

Prior to the commencement of the meeting, the Mayor will make the following declaration:

“I acknowledge the Tasmanian Aboriginal Community as the traditional custodians of the land on which we meet today, and pay respect to elders, past and present”.

The Mayor also to advise the Meeting and members of the public that Council Meetings, not including Closed Meeting, are audio-visually recorded and published to Council’s website.

CLARENCE CITY COUNCIL SPECIAL MEETING
MONDAY 17 DECEMBER 2018

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

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

1. APOLOGIES

Nil.

2. 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.

3. 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)

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

4.1 DEVELOPMENT APPLICATION D-2018/671 - 19 CORINTH STREET, HOWRAH - 2 MULTIPLE DWELLINGS (1 EXISTING + 1 NEW)
(File No D-2018/671)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for 2 Multiple Dwellings (1 existing + 1 new) at 19 Corinth Street, Howrah.

RELATION TO PLANNING PROVISIONS

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

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 20 December 2018.

CONSULTATION

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

- precedent;
- traffic impact;
- visual impact;
- overshadowing;
- dwelling density;
- noise impact;
- safety impacts;
- vehicle emissions;
- illegal use;
- Waterway and Coastal Protection Code;
- loss of property value;
- accuracy of shadow diagrams;

- inadequate information on floor and elevation plans;
- stormwater; and
- loss of privacy.

RECOMMENDATION:

- A. That the Development Application for 2 Multiple Dwellings (1 existing + 1 new) at 19 Corinth Street, Howrah (CI Ref D-2018/671) be approved subject to the following conditions and advice.
1. GEN AP1 – ENDORSED PLANS.
 2. The workshop is approved as part of the “Residential” use of the property only and must not be used for commercial or industrial purposes except without further Council approval.
 3. ENG A5 – SEALED CAR PARKING.
 4. ENG M1 – DESIGN DA [Access, Carpark and driveways, service upgrades or relocations].
 5. ENG S1 – INFRASTRUCTURE REPAIR.
 6. The development must meet all required Conditions of Approval specified by TasWater notice dated 19 November 2018 (TWDA 2018/01805-CCC).
- B. That the details and conclusions included in the Associated Report be recorded as the reasons for Council’s decision in respect of this matter.

ASSOCIATED REPORT**1. BACKGROUND**

No relevant background.

2. STATUTORY IMPLICATIONS

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

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

2.3. The relevant parts of the Planning Scheme are:

- Section 8.10 – Determining Applications;
- Section 10 – General Residential Zone;
- Section E6.0 – Parking and Access Code;
- Section E7.0 – Stormwater Management Code;
- Section E11.0 – Waterway and Coastal Protection Code; and
- Section E15.0 – Inundation Prone Areas Code.

2.4. The western end of the site is covered by the Waterway and Coastal Protection Area (54.4% coverage). Whilst the proposed dwelling would be located within the overlay area, the proposal is exempt from the Waterway and Coastal Protection Code in accordance with Section E11.4.1(g) as the site is connected to reticulated services.

2.5. The western end of the site is covered by the Inundation Low and Medium Hazard Areas. The proposed dwelling and associated infrastructure would be located outside of this coverage area therefore the Inundation Prone Areas Code is not applicable to the assessment of this application.

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 1,353m² rectangular shaped lot located on the western side of Corinth Street with the western (rear) boundary bound by the Derwent River. The lot slopes gently down toward the river and contains an existing dwelling and outbuilding fronting the street. The rear of the property contains mature, leafy gardens.

A variable width band of Open Space zoning extends along the western boundary of the site to align with Council's strategic intention to extend the Clarence Foreshore Trail along this section of coastline.

The site is located within an established residential area within Howrah. The properties fronting the Derwent River are of a similar size and are developed exclusively with Single Dwellings. Despite the large lot size, the setback of dwellings to the road varies substantially.

3.2. The Proposal

Application is made for the construction of a new dwelling to the rear of the existing dwelling. The proposed dwelling would be located 4.3m to the rear of the existing dwelling. It would be setback 1.82m from the southern side property boundary and adjoin the northern side property boundary as shown in Attachment 1.

The proposed dwelling is 2 storey with a total floor area of 225.89m². The lower level would contain 2 bedrooms, bathroom, rumpus and workshop with the upper level containing a master bedroom, media room, open plan living space, laundry and double garage. The dwelling would be cut into the land so that it presents as a single storey dwelling from the street elevation. The dwelling would be constructed from brick veneer and masonry in a rendered finish with "Colorbond" roofing in a flat and skillion profile.

A deck is proposed to extend the full length of the western elevation of the dwelling with privacy screens proposed at the northern and southern ends to satisfy Clause 10.6.1 A1 of the Scheme in relation to privacy.

The existing driveway is proposed to be extended along the northern side property boundary to provide access to the garage. A visitor park is proposed to be incorporated between the existing dwelling and outbuilding located at the front (east) of the site.

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

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

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

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

General Residential Zone

Clause	Standard	Acceptable Solution	Proposed
10.4.2 A3	Building envelope	<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions (such as eaves, steps, porches, and awnings) that extend not more than 0.6m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Diagrams 10.4.2A, 10.4.2B, 10.4.2C and 10.4.2D) determined by:</p>	<p>Does not comply – the northern elevation of the dwelling would directly adjoin the northern side property boundary resulting in a 1.2m encroachment at the north-eastern corner increasing to a 3m encroachment at the north-western corner.</p>

		<p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a lot with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary to a building height of not more than 8.5m above natural ground level; and</p> <p>(b) only have a setback within 1.5m of a side boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining lot; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>The southern elevation of the dwelling would be setback 1.82m from the southern side property boundary resulting in the south-western corner of the upper level of the dwelling encroaching the building envelope.</p> <p>The western (rear) elevation of the upper level of the dwelling would be located 5.5m from the boundary with the Open Space Zone resulting in a 2.5m encroachment.</p> <p>Does not comply - in addition, the northern elevation of the dwelling would have a total wall length of 11.4m (2.4m above the 9m limit specified in the Acceptable Solution).</p>
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The proposed variation must be considered pursuant to the Performance Criteria (P3) of Clause 10.4.2 as follows.

Performance Criteria	Comment
<p><i>“P3 – The siting of a dwelling must:</i></p> <p><i>(a) Not cause any unreasonable loss of amenity by:</i></p>	see below assessment

<p>(i) <i>reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or</i></p>	<p>In relation to the adjoining property to the south at 21 Corinth Street, Council records indicate that 5 living, dining and lounge room windows are located on its northern elevation. Solar access to these windows is currently impacted by the existing dwelling however, the shadow diagrams submitted with the application demonstrate that the proposed dwelling would not cause any additional overshadowing impact to these windows on 21 June due to its separation and offset to the north-west.</p> <p>In relation to 17 Corinth Street, the dwelling located on this property is located entirely to the north of the subject site therefore no overshadowing of this dwelling would occur.</p> <p>Accordingly, the proposal would not cause any unreasonable loss of sunlight to the habitable room windows of an adjoining dwelling.</p>
<p>(ii) <i>overshadowing the private open space of a dwelling on an adjoining lot; or</i></p>	<p>The property at 21 Corinth Street has an upper level deck accessed from the living room on its eastern and northern elevation overlooking the water along with a terraced area also on this elevation. The overshadowing diagrams indicate that the proposed dwelling would not cause any additional overshadowing to the deck or patio area on 21 June.</p> <p>The shadow diagrams demonstrate that morning sunlight loss on 21 June would be restricted to an Open Space zoned portion of the lot, which cannot be taken as forming part of the Scheme's compliant private open space allocated to this dwelling.</p> <p>A larger, ground level area of private open space comprising gardens and landscaping is located to the rear of this adjoining dwelling.</p>

	<p>By midday, the proposed dwelling will overshadow the western end of the ground level private open space, and will retract further to the south-east by 3pm. The shadow diagrams demonstrate that in excess of 50% of the private open space would not be affected by overshadowing therefore the overshadowing impact upon the private open space of 21 Corinth Street is considered reasonable.</p> <p>In relation to 17 Corinth Street, this property is located to the north of the subject site and comprises open space (including a deck) to the rear of the dwelling. The shadow diagrams demonstrate that no overshadowing of the private open space to the rear of this dwelling would occur on 21 June.</p> <p>As demonstrated above, the proposal would not cause any unreasonable loss of sunlight to the private open space of an adjoining dwelling as required by the performance criteria.</p>
<i>(iii) overshadowing of an adjoining vacant lot; or</i>	Not relevant – the subject site does not adjoin a vacant property.
<i>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and</i>	<p>The adjoining property to the south at 21 Corinth Street contains a 2 storey dwelling with floor to ceiling windows on the western elevation of the upper level living room which continue along the northern elevation of the dwelling (corner window). A deck also extends from the western elevation of the upper level of the dwelling and is directly accessible from the living space. These windows have been designed to take advantage of the westerly outlook over the River Derwent and beyond. The windows also look out to the north across the lower parts of the subject site and the Derwent River beyond. From within these windows, it is possible to obtain expansive westerly, north-westerly and south-westerly views to features including the River Derwent, Mount Wellington and Hobart City.</p>

	<p>The Tribunal in its decision “R Kasem v Hobart City Council and Ord [2018] TASRMPAT 8” provides guidance on the assessment of visual impact. In its decision, the Tribunal found that an assessment of visual bulk ought to take into account the nature of the current view field and the degree of visual interruption resulting from the proposed building.</p> <p>Visual impact modelling was undertaken by planning officers to assist in understanding the degree of visual interruption arising from the proposed dwelling. The models indicate that the view field will be altered however not significantly so in that views to the river would be retained around and over the proposed dwelling. The living space associated with 21 Corinth Street is elevated above the roof line of the proposed dwelling therefore allowing for retention of views over and around the building to the river. It is considered that the overall loss of views would be relatively small in the context of the current view field, with key visual features within the landscape (such as Mount Wellington and Hobart City) remaining unaffected.</p> <p>The western wall length of the proposed building is significantly less than that associated with the existing dwelling and includes articulation in through the inclusion of windows of various sizes and the use of various cladding types. The rear deck structure would also form a relatively open, lightweight structure which will further reduce the impression of bulk.</p> <p>The new dwelling will be visible from the backyard of 21 Corinth Street, however, mature landscaping will obscure the majority of the proposed building.</p>
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	<p>In relation to 17 Corinth Street, the dwelling located on this property is located at a higher elevation than the proposed dwelling and dwelling to the south at 21 Cornith Street. The elevated position of this dwelling will ensure views of the Derwent River to the south-west are not compromised as views would be retained over its roof.</p> <p>The bulk and scale of the proposed 2 storey building is consistent with other dwellings in the area. The building has been designed to respond to the slope of the land by presenting as a single storey building at the eastern end and falling away to provide 2 levels at the western end. Whilst the dwelling would be located closer to the foreshore than the immediately adjoining properties, the location would be consistent with other dwellings located at the southern end of Corinth Street (28 – 33 Corinth Street).</p> <p>For the above reasons, the proposal is considered to be consistent with Clause (a)(iv) in that it would provide consistency in the apparent scale, bulk, massing and proportions of dwellings within the street.</p>
<p>(b) <i>Provide separation between dwellings on an adjoining lot that is compatible with that prevailing in the surrounding area”.</i></p>	<p>The dwelling would maintain a 10m separation from the adjoining dwellings to the north and south which is considered generally consistent with the dwellings in the immediate area.</p>

General Residential Zone

Clause	Standard	Acceptable Solution (Extract)	Proposed
10.4.3 A2	Private open space	<p>A dwelling must have an area of private open space that:</p> <p>(a) is in one location and is at least: (i) 24m²; or (ii) 12m², if the dwelling is a Multiple Dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(b) has a minimum horizontal dimension of: (i) 4m; or (ii) 2m, if the dwelling is a Multiple Dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); and</p> <p>(c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and</p>	<p>complies</p> <p>complies</p> <p>Does not comply – the ground level private open space allocated to the proposed dwelling would not be directly accessible from the lower level rumpus room in that a 3.5m wide covered deck separates the two.</p>

		(d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on 21 June; and	complies
		(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and	complies
		(f) has a gradient not steeper than 1 in 10; and	complies
		(g) is not used for vehicle access or parking.	complies

The proposed variation must be considered pursuant to the Performance Criteria (P2) of Clause 10.4.3 as follows.

Performance Criteria	Proposal
<p><i>“P2 - A dwelling must have private open space that:</i></p> <p><i>(a) Includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:</i></p>	see below assessment
<p><i>(i) conveniently located in relation to a living area of the dwelling; and</i></p>	<p>The ground level private open space would be located a short distance downhill from the lower level rumpus room and would be compliant in terms of area, dimensions, siting and grade. The proposal would therefore be sited within an area that is capable of serving as an extension to the dwelling for outdoor relaxation and children’s play.</p>

	The ground level private open space is proposed to be supplemented with an upper level deck accessed via the living room. The deck, although large, is insufficiently wide to satisfy the minimum dimension requirement of the Acceptable Solution. However, the deck has a minimum dimension of 2.88m – 4.1m which is considered adequate to serve as a useable outdoor extension to the living space for outdoor dining and entertaining. It is considered that the multiple areas of private open space are reasonable and will provide for functional and diverse outdoor recreation for the occupants.
(ii) <i>oriented to take advantage of sunlight</i> ".	Shadow diagrams submitted with the application demonstrate that the ground level private open space would receive full afternoon sun and intermittent morning sun on 21 June. The deck would also receive similar levels of solar access during the Winter Solstice. The ground level and upper level private open space would therefore be oriented to take advantage of sunlight.

5. REPRESENTATION ISSUES

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

5.1. Precedent

The concern is that the introduction of a Multiple Dwelling development within Corinth Street will set an uncharacteristic precedent for further Multiple Dwelling developments along the waterfront.

- **Comment**

The use of land for the purposes of Multiple Dwellings is a permitted use in the General Residential Zone.

5.2. Traffic Impact

Concern is raised that the proposal will increase traffic volumes along Corinth Street which will affect road safety for existing residents. Concern is also raised in relation to the possible conversion of the 2 Multiple Dwellings to flats, resulting in a total of 4 residences on the one site and even greater traffic movements.

- **Comment**

Council's Development Engineer has advised that Corinth Street is of an appropriate standard to cater for increased residential traffic. It is observed that Corinth Street currently receives low traffic volumes with the proposed Multiple Dwelling development unlikely to cause any noticeable increase in traffic volume.

In terms of possible future use of the property, Council is required to assess the application before it as opposed to speculating on future development potential. Should an application for a further change of use be sought, a new application would be required.

5.3. Visual Impact

Concern is raised that the additional dwelling would be visually obtrusive when viewed from the adjoining property to the north at 17 Corinth Street including the dwelling and private open space. Concern is also raised that mature plantings located along the southern boundary of 17 Corinth Street and the northern boundary of 21 Corinth Street will be compromised by the proposed development through root disturbance associated with the construction of a boundary wall.

- **Comment**

The proposed development relies upon a variation to the southern side boundary setback which, as discussed in relation to Clause 10.4.2 (P3) above dealing with visual impact, is considered to satisfy the related performance criteria.

In relation to impacts upon established vegetation on adjoining properties, this issue will be addressed as part of a future building permit application whereby a Form 6 will be required to be completed and returned to Council. The Form 6 will deal with proposed protection measures for the adjoining properties during the construction phase. However, it should also be acknowledged that the owner of 19 Corinth Street is entitled to undertake work along their boundary. Should the root system of the hedges extend into this property then this may invariably result in the loss of some mature species.

5.4. Overshadowing

Concern is raised that the development will result in a loss of sunlight to the private open space of the adjoining dwelling to the south at 21 Corinth Street, Howrah.

- **Comment**

The rear (western) and southern (side) elevation of the proposed additional dwelling seeks a variation to the building envelope standard at Clause 10.4.2 A3 of the General Residential Zone.

Shadow diagrams have been submitted with the application. The shadow diagrams have been assessed and demonstrate compliance with Clause 10.4.2 P3(a)(i) and (iii) of the Scheme, as discussed above.

5.5. Dwelling Density

Concern has been raised that the proposal would be inconsistent with the established pattern and character of development within the area.

- **Comment**

In terms of density, Clause 10.4.1 A1 of the General Residential Zone provides that Multiple Dwellings must have a site area per dwelling of not less than 325m². The proposed site area of 676.5m² per dwelling is greater than the minimum allowed by this standard. Accordingly, this issue cannot have any determining weight.

In terms of height and visual appearance, the Scheme allows the maximum height of buildings in the zone to be 8.5m from natural ground level. The maximum height of the additional dwelling is 7.1m which is under the 8.5m maximum height specified in the Acceptable Solution.

5.6. Noise Impact

Concern is raised in relation to noise impacts arising from the workshop contained on the lower level of the proposed dwelling.

- **Comment**

The proposed workshop is proposed to form part of the residential use of the property. It is recommended that a permit condition be included reiterating that the workshop is approved for residential use only. Should noise associated with the use of the workshop cause an unreasonable impact upon residential amenity, Council's Environmental Health Officers may investigate the matter having regard to the requirements of Section 53 of the Environmental Management and Pollution Control Act, 1994.

5.7. Safety Impacts

Concern is raised that the parking area located along the northern elevation of the site servicing Unit 2 will create a safety hazard, in that vehicles could drive over the edge of the driveway into the adjoining property to the north at 17 Corinth Street due to its retained and elevated construction.

