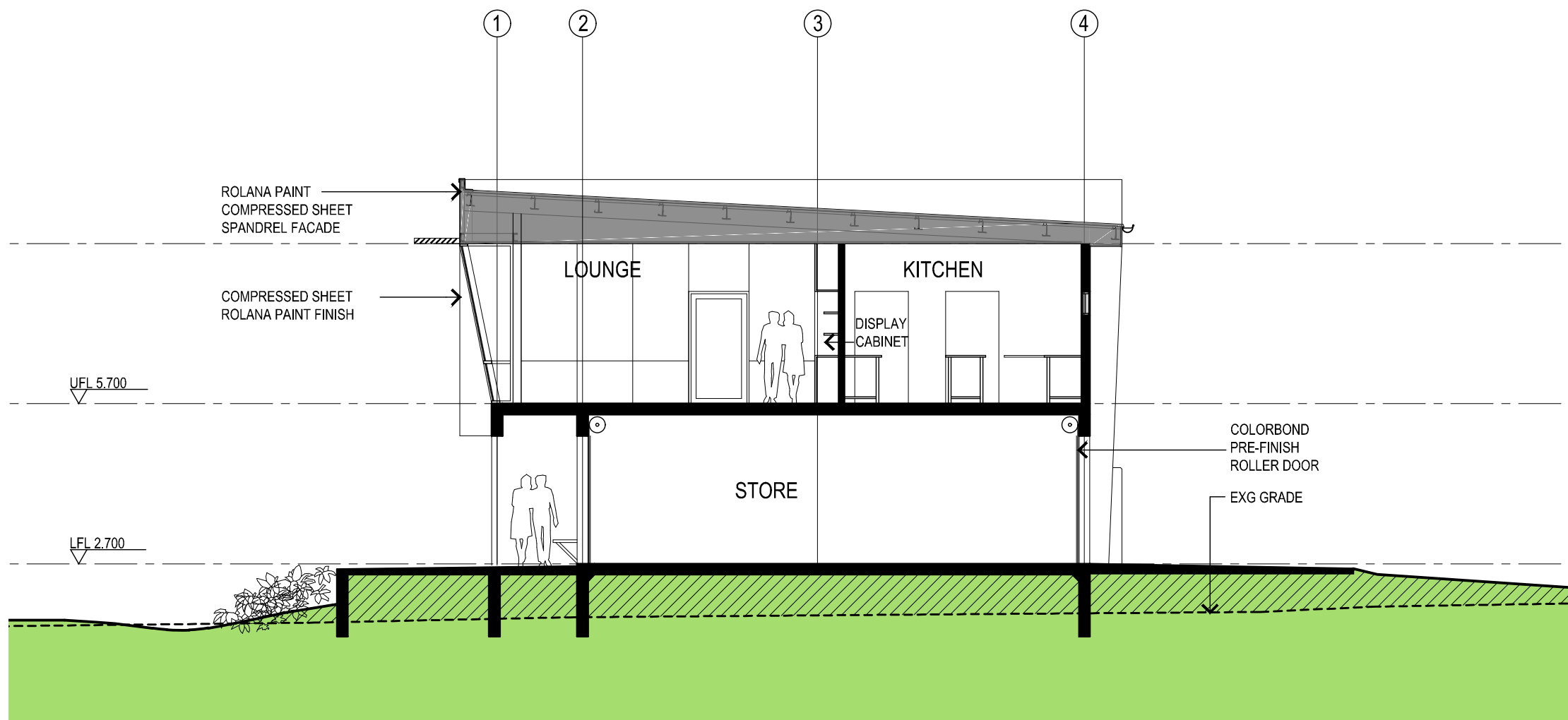
CLARENCE CITY COUNCIL
KANGAROO BAY OVAL
RECREATIONAL SPORTING FACILITY
KANGAROO BAY TASMANIA

SECTION 02

Scale 1:100@ A3 Date 08.04.15 Project 012.14121

Drawing No **DA10** Rev **K**

SECTION 02



0 1 2 3 4 5m

PhilpLighton Architects

49 SANDY BAY ROAD, TASMANIA 7004
T +61 (3) 6223 2333 F +61 (3) 6223 2433
hobart @philplighton.com.au

HOBART / LAUNCESTON / BURNIE

© THIS DRAWING IS COPYRIGHT AND REMAINS THE
PROPERTY OF PHILP LIGHTON ARCHITECTS PTY LTD

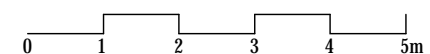
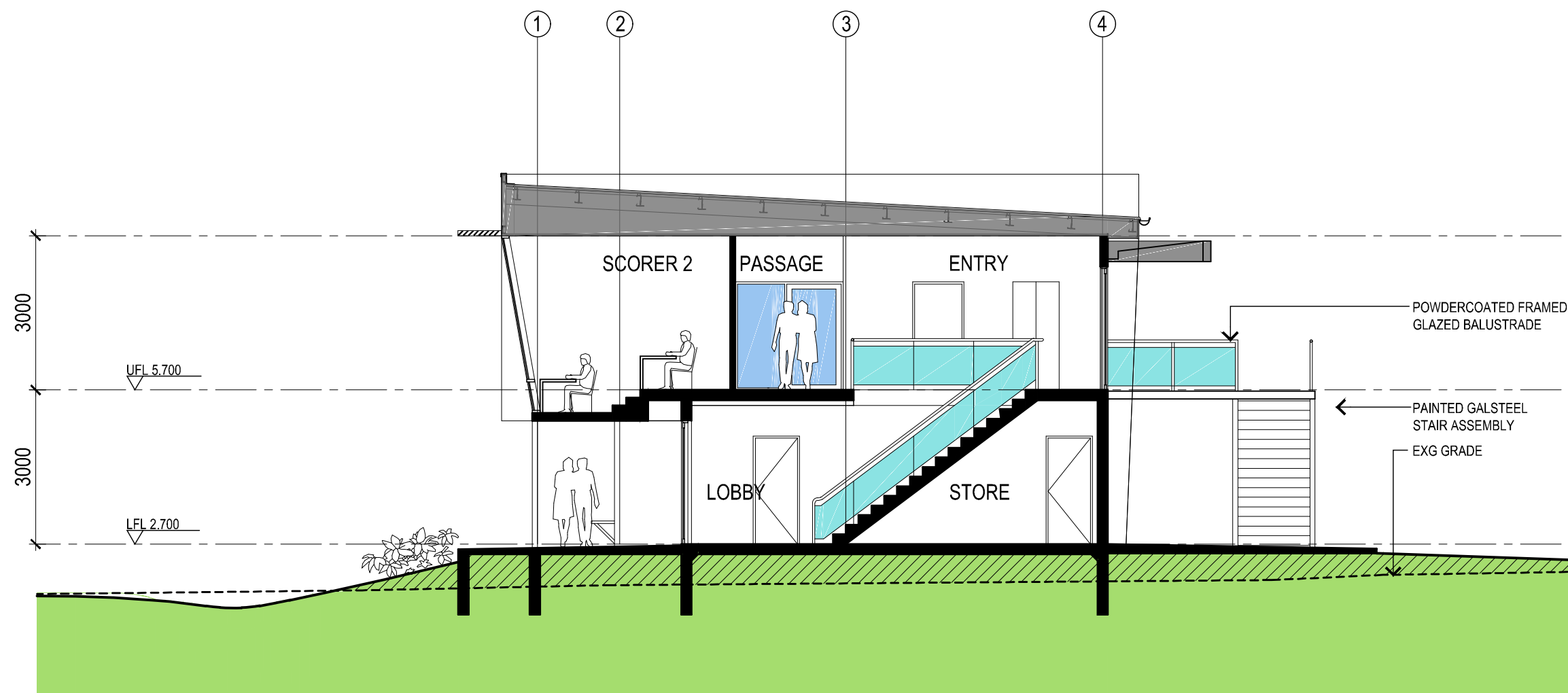
CLARENCE CITY COUNCIL
KANGAROO BAY OVAL
RECREATIONAL SPORTING FACILITY
KANGAROO BAY TASMANIA

SECTION 03

Scale 1:100@ A3 Date 08.04.15 Project 012.14121

Drawing No DA11 Rev K

SECTION 03



PhilpLighton Architects

49 SANDY BAY ROAD, TASMANIA 7004
T +61 (3) 6223 2333 F +61 (3) 6223 2433
hobart @philplighton.com.au

HOBART / LAUNCESTON / BURNIE

© THIS DRAWING IS COPYRIGHT AND REMAINS THE
PROPERTY OF PHILP LIGHTON ARCHITECTS PTY LTD

CLARENCE CITY COUNCIL
KANGAROO BAY OVAL
RECREATIONAL SPORTING FACILITY
KANGAROO BAY TASMANIA

SECTION 04

Scale 1:100@ A3 Date 08.04.15 Project 012.14121

Drawing No DA12 Rev K

SECTION 04

Drawing No **DA13** Rev **K**DA13^{Rev} K



VIEW LOOKING NORTH WEST FROM BAYSIDE



Clarence... a brighter place

PhilpLighton Architects

49 SANDY BAY ROAD, TASMANIA 7004
T +61 (3) 6223 2333 F +61 (3) 6223 2433
hobart @philplighton.com.au

HOBART / LAUNCESTON / BURNIE

© THIS DRAWING IS COPYRIGHT AND REMAINS THE
PROPERTY OF PHILP LIGHTON ARCHITECTS PTY LTD

CLARENCE CITY COUNCIL
KANGAROO BAY OVAL
RECREATIONAL SPORTING FACILITY
KANGAROO BAY TASMANIA

PERSPECTIVE 01

Scale N/A @ A3 Date 08.04.15 Project 012.14121

Drawing No DA14 Rev K

PERSPECTIVE 01



VIEW LOOKING WEST FROM OVAL



PERSPECTIVE 02

PhilpLighton Architects

49 SANDY BAY ROAD, TASMANIA 7004
T +61 (3) 6223 2333 F +61 (3) 6223 2433
hobart @philplighton.com.au
HOBART / LAUNCESTON / BURNIE

© THIS DRAWING IS COPYRIGHT AND REMAINS THE
PROPERTY OF PHILP LIGHTON ARCHITECTS PTY LTD

CLARENCE CITY COUNCIL
KANGAROO BAY OVAL
RECREATIONAL SPORTING FACILITY
KANGAROO BAY TASMANIA

PERSPECTIVE 02

Scale N/A @ A3 Date 08.04.15 Project 012.14121

Drawing No **DA15** Rev **K**



VIEW LOOKING SOUTH WEST FROM OVAL



Clarence... a brighter place

PhilpLighton Architects

49 SANDY BAY ROAD, TASMANIA 7004
T +61 (3) 6223 2333 F +61 (3) 6223 2433
hobart @philplighton.com.au

HOBART / LAUNCESTON / BURNIE

© THIS DRAWING IS COPYRIGHT AND REMAINS THE
PROPERTY OF PHILP LIGHTON ARCHITECTS PTY LTD

CLARENCE CITY COUNCIL
KANGAROO BAY OVAL
RECREATIONAL SPORTING FACILITY
KANGAROO BAY TASMANIA

PERSPECTIVE 03

Scale N/A @ A3 Date 08.04.15 Project 012.14121

Drawing No DA16 Rev K

PERSPECTIVE 03

Attachment 3

20 Kangaroo Bay Drive & 20 Bastick Street, ROSNY PARK

Site viewed from Kangaroo Bay Drive



Site viewed from the foreshore



11.3.4 DEVELOPMENT APPLICATION D-2015/178 - 28A HYMETTUS STREET, HOWRAH - ADDITION TO DWELLING REQUIRING DISCRETION UNDER PD4

(File No D-2015/178)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to consider the application made for additions to an existing dwelling at 28A Hymettus Street, Howrah.

RELATION TO PLANNING PROVISIONS

The land is zoned Residential under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme and Planning Directive 4, 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 24 June 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 2 representations, 1 with multiple signatures, were received raising the following issues:

- overshadowing and loss of solar access;
- visual impact and inconsistency with streetscape; and
- loss of views and land value.

RECOMMENDATION:

A. That the Development Application for addition to dwelling requiring discretion under PD4 at 28A Hymettus Street, Howrah (CI Ref D-2015/178) be approved subject to the following condition and advice.

1. GEN AP1 – ENDORSED PLANS.

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

**DEVELOPMENT APPLICATION D-2015/178 - 28A HYMETTUS STREET,
HOWRAH - ADDITION TO DWELLING REQUIRING DISCRETION UNDER PD4
/contd...**

ASSOCIATED REPORT**1. BACKGROUND**

No relevant background.

2. STATUTORY IMPLICATIONS

2.1. The land is zoned Residential under the Scheme.

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

2.3. The relevant parts of the Planning Scheme are:

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

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

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

The site is a 406m² lot with frontage to Hymettus Street. The property is rectangular in shape, slopes down to the west and supports an existing single-storey dwelling and associated landscaped garden.

The site is located within an established residential area at Howrah, to the east of Little Howrah Beach. The surrounding properties are developed with a combination of Single and Multiple Dwellings.

3.2. The Proposal

The proposal is for the addition of a second-storey to an existing Single Dwelling. The additions would increase the overall height of the dwelling to 6.72m above natural ground level and would increase the total floor area of the dwelling to 183.77m². The proposed second storey would provide for 2 additional bedrooms, associated ensuite and lounge space. It is not proposed to alter the internal configuration of the ground floor level of the dwelling.

The existing dwelling, the subject of the addition, is setback 479mm from the southern property boundary, 2.38m from the northern boundary and 9.2m from the rear (western) boundary.

It is noted that a timber deck is also proposed as part of the development and would have a finished floor level of less than 1.0m.

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	in excess of 10m (existing)	complies
(2) Site Coverage; and Rear Setback	maximum of 50% of the site (203m ²) to be covered	27.1% (110m ²)	complies
	4m rear setback	9.2m	complies
(3) Building Envelope	all Single Dwellings must be contained within 1 of the following building envelopes: b) determined by projecting an angle of 45° from horizontal at a height of 3m above NGL at the side boundaries and 4m from the rear boundary to a maximum height of 8.5m where walls are either: i) 1.5m from a side boundary; or ii) closer, provided the wall is a maximum length of 1/3 the length of the boundary or 9m, whichever is the lesser	height of 6.72m	complies
		setbacks of 2.19m, 10.45m and 9.2m	complies
		side setback of 479mm	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 front setback of 4.5m	no garage existing, or proposed	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	no upper level decks proposed, deck proposed at ground level less than 1.0m FFL	complies
	windows of habitable rooms with an FFL >1m above NGL must be off-set 1.5m from windows of habitable rooms of neighbouring properties	windows of habitable rooms on upper level off-set as required from neighbouring properties to north and south and adjacent dwellings single storey	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 frontage fencing proposed	complies

As outlined above, the proposal does not comply with the acceptable solution of Standard 3, Building Envelope.

Variations to the building envelope requirement at Standard 3 must satisfy Performance Criteria P1.

“P1. 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 or be consistent with the statements of desired future character”.*

It is considered that the proposal is consistent with Performance Criteria P1 of Standard 3 for the following reasons.

- Unreasonable overshadowing of the adjacent properties would not occur as a result of the proposal, in that the habitable areas of the adjacent properties would have in excess of 3 hours of direct sunlight at Winter Solstice on 21 June, as illustrated by the shadow diagrams in the attachments.

It is therefore considered that because of the orientation of the adjacent dwellings and the separation distances provided, the addition would not compromise solar access to an unacceptable point in terms of this provision of PD4.

- There would be 2 relatively small windows created as part of the proposed addition that face the dwelling to the north, however, these would be oriented such that they do not cause significant potential for overlooking.
- The proposed additions would not have an impact on the existing streetscape qualities as the proposed additions would be consistent with the appearance of the existing dwelling and streetscape in a broader sense, which is characterised by a range of dwelling types and styles.

4.4. External Referrals

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

5. REPRESENTATION ISSUES

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

5.1. Overshadowing and Loss of Solar Access

Concern was raised by the representors that the setback distance to the southern boundary would cause unreasonable overshadowing to both habitable rooms and outdoor living areas associated with neighbouring properties and that such overshadowing is not compliant with PD4.

- **Comment**

The applicant submitted shadow diagrams which demonstrate that the proposed addition would not reduce the amount of sunlight available to habitable rooms and private open space to less than 3 hours between 9.00am and 3.00pm on 21 June.

On this basis, the proposal is consistent with the provisions of PD4 and does therefore not justify refusal of the proposal.

5.2. Visual Impact and Inconsistency with Streetscape

The representors raised the visual impact of the proposed development as a concern, in that the proposed second storey addition would be inconsistent with the streetscape appearance and when viewed from adjoining lots. The representations express further concern that Single Dwellings are the preferred style of development in the area.

- **Comment**

It is noted that Hymettus Street supports a number of dwelling and dwelling units of varying styles and heights, primarily oriented to the west towards the River Derwent.

In terms of the character of Hymettus Street the specific discretion sought relates only to the southernmost part of the dwelling addition that falls outside the permitted building envelopes and the setback distance to that boundary. The visual impact associated with this portion of the dwelling is no greater than that possible as a permitted development under PD4, which would be exempt from the requirement for a planning permit.

The addition would be clad using the same materials as the existing dwelling, which itself is consistent with the range of dwelling styles in the area. This issue is therefore not considered to be of determining weight.

5.3. Loss of Views and Land Value

The loss of views to the water and foreshore areas is of concern to the representors, who submit that compliance with PD4 is not demonstrated in that the residential amenity of neighbours would be unreasonably compromised and that land values would be reduced as a result.

- **Comment**

Consideration is given by PD4 to the impact of development upon views. Whilst impact on land value is not a relevant Planning consideration, it is noted that the proposal would have some impact on the view of a portion of Little Howrah Beach and associated foreshore from the properties to the east of the site. That view, however, is a wide view of not only the beach but much further to the River Derwent and Mount Wellington.

The relevant performance criteria have been addressed above and it is considered that whilst the variation sought would have a minor impact upon views and therefore residential amenity beyond that likely as a result of the permitted (and therefore exempt) development possible on the subject property, the impact is not considered unreasonable within the parameters of PD4.

It is therefore considered that on this basis, the refusal of the proposal is not warranted.

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 additions to a Single Dwelling at 28A Hymettus Street, Howrah. The proposal is consistent with the performance criteria of Standard 3 (Building Envelope) of PD4. The proposal meets all other acceptable solutions of PD4.

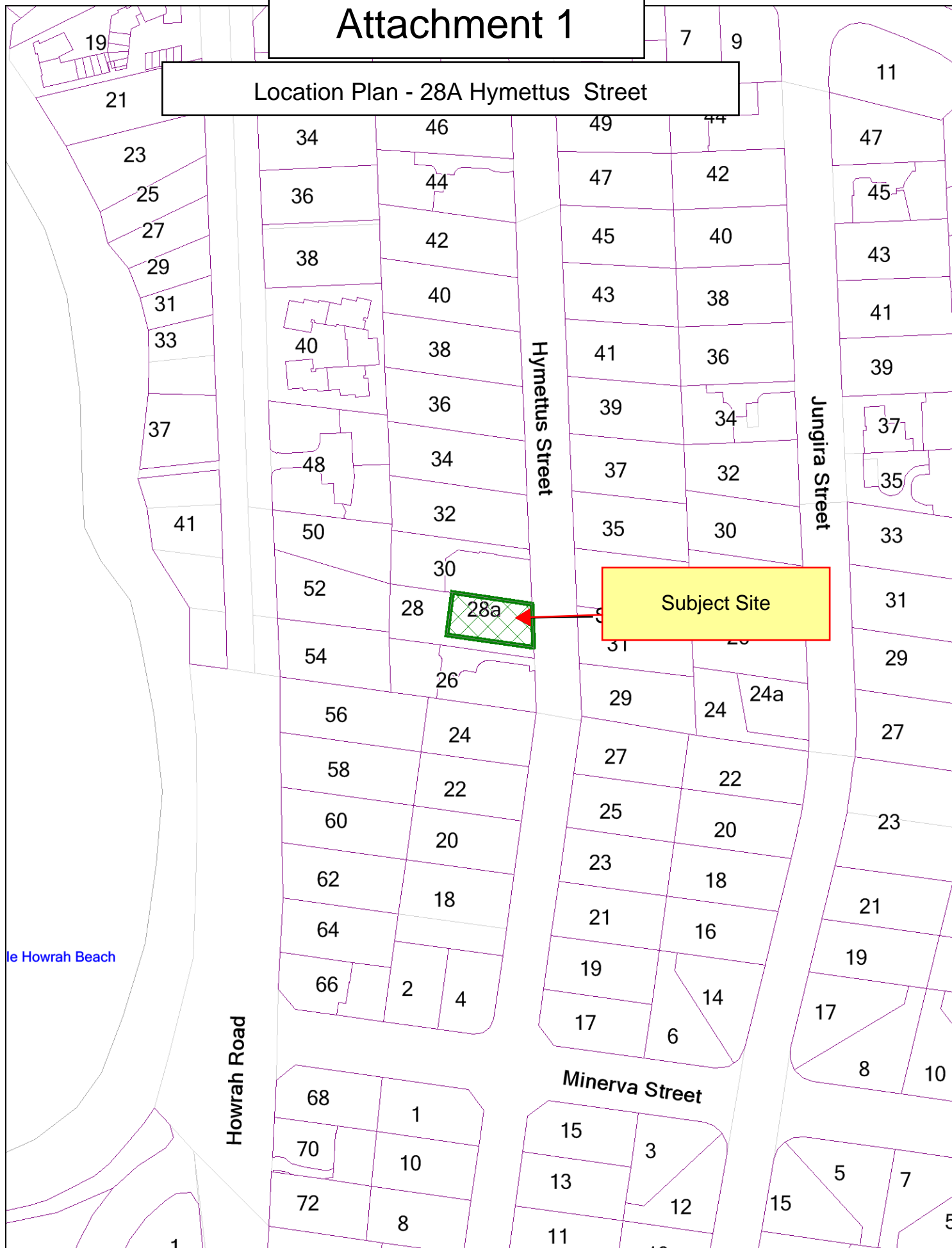
The proposal is therefore recommended for approval subject to conditions.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan - 28A Hymettus Street

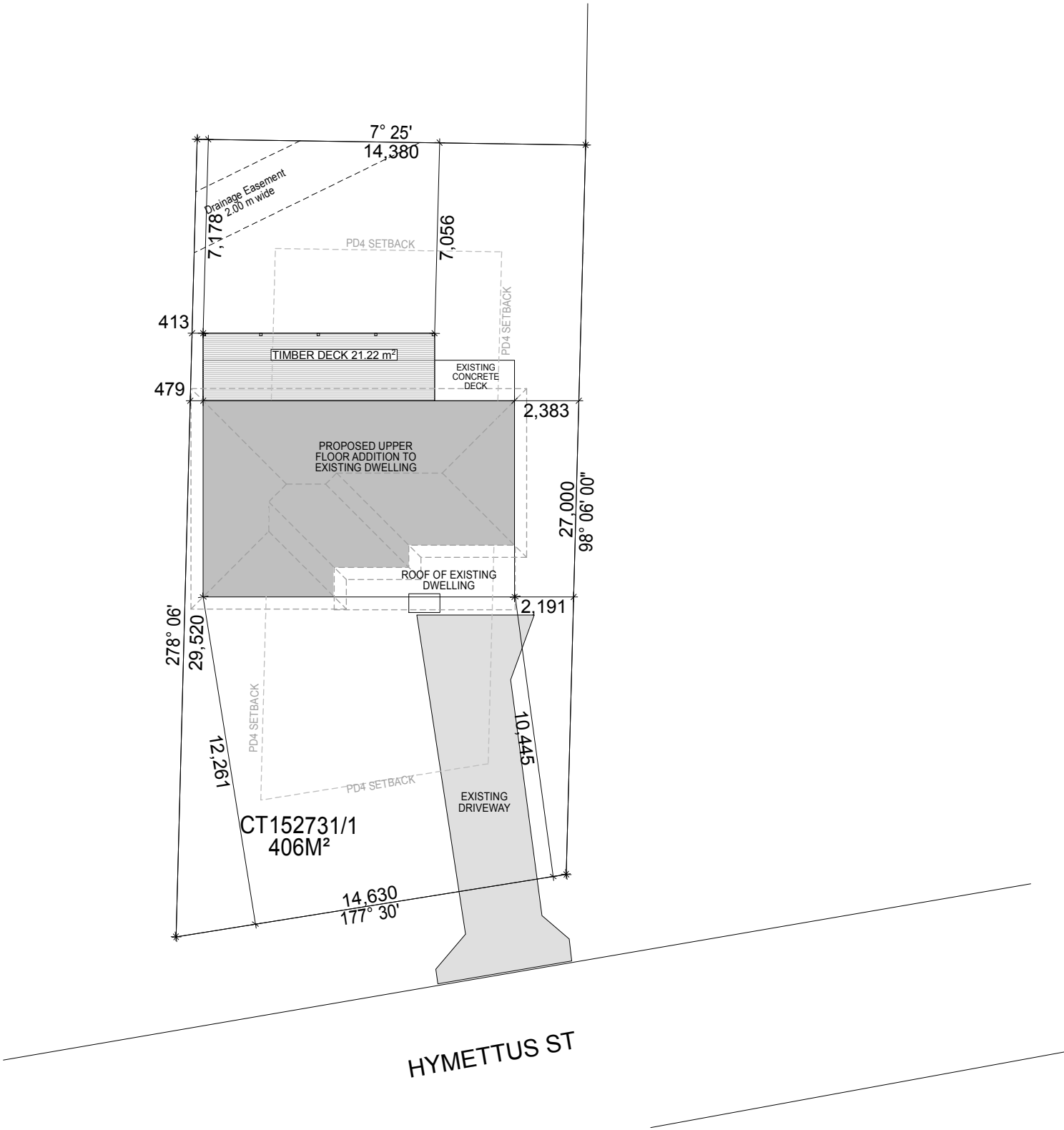
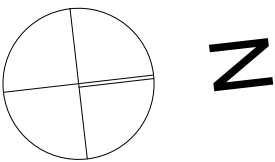


le Howrah Beach



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Wednesday, 10 June 2015 **Scale:** 1:1,628 @A4

Attachment 2



Site Areas	
Site area	406 sqm
Total Building Footprint	109.98 sqm
Total Site Coverage	27.09 %

Site Plan

Amendments	
Date	Description
17/02/2015	Client revisions
19/05/2015	Revise SP

This drawing is the property of Pinnacle Drafting & Design, reproduction in whole or part is strictly forbidden without written consent. © 2015

Proposal:	Addition and Alterations	Scale: 1:200	Job No: 25-2015	Pg No: 1/5
Client:	E Rennie and D Moore	Date: 07/05/15	Engineer:	
Address:	28a Hymettus St, Howrah 7018	Drawn: KM	Building Surveyor:	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jason.alb@bigpond.com



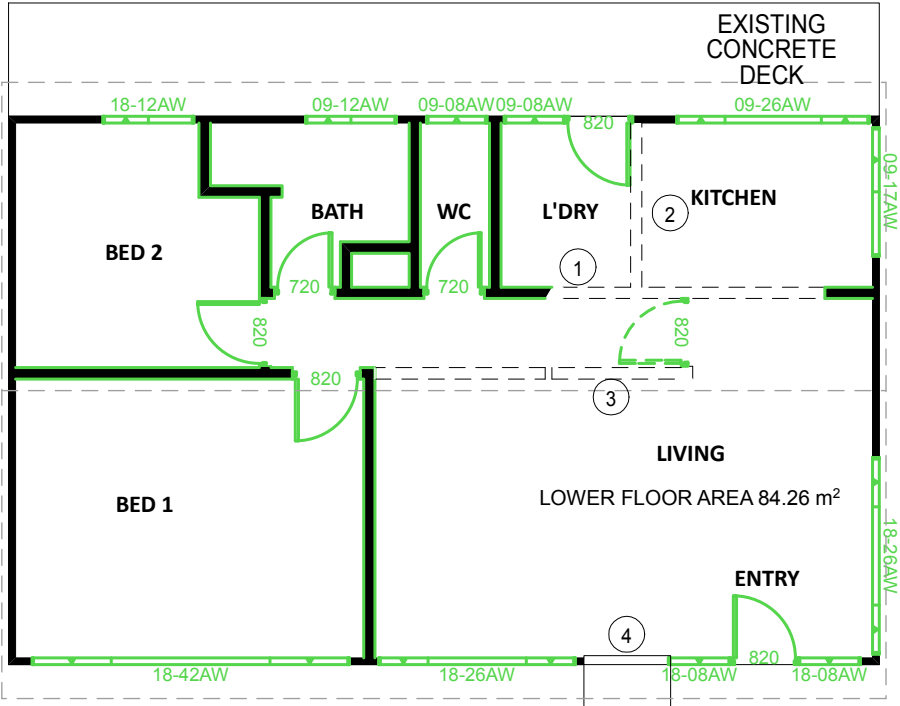
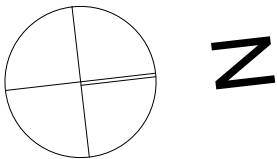
Construction of sanitary compartments 3.8.3.3 of current N.C.C

The door to a fully enclosed sanitary compartment must -

- open outwards; or
- slide; or
- be readily removable from the outside of the compartment.

● = SMOKE ALARM

- DEMOLITION NOTES
1. REMOVE WALL BETWEEN KITCHEN AND LIVING AS SHOWN AND MAKE GOOD.
 2. REMOVE WALL BETWEEN KITCHEN AND LAUNDRY AND MAKE GOOD. LAUNDRY FIXTURES TO BE MOVED TO NEW POSITION UNDER NEW STAIRS.
 3. REMOVE WALL BETWEEN LIVING AND HALLWAY. REMOVE DOOR.
 4. CLOSE OFF EXISTING CHIMNEY TO DISABLE FIREPLACE.