- **Comment**

The car parking and vehicle access have been assessed by Council's Development Engineer as meeting relevant Australian Standards for layout.

5.8. Vehicle Emissions

Concern is raised that vehicles accessing the garage area proposed for Unit 2 will cause exhaust fumes to be blown into the private open space of the adjoining property to the north at 17 Corinth Street.

- **Comment**

This concern is unsubstantiated. Given so, the issue of vehicle emissions is not a relevant planning consideration.

5.9. Illegal Use

Concern is raised that the lower level of the existing dwelling is being used for visitor accommodation and that the floor plans provided are not representative of this.

- **Comment**

Council has no record of a complaint being received in relation to the use of the lower level of the dwelling for visitor accommodation purposes. After investigation, there is no evidence that the property is being used for visitor accommodation. However, the use of the lower level of the dwelling for visitor accommodation is unlikely to require planning approval under Planning Directive No.6 – Exemption and Standards for Visitor Accommodation in Planning Schemes.

5.10. Waterway and Coastal Protection Code

Concern is raised that no information addressing the requirements of the Waterway and Coastal Protection Code has been provided with the application.

- **Comment**

As discussed within Section 2.4 of this report, the proposal is exempt from the requirements of the Waterway and Coastal Protection Code.

5.11. Loss of Property Value

Concern is raised that the introduction of a Multiple Dwelling will cause a loss of property values to the adjoining properties.

- **Comment**

This concern is unsubstantiated. Given so, the issue of loss of property values is not a relevant planning consideration.

5.12. Accuracy of Shadow Diagrams

Concern is raised that the shadow diagrams underestimate the winter shading impact and that this may be caused by inaccuracies in the height contours for the property.

- **Comment**

This issue was raised with the building designer who has confirmed that the shadow diagrams take into account the topographic profile of the adjoining property to the south at 21 Corinth Street. These plans have been checked and there are no apparent inaccuracies that warrant further review.

5.13. Inadequate Information on Floor and Elevation Plans

Concern is raised that the floor plan does not include a minimum dimension for the alfresco area and that the elevation plan does not include a measurement between the 2 buildings (the representor has not specified why this information is required).

- **Comment**

The dimensions referred to above are not required to enable an assessment of the application under the relevant standards of the Scheme.

5.14. Stormwater

Concern is raised in relation to how stormwater is proposed to be managed so that it does not impact upon adjoining properties.

- **Comment**

The proposal satisfies the requirements of the Stormwater Management Code. Additionally, the drainage plans provided as part of a future building and plumbing permit application will be required to demonstrate that all stormwater run-off is contained within the property boundaries of the subject site.

5.15. Loss of Privacy

Concern is raised in relation to the adequacy of the privacy screen proposed along the southern elevation of the proposed deck. Specifically, concern is raised that users of the deck will be able to peer through the gaps into the private open space of the adjoining dwelling to the south at 21 Corinth Street.

- **Comment**

The privacy screen proposed along the southern elevation of the upper level deck of Unit 2 complies with Clause 10.4.6 A1 of the Scheme in that the screen would be 1.8m tall and would provide a uniform transparency of no more than 25%.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

The proposal seeks approval for 2 Multiple Dwellings (1 existing + 1 new) at 19 Corinth Street, Bellerive. The application satisfies all relevant Acceptable Solutions or alternatively is considered to meet the relevant Performance Criteria of the Scheme and is accordingly recommended for conditional approval.

Attachments: 1. Location Plan (1)
2. Proposal Plan (12)
3. Site Photo (1)

Ross Lovell
MANAGER CITY PLANNING

ATTACHMENT 1

LOCATION PLAN

19 CORINTH STREET, HOWRAH

ATTACHMENT 1

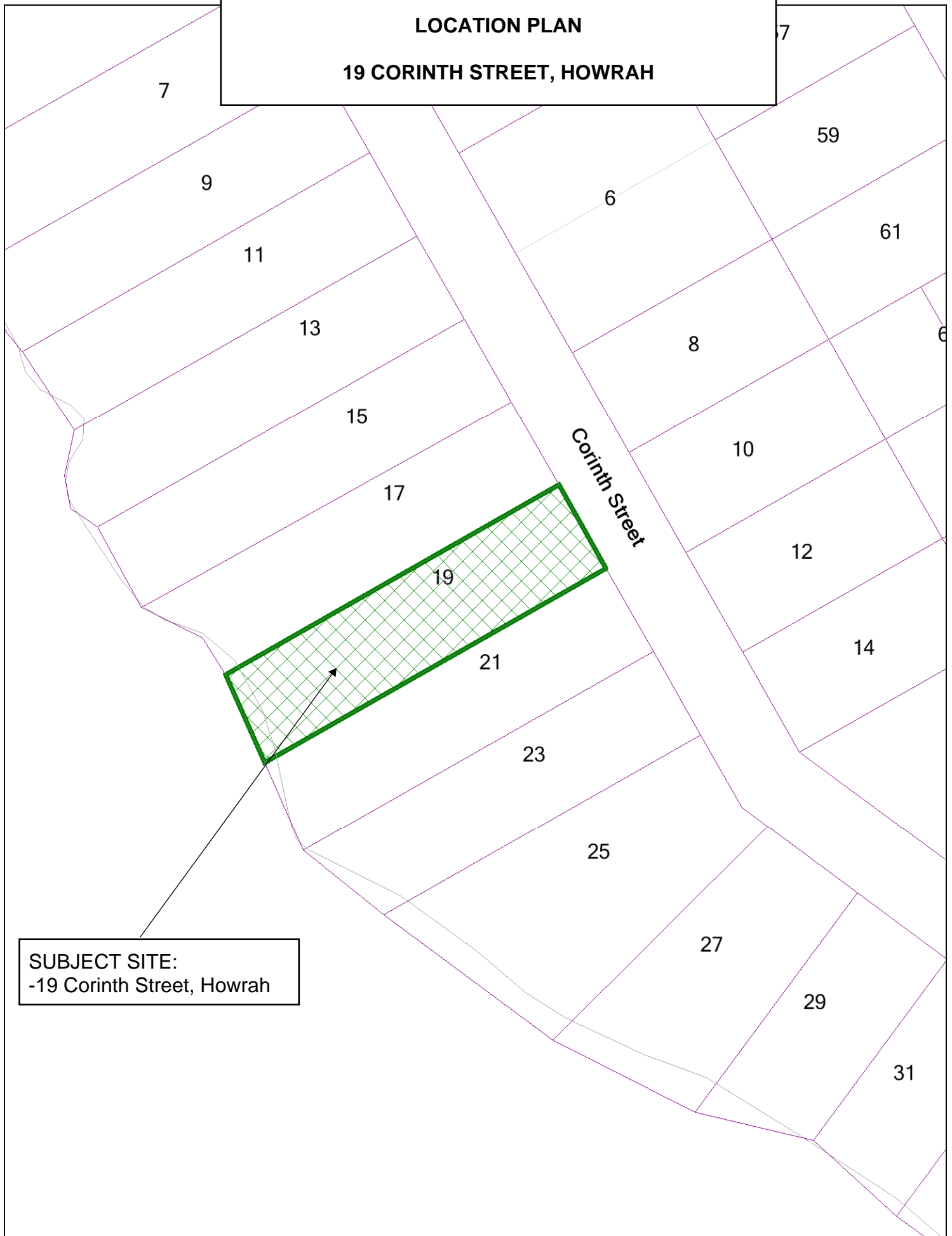
LOCATION PLAN

19 CORINTH STREET, HOWRAH

ATTACHMENT 1

LOCATION PLAN

19 CORINTH STREET, HOWRAH



SUBJECT SITE:
-19 Corinth Street, Howrah



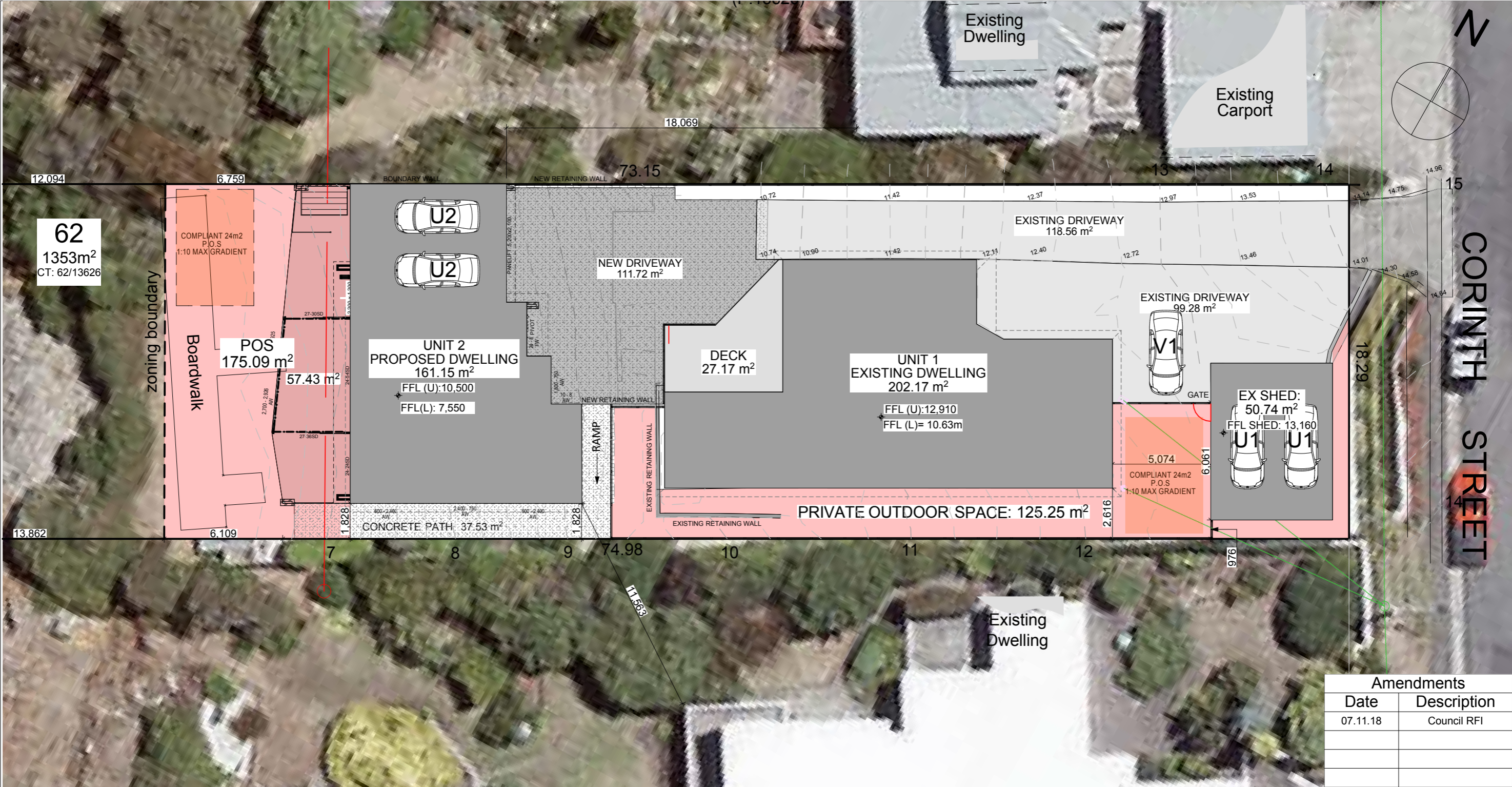
Disclaimer: This map is a representation of the information currently held by Clarence City Council. While every effort has been made to ensure the accuracy of the product, Clarence City Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated. Copying or reproduction, without written consent is prohibited. **Date:** Monday, 3 December 2018 **Scale:** 1:918.2 @A4

19 Corinth St, Howrah



Drawing No:	Description
DA.01	Site Plan
DA.02	Landscaping Plan
DA.03	Shadow Diagrams on June 21st
DA.04	Shadow Diagrams on June 21st
DA.05	Unit 1 (Existing) Upper Floor Plan
DA.06	Unit 1 (Existing) Lower Floor Plan
DA.07	Unit 2 Floor Plan
DA.08	Unit 1 Elevations
DA.09	Unit 1 Elevations
DA.10	Unit 2 Elevations
DA.11	Unit 2 Elevations





Amendments	
Date	Description
07.11.18	Council RFI

Impervious Areas	
Site area	1353 sqm
Total Building Area	498.66 sqm
Concrete Area	363.56 sqm
Total Impervious Area	862.22 sqm
Impervious Free	36.27%

Site Areas	
Site area	1353 sqm
Total Building Area	498.66 sqm
Total Site Coverage	36.8%

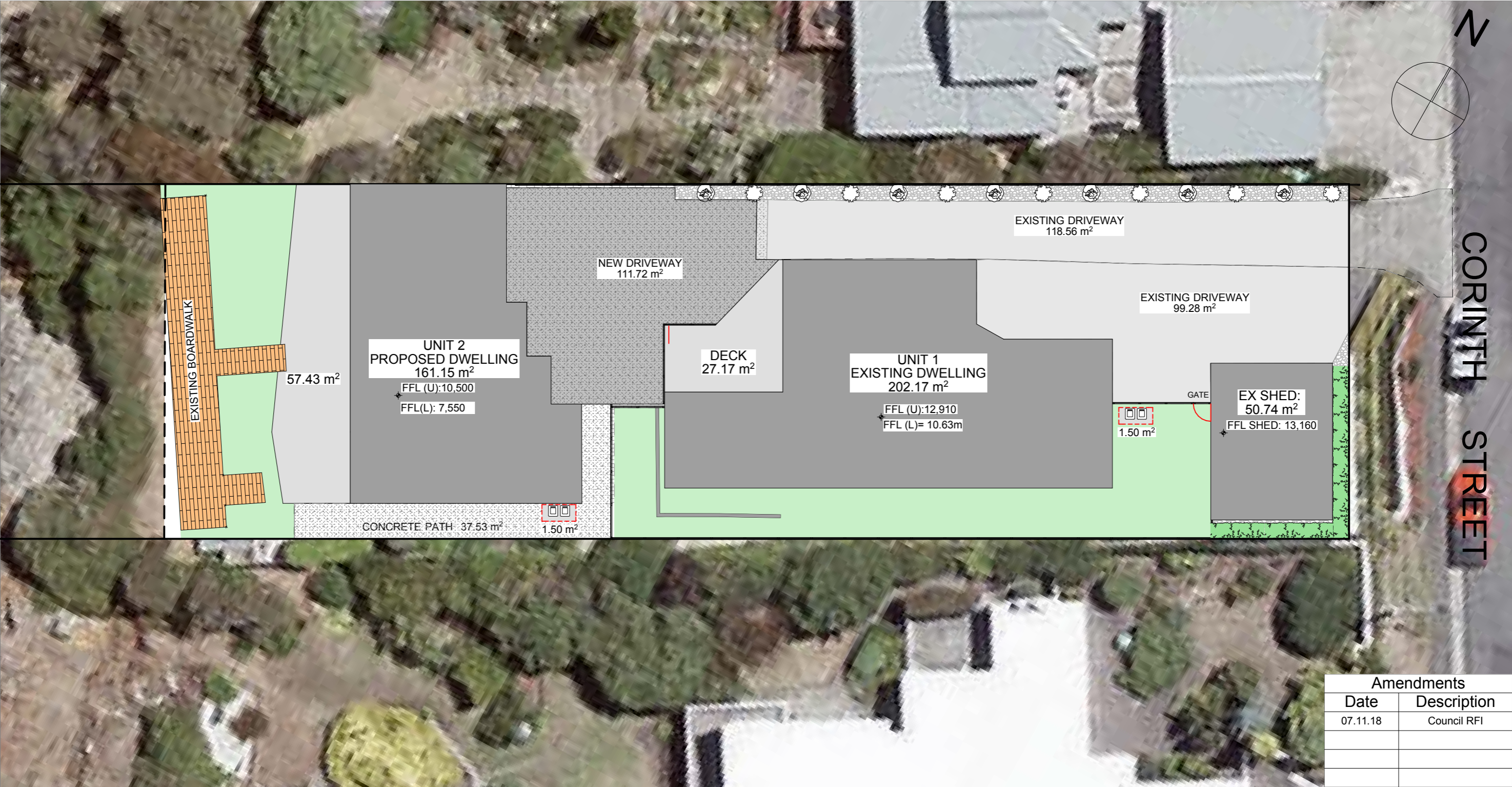
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Proposal:	New Dwelling	Scale: 1:200 @ A3	Job No: 87-2018	Pg No: DA.01
Client:	Darris & Sharon Burrell	Date: 10.07.18	Engineer:	
Address:	19 Corinth St, Howrah	Drawn: JRN	Building Surveyor:	

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Site Plan





Impervious Areas	
Site area	1353 sqm
Total Building Area	498.66 sqm
Concrete Area	363.56 sqm
Total Impervious Area	862.22 sqm
Impervious Free	36.27%

Site Areas	
Site area	1353 sqm
Total Building Area	498.66 sqm
Total Site Coverage	36.8%

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Landscaping Plan



Proposal:	New Dwelling	Scale: 1:200 @ A3	Job No: 87-2018	Pg No: DA.02
Client:	Darris & Sharon Burrell	Date: 10.07.18	Engineer:	
Address:	19 Corinth St, Howrah	Drawn: JRN	Building Surveyor:	