Existing Floor Areas	
Lower floor	84.26 sqm
Concrete deck	16.86 sqm
Total	101.12 sqm

Existing Floor Plan

Amendments	
Date	Description
17/02/2015	Client revisions

This drawing is the property of Pinnacle Drafting & Design, reproduction in whole or part is strictly forbidden without written consent. © 2015

Proposal:	Addition and Alterations	Scale: 1:100	Job No: 25-2015	Pg No:2/5
Client:	E Rennie and D Moore	Date: 07/05/15	Engineer:	
Address:	28a Hymettus St, Howrah 7018	Drawn: KM	Building Surveyor:	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jason.alb@bigpond.com

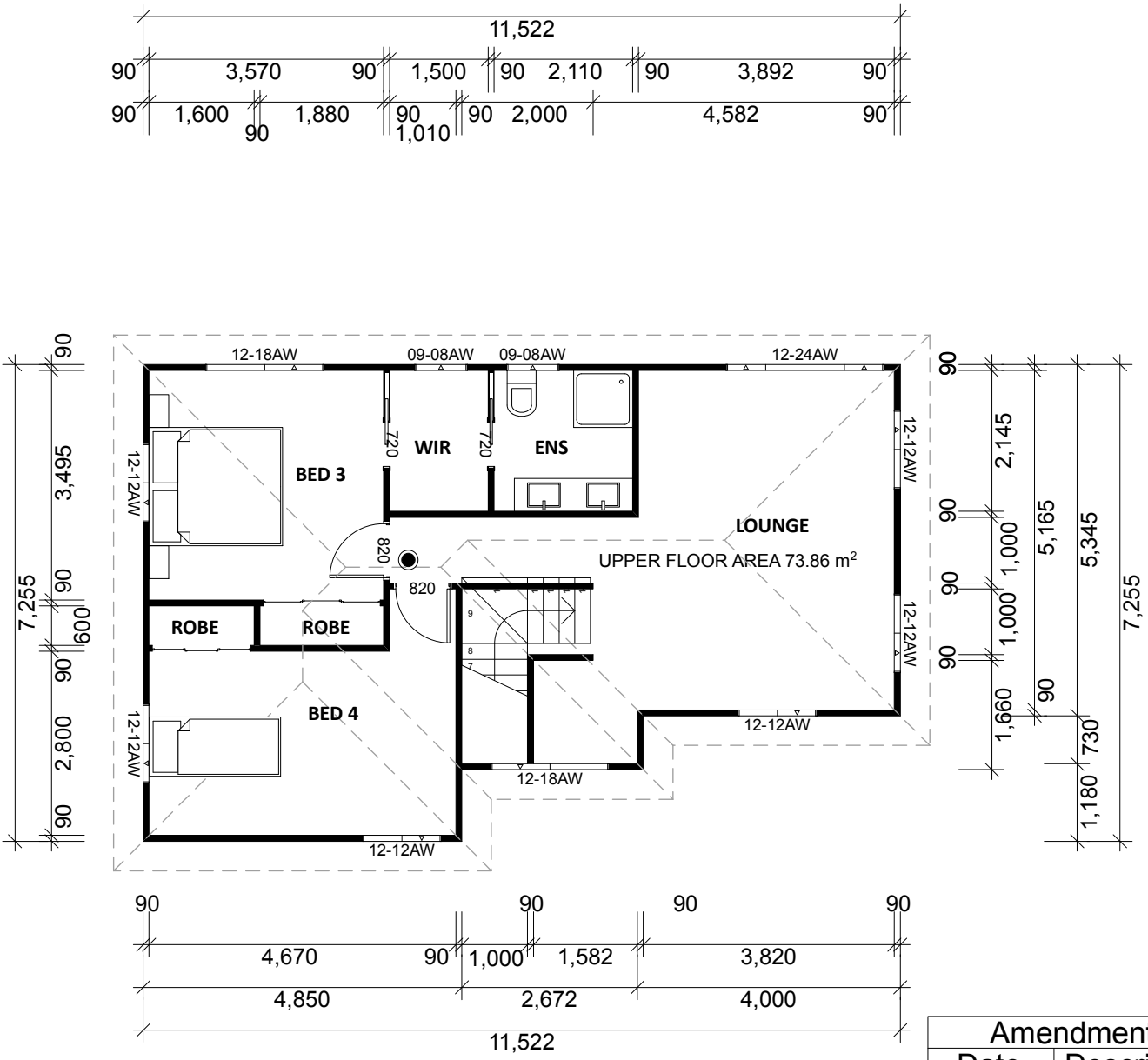
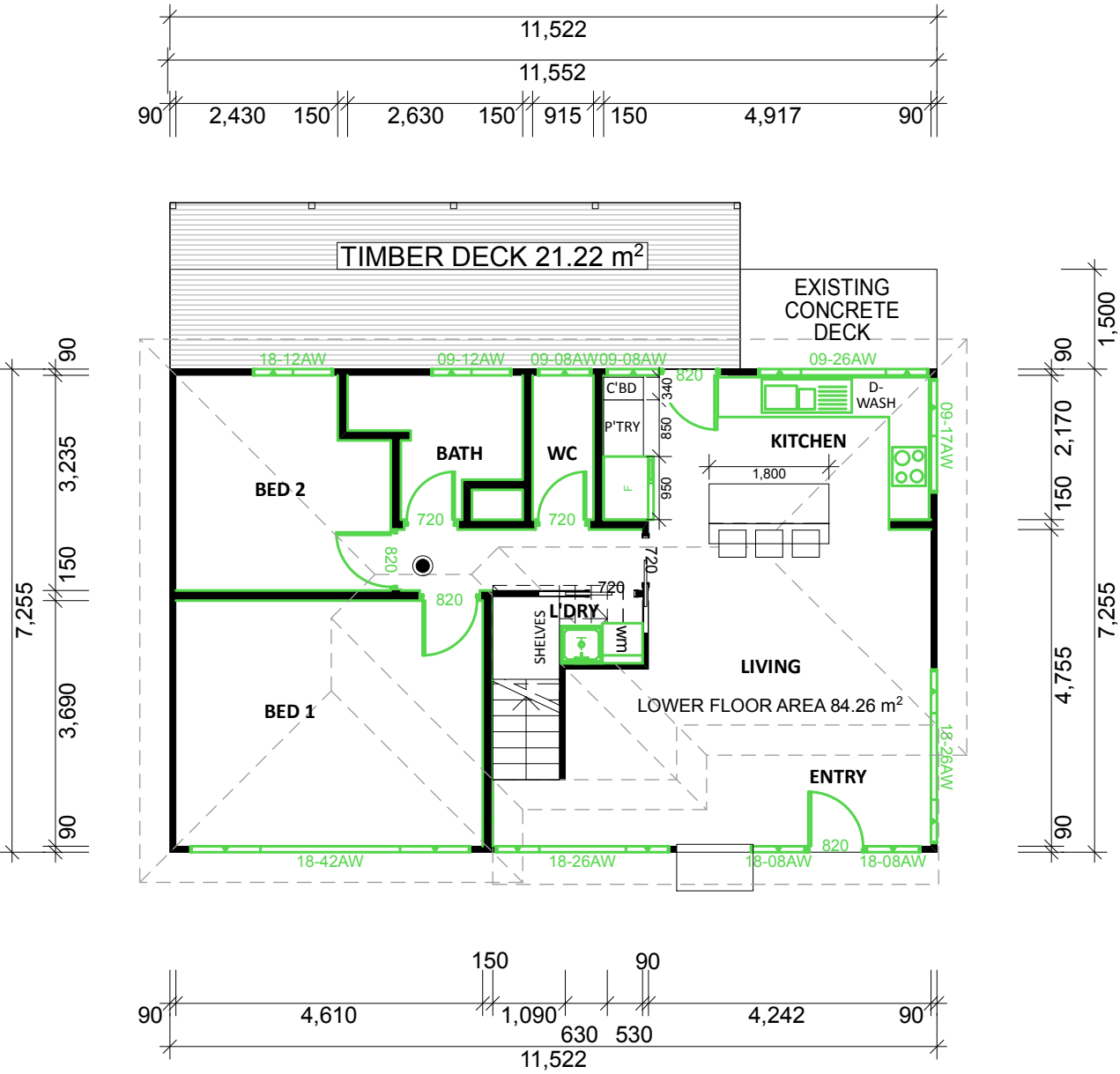
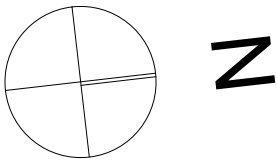


Construction of sanitary compartments 3.8.3.3 of current BCA

The door to a fully enclosed sanitary compartment must -

- open outwards; or
- slide; or
- be readily removable from the outside of the compartment.

● = SMOKE ALARM



Floor Areas	
Lower floor	84.26 sqm
Upper Floor	73.86 sqm
Concrete Deck	4.43 sqm
Timber Deck	21.22 sqm
Total	183.77 sqm

Lower Floorplan

Upper Floorplan

This drawing is the property of Pinnacle Drafting & Design, reproduction in whole or part is strictly forbidden without written consent. © 2015

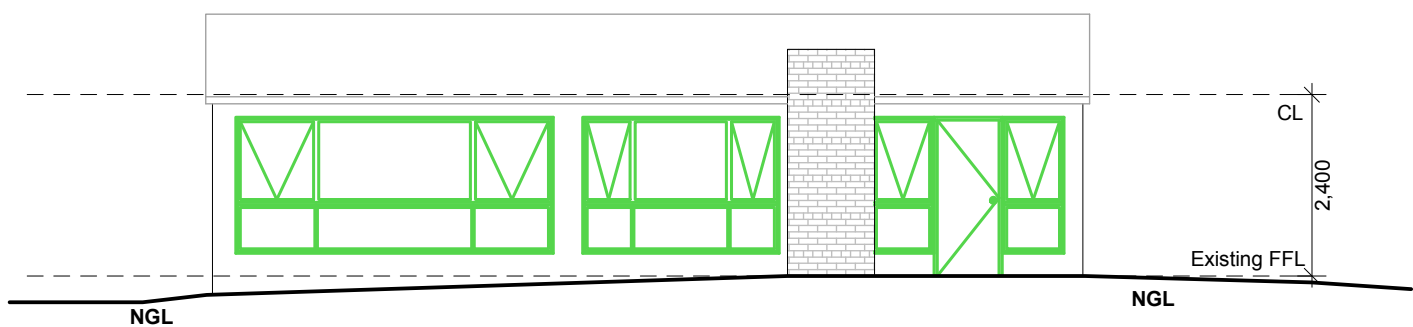
Proposal:	Addition and Alterations	Scale: 1:100	Job No: 25-2015	Pg No:3/5
Client:	E Rennie and D Moore	Date: 07/05/15	Engineer:	
Address:	28a Hymettus St, Howrah 7018	Drawn: KM	Building Surveyor:	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jason.alb@bigpond.com

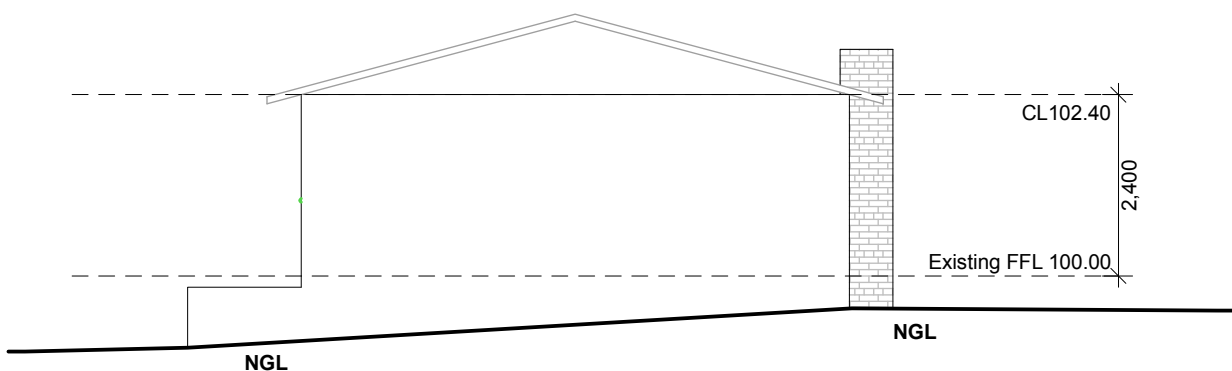
Amendments	
Date	Description
17/02/2015	Client revisions



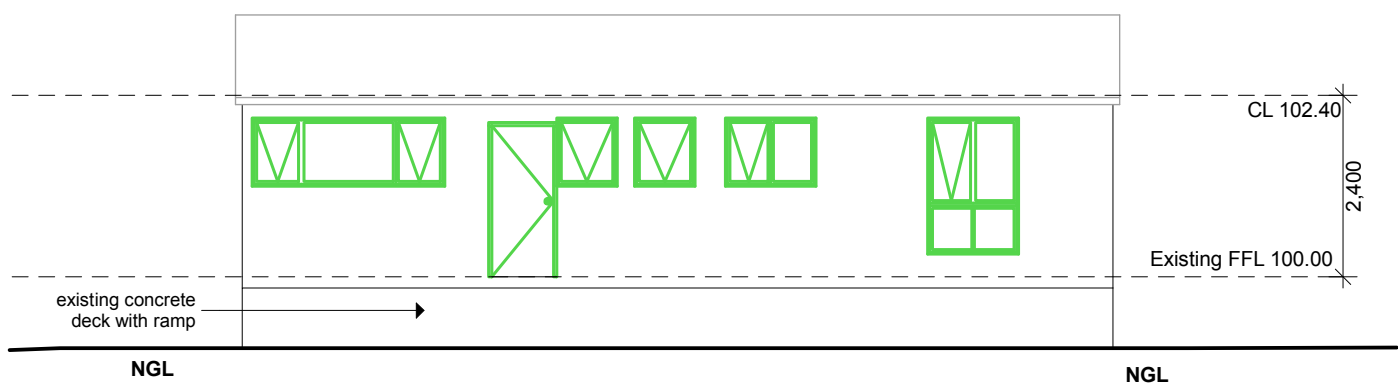
Proposed Floor Plan



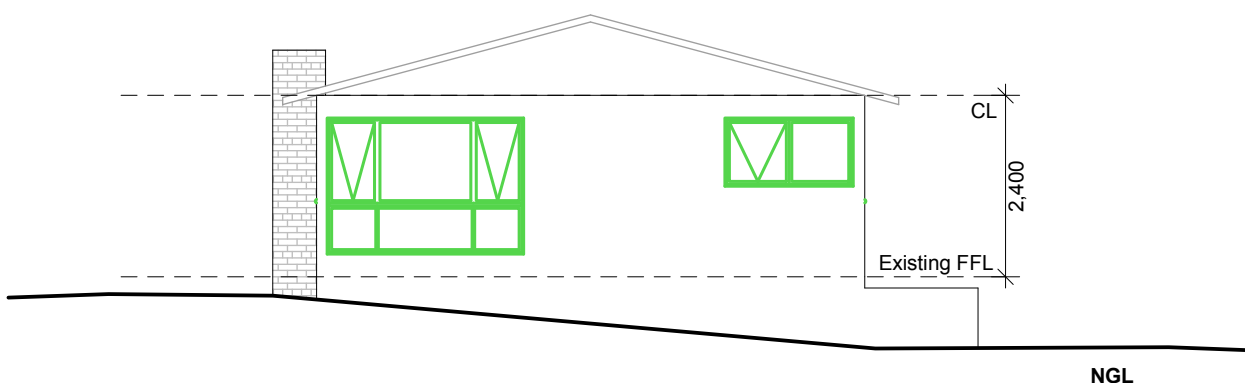
Existing East Elevation



Existing South Elevation



Existing West Elevation



Existing North Elevation

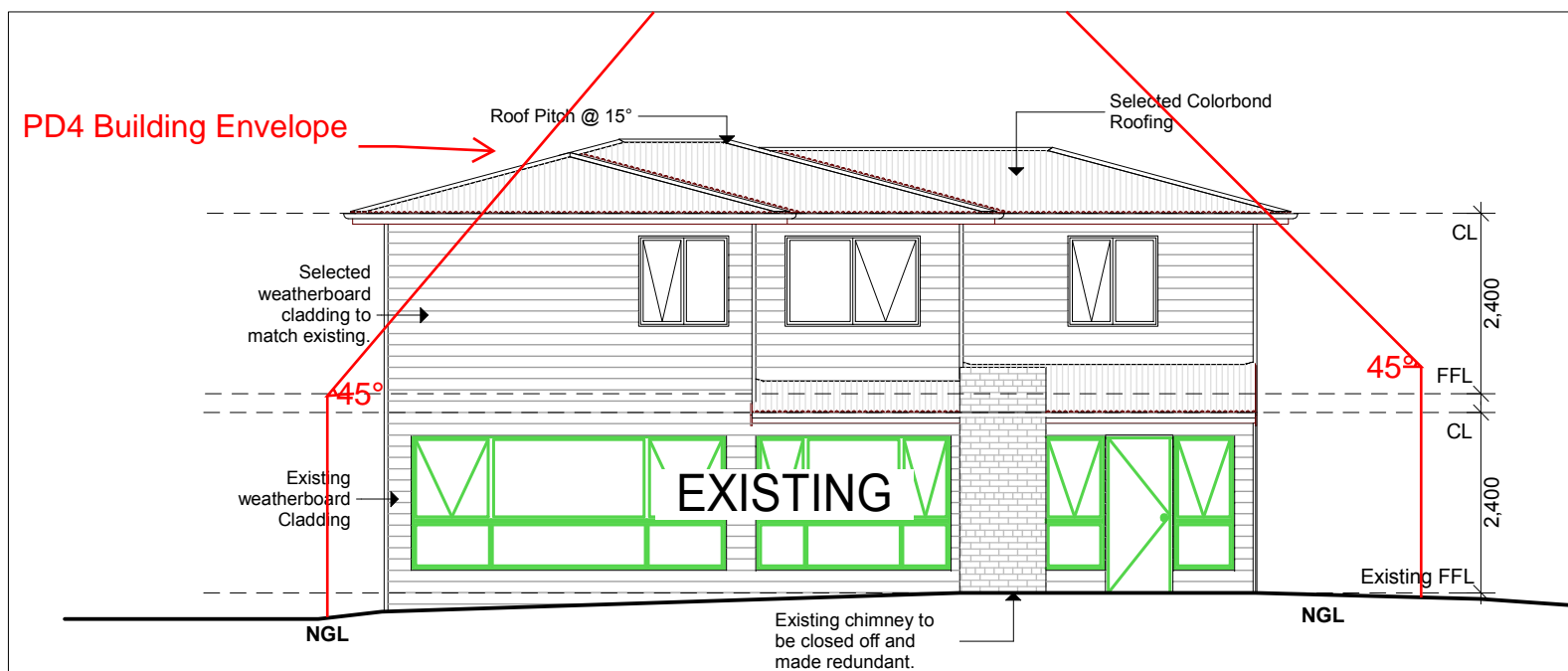
Existing Elevations

Proposal:	Addition and Alterations	Scale: 1:100	Job No: 25-2015	Pg No:4/5
Client:	E Rennie and D Moore	Date: 07/05/15	Engineer:	
Address:	28a Hymettus St, Howrah 7018	Drawn: KM	Building Surveyor:	

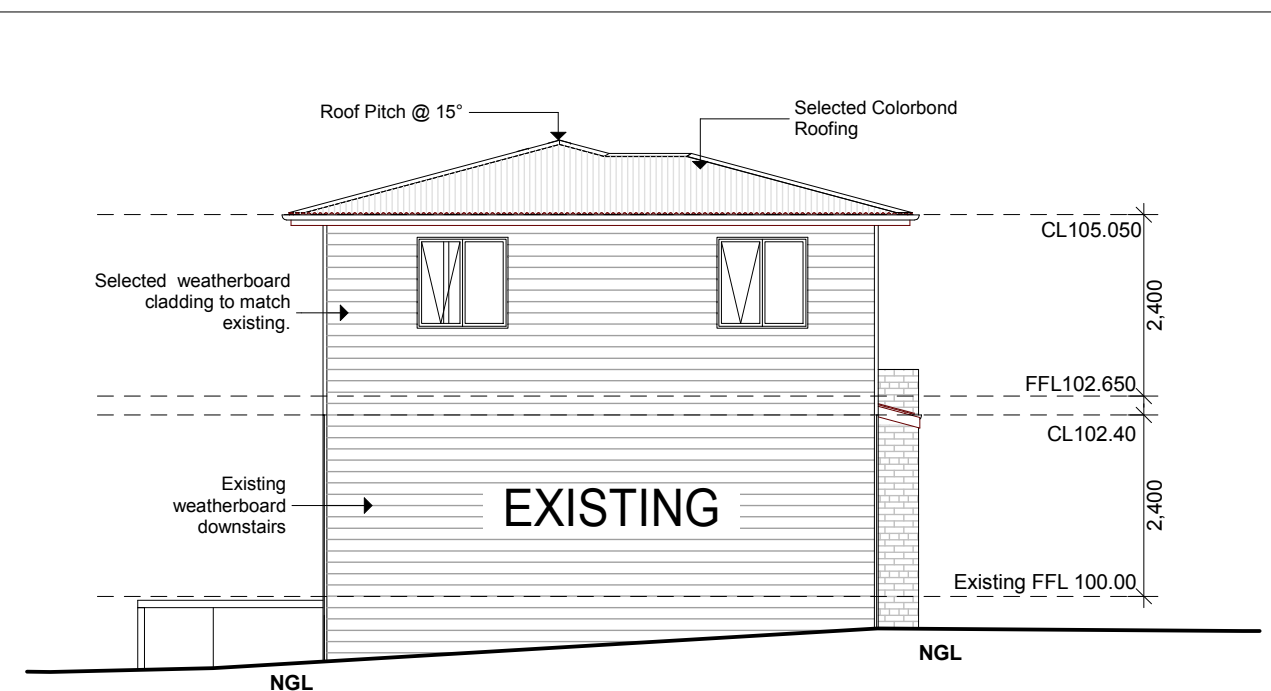
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jason.alb@bigpond.com

Amendments	
Date	Description
17/02/2015	Client revisions

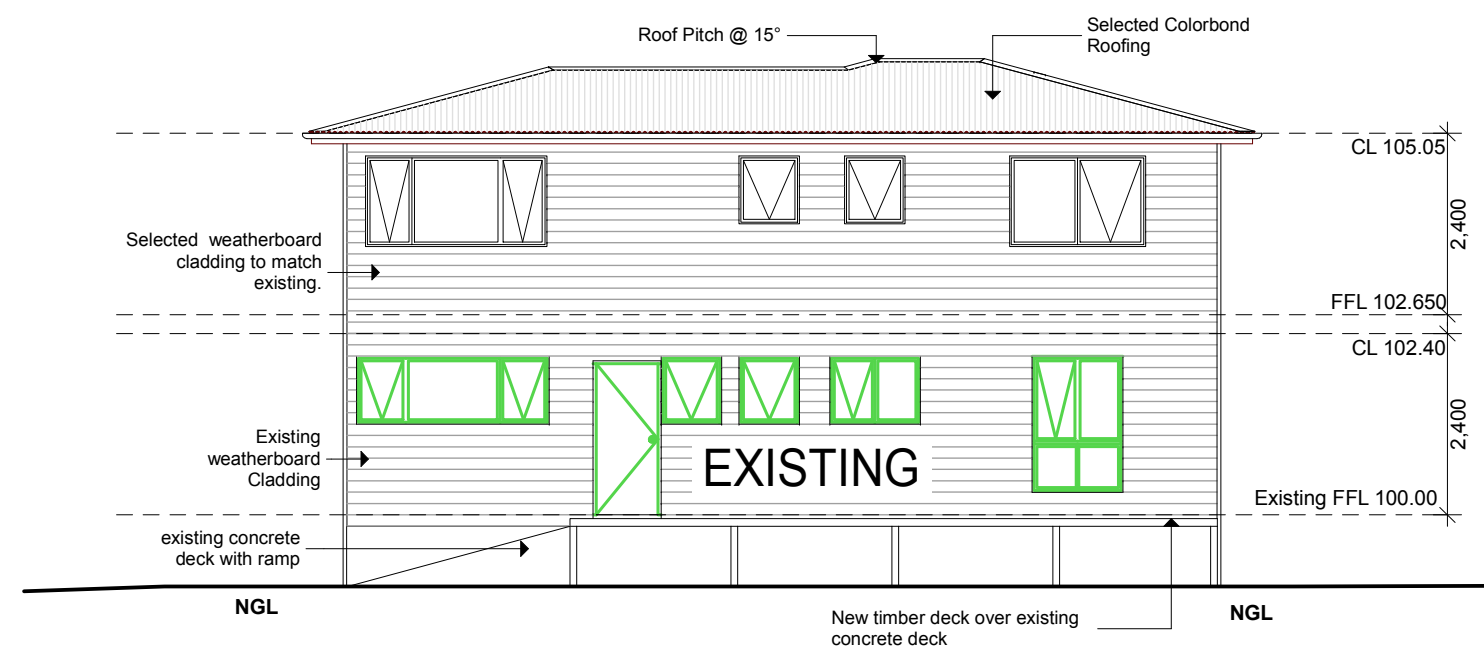




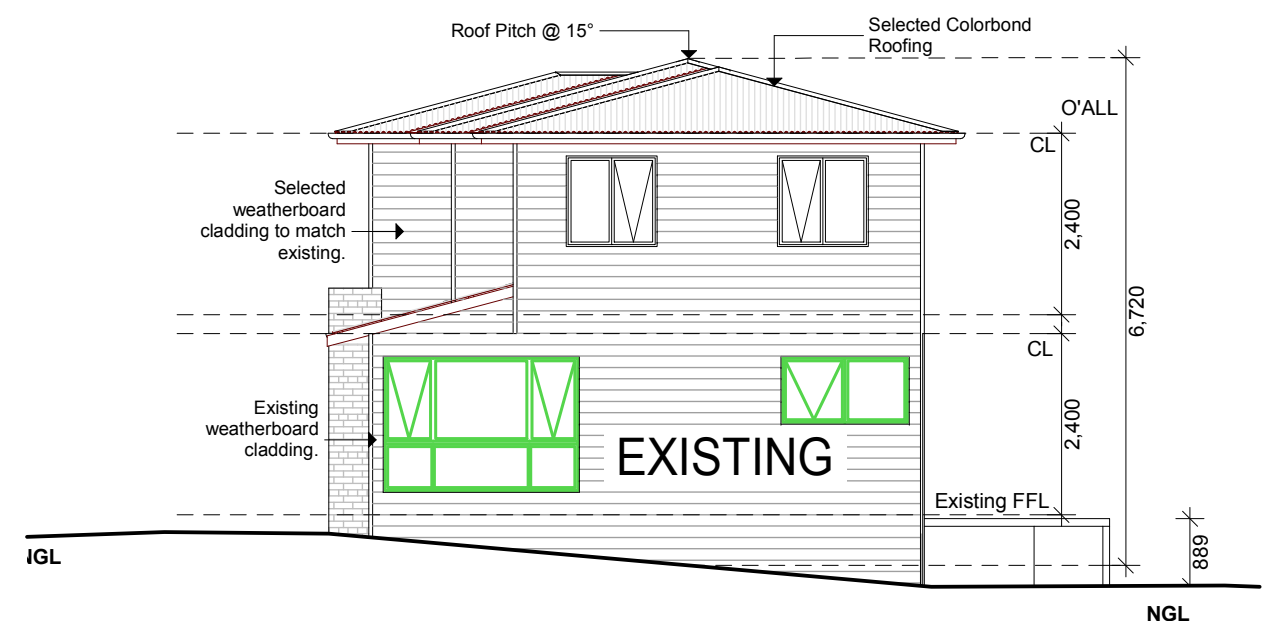
Proposed East Elevation



Proposed South Elevation



Proposed West Elevation



Proposed North Elevation

This drawing is the property of Pinnacle Drafting & Design, reproduction in whole or part is strictly forbidden without written consent. © 2015

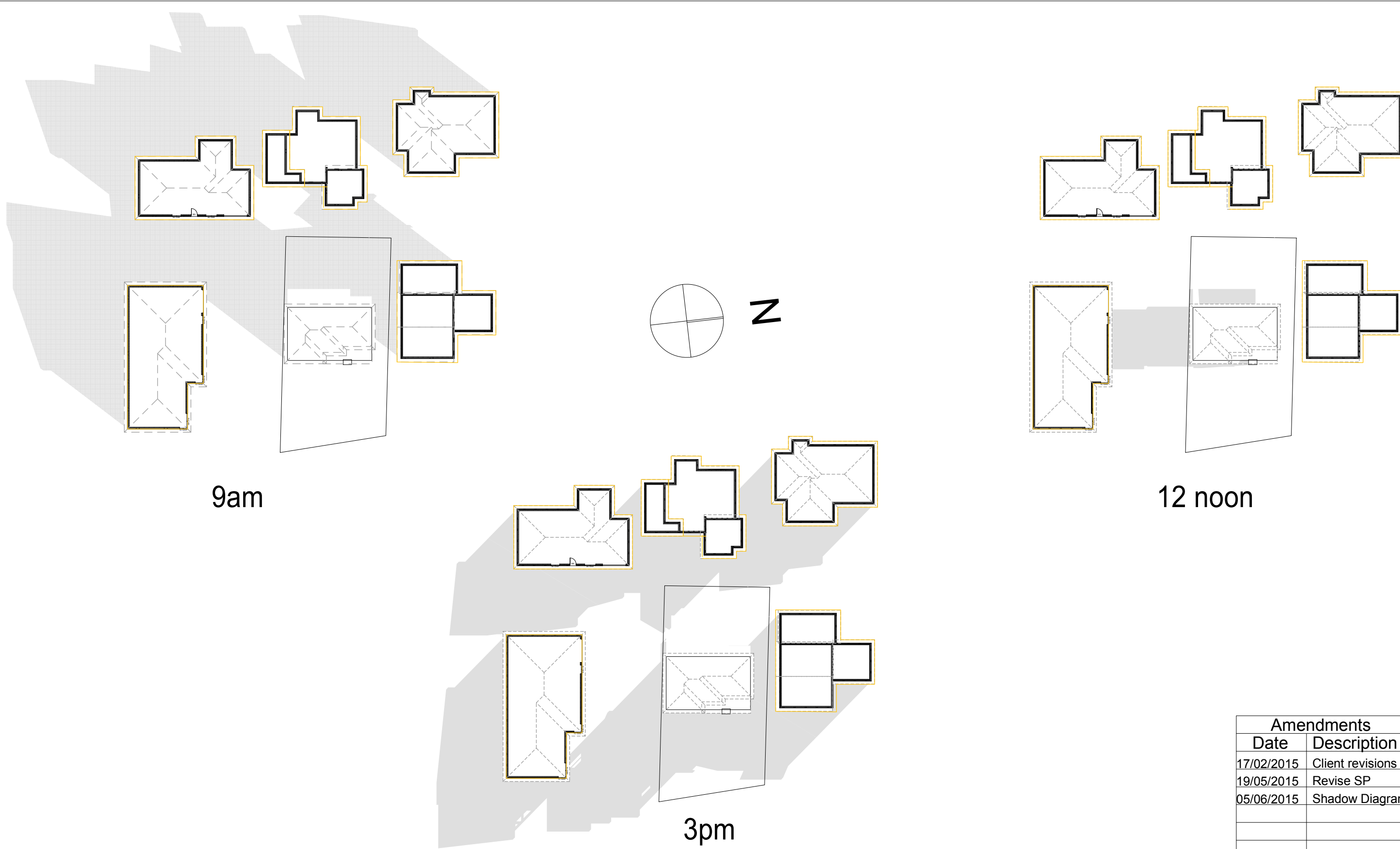
Proposal:	Addition and Alterations	Scale: 1:100	Job No: 25-2015	Pg No: 5/5
Client:	E Rennie and D Moore	Date: 07/05/15	Engineer:	
Address:	28a Hymettus St, Howrah 7018	Drawn: KM	Building Surveyor:	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jason.alb@bigpond.com

Amendments	
Date	Description
17/02/2015	Client revisions



Proposed Elevations



Shadows June 21

This drawing is the property of Pinnacle Drafting & Design, reproduction in whole or part is strictly forbidden without written consent. © 2015

Proposal:	Addition and Alterations	Scale: 1:500	Job No: 25-2015	Pg No:APP A/5
Client:	E Rennie and D Moore	Date: 07/05/15	Engineer:	
Address:	28a Hymettus St, Howrah 7018	Drawn: KM	Building Surveyor:	

PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jason.alb@bigpond.com

Amendments	
Date	Description
17/02/2015	Client revisions
19/05/2015	Revise SP
05/06/2015	Shadow Diagrams



Attachment 3

28A Hymettus Street, HOWRAH



Site viewed from Hymettus Street, looking west



Site viewed from the existing property access, looking southwest

**11.3.5 DEVELOPMENT APPLICATION D-2015/187 - 34 OAKBANK ROAD,
OTAGO - GARAGE (UNDEFINED USE)**
(File No D-2015/187)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a garage (Undefined Use) at 34 Oakbank Road, Otago.

RELATION TO PLANNING PROVISIONS

The land is zoned Rural Residential under the Clarence Planning Scheme 2007 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development due to the classification of the use under the Scheme and a requested boundary setback variation.

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 24 June 2015.

CONSULTATION

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

RECOMMENDATION:

- A. That the Development Application for a garage (Undefined Use) at 34 Oakbank Road, Otago (Cl Ref D-2015/187) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. This permit replaces the permit issued for a garage approved on 10 November 2015 (D-2014/296).
 3. GEN M7 – DOMESTIC USE.
 4. ADVICE 10 – PLUMBING CODE ADVICE.
 5. ADVICE - Details and method of any retainment of the excavated cut must be submitted as part of the Building Permit application, alternatively the excavation must comply with Part 3.1.1.1 of the National Construction Code.

- 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

9. BACKGROUND

Planning Permit D-2014/296 was granted by Council for a similar proposal at its Meeting on 10 November 2014. The permit was for a garage (undefined use) in the eastern most corner of the property. The approved building had setbacks of 3m from the north-eastern boundary and 3m from the southern boundary. The current proposal is for a smaller building, which would be located more centrally on the site.

10. STATUTORY IMPLICATIONS

10.1. The land is zoned Rural Residential under the Scheme.

10.2. The proposal for an undefined use is Discretionary under the Scheme. The proposal also seeks a variation to the front boundary setback requirement.

10.3. The relevant parts of the Planning Scheme are:

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

10.4. 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).

11. PROPOSAL IN DETAIL

11.1. The Site

The site is a regularly shaped 4592m² lot with frontage to East Derwent Highway to the north-east and an access strip to Oakbank Road to the north-west. The land is vacant and slopes gently down toward the west.

There is no significant vegetation on-site. The surrounding 3 properties contain Single Dwellings.

11.2. The Proposal

The proposal is for a steel garage which will replace the garage approved by D-2014/296. The building is smaller in size and located more centrally on the site than the previously approved garage. The building would have a height of 4.47m at its highest point above natural ground level. The building would be 10m in length and 16m in width with a gross floor area of 160m².

The building would have minimum side setback of 16.5m and a minimum setback of 3m to the north-east boundary of the site fronting East Derwent Highway.

The applicant intends to construct a dwelling on the site, which would be the subject of a future application.

12. PLANNING ASSESSMENT

12.1. Planning Policy Framework [Section 2]

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

“Promote good design or new rural residential development, ensuring:

- *Efficient use of existing infrastructure.*
- *Designs respond to the local context and will positively contribute to the character and identity of the neighbourhood.*
- *Development incorporates high standards of community safety, accessibility, amenity, energy efficiency and retention of any native values”.*

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

12.2. General Decision Requirements [Section 3.3.1]

The relevant General Decision Requirements of this part are:

- “(a) *General requirements:*
- (i) *The Objectives of the Act.*
 - (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.*
- (d) *Design suitability requirements:*
- (ii) *The position and scale of buildings in relation to boundaries or to other buildings, their density, character, height and harmony in design of facades.*
 - (iv) *The existing character of the site and the buildings and vegetation it contains”.*

The relevant requirements of the Rural Residential zone are addressed in detail below, including an assessment of how the amenity of the area would be impacted.

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

12.3. Rural Residential 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 (north-east)	15m	3m	does not comply
Side (south)	10m	16.5m	complies
Side (north)	10m	16.5m	complies
Side (south-west)	10m	65.7m	complies
Height	7.5m	4.47m	complies
Site Coverage	maximum of 918m ²	160m ²	complies

As detailed in the above table, the proposal fails to comply with the front boundary setback requirements for the north-east boundary. Clause 6.3.3(g)(ii) of the Scheme states that a variation to the setback requirement may be granted where the existing lot is less than 2ha. The subject site has an area of 4592m².

12.4. Specific Decision Requirements

A permit may be granted for a variation to the setback requirements in accordance with relevant Specific Decision Requirements of the zone. The relevant requirements are addressed as follows.

“(a) The design, colours and materials should complement the rural nature of the zone. Architectural expression is preferred to ensure the zone reflects currency with modern design and construction techniques”.

The building would be single storey and constructed using corrugated iron. The building designs, colours (grey and dark blue) and materials are considered to be compatible with the rural residential nature of the zone.

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

The building has been designed to be cut into the ground at the north-eastern side, reducing the cut so that the finished floor level is at ground level at the south-western side. This would minimise the visual prominence of the building where the setback variation is sought, thus reducing the impact of the proposed development. Further, the building is to be located at the eastern end of the property, with buildings on the adjacent lots located at the western end of the property, thus providing approximately 40m to the nearest outbuilding, and over 100m to the nearest dwelling, ensuring adequate separation between the buildings.

The property boundary adjacent to the East Derwent Highway is setback a minimum of 15m from the highway pavement and the property is below the road height. As such, it is considered acceptable to vary the setback standard as adequate separation will be provided between the road and the building.

12.5. External Referrals

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

13. REPRESENTATION ISSUES

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

13.1. Stormwater Drainage

The representor is concerned that the proposed development would contribute to stormwater build-up in the drains in Oakbank Road. The representor is concerned that a number of properties discharge stormwater into the road side drain, which could result in flooding of the garage at 110 Otago Bay Road.

- **Comment**

Building and Plumbing regulations require that any increase in overland stormwater flow resulting from development is contained within the boundaries of the subject property. Stormwater run-off would need to be contained in soakage trenches on the site or discharges to the Council stormwater system on Oakbank Drive. Council's Development Engineer has advised that either option is possible.

Notwithstanding this, the matter of stormwater drainage in the area was referred to Council's plumbing and engineering officers for further investigation. Council's engineers have inspected the drainage and have advised the following:

“Stormwater run-off from the property would be directed to an existing public stormwater system that currently serves 30-34 Oakbank Road. The system consists of a grated pit at the end of the shared driveway and is piped to a nearby culvert under Oakbank Road. The culvert then discharges runoff into a natural depression which is an accepted practice and consistent with the Urban Drainage Act 2013. The proposal incorporates the installation of a 24,000 litre rainwater tank. If the water captured by the tank is used effectively, then the rainwater tank would mitigate the potential for increased runoff from the property”.

Council’s Works Planning Officer has advised that the drain is inspected routinely as part of the regular maintenance program.

14. STATE POLICIES AND ACT OBJECTIVES

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

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

15. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council’s adopted Strategic Plan 2010-2015 or any other relevant Council Policy. Developer contributions are not required to comply with any Council policies.

16. CONCLUSION

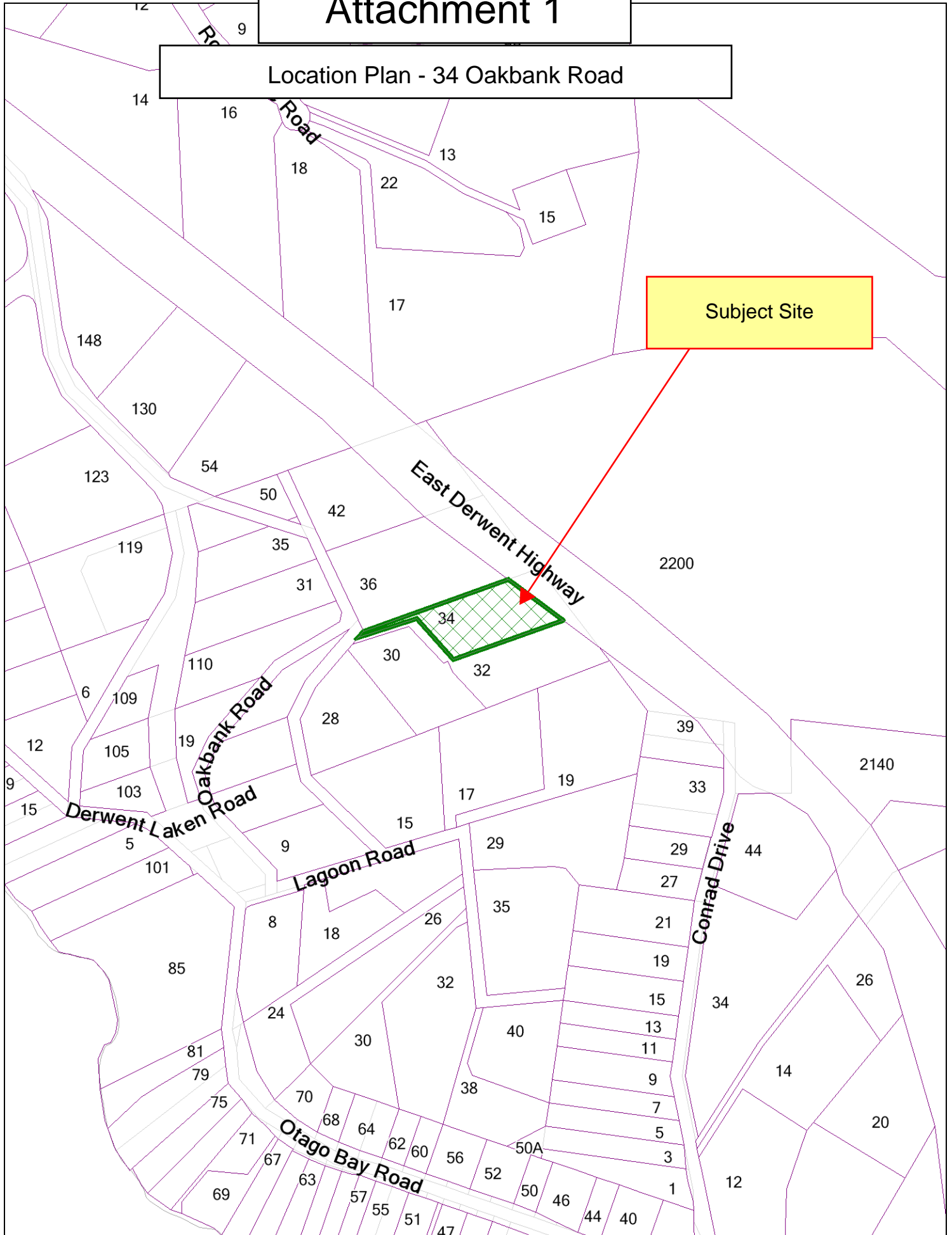
The proposal is for the construction of garage (Undefined Use) at 34 Oakbank Road, Otago. The proposal satisfies the Specific Decision Requirements of the Rural Residential zone and is recommended for approval.

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

Ross Lovell
MANAGER CITY PLANNING

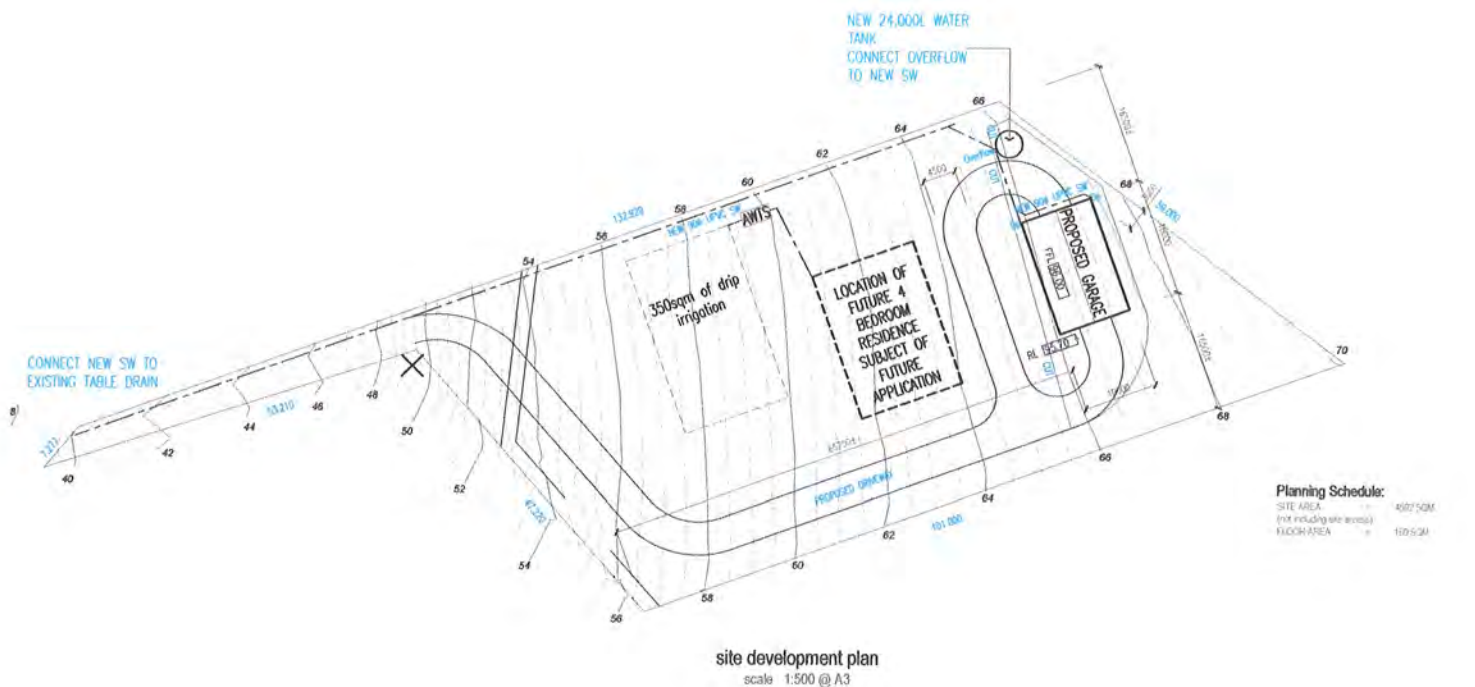
Attachment 1

Location Plan - 34 Oakbank Road



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Wednesday, 10 June 2015 **Scale:** 1:4,155 @A4

Attachment 2



REVISION	NO	DATE

SCALE 1	1:500 @ A3
SCALE 2	
DATE	20/04/15
ACAD FILE	11413
DRAWN	KM

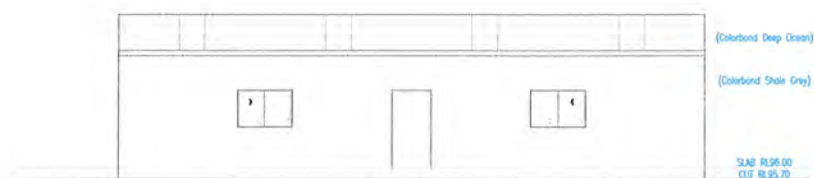
NORTH	PROJECT	PROPOSED NEW GARAGE
		34 OAKBANK ROAD
		Q'ACO BAY
	CLIENT	WILLIAM & CATHY LING
		18 ORNSCO STREET, BERRIDALE
	DRAWING	ON SITE PLAN - REVISED
	NUMBER	DRAW 02

0 25m

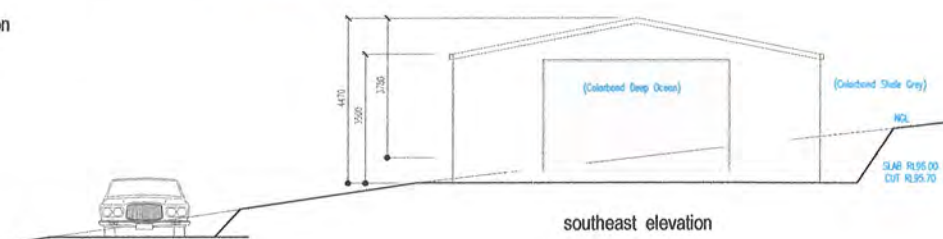
Scale 1:500 At A3

0 5m

Scale 1:100 At A3



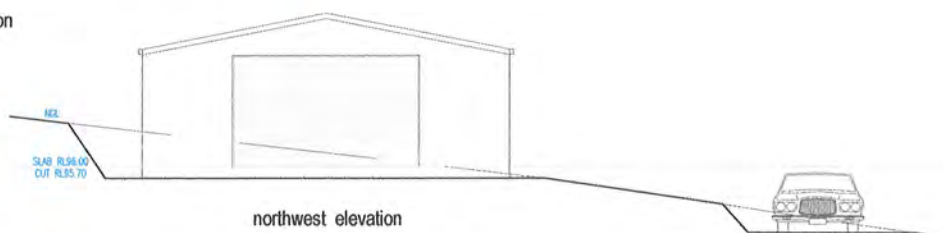
southwest elevation



southeast elevation



northeast elevation



northwest elevation

REVISION	
NO	DATE

SCALE 1	1:500 @ A3
SCALE 2	
DRAWN	Scale
DATE	30/07/15
ACAD FILE	11413
DRAWN	KM

NORTH	PROJECT	PROPOSED NEW GARAGE
		34 OAKBANK ROAD
		OTAGO BAY
	CLIENT	WILLIAM & CARRY LING
		18 DISCOL STREET, BERNHOLE
	DRAWING	DA ELEVATIONS - REVISED
	NUMBER	BM1 OF 2

BAR SCALE	
0	5m
Scale 1:100 A1 A3	

Attachment 3

34 Oakbank Road, OTAGO



Site viewed from East Derwent Highway

11.3.6 SUBDIVISION APPLICATION SD-2015/18 - 326 PROSSERS ROAD, RICHMOND - 11 LOT SUBDIVISION
(File No SD-2015/18)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for an 11 lot subdivision at 326 Prossers Road, Richmond.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 24 June 2015.

CONSULTATION

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

- size of lots and risk of residential use;
- lack of water supply;
- impact upon visual amenity;
- impact upon water quality;
- capacity of Prossers Road;
- pedestrian/cycle access;
- noise pollution; and
- risk of residential land use.

The proposal was considered by Council's Tracks and Trail Committee, which raised the potential for a scenic track corridor as part of this proposal. This matter is discussed in detail below.

RECOMMENDATION:

A. That the application for a 11 lot subdivision at 326 Prossers Road, Richmond (CI Ref SD-2015/18) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AP2 – STAGING.

- Stage 1 – Lot 1;
 - Stage 2 – Lots 2, 3 and 4;
 - Stage 3 – Lots 5, 6, 7 and 8;
 - Stage 4 – Lots 9, 10, 11 and 12.
3. GEN F2 – COVENANTS. [The future development of the land is to:
- be in accordance with the recommendations of the Bushfire Hazard Management Plan J153011PH- B01 prepared by JMG, dated 1 May 2015; or
 - be in accordance with the recommendations of an alternative Bushfire Hazard Management Plan, prepared by an accredited person, as required by the Tasmania Fire Service].
4. GEN POS4 – POS CONTRIBUTION [4%] [Lot No 1 to 11 inclusive].
5. EHO 4 – NO BURNING.
6. GEN M1 – TREE REMOVAL.
7. GEN M2 – NO WORKS.
8. ENG A1 – NEW CROSSOVER. Delete “and sealed”, insert [TSD R03 and R04] and delete “This access must be inspected by Council’s Development Works Officer prior to sealing or pouring new concrete”.
9. A7 – REDUNDANT CROSSOVER.
10. ENG M2 – DESIGNS SD. Delete first dot point “road design (including line marking)”.
11. ENG R4 – ROAD WIDENING. Insert [9.0m].
12. ADVICE 16 – THREATENED SPECIES ADVICE.
- 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

17. BACKGROUND

An application was approved by Council on 1 May 2000 under D-2000/38 for the expansion of an existing gravel mine on the south-eastern part of the subject property. The quarry and associated excavations are primarily located within the Sorell Municipality, adjoining the site to the east. Access to the approved quarry was approved over the subject property, to Prossers Road.

18. STATUTORY IMPLICATIONS

18.1. The land is zoned Rural and subject to the Vegetation Management Overlay under the Scheme.

18.2. The proposed subdivision of land is Discretionary development in accordance with Clause 3.1.4 of the Scheme.

18.3. The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 6.8 – Rural zone; and
- Section 7.1 – Vegetation Management Overlay.

18.4. 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).

19. PROPOSAL IN DETAIL**19.1. The Site**

The site is a single lot with an area of 384ha and approximately 2.2km frontage to Prossers Road. The property is an extensive rural holding, abutting rural residential development to the south at Richmond Valley Road.

The land is known as Logie Farm and has existing vehicular access at its north-western corner. Historically, the site has been used for agriculture and at present is in use for dryland grazing.

Sparsely vegetated, the site supports several pockets of eucalyptus and has a portion of more dense vegetation to the south. The location of the subject property is illustrated by the attachments.

19.2. The Proposal

The proposal is for the subdivision of the property to create 11 new lots as illustrated by the attachments, leaving Logie Farm (Lot 12) as the largest at 158ha. With the exception of Lot 12, the lots would range in size from 20.0ha to 22.0ha. The proposal incorporates 5 internal lots each with access strips of 20m in width and a further 7 lots with direct frontage to Prossers Road.

The application documentation identifies possible house sites for future development application on the lots and provides a bushfire hazard management plan identifying hazard management areas for these areas. An agricultural report was submitted in respect of the application, which concludes that the subject land is capable of use for a range of agricultural pursuits, including dryland grazing and more intensive agriculture and that the proposed subdivision would not have an adverse impact upon the management of vegetation communities present on-site.

The application states that no vegetation is to be removed as a part of this proposal.

20. PLANNING ASSESSMENT**20.1. Planning Policy Framework [Section 2]**

The relevant elements of the Planning Policy Framework are contained in Section 2.2.3 (c)(iii) – Rural Industry. In particular, the Key Objectives and Strategies include:

“To ensure that agricultural land as defined in the State Policy on the Protection of Agricultural Land remains available for agricultural production”.

“To protect farmland from fragmentation into non-productive units including rural residential living or hobby farms”.

The proposed subdivision is consistent with the objectives. Reference to these principles is also contained in the discussion below.

20.2. General Decision Requirements [Section 3.3.1]

The relevant General Decision Requirements of this part are:

- “(a) General requirements:*
 - (ii) The provisions of any State Policy.*
 - (iii) The Planning Policy Framework.*
 - (v) The Specific Decision Requirements of the Zone, Overlay or Specific Provision.*
 - (vi) Comments of any Government Department, any other Authority or referred agency.*
 - (vii) Any representation made in accordance with Section 43F(5) or Section 57(5) of the Act.*
- (f) Subdivision requirements:*
 - (i) The suitability of the land for subdivision.*
 - (ii) The existing use and potential for future development of the land and its surrounds.*
 - (iii) The subdivision pattern having regard to the physical characteristics of the land including existing vegetation, natural drainage paths and significant stormwater catchment areas.*
 - (v) The size and shape of each lot in the subdivision.*
 - (viii) The provision and location of reserves for public open space and other community facilities”.*

It is generally considered that the proposed subdivision has sufficiently addressed the above requirements. The relevant zone requirements will be addressed in detail below.

20.3. Zone

The purpose of the Rural zone is to encourage an integrated approach to land management, develop new sustainable rural enterprise and enhance and protect the bio-diversity of the area. It is also to ensure that residential and other land uses do not conflict with the rural land uses and that subdivision promotes effective land management practices and infrastructure provision and avoid inappropriate fragmentation.

The minimum lot size for the zone of 20ha, with a 6m frontage can be easily achieved by each of the proposed lots.

The relevant Specific Decision Requirements for the Rural zone are as follows.

“(b) Existing farm production is to be protected particularly maintaining farm size and the productive capacity of the site to sustain the rural enterprise and considering impacts from and on surrounding uses”.

The proposal complies with the minimum lot sizes for the Rural zone in that the lots achieve the minimum 20ha lot size. The lots provide for a range of rural enterprise options, noting that 6 of the proposed lots have been found as suitable by the supporting agricultural report for intensive agricultural land use. It is concluded that the remaining 6 lots are suited to dryland grazing.

“(d) Areas of significant vegetation, habitat, threatened species or threatened communities should be maintained where possible”.

The site supports a number of vegetation communities, including a 13ha pocket of Eucalyptus amygdalina forest and woodland, which is listed as a threatened native vegetation community.

Whilst the proposal plan specifies that no vegetation is proposed to be removed as a part of this application, it is noted that the bushfire hazard assessment (JMG, March 2014) identifies the location of this community in relation to the lot boundaries and suggests potential building sites and access strips which would minimise impact to this community.

Nevertheless, as the future owners of these lots may seek to develop in alternative locations, however, the removal of specific areas of vegetation would be required to be considered through subsequent development applications. On this basis, it is reasonable that prior to any future works commencing, a suitably qualified expert should undertake a targeted flora study within and adjacent to potential development footprints, to minimise clearance of the threatened community and determine whether permits under the Threatened Species Protection Act, 1995 will be required.

The Natural Assets Code under the draft Clarence Interim Planning Scheme 2015 offers similar protection to the vegetation contained within the boundaries of the site. A planning permit is required to remove any vegetation within the areas protected by both the overlay and the code under the Interim Scheme and the assessment of such a permit application would be required to give consideration also to visual impact. DPIPWE's advice regarding more detailed assessment of the flora and fauna present on the site should be attached to any permit granted.

“(h) Lot sizes are to be sufficient to suit differing levels of rural, service and recreational needs”.

The proposal complies with the minimum lot sizes for the Rural zone in that the lots achieve the minimum 20ha lot size. The lots are a variety of shapes to provide a range of agricultural and other land use, subject to further development approval of Council.

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

The lots are of sufficient size that there will be no negative impact on flood flow based on a 1 in 100 year storm event and the application provided information identifying drainage lines and ensuring development can avoid them.

20.4. Vegetation Management Overlay

Pockets of the subject property are affected by the Vegetation Management Overlay under the Scheme, the Purpose of which is:

“(a) To protect areas of significant vegetation and bushland habitat including forested skylines, prominent ridgelines and hills which contribute to important vistas and in particular those which create a natural backdrop to the urban setting for the City.

- (b) *To protect and enhance areas of high, very high, and extremely high vegetation significance and bushland habitat.*
- (c) *To ensure that development is sited to minimise the loss of native vegetation”.*

Clause 7.1.3 provides for the relevant Specific Decision Requirements of the Overlay, in that areas of significant vegetation, habitat, threatened species, threatened communities and wildlife corridors should be maintained where possible. The site supports a number of vegetation communities, including a 13ha pocket of *Eucalyptus amygdalina* forest and woodland, which is listed as a threatened native vegetation community. *Eucalyptus viminalis* grassy forest and woodland is also identified in pockets on the site.

The current application is for the subdivision of the land and not for any subsequent development. Clearing is not proposed as part of this application and the division of land within the area affected by the overlay would not have a significant impact in terms of visual amenity, with the exception of likely boundary fencing, noting that this could occur at present without subdivision and would be exempt from development approval under Clause 7.1.2(xviii).

The application was supported by a Bushfire Hazard Management Plan and PD5 certification, which gave consideration to the location of threatened communities on the site and demonstrated that future residential development on the lots could be located in areas that would minimise impact on threatened species, wildlife corridors and the like.

These locations would retain sufficient vegetation within the lots and on adjacent properties to accommodate the preservation of vegetation. Should a permit be granted, it is recommended that it includes advice to the effect that should the property contain any species identified under the Threatened Species Protection Act 1995, it is the responsibility of the applicant to obtain any necessary approvals under this legislation from DPIPW.

On this basis, it is considered that the proposal is consistent with the relevant provisions of the Vegetation Management Overlay.

20.5. Public Open Space Policy

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

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

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

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

Irrespective of the underlying Rural zoning of this site, the Local Government (Building and Miscellaneous Provisions) Act 1993 (LGBMP) provides for up to 5% of the area of the site to be taken as POS through the subdivision process (greater than this can be required by Council provided that the landowner is appropriately compensated), or alternatively up to 5% of the value of the site can be required as a cash-in-lieu of POS. Importantly, each subdivision proposal must be assessed on its merits reflecting the likely demand on existing (or future) POS related facilities.

On this basis, it is not appropriate to apply the maximum 5% contribution indiscriminately across the board without considering actual POS demand generated/facilitated by the proposal. To do so would leave developments vulnerable to being unfairly taxed in terms of demand for POS.

This being so, it is important to recognise that demand for POS exists at both the local and regional level and that any subdivision proposal that generates a demand for, or benefit from, POS (in all its forms) ought to contribute towards it.

In this instance it is appropriate that the proposal contributes to the enhancement of Council's POS network and associated facilities in the nearby township of Richmond. However, a reduction of the maximum 5% cash-in-lieu of POS contribution is warranted in that the property is zoned Rural and therefore would not provide for residential development, which would result in a significant increase to population density.

The land is not well serviced by any existing local POS and the proposed lots are of sufficient size to service the likely future population, should residential development be supported and approved by Council for each of the lots. For this reason it is considered that each of the proposed lots ought to only contribute to the regional component, which would equate to 4% of the value of the land.

20.6. External Referrals

The Department of Primary Industries, Parks, Water and Environment, Policy and Conservation Assessment Branch were consulted regarding the proposal, in that the site is known to contain the threatened vegetation community, *Eucalyptus amygdalina* forest.

For this reason, it was recommended that prior to the commencement of any works, a targeted flora and fauna assessment is undertaken by a suitably qualified person immediately adjacent any proposed development footprints, in order to ensure building envelopes and access driveways are located to minimise the removal of the identified community and determine whether a permit is required under the State legislation. The requirement is similar under the draft Clarence Interim Planning Scheme 2015, in that a Natural Values Assessment must be submitted as part of any future application for new development on the resultant lots.

Advice should therefore be included on the permit that any future proposal to remove vegetation may require a permit from DPIPWE under the State Legislation in accordance with their letter.

20.7. Council Committee Recommendations

As noted above, the application was referred to Council's Tracks and Trails Committee as part of the assessment of the application.

Though not identified in Council's Tracks and Trails Strategy, the Acting Tracks and Trails Officer on behalf of the Committee advised that it would be ideal as part of this development to create a scenic ridgeline track across the eastern part of the site to follow the ridgeline and provide a future link for trail access. It is submitted that the potential ridgeline trail be situated within Lot 12, which is to retain an area of 158ha.

The feedback received does not accord with the adopted Tracks and Trails Strategy nor is it explicitly identified in any Council strategy.

The preference in this matter would be for a nominal 10m wide track and biodiversity corridor ascending and descending the hill's ridge and following along the rounded hill top to maximise the scenic vistas over the Coal Valley and beyond to the west and Orielson and beyond to the east. The view is that the track corridor has future potential to link to the proposed Coal River riparian trail and transverse further along the rounded hilltops to the north and south to Brinktop Hill to form a skyline and riparian alignment.

This would reduce the useability of the space as rural land and the connections provided for and encouraged by the Tracks and Trails Strategy would not be achieved by such a proposal. There is no demonstrated benefit and as such, the requested trail is not considered supportable through the general principles established in Council's POS Policy.

21. REPRESENTATION ISSUES

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

21.1. Size of Lots and Risk of Residential Use

The bulk of the representations raise concern that the proposed lots are too small for sustainable agricultural land use, both as a result of the lot size being 20ha only and the lack of available water supply.

The concerns are that the significant degradation of the land would result if intensive agriculture was attempted on lots of that size and that if agriculture is not successful, that the lots would effectively become large rural residential properties and risk conflict with adjacent land uses.

- **Comment**

The concerns of the representors are noted. The Scheme, however, provides for a minimum lot size within the Rural zone of 20ha which is achieved by the proposal.

In support of the proposal, the applicant has undertaken a detailed agricultural assessment of the site, which concludes that in conjunction with water allocation that can be secured from the South East Irrigation Scheme (SEIS), the lots would be suitable for a range of intensive agricultural and dryland grazing activities.

It is understood that the proponent is, as part of this development, investigating the opportunities for a water allocation with Tasmanian Irrigation regarding the development of the lots, should the proposal be supported by Council. The report provides further guidance with respect to the potential siting of future dwellings in order to minimise the potential for land use conflict.

In respect of the risk of residential land use, it is noted that both the current Scheme and the draft Clarence Interim Planning Scheme 2015 allow for residential development as Discretionary and require that they must not create conflict with agricultural land uses. Future residential development would, on that basis, be carefully considered by Council.

Whilst the concerns of the representor are noted, the size and shape of the lots accords with the requirements of the Scheme meaning that this issue is not of determining weight.

21.2. Lack of Water Supply

Several representors raised concern regarding the lack of a water supply to each of the proposed lots and the risk that the quality of the agricultural land resource would be compromised by inappropriate development.

- **Comment**

The applicant has advised that the proponent is investigating the provision of a water allocation to each of the lots as part of this development and that connection to the SEIS is an option. Nonetheless, the proposed lots accord with the applicable Use and Development Standards of the Scheme and cannot be refused on the basis that water is not provided.

21.3. Impact Upon Visual Amenity

The representations raise visual impact as a concern, both in terms of the future development of the lots individually and in terms of the protection of the eucalypts that appear in pockets and sparsely across the subject land. The rural vistas of the area are identified as requiring protection also.

- **Comment**

The subject land is within the Rural zone, within which there are a series of Specific Decision Requirements relevant to the design and siting of residential and other development.

These standards do not dictate colours or materials to be used and it is not considered reasonable or enforceable as part of the subdivision to require that specific covenants be created regarding future construction.