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Amendments	
Date	Description
07.11.18	Council RFI





SHADOWS @ 0900



SHADOWS @ 1000



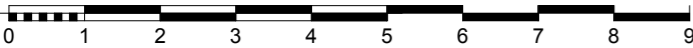
SHADOWS @ 1100



SHADOWS @ 1200

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Shadow Diagrams on June 21st



Proposal:	New Dwelling	Scale: 1:500	@ A3	Job No: 87-2018	Pg No: DA.03
Client:	Darris & Sharon Burrell	Date: 10.07.18		Engineer:	
Address:	19 Corinth St, Howrah	Drawn: JRN		Building Surveyor:	

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SHADOWS @ 1300



SHADOWS @ 1400



SHADOWS @ 1500

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Shadow Diagrams on June 21st

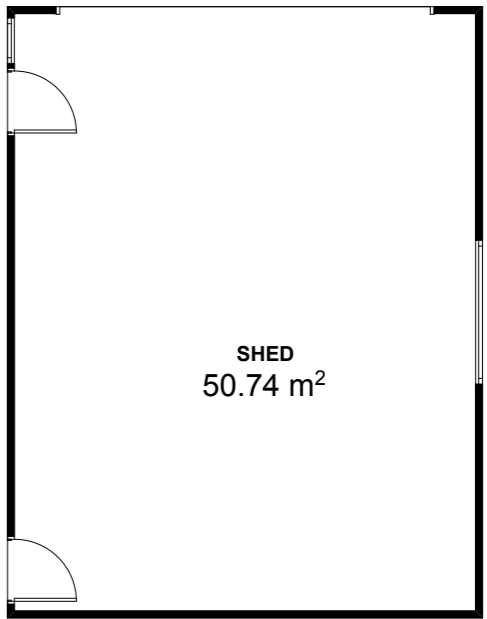
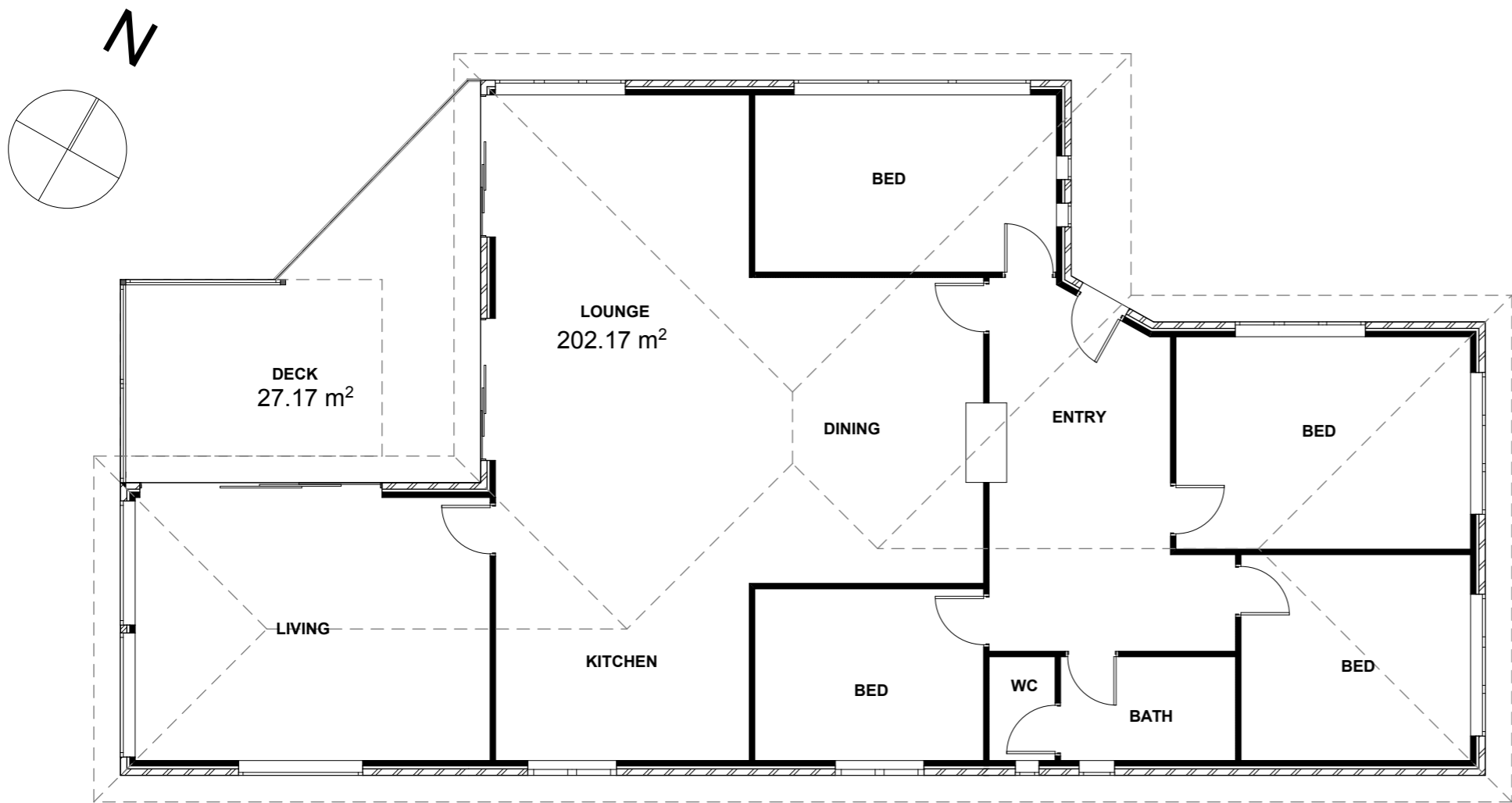


Proposal:	New Dwelling	Scale: 1:500 @ A3	Job No: 87-2018	Pg No: DA.04
Client:	Darris & Sharon Burrell	Date: 10.07.18	Engineer:	
Address:	19 Corinth St, Howrah	Drawn: JRN	Building Surveyor:	
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Amendments	
Date	Description
07.11.18	Council RFI


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Floor Areas	
Lower Floor	102.32 sqm
Upper Floor	202.17 sqm
Total	304.49 sqm
Deck	27.17 sqm

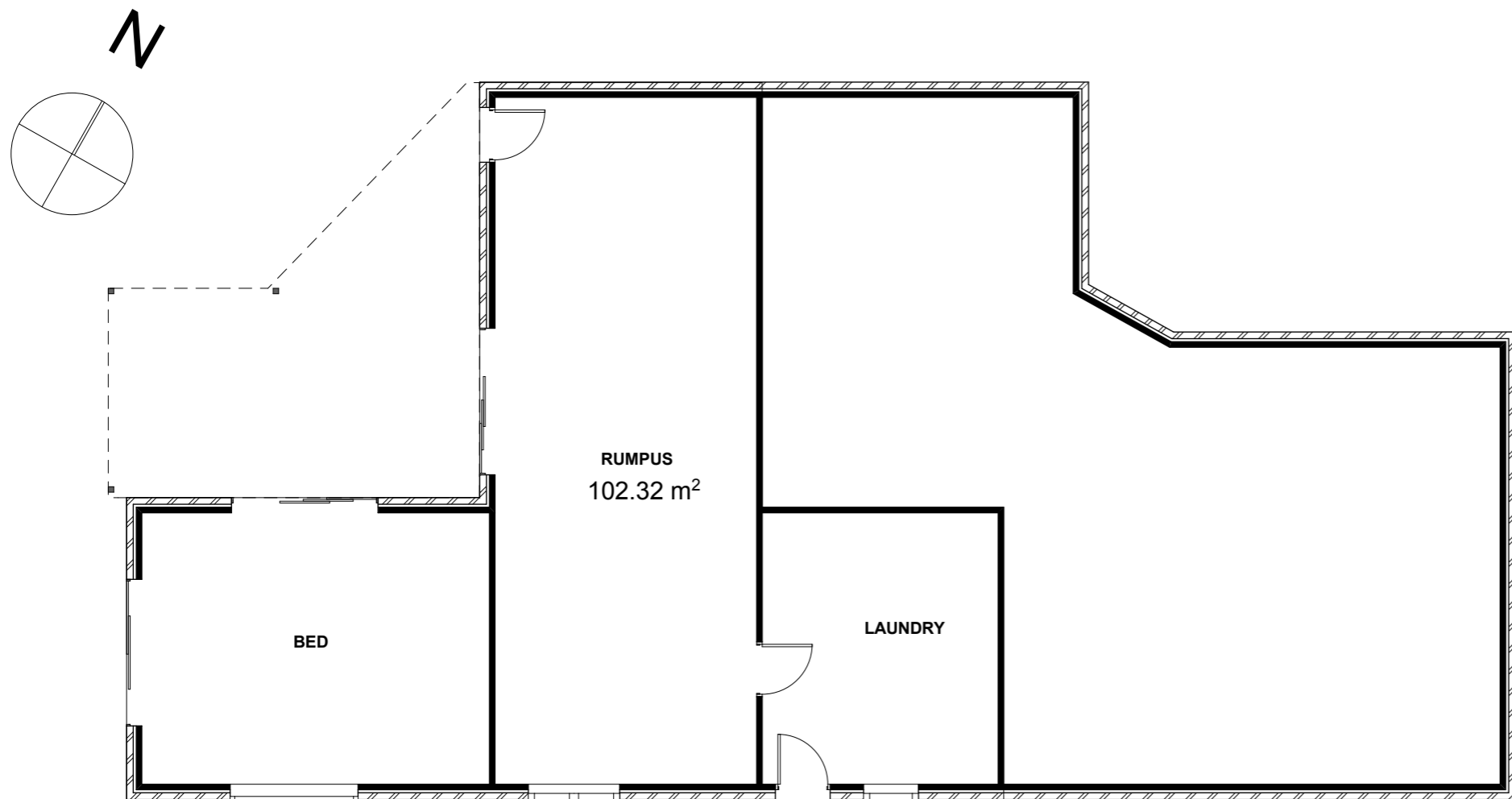
Unit 1 (Existing) Upper Floor Plan



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Proposal:	New Dwelling	Scale: 1:100 @ A3	Job No: 87-2018 Pg No: DA.05
Client:	Darris & Sharon Burrell	Date: 10.07.18	Engineer:
Address:	19 Corinth St, Howrah	Drawn: JRN	Building Surveyor:
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au			

Amendments	
Date	Description
07.11.18	Council RFI





Floor Areas	
Lower Floor	102.32 sqm
Upper Floor	202.17 sqm
Total	304.49 sqm
Deck	27.17 sqm

Unit 1 (Existing) Lower Floor Plan

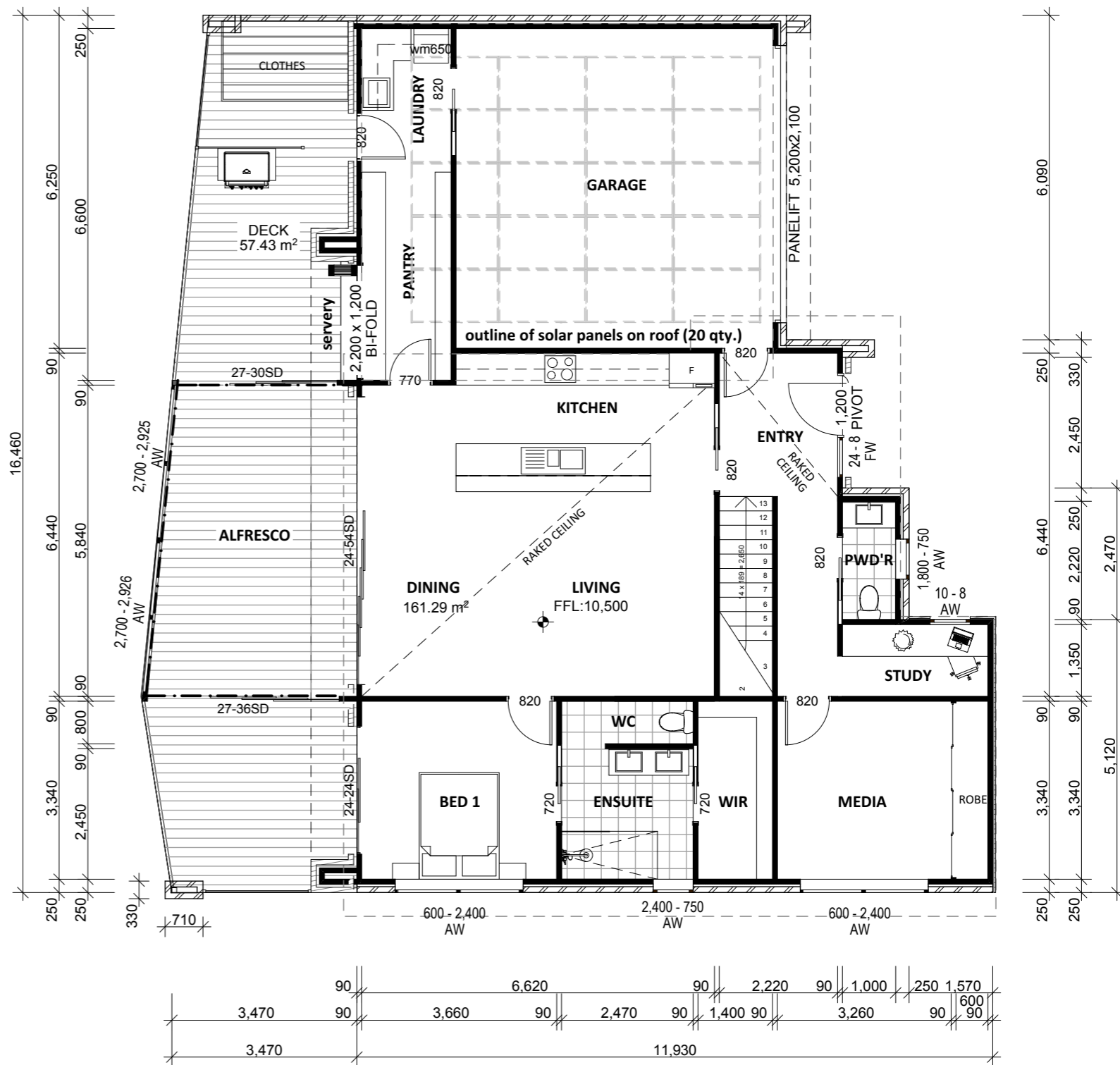


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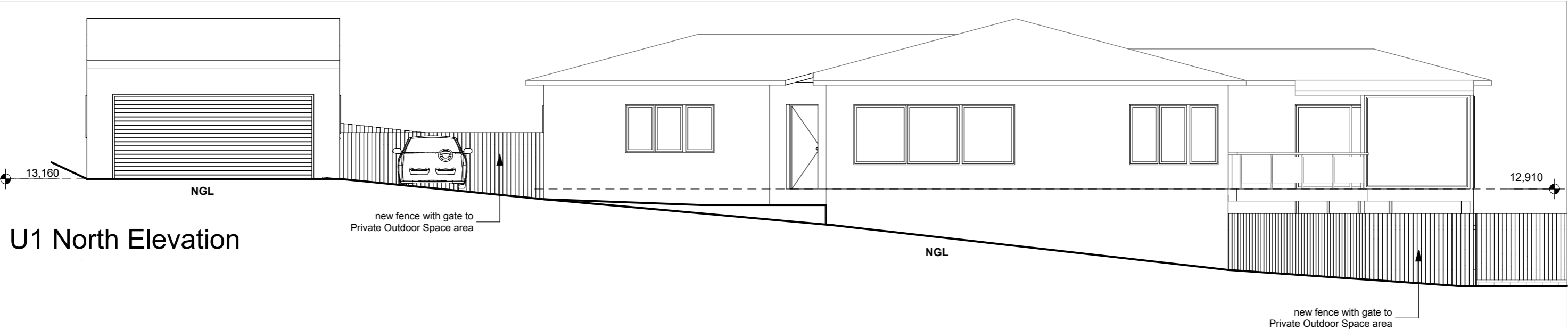
Proposal:	New Dwelling	Scale: 1:100 @ A3	Job No: 87-2018	Pg No: DA.06
Client:	Darris & Sharon Burrell	Date: 10.07.18	Engineer:	
Address:	19 Corinth St, Howrah	Drawn: JRN	Building Surveyor:	
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Amendments	
Date	Description
07.11.18	Council RFI

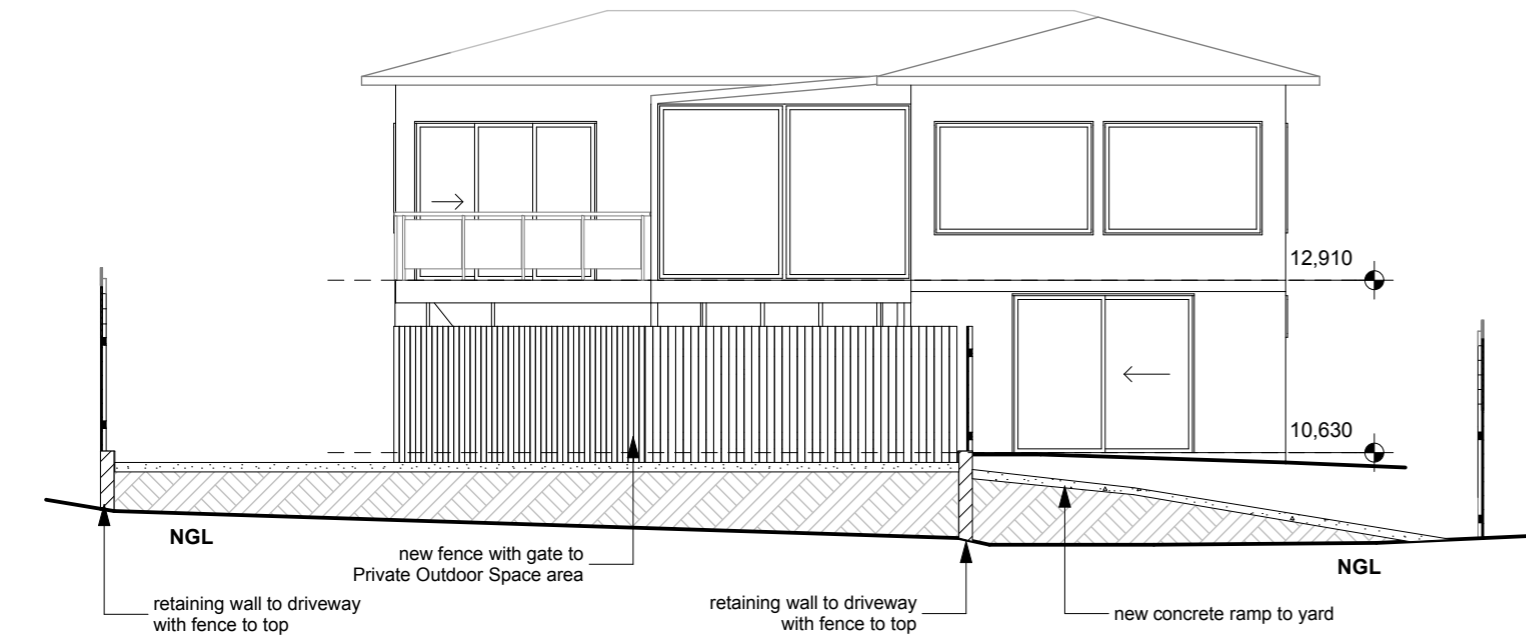




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U1 North Elevation



U1 West Elevation

Amendments	
Date	Description
07.11.18	Council RFI

Unit 1 Elevations



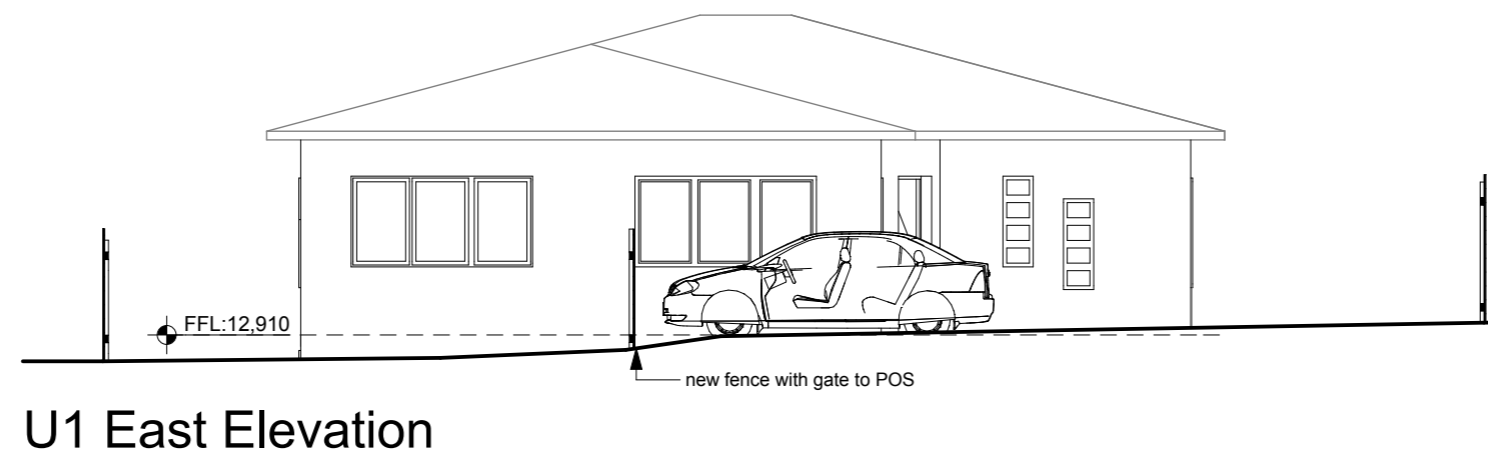
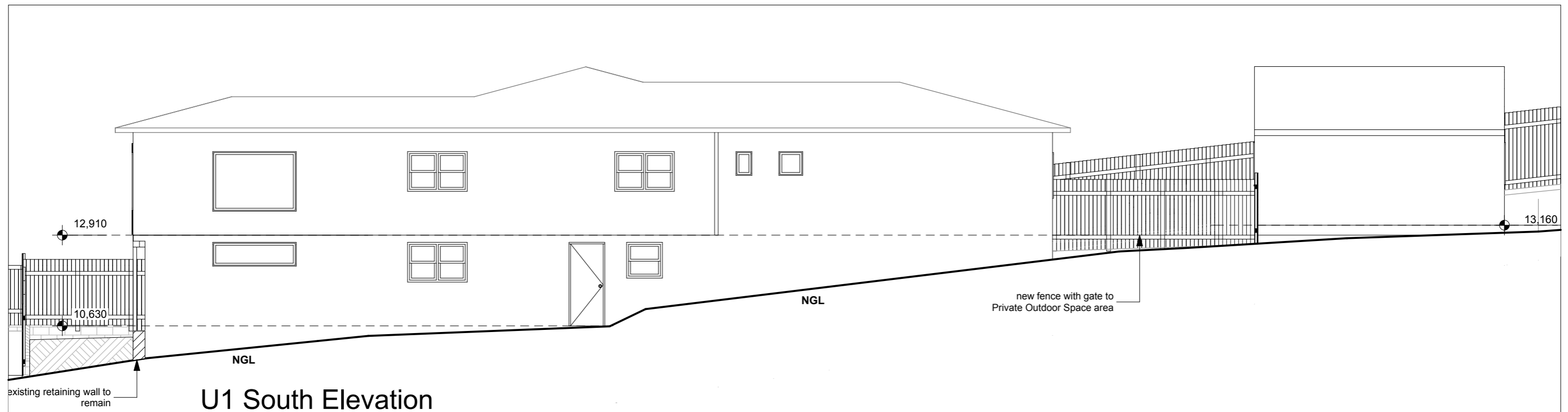
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Proposal:	New Dwelling	Scale: 1:100 @ A3	Job No: 87-2018	Pg No: DA.08
Client:	Darris & Sharon Burrell	Date: 10.07.18	Engineer:	
Address:	19 Corinth St, Howrah	Drawn: JRN	Building Surveyor:	
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Unit 1 Elevations



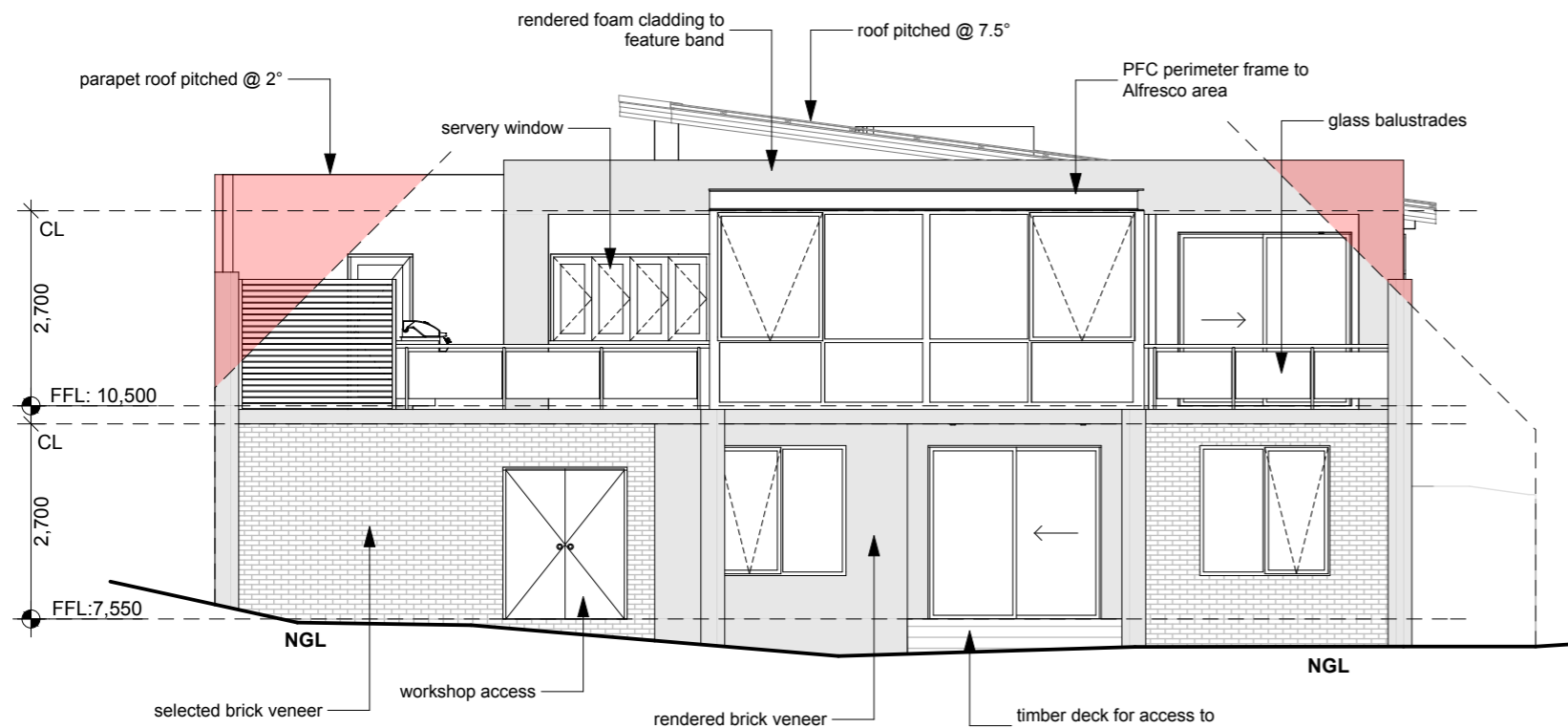
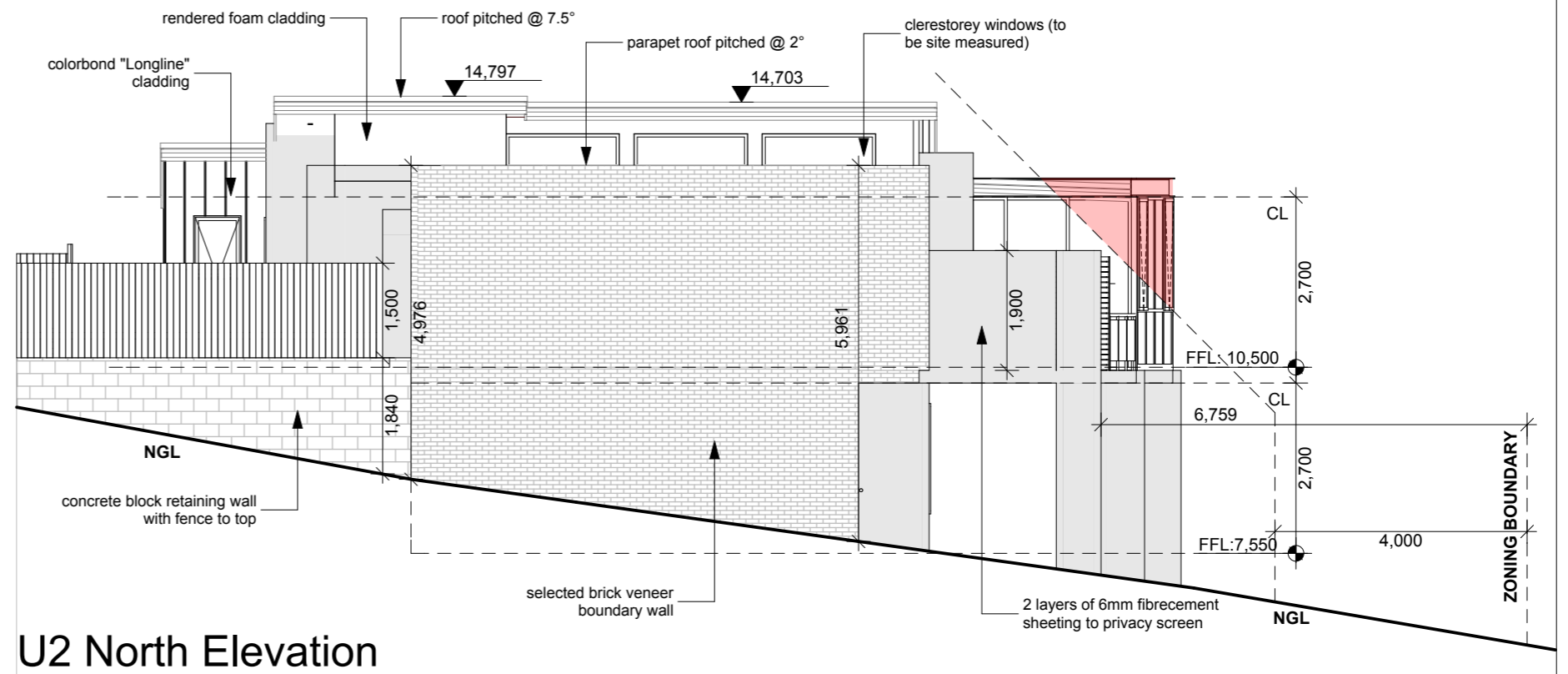
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Proposal:	New Dwelling	Scale: 1:100 @ A3	Job No: 87-2018	Pg No: DA.09
Client:	Darris & Sharon Burrell	Date: 10.07.18	Engineer:	
Address:	19 Corinth St, Howrah	Drawn: JRN	Building Surveyor:	

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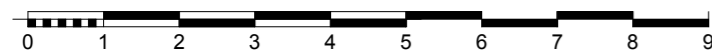
Amendments	
Date	Description
07.11.18	Council RFI





U2 West Elevation

Unit 2 Elevations



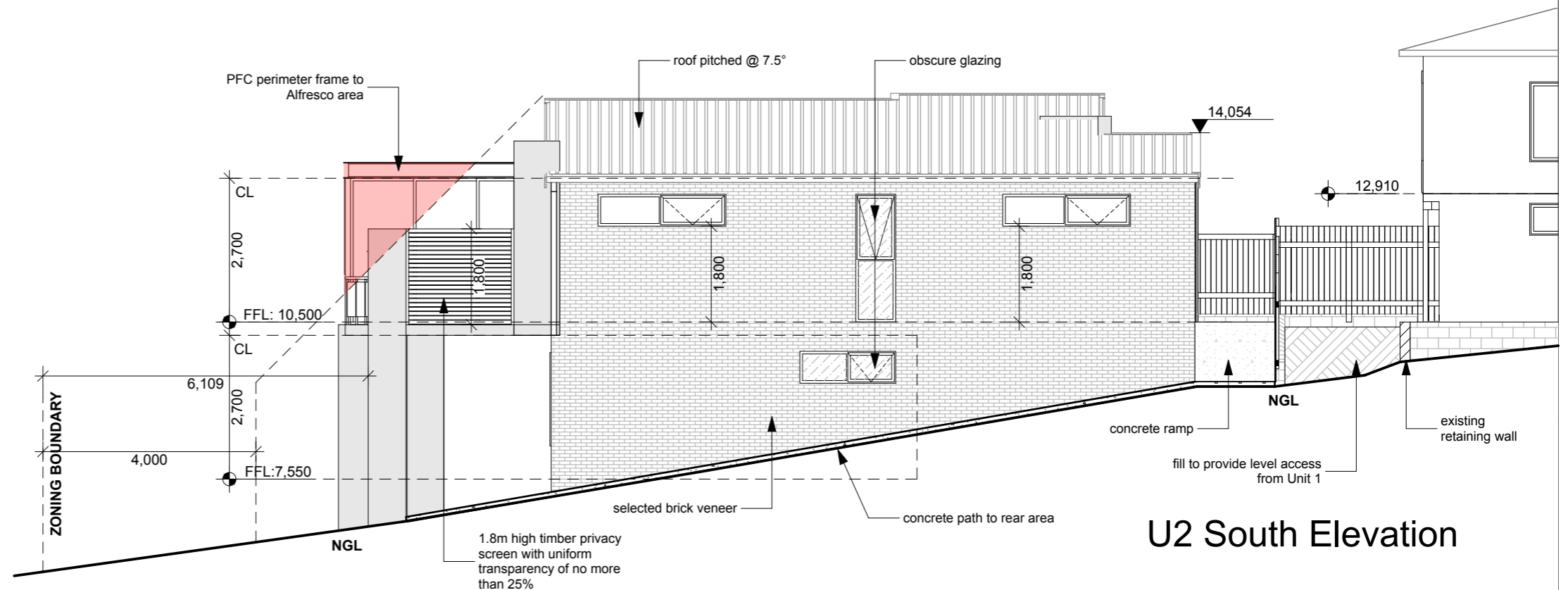
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Proposal:	New Dwelling	Scale: 1:100 @ A3	Job No: 87-2018	Pg No: DA.10
Client:	Darris & Sharon Burrell	Date: 10.07.18	Engineer:	
Address:	19 Corinth St, Howrah	Drawn: JRN	Building Surveyor:	