That said, the pockets of vegetation present on the subject property are protected by the Vegetation Management Overlay under the Scheme and by the Natural Assets Code under the draft Clarence Interim Planning Scheme 2015. A planning permit is required to remove any vegetation within the areas protected by the overlay and the assessment of such a permit application would be required to give consideration also to visual impact. DPIPWE's advice regarding more detailed assessment of the flora and fauna present on the site should be attached to any permit granted.

On that basis, the protection afforded by both is considered appropriate, given the rural setting of the subject land.

21.4. Impact Upon Water Quality

The protection of water quality as a result of this proposal has been raised by the representations, in terms of the potential for alteration to runoff patterns and flow, which may in turn compromise the quality of the Inverquhar Rivulet. It is understood from the representations that flows into the Rivulet are already restricted and the impact upon dams in the path of the Rivulet is that they become unsuitable for irrigation use.

- **Comment**

Construction works associated with the future development of the lots would be subject to the further development approval of Council. Treatment of stormwater run-off must be considered as part of future development and noting that the subdivision itself does not propose earthworks or realignment of natural flows, this issue is not considered to be of determining weight under the Scheme.

21.5. Capacity of Prossers Road

Concern was raised by the bulk of the representors regarding the capacity of Prossers Road to cater for the proposed development, both in terms of the increase to the number of vehicular movements and potential for conflict with residential traffic movements in the vicinity of the site. The sealing of Prossers Road was raised by the representors as a necessity, particularly in light of this proposal.

- **Comment**

It is acknowledged that an increase in the number of vehicular movements is possible as a result of the proposal, in that there is potential for an increased number of dwellings on the site.

That said, the property in its current form has potential for a range of rural activities that may generate a number of vehicular movements in terms of heavy vehicles and employees – contributing to the use of Prossers Road potentially more significantly than a number of new dwellings.

Council's Asset Management Group has advised that Prossers Road is a nominated heavy vehicle bypass route for Richmond Bridge, and is maintained accordingly. Therefore, it is considered that an upgrade to Prossers Road is not warranted as a result of this proposal, in that the road is appropriate for the limited increase in vehicular movements likely as a result.

21.6. Pedestrian/Cycle Access

The representations raised repeated concerns regarding the lack of a formed pedestrian/cycle path to provide access to Richmond and encourage Council to consider the construction of a trail or footpath from the subject site to enable safe access.

The representations expressed concern that the high number of heavy vehicles using Prossers Road is increasingly likely to create conflict and risk accidents with pedestrian and cyclists, given the lack of appropriate trail within the road reservation.

- **Comment**

The land is within a rural area, located in the order of 2.8km from the township of Richmond. Council's Asset Management Group has advised that the construction of a footpath to service the subject land and adjacent rural residential development at Richmond Valley Road is not proposed nor considered necessary, given this distance and the agricultural nature of the area.

The comments of the representors are noted in that they submit that there are an increasing number of families electing to reside in this area. That said, the bulk of the land in the vicinity of the site is within the Rural and Intensive Agriculture Zones, and the road network at this location has been developed to service development according to the use of that zone.

Whilst noted, the inclusion of conditions requiring the developer to construct a footpath in isolation is not proposed nor considered reasonable as part of this development, nor is it required by Council's Local Highways Standard Requirements By-Law No. 2 of 2014. To provide such facilities to support a relatively small number of residents is not justified and should therefore not be required of the proponent as part of this proposal.

21.7. Noise Pollution

A concern raised by one representation is the risk of noise pollution associated with use of recreational vehicles, not required as part of any agricultural use of the land.

- **Comment**

The application does not suggest that the use of motor vehicles for sport or recreation is likely to present an issue. That said, use of vehicles for sport and recreation is a concern raised by the representations, and is an issue addressed and controlled by the Environmental Management and Pollution Control Act, 1994. That Act provides controls prohibiting use of a motor vehicle for sport and recreation within 500m of domestic premises unless certain criteria are met and the consent of all affected landowners is provided.

These controls would limit noise nuisance and potential for conflict between land uses, and differentiate between recreational and agricultural use of vehicles such as ATVs, thus addressing the concern of the representor.

22. STATE POLICIES AND ACT OBJECTIVES

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

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

23. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

There are no inconsistencies with Council's adopted Strategic Plan 2010-2015 or any other relevant Council Policy. Consideration has been given, above, to Council's Public Open Space Policy 2013.

Developer contributions are not required to comply with any Policy.

24. CONCLUSION

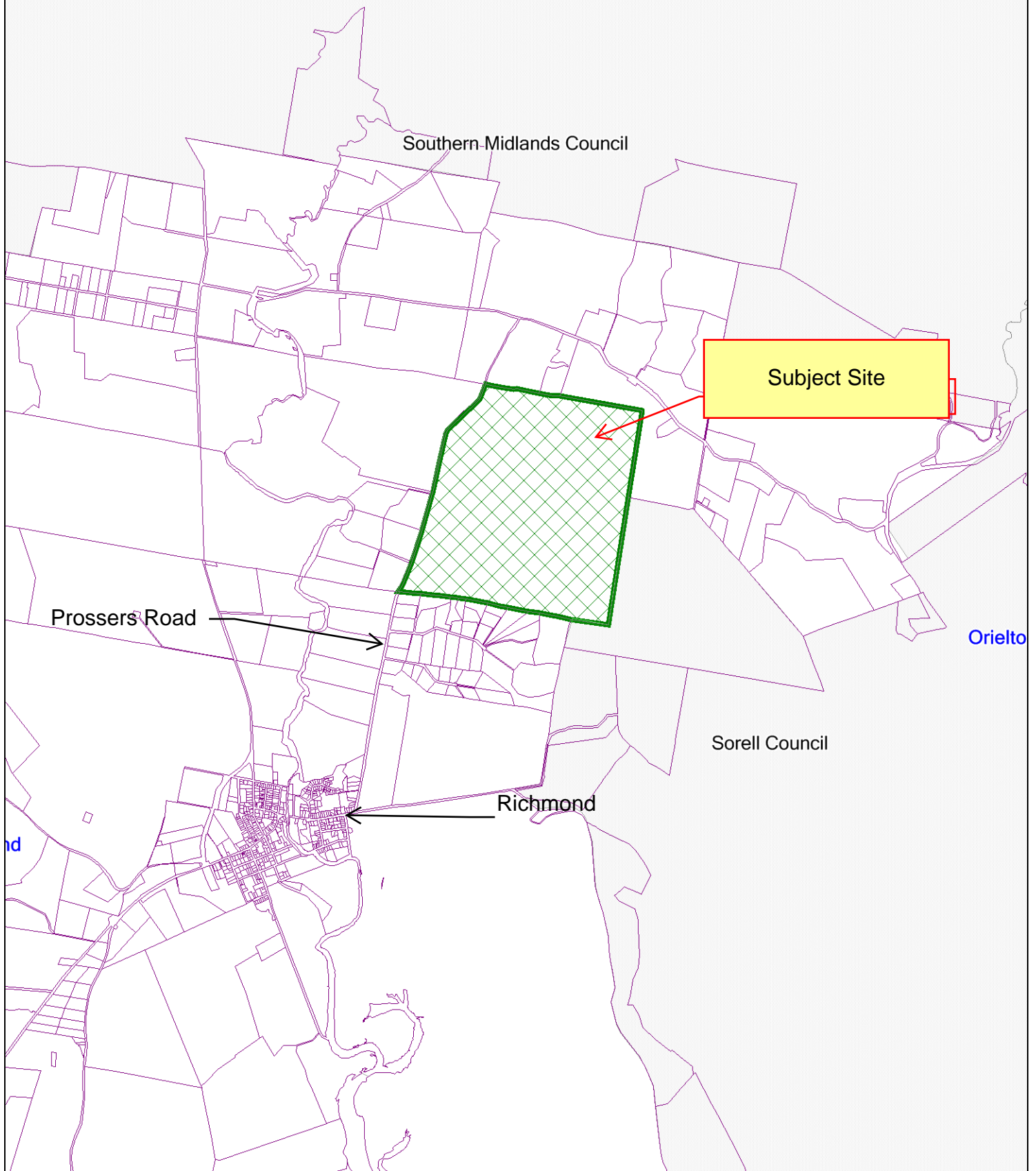
The proposal is for an 11 lot subdivision at 326 Prossers Road, Richmond. The proposal is capable of satisfying all of the relevant Scheme provisions and subject to the inclusion of conditions relating to the construction of access to the site and the contribution of cash in lieu of open space, the proposal is recommended for approval.

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

Ross Lovell
MANAGER CITY PLANNING

Attachment 1

Location Plan - 326 Prossers Road



Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Friday, 12 June 2015 **Scale:** 1:50,210 @A4



Attachment 2

PHONE: (03)6248 5898
WEB: www.rbsurveyors.com.au
EMAIL: admin@rbsurveyors.com

This plan has been prepared only for the purpose of obtaining preliminary subdivisional approval from local authority and is subject to that approval

All measurements and areas are subject to the final survey

OWNER TORONTO PASTORAL COY PTY LTD

LOCATION 326 PROSSERS ROAD
RICHMOND

TITLE REFERENCE C.T.127745/1

PROPOSED EASEMENTS AS REQUIRED

GRANTEE SEE TITLE

Base image by TASMAP (www.tasmap.tas.gov.au), © State of Tasmania
Base data from the LIST (www.thelist.tas.gov.au), © State of Tasmania

SCALE 1:10000

DATE 28-4-2015

MUNICIPALITY CLARENCE

REF. NO. TORON14
814803

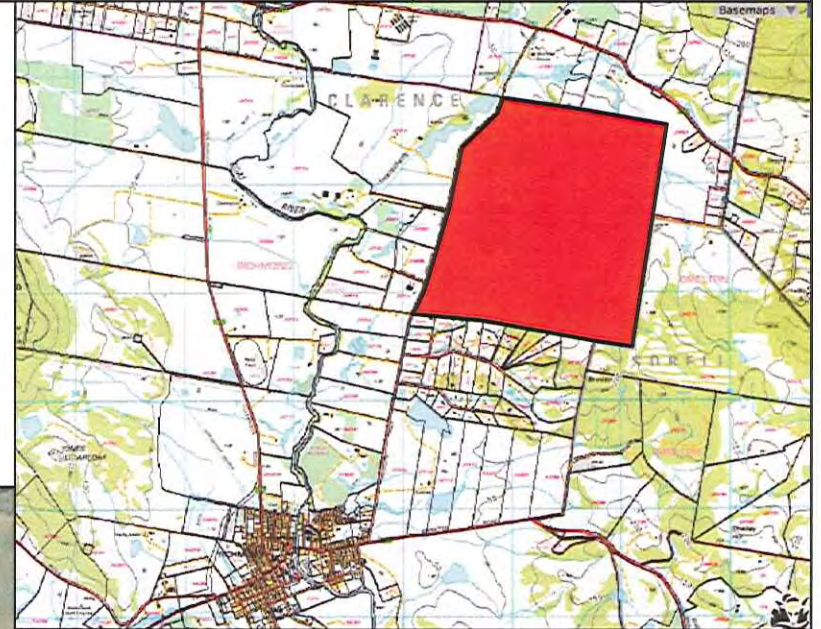
PROPOSED SUBDIVISION

STAGE 1 - LOT 1

STAGE 2 - LOTS 2,3 & 4

STAGE 3 - LOTS 5,6,7 & 8

STAGE 4 - LOTS 9,10,11 & 12



Attachment 3

326 Prossers Road, RICHMOND



Site viewed from Prossers Road, looking east



Aerial image of site and surrounds (Source: Google Earth)

**11.3.7 DEVELOPMENT APPLICATION D-2015/161 - 13 BRIDGE STREET,
RICHMOND - TOURIST OPERATION (RICHMOND MAZE)**
(File No D-2015/161)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for a Tourist Operation at 13 Bridge Street, Richmond.

RELATION TO PLANNING PROVISIONS

The land is zoned Commercial as well as Rural under the Clarence Planning Scheme 2007 (the Scheme). The land is subject to the Richmond Village Overlay. 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 with the written agreement of the applicant to expire on 24 June 2015.

CONSULTATION

The proposal was advertised in accordance with statutory requirements and 7 representations were received. A further representation was received out of time. The representations raised the following issues:

- not a Tourist Operation;
- impact on residential amenity;
 - operating hours;
 - noise;
 - lighting;
 - traffic/car parking/service lane;
 - overlooking/privacy;
 - motorhomes/overnight camping;
 - security;
 - pollution/fumes;
- impact on watercourse/wildlife corridor;
- inappropriate design/finishes/streetscape impact;
- impact of demolition/construction;
- inundation;
- loss of value; and
- support for the proposal.

RECOMMENDATION:

A. That the Development Application for Tourist Operation (Richmond Maze) at 13 Bridge Street, Richmond (CI Ref D-2015/161) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.

2. A “Noise Management Plan” (the Plan) is to be lodged prior to the issue of a building permit. The Plan is to be developed and certified by a recognised Acoustic Engineer or other appropriately qualified person and is to consider all buildings, external mechanical equipment and activities proposed for the site and the means to minimise or mitigate the impact that these activities may have on the amenity of the area and neighbouring properties.

The recommended measures must be to the satisfaction of Council’s Senior Environmental Health Officer and must be fully implemented when any of the uses hereby approved are commenced and continue to remain in operation.

Attenuation measures must achieve night time noise levels that comply with AS1055.2-1997, “Acoustics – Description and measurement of environmental noise” and measurements of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual issued by the Director of Environmental Management and must include adjustment of noise levels for tonality and impulsiveness and must be an average over a 15 minute time interval (LAeq15min). Consideration must also be given to vibrations that may be emitted from the site.

A performance report must be submitted to Council within 6 weeks from commencement of any uses to certify compliance with acceptable noise levels indicated in the Plan.

3. A plan for the management of construction must be submitted and approved by Council’s Manager City Planning prior to the issue of a Building or Plumbing Permit. The plan must outline the proposed demolition and construction practices in relation to:

- proposed hours of work (including volume and timing of heavy vehicles entering and leaving the site and works undertaken on-site);
- hours of construction;
- control of dust and emissions during working hours;
- construction parking;
- proposed screening of the site and vehicular access points during work; and
- procedures for washing down vehicles, to prevent soil and debris being carried onto the street.

4. Operating hours for the entire facility must only be within the following times:
Monday to Thursday: 7am to 10pm
Friday: 7am to midnight
Saturday: 9am to midnight
Sunday and Public Holidays: 10am to 10pm.
5. All deliveries and collections for the premises, inclusive of refuse collection, must take place between 6am-12am.
6. GEN C1 – ON-SITE CAR PARKING [85] Delete last 2 sentences.
7. GEN S1 – SIGN CONSENT.
8. GEN AM1 – NUISANCE.
9. GEN AM6 – OUTDOOR LIGHTING After “system” insert “or amplified music”.
10. GEN AM7 – OUTDOOR LIGHTING Add after first sentence “Boundary treatments adjacent to car parking areas and residential properties must mitigate the impact of car headlights. Details must be submitted to the satisfaction of Council’s Manager City Planning prior to the issue of a building permit for the development”.
11. ENG A5 – SEALED CAR PARKING.
12. ENG A7 – REDUNDANT CROSSOVER.
13. ENG S1 – INFRASTRUCTURE REPAIR.
14. ENG M1 – DESIGNS DA.
15. ENG M5 – EROSION CONTROL.
16. ENG M8 – EASEMENTS.
17. GEN M14 – STORAGE AREAS.
18. LAND 1A – LANDSCAPE PLAN.
19. LAND 3 – LANDSCAPE BOND (COMMERCIAL).
20. The development must meet all required Conditions of Approval specified by TasWater notice dated 28 May 2015 (TWDA 2015/00629-CCC).
21. ADVICE 5 – FOOD SPECIFICATION ADVICE.
22. ADVICE 6 – FOOD REGISTRATION ADVICE.

23. ADVICE 7 – PUBLIC HEALTH ADVICE.
24. ADVICE - The premises must be designed and controlled so that any emitted noise or odour is at a level that does not create a “nuisance” as defined in the Environmental Management and Pollution Control Act, 1994 to any affected receiver.
- 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

25. BACKGROUND

No relevant background.

26. STATUTORY IMPLICATIONS

26.1. The land is zoned Commercial as well as Rural under the Scheme. The land is subject to the Richmond Village overlay.

26.2. The proposal is discretionary for the following reasons:

- it is described as a Tourist Operation use in the Commercial zone;
- it is described as a Tourist Operation use in the Rural zone;
- a setback variation is required for the wooden maze located in the Rural zone;
- there are buildings which will be in view from the street under the Richmond Village overlay; and
- a variation to the maximum building height in the Richmond Village overlay is sought.

26.3. The relevant parts of the Planning Scheme are:

- Section 2 – Planning Policy Framework;
- Section 3 – General Provisions;
- Section 6 – Commercial and Rural Zones;

- Section 7 – Richmond Village Overlay; and
- Section 8 – Specific Provisions.

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

27. PROPOSAL IN DETAIL

27.1. The Site

The site comprises land at 13 Bridge Street, Richmond (CT 156406/1). It has a total area of 1.41 ha and 84.44m frontage to Bridge Street. The site is adjacent to residences in the Rural zone and a residence and tourist accommodation in the Commercial zone to the east.

The existing development on the site was constructed during the 1980s. It is currently used as a tourist operation comprising two wooden mazes, a café and dwelling.

27.2. The Proposal

The proposal involves demolishing the existing facilities and constructing a hedge maze, a timber maze and new visitor facilities housed across two separate buildings connected by a covered outdoor area. The hedge maze will be located immediately north of the visitor facilities in the northern portion of the site.

The maze car park will be located along the western boundary, with the timber maze located immediately north of the car park. A bus drop off will be located at the frontage to Bridge Street next to the car park entrance.

The proposed dining and visitor facilities will be housed in two separate buildings located on the southern half of the site, with associated outdoor dining areas and gardens.

The proposal comprises a crepe and donut parlour (122m²), maze entry and information centre (52.6m²), commercial kitchen (22m²) with cool room (13.7m²) and store room (9.6m²), serving the cafe café and wood fired pizza shop (140m²), a function room (370m² / 150 seats), bond store and distillery (50m²), whisky and wine bar (60m²), commercial kitchen (62m²) with cool room (13.7m²), serving the restaurant and function room, and restaurant (276m² / 100 seats).

The applicant anticipates the development will attract 450-500 people per day and employ 30-35 staff.

Proposed hours of operation are:

Monday to Thursday: 7am to 10pm

Friday: 7am to midnight

Saturday: 9am to midnight

Sunday and Public Holidays: 10am to 10pm

Signage is not proposed but will be sought as part of a future application.

A new stormwater grated pit system will be installed within the car park, and a new stormwater headwall will be constructed within the existing creek near the site frontage.

28. PLANNING ASSESSMENT

28.1. Planning Policy Framework

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

Key Issues:

The ability to provide for business growth and revitalisation in niche centres at Bellerive / Kangaroo Bay and Richmond.

Strategy:

Promote the heritage values of Richmond, to encourage a greater range of tourism businesses as well as local services.

References to these principles are also contained in the discussion below.

28.2. General Decision Requirements

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.*
 - (vi) *Comments of any Government Department, any other Authority or referred agency.*
 - (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 length of establishment of operation and the periods within which activities may be carried out.*
- (c) *Infrastructure requirements:*
 - (v) *The capacity of the existing streets and roads in the locality and the effect of the development on such capacity.*
 - (vi) *The provision of access, loading, parking and manoeuvring of vehicles.*
 - (viii) *The need for access to public transport facilities. ration and the periods within which activities may be carried out.*
- (d) *Design suitability requirements:*
 - (ii) *The position and scale of buildings in relation to boundaries or to other buildings, their density, character, height and harmony in design of facades.*
 - (iv) *The existing character of the site and the buildings and vegetation it contains.*

- (v) *The need to avoid disability discrimination in the design of developments.*
- (e) *Environmental requirements:*
 - (iii) *The compatibility of the development on the surrounding land uses.*
 - (v) *The need for a management plan.*
 - (vi) *The impact on important wildlife corridors and flora, fauna, landscape features of the area and introduction of pests, plants or animals.*
 - (ix) *The impacts from and need to control drainage and erosion.*
 - (x) *The impact of the development or any associated works with respect to the natural landscape, infrastructure, vistas and water features and any mitigation strategies necessary to minimise these impacts.*
 - (xi) *The protection of water courses and adjoining riparian vegetation*
 - (xiii) *Whether native vegetation must be or can be protected, planted or regenerated through the application”.*

References to these principles are also contained in the discussion below.

28.3. Land Use

Tourist Operation is defined in the Scheme as:

“Land used specifically for tourist purposes, and includes wildlife parks, or outdoor, historical or bush displays...”.

The Mazes, located as they are in the tourist destination of Richmond, would very clearly fit within the definition of a Tourist Operation. What is less clear is how the other component uses (function centre, restaurant, wine / whiskey bar etc) might be considered to be an integral part of the mazes as the primary use. More specifically the component uses can all be separately defined under the Scheme (Community Building, Restaurant, Hotel etc) but are considered by the proponent to be ancillary to a Tourist Operation. Under the Scheme at s3.5.1, ancillary use must constitute an integral and subservient part of a proposed use to be considered as part of that use. As such, the component uses (for example, a function centre) could be argued not to be an integral part of a Tourist Operation which is centred around two mazes.

There are various ways to determine what use might be the dominant activity. For example, the mazes are clearly the most land intensive (dominant) use but the function centre or restaurant might receive more patrons and therefore be the more dominant use. Clearly, the proposal is intended to be developed as a whole and will be marketed by the operator to primarily attract tourists. As such, it is considered reasonable to refer the ‘whole’ proposal as a Tourist Operation.

Notwithstanding, this issue is not considered to be fatal to determining the application. All the component uses (Community Building, Restaurant, Hotel etc) are Discretionary in the Commercial zone. Likewise, the component uses of Tourist Operation (mazes) and Community Building (function centre) are also Discretionary in the Rural zone. The carpark, which services all the separate components, transcends both zones and therefore is not prohibited by either.

28.4. Zone

The proposal is located in both the Commercial (5129m²) and Rural (8976m²) zones.

Commercial Zone

The purpose of the zone is to encourage a range of business centres for retailing and other complementary commercial, entertainment and community uses.

The proposal complies with the only applicable development standard being a maximum 15m height restriction.

The applicable Specific Decision Requirements are considered below:

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

Refer to Section 4.5 of this report.

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

The proposal will provide a high level of interaction with pedestrian areas.

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

The site has adequate provision for multi modal transport and pedestrian integration.

“(d) The interface between Commercial and Residential areas should be treated in a way that prevents significant amenity loss to the residences while maintaining commercial form and vitality”.

The site is adjacent to Commercial and Rural zones to the east, north and west and Residential to the South. Notwithstanding the mixture of zones, residential development is present in proximity to all of the site boundaries. Of particular relevance is the effect the intensity and duration the proposed use will have on amenity. As the applicant’s proposal to deal with these issues is limited, it is recommended that a permit condition require the proponent to submit and implement the recommendations of a noise management plan. Such a plan should be prepared by a recognised acoustic engineer and consider the location, construction and management of buildings, plant and car parking areas.

“(e) Energy use for the heating and cooling of residential development should be minimised”.

The development will be designed to the relevant Building Code standards.

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

Car parking has been considered at section 4.6 of this report.

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

It is recommended that a permit condition cover this issue.

Rural Zone

The small, disconnected portion of land zoned Rural on the site has little value in terms of the purpose of the Rural zone, particularly as it is situated in an area which is constrained by the urban fringe and the newly constructed bypass.

The proposal seeks a variation to the 10m setback from the west side boundary which would result in a zero setback from the maze wall. A discretionary application may be lodged to vary this standard where the existing lot is less than 20ha.

The applicant proposes to site the redeveloped wooden maze along this boundary and seeks to justify the variation as the maze wall will take on the appearance of a boundary fence. There are no dwellings within at least 50m of the area requiring a setback variation and therefore the impact on residential amenity will be negligible.

“(a) The development is to suit the capability of the land, addressing site quality attributes including soil type, soil fertility, soil structure, soil permeability, aspect, contour and drainage patterns”.

The site, although zoned Rural, is severely constrained and therefore has no capacity to be productively farmed. The applicant has provided Stormwater report, the recommendations of which are supported by Council’s engineers.

“(b) Existing farm production is to be protected particularly maintaining farm size and the productive capacity of the site to sustain the rural enterprise and considering impacts from and on surrounding land uses”.

The proposal will not have any effect on any rural activities in the area.

“(c) Rural uses, industries and rural infrastructure are to be protected to maintain the production capacity of the area”.

The proposal will not have any effect on any rural activities in the area.

“(d) Areas of significant vegetation, habitat, threatened species or threatened communities should be maintained where possible”.

There are no threatened flora and fauna communities or habitat identified under the Natural Assets Inventory Mapping.

“(e) Vegetation and fauna habitat should be retained along waterways, gullies, ridgelines and property boundaries and these areas revegetated where appropriate”.

To manage stormwater, the proposal seeks to increase the capacity of the creek through the site and thereby retain it as a natural feature.

“(f) Buildings should be sited away from the skyline and prominent ridgelines to avoid being silhouetted against the sky when generally viewed from a public place”.

Not applicable.

“(g) Energy use for the heating and cooling of residential development is to be minimised”.

The development will be designed to the relevant Building Code standards.

“(l) Sufficient car parking is to be provided on site to meet differing levels of residential, service and recreational needs. Safe and convenient access is to be provided to all parking areas”.

Car parking has been considered at section 4.6 of this report.

28.5. Richmond Village Overlay

The applicable purpose of the overlay is to:

- “• *enhance the historic integrity of groups of buildings and the streetscapes;*
- *retain the distinctive character of Richmond which is derived from its buildings, open spaces, undulating topography, market garden and historic gardens and orchards, and in particular the scale of buildings, low solid fences, walls, style of building, building lines and building materials; and*
- *retain important views to town landmarks and the surrounding rural countryside”.*

The maximum height of the proposal is 7.7metres and therefore a variation is required to the maximum height Development Standard of 7.5m. In addition, the Development Standards require:

- (i). Building siting must be consistent with other buildings and structures in the street and complement the streetscape.
- (ii) Front boundary setbacks must respect the dominant building line existing in the street.
- (iii) The design of new buildings must respect the Georgian style of architecture, through the simplicity of design features. However, these buildings must not seek to replicate period buildings.
- (iv) Commercial buildings to present a strong edge to the street.

The application was referred to Council’s consultant Heritage Advisor who provided the following comment:

“The Burra Charter states that ‘New work such as additions to the place may be acceptable where it does not distort or obscure the cultural significance of the place, or detract from its interpretation and appreciation’. It also adds ‘New work should be readily identifiable as such’.

The Burra Charter indicates a clear mandate to avoid replication of period detail but does encourage use of compatible siting, bulk, form, scale, character, colour, texture and material.

This proposal does not appear to adversely affect the historic integrity of streetscape or adjacent clusters of buildings by virtue of its compatible setback from Bridge Street in addition to adoption of rural building forms (widely represented throughout the Richmond Townscape) in addition to articulated and compatible building scale encased with complimentary materials and finishes.

The successful retention of Richmond's distinctive character is ideally achieved by compatible development patterns within the streetscapes in addition to avoidance of Georgian replicas and historic mimicry. The current maze structures and associated building stock are of poor visual quality and impose uncharacteristic fence and building detail. This inevitably creates an unsightly break in an otherwise complimentary streetscape that infuses heritage building stock with compatible interpretations thereof.

The proposed Maze development is located in a manner that will rectify the poorly planned layout of the existing whilst providing an appropriate frontage to the Bridge Street precinct without imposition to current building framework. Location of the maze areas to the rear of the property will afford a balanced development pattern, compatible with the existing character of Bridge Street.

Vistas along Bridge Street (from the Hobart approach) are identified within the Richmond Cultural Resource Management Plan as a significant contribution to the interpretation of Richmond street character. The Maze proposal, by virtue of its articulated simplistic forms and recessive colour scheme, does not appear to significantly impact upon such views, despite its increased in overall size and development area”.

The applicable Specific Decision Requirements for the overlay are discussed below.

“(a) The scale and form of buildings should be compatible with the valued character of the area”.

Council's consultant Heritage Advisor states *"the scale of this proposal has been carefully articulated in order to reduce visual impact to Bridge Street and the immediate locale. Whilst the unambiguous modern appearance is acknowledged (and endorsed), the interpretation of rural building forms is widely used throughout the Richmond townscape of various scale"*.

The location of the proposed buildings on site have directed the short axis of the development towards Bridge Street, affording a compatible scale and development pattern within the streetscape, whilst extending the longer axes throughout the depth of the subject site where they are not readily visible.

Council's consultant Heritage Advisor notes that *"the subject site is of lower elevation to adjacent property to the eastern proximity and will be significantly separated from those to the western boundary via landscaped buffer zone and parking / access areas"*.

"(b) Building heights should not exceed the height of other buildings in the area so as to preserve important views to town landmarks and the surrounding rural landscape".

Council's consultant Heritage Advisor has commented that *"the height of the current proposal, although slightly higher than the existing building upon the site, will be well under adjacent building stock. Views to the surrounding landscape are currently obscured by inappropriate fencing which will be vastly improved by the current proposal, partially by appropriate building height in addition to selective location of proposed building forms where views are constrained. Some visual permeability is also accommodated within this proposal."*

"(c) the Colour, texture and materials of buildings should be consistent with those in the area".

Council's consultant Heritage Advisor notes that *"the proposed palette of materials is considered to be an appropriate response to the site and locale. References to adjacent rural buildings via colour and texture will facilitate a recessive appearance not dissimilar to other rural interpretations within the Richmond townscape."*

"(d) Signage should be compatible with the streetscape and architectural values of the area".

The applicant has not proposed signage at this stage.

Council's consultant Heritage Advisor concludes:

"...the increased size and scale of this development is acknowledged but also considered to be mitigated by the careful selection of location upon the site and consideration of external space in addition to appropriate articulation and consideration of form, material and colour. One could easily argue that a poorly executed 'cream and green' Georgian replica would devalue the historic integrity of the locale to a greater degree".

28.6. Specific Provision

The Off-Street Car Parking and Loading provisions seek to ensure the provision of an appropriate number of car parking spaces, having regard to the activities on the land and the nature of the locality. The parking rate for a Tourist Operation is not specified in the Scheme and therefore must be determined by Council.

The applicant has submitted a Traffic Impact Assessment (TIA) in support of the development and the proposal for 85 car parking spaces. The Scheme does not provide a parking rate for a Tourist Operation and therefore it is to be determined by Council. By way of comparison, the following table provides a breakdown of some of the component uses.

Activity	Component use	Area	Scheme requirement for spaces
crepe and donut parlour	Restaurant	122m ²	12.2
maze entry and information centre	Tourist Operation	-	-
wood fired pizza shop	Restaurant	185m ²	18.5
function room	Community Building	370m ²	30
whisky and wine bar	Hotel	60m ²	20.6
restaurant	Restaurant	276m ²	27.6
mazes	Tourist Operation	-	-
total			109

It is noted that there is a strong likelihood that demand will be reduced due to the sharing of car spaces by multiple activities because of variation of car parking demand over time.

The applicants TIA notes the alternative estimation of car parking demand based on the RTA (New South Wales Road Transport Authority) Guidelines is around 78 car parking spaces during the day time when all areas except the function centre are open, while of an evening with the function centre and restaurant open, the parking supply would be around 96 spaces. The figures don't allow for tourists arriving by bus and to evening functions.

According to the applicant's traffic consultant, allowing for these factors reduces the estimate of the car parking demand to around 60 – 70 spaces during the day and around 75 - 84 spaces during the evening.

It is considered that the proposed parking is justifiable.

28.7. External Referrals

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

29. REPRESENTATION ISSUES

The proposal was advertised in accordance with statutory requirements and 7 representations were received. A further representation was received out of time. The following issues were raised by the representors.

29.1. Not a Tourist Operation

Representors have expressed concern that the proposal goes beyond being a Tourist Operation as it includes a crepe and donut parlour, information centre, café and wood fired pizza shop, a function room, distillery / whisky / wine bar and restaurant which are all separate uses not intrinsically linked to the maze.