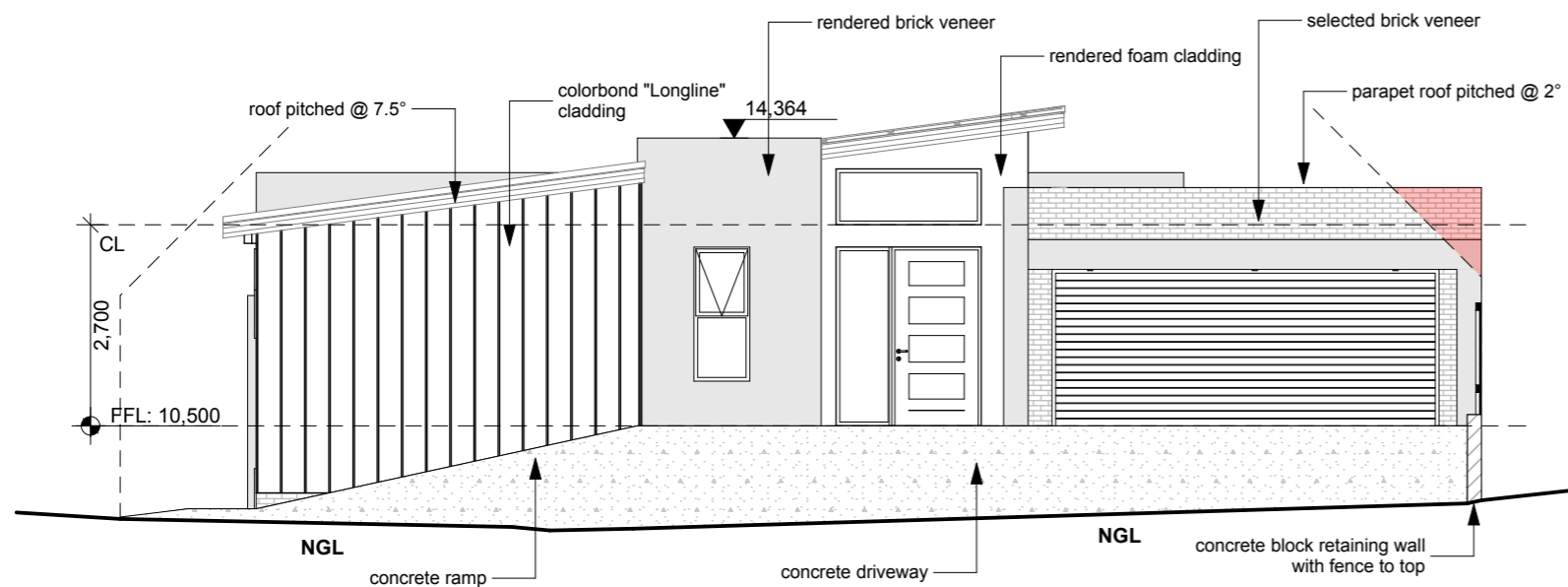
PINNACLE DRAFTING & DESIGN. CC6073Y 2 Kennedy Drv, Cambridge 7170 P: 03 6248 4743 F: 03 6248 4745 E: jnickerson@pinnacledrafting.com.au

Amendments	
Date	Description
07.11.18	Council RFI





U2 South Elevation



U2 East Elevation

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Unit 2 Elevations



Proposal:	New Dwelling	Scale: 1:100 @ A3	Job No: 87-2018	Pg No: DA.11
Client:	Darris & Sharon Burrell	Date: 10.07.18	Engineer:	
Address:	19 Corinth St, Howrah	Drawn: JRN	Building Surveyor:	

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Amendments	
Date	Description
07.11.18	Council RFI



19 Corinth Street, Howrah



Photo 1: The existing dwelling when viewed from Corinth Street, Howrah.

4.2 DEVELOPMENT APPLICATION D-2018/369 - 16 MAXWELLS ROAD, CAMBRIDGE - DEMOLITION AND 8 WAREHOUSES
(File No D-2018/369)**EXECUTIVE SUMMARY****PURPOSE**

The purpose of this report is to consider the application made for demolition of the existing building and construction of 8 warehouses at 16 Maxwells Road, Cambridge.

RELATION TO PLANNING PROVISIONS

The land is zoned Light Industrial and subject to the under the Clarence Interim Planning Scheme 2015 (the Scheme). In accordance with the Scheme the proposal is a Discretionary development.

LEGISLATIVE REQUIREMENTS

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

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

Council is required to exercise a discretion within the statutory 42 day period which expires on 18 December 2018.

CONSULTATION

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

RECOMMENDATION:

A. That the Development Application for Demolition and 8 Warehouses at 16 Maxwells Road, Cambridge - (CI Ref D-2018/369) be approved subject to the following conditions and advice.

1. GEN AP1 – ENDORSED PLANS.
2. GEN AM3 – EXTERNAL COLOURS.
3. ENG A1 – NEW CROSSOVER [8m minimum].
4. GEN C1 – ON-SITE CAR PARKING [a minimum of 24].
5. ENG A5 – SEALED CAR PARKING.

6. ENG A7 – REDUNDANT CROSSOVER.
 7. ENG S1 – INFRASTRUCTURE REPAIR.
 8. ENG M1 – DESIGNS DA.
 9. All stormwater runoff from impervious surfaces within the site must be treated and discharged from site using Water Sensitive Urban Design principles to achieve stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010. Detailed engineering designs accompanied with a report on all stormwater design parameters and assumptions (or the MUSIC model) must be submitted to Council's Group Manager Engineering Services for approval prior to the issue of a building or plumbing permit. This report is to include the maintenance management regime/replacement requirements for the treatment facility.
 10. LAND 10 – LANDSCAPE PLAN.
 11. LAND 3 – LANDSCAPE BOND (COMMERCIAL).
 12. The development must meet all required Conditions of Approval specified by TasWater notice, dated 24 October 2018 (TWDA 2018/01066-CCC).
- B. That the details and conclusions included in the associated report be recorded as the reasons for Council's decision in respect of this matter.

ASSOCIATED REPORT

1. BACKGROUND

No relevant background.

2. STATUTORY IMPLICATIONS

- 2.1. The land is zoned Light Industrial under the Scheme.
- 2.2. The proposal is discretionary because it does not meet certain Acceptable Solutions under the Scheme.
- 2.3. The relevant parts of the Planning Scheme are:
 - Section 8.10 – Determining Applications;
 - Section 10 – Light Industrial Zones;

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

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

3. PROPOSAL IN DETAIL

3.1. The Site

The site is a 3989m² lot containing a warehouse building and hard stand area in the western half of the site. The eastern half of the site is generally undeveloped.

Access to the site is from the western most crossover. A second crossover is located at the eastern end of the site; however, a driveway has not been constructed in this location and is not currently being used.

3.2. The Proposal

The proposal is to construct 8 warehouses, with a total floor area of 1640m². The development is proposed to be constructed in 2 stages, with Stage 1 including 4 warehouses and 13 car parking spaces. Stage 2 includes the demolition of the existing building and the construction of 4 additional warehouses and 13 car parking spaces.

The site contains an area of landscaping between the building and the front boundary of the site. A total of 26 car parking spaces is proposed which is in excess of the 24 required by the Scheme.

4. PLANNING ASSESSMENT

4.1. Determining Applications [Section 8.10]

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

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

Reference to these principles is contained in the discussion below.

4.2. Compliance with Zone and Codes

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

Light Industrial Zone

Clause	Standard	Acceptable Solution	Proposed
24.4.3 A1	Design	Building design must comply with all of the following: (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;	complies
		(b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade ;	Does not comply as the glazing and window openings in the front façade (eastern elevation) is 24% of the façade.
		(c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 50% of the length of the facade;	Does not comply as the blank section of the wall facing Maxwells Road has a length of 26m which is more than 50% of the length of the façade.

		(d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;	not applicable
		(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;	not applicable
		(f) provide awnings over the public footpath if existing on the site or on adjoining lots;	not applicable
		(g) not include security shutters over windows or doors with a frontage to a street or public place.	complies
		(h) walls are clad in muted colours.	colours not shown

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 24.4.3 as follows.

Performance Criteria	Proposal
<p><i>“Building design must enhance the streetscape by satisfying all of the following:</i></p> <p><i>(a) provide the main access to the building in a way that is visible from the street or other public space boundary;</i></p>	<p>The main entrance to each proposed warehouse faces the car parking entrance and all entrances visible from the access off Maxwells Road.</p>
<p><i>(b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;</i></p>	<p>The Warehouse 1 and 8 contains office windows on the northern elevation that overlook car parking areas and Maxwells Road and therefore provide for adequate passive surveillance. The windows in the northern façade of Warehouse 1 and 8 will assist in enhancing the buildings presentation to the street.</p>

(c) <i>treat very large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;</i>	As above, the northern elevation contains windows in the office to break up the wall facing Maxwells Street. In addition, the area between the building will be landscaped which will assist in the building contributing positively to the streetscape.
(d) <i>ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is limited when viewed from the street;</i>	not applicable
(e) <i>ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have limited visual impact;</i>	not applicable
(f) <i>only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;</i>	not applicable
(g) <i>be consistent with any Desired Future Character Statements provided for the area.</i>	The proposal is consistent with the Desired Future Characteristics for the Cambridge area as the proposal is for a redevelopment of the site that will have satisfactory street presentation, providing landscaping is undertaken and an appropriate colour scheme is selected for the building (as per recommended permit conditions).
(h) <i>walls are clad in muted tones unless they cannot be seen from a street or another public place”.</i>	Colours have not been specified therefore it is recommended that a condition be included requiring the submission of a colour scheme to be approved prior to the issue of a Building Permit.

Light Industrial Zone

Clause	Standard	Acceptable Solution	Proposed
24.4.4 A1	Passive Surveillance	Building design must comply with all of the following: (a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;	complies

		(b) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the front façade which amount to no less than 20% of the surface area of the ground floor level facade;	complies
		(c) for new buildings or alterations to an existing facade provide windows and door openings at ground floor level in the façade of any wall which faces a public space or a carpark which amount to no less than 10 % of the surface area of the ground floor level facade;	The northern elevation does not comply as the windows constitute 2.5% of the wall area facing the 6 car parking spaces located between Warehouses 1 and 8 and the Maxwells Road.
		(d) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;	complies
		(e) provide external lighting to illuminate car parking areas and pathways;	lighting not provided
		(f) provide well-lit public access at the ground floor level from any external carpark.	lighting not provided

The proposed variation must be considered pursuant to the Performance Criteria P1 of the Clause 24.4.4 as follows.

Performance Criteria	Proposal
<p><i>“Building design must enhance the streetscape by satisfying all of the following:</i></p> <p><i>(a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;</i></p>	<p>The main entrance to each proposed warehouse faces the car parking entrance and is visible from the accesses to the site.</p>

<i>(b) locate windows to adequately overlook the street and adjoining public spaces;</i>	The Warehouse 1 and 8 contains office windows on the northern elevation that overlook car parking areas and Maxwells Road and therefore provide for adequate passive surveillance.
<i>(c) incorporate windows and doors for ground floor offices to look upon public access to the building;</i>	The building contains door and windows facing the car parking areas which provide access to each warehouse.
<i>(d) locate external lighting to illuminate any entrapment spaces around the building site;</i>	The proposal does not result in entrapment spaces on the site.
<i>(e) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces;</i>	Clear sight lines from the entrance to the site and the warehouses are provided.
<i>(f) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;</i>	not applicable
<i>(g) provide for sight lines to other buildings and public spaces”.</i>	The car parking areas and access to the warehouses are all visible from Maxwells Road.

Stormwater Management Code

Clause	Standard	Acceptable Solution	Proposed
E7.7.1 A2	Stormwater Drainage and Disposal	A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply: (a) the size of new impervious area is more than 600m ² ;	Does not comply as the new impervious area is approximately 890m ² .
		(b) new car parking is provided for more than 6 cars;	Does not comply as 13 additional car spaces in the eastern (undeveloped) part of the site area are proposed.
		(c) a subdivision is for more than 5 lots.	not applicable

The proposed variation must be considered pursuant to the Performance Criteria P2 of the Clause E7.7.1 as follows.

Performance Criteria	Proposal
<i>“A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so”.</i>	A condition requiring a suitable stormwater system is recommended to be included in the permit which will satisfy the standard.

5. REPRESENTATION ISSUES

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

5.1. Access

Concern was raised that the proposed access arrangements for the site will result in conflict to vehicles using the access to 17 Maxwells Road.

- **Comment**

The site contains 2 existing crossovers, one to the west which is used for the existing site development and an unused crossover to the east. The proposal has been assessed by Council’s Engineer and it is considered that the location of the lot accesses is satisfactory and meets all relevant standards.

6. EXTERNAL REFERRALS

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

7. STATE POLICIES AND ACT OBJECTIVES

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

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

8. COUNCIL STRATEGIC PLAN/POLICY IMPLICATIONS

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

9. CONCLUSION

The proposal is for a warehouse development to be constructed in 2 stages and is recommended for approval.

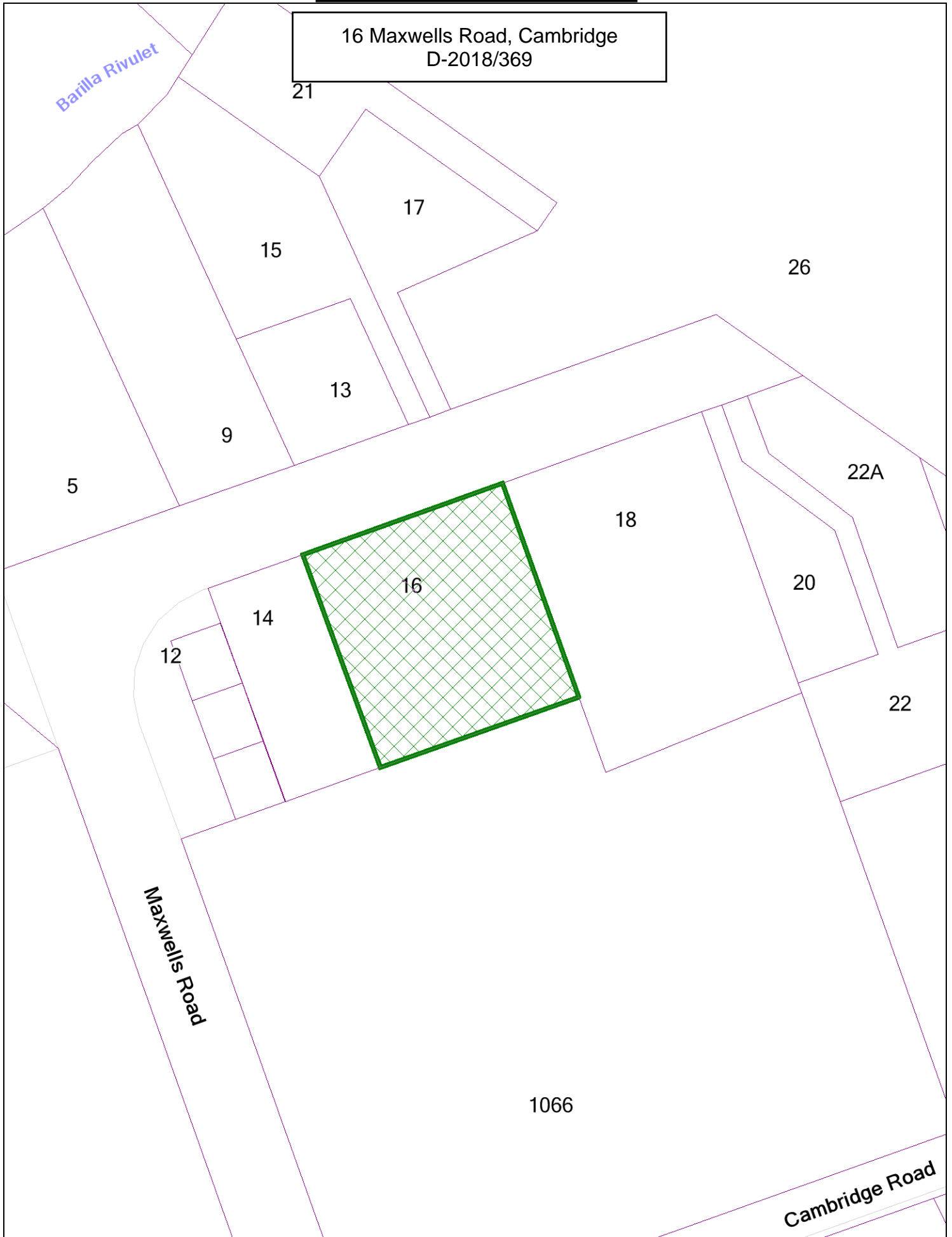
Attachments: 1. Location Plan (1)
2. Proposal Plan (4)
3. Site Photo (1)

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

16 Maxwells Road, Cambridge
D-2018/369



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, 7 December 2018 **Scale:** 1:1,387 @A4

Attachment 2



7
RUTHWELL STREET
MONTROSE
Ph: 0418 121 481

MEMBER
Building Designers
Association of Tasmania
TCC Accreditation No.718R
(Building Designer)