- **Comment**

For the reasons discussed at section 4.3 of this report, the proposal is considered to be defined as a Tourist Operation.

29.2. Impact on Residential Amenity

Operating Hours

Representors contend that the proposed operating hours bear no relation to the opening hours of other tourist enterprises (including the practical daylight operation of the maze) and are simply intended to attract wedding receptions, anniversaries, birthdays and office parties etc.

- **Comment**

Operating hours are significantly later than at present and reflect the extended activity proposed. Whilst clearly the facility would attract the functions described by the representors, these are events which are appropriately suited to a Commercial zoning. Under the Environmental Management Protection & Control Act, the proposed operating hours are identical to those considered acceptable for domestic events (eg. parties in private residences where it is considered appropriate that a certain level of noise is acceptable to (say) 12am on a Saturday night). Notwithstanding there are noise limits which must be observed and, as previously recommended, it is proposed that a noise management plan is required by permit condition.

Noise

Representors expressed concern that the late opening hours for the centre would give rise to noise from patrons which would be difficult to manage.

- **Comment**

Refer to previous comments (at Section 5.2.1).

Lighting

Representors expressed concern that lighting (especially from the carpark) would be intrusive. This might include fixed lighting as well as car headlights.

- **Comment**

It is proposed that any approval is conditioned to require lighting to be baffled to ensure there are no direct light emissions outside the site and boundary treatments adjacent to car parking areas to mitigate the impact of car headlights.

Traffic/Car Parking/Service Lane

Representors expressed concern about the anticipated numbers of patrons and the effect this would have on traffic movements to and from the site. The size of the carpark and coach drop off/waiting was also raised as a concern. One representor was concerned about the impact the service road along the east boundary would have on their amenity and accommodation business.

- **Comment**

The traffic and car parking issues have been addressed through the applicant's traffic impact assessment and addressed elsewhere in this report. The service lane adjacent to 15 Bridge Street is only for emergency and maintenance access. No service deliveries are intended to be through this laneway and instead will be facilitated from the bus drop-off area.

Overlooking/Privacy

Representors expressed concern about being overlooked and losing the privacy currently enjoyed in their gardens.

- **Comment**

The proponent has considered various boundary treatments (maze walls, hedges, trees etc) and, whilst there may not be the same level of privacy available as now, there are no habitable rooms or private areas which will be directly overlooked.

Motorhomes/Overnight Camping

Representors expressed concern that the carpark would be used by tourists in motorhomes as a venue to camp overnight as this has purportedly been an issue in other Richmond carparks.

- **Comment**

The use is not proposed by the applicant and would detract from the facility. The applicant advises that this is an issue which can be appropriately managed by the operator.

Security

With the car parking area easily accessible, representors queried what measures would be put in place to maintain their security.

- **Comment**

This is a matter of detail which must be considered as appropriate by the operator, possibly through bollard lighting etc. There is no evidence to suggest that the carpark would become a security issue to neighbouring residents.

Pollution/Fumes

Representors expressed concern about fumes generated by vehicles onsite and also cooking fumes from kitchen exhaust fans.

- **Comment**

There is no evidence to suggest that vehicles using the carpark would generate significant fumes. Cooking fumes from kitchen exhaust fans are usually considered at the detailed design stage. A general “nuisance” condition to any approval is proposed should this ever become an issue.

29.3. Impact on Watercourse/Wildlife Corridor

Representors contend the application documentation does not address the wider issues of wildlife corridors or habitat other than to state there are no threatened species. One representor claims the Green & Gold Frog has been found in this creek bed.

- **Comment**

There are no threatened flora and fauna communities or habitat identified under the Natural Assets Information Manual. Notwithstanding the proponent intends to increase the capacity of the creek through the site and thereby retain it as a natural feature.

The Threatened Species Unit lists the Green and Gold Frog as “vulnerable” under the Threatened Species Protection Act 1995. However, there is no recorded information and the only nearby site listed by the Unit is Prospect House, Richmond. In any event this would only be an issue of the DPIPWE Threatened Species Unit.

29.4. Inappropriate Design/Finishes/Streetscape Impact

Representors contend that the proposed buildings; materials; and position in the streetscape are inappropriate. The design is alien to the character of Richmond and, given its significant location, will dominate the entrance to the town and undermine the largely intact heritage character.

- **Comment**

This issue has been extensively discussed in Section 4.5 of this report.

29.5. Impact of Demolition/Construction

Representors expressed concern that vibration, noise and dust could detrimentally impact heritage buildings and denigrate their amenity. If approved, a construction management plan may adequately address some of these concerns.

- **Comment**

It is recommended that a condition requiring a construction management plan be attached to any approval.

29.6. Inundation

Representors have expressed concern that parts of the proposed redevelopment may be subject to inundation and may subject adjacent properties to inundation by inadvertent diversion of the water-way that runs through the development because of debris carried by that waterway collecting against the proposed infrastructure and creating blockages to water flow.

- **Comment**

The applicant for this development proposal provided a thorough hydrological study as the development is in the immediate area of a natural waterway. This study, along with the information submitted by the representor, suggest that the area will be inundated and therefore the development has been designed to ensure both the development and adjoining properties are not adversely affected. Council's engineers believe the information supplied demonstrates that the waterway immediately upstream of the development has little gradient and therefore insufficient water velocity to transport debris. Any structures or development downstream of Bridge Street will have no effect on this development.

29.7. Loss of Value

Representors claim that the proposal will devalue their properties.

- **Comment**

There is no evidence to suggest the proposal would depreciate property values, however this is not a valid planning matter.

29.8. Support for the Proposal

Two representors supported the proposal in its advertised form, as it will benefit the town as a whole and particularly this part of Bridge Street.

- **Comment**

Noted.

30. STATE POLICIES AND ACT OBJECTIVES

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

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

31. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

32. CONCLUSION

The proposal is for a Tourist Operation to redevelop the existing Richmond Maze at 13 Bridge Street, Richmond.

For the reasons outlined above, the proposal is recommended for approval subject to reasonable and relevant conditions.

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

Ross Lovell
MANAGER CITY PLANNING

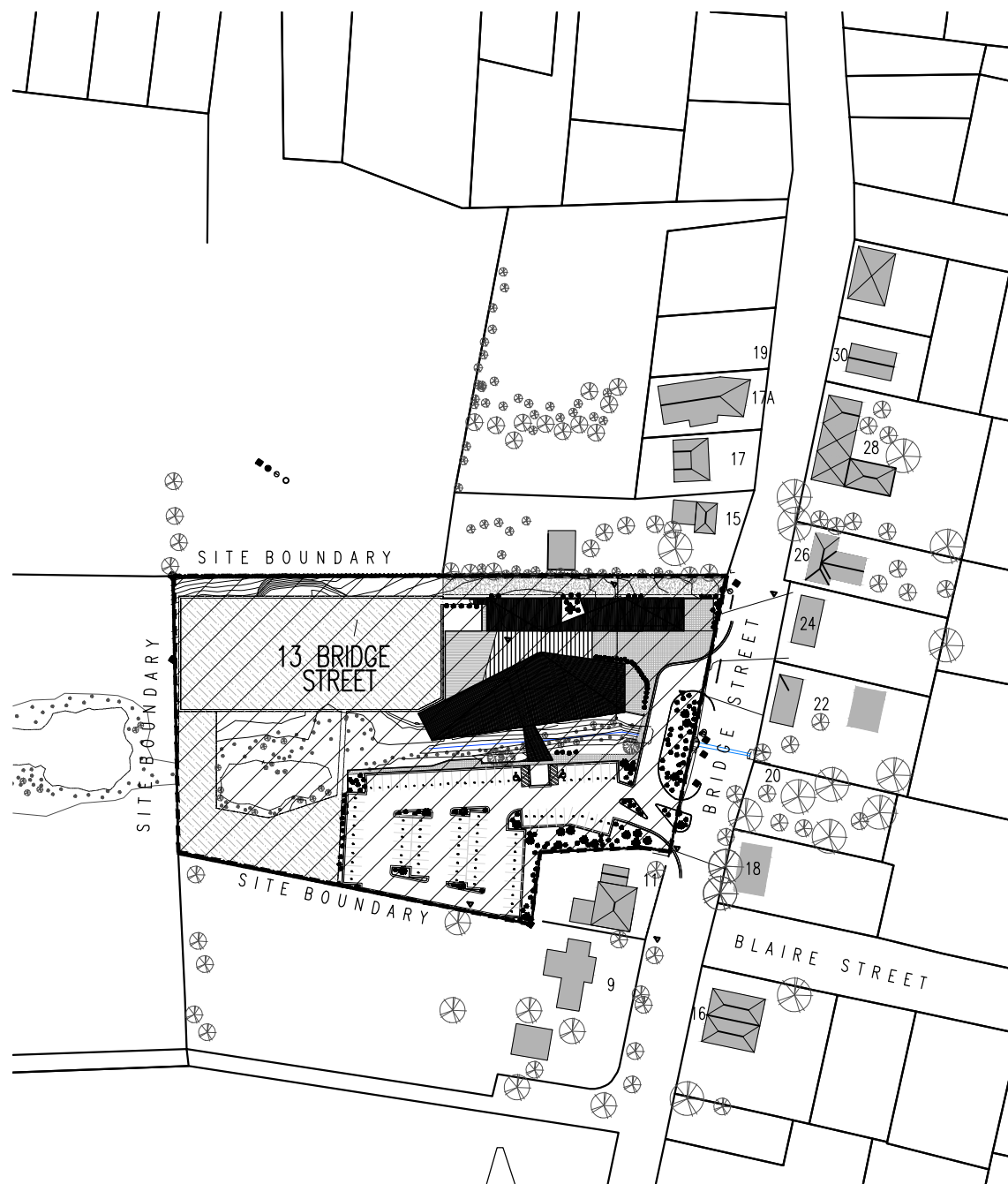
Council now concludes its deliberations as a Planning Authority under the Land Use Planning and Approvals Act, 1993.

Attachment 1

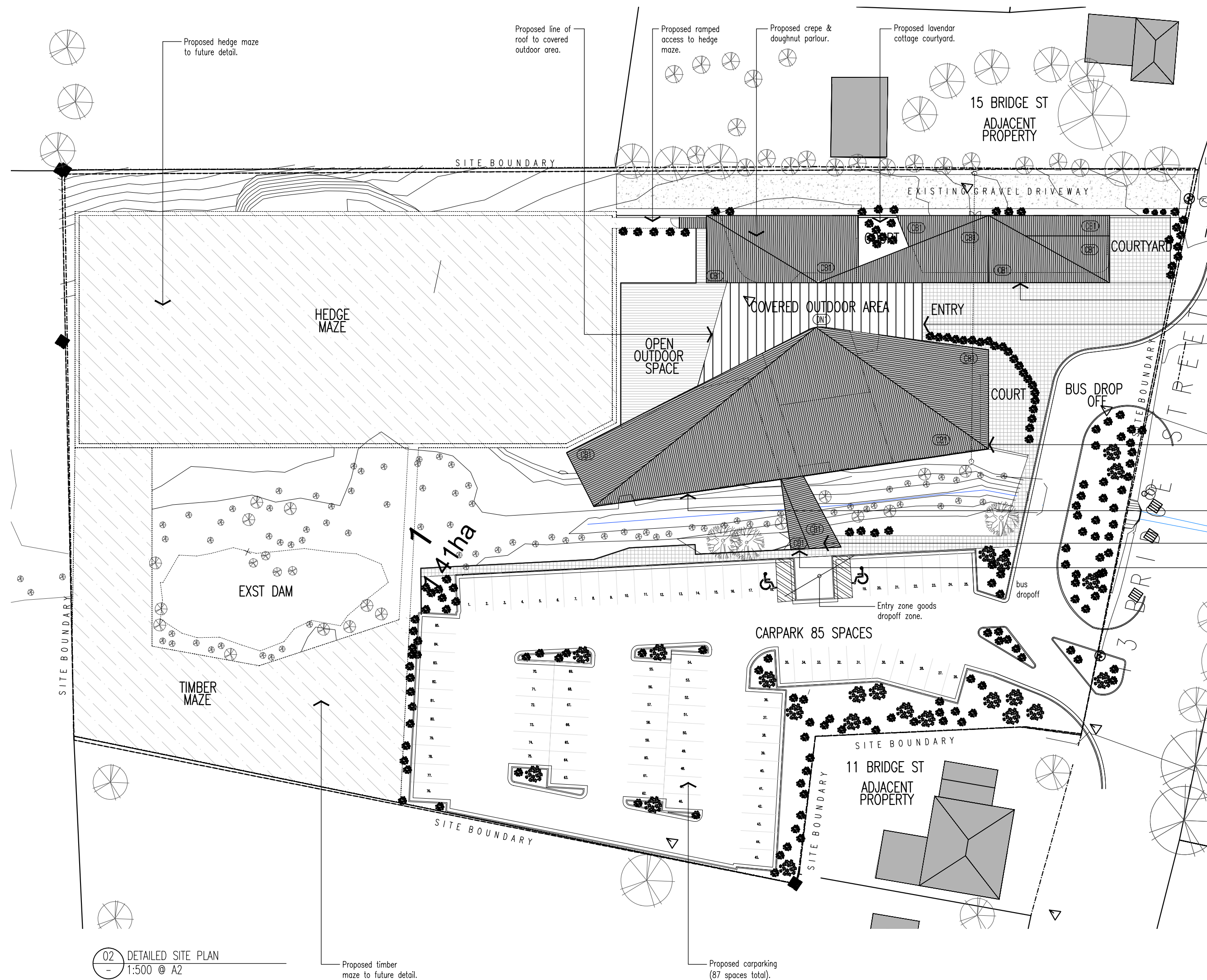


Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Monday, 15 June 2015 **Scale:** 1:6,543 @A4

Attachment 2



01 LOCATION PLAN
1:2000 @ A2



02 DETAILED SITE PLAN
1:500 @ A2

FINISHES SCHEDULE

- (CON) Precast insulated panel with vertical rough sawn timber moldings to both exterior and interior face (grey).
- (CB1) Colorbond Longline, colour to Basalt (medium grey), with 0.60mm machine folded flashings to match.
- (TM1) Rough Sawn timber vertical clod (lapped) left to grey.
- (COT) Exposed concrete pavers with exposed aggregate finish.
- (COT2) Adfri Masconary Turfstone grass paver (grey).
- (TM2) Pelawan Timber decking, clear finish.
- (DN1) Everbright polycarbonate cladding with proprietary aluminum fixings. Colour to be clear.

DOOR SCHEDULE

All doors to be timber framed with toughened glass infill (unless otherwise noted).

WINDOW SCHEDULE

All windows to be aluminum frame with powder coat finish. Colour to be dark.

gw glazed window. refer to elevations for openings

gd glass door. refer to elevations for openings.

SERVICES SCHEDULE

ex.s.w existing storm water drain.

Preston
Lane

Hobart
45 Guilburn Street Hobart TAS 7000
T 61 3 6231 2923
ACC OC10179
Melbourne
3 Tivoli Road South Yarra VIC 3141
T 61 3 9627 8902
info@gentonline.com.au
gentonline.com.au

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

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

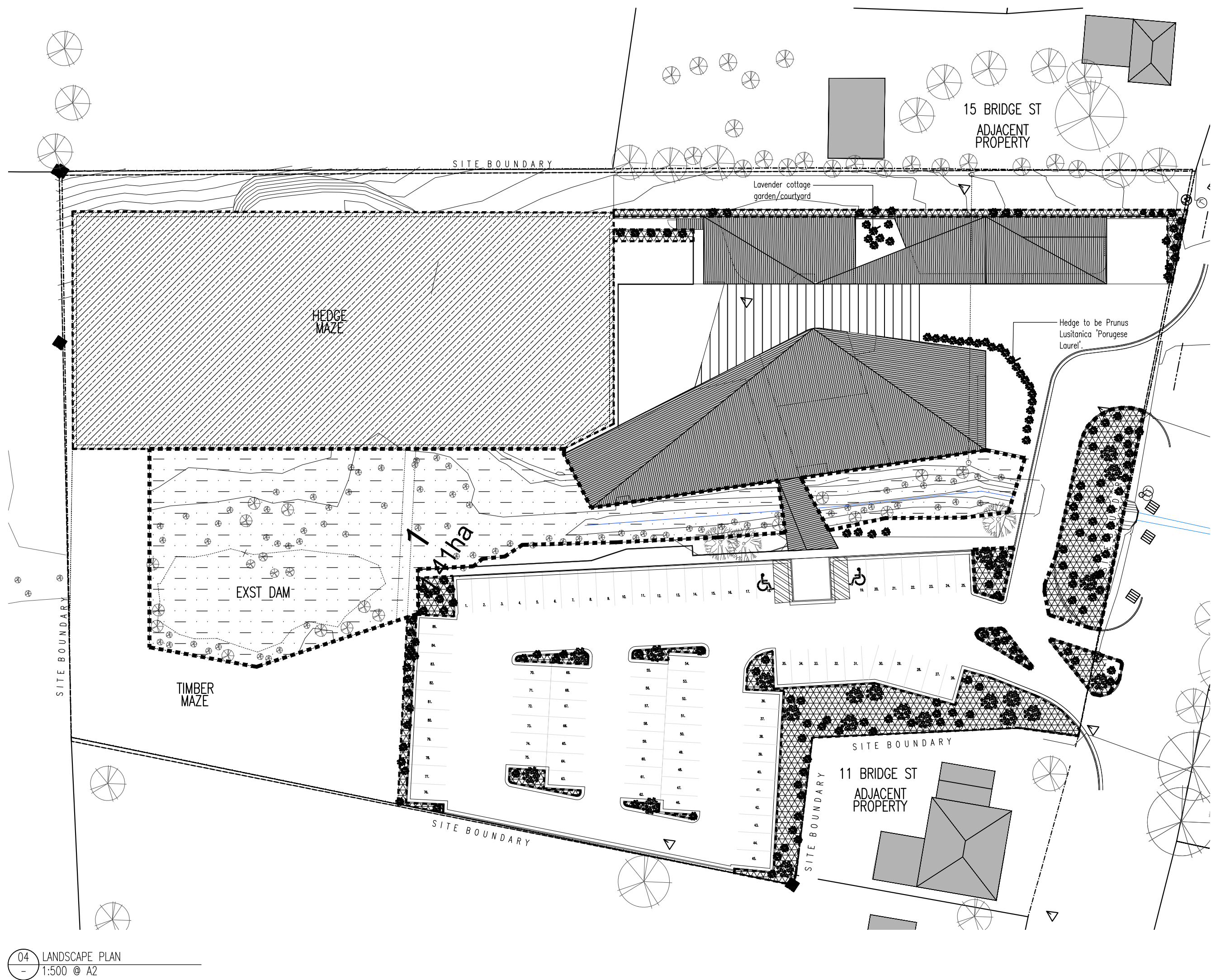
Proprietor A-MAZE-ING GROUP PTY LTD
Project RICHMOND MAZE
13 BRIDGE STREET, RICHMOND
Drawing SITE PLAN

Scale 1:2000 + 1:500 @ A2

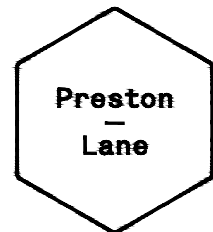
Revision			
A	02/03/15	CLIENT MEETING	BV DL
B	16/03/15	PLANNING APPLICATION	BV JH
C	17/04/15	DA REVISED	BV JH
D	27/04/15	DA REVISED	BV JH
E	28/04/15	DA REVISED	BV JH

Project No

15030



PLANT SCHEDULE	
	Hedge Maze Plant species to be Ficus Microcarpa Hillii "flash".
	Plant species to be Prunus Lusitanica Portugese Laurel.
	Plant species to be water basin zone plants: Carex Appressa, Ficinia Modosa, Gahinia Grandis, Juncus Pallidus/ Juncus Anabilis and Lomandra Longifolia (or similar).



Hobart
45 Goulburn Street Hobart TAS 7000
T 61 3 6231 2923
ACC OC310779
Melbourne
3 Tivoli Road South Yarra VIC 3141
T 61 3 9627 8902
info@prestonlane.com.au
prestonlane.com.au

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

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

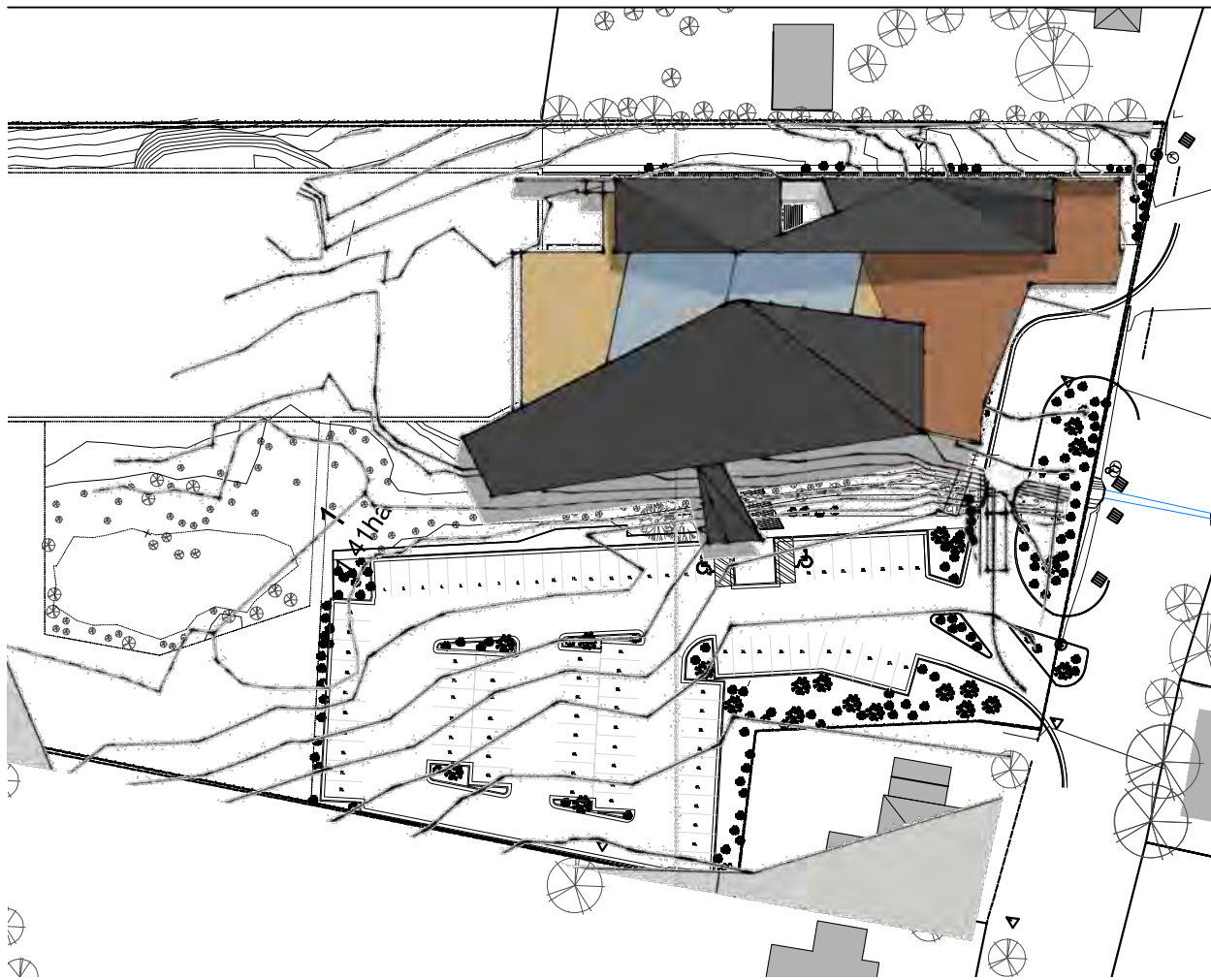
04 LANDSCAPE PLAN
1:500 @ A2

Proprietor A-MAZE-ING GROUP PTY LTD
Project RICHMOND MAZE
13 BRIDGE STREET, RICHMOND
Drawing LANDSCAPE PLAN

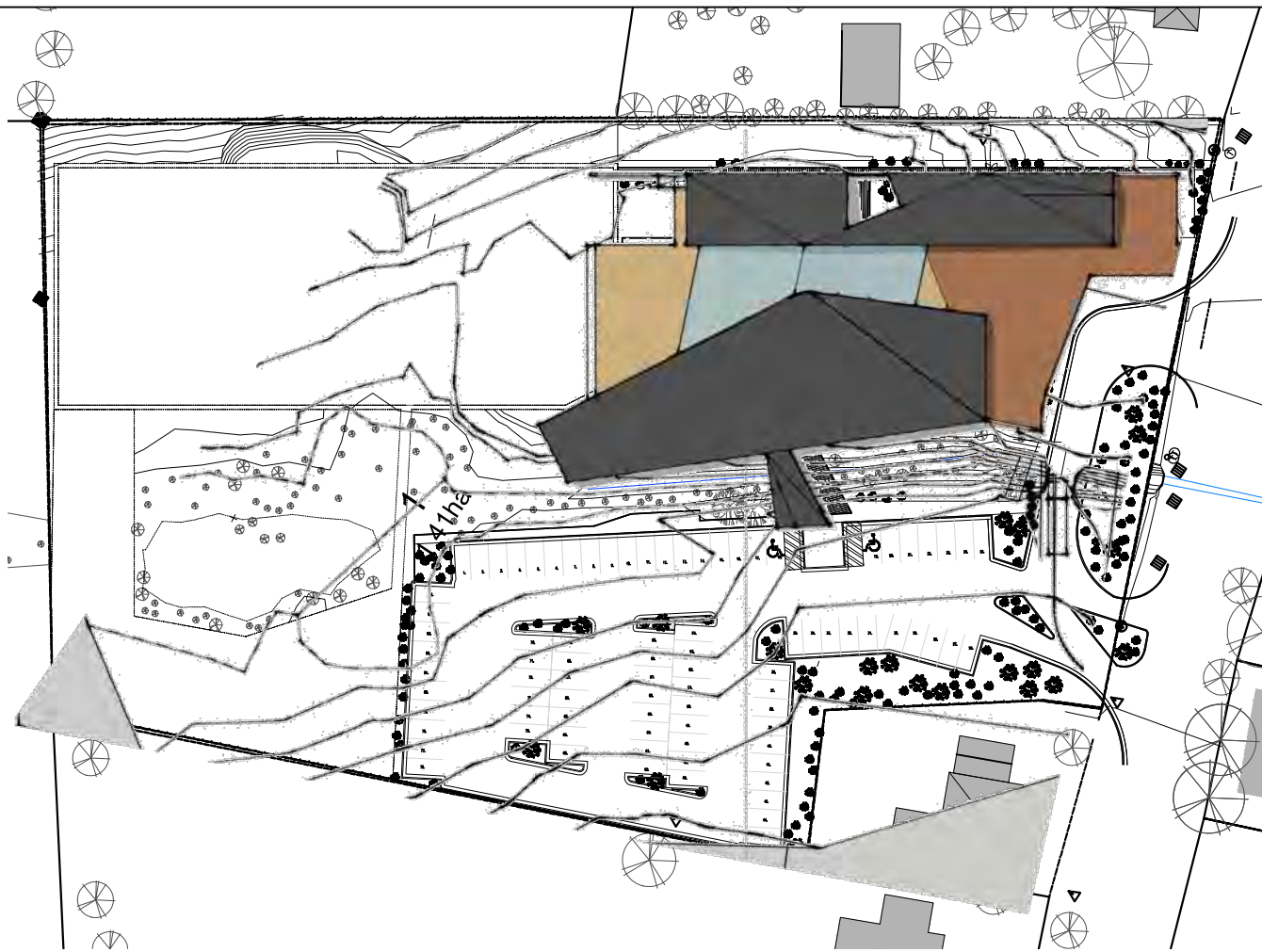
Scale 1:500 @ A2

Revision		
A	02/03/15	CLIENT MEETING
B	16/03/15	PLANNING APPLICATION
C	17/04/15	DA REVISED
D	27/04/15	DA REVISED
E	28/04/15	DA REVISED