PROJECT:
**PROPOSED WAREHOUSE DEVELOPMENT
For SCOTT ROWBOTTOM
at 16 MAXWELLS ROAD, CAMBRIDGE**

ISSUES

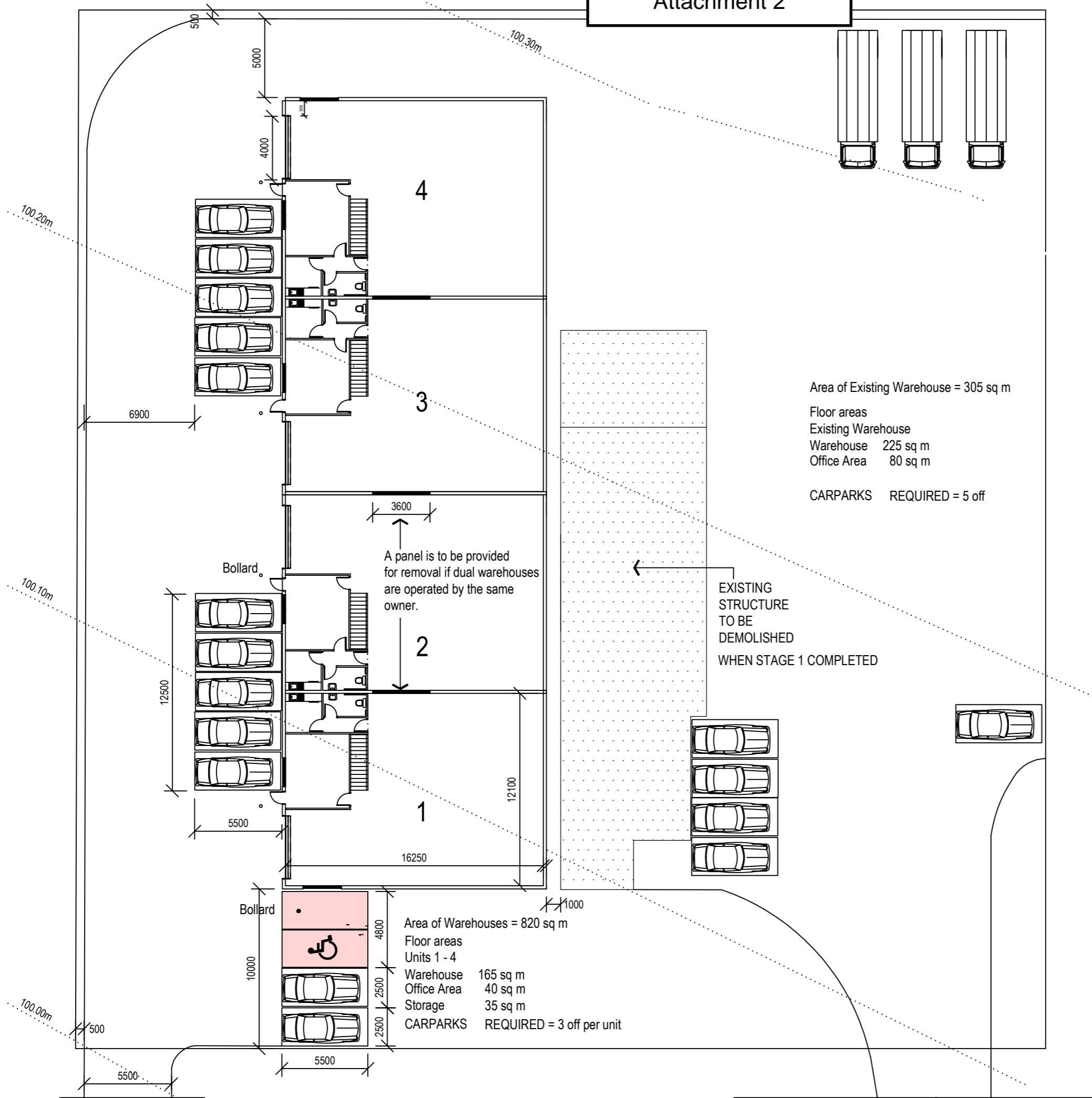
SCALES 1:250

DRAWN:
BRIAN

DATE:
22/10/18

STAGE 1 - SITE LAYOUT

DRAWING No.
2017-066-2-S1
ISSUE NO. 4





Ph: 0418 121 481

MEMBER
Building Designers
Association of Tasmania
TCC Accreditation No.718R
(Building Designer)

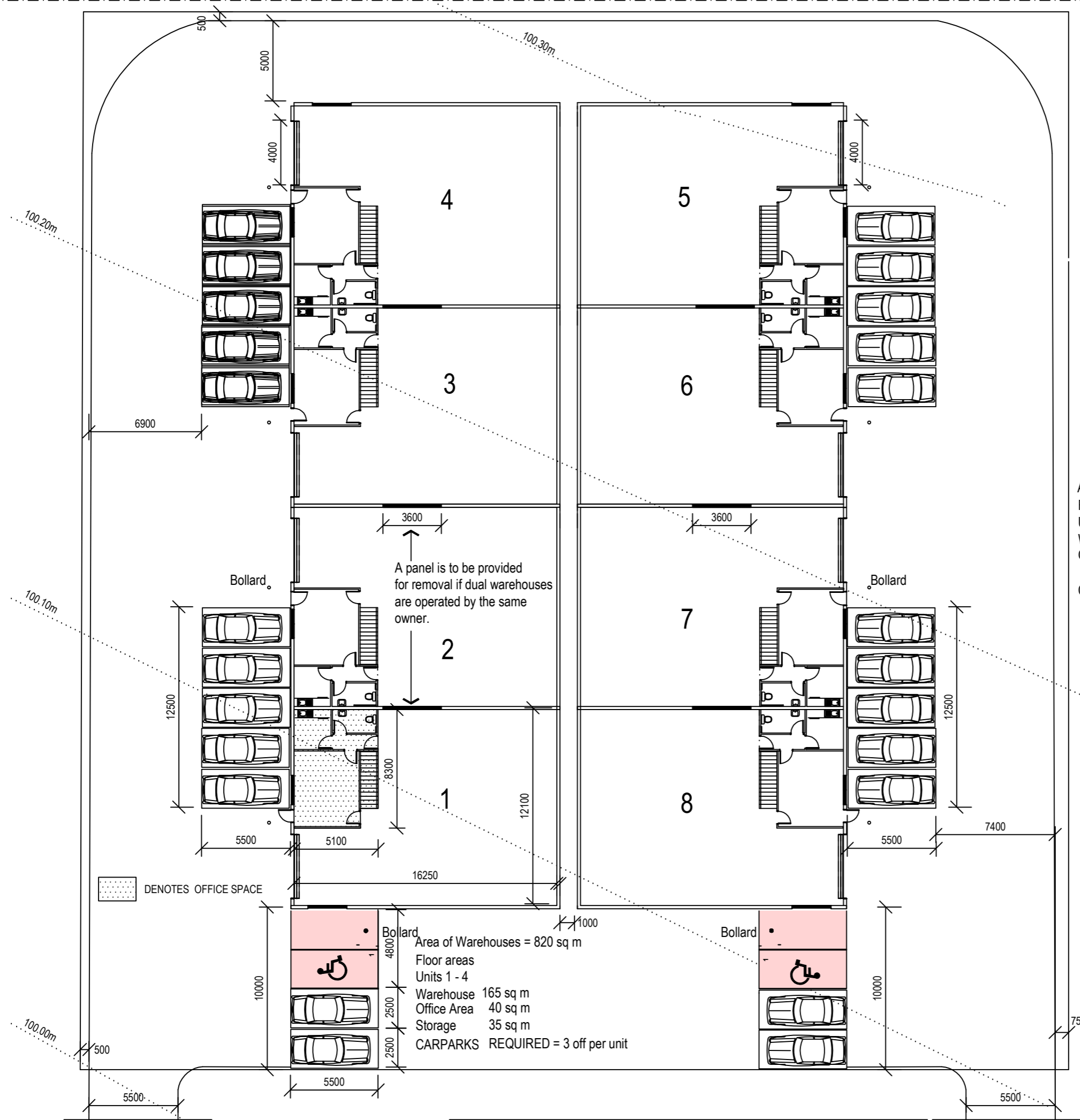
PROPOSED WAREHOUSE DEVELOPMENT
For SCOTT ROWBOTTOM
at 16 MAXWELLS ROAD, CAMBRIDGE

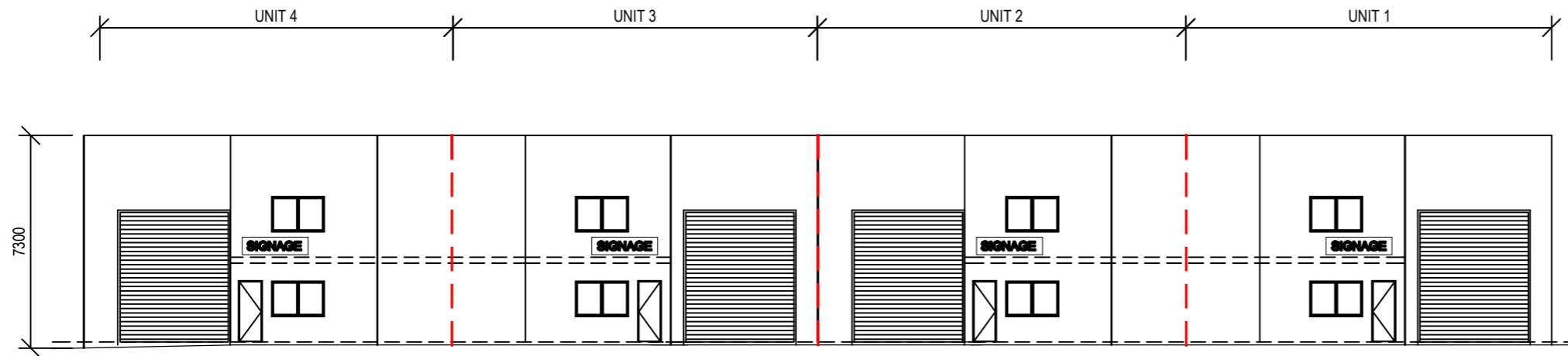
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DATE: 30/09/18

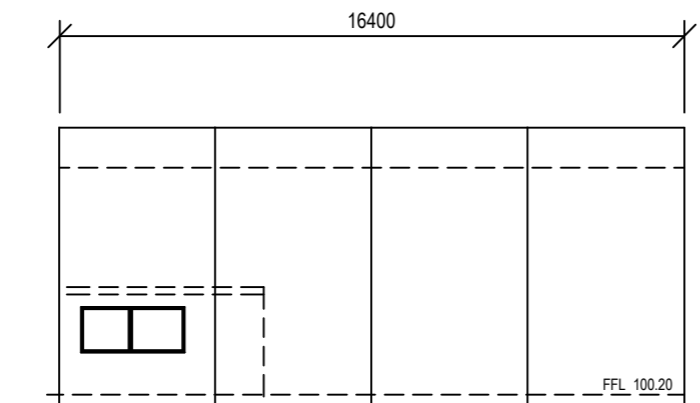
STAGE 2 - SITE LAYOUT

DRAWING No.
2017-066-2-S2
ISSUE NO. 7

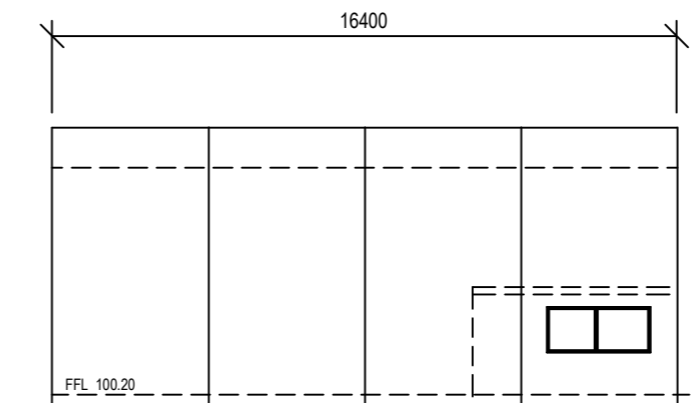




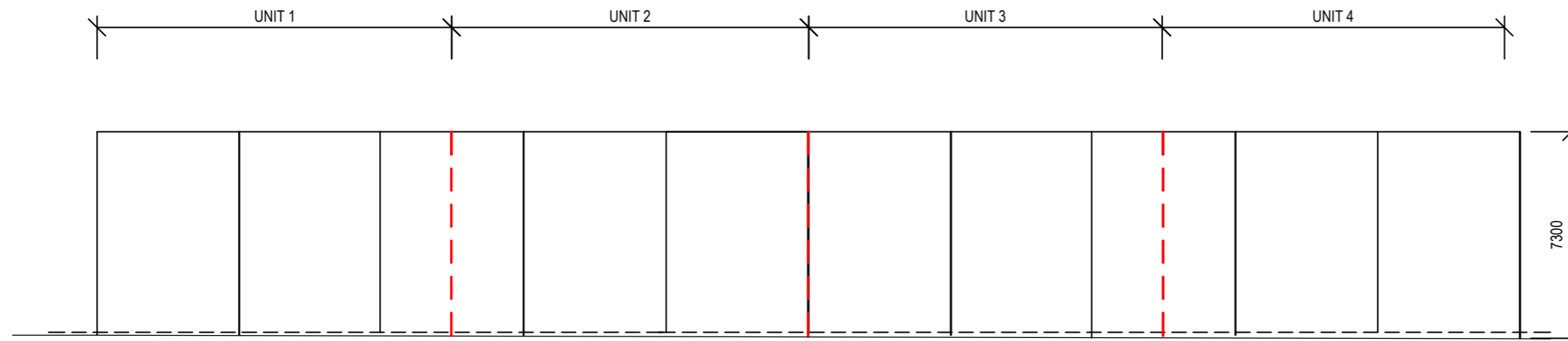
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NORTH ELEVATION



SOUTH ELEVATION - 2



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7
RUTHWELL STREET
MONTROSE
Ph: 0418 121 481

MEMBER
Building Designers
Association of Tasmania
TCC Accreditation No.718R
(Building Designer)

PROJECT:
PROPOSED WAREHOUSE DEVELOPMENT
For SCOTT ROWBOTTOM
at 16 MAXWELLS ROAD, CAMBRIDGE

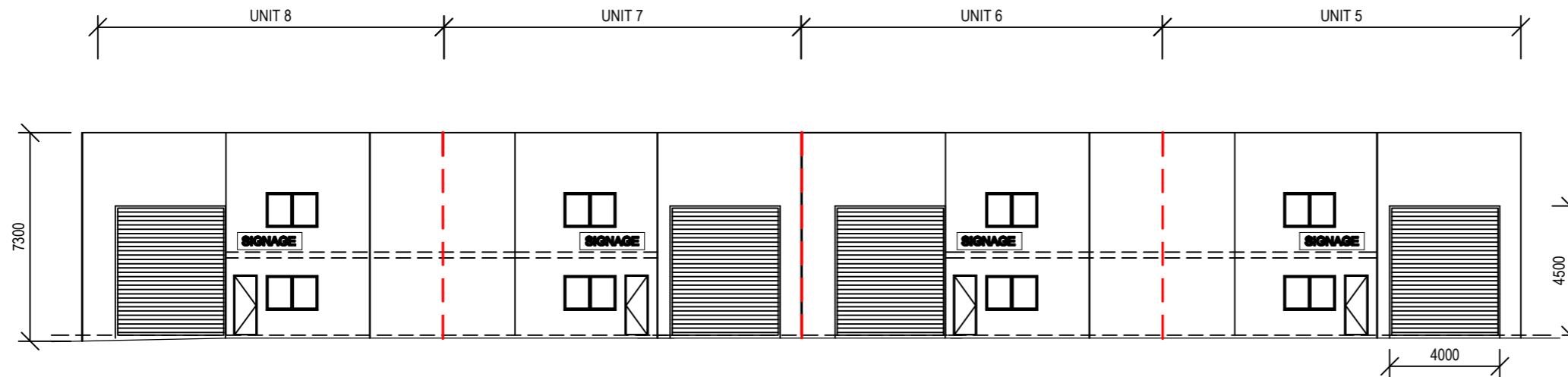
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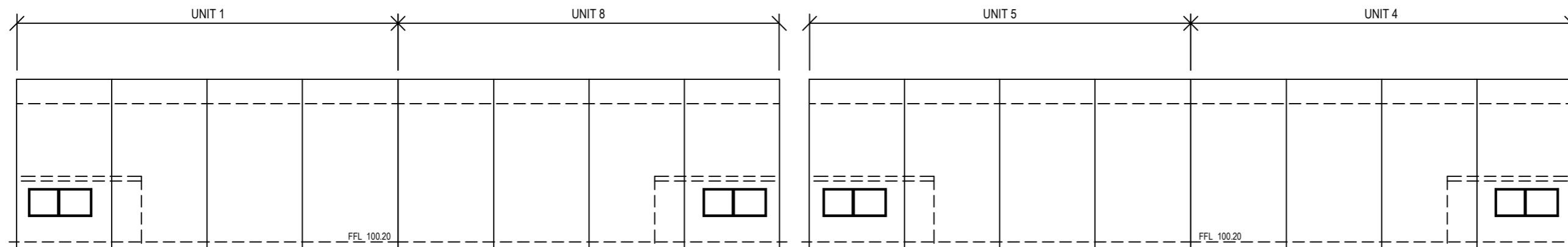
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ISSUE NO. 2

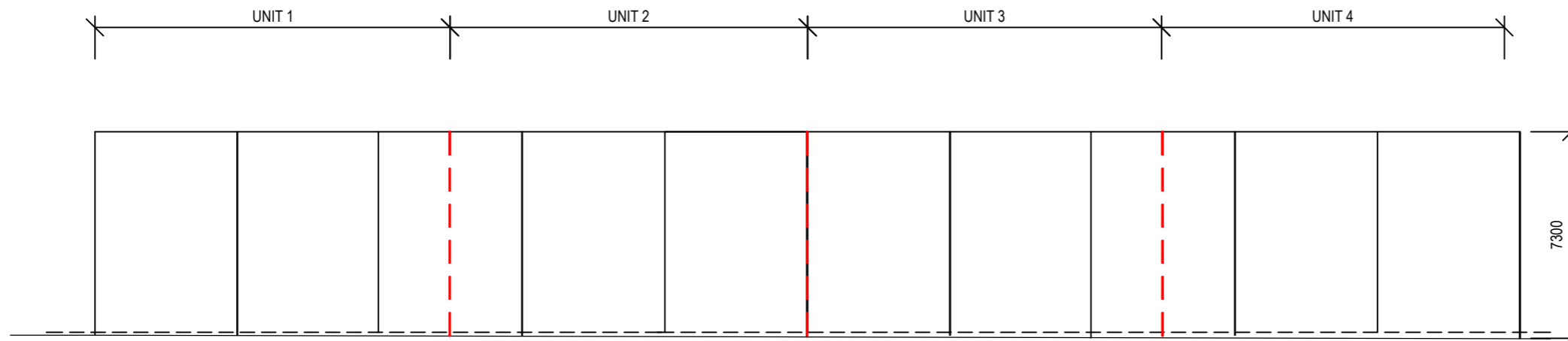


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NORTH ELEVATION

SOUTH ELEVATION



EAST ELEVATION - UNITS 5-8 (Scale 1:200)



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SCALES 1:200

DRAWN: BRIAN DATE: 22/10/18

ELEVATION - STAGES 1 & 2

DRAWING No.
2017-066-2-04
ISSUE NO. 2

16 Maxwells Road, CAMBRIDGE



Site viewed from Maxwell Road.

5. GOVERNANCE**5.1 GREATER HOBART BILL 2018**

(File No)

EXECUTIVE SUMMARY**PURPOSE**

The purpose of this report is to enable Council the opportunity to comment formally on the Greater Hobart Bill 2018.

RELATION TO EXISTING POLICY/PLANS

Council at their Meeting of 18 December 2017 resolved as follows (in part):

“That Council advises the Minister for Local Government that Council wishes to seek the establishment of a Strategic Alliance of Clarence, Hobart, Glenorchy and Kingborough Councils to oversee an integrated approach to strategic planning for sustainable and competitive urban growth within metropolitan Hobart, underpinned by a Greater Hobart Act”.

LEGISLATIVE REQUIREMENTS

There are no statutory requirements associated with Council responding to the Bill. Council is in the practice of providing responses to legislative reviews wherever possible and relevant to do so.

CONSULTATION

The draft Bill has been circulated to a number of Councils for comment. Earlier drafts of the Bill have received input from a working group comprising in part, the 4 metropolitan Council General Managers.

FINANCIAL IMPLICATIONS

None apparent at this time.

RECOMMENDATION:

That Council submit comments in relation to the Bill as outlined in Section 2.12 of the Associated Report.

GREATER HOBART BILL 2018 /contd...

ASSOCIATED REPORT**1. BACKGROUND**

- 1.1.** Council, at its Meeting of 18 December 2017 resolved as follows (in part):

“That Council advises the Minister for Local Government that council wishes to seek the establishment of a Strategic Alliance of Clarence, Hobart, Glenorchy and Kingborough Councils to oversee an integrated approach to strategic planning for sustainable and competitive urban growth within metropolitan Hobart, underpinned by a Greater Hobart Act”.

Subsequent to this decision a working group comprising the 4 metropolitan Council General Managers and Senior Government Officers have met to provide input into a draft Greater Hobart Bill.

The draft Greater Hobart Bill 2018 has been circulated to Council for comment.

Comments are to be provided to the Minister prior to the end of December.

2. REPORT IN DETAIL

- 2.1.** The Bill and Clause notes are included as Attachment 1.
- 2.2.** The Bill provides a strategic framework for the Greater Metropolitan Hobart Councils and the State Government to better co-ordinate strategic planning and actions to provide for better outcomes for metropolitan Hobart.
- 2.3.** The specific objects of the Act require the 4 Councils (Hobart, Clarence, Glenorchy and Kingborough) and the State Government to better co-ordinate:
- (a) the efficient use of infrastructure; and

- (b) strategic planning, and other actions for the future of land use and development in the Greater Hobart area;
- so as to enable the Greater Hobart objectives to be achieved.

2.4. The principal way in which the object of the Act is to be achieved is by establishing a process for the formation and implementation of a work program and work plans.

2.5. Specifically, the objective of the Act are:

- to encourage and promote strategic planning decisions and decisions around land use, that consider potential benefits and implications across the Greater Hobart area; and
- to facilitate the efficient flow of transport in the Greater Hobart area; and
- to further the maintenance and accessibility of existing, and the development of new, cultural, sporting, recreational and community facilities that compliment, link to, and contribute to, the cultural experiences able to be provided in, the Greater Hobart area; and
- to encourage, promote and provide for urban renewal and affordable housing and the creation, through higher density housing, of community clusters that enhance amenity, liveability, ease of access to places and facilities and the provision of passenger transport; and
- to encourage, promote and provide for the development of hubs for specialised purposes such as science, sport, recreation, social activity, economic activity, technology, industry, education or the arts; and
- to encourage, promote and provide for, where suitable, the efficient and effective and co-location of the transport infrastructure, cultural, sporting, recreational and community facilities, community clusters, and hubs for specialised purposes, referred to in the other paragraphs of these objectives; and
- any other prescribed objectives.

- 2.6.** The governance arrangements proposed through the Bill include:
- the establishment of a Greater Hobart committee to be chaired by the Minister responsible for economic development (under the current portfolio arrangements, this will be the Minister for State Growth); and
 - the establishment of a Greater Hobart Advisory Group to be chaired by the Secretary of the Department of State Growth.
- 2.7.** The Bill further provides that: *“A work program is to be developed which will identify actions to implement the objectives prescribed in the Act. This work program will sit outside the legislation. The Greater Hobart Advisory Group is to prepare the draft work program as soon as practicable after the Bill comes into effect. Once prepared, the work program is to be referred to the Greater Hobart Committee”.*
- 2.8.** The Greater Hobart Committee will consider the draft work program and either approve, engage with the Advisory Group to make modifications before approving, or the Committee may resolve the work program is not in a suitable form and not support the draft presented to it. The work program will be reviewed on at least a 3 yearly basis.
- 2.9.** The Greater Hobart area is defined as capturing the municipal areas of the Clarence, Glenorchy, Hobart and Kingborough Councils, however, the Bill also captures adjunct Councils, which provides an opt-in mechanism for any Council in the southern region to be invited to be part of the implementation of specific actions in the agreed work program.
- 2.10.** Regulations may be made for the purposes of the Act and may be made in relation to the procedures to be followed by the Greater Hobart Advisory Group of the Greater Hobart Committee or matters that may be required to be included in work programs.

2.11. In general terms the Bill is in accord with Councils initial resolution to provide for a strategic alliance between the 4 Metropolitan Councils and the State Government to collaborate and co-ordinate major strategic planning priorities and projects in Great Hobart.

2.12. Specifically, the following matters are raised for consideration by Council as matters that should be raised by way of comments to the Bill.

- The pre-amble to the Bill requires Councils in the Greater Hobart area and the State Government to better collaborate with each other in the making of decisions that will affect the land use planning, provision of transport ... in the Greater Hobart area.

The original “intent” of the Bill was to provide for the strategic planning of these matters.

It is proposed that the pre-amble be reworded to elevate the planning of the listed matters to the Strategic level.

- The Bill would create a structured opportunity to increase and formalise co-operation among and between the Greater Hobart area Councils and the State Government around planning and infrastructure for the Hobart metropolitan area.

The importance of such a potential partnership cannot be understated because the metropolitan area is shaped by infrastructure created or managed by both tiers of government – and hence, the metropolitan area would itself be more effectively managed by both tiers of government working in concert.

This is a significant step forward from past legislative approaches such as the Southern Metropolitan Planning Authority and the Southern Metropolitan Master Planning Authority which foundered in the 1970s and 80s because of their voluntary nature.

- The Southern Tasmanian Regional Land Use Strategy was largely created through the co-operative endeavours of the STCA and the Southern Councils and carries statutory weight. The Regional Strategy is not a “point in time” document and there is a statutory obligation to keep it under “regular and periodic review”.

Since its creation, the Southern Tasmanian Regional Land Use Strategy has not been significantly reviewed.

A work program created under a Greater Hobart Act would provide a mechanism and impetus for the critical task of maintaining the Strategy.

- While “infrastructure” has not been precisely defined in the Bill, most, if not all references in the draft Bill focus on social, transport and economic infrastructure.

For example, in the citation, the reference is only to: *“the making of decisions that will affect provision of transport, cultural, sporting, recreational, economic and social infrastructure”*.

It is critical for the scope of the Act to be clarified to include basic physical infrastructure because urban growth is most profoundly shaped, in the first instance by the availability of water and sewerage infrastructure, in addition to transport infrastructure before higher order social infrastructure comes into play.

Without this clarification of scope, the efficacy of the Act in achieving its purported objectives would be greatly diminished.

- Clause 8 of the Bill sets out the content of a work program.
“Clause 8(2) provides for actions to allow for better co-ordination between Greater Hobart Area Councils but does not provide for such actions to also enable better co-ordination between those Councils and the State Government”.

The Bill should provide ... “better co-ordination between Greater Hobart Area Councils [**and the State Government**] of decisions”.

- A reworded definition of work program should be provided to exclude local, single Council community based projects from being included in a work program. Alternatively, the Clause could be reworded to say what is **not** to be included in a work program.
- Clause 10(2) allows the Chairperson, being the Minister responsible for Economic Development, to amend a work program after it has been approved by the Greater Hobart Committee.
In the event that the decision of the Committee is not unanimous, the Chairperson has the power under 10(2)(b) to amend an approved work plan, following consultation with the Greater Hobart area Councils “as he or she thinks fit”. This provision may well be a measure intended to enable the Chairperson to tweak the work program to satisfy unhappy Councils. However, as drafted, it would permit the unintended effect of allowing the Chairperson to amend the work program without constraint.

It is considered the provision ought to be modified to provide for amendments to be subject to the agreement of a minimum of 3 of the 4 member Councils on the Greater Hobart Committee.

- Clause 13(3) provides for the Chairperson to give a notice to the Planning Minister if the Chairperson is of the opinion that amendments to the Southern Tasmanian Regional Land Use Strategy are required to ensure consistency with the Greater Hobart Objectives as implemented through the work program.

It is considered that service of the notice to the Planning Minister ought to be triggered by the majority view of the Greater Hobart Committee rather than being solely based upon the opinion of the Chairperson.

- It is unclear in the Bill why “activity centres” is defined and yet other key terms such as infrastructure and transport corridors are not. It is proposed that the definition be removed or clarification provided as to why it is essential to be retained.
- There is an understanding in the Bill in relation to the use of the words “collaborate” and “co-ordinate”. The inconsistency should be rectified.
- Clause 10(1)(c) should read Greater, not Great.
- Clause 13(3) of the Bill should be amended to replace the word “Chairman” with the word “Committee”.

3. CONSULTATION

3.1. Community Consultation

At this time there has been no community consultation in relation to the Bill. It is possible that a later draft of the Bill may be released by the Government for consultation purposes.

3.2. State/Local Government Protocol

The Minister for State Growth has circulated the draft Bill for Council comments. It is expected that a further draft of the Bill will be provided to Council for its consideration prior to its introduction to Parliament in the autumn session.

3.3. Other

Nil.

4. STRATEGIC PLAN/POLICY IMPLICATIONS

Council at their Meeting of 18 December 2017 resolved as follows (in part):

“That Council advises the Minister for Local Government that council wishes to seek the establishment of a Strategic Alliance of Clarence, Hobart, Glenorchy and Kingborough Councils to oversee an integrated approach to strategic planning for sustainable and competitive urban growth within metropolitan Hobart, underpinned by a Greater Hobart Act”.

5. EXTERNAL IMPACTS

None apparent.

6. RISK AND LEGAL IMPLICATIONS

A potential risk is that comments provided in relation to the Bill are incorporated into the Bill. This would result in Council having diminished influence over the matters proposed to be progressed under the Bill.

Council should actively seek to have amendments as outlined incorporated into the Bill.

7. FINANCIAL IMPLICATIONS

None at this stage.

8. ANY OTHER UNIQUE ISSUES

None identified.

9. CONCLUSION

Council should provide a response to the draft Bill in accordance with the matters outlined in this report and as further identified by Council.

Attachments: 1. Greater Hobart Bill 2018 and Clause Notes (28)

Andrew Paul
GENERAL MANAGER

TASMANIA

GREATER HOBART BILL 2018

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GREATER HOBART BILL 2018

*(Brought in by the Minister for State Growth, the Honourable
Peter Carl Gutwein)*

A BILL FOR

An Act to require councils in the Greater Hobart area to better collaborate with each other and the State Government in the making of decisions that will affect the provision of transport, cultural, sporting, recreational, economic and social infrastructure, and affordable housing, in the Greater Hobart area, and for related purposes

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Greater Hobart Act 2018*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Interpretation

In this Act, unless the contrary intention appears –

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Part 1 – Preliminary

activity centre means an area in which services, employment, or retail, commercial or social activity, are concentrated and includes an area that is –

- (a) a community meeting place; or
- (b) a place at which community or government services are or may be provided, or
- (c) an educational facility; or
- (d) a place for sport, recreation, leisure or entertainment; or
- (e) a place where residential use or development occurs in an urban area of mixed land use;

adjunct council means a council that is an adjunct council under section 14(2);

development has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

Director of Housing means the Director of Housing under the *Homes Act 1935*;

draft work program means a draft work program prepared by the Greater Hobart Advisory Group under section 9(1);

Greater Hobart Advisory Group means the Greater Hobart Advisory Group established under section 7(1);

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Part 1 – Preliminary

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Greater Hobart area mean the area containing each municipal area of the Greater Hobart area councils;

Greater Hobart area councils means the following councils:

- (a) the Clarence City Council;
- (b) the Glenorchy City Council;
- (c) the Hobart City Council;
- (d) the Kingborough Council;

Greater Hobart Committee means the committee established under section 6(1);

Greater Hobart Objectives means the objectives specified in section 5;

Infrastructure Tasmania means the administrative unit, of the Department of State Growth, known as Infrastructure Tasmania;

mayor has the same meaning as in the *Local Government Act 1993*;

passenger transport means transport, primarily for the purpose of carrying passengers, whether or not on the payment of a fare;

Planning Minister means the Minister responsible for the administration of the *Land Use Planning and Approvals Act 1993*;

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Part 1 – Preliminary

Southern Tasmania Regional Land Use Strategy means the regional land use strategy, in force from time to time under section 5A of the *Land Use Planning and Approvals Act 1993*, that applies to the area of Tasmania that includes the Greater Hobart area;

use has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

work program means the draft work program, approved under section 10(1), as amended from time to time under section 12(3), that has not been revoked under section 12(4);

4. Object of Act

- (1) The object of this Act is to require the Greater Hobart area councils and the State Government to better co-ordinate, across the Greater Hobart area –

- (a) the efficient use of infrastructure; and
- (b) strategic planning, and other actions for the future of land use and development in the Greater Hobart area –

so as to enable the Greater Hobart Objectives to be achieved in the Greater Hobart area.

- (2) The principal way in which the object of this Act is to be achieved is by establishing a process for the formation and implementation of a work

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program that seeks to further the Greater Hobart Objectives in the Greater Hobart area.

5. Greater Hobart Objectives

For the purposes of this Act, the Greater Hobart Objectives are –

- (a) to encourage and promote strategic planning decisions, and decisions about land use, that consider potential benefits and implications across the Greater Hobart area; and
- (b) to facilitate the efficient flow of transport in the Greater Hobart area; and
- (c) to further the maintenance and accessibility of existing, and the development of new, cultural, sporting, recreational and community facilities that complement, link to, and contribute to, the cultural experiences able to be provided in, the Greater Hobart area; and
- (d) to encourage, promote and provide for urban renewal and affordable housing and the creation, through higher density housing, of community clusters that enhance amenity, liveability, ease of access to places and facilities and the provision of passenger transport; and
- (e) to encourage, promote and provide for the development of hubs for specialised purposes such as science, sport,

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Part 1 – Preliminary

recreation, social activity, economic activity, technology, industry, education or the arts; and

- (f) to encourage, promote and provide for, where suitable, the efficient and effective integration and co-location of the transport infrastructure, cultural, sporting, recreational and community facilities, community clusters, and hubs for specialised purposes, referred to in the other paragraphs of these objectives; and
- (g) any other prescribed objectives.