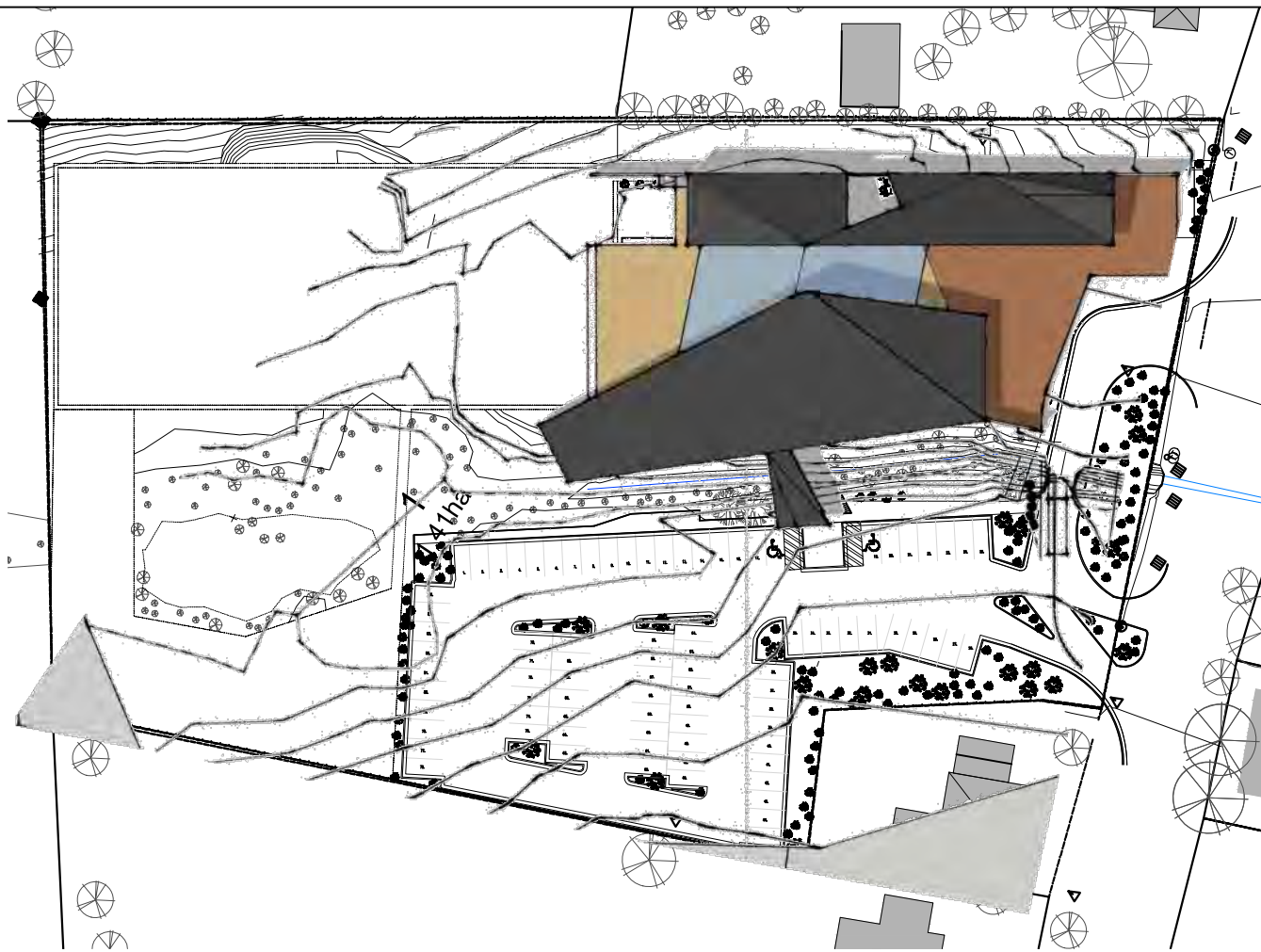
Project No



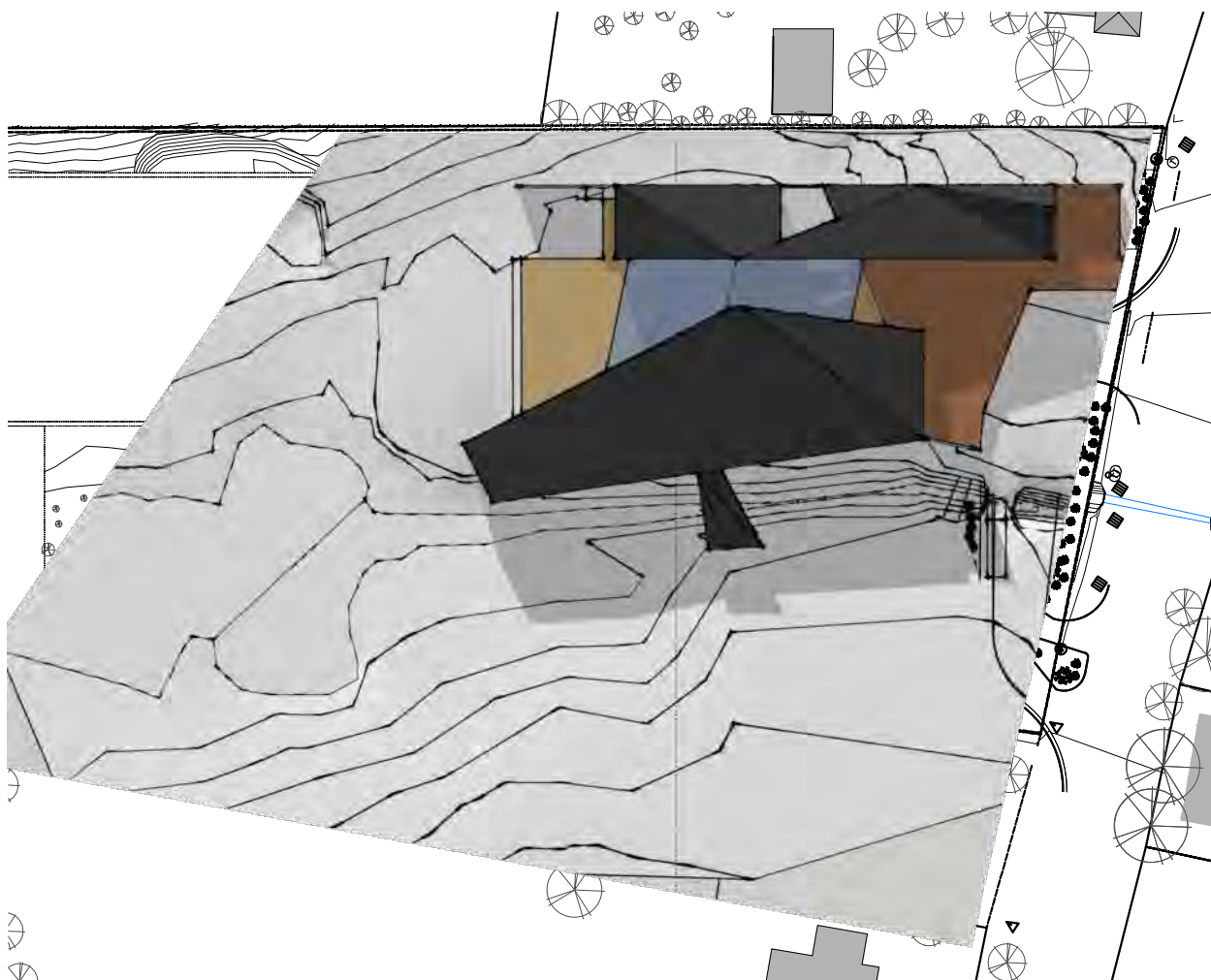
01 Summer 9am Sun diagram
1:1000 @ A2



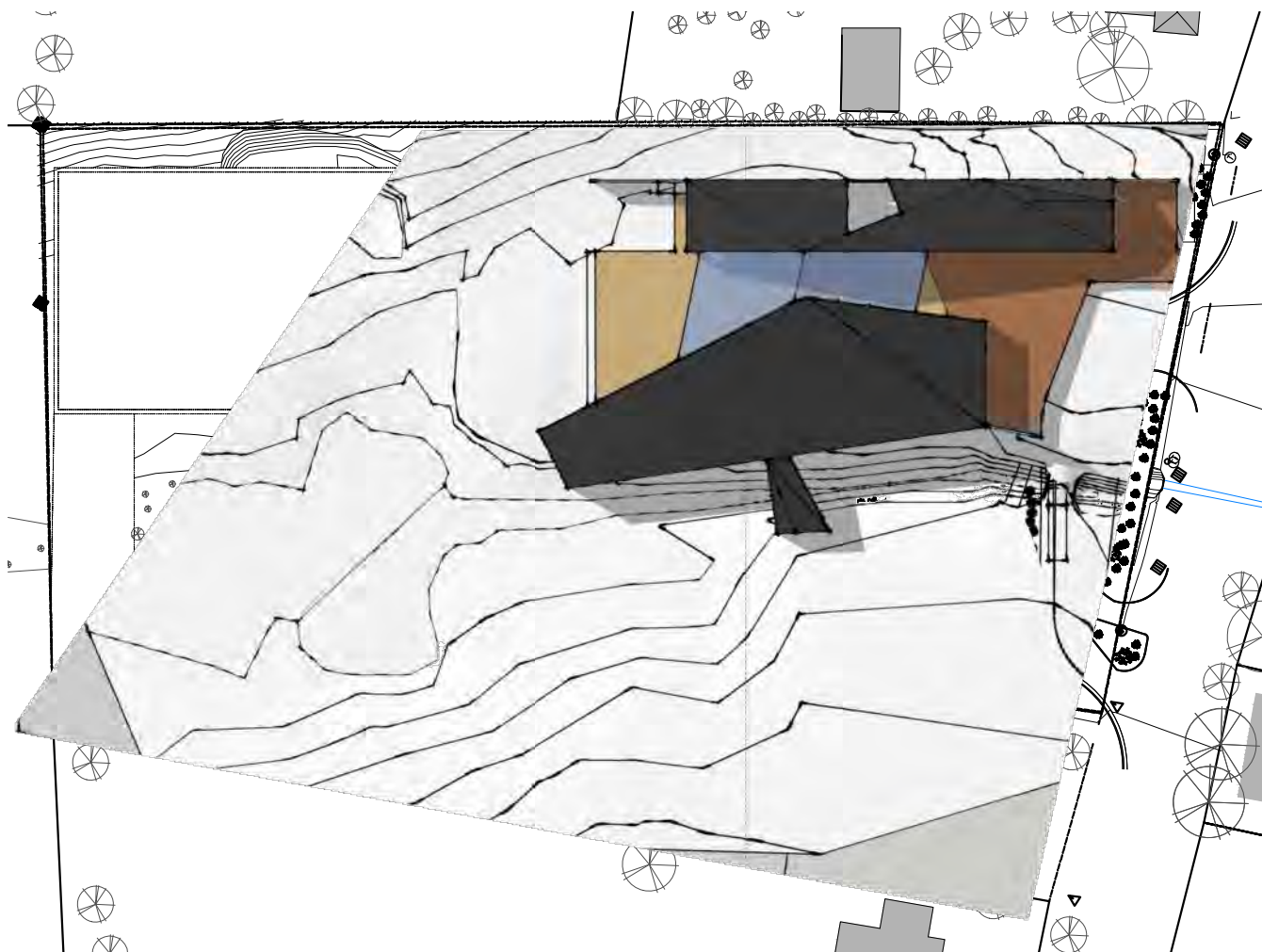
02 Summer 12noon Sun diagram
1:1000 @ A2



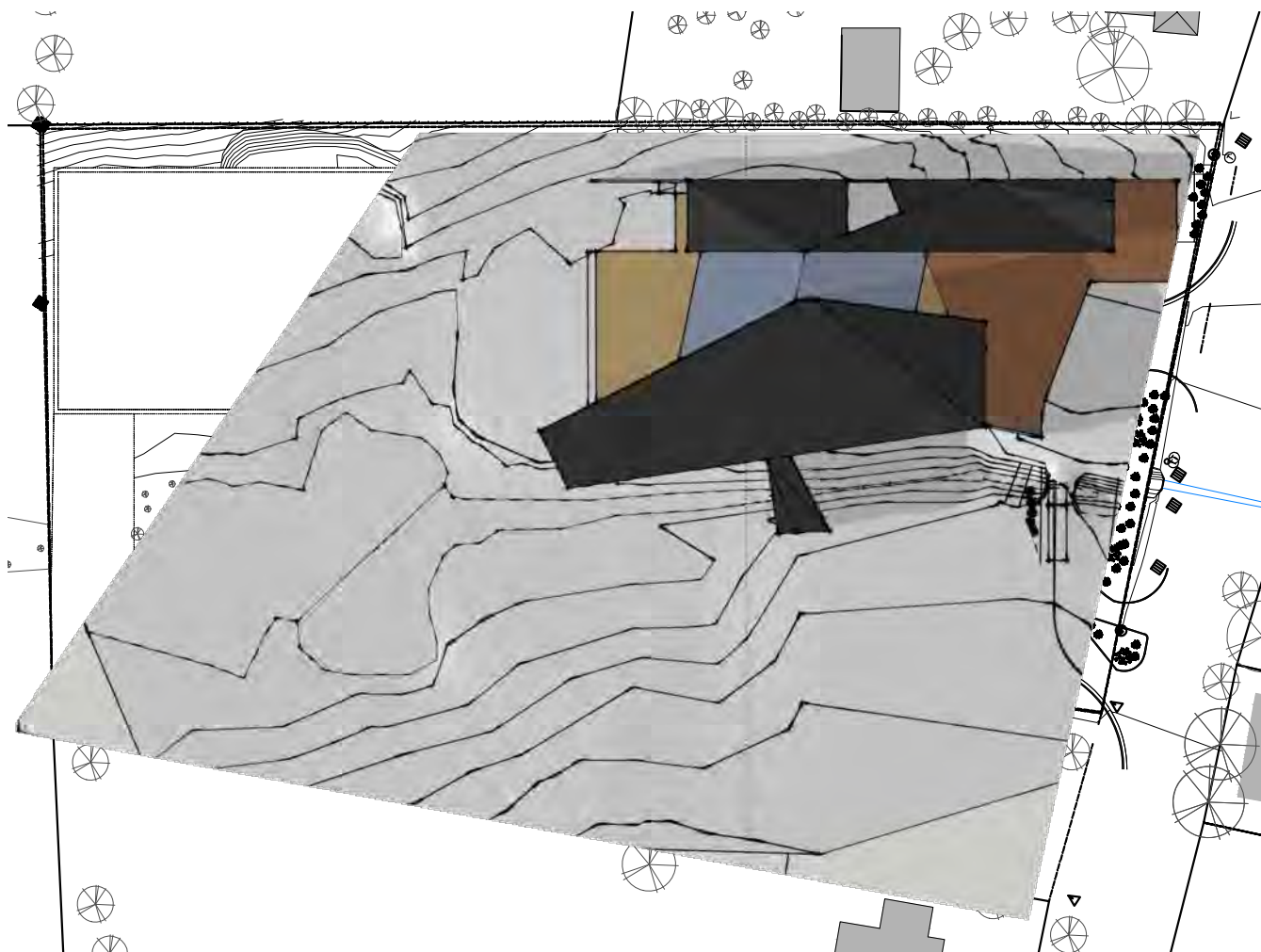
03 Summer 3pm Sun diagram
1:1000 @ A2



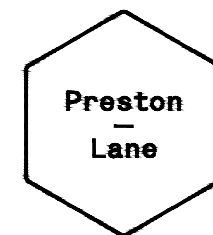
04 Winter 9am Sun diagram
1:1000 @ A2



05 Winter 12noon Sun diagram
1:1000 @ A2



06 Winter 3pm Sun diagram
1:1000 @ A2



Hobart
45 Goulburn Street Hobart TAS 7000
T 61 3 6231 2923
AOC OC01179
Melbourne
3 Tivoli Road South Yarra VIC 3141
T 61 3 9627 8902
info@prestonlane.com.au
prestonlane.com.au

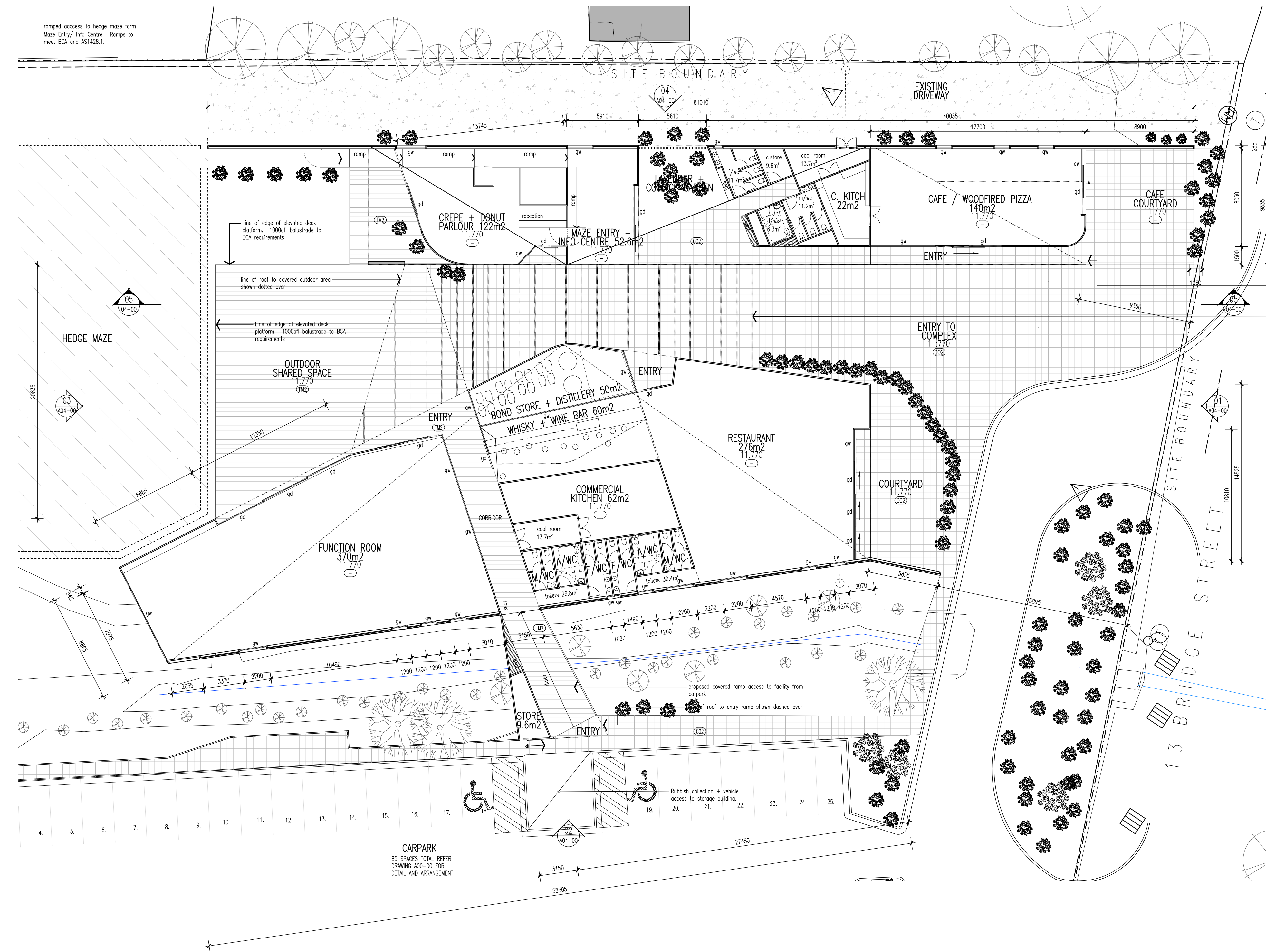
The Builder/Contractor shall verify job dimensions prior to any work commencing. Figures dimensions shall take precedence over scaled work.
No part of this drawing shall be reproduced or otherwise dealt with without the prior written consent of Preston Lane.

Proprietor A-MAZE-ING GROUP PTY LTD
Project RICHMOND MAZE
13 BRIDGE STREET, RICHMOND
Drawing SUN SHADOW DIAGRAMS

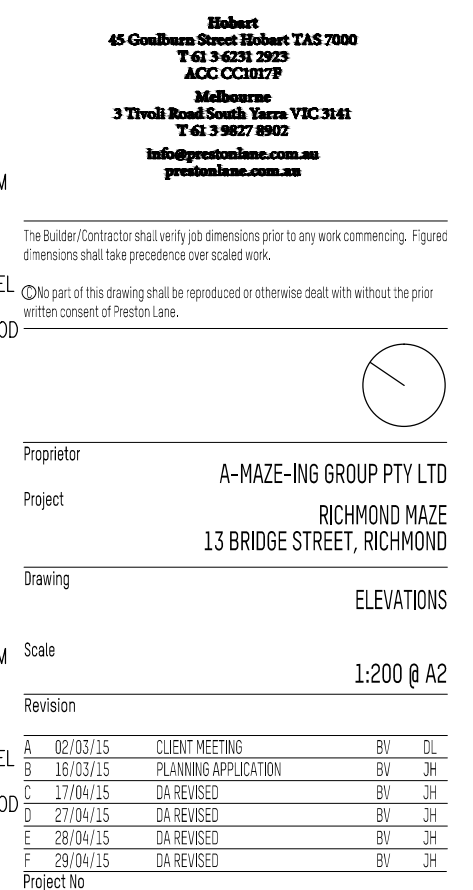
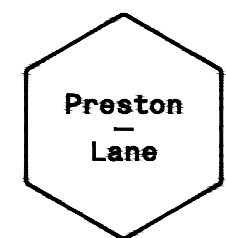
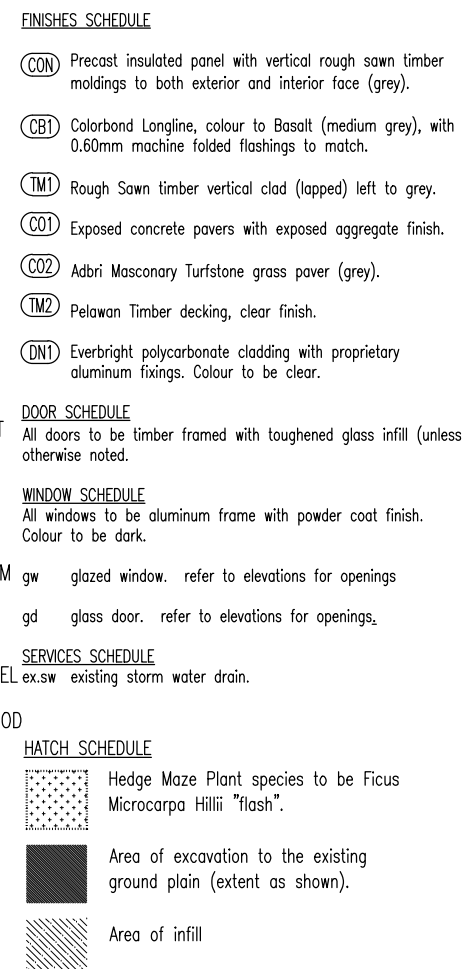
Scale 1:1000 @ A2

Revision			
A	02/03/15	CLIENT MEETING	BV DL
B	16/03/15	PLANNING APPLICATION	BV JH
C	17/04/15	DA REVISED	BV JH
D	27/04/15	DA REVISED	BV JH
E	28/04/15	DA REVISED	BV JH

Project No



FINISHES SCHEDULE			
(CON)	Precast insulated panel with vertical rough sawn timber moldings to both exterior and interior face (grey).		
(CB1)	Colorbond Longline, colour to Basalt (medium grey), with 0.60mm machine folded flashings to match.		
(TM1)	Rough Sawn timber vertical clod (lapped) left to grey.		
(C01)	Exposed concrete pavers with exposed aggregate finish.		
(C02)	Adri Masconary Turfstone grass paver (grey).		
(TM2)	Pelawan Timber decking, clear finish.		
(DN1)	Everbright polycarbonate cladding with proprietary aluminum fixings. Colour to be clear.		
DOOR SCHEDULE			
All doors to be timber framed with toughened glass infill (unless otherwise noted).			
WINDOW SCHEDULE			
All windows to be aluminum frame with powder coat finish. Colour to be dark.			
gw	glazed window. refer to elevations for openings		
gd	glass door. refer to elevations for openings.		
SERVICES SCHEDULE			
ex.s.w existing storm water drain.			
Proprietor			
A-MAZE-ING GROUP PTY LTD			
Project			
RICHMOND MAZE			
13 BRIDGE STREET, RICHMOND			
Drawing			
FLOOR PLAN			
Scale			
1:200 @ A2			
Revision			
A	02/04/15	CLIENT MEETING	BV DL
B	16/03/15	PLANNING APPLICATION	BV JH
C	17/04/15	DA REVISED	BV JH
D	27/04/15	DA REVISED	BV JH
E	28/04/15	DA REVISED	BV JH
F	29/04/15	DA REVISED	BV JH
Project No			
15030			



Attachment 3

13 Bridge Street, RICHMOND



Site viewed from Bridge Street, looking northwest



Site viewed from rear of subject property, looking southeast

11.4 CUSTOMER SERVICE

Nil Items.

11.5 ASSET MANAGEMENT**11.5.1 RICHMOND BRIDGE VEGETATION MANAGEMENT PLAN**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

To seek Council endorsement to release the draft Richmond Bridge Vegetation Management Plan for public consultation in order to obtain feedback on the Richmond Bridge Vegetation Management Plan from the broader community.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 and Community Participation Policy are relevant. The former Department of Infrastructure, Energy and Resources document Richmond Bridge Conservation Management Plan – January 2010 is the key document for management of issues in the vicinity of the Richmond Bridge.

LEGISLATIVE REQUIREMENTS

The Richmond Bridge Vegetation Management Plan will need to consider the requirements of the Heritage Tasmania Practice Notes – Historic Plantings and Landscapes (Heritage Tasmania 2015).

CONSULTATION

Heritage Tasmania, Department of State Growth, Department of Primary Industries, Parks, Water, and Environment, Crown Land Services, Richmond Advisory Committee and local residents have provided extensive input and feedback on the document in preparation for seeking approval to carry out broader community consultation.

FINANCIAL IMPLICATIONS

Funds are available for the public consultation process. Funding is not available for implementation of the Richmond Bridge Vegetation Management Plan other than standard maintenance and will need to be considered in future Annual Plans.

RECOMMENDATION:

- A. That Council authorises the General Manager to undertake community consultation for the draft Richmond Bridge Vegetation Management Plan as outlined in the Associated Report.
- B. That the results of the community consultation be reported back to Council.

RICHMOND BRIDGE VEGETATION MANAGEMENT PLAN /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** In 2005 the Richmond Bridge was included on the National Heritage List in recognition of its outstanding value to the nation. With recognition of these values there is the associated responsibility to ensure the place continues to be conserved for current and future generations. This responsibility is shared by managers, heritage and planning authorities and users of the Richmond Bridge.
- 1.2.** In recognition of the change in status the former Department of Infrastructure, Energy and Resources commissioned a review of its Richmond Bridge Conservation Management Plan (Plan) to update the previous plan adopted in 1997. The final Plan was adopted in 2010. The purpose of the Plan was to put forward ways to analyse the values of the place and develop appropriate policies for its on-going conservation.
- 1.3.** There are numerous recommendations in the Plan categorised under the following:
- general policies;
 - management system;
 - use of the Richmond Bridge and setting;
 - managing the fabric of the Richmond Bridge;
 - management of public riverbank land and infrastructure;
 - vegetation management;
 - river management;
 - traffic and road management;
 - interpretation;
 - further assessment work; and
 - review and reporting.

Each of the recommendations lists a responsible agency and associated agencies that need to be involved in the implementation of the recommendation.

- 1.4.** In particular there are recommendations under the Vegetation Management category related to the assessment, maintenance and renewal of the vegetation in the vicinity of the Richmond Bridge that is the key responsibility of Clarence City Council to implement in conjunction with other Crown agencies. This Plan responds to these recommendations.
- 1.5.** In December 2014, Council sought quotations from consultants to prepare a draft Plan. Council accepted the submission from GHD, in association with Don Thompson (Landscape Architect), to complete the draft Plan for Council's consideration.
- 1.6.** The Plan is to address 4 key requirements:
- site analysis – taking into consideration the site's history and cultural heritage values;
 - analysis of existing vegetation – obtain an arborist assessment on the health and expected life span of the existing vegetation;
 - weed management strategy – to identify existing weed species and detail management strategies; and
 - future planting strategy – long term conservation of the historic and aesthetic setting of the Richmond Bridge.

A copy of the draft Plan was sent out to Aldermen under separate cover on Friday, 12 June 2015. A copy of the draft Plan, including all appendices, is Attachment 1.

2. REPORT IN DETAIL

2.1. The consultants have met with the following Crown Agencies and local groups to define the project and obtain feedback to form the draft Plan.

- Heritage Tasmania;
- Department of State Growth;
- Department of Primary Industries, Parks, Water and Environment;
- Crown Land Services;
- Richmond Advisory Committee, and
- local residents within the view shed of the Richmond Bridge.

2.2. A “Walk and Talk” session was held on 11 February 2015 at which 14 people attended to discuss the project with the consultants. In addition, a web based survey was available on Council’s website to allow those interested in this project but unable to attend the “Walk and Talk” to provide feedback to the consultants. There were 6 submissions received from the survey.

2.3. The draft Plan is structured into 6 key areas:

- Management Zones;
- Weed Management Strategy;
- Vegetation Planting Guide and Schedule;
- Aquatic Vegetation and River Management;
- Management of “Borrowed” landscape; and
- Vegetation Management Action Plan.

Each area is summarised below.

2.4. Management Zones

Zones have been categorised based on the unique landscape characteristics and their relative impact on the view shed of the Richmond Bridge. There are 16 management zones from adjacent to St Johns Church to the Gatty Weir and have been prioritised into categories of high, medium and low. Each management zone is described in the Plan based on the following key aspects:

- objectives;
- priority;
- cultural values;
- heritage values;
- key vegetation management issues; and
- main vegetation management prescription.

2.5. Weed Management Strategy

The main principles relating to the Weed Management Strategy are:

- control and eradication of “declared weeds” within 5 years;
- preventing weeds from migrating to adjacent properties; and
- exotic species that are profuse suckering varieties to be replaced with grafted low-suckering species. For example, the Lombardy poplars adjacent to the north-eastern corner of the Richmond Bridge.

2.6. Vegetation Planting Guide and Schedule

The vegetation planting guide provides a palette of recommended trees, shrubs and grasses that meet the cultural and historical values relevant to the view shed of the Richmond Bridge. The vegetation planting schedule provides a timeline for planting of replacement and new trees and shrubs in priority order and are included in the Plan.

2.7. Aquatic Vegetation and River Management

The Coal River is an important component of the view shed of the Richmond Bridge as it provides for tourism ventures and maintains a body of water in the river due to the Gatty Weir. It is recommended that existing native aquatic vegetation be maintained to assist with stabilising the river bank. An increase in sedimentation of the riverbed may result in an increase in aquatic species potentially causing the river flow to diminish. To maintain tourism activity on the river, consideration will need to be given to treating the accumulation of sediment.

2.8. Management of “Borrowed” Landscape

“Borrowed” landscape refers to any existing vegetation on adjoining private properties which frame the view shed of the Richmond Bridge, therefore having important values which must be maintained. The Plan recommends that Council should negotiate with private landowners to preserve the existing vegetation and establish a succession plantings program to maintain the view shed of the Richmond Bridge. The Plan identifies 7 properties that have important visual impacts on the view shed of the Richmond Bridge.

2.9. Vegetation Management Action Plan

The Plan prioritises the management of the vegetation across all zones over an initial period of 3 years based on a priority classification of high, medium and low. The Plan recommends that high priority management actions be implemented within 6 months, medium within 6 to 18 months and low within 18 months to 3 years. Implementation of these actions will be dependent on Council’s future budget considerations.

It is important to note that the actions identified in the Vegetation Management Action Plan are classified into 2 sub-sections. The first being the specific remedial actions arising from the arboricultural assessment; the urgent safety work identified in this assessment can be funded from Council’s recurrent maintenance allocation for tree work. The second set of recommended actions is associated with vegetation management arising from the site analysis and historic and cultural assessment process described within the Plan.

- 2.10.** Due to the significant heritage and cultural values associated with the Richmond Bridge any implementation of the Plan will need to consider the requirements of the Heritage Tasmania Practice Notes – Historic Plantings and Landscapes (Heritage Tasmania 2015). Heritage Tasmania can issue a Certificate of Exemption for routine activities such as mowing, weed management and tree trimming. Activities such as stump grinding, tree removal and planting will require approval/permit from Heritage Tasmania.

Any disturbance of the ground may require the attendance of an archaeologist on-site when performing these activities. This is likely to have a financial impact to these work activities.

- 2.11.** At Council’s Workshop on Monday, 15 June 2015 Aldermen were briefed on the draft Plan and indicated broad support to proceed with community consultation.

3. CONSULTATION

3.1. Community Consultation

The draft Plan was developed from input provided by Crown agencies, the Richmond Advisory Committee and local residents. A broader community consultation process is still required to be carried out in order to obtain feedback on the draft Plan.

The community consultation will be undertaken through the following options:

- advertisement in “The Mercury” newspaper;
- completing the feedback form available at the Council Offices and placing in the feedback box;
- completing the feedback form on Council’s website;
- emailing the feedback form to Council’s general email address; and
- mailing the feedback form to the Council Offices.

The community consultation will extend for a 4 week period.

3.2. State/Local Government Protocol

Due to the significant heritage and cultural values associated with the Richmond Bridge any implementation of the Plan will need to consider the requirements of the Heritage Tasmania Practice Notes – Historic Plantings and Landscapes (Heritage Tasmania 2015). Consultation will need to occur with Heritage Tasmania in relation to implementation of the Plan.

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 Public Spaces and Amenity Strategy to:

*“Develop Plans to improve the amenity of public spaces, including:
Future needs for public open space and recreation facilities”.*

- 4.2.** Council's Strategic Plan 2010-2015 within the Goal Area Environment contains the following Built Environment Strategy to: *“Review built/cultural heritage studies/inventories e.g. Richmond Bridge, aboriginal heritage”.*

5. EXTERNAL IMPACTS

Consideration by Heritage Tasmania relating to the implementation of the Plan is likely to have a financial impact on any work activities undertaken. Consultation with Heritage Tasmania is a key factor in determining the extent and conduct of works undertaken in the Richmond Bridge precinct.

6. RISK AND LEGAL IMPLICATIONS

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

7. FINANCIAL IMPLICATIONS

Funding for the implementation of the Richmond Bridge Vegetation Management Plan needs to be considered as a part of future Annual Plans development.

8. ANY OTHER UNIQUE ISSUES

Not applicable.

9. CONCLUSION

- 9.1.** The draft Richmond Vegetation Management Plan has been developed in consultation with various Crown agencies, the Richmond Advisory Committee and local residents.

- 9.2.** The recommendations outlined in the draft Richmond Bridge Vegetation Management Plan intend to facilitate the protection and enhancement of the historical and cultural values associated with the Richmond Bridge precinct.
- 9.3.** Following the conclusion of the community consultation the results will be reported back to Council for further consideration in relation to the adoption of the Richmond Bridge Vegetation Management Plan.

Attachments: 1. Draft Richmond Bridge Vegetation Management Plan (Provided Under Separate Cover)

John Stevens

GROUP MANAGER ASSET MANAGEMENT

11.6 FINANCIAL MANAGEMENT

Nil Items.

11.7 GOVERNANCE**11.7.1 AMENDMENT TO CONSTITUTIONS FOR MANAGEMENT COMMITTEES**

(File No 21-01-04)

EXECUTIVE SUMMARY**PURPOSE**

To consider amending all Constitutions for Special Committees of Council which manage facilities to extend the time specified for the conduct of Annual General Meetings to 15 December each year.

RELATION TO EXISTING POLICY/PLANS

Council's Strategic Plan 2010-2015 Mission is to: *"represent the people of Clarence by providing leadership, programs, services and facilities to advance the quality of life in Clarence"*.

LEGISLATIVE REQUIREMENTS

Council has established a number of Management Committees as Committees of Council under the provisions of Section 24 of the Local Government Act, 1993.

CONSULTATION

Consultation has occurred between Council officers and representatives of Management Committees.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

That Council approves the Amendment to all Constitutions for Special Committees of Council which manage facilities allowing the Committees until 15 December each year to hold their Annual General Meeting.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** The Constitution for Management Committees generally provide for the holding of Annual General Meetings before 30 September each year.
- 1.2.** It has been request by some management committees to extend the timeframe allowed under their constitution for the conduct of the Annual General Meeting.

2. REPORT IN DETAIL

- 2.1.** All Special Committees of Council operate in accordance with a Constitution approved by Council.
- 2.2.** The Constitutions state that the Annual General Meetings are to take place at varying times but generally prior to the end of September.
- 2.3.** Some Committees have for various reasons found it difficult to strictly comply with their Constitutional timeframe requirements for the conduct of their Annual General Meetings.
- 2.4.** It is considered that to safely allow enough time for certified Annual Financial Statements to be obtained by the Management Committees and to conduct other associated administrative arrangements, all the Constitutions for Special Committees of Council should be amended extending the time specified for holding the Annual General Meeting to 15 December. This arrangement will also allow for attendance at Annual General Meetings of newly appointed elected members, which would provide an effective introduction point to the business of that Committee.
- 2.5.** The Committees will still need to provide accounts for audit in the usual manner for inclusion in Council's Annual Financial Statements and to the Annual General Meeting with a receipt of the Annual Financial Statement for their management facility for the previous financial year.

3. CONSULTATION**3.1. Community Consultation**

Nil.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Consultation has been undertaken between Council officers and representatives of Management Committees.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Nil.

5. EXTERNAL IMPACTS

Nil.

6. RISK AND LEGAL IMPLICATIONS

All the Management Committees are established in accordance with Section 24 of the Local Government Act, 1993.

7. FINANCIAL IMPLICATIONS

Nil.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

The amendment of all Management Committee Constitutions to allow the Annual General Meetings to occur prior to 15 December is recommended.

Attachments: Nil.

Andrew Paul
GENERAL MANAGER

11.7.2 CULTURAL HISTORY ADVISORY COMMITTEE CONSTITUTION

(File No 07-06-06)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is for Council to adopt a revised constitution for the operations of the Cultural History Advisory Committee (CHAC).

RELATION TO EXISTING POLICY/PLANS

- Strategic Plan 2010 – 2015;
- Cultural Arts Plan 2012 – 2016;
- Collections Management Policy 2010; and
- Cultural Heritage Interpretation Plan 2012.

LEGISLATIVE REQUIREMENTS

Nil.

CONSULTATION

CHAC members have discussed and recommended the proposed changes to the Constitution.

FINANCIAL IMPLICATIONS

Nil.

RECOMMENDATION:

That Council adopts the revised constitution for the Cultural History Advisory Committee (CHAC).

ASSOCIATED REPORT**1. BACKGROUND**

1.1. On 12 January 2009, Council adopted the Cultural History Plan 2007-2011.

1.2. One of the key themes of the plan is to “Invoke a sense of identity and place in the community through encouraging the participation of the community in the cultural history of Clarence in meaningful and relevant ways”. An associated action of this strategy was to establish an on-going Committee whose purpose would be to assist Council to implement the actions of the Plan.

- 1.3.** A constitutional framework for the advisory committee was formulated to guide the powers, obligations, membership and procedures of the committee.

2. REPORT IN DETAIL

- 2.1.** To guide the CHAC, a constitutional framework was adopted by Council in 2009. The framework contains the Committee objects, powers and obligations, membership and procedures.
- 2.2.** The constitution provided for a review of the Committee arrangements after every 2 years of operation.
- 2.3.** CHAC has completed a review of the current constitution and recommended some changes (these are highlighted in the attached draft constitution). The recommendations are:
- on the “makeup of the committee” to change the number of community representatives from 6 to 7 to provide for representation from the diverse geographical areas of Clarence; and clarify Council representatives, individual residents and specialist representatives areas;
 - under “procedure for determination of the committee membership” to set out clearer guidelines for the determination of and advertising procedure for committee members;
 - under “criteria for nomination” the listing of specific geographical areas has been changed to a more general statement about the diverse areas of Clarence to provide for greater flexibility in the appointment of members and includes reference to representation from the variety of Clarence based organisations; and
 - under “terms of office” the chairperson’s term of office has been changed to 4 years; the term of office for community members has also been changed to 4 years and clarification provided on maximum terms for community representatives and the filling of casual vacancies.

- 2.4.** The benefit arising from these changes to the Constitution is to bring the Constitution into line with the recommendations under Council's Review of Committees 2014 and provide for more effective representation by specialist members, members of the community and representatives of Clarence based organisations; and to clarify terms of office for Council and community members.

3. CONSULTATION

3.1. Community Consultation

CHAC has spent time during their normal committee meetings to review the constitution and provide these recommendations for minor changes.

3.2. State/Local Government Protocol

Nil.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The implementation of the Cultural History Plan and its associated strategies is consistent with Council's Strategic Plan 2010-2015 to: *"Implement the...Cultural History Plan"*.

5. EXTERNAL IMPACTS

Working collaboratively with other agencies and organisations is identified in the Plan.

6. RISK AND LEGAL IMPLICATIONS

Nil.

7. FINANCIAL IMPLICATIONS

Nil.

8. ANY OTHER UNIQUE ISSUES

Nil.

9. CONCLUSION

9.1. The continuation of a community Advisory Committee is a strategic action of Council's Cultural History Plan.

9.2. The revised draft constitution will assist CHAC in working towards the successful implementation of actions in the plan and the upcoming review of the plan.

Attachments: 1. Draft Revised CHAC Constitutional Framework (5)
2. Nomination Form (2)

Andrew Paul
GENERAL MANAGER



Clarence Cultural History Plan Advisory Committee Constitutional framework

PURPOSE

To assist Council on implementing the actions of its Cultural History Plan.

POWERS AND OBLIGATIONS

1. To provide advice and make recommendations, including policy, to assist Council with the implementation of the Cultural History Plan.
2. To monitor progress and work to address the actions of the plan according to their estimated year of completion.
3. To assist with promoting the plan within existing networks and among other Clarence residents to provide additional opportunities for feedback to Council from the community and 'keeping informed'.
4. To form working parties of the group if necessary to address specific issues or activities, these groups will be required to report back to each meeting.

Membership of the Committee

The Committee shall consist of:

Council representatives

- A Clarence City Council Alderman (or Proxy) who will be the chairperson of the Committee.
- Arts and Cultural Development Officer
- History Officer (Contracted)
- Manager Health and Community Development

Community representatives

- Membership is open to individual residents in Clarence with an interest in working with Council and other organisations to provide advice on the implementation of the identified actions contained in the plan.
- There will be up to 8 community representatives.
- Ideally, community will include a representation of interested residents from a diversity of areas in Clarence.

Specialist representatives

Provision will be made to invite to meetings, when required, a representative of specialist organisations with suitable skills and / or qualifications to participate in working groups established by the Committee.

Procedure for determination of committee membership

The method of appointment of the committee membership (including casual vacancies) shall be as follows:

Council Appointees:

- The Council shall appoint its aldermanic representation (the Chairperson and the Proxy Chairperson).
- Officer representation will be determined by the General Manager.
- Other Council Officers will be invited to attend meetings by request if required to assist in implementing the identified actions of the plan.

Community Representatives:

1. The method for attaining nominations for community representatives will be to:
 - a. Advertise in the *Mercury* and *Eastern Shore Sun* newspapers and through locally based historical societies for nominees.
 - b. Nominations will be received in writing on a completed nomination form (see attachment 1).
 - c. The Chairperson in consultation with the General Manager or their representative shall appoint the community representatives after nomination forms have been received and having regard for the criteria for appointment.

Criteria for nomination:

- a. Must be a resident of Clarence.
- b. Must have knowledge of Council's Cultural History Plan and a capacity to contribute from their own knowledge and experiences in discussions and providing advice on implementing the plan.
- c. Must have a commitment to assisting Council and other organisations to advise on the implementation of the plan by being available to meet 4 times a year for a maximum of 2 hours at a time, and be prepared to be involved in any additional meetings if necessary during business hours.
- d. Priority will be given to people who are not already members of a special committee of Council.
- e. Consideration will be given to nominees that reflect the above criteria; provide for representation from the diverse areas of Clarence; and represent the variety of Clarence based organisations.

Terms of Office

Council Representatives:

It is the established practice of the Council to appoint Aldermen as its representative member(s) on the Committee. Such appointments are for a term of four years to coincide with the term of the current elected Council.

The duration of appointment for council officer representatives is at the discretion of the General Manager.

Community Representatives:

The terms of appointment for community representatives are arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives. Membership for community representatives may be renewable but preference will be given to selection according to criteria for nomination and the following guidelines:

- Community representatives are appointed for a term of four years. Existing community representatives may be re-nominated for a single further term.
- The maximum period that a community representative can serve on the Committee is the initial appointment plus 1 renewal of term.
- Should a Committee member resign before the expiration of their term then the vacancy shall be filled using the above method of appointment. A member who is appointed to fill a casual vacancy will serve the remainder of the term of the former member and may renew membership as noted above.

DETERMINATION OF OFFICE BEARERS

1. There is only one office bearer required for the committee in the role of a Chairperson. It is the established practice of the Council to appoint an Alderman as both its representative member and as Chairperson of the committee.
2. There is no requirement for a secretary however administration support will be provided by Council for the purposes of:
 - a. Taking minutes of meetings
 - b. Issuing agendas

Role of Chairperson:

The role of the Chairperson will be to:

1. Facilitate the timely completion of the listed agenda items through:
 - a. Listening, guiding and ensuring that all committee members have the opportunity to participate and contribute to discussions and provide advice.
 - b. Summarising actions associated with the outcomes of the discussions.

Public communication:

Public communication on matters arising from the committee will be through Alderman/Council representation only, as per Council Policy C1.60 – *Policy and Operational Framework for Media Communications by Council "Special" Committees*.

Meeting Procedures:

1. Minutes will be taken for all group and working party meetings by Council administrative support and distributed to all group members, aldermen, relevant council officers and other relevant council advisory committees.
2. There will be a set standard agenda for each meeting.
3. Any additional topics for the agenda should be forwarded to Council's Administrative Support Officer no later than 3 weeks prior to the next meeting date.
4. A copy of the agenda will be distributed to all group members one week prior to the next meeting.
5. The committee can authorise working parties of the group to be formed as necessary to address specific issues or activities and such groups will report back to each meeting.

Frequency of Meetings:

1. The group will meet quarterly on fourth Wednesday of the month.
2. Working groups set up by the committee can also meet outside of these times as decided by the working group.

Time/ Duration/ Venue:

1. Meeting time and duration will be 2 hours between 10am – 12pm.
2. Consideration will be given to rotating the meeting venue e.g. Council meeting room and local venues across the City to assist with participation/transport/access issues.

Quorum:

1. A quorum will be half plus one of current group members.
2. Members who do not attend 2 consecutive meetings without tendering apologies will not be considered as a current member.
3. At a meeting where a quorum is not present, the meeting can proceed with recommendations for decisions being carried forward to subsequent meetings where a quorum is present.
4. Recommendations for amendments to the constitutional framework can be made at any time provided that suggested changes are noted on the agenda (as per the framework), a quorum is present at the meeting, and two-thirds of those present support the recommendations.
5. Amendments must be approved by Council.

Public attendance:

Public attendance is by invitation only.

REPORTING REQUIREMENTS AND ARRANGEMENTS**Objects and Obligations:**

1. The committee will monitor progress and work in an advisory capacity to address the actions of the plan according to their estimated year of completion.
2. The committee can authorise working parties of the group to be formed as necessary to address specific issues or activities and will be required to report back to each meeting.
3. Decisions by the group will be by majority vote.

Areas of Reporting:

1. The committee will report against the key strategies of the Cultural History Plan.

Nature of Reporting**Council:**

1. Minutes will be distributed quarterly for all committee and working party meetings to all committee members, aldermen, relevant council officers, other relevant council advisory committees, and relevant organisations associated with the plan.
2. An annual report shall be submitted to the Council outlining the committees operations and activities and its forward objectives.
3. The activities of the committee will also be highlighted in Council's quarterly reports and Annual Report.
4. Any other reports required will be on an as needed basis.

Community and organisations will be provided updates through the following avenues:

1. Annual Report
2. Quarterly newsletters
3. Other means as appropriate throughout the year i.e. regular updates in council rates newsletter, website etc.

Communication on Budget matters:

The committee, when forward planning and considering upcoming actions should communicate recommendations to Council on a timely basis prior to annual budget deliberations.

RESOURCING

Budget:

1. Council administrative support
2. Paper, postage requirements
3. Out of pocket expenses for committee members i.e. travel, refreshments
4. Any additional committee expenses i.e. conference fees

Council Officer key contacts: Tracey Cockburn, John Toohey



NOMINATION FORM

CLARENCE CULTURAL HISTORY ADVISORY COMMITTEE

Criteria for nomination:

- Must be a resident of Clarence.
- Must have knowledge of Council's Cultural History Plan and a capacity to contribute from their own knowledge and experiences in discussions and providing advice on implementing the plan.
- Must have a commitment to assisting Council and other organisations to advise on the implementation of the plan by being available to meet 4 times a year for a maximum of 2 hours at a time, and be prepared to be involved in any additional meetings if necessary during business hours.
- Priority will be given to people who are not already members of a special committee of Council.
- Consideration will be given to nominees that reflect the above criteria; provide for representation from the diverse areas of Clarence; and represent the variety of Clarence based organisations.

Name _____

Address _____

Suburb _____

Telephone _____

Email (if applicable) _____

Availability to meet 4 times a year between 10am – 12noon?

What are your interests/areas of skill and knowledge that can assist Council in an advisory capacity to help implement the plan?

Are you a member of any other special committee of Council? If so, which one?

Could you please indicate if you will require any re-imbursement for out of pocket expenses to attend the committee i.e. taxis or re-imbursement for petrol

Thank you for nominating to be a member of the Clarence Cultural History Advisory Committee.

PLEASE SUBMIT THIS FORM
IN THE REPLY PAID ENVELOPE PROVIDED BY XXXXXXXXXX



**11.7.3 FINANCIAL ASSISTANCE GRANTS – SUPPORT FOR
RECOMMENCEMENT OF INDEXATION**
(File No 15-15-02)**EXECUTIVE SUMMARY****PURPOSE**

To consider providing support for the recommencement of indexation of Australian Government financial assistance grants.

RELATION TO EXISTING POLICY/PLANS

No issues to be addressed.

LEGISLATIVE REQUIREMENTS

No issues to be addressed.

CONSULTATION

No issues to be addressed.

FINANCIAL IMPLICATIONS

The cumulative effect of the current freeze on indexation of financial assistance grants is significant to Council, in excess of \$2.1 million over 10 years.

RECOMMENDATION:

That Council:

- A. Acknowledges the importance of financial assistance grants in the support of its capital expenditure program delivering essential infrastructure to the community.
- B. Notes the estimated cumulative impact of the withdrawal of indexation of financial assistance grants until 2017/2018 as being in excess of \$2.1 million over a 10 year period.
- C. Supports the Australian Local Government Association and Local Government Managers Australia in working towards a recommencement of indexation prior to 2017/2018.

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council's allocation of untied financial assistance grants from the Australian Government (through the State Grants Commission) was \$2.65 million in 2013/2014. The total grant pool is typically indexed according to inflation each year.

- 1.2. The Australian Government announced a freeze of indexation of the total grant pool to Local Government as part of its 2014/2015 budget. The freeze is to continue until 2017/2018.

2. REPORT IN DETAIL

- 2.1. The Australian Local Government Association (ALGA) and Local Government Managers Association (LGMA) have written a joint letter calling on Local Government to support efforts to have indexation of financial assistance grants recommenced earlier than 2017/2018 (refer Attachment 1).
- 2.2. The cost to Council of this aspect of the 2014/2015 Australian Government budget is significant, particularly when viewed in the context of its cumulative effect over time.
- 2.3. Based on average inflation of 3%, Council will receive some \$250,000 less in the 2016/2017 financial year than it would have under the previous indexation arrangements.
- 2.4. In the 3 years from 2014/2015 to 2016/2017, the cumulatively grant reduction to Council under the indexation freeze will be in the order of \$500,000.
- 2.5. Even with the recommencement of indexation, however, Council's grant receipts will be significantly affected over the long term due to the permanent reduction in the base grant amount. The effect on Council over 10 years (assuming 3% inflation) will be in excess of \$2.1 million.
- 2.6. Given that Council allocates all financial assistance grants to its capital expenditure program, these reductions translate directly into a reduced capacity to provide infrastructure to the community. By way of context, Council has approved \$2 million for road reconstruction across the City in 2015/2016.

3. CONSULTATION

- 3.1. **Community Consultation**
No issues to be addressed.

3.2. State/Local Government Protocol

No issues to be addressed.

3.3. Other

No issues to be addressed.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

No issues to be addressed.

5. EXTERNAL IMPACTS

No issues to be addressed.

6. RISK AND LEGAL IMPLICATIONS

No issues to be addressed.

7. FINANCIAL IMPLICATIONS

The cumulative effect of the current freeze on indexation of financial assistance grants is significant to Council, in excess of \$2.1 million over 10 years.

8. ANY OTHER UNIQUE ISSUES

No issues to be addressed.

9. CONCLUSION

It is recommended that Council support the efforts of ALGA and LGMA in seeking an end to the freeze on indexation of financial assistance grants prior to 2017/2018.

Attachments: 1. Letter from ALGA and LGMA (2)

Andrew Paul
GENERAL MANAGER



29 May, 2015

Dear colleague,

Re: Financial Assistance Grants to Local Government

The President of the local government association in your state, together with the President of the Australian Local Government Association, recently wrote to your council seeking support for the associations' advocacy aimed at the immediate restoration of indexation for Financial Assistance Grants which councils receive from the Australian Government. We are writing to you to enlist your support in encouraging your council to play its part in that advocacy campaign.

Financial Assistance Grants are an important untied payment to councils from the Australian Government which are invested in essential community infrastructure and services ranging from local roads and parks to swimming pools and libraries. These grants are a vital part of the revenue base of all councils, and this year councils will receive \$2.3 billion from the Australian Government under this program.

You will know the impact of the Government's decision to freeze the indexation of Financial Assistance Grants on your council. At a national level, however, funding is not keeping pace with demand for services and infrastructure in local communities and the decision in last year's Federal Budget to freeze indexation of Financial Assistance Grants for 3 years will worsen this. Freezing Financial Assistance Grants at their current level until 2017-18 will result in a permanent reduction in the Financial Assistance Grants base by 13%.

Persuading the Commonwealth Government to end the indexation freeze early will be challenging but the task is made more difficult by the lack of acknowledgment many councils give to the Financial Assistance Grants funding they receive. This is why ALGA and state associations asked each council to pass a resolution acknowledging the importance of the grants in assisting councils to provide important community infrastructure. Councils have also been asked to acknowledge the receipt of Financial Assistance Grants from the Commonwealth in media releases and council publications, including annual reports.

The Financial Assistance Grants are paid quarterly and to illustrate the importance and impact of the grants councils were also asked to identify an individual project of a similar size to their annual or quarterly grants payment and to highlight this to the media and their local Federal Member and Senator in a positive story on the grant funds.

Local government across the country has been united in its determination to see indexation restored as soon as possible and our objective must be to see an end to the freeze in 2016-17, a year earlier than planned. Doing so will limit the reduction in the base of the grants and restore around \$200 million in Financial Assistance Grants funding to our communities.

This is important for every Australian community and for the financial sustainability of our councils. We must continue to build momentum for the early restoration of indexation and ensure that the Federal Government and MPs are fully aware of the consequences for local communities. Your support for this effort will be greatly appreciated.

Yours sincerely



Dr Shayne Silcox
President
LGMA National



Adrian Beresford-Wylie
Chief Executive
ALGA

11.7.4 RATES AND CHARGES POLICY

(File No 23-01-00)

EXECUTIVE SUMMARY**PURPOSE**

To review Council's Rates and Charges Policy consistent with the Local Government Act, 1993.

RELATION TO EXISTING POLICY/PLANS

Consistent with existing rating policy, however, clarifying Section 87 exemptions and commercial rebates.

LEGISLATIVE REQUIREMENTS

Council is required to review its Rates and Charges Policy prior to, or at the same time as, introducing new or changed elements to its rating decisions.

CONSULTATION

No issues to be addressed.

FINANCIAL IMPLICATIONS

No direct financial implications.

RECOMMENDATION:

That the draft (amended) Rates and Charges Policy at Attachment 1 of the Associated Report be adopted.

ASSOCIATED REPORT**1. BACKGROUND**

Section 86B of the Act requires adoption of a Rates and Charges Policy. Council must also review its policy at least every 4 years or when/before making any (substantial) changes to the manner in which it sets its rates. Council last amended its rating policy on 23 June 2014.

2. REPORT IN DETAIL

2.1. Council last made major amendments to its rating policy in June 2013. Subsequently, no matters have arisen which affect the substance of that policy.

- 2.2.** Two aspects of the policy have been raised for clarification during 2014-2015 and a revised draft policy incorporating proposed amendments reflecting these accompanies this report (refer Attachment 1).
- 2.3.** The first matter is the status of separate residential accommodation incorporated within properties owned by charitable organisations and typically occupied by older residents; commonly known as independent living units (ILUs). Some 4 or 5 properties are understood to have ILUs, often sharing the site with a nursing home facility. In total, approximately 230 ILUs have been identified.
- 2.4.** The status of charitable organisations owning these properties is not in question. However, the application of Section 87 of the Local Government Act, 1993 (the Act) in respect of ILUs has come under review in several local government areas in recent years.
- 2.5.** Section 87 of the Act provides for an exemption from the general rate to a range of properties, including *“land or part of land owned and occupied exclusively for charitable purposes”*. To date, Council has allowed an exemption in respect of ILUs based on this section of the Act.
- 2.6.** To clarify the situation, legal advice has been sought in respect of the application of Section 87 to ILUs. This advice concluded that the ILUs in question, although owned by charitable organisations, are not used for charitable purposes since the purpose is residential accommodation. This is consistent with the findings of a case defended by the Meander Valley Council in which such properties were held to be liable for general rates.
- 2.7.** Having established that there is no legal basis for an automatic exemption from the general rate for ILUs, it is a matter for Council as to whether it wishes to continue to provide an exemption – potentially by way of remission – or whether full rates should be applied. Given the nature of ILUs, it is recommended that full rates should be applied to assist in providing equity in the treatment of all residential properties.

- 2.8.** The basis upon which most ILUs are provided to residents is on a lifetime (or effectively lifetime) tenancy purchased by the occupier at commercial rates. A “management fee” of a fixed percentage of the buy-in price applies for each year of occupancy up to a maximum percentage (normally 30% or 40%). This management fee is deducted from the proceeds of the future sale of the ILU at whatever point that occurs. In addition, the operator typically deducts 50% of the increased capital value of the ILU upon its sale. Weekly maintenance fees apply. The title remains in the name of the owner, normally being a single title for the entire complex. During the period of occupancy, the resident is entitled to “quiet enjoyment” of the ILU.
- 2.9.** Given the nature and use of ILUs, the apparent commercial basis upon which they are generally provided and the rights of the residents, there appears no policy basis upon which Council should continue providing a rates exemption. Indeed, having established the lack of legal entitlement to a rates exemption, equity with the treatment of similar residential properties would dictate that full rates should apply to all ILUs. Not to do so would result in the resident occupying an ILU not paying full rates, while a resident in circumstances identical in all aspects – other than owning their property in fee simple – paying full rates. The inequity in this situation appears clear.
- 2.10.** A further equity issue to be considered in this matter is the treatment of similar facilities provided by the private sector. Independent residential facilities on single titles operate, for example, in Mannata Street, Lauderdale and East Derwent Highway, Risdon. These properties are subject to full rates.
- 2.11.** As part of the review of this matter, contact was made with the primary charitable organisations operating ILUs in the City. Through these discussions a further category of ILUs was identified, that being units which are provided for social welfare purposes such as the housing of persons receiving welfare payments, having virtually no assets and who may otherwise struggle to secure housing. A total of some 25 such units has been identified across the City.

2.12. The Meander Valley Council case considered units used for social welfare housing and concluded that the Section 87 exemption did not apply. However, Council may wish to consider such cases as a separate category given the benefit to the community from such operations. Should Council wish to continue a general rate exemption for such properties, it would need to provide the benefit by way of rate rebate and also articulate the “tests” to apply in order to achieve the desired outcome. A proposed set of tests relating to the provisions of properties to economically disadvantaged members of the community is provided in the draft revised policy, and includes:

- rentals are at a demonstrable discount to market rates, typically at a rate similar to that applied by Housing Tasmania in respect of its own residential properties; and
- there has been no up-front payment made by the occupier to secure the right to occupy the property; and
- no body corporate fees or similar are payable by the occupier; and
- the occupier does not have lifetime tenancy or a lease period which effectively provides for lifetime tenancy.

In addition, it is proposed that no remission shall apply to a property owned by or subject to a lease or management agreement with the State Government.

2.13. Given the nature of the properties affected, it is likely that a significant number of residents will hold pension cards which normally provide property owners eligibility for a rates remission from the State Government and also Council. Arrangements have been made in other municipalities for such residents to obtain a remission where they occupy an ILU under a life time tenancy. Should Council adopt the draft policy, processes will be put in place to enable affected residents to make application for a pensioner remission.

- 2.14.** The potential financial implications for the owners of properties which would be affected by the draft policy are significant. Where multiple ILUs occupy a single title it is assumed one rates notice will be provided to the owner organisation each year for payment. It will then be a matter between the owner and each individual resident as to the ultimate distribution of the rates burden. Given the financial implications of the proposed policy change, the draft includes provision for a full rebate of general rates raised on affected properties to be provided in the 2015-2016 financial year. This effectively provides a full 12 months' notice to relevant parties of the intended policy change.
- 2.15.** Many of the ILUs in question share a property title with facilities associated with other operations of charitable organisations, such as aged care facilities and administration offices. The proposed policy change does not extend to such facilities which do appear to meet the exemption provisions of Section 87 and will continue to be treated on this basis.
- 2.16.** The second matter of substance considered by the draft policy is the inclusion of Council's existing policy of providing rates incentives for commercial developments. While the policy is considered in a high level statement in the current Rates and Charges Policy, for clarity the detail of the policy has now been included as Attachment 1. The revised draft policy retains the key elements of the current policy, however, includes clarification around the timing of applications and ensuring that a building permit has first been obtained.
- 2.17.** Although contained within Council's rating resolutions each year, reference has also been made to the application of interest on unpaid rates. In workshop discussions, Aldermen considered the question of interest applying to rates on properties forming part of a deceased estate and indicated that interest should continue to apply equally to all property classes.

3. CONSULTATION

3.1. Community Consultation

No issues to be addressed.

3.2. State/Local Government Protocol

No issues to be addressed.

3.3. Other

No issues to be addressed.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

The draft revised policy is consistent with existing rating decisions, however, legal advice obtained in respect of Independent Living Units has required further policy consideration of rates on those properties.

5. EXTERNAL IMPACTS

No issues to be addressed.

6. RISK AND LEGAL IMPLICATIONS

Council is required to review its Rates and Charges Policy prior to, or at the same time as, introducing new or changed elements to its rating decisions.

7. FINANCIAL IMPLICATIONS

No direct financial implications.

8. ANY OTHER UNIQUE ISSUES

No issues to be addressed.

9. CONCLUSION

Council is required to review its Rates and Charges Policy prior to, or at the same time as, introducing new or changed elements to its rating decisions. A draft revised policy is provided for Council's consideration.

Attachments: 1. Draft Revised Rates and Charges Policy (6)

Andrew Paul
GENERAL MANAGER

**Clarence City Council
Rates and Charges Policy**

~~June 2014~~

Draft Policy Review – June 2015

1. POLICY STATEMENT

Clarence City Council is committed to levying property rates and charges in an equitable manner, taking into account the varying nature of property characteristics, relative capacity to pay within the community, and Council's obligations under the law.

2. PURPOSE

- 2.1. To provide a clear rationale to guide Council's decision making process.
- 2.2. To inform the community.
- 2.3. To meet Council's obligations under S86B of the Local Government Act 1993 [\(the Act\)](#).

3. SCOPE

This policy provides a high level framework within which Council will set rates and charges to be levied on properties within its municipal area. It is intended to inform the decision making process, however does not represent the making of specific decisions with respect to property rating. Such decisions will be made annually, or as required, in accordance with relevant legislative requirements.

4. SPECIFIC LEGISLATIVE REQUIREMENTS

The ~~Local Government Act 1993~~ requires Council's policy to take account of the following matters:

- 4.1. That rates constitute taxation for the purposes of local government, rather than a fee for a service;
- 4.2. The value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.

5. POLICY DETAILS

In response to its own Policy Statement as above and legislative requirements under which it is bound, Council determines the following policy detail:

5.1. Rates will be levied on all rateable properties (unless otherwise determined by legislation, this policy or related Council policies), regardless of the extent to which Council functions and services are used by or apply to the owners or residents of those properties. This is consistent with the principle of rates being a form of taxation (as determined by S86A(1) of the [Local Government Act 1993 Act](#)).

5.2. The primary basis for determining the level of general rates (and, where determined appropriate, other rates) levied on individual properties will be the capital value (CV) of each parcel of land. This is consistent with the value of land being an indicator of capacity to pay (as determined by S86A(1) of the [Local Government Act 1993 Act](#)).

5.3. Council will levy a general rate on all rateable property (unless otherwise determined by legislation, this policy or related Council policies). This rate will recover the cost of Council functions and services for which specific users cannot readily be identified, or for which a regime of full cost recovery through user charges has not been established by Council. The general rate will be made up of two components:

- 5.3.1. A fixed charge in recognition that each rateable property should bear a reasonable portion of the total rate burden; and
- 5.3.2. A rate in the dollar consistent with the principle of rates being a form of taxation (as above).

5.4. While Council has, in the past, provided a general rate exemption under S87 of the Act to properties owned by charitable organisations but used for residential purposes, it has now determined that such properties do not qualify for the exemption under S87.

5.4.1. Where such properties are leased for residential purposes but are provided for economically disadvantaged members of the community, Council may remit the general rate. In such cases the following tests shall apply:

- rentals are at a demonstrable discount to market rates, typically at a rate similar to that applied by Housing Tasmania in respect of its own residential properties; and
- there has been no up-front payment made by the occupier to secure the right to occupy the property; and
- no body corporate fees or similar are payable by the occupier; and
- the occupier does not have lifetime tenancy or a lease period which effectively provides for lifetime tenancy.

5.4.1.1 No remission shall apply to a property owned by or subject to a lease or management agreement with the State Government.

5.4.2. To assist those property owners who otherwise will have the S87 exemption removed under this clause, Council will remit the general rate payable for the 2015/2016 financial year (only).

5.4.5.5. Council will levy one or more service rates for fire protection, with associated minimums. These will be levied in accordance with notifications provided by the State Fire Commission under relevant legislation.

~~5.5.5.6.~~ Council will levy a service charge in respect of waste management. This will be based on a fixed sum per property where the service is available.

~~5.6.5.7.~~ Council will levy a service charge in respect of night soil removal. This will be based on a fixed sum per property where the service is provided.

~~5.7.5.8.~~ Council will levy a stormwater removal rate on properties with substantial access to a stormwater removal service.

~~5.8.5.9.~~ A minimum amount will be levied in respect of the stormwater removal rate in recognition that each rateable property should bear a reasonable portion of the total rate burden relating to stormwater removal.