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Part 2 – Administration

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PART 2 – ADMINISTRATION

6. Greater Hobart Committee

- (1) There is established by this subsection the Greater Hobart Committee.
- (2) The Greater Hobart Committee is comprised of the following members:
 - (a) each of the mayors of the Greater Hobart area councils;
 - (b) the Minister with primary responsibility for economic development;
 - (c) the Minister with primary responsibility for infrastructure;
 - (d) the Minister with primary responsibility for housing;
 - (e) the Minister with primary responsibility for community development.
- (3) A Minister who is responsible for more than one of the areas referred to in subsection (2) has as many votes at meetings of the Greater Hobart Committee as he or she has such areas of responsibility.
- (4) The person who is a member of the Greater Hobart Committee under subsection (2)(b) is to be the chairperson of the committee.

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Part 2 – Administration

- (5) The meetings and procedure of the Greater Hobart Committee are, subject to this Act and the regulations, to be as determined by the committee.

7. Greater Hobart Advisory Group

- (1) There is established by this subsection the Greater Hobart Advisory Group.
- (2) The Greater Hobart Advisory Group is comprised of the following members:
- (a) each of the General Managers, within the meaning of the *Local Government Act 1993*, for a Greater Hobart area council;
 - (b) the Secretary of a Department nominated by the Minister for the purposes of this paragraph;
 - (c) the Secretary of the Department responsible to the Planning Minister;
 - (d) the Director of Housing;
 - (e) the Secretary of the Department responsible to the Minister to whom primary responsibility for community development is assigned;
 - (f) the Secretary of the Department of State Growth or, if that department ceases to exist, of a department nominated by the Minister for the purposes of this paragraph;

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Part 2 – Administration

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-
- (g) the Chief Executive Officer of Infrastructure Tasmania or, if that unit of administration ceases to exist, another unit of administration nominated by the Minister.
- (3) The person who is a member of the Greater Hobart Advisory Group under subsection (2)(f) is to be the chairperson of the Greater Hobart Advisory Group.
- (4) The meetings and procedure of the Greater Hobart Advisory Group are, subject to this Act and the regulations, to be as determined by the Greater Hobart Advisory Group.

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Part 3 – Work Program

PART 3 – WORK PROGRAM

Division 1 – Contents of Work Program

8. Contents of work program

- (1) A work program is to set out the specific actions, including actions in relation to the corridors and activity centres set out on the map included in the work program under subsection (3), that are to be taken by, or on behalf of, one or more of the Greater Hobart area councils, or an adjunct council, or the State Government, so as to further the Greater Hobart Objectives.
- (2) Without limiting the generality of subsection (1), a work program may include actions to enable the better coordination between Greater Hobart area councils of decisions about infrastructure, strategic planning decisions, and decisions about land use.
- (3) A work program is to include a map that identifies existing key transport corridors, and activity centres, within the Greater Hobart area.
- (4) A work program –
 - (a) may contain any prescribed matter; and
 - (b) must contain any matter that must, in accordance with the regulations, be included in such programs.
- (5) A work program may include proposed actions that, if carried out, would expand the corridors and activity centres that have been identified in

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the map included in the work program under subsection (3) or establish, within the Greater Hobart area, new transport corridors or activity centres.

- (6) A work program is to identify which persons or bodies, are to be jointly or separately responsible for ensuring that specific actions, identified in the work program, are carried out.
- (7) The Greater Hobart Advisory Group, in preparing a draft work program, must –
 - (a) seek to further the objectives of the Resource Management and Planning System, as set out in Part 1 of Schedule 1 to the *Land Use Planning and Approvals Act 1993*; and
 - (b) consider the Southern Regional Land Use Strategy; and
 - (c) be consistent with any applicable State Policy within the meaning of the *State Policies and Projects Act 1993*.

Division 2 – Preparation and approval of draft work programs, &c.

9. Greater Hobart Advisory Group to prepare draft work program

- (1) The Greater Hobart Advisory Group is to prepare a draft work program as soon as practicable after the day on which this Act

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Part 3 – Work Program

commences or the day on which a work program is revoked in accordance with section 12(4).

- (2) As soon as practicable after a draft work program is prepared under subsection (1), the Greater Hobart Advisory Group is to submit the draft to the Greater Hobart Committee.

10. Greater Hobart Committee may approve draft work program

- (1) The Greater Hobart Committee, as soon as practicable after a draft work program is submitted to it under section 9(2), must –
 - (a) approve the draft work program; or
 - (b) refuse to approve the draft work program; or
 - (c) after consultation with the Great Hobart Advisory Group, approve the draft work program, amended as the Greater Hobart Committee thinks fit.
- (2) If the Greater Hobart Committee approves a draft work program under subsection (1)(a) or (c) otherwise than unanimously, the chairperson of the committee, after consulting with the Greater Hobart area councils, must approve –
 - (a) the draft work program, as so approved; or
 - (b) the draft work program approved by the Committee, as amended by the chairperson as he or she thinks fit.

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-
- (3) A draft work program comes into effect as a work program –
- (a) when the draft work program is approved under subsection (1)(a) or (c), except if subsection (2) applies; or
 - (b) if subsection (2) applies, when the draft work program is approved under that subsection by the chairperson of the Greater Hobart Committee.
- (4) The Greater Hobart Committee must provide a copy of a work program to the Greater Hobart area councils as soon as practicable after the work program comes into effect under subsection (3).

Division 3 – Review, amendment and revocation of work programs

11. Review of work programs

- (1) The Greater Hobart Advisory Group, within 3 months after a work program has been in effect for 3 years, is to begin a review of the work program.
- (2) The Greater Hobart Advisory Group is to review a work program by –
 - (a) reviewing the extent to which, and the manner in which, the specific actions specified in the work program as required to be taken, were carried out; and

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- (b) considering whether other actions should be specified in the work program as required to be taken.
- (3) The Greater Hobart Advisory Group, within 6 months after beginning a review under subsection (1) or a longer period allowed by the chairperson of the Greater Hobart Committee, must provide to the Greater Hobart Committee a report in relation to the review of the work program.

12. Amendment or revocation of work program

- (1) The Greater Hobart Advisory Group may prepare a draft amendment of a work program or a draft revocation of a work program.
- (2) Division 2 applies in relation to a draft amendment of a work program, or a draft revocation of a work program prepared under subsection (1), as if the draft amendment or draft revocation were a draft work program.
- (3) If, in accordance with Division 2 as applied under subsection (2) to a draft amendment of a work program, the draft amendment of a work program is approved under section 10(1)(a) or (c), or, in a case to which section 10(2) applies, is approved under section 10(2), the work program is amended by the draft amendment of the work program on and from the day of the approval.
- (4) If, in accordance with Division 2 as applied under subsection (2) to a draft revocation of a

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work program, a draft revocation of a work program is approved under section 10(1)(a) or (c), or, in a case to which section 10(2) applies, is approved under section 10(2), the work program is revoked on and from the day of the approval.

13. Implementation of work program

- (1) The Greater Hobart area councils and the State Government must take reasonable steps to ensure that the work program is implemented.
- (2) An adjunct council must take reasonable steps to ensure that it implements any actions that the work program specifies the adjunct council is to implement.
- (3) If the chairperson of the Greater Hobart Committee is of the opinion that amendments to the Southern Tasmania Regional Land Use Strategy are required to be made under section 5A of that Act in order for the Greater Hobart Objectives that are to be implemented in the work program to be consistent with the Strategy, he or she is to give a notice to the Planning Minister.
- (4) The notice under subsection (3) to the Planning Minister is to request the Planning Minister to consider whether amendments to the Southern Tasmania Regional Land Use Strategy are required to be made under section 5A of that Act in order for the work program to be consistent with the Strategy.

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Part 3 – Work Program

- (5) If the Planning Minister has received a request under subsection (3) and is of the opinion that the work program is not consistent with the Southern Tasmania Regional Land Use Strategy, the Planning Minister may give notice in writing to the chairperson of the Greater Hobart Committee and the Minister –
 - (a) setting out the extent, if any, to which the work program is not consistent with the Strategy; and
 - (b) the reasons why, the Minister does, or does not, intend to amend the Southern Tasmania Regional Land Use Strategy under section 5A of that Act so that the Strategy becomes consistent with the work program.
- (6) The chairperson of the Greater Hobart Committee is, as soon as practicable after receiving advice under subsection (5), to provide the advice to the Greater Hobart Committee.
- (7) The Greater Hobart Committee, after receiving advice provided to it under subsection (6), is to consider whether amendments to the work program are required to be made under Division 3 in order for the work program to become consistent with the Southern Tasmania Regional Land Use Strategy.
- (8) A use or development of land is not to be taken to be authorised for the purposes of the *Land Use Planning and Approvals Act 1993* by reason

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only of the use or development being specified
in a work program.

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Part 4 – Adjunct Councils

PART 4 – ADJUNCT COUNCILS

14. Adjunct councils

- (1) The Greater Hobart Committee may invite to become an adjunct council a council to which the Southern Tasmania Regional Land Use Strategy applies.
- (2) A council that receives an invitation under subsection (1) may, by notice to the Greater Hobart Committee, become an adjunct council.
- (3) A work program may, if an adjunct council agrees, allocate to the adjunct council the performance, in the municipal area of the council, of actions specified in the work program.
- (4) A council ceases to be an adjunct council if –
 - (a) the council notifies the Greater Hobart Committee that the council wishes to cease to be an adjunct council; or
 - (b) the Greater Hobart Committee notifies the council that the council is to cease to be an adjunct council.

Greater Hobart Act 2018
Act No. of 2018

Part 5 – Miscellaneous

s. 15

PART 5 – MISCELLANEOUS

15. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the regulations may be made in relation to one or more of the following:
 - (a) the procedures to be followed by the Greater Hobart Advisory Group or the Greater Hobart Committee in meetings of that advisory group or committee;
 - (b) matters that may be, or that are required to be included, in work programs.
- (3) The regulations may be made so as to apply differently according to matters, limitation or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (4) The regulations may authorise any matter to be from time to time determined, applied or regulated by the Minister, the Greater Hobart Advisory Group or the Greater Hobart Committee.

16. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

Greater Hobart Act 2018
Act No. of 2018

s. 16

Part 5 – Miscellaneous

- (a) the administration of this Act is assigned to the Minister for State Growth; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of State Growth.

GREATER HOBART BILL 2018

CLAUSE NOTES

Part I – Preliminary

Clause 1 Short title

Clause 2 This clause provides for the Bill to commence on the day it receives Royal Assent.

Clause 3 This clause defines certain terms for the purposes of the Bill.

The terms used include the governance arrangements and work program as identified in the Bill. It also references the Southern Tasmanian Regional Land Use Strategy as established through the *Land Use Planning and Approvals Act 1993*.

Of note, the **Greater Hobart area** is defined as capturing the municipal areas of the Clarence, Glenorchy, Hobart and Kingborough councils, however, the Bill also captures **adjunct councils**, which provides an opt-in mechanism for any council in the southern region to be invited to be part of the implementation of specific actions in the agreed work program.

The draft Bill does not include definitions for broad terms such as infrastructure, urban renewal, affordable housing, or sport and recreation and community facilities.

The intent is to keep the application of these broad and to enable the Advisory Group and Committee to have flexibility in their application.

Clause 4 This clause notes the objective of the Act is to support greater collaboration, particularly with regard to the efficient use of infrastructure and strategic planning. The Bill provides a framework to achieve this through prescribed objectives, which will be implemented by all parties through the establishment of an agreed work program. The work program will be developed through the framework established in the Bill, and supported by guidelines.

Process note – once the framework is agreed through the Bill, the development of regulations will be progressed through the working group with a view to having an initial scope of the work program developed by the time the Bill is tabled.

Clause 5 This clause captures the core objectives identified through discussions with the working group established as part of the Hobart City Deal.

These are to apply a whole-of-area lens to:

- strategic planning decisions
- facilitating the efficient flow of transport
- planning and development of new, cultural, sporting, recreational and community facilities
- encouraging urban renewal and affordable housing, that enhances amenity liveability and links to passenger transport systems
- encouraging the development of hubs and precincts such as for science, sport, recreation, social activity, economic activity, industry, education and the arts
- integration of the above with transport infrastructure

There is also capacity to prescribe other objectives.

Part 2 – Administration

Clause 6 Governance arrangements are proposed through the Bill to ensure implementation of the objectives is well planned and executed.

This clause establishes the Greater Hobart Committee. The proposed membership is identified in the Bill.

The Committee will be Chaired by the Minister responsible for economic development. Under the current portfolio arrangements, this will be the Minister for State Growth.

Process note – regulations to guide meeting procedures will be progressed through the existing working group.

Clause 7 This clause establishes the Greater Hobart Advisory Group. The proposed membership is identified in the Bill.

The Group will be Chaired by the Secretary of the Department of State Growth.

Process note – as above, regulations to guide meeting procedures will be progressed through the existing working group.

Part 3 – Work Program

This part requires the development of a work program to identify actions to implement the prescribed objectives. The work program is required through the Bill, but will sit outside of the legislation.

Clause 8 This clause provides some context for the core requirements of the work program.

- 1) The work program is to identify actions to further the objectives prescribed in clause 5.
- 2) This may include actions to support improved coordination around decisions with regard to infrastructure, strategic planning and land use.
- 3) The work program, as a minimum, will include a map identifying existing transport corridors and activity centres.
- 4) Regulations will be developed to guide the specific content of work programs.

Process note – these will be developed in consultation with councils. This level of detail will be captured in regulations to support timely updates and revisions as appropriate.

- 5) The work program will not be limited to the transport corridors and activity centres identified in subclause 3. Expansions and modifications of these may be proposed through the work program.
- 6) Each action is to have a responsible person(s) and/or entity(s) identified to ensure the action is carried out.
- 7) The work program needs to be developed with regard to the existing mechanisms in place. The Bill specifically references the objectives of Schedule 1 of the *Land Use Planning and Approvals Act 1993*, the *State Policies and Projects Act 1993*, and the *Southern Regional Land Use Strategy*.

Drafting note – this subclause proposes that the work program consider, rather than be consistent with, the Southern Regional Land Use Strategy (SRLUS). This approach has been taken as the work program may purposely deviate from the SRLUS and be used as a mechanism to identify and propose an amendment to existing components of the SRLUS.

Clause 9 This clause commences the process to create the work program. It proposes that the Greater Hobart Advisory Group is to prepare the draft work program as soon as practicable after the Bill comes into effect. Once prepared, the work program is to be referred to the Greater Hobart Committee.

Clause 10 The Greater Hobart Committee is to consider the draft work program and either approve as drafted, engage with the Advisory Group to make modifications before approving, or the Committee may resolve the work program is not in a suitable form and not support the draft presented to it.

Through this process, if the Committee resolves to approve the work program, amended or otherwise, there could be instances where this decision is not unanimous.

The working group has proposed that should that occur, the Chairperson of the Committee is to make the determination to progress with the version agreed, or after consultation with councils, make amendments the Chair sees fit.

At this point, the work program comes into effect and a copy is to be provided to the four councils as soon as practicable.

Clause 11 The work program is to be reviewed on at least a three yearly basis. This is the prescribed minimum frequency of review. The Advisory Group and/or Committee may resolve to make amendments to the work program within that period.

The review is to consider the status of identified actions, the extent to which they have been implemented and determine if other actions are required.

To ensure the timely management of the work program, a period of six months is provided for the review, or a longer period as agreed by the Committee.

Clause 12 This clause provides for an amendment to an existing work program. The same approval process applies as outlined in clause 10.

Clause 13 This clause requires all parties – Greater Hobart councils, State Government and any adjunct council brought into the process through clause 14 – to take reasonable steps to implement the work program.

This clause also provides a process where the SRLUS appears to require an update for the approved work program to be implemented. Through this clause, the Chairperson of the Committee is to write to the Minister for Planning seeking his/her consideration of whether amendments are required.

The Minister for Planning is to then advise the extent to which he/she does or does not intent to amend the SRLUS and the reason(s) for this.

This advice is to be referred to the Committee for its consideration as to whether the work program requires amendment, informed by the advice received from the Minister for Planning.

Subclause 8 clarifies that the inclusion of an item in a work program does not preclude it from going through the normal planning processes to be assessed and where appropriate, approved.

Part 4 – Adjunct Councils

Clause 14 This clause provides a mechanism for other councils in the southern region to contribute to the implementation of a work program. This process would be at the invite of the Committee and subject to the council accepting that invitation.

This enables, at the agreement of the adjunct council, actions to be allocated to that council as part of the work program.

Part 5 – Miscellaneous

Clause 15 This clause provides for the making of regulations. As noted in the earlier drafting and process notes, these will be prepared in consultation with councils.

Clause 16 This clause clarifies the responsible Minister is the Minister for State Growth, unless otherwise determined by an order through the *Administrative Arrangements Act 1990*.

It also clarifies that the Department of State Growth is responsible for the administration of the Act.

Drafted in the Office of
Parliamentary Counsel

TASMANIA

GREATER HOBART BILL 2018

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6. CLOSED MEETING

Regulation 15 of the Local Government (Meetings Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

- 6.1 QUOTATION Q1263/18 – TRANMERE – ROKEBY STRUCTURE PLAN
- 6.2 GREATER HOBART CITY DEAL

These reports have been listed in the Closed Meeting section of the Council agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulation 2015 as the detail covered in the report relates to:

- contracts and tenders for the supply of goods and services;
- information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

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”.