~~5.9.5.10.~~ Variations to rates will be applied (or, where provided, additional rates set), in accordance with the ~~Local Government Act 1993~~Act, in circumstances where Council determines there is a reasonable basis for charging differentiation to occur. In particular, variations to rates will be applied:

~~5.9.1.5.10.1.~~ To properties other than commercial, industrial, public purposes, or quarrying and mining in respect of the general rate and stormwater rate. This is in recognition that at times the market value of the property class so identified may broadly move in a different market cycle to that of commercial, industrial, public purpose and quarrying and mining properties.

~~5.9.2.5.10.2.~~ In respect of the waste management charge in recognition of variations in the level of service provided including bin size and/or frequency of service. The variation in service level will include the provision of larger bins and/or multiple bins at property owners' request.

~~5.9.3.5.10.3.~~ In respect of fire protection in accordance with statutory notice provided to Council by the State Fire Commission.

~~5.10.5.11.~~ Rebates will be applied to general rates otherwise payable in respect to specific properties and/or classes of ratepayers where Council determines there is social, economic, or equity benefit to the community in providing such rebates. Specific rebates will be applied:

~~5.10.1.5.11.1.~~ In respect of pensioners eligible for a rate remission under the Local Government (Rates and Charges Remissions) Act 1991 in recognition that this group represents a significant section of the community which, as a whole, has a limited capacity to pay a taxation burden.

~~5.10.2.5.11.2.~~ In respect of owners of large rural properties in recognition of the unique characteristics of those properties, the limited services

provided by Council, and the role the rural sector plays in the community.

~~5.10.3~~5.11.3. In respect of new commercial development, as a temporary measure only, to assist in stimulating the ongoing economic development of the City. [Rebates will apply in accordance with Appendix A.](#)

~~5.10.4~~5.11.4. In respect of properties which would otherwise experience unreasonable rate increases resulting from rapid shifts in statutory valuations relative to the average of other properties in the City.

~~5.11.~~5.12. Rebates will be applied to waste management charges otherwise payable in respect to specific properties and/or classes of ratepayers where Council determines there is social, economic, or equity benefit to the community in providing such rebates. Specific rebates will be applied:

~~5.11.1~~5.12.1. In respect of commercial, industrial, public purpose, primary industry and quarrying and mining properties where alternative arrangements are made for a waste management service. This is in recognition that Council's waste management service may not meet the specific needs of all such operations.

~~5.11.2~~5.12.2. In respect of residential properties in certain coastal communities, demonstrably used as holiday residences. This is in recognition that the service is unlikely to be utilised by such property owners.

~~5.11.3~~5.12.3. In respect of residential properties where it can be demonstrated that, due to exceptional circumstances, a waste management service is not practical or able to be used and that alternative refuse disposal arrangements are in place.

~~5.12.~~5.13. The general rate will not be charged in respect of a not for profit sporting organisation except where subject to agreement between the Council and the organisation or where otherwise the organisation operates a commercial venture to support its own operation. (In this context a "commercial venture to support its own operation" will not include an activity which can reasonably be construed to be ancillary [as opposed to additional] to the normal operations of the club).

~~5.13.~~5.14. While Council will provide rate rebates through this policy to various classes of ratepayers from time to time, it is committed to the principle that social welfare responsibilities lie with State and Federal Governments and the mechanisms established by those levels of government to administer social welfare.

5.15. Where determined appropriate, and in accordance with the [Local Government Act 1993](#)~~Act~~, Council will cap the increase in rates otherwise experienced by certain ratepayers. This will generally be in response to

significant shifts in the rating burden arising from changes in valuations or Council's rating policy and will be an annual determination made by Council.

5.16. Where rates remain unpaid after the due date, Council will apply interest in accordance with S128 of the Act.

Appendix A

Rates Incentives – Commercial Developments

1. A remission of rates may apply to all new private sector non-residential developments within the City which increase the total floor area available for rating.
2. The remission is for the increase in rates arising from the amended capital value issued in relation to a development, but does not include that portion of rates relating to State Government charges and levies.
3. The remission applies for 12 months from the date from which the revaluation takes effect for rating purposes.
4. The remission applies to building applications received after the date of Council's policy decision, and shall only apply where a building permit has been issued by Council.
5. Applications for a remission must be received prior to or within the same financial year as the date from which the revaluation takes effect for rating purposes.
6. Developers ~~Where relevant, developers~~ must apply in writing to the General Manager each financial year to gain approval for the remission.
- 6.7. D, ~~and~~ delegated authority is provided to the General Manager to approve such applications within Council's policy.

11.7.5 RATES AND CHARGES 2015-2016

(File No 23-02-00)

EXECUTIVE SUMMARY**PURPOSE**

To consider the Rates and Charges to apply in 2015/2016, variations to those rates and charges to apply in 2015/2016 and to consider fixing maximum percentage increases and the remission of Rates and Charges for 2015/2016.

RELATION TO EXISTING POLICY/PLANS

The striking of rates and charges is consistent with the adopted 2015/2016 Estimates and the amended draft Rates and Charges Policy accompanying this agenda.

LEGISLATIVE REQUIREMENTS

The Local Government Act, 1993 requires a specific decision of Council to adopt rates and charges for a financial year. The Act also allows for Council to vary these rates, cap rates on individual properties and to provide remissions under certain circumstances.

CONSULTATION

No issues to be addressed.

FINANCIAL IMPLICATIONS

The level of rates and charges proposed reflects the revenue requirements of Council's adopted 2015/2016 Estimates and allows for a variety of remissions. This report also considers the variation of Rates and the provision of Remissions.

RECOMMENDATION:

- A. That the Clarence City Council makes the following General Rate, Service Rates and Service Charges under the *Local Government Act, 1993* and the *Fire Service Act, 1979* for the financial year 1 July 2015 to 30 June 2016 in respect to land in the municipal area which is separately valued under the Valuation of Land Act, 2001:

Definitions and Interpretation

- 1 Unless the context otherwise requires, in the following resolutions, words and expressions defined in the *Local Government Act, 1993* have the same meanings as they have in that Act.

Unless the context otherwise requires, in the following resolutions, the following words and expressions have the meanings set out below.

“Act” means the *Local Government Act, 1993*;

“conservation protection arrangements” means formal arrangements the owner of land in the municipal area has entered into for the preservation of flora or fauna or other recognised conservation values or purposes under the *Nature Conservation Act, 2002* or by formal arrangement with Council regarding that land;

“CPR” means a plan registered at the register at the Central Plan Office, Hobart for the lodgement and registration of plans, and included in the Central Plan Register;

“domestic refuse” means any domestic refuse and other rubbish collected by Council’s normal refuse collection service from land in the municipal area and expressly excludes biohazardous waste, controlled waste, noxious refuse and trade waste;

“land used for commercial purposes” means land used or predominantly used for commercial purposes and includes all land coded ‘C’ in the valuation list;

“land used for industrial purposes” means all land used or predominantly used for industrial purposes and includes all land coded “I” in the valuation list;

“land used for primary production” means all land used or predominantly used for primary production and includes all land coded “L” in the valuation list;

“land used for public purposes” means all land used or predominantly used for public purposes and includes all land coded “P” in the valuation list;

“land used for quarrying or mining” means all land used or predominately used for quarrying or mining and includes all land coded “Q” in the valuation list;

“land used for residential purposes” means all land used or predominantly used for residential purposes and includes all land coded “R” in the valuation list;

“land used for sporting or recreation facilities” means all land used or predominantly used for sporting or recreation facilities and includes all land coded “S” in the valuation list;

“locality areas” means areas defined by those locality boundaries as published in the Locality and Postcode Areas Dataset as contained in the Tasmanian Spatial Data Directory on the Tasmanian Government LIST website;

“municipal area” means the municipal area of Clarence;

“non-used land” means all land coded “V” in the valuation list;

“refuse” means any domestic refuse, biohazardous waste, controlled waste, noxious refuse, trade waste and other rubbish, debris, litter, recyclable materials or any other similar materials, articles or things;

“valuation list” means, in respect of the financial year, the valuation list, supplementary valuation list or particulars of adjustment factors last provided to the Council by the Valuer-General under Section 45 of the *Valuation of Land Act 2001*; and

“waste management services” means refuse, recycling and/or green organics collection services provided by Council to land in the municipal area.

2. General Rate

2.1 Pursuant to Sections 90 and 91 of the Act Council makes the following General rate on all rateable land (excluding land which is exempt pursuant to the provisions of Section 87) within the municipal area of Clarence for the period commencing 1 July 2015 and ending 30 June 2016 which consists of two components as follows:

(a) A rate of 0.5812 cents in the dollar on the Capital value of the land; and

(b) A fixed charge of \$274.00

2.2 That pursuant to Section 107 of the Act, by reason of the use or non-use of land, Council declares, by absolute majority, that component (a) of the General rate is varied for the financial year as follows:

(a) For land used for primary production, the rate is varied by decreasing it by 0.35387 cents in the dollar to 0.22733 cents in the dollar;

(b) For land used for residential purposes, the rate is varied by decreasing it by 0.35387 cents in the dollar to 0.22733 cents in the dollar;

(c) For land used for sporting or recreation facilities, the rate is varied by decreasing it by 0.35387 cents in the dollar to 0.22733 cents in the dollar; and

(d) For land which is non-used land, the rate is varied by decreasing it by 0.35387 cents in the dollar to 0.22733 cents in the dollar.

3. Services Rates and Charges

Pursuant to Sections 93, 93A, 94 and 95 of the Act Council makes the following service rates and service charges on all rateable land within the municipal area of Clarence (including land which is otherwise exempt from rates pursuant to Section 87 but excluding land owned by the Crown to which Council does not supply any of the following services) for the period commencing 1 July 2015 and ending 30 June 2016 as follows:

3.1 A service rate for stormwater removal on all lands which drain into Council's drain, or where the nearest boundary of the land is within 30 metres of Council's drain, of 0.0396 cents in the dollar on the capital value of the land. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate in the sum of \$88.50;

3.2 A service charge for waste management in respect of all land for the making available by Council of waste management services of \$184.00 per service provided;

- 3.3 That pursuant to Section 107 of the Act, Council, by absolute majority, varies the Stormwater Removal Service Rate (but not the minimum amount, if applicable) for the financial year in relation to the following land within the municipal area according to the locality of the land and/or the use of the land as follows:
- (a) the Rate is varied by decreasing it by 0.0396 cents to 0.00 cents in the dollar of the Capital Value of the land in relation to all land not highlighted in red on the accompanying map at Schedule 1 (“the map”) and/or located within the following sewerage districts as defined as at 30 June 2009: Clarence Limited Sewerage District, the Richmond Limited Sewerage District (together with all those lands outside that district which are within the locality areas described as Richmond, Dulcot and Grasstree Hill but excluding properties 353 and 391 Grasstree Hill Road) and the Cambridge Industrial Limited Sewerage District. For clarity, to the extent there is any conflict between the map and the aforementioned Sewerage Districts, the depiction of land on the map takes precedence;
 - (b) in respect of land used for primary production and highlighted in red on the map and/or located within the following sewerage districts as defined as at 30 June 2009: the Clarence Limited Sewerage District, the Richmond Limited Sewerage District (together with all those lands outside that district which are within the locality areas described as Richmond, Dulcot and Grasstree Hill but excluding properties 353 and 391 Grasstree Hill Road) and the Cambridge Industrial Limited Sewerage District; the Stormwater Removal Service Rate is varied by decreasing it by 0.0236 cents to 0.016 cents in the dollar of the Capital Value of the land;
 - (c) in respect of land used for residential purposes and highlighted in red on the map and/or located within following sewerage districts as defined as at 30 June 2009: the Clarence Limited Sewerage District, the Richmond Limited Sewerage District (together with all those lands outside that district which are within the locality areas described as Richmond, Dulcot and Grasstree Hill but excluding properties 353 and 391 Grasstree Hill Road) and the Cambridge Industrial Limited Sewerage District; the Stormwater Removal Service Rate is varied by decreasing it by 0.0236 cents to 0.016 cents in the dollar of the Capital Value of the land;

- (d) in respect of land used for sporting or recreation facilities and highlighted in red on the map and/or located within following sewerage districts as defined as at 30 June 2009: the Clarence Limited Sewerage District, the Richmond Limited Sewerage District (together with all those lands outside that district which are within the locality areas described as Richmond, Dulcot and Grasstree Hill but excluding properties 353 and 391 Grasstree Hill Road) and the Cambridge Industrial Limited Sewerage District; the Stormwater Removal Service Rate is varied by decreasing it by 0.0236 cents to 0.016 cents in the dollar of the Capital Value of the land;
- (e) in respect of non-used land highlighted in red on the map and/or located within following sewerage districts as defined as at 30 June 2009: the Clarence Limited Sewerage District, the Richmond Limited Sewerage District (together with all those lands outside that district which are within the locality areas described as Richmond, Dulcot and Grasstree Hill but excluding properties 353 and 391 Grasstree Hill Road) and the Cambridge Industrial Limited Sewerage District; the Stormwater Removal Service Rate is varied by decreasing it by 0.0236 cents to 0.016 cents in the dollar of the Capital Value of the land.

3.4 That pursuant to Section 94 of the Act, Council, by absolute majority, varies the Waste Management Service Charge for the financial year within the municipal area according to the use of land and/or according to the level of service provided to the land as follows:

- (a) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 120 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services, the Waste Management Service Charge is varied to \$221.30;
- (b) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 240 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services, the Waste Management Service Charge is varied to \$368.00;
- (c) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where no 240 litre mobile greenwaste bin has been provided by Council, the Waste Management Service Charge is varied by decreasing the charge otherwise applicable by \$43.50, this variation being in addition to any other variation which may apply to the land;

- (d) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where an additional 240 litre mobile greenwaste bin has been provided by Council, the Waste Management Service Charge is varied by increasing the charge otherwise applicable by \$43.50 in respect of each greenwaste bin provided, this variation being in addition to any other variation which may apply to the land; and
- (e) in respect of land used for primary production, land used for residential purposes, non-used land or land used for sporting or recreational facilities, where a 240 litre mobile bin has been provided by Council for the domestic recycling component of the waste management services, the Waste Management Service Charge is varied by increasing the charge otherwise applicable by \$28.20, this variation being in addition to any other variation which may apply to the land;
- (f) in respect of land used for commercial purposes, land used for industrial purposes, land used for public purposes or land used for quarrying or mining, where a 240 litre mobile bin has been provided by Council for the domestic refuse component of the waste management services (or such other uses requiring a bin of this size approved by the General Manager), the Waste Management Service Charge is varied to \$368.00.

4. Fire Service Rate

Pursuant to Section 93A of the Act, Council makes the following service rates in respect of the Fire Service contributions it must collect under the Fire Service Act 1979 for the rateable parcels of land within the municipal area as follows:

- 4.1 An Urban Fire Service Rate of 0.0598 cents in the dollar on the Capital Value of all lands within the Hobart Urban Fire District (ES) shown on CPR 3332. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$38.00.
- 4.2 A District Fire Service Rate of 0.0158 cents in the dollar on the Capital Value of all lands within the Cambridge, Seven Mile Beach, Lauderdale, Richmond and South Arm Fire Districts shown on CPRs 3307, 3361, 3339, 3356 and 3366 respectively. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$38.00.

- 4.3 A Rural Fire Service Rate of 0.0145 cents in the dollar on the Capital Value of all lands which are not within the Hobart Urban Fire District (E.S.) shown on CPR 3332 or the Cambridge, Seven Mile Beach, Lauderdale, Richmond, or South Arm Fire Districts shown on CPRs 3307, 3361, 3339, 3356 and 3366 respectively. Pursuant to Section 93(3) Council sets a minimum amount payable in respect of this rate of \$38.00.

5. Maximum Percentage Increase

- 5.1 Pursuant to Section 88A of the Act, the Council, by absolute majority, sets a maximum percentage increase for all rates payable on any rateable land within the municipal area of 50% above the amount payable in respect of that rateable land in the 2014/2015 financial year.
- 5.2 Pursuant to Section 88A(1)(b) Council declares, by absolute majority, that the maximum percentage increase varies within the municipal area according to the following factors:
- (a) for all rateable land used or predominantly used by ratepayers who are eligible pensioners within the meaning of the Local Government (Rates & Charges Remissions) Act 1991 and where the rateable land is occupied as a principal dwelling by such ratepayers, the maximum percentage increase is varied to 10%;
 - (b) for all rateable land used or predominantly used for residential purposes and where the variation at sub-paragraph (a) does not apply, the maximum percentage increase is varied to 20%;
 - (c) for all rateable land which is used or predominantly used for primary production purposes and where sub-paragraph (a) does not apply, the maximum percentage increase is varied to 20%;
 - (d) for all rateable land which is used or predominantly used for commercial purposes, industrial purposes, public purposes, mining and quarrying purposes, or sporting or recreation facilities and where sub-paragraph (a) does not apply, the maximum percentage increase is varied to 30%;
 - (e) in each case the maximum percentage increase does not apply in respect of any increase in the value of rateable land the subject of a supplementary valuation pursuant to Section 92 of the Act after 1 July 2014 and where that increase is attributable to the undertaking of capital improvements or the subdivision of land.

6. Remissions

6.1 Pursuant to Section 129 of the Act Council, by absolute majority, grants a remission of all or part of any rates paid or payable by the following classes of ratepayers:

- (a) for the class of ratepayers liable to pay the General Rate who lease land from the Crown and upon which there is constructed a boat shed or jetty used for private purposes, Council grants a Remission of \$170.00;
- (b) in respect of the class of ratepayers where the rateable land is 20 hectares or greater in area and is wholly or partially zoned pursuant to the Clarence Planning Scheme 2007 as Intensive Agricultural, Rural Residential, Landscape and Skyline Conservation or Rural, Council grants the following Remissions in respect of component (a) of the General Rate, (as per clause 2.1):

Area of land	Proportional Remission of the general rate
Not less than 20ha and not greater than 50ha	20% of the general rate
Not less than 50ha and not greater than 80ha	30% of the general rate
Greater than 80ha	40% of the general rate

6.2 In respect of each class of ratepayers and in respect of rateable land which is used or predominantly used:

- (a) for commercial purposes;
- (b) for industrial purposes;
- (c) for mining and quarrying purposes;
- (d) for primary production purposes; or
- (e) for public purposes

and where such rateable land is liable to pay the Waste Management Service Charge, such charge is remitted to nil where;

- (i) the Waste Management Service Charge is not used in relation to the rateable land; and
- (ii) the ratepayer demonstrates to the satisfaction of the General Manager that there is in place an alternative Waste Disposal Service for the rateable land.

6.3 In respect of the class of ratepayers liable to pay the Waste Management Service Charge for rateable land;

(a) located in the South Arm Peninsula area south of the Lauderdale Canal where Council supplies a Waste Management Service; and

(b) where the rateable land is not the primary residence of the ratepayer

then the Waste Management Service charge is remitted in full if the ratepayer demonstrates to the satisfaction of the General Manager that:

(i) alternative suitable domestic refuse disposal arrangements are in place for that land; and

(ii) no Waste Management Service is required to be provided to the land.

6.4 In respect of the Waste Management Service Charge payable by the class of ratepayers who own and use or predominantly use rateable land for residential purposes, the Waste Management Service Charge is remitted in full where it is demonstrated to the satisfaction of the General Manager:

(a) that due to exceptional circumstances relating to the ratepayer the service is not practical or able to be used in relation to the land; and

(b) alternative suitable domestic refuse disposal arrangements are in place for that land.

6.5 That based on an application submitted to Council pursuant to Section 129(1) of the Act, Council grants the following Remissions of Rates and Charges to ratepayers in relation to land in the municipal area:

(a) A remission of 0.4% in respect of all rates and charges payable by Housing Tasmania where the total amount due for the year is paid on or before the due date of the first rates instalment.

(b) Where land is subject to conservation protection arrangements a remission of the General Rate of \$5 per hectare applies to the land that is subject to the conservation protection arrangements, with a minimum remission of \$50 applying and a maximum remission of \$500 applying.

(c) Where private land is used exclusively as a cemetery and where the owner of the land does not receive financial consideration for the operation of the cemetery the General Rate is remitted.

- 6.6 For all rateable land used or predominantly used by ratepayers who are eligible pensioners within the meaning of the Local Government (Rates & Charges Remissions) Act 1991 and where the rateable land is occupied as a principal dwelling by such ratepayers, a remission of 1.9% applies to all rates excluding any fire service rate.
- 6.7 The amount of the minimum stormwater service rate (if applicable) is remitted in respect of all properties to which paragraph 3.3(a) above applies.
- 6.8 Where Council has, in the past, provided a general rate exemption under S87 of the Local Government Act 1993 to properties owned by charitable organisations but used for residential purposes, and where Council has now determined that such properties do not qualify for the exemption under S87, for properties not described in 6.9 below the general rate payable for the 2015/2016 financial year (only) is remitted.
- 6.9 Where properties described in 6.8 above are leased for residential purposes but are specifically provided for economically disadvantaged members of the community, Council will remit the general rate, subject to the following tests applying (but with no remission applying to properties owned by or subject to a lease or management agreement with the State Government):
- rentals are at a demonstrable discount to market rates, typically at a rate similar to that applied by Housing Tasmania in respect of its own residential properties; and
 - there has been no up-front payment made by the occupier to secure the right to occupy the property; and
 - no body corporate fees or similar are payable by the occupier; and
 - the occupier does not have lifetime tenancy or a lease period which effectively provides for lifetime tenancy.

7. Separate Land

For the purposes of these resolutions the rates and charges shall apply to each parcel of land which is shown as being separately valued in the Valuation List prepared under the Valuation of Land Act 2001.

8. Adjusted Values

For the purposes of each of these resolutions any reference to the capital value of land includes a reference to that value as adjusted pursuant to sections 89 and 89A of the Act, except where these resolutions otherwise provide.

9. Instalments

Pursuant to Section 124 of the Act Council decides:

- 9.1 Where rates are not paid by instalments, the date of payment is the 31st day after the issue of the rates notice;
- 9.2 All rates may be paid by all rate payers by four instalments, which must be of approximately equal amounts;
- 9.3 The dates by which instalments are to be paid shall be as follows:
 - (i) the first instalment on or before the 31st day after the issue of the rates notice;
 - (ii) the second instalment on or before the 61st day after the due date of the first instalment;
 - (iii) the third instalment on or before the 29th day of January 2016; and
 - (iv) the fourth instalment on or before the 31st day of March 2016.
- 9.4 If a rate payer fails to pay any instalment within 21 days of the due date, Council may determine that the entire balance of the rates payable becomes due.

10. Late Payments

That in accordance with Section 128 of the Act Council decides as follows.

- 10.1 If any rate or instalment is not paid by the due date daily interest applies to the unpaid amount for the period during which it is unpaid from and including the day after it fell due.
- 10.2 Interest shall not apply to any rate or instalment that is not paid by the due date where a ratepayer makes regular payments through Council's direct debits system, Centrepay, or other formal system of regular payments, is not in arrears and does not default on such payments.
- 10.3 The amount of the interest is the maximum prescribed percentage under Section 128 of the Act, being 8.46% per annum.

NB: A Decision on this Item requires an Absolute Majority of Council.

RATES AND CHARGES 2015/2016 /contd...

ASSOCIATED REPORT**1. BACKGROUND**

The purpose of this report is to consider Rates and Charges for 2015/2016, variations to rates and charges for 2015/2016 and the fixing of maximum percentage increases and the remission of rates and charges for 2015/2016.

2. REPORT IN DETAIL

2.1. The recommendations associated with this report give effect to the rating implications of the Estimates adopted by Council at its Meeting of 1 June 2015. They are consistent with the draft amended Rates and Charges Policy which accompanies this agenda.

2.2. Reflecting the adopted Estimates, after growth and allowing for the effect of State Government charges, the total rate requirement has increased by 1.0%. Council's Fire Service Contribution, which is a State Government charge payable directly to the Tasmania Fire Service, has increased by 4.0% in nominal terms.

2.3. The recommendations contain no significant changes from rating policies adopted by Council in respect of 2015/2016. However, there remains some on-going adjustment to rates on a small proportion of properties across the City arising from the full revaluation of property values effective 1 July 2013 and Council's decision to rate on the basis of capital values commencing in the 2013/2014 year.

2.4. Based on recent rating decisions and consistent with the draft revised rating policy considered earlier in this agenda, the recommendation proposes continuation of a range of rate caps to various property classes. The mechanism is that a single cap must be set and may then be varied. Such variations are included in the recommendation, giving effective rate caps of:

- vacant land: 50%
- commercial: 30%
- industrial: 30%
- public purpose: 30%
- mining and quarrying: 30%
- residential: 20%
- primary production: 20%
- pensioners (residential): 10%

- 2.5.** The redistribution effect of these caps for 2015/2016 will be very minor, in the order of \$55,000. This compares with some \$1.6 million in 2013/2014 and \$395,000 in 2014/2015. Residential and pensioners will be in the order of \$10,000 and commercial/public approximately \$43,000. This redistribution effect has been included in calculations of the draft general rate and its variation.
- 2.6.** Due to the continued “unwinding” of rate caps in the commercial sector, commercial properties not subject to a cap in 2014/2015 will typically experience a reduction in rates of around 3%, following a typical reduction of 8% in 2014/2015. This is due to those properties previously being subject to a cap paying an increased share of the commercial rate burden, allowing other commercial properties to revert to their true underlying level of rates.
- 2.7.** Proposed rate variations are consistent with past policy and include variations to both the General Rate and the Stormwater Rate. The waste charge is again varied on a “component” basis under which properties are charged at a more granular level according to the level of service provided. This was introduced in 2014/2015 in line with the implementation of the greenwaste bin service and provision of the opportunity for property owners to request multiple bins.
- 2.8.** All capital values provided by the Valuer General have been subject to adjustment factors effective 1 July 2015. The intent of these factors is to provide a mechanism to adjust values on an interim basis between full revaluations of the City.

With the exception of some 50 properties, all properties have an adjustment factor of either 1.0 (no change) or 1.05 (5% increase). Of these, 91% of properties have an adjustment factor of 1.05. Given that the vast majority of properties have moved uniformly and that the overall range of movement is quite narrow, the overall effect on individual rates is very small.

2.9. The greatest effect will be on those properties with an adjustment factor of 1.0 which may experience a small decrease in rates (around 1%). These properties are almost exclusively residential within the suburbs of Oakdowns, Clarendon Vale, Clifton Beach and Lauderdale. Residential properties in other areas will have very minor (some 0.1%) increase as a consequence. Commercial properties are essentially unaffected, since all have moved by the same proportion and are subject to differential general and stormwater rates.

2.10. Council's own Pensioner Remission Policy is consistent with the past year.

2.11. Other remissions are also consistent with past policy.

3. CONSULTATION

3.1. Community Consultation

No issues to be addressed.

3.2. State/Local Government Protocol

No issues to be addressed.

3.3. Other

No issues to be addressed.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Consistent with the revised draft Rates and Charges Policy accompanying this agenda and the adopted Estimates for 2015/2016.

5. EXTERNAL IMPACTS

No issues to be addressed.

6. RISK AND LEGAL IMPLICATIONS

Draft resolutions are consistent with relevant legislation.

7. FINANCIAL IMPLICATIONS

No direct implications, however, the draft resolutions give effect to the rating requirements inherent in Council's adopted Estimates for 2015/2016 and are therefore critical to the on-going operations of Council.

8. ANY OTHER UNIQUE ISSUES

No issues to be addressed.

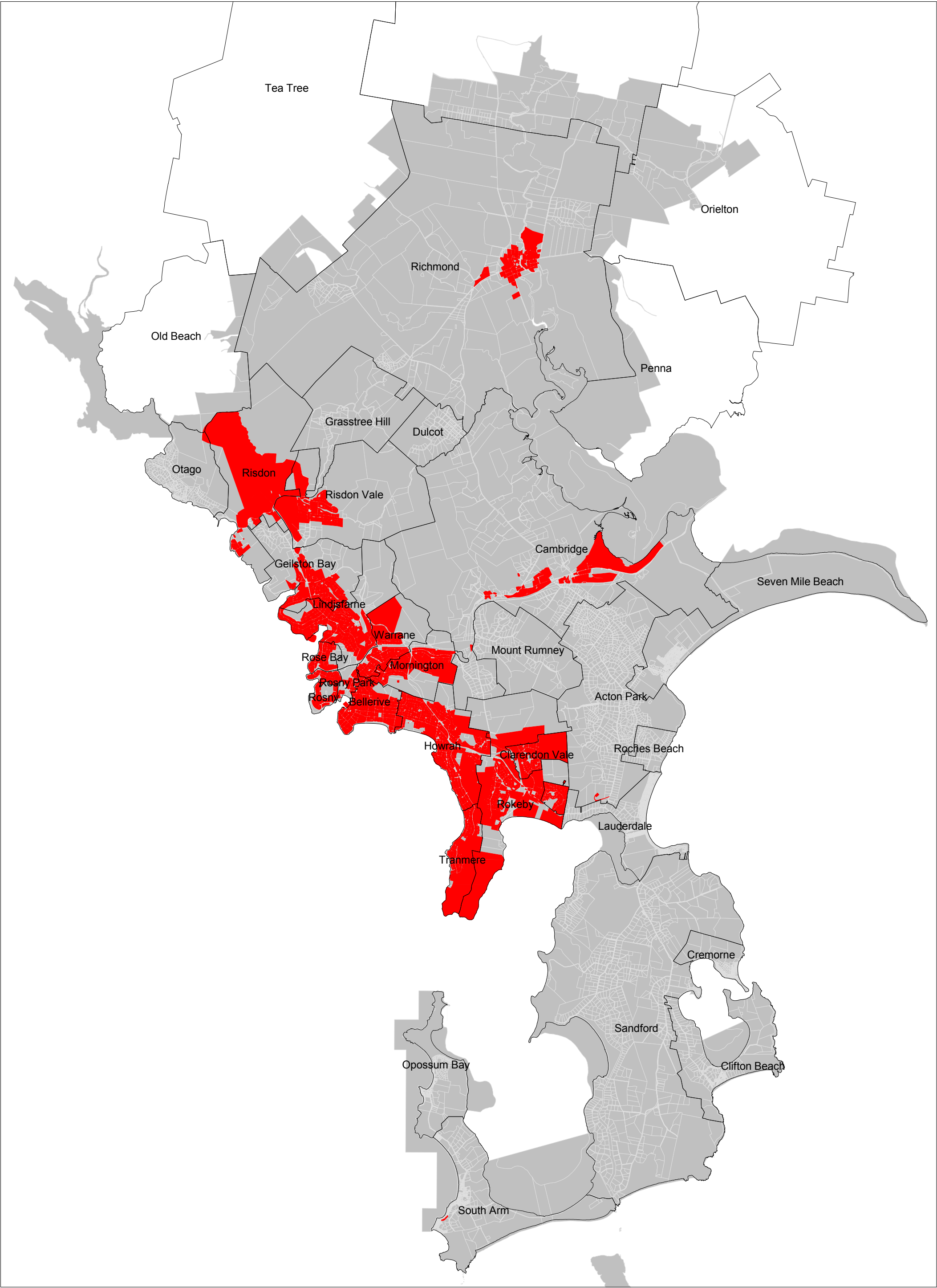
9. CONCLUSION

The recommendations give effect to Council's rating requirement for 2015/2016 and associated rating policies including Variation of Rates and Rate Remissions.

Attachments: 1. Map (1)

Andrew Paul
GENERAL MANAGER

SCHEDULE 1
Clarence City Council
Rates and Charges 2015/2016



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 TENDER T1034-15 – BELLERIVE BLUFF – STORMWATER AND FORESHORE SEA WALL WORKS

13.3 TENDER – CAMBRIDGE ROAD – ASPHALT RESURFACING WORKS

13.4 TENDER T1042-15 – ROAD AND DRAINAGE WORKS – VICTORIA STREET AND GUNNING STREET, RICHMOND

13.5 CONTRACTUAL MATTER

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

- personnel matters;
- contracts for the supply and purchase of goods and services;
- 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”.